



The Committee for Free and Fair Elections in Cambodia (COMFREL)

Final Assessment and Report on 2012 Commune Council Elections

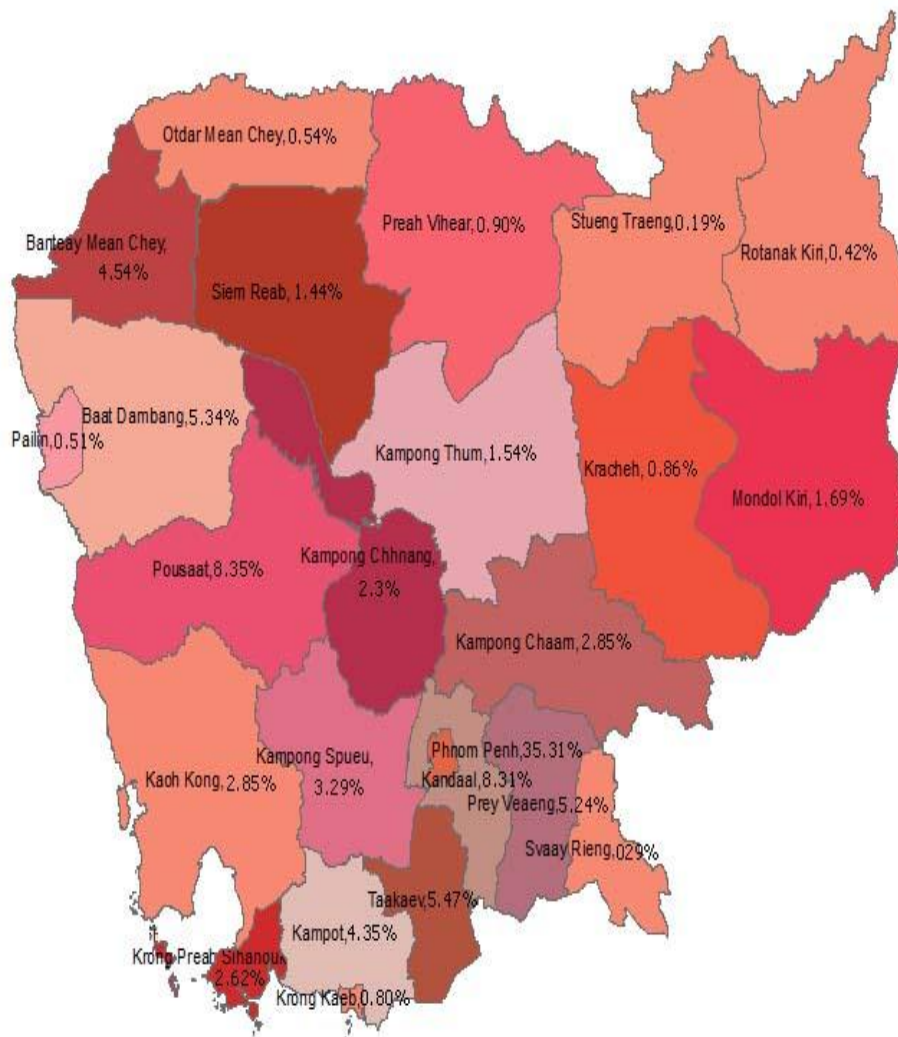


October 2012

Final Assessment and Report

On

2012 Commune Council Elections



**The Election Day was held at
June 3rd, 2012**

Contents

Acronyms	3
Foreword	5
I. COMFREL’s Election Monitoring Background.....	7
II. Executive Summary.....	8
III. Legal Framework.....	13
IV. Electoral Process	16
1. Political/Electoral Environment.....	16
2. Election Administration.....	17
3. Voter Registration	18
3.1 Number of Eligible and Registered Voters.....	19
3.2 Voter Registration System.....	21
3.3 Voter List Verification	23
3.4 Voter Identification	25
3.5 Voter Information Notice (VIN).....	26
4. Candidate and Political Party Registration	26
5. Pre-Election Campaign.....	29
5.1 Misuse of State Resources	29
5.2 Unequal Access to Media.....	30
6. Official Election Campaign	31
6.1 Election Campaign Violations	32
6.1.2 Misuse of State Resources	35
6.1.3 Inequitable Media Access	36
7. Polling, Counting and Consolidation of Results	39
8. Political Participation and Loss of Voting Right.....	43
8.1. Voter Turnout and Voters Did Not Vote	43
a. Voter Turnout.....	43
b. Voters did not vote.....	44
8.2 Women Candidates and Voters.....	47
8.3 Youth Voters.....	49
8.4 Disabled Voters	50
8.5 Indigenous Voters	51
9. Electoral Complaints	52
V. Election Results: Verification, Analysis and Comparison	54

COMFREL Final Assessment and Report on 2012 Commune Council Elections

1. Election Results Verification	54
2. Election Results Analysis.....	55
3. Post-Election Environment	61
4. Prospects for Upcoming Elections	62
VI. Political Party Participation	64
1. Number of Political Parties.....	64
2. Number of Political Party Agents	65
VII. CSOs Participation in Election Monitoring.....	66
1. Number of Accredited Election Observers.....	66
2. Accreditation of Election Observers	67
VIII. Recommendations	67
1. Voter Registration	67
2. Election Administration.....	68
3. Election System.....	69
4. Election Campaign	69
5. Use of State Resources	70
6. Youth Participation	71
IX. COMFREL's Election Related Activities	71
1. COMFREL's Observation/Monitoring Activities.....	71
2. COMFREL's Voter Education Activities	74
3. COMFREL's Activities Encouraging Female Political Participation	75
Appendix 1: Number of Communes, Polling Stations, Council Members, Eligible Voters, Registered Voters and Voter Turnout	76
Appendix 2: Registered Political Party Candidates by Province and Party (Source: NEC).....	77
Appendix 3: Election Results by Province and Party with Seat Allocation (Source: NEC)	78
Appendix 4: Elected Commune Council's Members by Gender (Source: NEC)	79
Appendix 5: Number of Elected Female Commune Council Members.....	80
Appendix 6: Seat Allocation (Source: NEC).....	81
Appendix 7: Summary of Information by Province/Town	82
Appendix 8: Cases of Killing.....	90
Appendix 9: Campaign Finance Expenditure	91
Appendix 10: Other documents	94
Appendix 11: Commune/Sangkat Council Election Calendar 2012.....	100
Appendix 12 COMFREL'S CONDITION/CRITERIA FOR REJECTING ELECTION RESULTS IN CONSTITUENCIES	101

Acronyms

ADHOC	Cambodian Human Rights and Development Association
AGENDA	General Network for Disability Access
ANFREL	Asian Network for Free Elections
BORDA	Cambodia and Chibodia (both from Germany),
CCPCR	Cambodian Center for the Protection of Children Rights
CCHR	Cambodian Center for Human Rights
CDP	Cambodia Defense Project
CDPO	Cambodia's Disabled People's Organization
CECs	Commune Election Committees
CEMC	Centre of Ethnic Minority Culture
CESVI	English and Computer Centre, Chamreoun Satrey, Village Support Group
CKS	Center for Khmer Studies
CLEC	Community Legal Education Center
CNP	Cambodian Nationality Party
CPP	Cambodian People's Party
CSOs	Civil Society Organizations
CTN	Cambodian Television Network
DAP	German Press Agency
DHRAC	Democracy and Human Rights Organization
DPA	Development and Partnership in Action
DMP	Khmer Democratic Movement Party
EAA	Environment Action Association
EU	European Union
EUEOM	European Union Election Observation Mission
FACT	Fisheries Action Coalition Team
FUNCINPEC/FUN	National United Front for an Independent, Neutral, Peaceful, and Cooperative Cambodia
FORUM SYD	Swedish Development Organization
GADC	Gender and Development for Cambodia
GNDM	Global Network of Democratic Election Monitors
HDDMP	Hara Dara Democratic Movement Party
HRCDO	Human Rights Community and Development Organization
HRP	Human Rights Party
ICE	Identification Certificate for Elections
ICSO	Indigenous Community Support Organization
IFES	International Foundation for Election Systems
KAPP	Khmer Anti-Poverty Party
KID	Khmer Institute of Democracy
KKKHRU	Khmer Kampuchea Krom for Human Rights Association
KYA	Khmer Youth Association
KYSD	Khmer Youth and Social Development
LDP	League of Democracy Party
LEMNA	Law on Elections of National Assembly Members
LSTOs	Locally Recruited Short-Term Election Observers
LTOs	Long-Term Election Observers
MoI	Ministry of Interior
MPs	Members of Parliament (National Assembly)
MVI	My Village Organization
NA	National Assembly

COMFREL Final Assessment and Report on 2012 Commune Council Elections

NDI	National Democratic Institute
NEC	National Election Committee
NEED	Network for Enhanced Electoral and Democratic Support
NGOs	Non-Governmental Organizations
NICFEC	Neutral and Impartial Committee for Free and Fair Elections in Cambodia
NPA	Norwegian People's Aid
NPDIP	National Policy on the Development of Indigenous Peoples
NRP	Norodom Ranariddh Party
PDP-Center	People Development and Peace Center
PECs	Provincial Election Committees
PEFOCJ	People's Forum on Cambodia, Japan
PVT	Parallel Voter Tabulation/Quick Count
PVTOs	Parallel Voter Tabulation Observers
RCAF	Royal Cambodian Armed Forces
RDP	Republican Democratic Party
RFA	Radio Free Asia
RFI	Radio France International
RGC	Royal Government of Cambodia
SRP	Sam Rainsy Party
STOs	Short-Term Election Observers
TLC	Thailand-Cambodia-Laos Brotherhood
TVK	Television Kampuchea
UNDP	United Nations Development Program
UNTAC	United Nations Transitional Authority in Cambodia
VIGILANCE	Human Rights Vigilance of Cambodia
VIN	Voter Information Notice
VOA	Voice of America
YRDP	Youth Resource Development Program

Foreword

The Committee for Free and Fair Elections in Cambodia (COMFREL) serves to promote democracy and citizen participation in the spirit of building nationwide networking and cooperation with its member organizations and partners. Democracy is not just about elections, but free and fair elections are a necessary condition of democracy. COMFREL continues to devote great efforts to promoting democratic and genuine elections towards strengthening democratic governance.

The 2012 commune council elections were the third local elections in Cambodia, presenting both opportunities and challenges for all concerned. On the plus side, they offered opportunities to consolidate the gains that have been achieved in strengthening local democracy and sub-national democratic development. The election was held on 3rd June 2012. More observers were deployed to the stations across the country to monitor and assess whether all registered voters were provided the opportunity to exercise their right to vote and enjoyed vote secrecy, that election officials performed their duties effectively and that voting, counting and tabulation was conducted in a peaceful and orderly atmosphere and if the election results were published at all provincial and national levels.

This report on the commune council elections 2012 includes findings, analysis, overall assessment and recommendations, as a compilation of COMFREL's reports and statements published prior to the election campaign, polling and immediately post-election periods, as well as an analysis of the election results. As with previous reports, the analysis and recommendations seek to advance the debate on the reform and promotion of free and fair elections in Cambodia.

We are proud of and indebted to numerous local networks, local observers, activists and NGOs staff and groups of students who served as volunteers during the 2012 election period and made COMFREL's comprehensive election mission possible. Their work included long- and short-term observation, voter registration monitoring, parallel voter tabulation/quick count and complaints observation. Volunteers came from the People's Forum on Cambodia, Japan (PEFOC,J), the Centre of Ethnic Minority Culture Association, a group of students from the Royal University of Law and Economics, VBNK, Research and Promotion Khmer Law Association, The Youth Resource Development Program (YRDP), Gender and Development for Cambodia (GADC), Students from Royal University of Phnom Penh, Disable Kong Pisey Kampong Speu, The Khmer Institute of Democracy (KID), Khmer Youth and Social Development (KYSD), My Village Organization (MVI), Development and Partnership in Action (DPA), Norwegian People's Aid (NPA), Khmer Youth Association (KYA), People Centre for Development and Peace(PDP-Center), Forum Syd, Human Rights Vigilance of Cambodia (VIGILANCE), Action for Environment and

COMFREL Final Assessment and Report on 2012 Commune Council Elections

Community, Khmer Pampuchea Krom for Human Rights Association (KKKHRU), The Cambodian Human Rights and Development Association (ADHOC), Fisheries Action Coalition Team (FACT), English and Computer Centre, Chamreoun Satrey, Village Support Group (CESVI), International Organization and the Community Legal Education Center (CLEC).

COMFREL fielded more than 5,000 local observers, covering about 30 percent of all polling and vote counting stations in the 2012 Commune Council elections. COMFREL engaged in advocacy for improvements to the legal framework and conducted voter education through dissemination of printed materials and broadcasts and political forums/debates on political platforms.

We wish to extend our appreciation for the courtesy and cooperation extended to us by the National Election Committee and other authorities related to elections at all levels. We also wish to thank media organizations, political parties and groups as well as other election stakeholders.

On behalf of COMFREL's Board and management, we wish to express our special gratitude and pay tribute to partners and donors: Oxfam Novib/Netherlands, Forum Syd/Sweden, Norwegian People's Aid (NPA), the British Embassy, EU (European Union) and the Australian Embassy.

Special acknowledgement goes to our core team on this report, made up of following members: Ms. Kong Ravine, Mr. Kim Chhorn, Mr. Koy Chandarith, Mrs. Sonket Sereyleak, Mrs. Mao Phally, Mrs. Sieng Dahlia, Mr. Korn Savang, , Mr. Blang Boeurth, Mr. Un Samnang, Mr. Sin Tithseiha, Mr. Ou Rithy, Mr. Soun Yuthyia, Mr. Srey Sopheak, Mrs. Ly Kheng, Mrs. Sorn Mary, Mrs. Heng Sokunthea, Mr. Taing Sokha, Mr. Soung Soeun, Mr. Meas Sereisophorn, Mr. Mey Sopheaktra, Mr. Chin Sokhom and Mrs. Heang Thunny, all under the supervision of Mr. Koul Panha, Executive Director.

Thun Saray

Chairman of COMFREL's Board; President of the Cambodian Human Rights and Development Association (ADHOC)

I. COMFREL's Election Monitoring Background

The Committee for Free and Fair Elections (COMFREL) is a Cambodian non-governmental Organization (NGO) that has observed elections in Cambodia since 1998. In 1997, COMFREL registered with the Ministry of Interior and thereafter was recognized by the National Election Committee of Cambodia (NEC). COMFREL's Board of Directors consists of eight NGOs including the Cambodian Human Rights and Development Association (ADHOC), Human Rights Vigilance of Cambodia (VIGILANCE), Cambodia Defense Project (CDP), the Cambodian Center for the Protection of Children Rights (CCPCR), the Human Rights Community and Development Organization (HRCDO), Khmer Youth Association (KYA), Youth Resource Development Program (YRDP) and the People Development and Peace Center (PDP-Center).

COMFREL has observed the National Assembly elections in the years 1998, 2003 and 2008, and also observed the commune/sangkat council elections in the years 2002 and 2007. COMFREL's mission is to help to create an informed and favourable climate for free and fair elections through lobbying and advocacy for a suitable legal framework, education to inform voters of their rights and monitoring activities and capacity-building of electoral stakeholders, that both discourages irregularities and provides comprehensive monitoring data for an objective and non-partisan assessment of the electoral process. COMFREL's vision is a democratic society that democratization in particular democratic elections are promoted and qualified to bring Cambodian citizen benefits.

COMFREL is a member of the Asian Network for Free Election (ANFREL), which is based in Bangkok. It strives to promote and support democratization on regional and national level in Asia. COMFREL's capacity as an election monitor and trainer has been internationally recognized by the EU (through training conducted by the Network for Enhanced Electoral and Democratic Support-NEEDS project). COMFREL has endorsed the Declaration of Global Principles for Nonpartisan Election Observation and Monitoring by Citizen Organizations and has been recognised as a founding member of the Global Network of Democratic Election Monitors (GNDEM). Much of the character of Cambodia's democratization depends on the quality of the electoral process. That is whether election results are largely determined by voters and judged by observers as meeting international acceptable standards and whether voter education allows citizens to make fully informed choices among political parties and candidates. For the commune/sangkat council election 2012, COMFREL deployed 250 long term observers (LTOs) and 5,602 short term observers (STOs) including COMFREL's network and staff and members of national and international NGOs including 23 international elections observers in all 23 provinces and the capital. COMFREL wishes to thank all for their cooperation in our efforts to conduct free and fair elections in Cambodia.

II. Executive Summary

- The political atmosphere for the commune/sangkat elections has improved in comparison to previous elections, though incidents of violence and an atmosphere of fear and intimidation could still be observed by COMFREL in a number of communes/sangkats. While in previous commune/sangkat elections in 2002, 18 cases of killing of political activists/members were observed and in 2007 nine cases, the number declined to three cases in 2012. In some communes/sangkats an atmosphere of intimidation and fear created a situation where voters felt constraint in their freedom to choose among political contesters. This was not conducive for free and fair elections. Political conflicts between the oppositional Sam Rainsy Party (SRP) and the ruling Cambodian People's Party (CPP) remained tense. No resolution for the ongoing conflicts regarding the stripping of the parliamentary immunity of a number of SRP MPs including party leader Sam Rainsy have put SRP supporters and voters in an awkward position. Likewise other contesting parties remained hampered by the political stalemate.

- The number of cases of violence, intimidation and threats has decreased compared with previous commune/sangkat council elections but still created a general atmosphere of fear, which was most serious in localities where the worst incidents happened. COMFREL observed in total three cases of murder related to political parties and 39 cases of threats/intimidations compared to the commune/sangkat council elections in 2007 when nine killings of known political activists and 127 instances of violence, threats and intimidation were observed.

- COMFREL found that the current voter registration system continues to bear considerable weaknesses, which need urgently to be reformed. Currently the system remains open for (1) undue political influence, (2) does not ensure that officials in charge follow the procedures accurately, (3) does not ensure an accurate voter verification procedure and (4) does not ensure the right to vote for all eligible and registered voters. This is reflected in the discrepancies in the number of eligible voters and registered voters, in suspicions about the impartiality of officials involved in the voter registration process, in the weaknesses of the current voter identification procedure and in insufficient voter information provided for a number of registered voters. COMFREL had conducted a survey on the current voter list, voter registration and audit of voter list 2011 and found that 17.2 percent registered voters had no data recorded on the 2011 voter list (their name could not be found or there was a complete change of name). The number of wrongly registered voters is lower than on past voter lists. However, they still amount to estimated 1.5 million unregistered voters, what is far too high. COMFREL remain concerned that the current voter registration system cannot ensure the right to vote for all citizens.

COMFREL Final Assessment and Report on 2012 Commune Council Elections

- COMFREL observed that the election administration continue to lack confidence among political parties except the CPP. The structure and composition of the election administration on national level, provincial and commune/sangkat level was not changed for this election. Trust in the performance and impartiality of the election administration has not increased. Despite the mistrust COMFREL observed no severe misconduct of election officials which could have obstructed the electoral process. However, election officials had been observed not to have enough training related to regulations and procedures of the voting and counting process.
- COMFREL found a number of difficulties in the process of political party registration and limited the political contestation from independent candidates. Rigid laws for the registration of party candidates, some suspicions of political interference in the registration process, a lack of voter information about candidates and some lack of knowledge among commune/sangkat election officials how to register candidates have led to difficulties in the process. In total ten political parties with 111,056 candidates of which 28,481 were female candidates (25%) registered to contest for the third commune/sangkat council election. This seems to have provided the electorate with a broad range of choices. However, in a number of communes/sangkats some political parties could not find enough candidates to run for the election. The current Law on Commune/Sangkat Council Elections is too rigid. It requires that parties have to register candidates for all seats contested in one commune/sangkat plus an equal number of reserves. The range of contested seats per commune is five to eleven. This means in some communes/sangkats political parties had to register up to 22 candidates. If any political party did not meet the required number of candidates, the law stipulates that all candidates of this party must be rejected. Also independent candidates were not allowed to run for the election.
- COMFREL found that the election campaign continues to be unreasonable dominated by the CPP. Current campaign provisions and principles of the National Election Committee (NEC) could not ensure an equitable level-playing field for all contesting political parties. Numerous incidents of vote-buying were observed. Until today no effective control of campaign finance has been put in place, leaving other parties than the CPP in jeopardy. Parts of the state administration including police and military forces conducted campaigns in favor of CPP despite current laws prohibiting officials' involvement in party activities. State vehicles were misused for CPP campaigns and media remain widely biased in favor of CPP, despite that some efforts of NEC and some TV and radio stations were made to provide for a more equitable media access.
- During the campaign period, COMFREL observed incidents of threats and other irregularities disturbing the campaign activities of political activists and citizens. On average, the number of campaign

COMFREL Final Assessment and Report on 2012 Commune Council Elections

irregularities occurring per official election campaign day decreased compared to previous commune/sangkat elections (20 cases in 2002, 8 cases in 2007 and 6 cases in 2002).

- COMFREL has observed that the CPP spent disproportional more financial resources on the election campaign than any other political party. Due to the lack of a campaign finance law, the CPP could spend an unlimited amount. Other political parties could not keep pace. According to observations of COMFREL, the CPP spent about 9,000USD per commune/ sangkat campaign, the SRP about 1,500USD per commune/sangkat campaign, the Human Rights Party (HRP) about 300USD, the Norodom Ranariddh Party (NRP) about 200USD and the FUNCINPEC less than 200USD per commune/sangkat campaign.
- COMFREL found no severe technical irregularities during polling and counting which could have indicated an obstruction of the electoral process. The NEC assured a technically relative smooth administrative electoral process. However weaknesses could still be observed. On Election Day COMFREL observers found during the cooling off day, polling and counting total 3,127 irregularities in 789 (13%) of the 5,810 polling stations observed in the 23 provinces and the capital. Most polling and counting irregularities were observed in the capital Phnom Penh (35.31%) and six provinces including the provinces of Pursat (8.35%), Kandal (8.31%), Takeo (5.47%), Battambang (5.34%), Prey Veng (5.24%) and Bantey Meanchey (4.54%). In the other fourteen provinces less than four percent of the total 3,127 irregularities were observed.
- The results of the third commune/sangkat council elections confirm the dominance of the CPP. The party has established since 1998 a one dominant party system. It is very difficult for other political parties to challenge the CPP. In 34 communes the CPP occupies now all commune councilor seats and commune chief posts (total 13 percent), though the majority of communes remain multi-party communes. Only 22 of the total 1,633 commune chief seats were gained by other political parties. Among those are the oppositional Sam Rainsy Party (SRP) who gained 22 commune chief seats and the Human Rights Party (HRP), who gained 18 commune chief posts. The FUNCINPEC gained one commune chief post. None of the other six contesting political parties won a commune chief post including the Norodom Ranariddh Party (NRP). The CPP won in total 62 percent of the vote and gained 8,292 councilors. The SRP gained 21 percent of votes and 2,155 councilors. The HRP gained ten percent of votes and 800 councilors. The FUNCINPEC gained four percent of votes and 151 councilors. The NRP gained three percent of the votes and 52 councilors. Two minor parties won with less than one percent of the vote ten council seats (the Liberal Democratic Party and the Cambodian Nationality's Party).

- COMFREL is concerned to observe a declining percentage in the voter turnout also in this year's election compared to the previous commune/sangkat council elections in 2002 and 2007 and the National Assembly elections in 1993, 1998, 2003 and 2008. While the number of eligible voters is increasing year by year as the population and registered voters are growing, the percentage of voter turnout is steadily decreasing since the first commune/sangkat council election. During the commune/sangkat council election of the first mandate in the year 2002, the voter turnout was 87 per cent; in 2007 it declined to 68 per cent and now to only 64 per cent.
- The declining percentage of voter turnout is a serious concern for COMFREL. It can be explained by COMFREL's rapid survey and observation after election day that 49 percent of, the total 2,536 voters surveyed reported, eligible voters could not vote despite going to their polling stations (identified voters without indelible ink on the forefingers after immediately voting day), because of a lack of proper election administration and procedures for the voter registration, voter list updating, voter information dissemination and improper handling of identity documents. The other 51 percent of voters did not vote because of a lack of voter education, a lack of trust in the current political system and they had migrated to work abroad. 36 per cent of respondents reported they did not vote because they did not register their names on the voter lists, were too far away from the polling stations, busy working at home, had no information regarding the elections, complained about high fees for transportation or were misinformed as they thought they needed voter information cards in order to vote. Totally fourteen per cent of eligible voters responded they did not vote because they found this election unimportant or were dissatisfied with the current political system. Fewer voters don't understand about how to cast a ballot while two per cent of ballots in all polling stations observed by COMFREL were found to be invalid.
- COMFREL observed positively that the number of elected female councilors has increased to eighteen percent, though the number of female councilors has not yet reached the Cambodian Millennium Development Goal's 2015 target of 25 percent female representation at commune/sangkat level. Currently 2,038 (18%) of the 11,459 councilors are woman, as compared with 1,662 (15%) of the 11,353 councilors in 2007 and 920 (8%) of the 11,261 councilors in 2002. 95 women were elected as commune/sangkat chief in 2012, compared to 67 in 2007 and 34 in 2002. The NECs candidate lists of political parties show that the number of women contesting as candidates has increased by sixteen per cent in 2002 (eight political parties contesting), 21 per cent in 2007 (twelve political parties contesting) and 26 per cent in 2012. However, only 28,481 female candidates (25%) out of 111,056 were registered

for these elections and only 2,038 female candidates (18%) were elected. Less than one per cent of all female candidates were listed by the ten contesting political parties as top ranked candidates.

- COMFREL observed an increase in electoral complaints on Election Day compared to previous commune/ sangkat election. In 2007 119 complaints were filed on Election Day, in 2012 142 complaints. Complaints procedures often lacked coherency, clarity and transparency, what has increased suspicions among some political parties and electoral stakeholders that a due process of law was not followed. Also often effective enforcement measures are missing. Most complaints filed on Election Day referred to problems in the voter lists, violations of campaign provisions/principles and irregularities reported by party agents during polling and counting.
- The verification between COMFREL and NEC's election result revealed a minor difference. There was only a 0.6% difference in the voter turnout rate between COMFREL and the NEC; COMFREL found a turnout rate of 64.53% whereas the NEC found 65.13%. For the election result of each political party, COMFREL found the largest difference to be 0.07% and the smallest 0.03%.
- COMFREL observed no acts of violence or other incidents after announcement of the election results. The post-election environment remained peaceful. The election results were accepted by all contesting political parties, with the important exception of SRP. This raises concerns for the upcoming parliamentary elections 2013. The election process remains fragile. The SRP claimed that the voter registration and issuing of identity certification for election (ICE) were flawed and criticized the partiality of the election administration and unfair election competition without their leader presence. The HRP also raised concerns in regard to the voter registration, the campaign finance and the composition of the election administration, though HRP stated to accept the election results.

Overall Conclusion

Although COMFREL observed no severe technical irregularities and no increase in violent acts which could have indicated an obstruction of the electoral process undermining the overall outcome of the commune/sangkat council election, significant improvements of the electoral process are needed in order to ensure genuine free and fair elections. Based on its finding, COMFREL concludes that the elections were 'limited free' and 'did not improve in terms of fairness'.

'Limited Free' Elections

COMFREL concludes that some voters felt insecure or fearful when they expressed criticism of the ruling party or revealed support for oppositional political parties. Voters in some communes/ sangkats were

fearful because of acts of violence that had been perpetrated prior to Election Day. The role of local, provincial and national authorities, who often predominantly favoured the ruling CPP, while they were closely observing any activity of oppositional political parties, influenced the electoral process unduly and contributed to an atmosphere of intimidation and fear among voters. This limited a free contest among political parties and constraint voter participation in the process. Without a free environment for contest and voter participation, elections cannot gain full credibility.

‘No Improvement of Fairness’ in the Electoral Process

COMFREL concludes that the election campaign during the commune/sangkat council election was not conducted on an equitable level-playing field for political competition. Rigid regulations for party candidate registration and considerable differences between the ruling CPP and the nine challenging political party’s abilities to utilise financial and human resources for their election campaign activities, had put the CPP in a advantageous position with which the other political parties could not keep pace. Moreover, unlike in past commune/sangkat council elections, the Ministry of Information also banned for the first time some independent radio stations from broadcasting during Election Day while CPP aligned media were allowed to continue broadcasting.

III. Legal Framework

Cambodia’s third commune/sangkat council election on 3rd June 2012 was governed by a number of laws, directives, regulations, procedures, principles and code of conducts. The main legal documents are the ‘Law on the Election of Commune Councils’, adopted by the National Assembly on 18th January 2001 which defines the organizational and administrative procedures for the conduct of elections. The Law on Commune Administration 2001 defines the powers and functions of the commune/sangkat councils. Additionally following other legal documents also govern aspects of the commune/sangkat elections: the Constitution of the Kingdom of Cambodia (1993); the Law on the Election of Members of the National Assembly (LEMNA 1998); the Law on the Press (1995), the Law on Nationality (1996), the Law on Political Party (1997), the Law on General Statues for the Military Personnel of the Royal Cambodian Armed Forces (1997) and the Law on the Co-Statute of Civil Servants (1994). In addition, the National Election Committee (NEC) issues regulations, provisions, principles and directives interpreting the law and further detailing the implementation of those regulations. Among those are a ‘Regulations and Procedures Commune Councils Elections’ and code of conducts concerning the election campaign including the role of the media during the campaign and the role of party agents and election observers, civil servants and election officials, the police and the military personnel during the electoral process. The National Committee for the Support of Commune Councils, which is an inter-ministerial body operating under the

supervision of the Ministry of Interior, also issues regulations and instructions for the conduct of the elections.

The Law on the Election of Members of the National Assembly delegates the authority for the conduct of the voter registration to the commune/sangkat councils under supervision of the National Election Committee and the Ministry of Interior (Article 53, LEMNA). LEMNA requires that the voter registration is conducted temporarily each year beginning on 1st October until 31st December. In November 2011, amendments were made to the articles 49 and 64, stating that in years where general elections are held, the aforementioned voter registration period would be extended for thirty more days, increasing the registration period from twenty to 45 days. People who wish to register are required to present documents that prove their identification (nationality and age) and residence. If they do not have the required documents they can request the Chief of Commune/Sangkat to issue them the alternate identification documents named 1018 or 1019 form. On 13th July 2011, the NEC and MoI issued the instruction to replace the 1018 form with a new form named Identification Certificate for Election (ICE). This new identification document is issued to people who do not have other identification documents. They can obtain it by bringing with two photo and two eligible voters in the same Commune/Sangkat to vouch to the chief of commune/sangkat. The NEC and MoI instructions explain adequately the procedures of issuing the Identification Certificate for Election. It also holds the original copy for verification and makes mandatory reports on the issuing of such forms. The 1019 form (a document that proves the residency) is another identification document used when individuals have no residency documents.

The Law on the Election of Commune Councils provides for the election of commune/sangkat councils for each of Cambodia's 1,633 communes/sangkats. Commune/sangkat councils are elected by a system of proportional representation for a five-year term. First commune/sangkat elections were held in the year 2002. Commune/sangkat chiefs are elected indirectly by the commune/sangkat councils. The position of commune/sangkat chief automatically goes to the top candidate of the list receiving the highest number of votes. The top candidate of the party coming in second becomes First Deputy Commune Chief. The top candidate of the third party becomes Second Deputy Commune Chief. The number of council seats varies between five and eleven, depending on the number of residents in respective commune/sangkats. Commune/sangkat councilors are elected on the basis of party lists put forward by political parties contesting the election. There is no provision for independent lists or individual candidates to compete in commune/sangkat elections. According to LEMNA, Article 33 Cambodian citizen have the right and intend to stand as a candidate for the election must be a Cambodian citizen and at least 25 years of age, must have the right to vote and be registered on the voter list, must live in Cambodia and must be appointed by a political party. Names of candidates do not appear on the ballot. The ballot only contains

the name and symbol of the political party. Voters are required to just cast a single vote for the party of their choice.

Council seats are distributed under a proportional formula, which is described in detail in the Law on the Election of Commune Councils. Under this formula, a quota is determined by dividing the number of valid votes cast in a commune/sangkat by the number of council seats available in that commune/sangkat. Then, each party's vote total is divided by the commune-specific quota, and a party receives seats equaling the quotient of that division (without the remainder). If seats are still to be allocated after that step, the highest-average method is used to allocate these. Any remaining seats are then allocated using the highest remainder method. However, if only two parties win seats in a commune/sangkat council, the positions of Commune Chief and First Deputy Commune Chief go to the first and second-placed candidates of the largest party. The top candidate of the second party becomes Second Deputy Commune Chief. If only one party wins council seats, the three positions are filled by the candidates placed in the first three positions of that party's list.

The election campaign for commune/sangkat election is regulated by a number of laws, provisions, directives and code of conducts including regulations outlined in Article 74 and 75, LEMNA and 'Principles for Media Wishing to Sell or Rent Airtime to Political Parties in Broadcasting their Platform During the Electoral Campaign'(2008) and 'Guidelines for Media' as well as code of conducts for political parties, party agents, election observers, civil servants and military personnel and election officials regarding their involvement in election campaigns. Latter are prohibited to participate in election campaigns. Current principles however often lack adequate enforcement mechanism because the conduct of campaigns is mainly regulated through 'soft laws', which imply no fines and penalties. As outlined later in this report, especially media principles are often violated.

Likewise the current legal framework is characterized by complexity and contradicting laws and directives of which some are binding (hard laws) and some are non-binding (soft laws). This makes it rather difficult for stakeholders involved in the electoral process to properly monitor, comply, implement and enforce the legal framework in place. Especially a lack of adequate complaint procedures as later outlined with examples in this report led to difficulties since for every complaint overlapping regulations, directives, principles and code of conducts have to be taken into account by election officials and complainants. This increased tensions and suspicions during complaint procedures including claims of partiality and improper handling of complain procedures against election officials. Moreover current procedures are time and cost consuming and in many cases complainants lack the knowledge to file proper complaints because of the complexity of the current legal framework in place. It should be therefore considered if the current legal framework

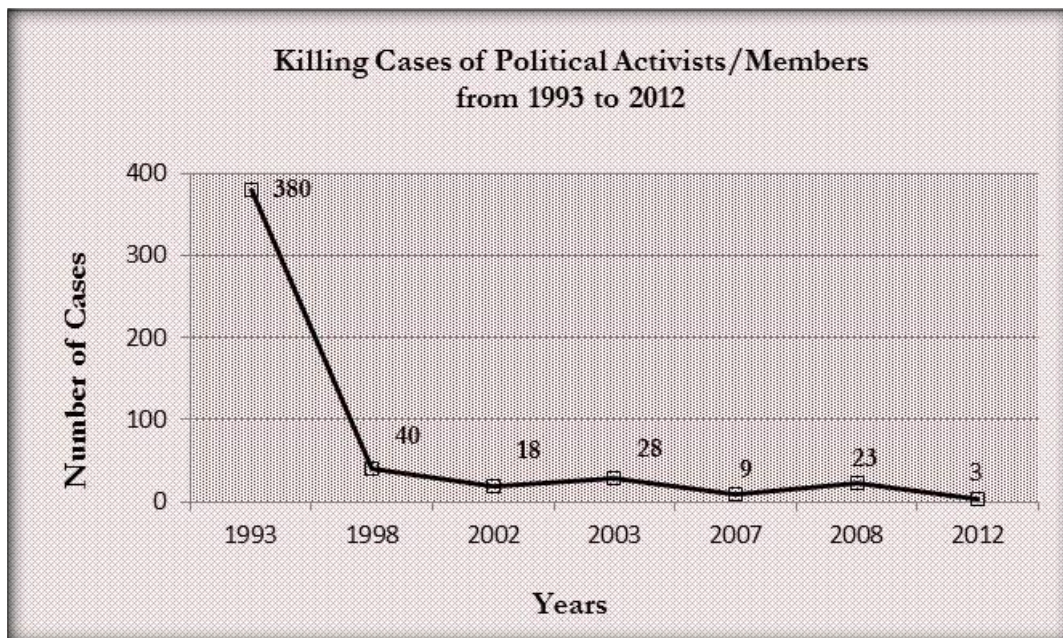
should not be reviewed with the objective to simplify regulations and procedures, while emphasizing stricter and enforceable regulations of the election campaign to ensure a fair and free election competition.

IV. Electoral Process

1. Political/Electoral Environment

The political atmosphere has improved in regard to the number of cases of electoral violence observed by COMFREL in comparison to previous commune/sangkat elections in 2002 and 2007. In previous commune/sangkat elections in 2002, 18 killing cases of political activists/ members were observed, in 2007 totally nine cases, during the National Assembly elections in July 2008 the number increased to 23 cases and declined in this commune election to three cases:

Figure 1: Killing Of Political Activists/Members (1993-2012)



COMFREL observed at least about 10 violent clashes between party supporters during the election campaign, though overall the electoral atmosphere remained calm and peaceful indicating that political tolerance among contesting political parties has increased. Nevertheless in a number of communes/sangkats an atmosphere of intimidation and fear was observed, which was not conducive for free and fair elections. Political conflicts between the SRP and CPP have probably caused this atmosphere since no resolution for ongoing conflicts regarding the loss of the parliamentary immunity of a number of SRP MPs including party leader Sam Rainsy have led to tensions with the CPP. This has especially put SRP supporters and voters in an awkward position. COMFREL found voters fearful to openly criticize the CPP or showing public support for the SRP.

COMFREL also continue to remain concern about threats and intimidations against political activists and politicians other than CPP. 39 cases of violence, intimidations and threats against political activists were observed, although the number of cases decreased in comparison to the commune elections 2007 commune council elections, when 127 cases of serious violence, intimation and discrimination were observed. Moreover three killing cases of political activists in Siem Reap, Pursat and Kampong Cham province disturbed the general peaceful electoral atmosphere. All activists killed belonged to oppositional political parties including the NRP, SRP and HRP. Moreover other acts of violence though not directly related to the elections hampered the general peaceful and calm electoral atmosphere. This included the shooting of the environmental activist Chut Wutty in Koh Kong, the shooting of 14-year-old Heng Chantha in Kratie, the detention of thirteen Boeung Kok Community's representatives and the shooting of garment workers in Svay Rieng province. Likewise a number of violent protests because of labour conflicts in the textile sector and land disputes disturbed the general peaceful electoral atmosphere. Of concern for COMFREL remained also the lifting of the parliamentary immunity of three more SRP activists before the commune/sangkat elections including MP Chan Cheng of the SRP, a death threat against Meas Saphol of the Human Rights Party (HRP) and the arrest of Meas Peng of the SRP.

Announcements of FUNCINPEC and NRP to merge into one new party, which Prime Minister Hun Sen claimed to have coordinated at the Peace Palace on 24th May 2012 confused voters. NRP and FUNCINPEC were not able anymore to develop own political platforms distinguishable from that of the CPP for the elections. The Human Rights Party (HRP) in contrary seems to have benefited from the severe political tensions between the SRP and CPP. Their alternative political platform have led to tensions with the SRP in the forefront of the elections, leading to accusations by the SRP that HRP is seeking a close relation with the CPP. Both parties however proclaimed after the elections to merge to a new political party for the upcoming National Assembly elections.

2. Election Administration

COMFREL found that despite a lack of confidence by all contesting political parties except the CPP in the election administration's impartiality in the electoral process in previous elections and also in these commune/sangkat elections, no reforms were undertaken since December 2006 to improve the structure and composition of the election administration.¹ Although the National Assembly Elections 2008 results changed the composition of the parliament since two new political parties won parliamentary seats. Those are the Human Rights Party (HRP) and the Norodom Ranariddh Party (NRP). The composition of the National Election Committee (NEC) is still based on the election results of the National Assembly Election

¹ Compare EUEOM: Final Report, National Assembly Elections 2008, 13th October 2008. pp. 15-18 and COMFREL: 2008 National Assembly Elections – Final Assessment and Report, Phnom Penh 2008. pp. 61-63

2003, when only three political parties had won parliamentary seats (SRP, CPP and FUNCINPEC). The NEC is currently composed of nine member seats, of those the CPP occupy five seats and the SRP and FUNCINPEC two seats each. NRP and HRP are not presented. Moreover SRP and FUNCINPEC remain in a minority position, since NEC provisions require only majority votes for binding decisions. This means that the CPP members of the NEC basically always can outvote the other NEC members in case of disputes.

Likewise the composition of the twenty provincial and four municipal election committees remained unchanged. No new personnel were recruited for the provincial and municipal election committees (PECs). PECs also continued to remain in charge for the selection of election officials for the commune/sangkat election committees (CECs), whereby the recruitment of CEC officials continued to lack transparency and control by the NEC. According to LEMNA anyone can apply for a CEC position as long candidates are on the voter list and can prove residence in the commune, in which they apply. In this regard also no rotary system was introduced to increase the impartiality of CEC officials by recruiting them from another communes/sangkat than the one in which they reside. Though most election officials were recruited based on their past electoral experience including teachers and civil servants, often this was done without proper announcements and in some cases, political parties other than CPP claimed that bribes had to be paid in order to obtain a position, or party members of CPP were preferable recruited. In some cases COMFREL found that CEC officials were appointed by other already appointed CEC officials without prior PEC approval.

And yet this recruitment procedure and composition of the election administration ensured a technically relative smooth administrative electoral process. However difficulties persisted because of a lack of impartiality and a lack of proper training of elections officials to improve the electoral process. The lack of confidence of oppositional political parties in the election administration can only be overcome when major reforms of the composition of the election administration are undertaken on NEC, CEC and PEC level. Also COMFREL still found some technical weaknesses in the conduct of the electoral process. Most referred to lack of capacities on the CEC level because of complex voter registration procedures, but also in some cases a lack of NEC capabilities to enforce effectively provisions against electoral campaign violations as later outlined in this report.²

3. Voter Registration

After a significant number of mistakenly disenfranchised voters³ were found during the voter registration exercise for the National Assembly elections 2008, COMFREL continued to focus its observations on the voter registration exercise for this commune/sangkat election. The voter registration was conducted from

² see the following chapters on voter registration and election campaign in this report

³ EUEOM: Final Report – National Assembly Elections Cambodia, 28th July 2008, Phnom Penh 13th Oct. 2008. p.22; COMFREL: 2008 National Assembly Elections – Final Assessment and Report, Phnom Penh 2008. pp. 29-33

1st September 2011 to 15th October 2011 and the updating of the voter list from 16th October to 31st December 2011. In this period COMFREL deployed totally 231 observers including 47 provincial long-term observers and 194 district long-term observers in 182 districts throughout the country including all provinces and Phnom Penh to monitor the voter registration. COMFREL deployed mobile observer teams instead of locating observers a full day in one place in order to reach a broader coverage. This allowed observing totally 72 of the current 1,633 communes/sangkats. A special report was published on the voter registration in March 2012.⁴

COMFREL observed overall that the current voter registration system continues to bear weaknesses, which need urgently to be reformed. Currently the system remains open for (1) undue political influence, (2) does not ensure that officials in charge follow the procedures accurately, (3) does not ensure an accurate and transparent voter verification procedure and (4) does not ensure the right to vote for all eligible and registered voters. This is reflected in the discrepancies in the number of eligible voters and registered voters, in suspicions about the impartiality of officials involved in the voter registration process, in the weaknesses of the current voter identification procedure and in insufficient voters information for a number of registered voters, who mistakenly brought wrong documents on E-Day or did not find the polling station and consequently lost their right to vote.

3.1 Number of Eligible and Registered Voters

COMFREL found discrepancies in the number of registered and eligible voters. This indicates that despite improvements in comparison to past voter registrations that the current system still does not ensure the right to vote for all Cambodian citizens. COMFREL's audit revealed that only 94 percent of eligible voters were registered. In contrary the NEC estimated the total number of eligible voters for 2011 was 8, 8 million but later registered totally 9,203,493 million eligible voters, while 270,605 voters were deleted from the 2010 voter list. In contrary to COMFREL's finding this figures claim that 104 percent of eligible voters were registered by the NEC (please see appendix I). COMFREL assumes that these figures are not accurate and can probably be explained due to the existence of 'ghost voters' and duplicated registration of some voters on the 2011 list. These findings were partly confirmed by a sample auditing of voter lists in Sangkat Boeung Tumpon in Phnom Penh.

COMFREL found in this area that 127 voters were listed twice on the official voter list of NEC with 4,178 voters. This makes up double-entries of three percent of voters on this list alone. It can be assumed that such double registrations might also have occurred in other communes/sangkats. Although the number of wrongly or unregistered voters was lower than in past voter lists. In 2008 totally 18.5 percent of eligible voters were found wrongly registered or unregistered (their name could not be found or there was a

⁴ COMFREL: Survey Report on Voters List, Voters Registration and Audit of Voters List 2011

complete change of name). COMFREL estimates that this year's error data margin of the new voter list 2011 was still as high as approximately 1, 5 million eligible voters. COMFREL's rapid voter survey after Election Day indeed revealed that 49 percent of 2,356 eligible voters, who were identified by without indelible ink on the forefingers after one day of voting, responded that they could not vote, because they have not found their names on the voter lists at the polling station or found discrepancies between their identification documents and the information recorded on the voter list and were subsequently refused to vote. COMFREL remains also concerned about reports of its observers recording a low voter registration rate among youth. According to the NEC 54 percent of all eligible voters for this election were youth voters. As youth voters are classified voters, who are between 18 and 35 years of age. COMFREL found very low rates of voter registration of youth voters in following locations: Kampong Chhnang Sangkat, Kampong Chhnang District, Kampong Chhnang Province; Sangkat 2, Preah Sihanouk town, Preah Sihanouk Province; Sangkat Veal Vong and Kampong Cham, Kampong Cham District, Kampong Cham Province; Orka Thom Sangkat, Chbamon Town, Kampong Speu Province; Sangkat Kampong Bronak, Preah Vihear Town, Preah Vihear Province.⁵

COMFREL remains also sincerely concerned of homeless and evicted eligible voters including voters which were severely affected in 2011 by flooding of large areas of the country. This additionally has contributed to an increase in the number of unregistered voters. COMFREL finds that evictees and homeless voters are often excluded from the voter registration. According to LEMNA voters must meet four criteria to register their name: identity, age, nationality and a residential address. However for evicted, refugees and homeless voters this can lead to considerable constraints, though some efforts were made by NEC to allow these voters to vote. The NEC placed voters who were recently displaced because of eviction in specially assigned polling locations, under the condition that they could either provide a valid citizen document (birth certificate, national ID or passport), be listed in any other kind of register like the family register maintained by the head of the house or being vouched by the village chief and a number of witnesses. However a number of evictees were not registered. According to COMFREL interviews with sixty evictees and reports of media and NGOs including LICADHO, ADHOC and the Housing Right Task Force, some evictees were relocated to places far away from the original location, where they used to vote and failed to register. Other evictees have lost their documents during evictions and could not register. Some evictees were denied their right to vote because they had been detained after participating in protests. Latter concerns fifteen civic activists from the Boeung Kak Lake community, who had been detained but only released without charges after Election Day. COMFREL doubts that current laws allow disenfranchising voters in case they are detained but later released without charges.

⁵COMFREL: Survey Report on Voters List, Voters Registration and Audit of Voters List 2011

3.2 Voter Registration System

COMFREL found that the current voter registration system, which includes the registration of voters and the updating and verification of the voter lists, cannot overcome suspicions of possible undue political influence as observed also in previous elections. The current administration of the system leaves it to the commune/sangkat councils and clerks (including the role of village chiefs and commune chiefs) to register voters and update voter lists. Most commune/sangkat officials are elected or nominated in political contests including the village chiefs and are hence not free from undue political influence. Though the voter registration is conducted under supervision of the NEC and the Ministry of Interior (MoI), the NEC does principally delegate most authoritative powers for the voter registration to commune/sangkat council officials, who are assisted by commune clerk and commune chiefs. Commune/sangkat election committees (CECs) and provincial election committees (PECs) are not involved. LEMNA, Article 53 states in regard to the voter registration:

‘The National Election Committee shall delegate any of its power to Commune/Sangkat Council to perform functions on its behalf in order to implement the voter list revision, voter registration in the voter list and voter registry for each Commune/Sangkat. To carry out the functions mentioned above, the Commune/Sangkat Council should deliver these tasks to its commune/sangkat clerk who will be in charge of voter list revision and voter registration in the voter list and voter registry of each Commune/Sangkat. The Commune/Sangkat Council must lead its Commune/Sangkat clerk to exercise properly in accordance with the election law, regulations and procedures prescribed by the National Election Committee. The Commune/Sangkat Council shall assign one (1) of its council members for Commune/Sangkat that has five (5) council members, and two (2) of its members, for Commune/Sangkat that has between seven (7) council members and above, to be on duty in order to standby and take accountability to supervise the Commune/Sangkat Clerk during the period of the voter list revision and voter registration. This standby member of the Commune/Sangkat council will not get additional payment. The National Election Committee must consult with the Ministry of Interior on the delegation of power that is appropriated to the capacity and resources of Commune/Sangkat Council and must provide appropriate training, capacity building, facility, supplies and materials and budget to Commune/Sangkat Council and clerk to be able to implement these responsibilities.’

Also no provisions exist to involve all contesting political parties in the voter registration or to establish non-political registration committees. Problematic in this regard is that the commune/ sangkat councils remain dominated by only one party, the ruling CPP. Since the commune/sangkat elections 2007, the CPP had occupied 97 percent of all commune/sangkats with commune chiefs of their party. Likewise the majority of village chiefs and most commune/sangkat clerks are thought to be closely aligned to the CPP. For the voter registration in 2011 those CPP aligned officials were again in charge. Moreover political parties can influence the voter registration process with the current provision Article 16 of the Law on Management of Commune/Sangkat Administration, which stipulates that elected commune/sangkat

council members can lose their council seat, when the political party that nominated them for the last election terminate their party membership.

As a result a number of electoral stakeholders including political parties other than CPP (especially the SRP and HRP), civil society organizations and local and international election observers as well as a number of voters remained suspicious that the voter registration is open for undue political influence. Though COMFREL did not found a systematic disenfranchisement of eligible voters suspected to vote for another party than CPP, a lack of confidence and incidents of lack of impartiality during the voter registration exercise were observed. This does indicate instances of undue political pressure, which might have been more widespread than COMFREL could observe:

- *COMFREL found some voters who were concerned that commune/sangkat councillors and commune clerks are not impartial in the registration when they knew that they will vote for another political party than CPP. For example in sangkat Takmao and sangkat Prek Ho COMFREL observed voter registration officials, who were uncooperative in disclosing information and behaved impolitely and in a discriminatory manner when they were requested to provide information to supporters of oppositional political parties.*
- *COMFREL observed that voter information campaigns of NGOs and oppositional parties were closely observed by local authorities and occasionally by the military police. Latter are also thought to be closely affiliated to the CPP. This led to difficulties for oppositional parties. For example the chief of sangkat Kbal Kosh, Khan Mean Chey, Phnom Penh filed a complaint with the NEC against SRP MP Mu Sochua for inciting public disorder during her voter information campaigns. However, the NEC dismissed the complaint.*
- *COMFREL also observed CPP campaigns during the registration. In sangkat Pailin, Pailin province, CPP logos were on display in the registration office. This is illegal according to current electoral law, which states that voter registrars should refrain from any campaign or talk of any party candidate or political party.*

COMFREL moreover observed disrespect for the registration procedures among local authorities, though it cannot be verified either this was caused by undue political pressure or disregard of duties:

- *In four communes/sangkats including sangkat Labansek, Kanlong Town in Rattanakiri province, commune police was observed collecting the names and identity cards of eligible voters for commune clerks to register while voters were absent. This was also observed in sangkat 4, Sihanouk town, Sihanouk province and Sangkat Takmao, Takmao town, Kandal province.*
- *In sangkat Prek Ho, Takmao district in Kandal province, election officials refused to register names of eligible voters claiming they have not had their names deleted from the old voter list.*
- *In sangkat Prek Ho, Takmao town, Kandal province and sangkat Beoung Salang, Khan Toul Kork, Phnom Penh commune clerks registered voters with copies of National Identity Cards, which are not the appropriate documents for registration.*

- *In a number of communes/sangkat clerks did not follow the working time, either by coming too late to work or by leaving the office too early. This was observed in sangkat 2 and 4 in Sihanouk town, Sihanouk province; sangkat Orka Thom, Chhbar Mon town, Kampong Speu province; Ta Kdol sangkat, Tamkao Town, Kandal province; sangkat Beoung Salang, Khan Toul Kork, Phnom Penh; sangkat Toul Lvea, Pailin town, Pailin province; Sangkat Krang Ompel, Kampot town, Kampot province.*
- *In Maleh Commune, Andong Meas district, Rattanakiri province 19 citizens were waiting to register, but the commune clerk was not present and they finally went home without having their names registered. Likewise 35 people were waiting for their names to be registered by officials who never arrived for work in Beoung Salang, Khan Toul Kork, Phnom Penh.*
- *In sangkat Pailin and sangkat Otao Vao, Pailin province; Sorongyea commune, Pok district and sangkat Sambou, Seim Reap town, Seim Reap province; sangkat Kompong Chhnang, Kompong Chhnang town, Kompong Chhnang province; Sangkat 2 and Sangkat 3 Sihanouk town, Sihanouk province information about the voter registration was provided a few days before the start of the voter registration exercise only.*
- *In some areas the schedule for the voter registration exercise was announced after the voter registration started. This included following areas: sangkat Labansek, sangkat kakay, sangkat yaklom, Banlung town; Lomchor commune, Oyadao district; Bantang commune, Lumphat district, Rattanakiri; sangkat Toul Lvea, Pailin town and Pailin province.*
- *In three sangkats in Takmoa town, Kandal province, sangkat Kep and Sangkat Preythomm, Kep province election officials were late in posting final voter lists and issuing of Identification Certificates for Elections.*
- *Likewise voter lists were posted late in following areas: Samroung year commune, Pok district, Siem Reap province and Lomchor commune, Oyadao district, Rattanakiri province.*

3.3 Voter List Verification

COMFREL also found that the current voter registration system does not ensure a proper voter list verification. Of main concern is that the current system is not verifiable. If for example there is a double or triple entry of a name in the voter list, and this name has been officially validated by the NEC, even when the information produced by the NEC's Computer Department may differ from the hand-written list originally submitted by the commune/sangkat clerk, it is not possible anymore to correct it. After Election Day, COMFREL tried to examine on this problem and found double and triple name entries in one commune in Phnom Penh namely in Sangkat Boeung Tumpun. Alone on this voter list, three percent of 127 people had a double or triple entry equalling to 256 names of total 4,178 voters. Likewise, the current verification is obviously too complicated and costly for a significant number of voters and also lacks proper voter information. Despite that an amendment to LEMNA on November 2011 extended the period for filing complaints against the preliminary voter list from five to ten days, which should ensure that voters and

political parties have sufficient time to verify, only 31 percent of voters verified the revised preliminary voter list after the voter registration exercise in 2011. Also only 62 percent of eligible voters had verified the old voter list of 2010.

Currently eligible voter who are refused during the voter registration or claims corrections of the voter list are entitled to be advised by the commune/sangkat clerk as to the proper grievance procedures. At first a complaint can be filed at commune/sangkat council level. Should the complaint not be resolved, it can be forwarded to the NEC. Should still not resolution be found, the case can be forwarded to the Constitutional Court. However, these procedures seem to be for a significant number of voters to costly and time intensive. COMFREL found in interviews that many voters have not checked the voter lists because of these reasons, while others refrained from verifying the voter list by simply assuming they already have been properly registered.

Despite these constraints the number of formal complaints during the voter registration was rather high. COMFREL observed that commune/sangkat councilors received totally twelve complaints regarding the registration of new voters and 41 complaints regarding corrections of the preliminary voter list. COMFREL have no details on the complaints of new registered voters. But of all reported complaints regarding the voter list, eight were made in Phnom Penh; two were made in Kandal and two in Siem Reap. Five complaints were accepted, four were rejected, a compromise was found for one case, one case was still pending and one case was withdrawn. Ten complaints were forwarded to the NEC, of which three were accepted, five were not accepted and two were withdrawn. Two cases were forwarded to the Constitutional Council who rejected both. Complaints regarding the preliminary voter list were made mainly by contesting political parties, few were made by voters. Totally 41 complaints were forwarded to commune/sangkat councils. 37 complaints were made by the SRP, one was made by CPP and three were made by voters. Seven complaints were filed in Phnom Penh, eleven in Kandal, twenty in Prey Veng, two in Siem Reap and one in Stueng Treng.

Some of the complaints by political parties requested the deletion of an extraordinary high number of totally 2,320 voters from the preliminary voter list showing that the current system allows significant errors in the registration process. In this regard five complaints were accepted, twenty were rejected, fifteen were partially upheld and one case was withdrawn. 32 of these complaints were forwarded to the NEC, but only one of those complaints was accepted, fifteen were rejected and sixteen were partially upheld. Two cases were forwarded to the Constitutional Council, who rejected both. Remarkable the accepted complaint of NEC led to the deletion of 776 names. This is a noteworthy number of voters considering that the complaint was not resolved on commune/ sangkat level. Likewise notable is a SRP complaint over 58 voters in Kompong Loung commune, Ponhea Leu District, Kandal province, which was partly accepted by NEC and led to the

deletion of nineteen voters (four had died, fifteen had migrated). COMFREL remains concerned over such cases and also found that a number of these complaints were not properly investigated and resolved by officials on commune/sangkat level. This led to the awkward situation that a number of cases had to be forwarded to the NEC, what prolonged the voter verification process unnecessarily.

3.4 Voter Identification

COMFREL also found that the current voter registration system is further weakened by insufficient procedures for voter identification. Urgently reforms are needed. Currently Cambodian citizen who wish to register as voters and identify on voting day are required to present documents that prove their identification (nationality and age) and residence. Regularly this is done with the Cambodian Citizen Identification Card (National ID), which proves Khmer nationality, age and residence. However in Cambodia still not all eligible voters (18 years of age and above) have a National ID and many of these cards have expired before this election. Positively, on 23rd June 2011, the government through the Ministry of Interior had to issue an urgent sub-degree (No. 132) to extend the expiration date for these National IDs to 31st December 2013. Though this measure secured the registration of estimated four million voters in 2012 and for the upcoming National Assembly elections in 2013, it could not ensure the registration of eligible voters, who have not yet obtained a National ID. Still no permanent civic registration system has been established for this purpose.

Thus also in this election the NEC had to provide provisions for the issuing of an alternate identification document in order to ensure that eligible voters can register. The document, which was previously known as form 1018 was replaced with a new form named 'Identification Certificate for Election' (ICE) and stricter procedures on 13th July 2011. NEC and MoI instructions from 13th July explain the new procedures for this new document. Basically ICEs can be obtained only personally by voters when they bring with them two photos and two eligible voters in the same commune/sangkat to verify their identity to the chief of commune/sangkat. The new procedures also require that the MoI and NEC receive copies of the ICEs and mandatory reports from communes/sangkats, how many ICEs were issued by commune/sangkat chiefs. Because of an insufficient civic registration system, the NEC had to issue a remarkable high number of ICEs for this election: 429,108 ICEs were issued during voter registration and revision and 669,785 extra ICEs for using in polling day. The NEC has delivered in total 2,000,000 ICEs forms to all commune/sangkats, of which 883,510 ICEs forms remained unused. This verifies also that until today the MoI has not succeeded to issue National IDs for all citizens and complicates the voter registration. Despite that these new ICEs require stricter procedures than the past 1018 forms COMFREL observed that the procedure and large number of ICEs issued for this election continue to raise suspicions about undue political influence. Moreover some voters were misinformed about the change from the old form 1018 to the new

ICEs. Consequently some voters appeared on polling day with the old 1018 form believing this one allows them to vote. Already during the National Assembly elections 2008, electoral stakeholders including national and international observers have reported considerable problems with the procedures for alternate identification documents.⁶

3.5 Voter Information Notice (VIN)

COMFREL found that the NEC could have made stronger efforts to distribute Voter Information Notices (VINs) during the voter registration exercise and should have informed voters more about the purpose of the VINs. VINs should facilitate voters to find their polling stations and help in the identification process at the polling stations, but not replace the proper identification of voters with National IDs or the newly issued Identification Certificate for Elections. According to preliminary results of the NEC, between 16th April and 15th May 2012, 7,887,329 VINs were distributed, which were 86 percent of all registered voters. The highest number of VINs was distributed to Svay Rieng province with 95 percent. The lowest number of VINs was distributed to the capital Phnom Penh with only seventy percent. NEC's final results revealed that the distribution of total 8,000,588 VINs (87%), which still meant that thirteen percent of voters had not received VINs. Consequently 1,202,905 voters had no proper documented information about the location of their polling station. Moreover some voters were misinformed and thought they would not be legitimated to vote or not able to vote without a VIN. COMFREL's rapid voter survey after Election Day found that thirteen percent of 2,536 interviewed eligible voters believed they could not vote, because they had not received a VIN. Other voters observed on Election Day missed to bring a National ID or Identification Certificate for Elections in order to be able to vote, thinking the VINs allow voting.

4. Candidate and Political Party Registration

COMFREL found a number of difficulties in the process of political party registration. Rigid laws of the registrations of candidates, some suspicions of political interference in the registration process, a lack of voter information about electable candidates and some lack of knowledge among commune/ sangkat election officials how to register candidates have led to difficulties in the process. In total ten political parties registered 111,056 candidates of which 28,481 were female candidates (25%) to contest for the third commune/sangkat council election (please see appendix 2: 'Registered Political Party Candidates By Province'). This seems to have provided the electorate with a broad range of choices among political party candidates. However in a number of communes/sangkats political parties could not find enough candidates to run for the election.

⁶ EUEOM: Final Report – National Assembly Elections Cambodia, 28th July 2008, Phnom Penh 13th Oct. 2008. p.14
COMFREL: 2008 National Assembly Elections – Final Assessment and Report, Phnom Penh 2008. p. 94

The Law on Commune/Sangkat Council Elections requires that political parties have to register candidates for all seats contested in one commune and need also an equal number of reserve candidates. The range of contested seats per commune is hereby five to eleven. This means in some communes/sangkats political parties have to register up to 22 candidates in order to run for the elections. If any political party does not meet the required number of candidates, the law requires that all candidates of this party are rejected. Moreover Article 39 of LEMNA only allows candidates to register in one constituency. In case they are registered in more than one electoral constituency they lose their right to stand for the elections, even when they would register for another political party. Likewise provisions of LEMNA do not allow independent candidates to stand for elections.

The rigid regulations for party candidate registration, which already have been criticized during the first commune/sangkat elections in 2002 led especially for smaller political parties to difficulties.⁷ Only the Cambodian People Party (CPP) was capable to nominate the required number of candidates for all 1,633 communes/sangkats. Only four other political parties succeeded to run with candidates in a majority but not all communes/sangkats. The largest oppositional party, the Sam Rainsy Party (SRP) managed to run with candidates in 1,615 communes/sangkats. FUNCINPEC managed to contest with candidates in 1,413 communes/sangkats. The Human Rights Party (HRP) had candidates for 1,070 and the Norodom Ranariddh Party (NRP) had candidates for 1,029 communes/sangkats. The other five political parties in contrary were running with candidates in fewer than 230 communes/ sangkats. The Cambodian Nationality's Party (CNP) managed only to contest with candidates in 225, the League for Democracy Party (LDP) ran only with candidates for 164, the Khmer Anti-Poverty Party (KAPP) for 23, the Republican Democratic Party (RDP) ran with nine and the Democratic Movement Party with candidates in only two communes/sangkats.

Consequently in some communes/sangkats voters could not choose among a broad range of candidates for this election. COMFREL also observed that a number of voters were not properly informed about the candidates. Commune/sangkat election officials published the final candidate list only in school compounds. But these compounds were mostly inaccessible, because school gates had to be closed to ensure security. As also independent candidates are not allowed, voters could therefore only choose among political parties, while lacking information about the candidates. COMFREL also found that the NEC provided the final candidate list only to the MoI. COMFREL had requested to receive the final candidate list, but was referred to the MoI. This leaves the impression that the NEC has not shown the candidate lists in public before the election.

⁷ EUEOM: Cambodia Commune Council Election 2002 – Final Report, February 2002. pp. 5-7

Another concern in the registration raised the requirement according to Article 52 of the Law on Commune Councils Election, that candidates must be registered as voters before they can register as party candidate. This led to difficulties for some HRP and SRP candidates and smaller parties including the Democratic Movement Party (DMP), Khmer Anti-Poverty Party (KAPP), the League for Democracy Party (LDP) and the Cambodian Nationality's Party (CNP). Some of their candidates reported that they could not find their name on the voter list or were wrongly registered:

- *COMFREL observed that during revisions of the voter list that the NEC had deleted 38 voters, who already had been registered as candidates on commune/sangkat level.*
- *COMFREL found that commune chiefs in some communes/sangkats delayed the issuing of reference letters for candidates, which were needed to confirm their name on the voter list. This led to suspicions about possible political intentions behind these delays since most commune/sangkat chiefs are aligned to the CPP.*
- *Suspicions further increased when the NEC had to refuse 148 candidates after it was found that they were wrongly registered on commune/sangkat level, but not met the age requirement of 25 years.*
- *Moreover some political parties complained that one of the reasons why it was difficult to register candidates was that they were intimidated or bribed by local authorities to withdraw their candidature. Such claims were made by the SRP in Chhrey Bak Commune, Rolea Bier District, Kompong Chhnang Province and the FUNCINPEC and HRP in Prek Kandeing Commune, Peam Ro District, Prey Veng Province.*

In other cases COMFREL found that a lack of knowledge about the registration requirements and procedures among candidates had led to complications. In Snoul district, Kratie province, election officials had to deny the registration of a FUNCINPEC candidate after it was found he was less than 25 years of age. In Sala Visay commune, Brasadth Balang district in Kampong Thom province a NRP candidate had also been refused for the same reason. He was under 25 years of age. Likewise in Prek Kandeing commune, Peam Or District in Prey Veng province, a candidate was refused by the CEC because he wanted to register for two political parties.

Positively was observed that the process of candidate selection among the ten contesting political parties was conducted peacefully and without major complications. Prior to the candidate registration, each of the ten contesting political parties conducted internal elections and surveys to select candidates. Voting and surveys were conducted at the district/khan party level and then sent to the commune/sangkat party level. In interviews of COMFREL with party members most said to have been satisfied with the way candidates were selected and agreed with the decisions of their political party's management. Some party members however claimed that the ranking on the candidate lists was to some extent nepotistic and not followed survey results on the lower levels.

5. Pre-Election Campaign

COMFREL observed not only the official election campaign period which lasted for merely two weeks, from 18th May to 1st June 2012 and will be elaborated in the next chapter, but also the conditions for political completion prior to the official election campaign period. Political campaigns in Cambodia are conducted throughout the year though not all forms of political campaign activities are permitted during the pre-election campaign period like campaign rallies and the display of political party posters and other campaign material on public places according to current NEC regulations. Nonetheless political party activities reaching form meetings, inaugurations and political media broadcasts are taking place ahead of official election campaigns as observed by COMFREL since many years. These political activities, which are conducted in a grey zone labeled ‘unofficial election campaign’ can be influential on voter’s choice and therefore have to be taken into account.

COMFREL monitored from 1st September to 17th May 2012 the pre-election campaign including all media broadcasts on political parties and observations on the misuse of state resources for political party purposes. Hereby was found that ahead of the official election campaign an inequitable level playing field for political competition persisted as already observed by COMFREL in election free periods in previous years and during past pre-election campaign periods.⁸ This pattern changed only marginal during the official election campaign period. The CPP was clearly in a favorably position to conduct unofficial election campaigns throughout the year in 2011 and 2012 disadvantaging other political parties because of its dominant position in the media sector and in the state administration.

5.1 Misuse of State Resources

COMFREL observed from 1st September 2011 to 17th May 2012 in total 500 cases of systematic violations of provisions regulating the use of state resources including the employment of civil servants for campaigns and the misuse of public buildings and premises for pre-election campaigns of the CPP. A special report on this irregularity was issued by COMFREL in May 2012 describing all cases in detail.⁹ Most cases found in this period concerned the involvement of civil servants in political party activities in favor of the ruling Cambodian People Party (CPP). This included attending CPP party meetings and party gift-giving ceremonies and giving public pledges of loyalty to the CPP. Moreover most of these party activities of civil servants had taken place during working hours, when 120 cases (60%) were observed. Only 80 cases (40%) were observed on public holidays.

The CPP actively supported and encouraged this practice during the pre-election campaign in order to sustain and strengthen its political support among the state administration. Notwithstanding that current law

⁸ COMFREL: Final Report of Media Monitoring – National Assembly Elections 2008. Period: 1st June to 31st July 2008, Phnom Penh July 2008 and previous Media Monitoring Reports of 2002, 2003 and 2007, www.comfrel.org

⁹ COMFREL: Report on Misuse of State Resources for Political Party Purposes, May 2012, www.comfrel.org

including the Law on Political Party (1997), the Law on General Statutes for the Military Personnel of the Royal Cambodian Armed Forces (1997), the Law on the Co-Statute of Civil Servants (1994) and the NEC Code of Conduct for the Royal Cambodian Armed Forces Military Personnel (2008) prohibit these practices. Article 37 of the Law on Co-statute of Civil Servant stipulates that *‘Any civil servant shall be neutral when exercising his/her functions and shall forbid himself/herself to use his/her position and the State facilities to undertake the following political activities: to work for or against a political party and to work for or against a political candidate. Any behavior contrary to this Article shall constitute a transgression or a professional breach.’* Article 9 of the Law on General Statutes for the Military Personnel of the Royal Cambodian Armed Forces stipulates that *‘Military personnel may enjoy the same rights and freedom as other citizens. However, the exercise at certain rights and freedom shall be limited according to conditions as stated in these laws. Military personnel shall be neutral in their functions and work activities, and the use of functions/titles and state’s materials for serving any political activities, shall be prohibited.’* The Code of Conduct for the Royal Cambodian Armed Forces Military Personnel in addition stipulates that *‘military forces shall be all time neutral and impartial in implementing the duties and all tasks and that military personnel of the Royal Cambodian Armed Forces shall not use their position or state resources to serve political party activities.’*¹⁰

The CPP has obviously widened its organizational party structures within the state administration and the police and military forces. COMFREL found that most governors of provinces and districts and high-ranking public officers have positions within the CPP. Moreover CPP does offer lucrative party positions to civil servants and police and military officials. Among those are provincial governors, deputy governors, chiefs of departments, municipal and district chiefs, chiefs of the civil administration and of RCAF departments, police deputy chiefs and commanding officers who are actually assigned in functions as civil servants and therefore prohibited to take part in any political party activity, but were recruited by CPP as head of party and committee members in a number of provinces, the capital and districts. COMFREL found also that civil servants in the civil servant rank of chief/deputy general of department, secretary-general and general director were named as ‘president’ and ‘vice-president’ of the CPP in their respective area of responsibility as civil servant.

5.2 Unequal Access to Media

The media of television is overwhelmingly dominated by the ruling party or its allies in the business community. The opposition parties cannot access TV coverage, except possibly in a single TV show- TVK’s UNDP-funded “Equity Weekly” program, in which opposition members of parliament are sometimes interviewed related to debates on draft laws in the National Assembly. All 11 TV stations/cables and more than 100 radio stations are either owned by the government itself, by a hybrid of government and private, by members of the ruling CPP, or by tycoon allies or family members of the government and CPP (such as

¹⁰ COMFREL: Report on Misuse of State Resources for Political Party Purposes, May 2012, p. 2

Prime Minister Hun Sen's family and daughter, who has a major share of the ownership of TV Bayon, 95 FM Bayon and the newspaper *Kampuchea Thmei*). As a result, the news broadcasts on Cambodian TV are devoid of much of the real newsworthy content which occurs on a daily basis. Cambodian TV news regularly covers dry conferences which show government officials speaking at meetings, whereas the recurrent land conflicts, for example, find no place on the news at all. The TV media also promotes the ruling party by showing them distributing gifts to the poor. The Prime Minister's speeches are often broadcast at great length, absorbing vast amounts of media air time, and reinforcing his domination of the country's political landscape. Radio media can be an effective tool to reach people in Cambodia, most of whom live in rural areas and poor people with no TV coverage or even newspaper distribution. Despite this, radio access is very limited to the opposition parties, which can access and are more open only a few independent radio channels with limited coverage in the provinces including Beehive Radio FM 105 MHz, FM 012, FM 106.5 MHz; Radio Free Asia (RFA), Radio Voice of America (VOA), Radio France International (RFI).

During the monitoring period from 1st September 2011 to 15th January 2012 COMFREL found that CPP received in average more broadcasting time in all TV stations than any other political party, though in independent radio stations media access for other political parties was more equitable and open for balance. Especially the private TV channels and radios broadcasted predominantly in favor of CPP not only in terms of broadcasting time, but also in terms of positive tone while negative tone to opposition parties.

6. Official Election Campaign

During the official election campaign period, COMFREL observed a number of campaign activities conducted by all ten contesting political parties showing that in general all contesting political parties had opportunities to present their political platforms nationwide to the electorate, though only within the narrow time frame of two weeks, from 18th May to 1st June 2012. This principally guaranteed that the electorate could make an informed choice. Nonetheless the official election campaign remained characterized by major short-comings, most important a continued inequitable level-playing field for all contesting political parties as characteristic for the pre-election campaign and violations of existing campaign laws. The CPP enjoyed clearly a more favorable access to media and state resources and had also considerable more financial power for the official election campaign than any other political party. Concerning the means used for the election campaign, political parties adapted new campaign strategies and methods including modern technology and entertainment programs. Especially the CPP had set their campaign strategy on musical performances and comedy programs performed by celebrities and mobilized the youth for its campaigns (picture-1 left). Also campaign violations continued to be observed including vote-buying, cases of intimidation/threats and the misuse of state resources for election campaign purposes.

Despite these constraints, which are elaborated in this chapter further below, only the SRP and HRP had the capacities for an intensive election campaign during the official election campaign period. These political parties campaigned with radio spots, marches, motorcycles, truck and tuk-tuk parades and entertainment events in most communes/sangkats and the capital. Moreover, the Sam Rainsy Party (SRP) used new technology like playing CDs and using LCDs to disseminate the president's message and to advertise political platforms. The other seven contesting parties however lacked these capacities and thus were far less visible during the campaign. Only FUNCINPEC and NRP were more often seen with small-scale campaigns in a number of communes/sangkats.

Campaigns of the Cambodian Nationality's Party (CNP), the League for Democracy Party (LDP), the Khmer Anti-Poverty Party (KAPP), the Republic Democratic Party (RDP) and the Democratic Movement Party (DMP) were seldom observed. Merely the state-run television station TVK ensured with its equity program during the official election campaign that all contesting political parties had a chance to present their party programs. Private TV and radio stations in contrary widely focused their broadcasts on the major political parties including the CPP, SRP, NRP, FUNCINPEC and HRP. Minor parties gained only seldom public space. Civil society organizations (CSOs) including COMFREL, the NGO Forum and the National Institute of Democracy (NDI) and some media including Radio Free Asia (RFA) tried to fill this gap with own discussion forums for candidates and invitations of candidates of minor parties to present their platforms. Beside the Democracy and Human Rights Organization in Action (DHRAC) distributed nationwide party programs of all contesting parties. These initiatives helped voters to some extent to make informed choices.



Picture1: From left to right: CPP, SRP, FUNCINPEC and HRP Election Campaign Activities

6.1 Election Campaign Violations

Despite a relative peaceful election campaign atmosphere, COMFREL still could observe cases of intimidation and threats not conducive for the conduct of free and fair elections, though in average, campaign irregularities occurring per campaign day decreased compared to previous elections:

- *COMFREL observed in the commune/sangkat election 2002, twenty cases of intimidation and threats per day, in the commune/sangkat election 2007 eight cases and in this election a decline to six cases per day.*
- *Between 18th and 29th May 2012 totally sixty complaints referring to campaign violations were forwarded according to data released by the NEC. Most of these campaign violations complaints were resolved by commune election committees (CECs), while fewer complaints than during the commune/sangkat council elections 2007 were forwarded to the provincial election committees (PECs).*

Complaints often referred to violations of election campaign provisions and principles including vote-buying, cases of intimidation and threats against candidates and supporters, the misuse of state resources and insufficient measures by the election administration to enforce existing provisions, code of conducts and principles regulating the conduct of the media election campaign. Oppositional parties repeatedly criticized the enforcement proceedings for the election campaign and accused officials for being biased in favor of CPP. This might explain why only few complaints were raised despite that still six irregularities per campaign day were observed by COMFREL. COMFREL found also that gift and money distributions and campaigns were not always properly investigated by election officials. Likewise was observed that political parties other than CPP were often threatened not to campaign on popular places like parks, national roads and boulevards. NEC seldom did intervene in such cases. Also local authorities including village and commune chiefs were often involved in campaigns of the CPP. Likewise military and police officials were often supportive in CPP campaigns despite that they supposed only to secure the campaign like any other campaign.

Considering that still a significant number of campaign violations are observed, though none were of sincerity that they would require criminal investigations and in general the number of campaign violations has declined in comparison to previous elections, current campaign regulations and enforcement procedures are widely insufficient to ensure a fair and free election campaign. COMFREL finds that a number of election campaign provisions must urgently be changed. This includes shortcomings in Article 8.1.7 of current NEC provisions which excludes markets and roads as campaign locations. COMFREL find such campaign locations should be allowed to ensure a more equitable campaign. Likewise provisions should more explicitly prohibit the distribution of gifts, funds, awards and the transportation for voters (Article 8.1.3.8). Furthermore in order to ensure effective enforcement of regulations, election officials need more resources to monitor and foster compliance with campaign regulations. COMFREL found also that current campaign regulations are in contradiction with laws regulating the role of civil servants role in party activities as stated in the Law on Political Party (1997) and the Law on Co-Statute of Civil Servants (1994).

Contrary to these provisions outlined in the previous chapter (see page 33), Article 8.7 of NEC provisions allows civil servants to be involved in party activities outside working hours as long they not act in their

functions as civil servants, local authorities, royal armed forces, military police and judicial officers. Though the provision stipulates that civil servants violating article 8.7 shall be punished according to chapter 131 of LEMNA, this NEC regulation does not comply with above mentioned laws. The NEC regulation also discriminate against representatives of civil society organizations which are explicitly prohibited to participate in party activities during working and non-working hours, whereas civil servants are allowed to do so outside of working hours. These contradicting regulations were used by the CPP to employ state resources including civil servants, used the cars without plate, that can be the state's cars (they removed state plate from the cars), to conduct campaign (picture-2) and material resources for their campaigns undermining an equitable campaign level-playing field.



Picture 2: The cars shown above had not plate number while conducting CPP election campaigns

6.1.1 Inequitable Campaign Finance

COMFREL found that the current freedom for campaign financing allows financially strong political parties and candidates to spend unlimited amounts of money to the disadvantage of financially weak political parties and candidates. Even when ten political parties contested the elections, they had to compete under very inequitable conditions not only in terms of media access and access to state resources, but also in terms of campaign finance. Although COMFREL observed that all ten contesting political parties provided campaign money to their candidates in respective communes/sangkats, often candidates of political parties also spent their privately owned money or material to conduct effective election campaigns. The CPP spent hereby the large amounts of money on their election campaigns. According to COMFREL observations, the Cambodian People's Party (CPP) spent at least 9,000USD per commune/sangkat, whereas the oppositional Sam Rainsy Party (SRP) could spent 1,500USD per commune/sangkat. Other political parties had far less financial capabilities than those two parties. The Human Rights Party (HRP) could spent only about 300USD per commune/sangkat, the Norodom Ranariddh Party (NRP) only about 200USD and the FUNCINPEC only less than 200USD per commune/sangkat for the official election campaign. COMFREL also observed that the larger parties, here especially CPP candidates and to some extent SRP candidates could use the freedom for campaign finance more to their advantage than other candidates

including financial recourses provided by their party, supporters and own private sources whereas other candidates relied in their campaign more heavily on money provided by their party.

COMFREL and other partners have made in previous years many so far unsuccessful attempts to lobby and offer assistance to the Royal Government of Cambodia, the National Assembly and the National Election Committee for the development and adaption of a campaign finance law in order to ensure a more equitable campaign level-playing field and increase the transparency of political party and candidate spending during official election campaigns. COMFREL in cooperation with NICFEC, IFES, DHRAC and CISA has here for created an own working group named 'Political Campaign Finance Working Group' in the mid of 2011. The objective of the working group is to strengthen transparency in party financing, reduce corruption and encourage relevant stakeholders including contesting political parties to respect international standards of campaign financing in order to reach a more equitable level playing field for election campaigns among contesting parties.

Unfortunately until today no steps were made in this direction by the Royal Government of Cambodia. COMFREL finds that as long no enforceable campaign finance regulations are put in place the electoral outcome continue to be influenced unreasonable by the financial capabilities of contesting political parties and candidates and might also encourages vote-buying as widely and continuously observed during elections. Prior to the official election campaign, COMFREL and its partners organized a workshop on campaign finance for political parties. Four contesting political parties including the SRP, HRP, FUNCINPEC and the DMP agreed in the workshop to disclose their expenditure for the election campaign. After the 2012 commune council elections, COMFREL consequently sent a request letter to all ten contesting political parties asking them to disclose their campaign expenditures for this election. So far, only the above mentioned political parties have disclosed their expenditures (please see appendix 9: 'Campaign Finance Expenditures').

6.1.2 Misuse of State Resources

COMFREL observed totally 29 cases of misuse of state resources during the official election campaign time continuing a pattern, which already was observed during the pre-election campaign period (500 cases). 32 cases were directly observed by COMFREL in communes/sangkats during the official election campaign time. Most cases referred to civil servants, military police, and judges, members of the royal armed forces, village chiefs, and deputy village chiefs who actively were involved in CPP campaigns. COMFREL observed such cases in the provinces of Koh Kong, Preah Vihear, Pursat, Ratanakiri, Kep and Prey Veng. For instance in Preah Vihear, a CPP campaign was held on 21st May 2012 with General Meas Sophea and Mr. Oum Mara, the governor of Preah Vihear province. In Kep the governor of Kep province, Mr. Has Saret attended a CPP campaign on 1st June 2012. Also nine cases were observed, where state-owned vehicles

identifiable by their state license plates were used for CPP campaigns in the provinces of Rattanakiri, Kampong Chhnang and Kep.

6.1.3 Inequitable Media Access

COMFREL found that the monitored TV and radio stations have made with the exception of TVK no efforts to comply with the media principles developed by the NEC to ensure a more equitable and neutral media campaign of contesting political parties during the official election campaign time of fourteen days, from 18th May to 1st June 2012. According to NEC media principles, both private and state-run media outlets shall disseminate ‘sufficient time’ for the activities of formal representatives of the government and for election campaign activities of all political parties during the official election campaign period. All private and state run TV stations were obliged to be accurate, well-balanced and neutral in their broadcasts about campaigns of the contesting parties. However, no electoral law exists which oblige the media to follow an equity rule during the official election campaign time and private media are free to interpret what a ‘sufficient time’ should mean. Currently no enforceable NEC regulation exists to require media to allocate equitable broadcasting time to all contesting parties. Media are basically only voluntarily obliged to ensure a more equitable media access during the official campaign period based on the NEC media principles.

Especially the CPP aligned media and some media outlets aligned to oppositional parties continued to disregard these media principles, whereas the NEC had no effective enforcement measures, except to issue warnings and therefore could not fully ensure transparency, balance, accuracy, professionalism and respect for the developed media principles. COMFREL was especially concerned about two television stations (CTN and Bayon TV) as well as a directive issued by the Ministry of Information for media on Election Day contradicting current NEC media principles:

- *TV Bayon news station continued to broadcast on Thursdays during the official election campaign period its program named ‘Santnea Thgai Probos’, which often uses inciting and discriminatory language against other political parties, particularly the SRP and HRP referring to their leaders as incompetent, devious, intent on ruining the nation. The NEC issued a warning after the SRP and HRP had complaint to the NEC.*
- *The Cambodian Television Network (CTN) continued to broadcast its programs named ‘Vetika Panha Chun’ which strongly criticized the SRP and HRP, while appreciating CPP achievements. The NEC has not taken any action against CTN either. The NEC issued a warning after the SRP and HRP had complaint to the NEC.*
- *For the first time the Ministry of Information banned media aligned to oppositional political parties to broadcast on Election Day including Radio Free Asia (RFA), Voice of America (VOA) and FM 106.5, while media aligned to the CPP including CTN and Bayon TV continued to broadcast on Election Day. The NEC refused to take any action since the Ministry of Information has issued the directive.*

COMFREL Final Assessment and Report on 2012 Commune Council Elections

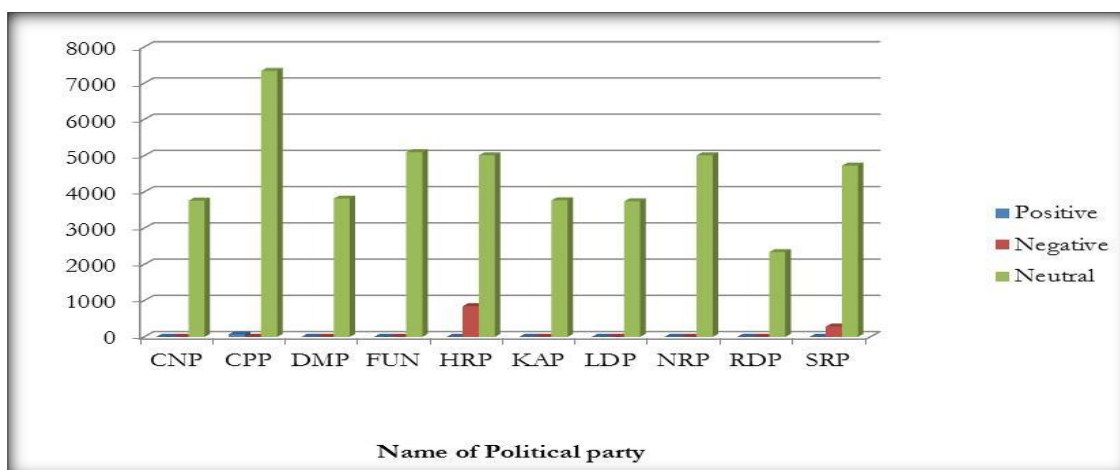
During the monitored official election campaign period including three days of post-election monitoring (from 18th May to 4th June 2012), COMFREL observed that the leading electoral stakeholder in terms of broadcast time allocation in observed TV and radio stations during the prime time (5.00pm to 11.00pm) was the NEC, who was granted 29 percent (equal to fourteen hours, 23 minutes) of observed broadcasting time. Nine percent of broadcasting time for voter information can be added to this account, which totaled to four hours, twelve minutes. The second largest allocation received the Royal Government of Cambodia with fourteen percent equaling six hours and 41 minutes out of which four minutes was in negative tone. Third followed Prime Minister Hun Sen, who was granted eight percent of broadcasting time equaling to four hours, one minute out of which five minutes was in negative tone. Positively all for this election contesting ten political parties was allocated broadcasting time during the official election campaign period.

Nonetheless an equitable media access could not be ensured by current NEC media principles. Also the broadcasting tone of media outlets aligned to the CPP was often biased, mainly against the SRP and the HRP. Most broadcasting time was allocated to the CPP with 7,412 minutes followed remarkably not by the SRP, though it is the largest party represented in the NA after the CPP, but by the HRP with 5,857 minutes and FUNCINPEC with 5,095 minutes. The SRP received only the equal broadcasting time of NRP (5,009 minutes), which indicates a clear bias against the SRP. Moreover most broadcasts in negative tone were monitored for HRP and SRP, while all other broadcasts were in neutral tone. Only in the case of CPP, 70 minutes were in positive tone. Positively all contesting minor parties received broadcasting time as shown in Table 1 and Figure 2 below:

Table 1: Broadcasting Time per Political Party between 18th May and 4th June 2012

Political Party	Positive	Negative	Neutral	Total
CNP	0	0	3759	3759
CPP	70	0	7342	7412
DMP	0	0	3814	3814
FUN	0	0	5095	5095
HRP	0	848	5009	5857
KAPP	0	0	3769	3769
LDP	0	0	3741	3741
NRP	0	0	5009	5009
RDP	0	0	2341	2341
SRP	0	283	4726	5009

Figure 2: Broadcasting Time and Tone per Political Party (18th May to 4th June 2012)



COMFREL found that especially the television stations CTN and Bayon TV disregarded an equitable access to media in favour of the CPP. Both provided the CPP significantly more broadcasting time than any other political party. In the case of Bayon TV also a clear bias against the SRP was observed. Both TV stations also showed some bias against minor political parties. These broadcasters moreover have a nation-wide coverage, while many other media, specifically radio stations broadcast only in Phnom Penh. COMFREL monitored that the CPP received in both television stations total 3,339 minutes of broadcasting time, the SRP only 985 minutes, while more broadcasting time was allocated to the HRP with 1,813 minutes and FUNCINPEC with 1,391 minutes and NRP with 1,087 minutes. The other contesting political parties received together only 218 minutes of broadcasting time in these television stations. The below Table 2 and 3 show these biases in both TV stations, whereby Bayon TV shows especially a bias against the HRP and SRP. COMFREL monitored for Bayon TV total 1,101 negative broadcasting about these parties:

Table 2: Bayon TV Broadcasting Time and Tone between 18th May and 4th June 2012

Political Party	Positive	Negative	Neutral	Total
CNP	0	0	40	40
CPP	40	0	2784	2824
KDP	0	0	34	34
FUN	0	0	1123	1123
HRP	0	848	785	1633
KAPP	0	0	38	38
LDP	0	0	34	34
NRP	0	0	901	901
RDP	0	0	34	34
SRP	0	253	525	778

Table 3: CTN Broadcasting Time and Tone between 18th May and 4th June 2012

Political Party	Positive	Negative	Neutral	Total
CNP	0	0	11	11
CPP	0	0	515	515
KDP	0	0	8	8
FUN	0	0	159	159
HRP	0	0	180	180
KAPP	0	0	9	9
LDP	0	0	10	10
NRP	0	0	186	186
SRP	0	30	177	207

7. Polling, Counting and Consolidation of Results

COMFREL observed on Election Day 5,810 of the total 18,107 polling stations (32%). From 6:30 to 7:30am, 5,602 election observers were employed inside polling stations in order to observe the poll opening. From 7:30 to 11:00am, observers were employed outside polling stations to observe if voters can find their names on the voter lists and their corresponding polling station. From 11:00 to 15:00am, observers were assigned to observe the polling inside and outside of four to five polling stations in the same polling location for at least thirty minutes each. Starting from 15:00pm until the closing of polling stations, the counting process was observed. COMFREL specially coached observers on the technique of Parallel Voter Tabulation/Quick Count (PVT) for 850 randomly selected polling stations in order to verify if the elections results counted by COMFREL observers coincide with the official results counted, compiled and transferred to CECs, PECs and NEC.



Picture 3: Voters check their names at the polling station



Picture 4: Voters queuing in front of the polling station



Picture 5: The election process inside the polling station

COMFREL found no severe irregularities during the polling, which could have affected the overall outcome of the election. Most voters relatively well understood the electoral procedures of voting, though two percent of ballots in all nation-wide observed polling stations were found to be invalid during the counting

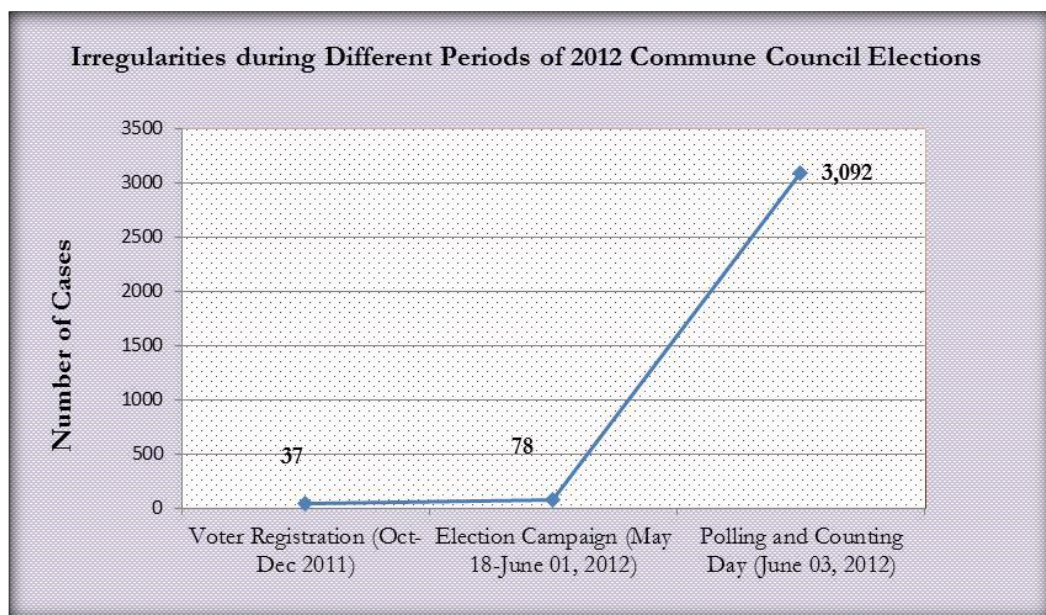
COMFREL Final Assessment and Report on 2012 Commune Council Elections

process. This indicates that voter education remains necessary for future elections. Most polling station officials conducted the polling in general in a professional manner, though the polling went not without some irregularities. This shows that in future elections training of election officials remain necessary. COMFREL was most concerned with cases of voter rejection, lack of knowledge of some election officials, illegal campaign activities and improper conduct of security personal during polling. Totally 3,092 cases of irregularities were observed in 789 polling stations, which is thirteen percent of the 5,810 polling stations observed. Most irregularities were observed in Phnom Penh with 35 percent of all cases, in Pursat province with eight percent, in Kandal province with eight percent, in Takeo province with five percent, in Battambang province with five percent, in Prey Veng province with five percent and in Banteay Meanchey province with five percent of all cases. From other provinces less than four percent of all cases were reported.



Picture 6: Some irregularities during the election and counting process

Figure 3: Irregularities during different periods of the 2012 commune council elections



COMFREL remains strongly concerned with cases referring to the refusal of the right to vote. The polling observation hereby supports COMFREL's assessment, that the voter registration is still insufficient to ensure the voting right for all Cambodian citizens:

- *Observers reported for the polling stations covered that totally 2,313 cases referred to voters who could not vote for different reasons. Cases of voter rejection were reported from all provinces and the capital, indicating that these cases referred not only to one specific commune where probably the voter registration went wrong, but rather indicates that these observed polling stations represent a nationwide trend. Also these cases account for 74 percent of all irregularities observed during the polling. Of the 2,313 cases, 1,298 cases (42%) referred to voters, who were refused to vote because they had no voter information card, no identification certificate despite being listed on the voter list, because their data did not comply with the voter list's data or were refused because it was claimed they had already voted. The other 1,016 cases (32%) concerned voters who could not find their names on the voter's list in the polling areas or could not find their polling station.*

Next in the rank of cases were cases referring to polling officials who did not follow the legal proceedings properly or showed a lack of understanding of electoral regulations. Observers reported total 114 cases (3%) in polling stations covered. Polling officials in some cases either did not understand well or neglected the procedures and guidelines. For example, in some polling stations, voters who had only a VIN were allowed to vote. In others polling officials required voters to bring a VIN along with an identity document. In some polling stations officials were not clear about how to decide if a ballot paper is valid or invalid. Since these cases were reported from polling stations of all provinces and the capital these cases indicate as with cases of voter rejection a nationwide trend. COMFREL concludes that the capabilities of election officials are still limited and it needs more training for upcoming elections, though no severe misconduct of polling officials was observed.

The illegal presence of local authorities, especially village chiefs around the polling stations in order to observe the voters was observed as the next ranked irregularity in all polling stations observed. The presence of village chiefs and other local authorities in polling areas might have facilitated undue political influence on the secrecy of vote in some polling stations. COMFREL observers have reported in total 208 such cases (7%) from seventeen provinces and Phnom Penh. Cases were reported from COMFREL observers also from the provinces of Kandal, Prey Veng, Takeo, Kep, Pailin, Oddor Meanchey, Sihanouk, Ratanakiri, Pursat, Koh Kong, Kampot, Battambang, Kampong Chhnang, Kampong Thom, Kampong Speu, Kampong Cham and Preah Vihear.

Likewise inappropriate conduct of security personnel in polling areas and inside polling stations was observed in twenty cases (0.64%) referring to military personnel wearing uniform and carrying weapons and using harsh words during their presence. This might have influenced voters negatively.

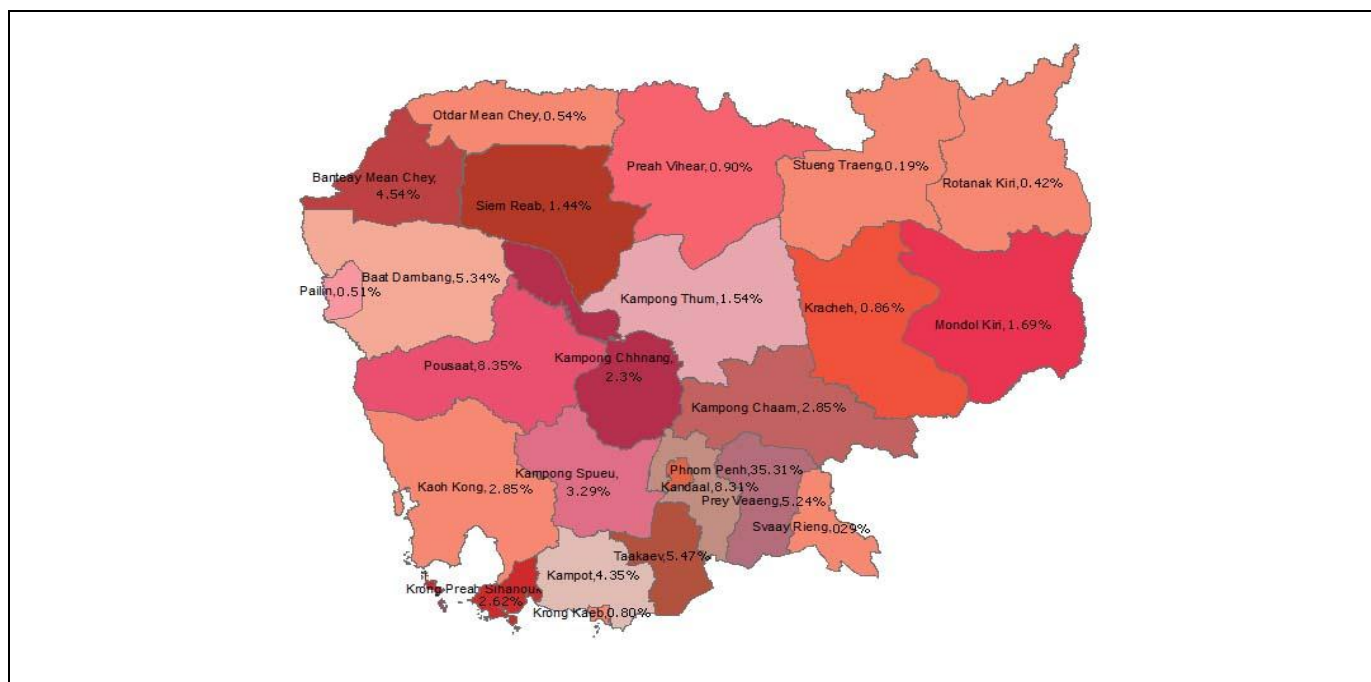
Observers reported such cases in the provinces of Battambang, Kampot, Kandal, Prey Veng, Takeo, Kep, Pailin and the capital Phnom Penh. COMFREL observers also reported that in nine cases (0.29%), this security forces have contributed to an insecure and fearful atmosphere during polling.

These irregularities followed illegal campaign activities during polling as observed in 23 cases (0.74% of all cases) in the provinces of Battambang, Kampong Chhnang, Kandal, Prey Veng and Sihanoukville and in the capital Phnom Penh, whereby voters reported to COMFREL 21 additional cases of political campaign during the polling (0.67%). These included gift offerings, leaflets and poster distributions in the provinces of Kandal, Kampong Thom, Kampot, Prey Veng, Koh Kong and the capital Phnom Penh. COMFREL is concerned that such practices are still possible, despite that legal provision prohibiting those. These cases followed twelve cases (0.38%) where party agents

were refused to enter the polling station in the provinces of Kandal, Battambang, Banteay Mancheay, Kampong Speu and Koh Kong Province and the capital Phnom Penh. For three polling stations in Kep and Prey Veng Province was reported that election material arrived late or was missing.

During the counting process COMFREL observed some irregularities, though none of these cases indicated a systematic manipulation of the counting process, which could have affected the overall outcome of these elections. Totally ninety cases of irregularities were found in polling stations across all 23 provinces and the capital. Most irregularities COMFREL observers found in Kampot with eighteen cases, followed by Phnom Penh with fourteen cases, Kampong Chhnang with twelve cases and Takeo with ten cases. In other provinces and the capital irregularities reached not more than ten cases per province. Irregularities observed included that inside 21 polling stations unauthorized persons were allowed to follow the counting process. In thirteen polling stations observers and party agents complained that they could not follow the procedure of declaring ballots valid or invalid. In twelve polling stations observers found that the counting was done too fast and therefore could not be properly followed. In ten polling stations observers found that procedures were not followed properly by polling station staff indicating a lack of proper training. Election results were properly announced in front of polling stations. All irregularities observed by COMFREL are graphically illustrated per province in Figure 4 below:

Figure 4: Mapping Electoral Irregularities during Polling and Counting per Province in Commune/Sangkat Council Election 2012



8. Political Participation and Loss of Voting Right

8.1. Voter Turnout and Voters Did Not Vote

a. Voter Turnout

COMFREL observed a lower voter turnout in this year’s elections compared to previous communal (2002, 2007) and parliamentary elections (1993, 1998, 2003 and 2008) the number of voters is increasing year by year as the population is growing, but the voter turnout is steadily decreasing since the first commune/sangkat elections in 2002. COMFREL observed that during the election in 2002, the voter turnout was 88 per cent, but started then gradually to decrease to 68 per cent in 2007 and in the 2012 commune/sangkat council election to only 65 per cent as Table 4 below shows:

Table 4: Number of Registered Voters and Voter Turnout from 1993 to 2012

	1993	1998	2002	2003	2007	2008	2012
Eligible voters	4,654,000	5,488,029	6,251,832	6,749,876	7,291,084	7,828,161	8,894,219
Registered voters	4,764,430	5,395,595	5,190,307	6,341,834	7,799,371	8,125,529	9,203,493
Registered voters	102%	98%	83%	94%	107%	104%	104%
Voter turnout	4,267,192	5,057,830	4,543,974	5,277,494	5,293,327	6,100,884	5,993,992
Voter turnout	89.56%	93.74%	87.55%	83.22%	67.87%	75.08%	65.13%

About 65 percent of the 9.2 million registered voters (approximately 5.9 million people) casted their ballots in the commune council elections 2012, whereby around 3.2 million eligible voters did not vote. The declining voter turnout is of concern for COMFREL since this trend can also be observed for the National Assembly elections, though not to the same extent. COMFREL identified a lack of voter education, a gender and youth bias and problems in the voter registration as some of the reasons for the lower voter turnout based on a voters survey conducted after the polling (2,356 interviewees and eligible voters, who did not vote). The survey found that 49 percent of these voters could not vote because of errors in the voter registration. These voters reported to have not found their names on the voter lists posted outside or inside the polling stations or that their identification documents did not match with the data entries on the voters list. 37 percent of the interviewees reported that they could not vote because they had not registered to vote, lived too far away from polling stations, were too busy with working at home, lacked interest, had no information about the elections, could not effort the transport costs or were misinformed about VINs, which they thought are required to be able to vote. Fourteen per cent of the interviewees did not vote because they found the commune/sangkat election unimportant or uninteresting. Figure 5 below show the declining voter turnout in parliamentary and commune/sangkat elections since the year 2003.

Figure 5: Voter Turnout in Commune and National Assembly Elections 1993-2012



b. Voters did not vote

According to the above reports, about 65% of the around 5.99 million people listed actually voted. Around 35% of all voters (estimation is around 3 million voters) did not vote. This is a worrying sign if there is growing disenchantment of the democratic process in opposition and former adversary communities.

After Election Day, COMFREL conducted a rapid voter survey in order to understand the reason eligible voter did not vote. There were the total 2,536 eligible voters surveyed who could not vote (identified voters without indelible ink on the forefingers after immediately voting day)

Figure 6: Reason voters did not vote in the communal election

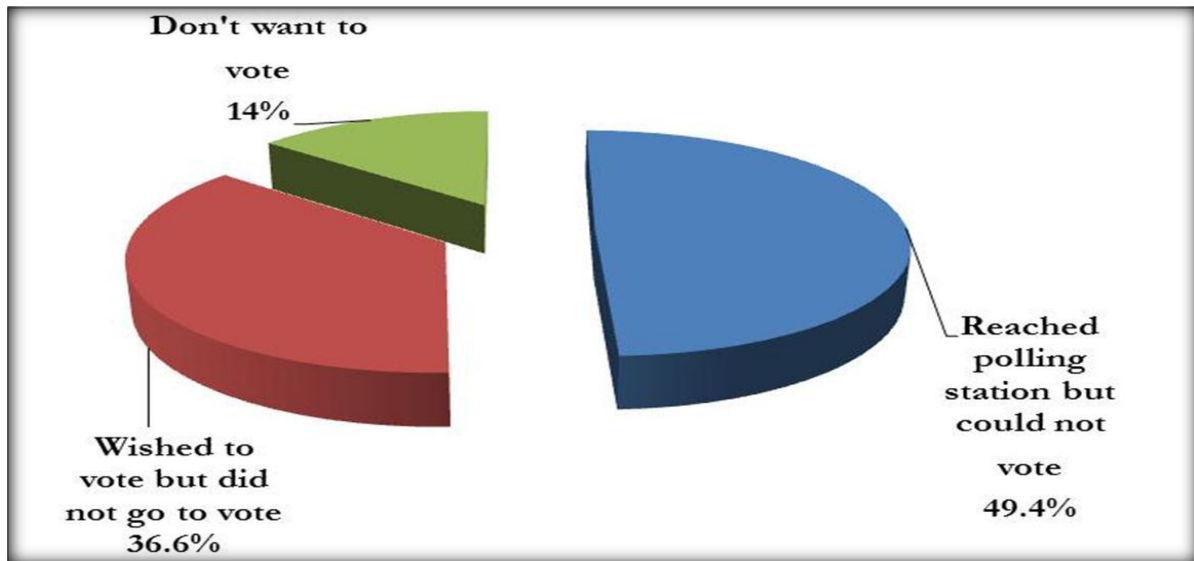


Figure -6 and 7 shows the reason eligible voter did not vote and reach polling station but could not vote in the 2012 commune council elections. 49.4 per cent of eligible voters could not vote despite going to their polling stations (identified voters without indelible ink on the forefingers after immediately voting day), because they had not found their names on the voters list, lacked voter information or found discrepancies between their identification documents and the information recorded on the voter list and were subsequently refused their right to vote. 36.6% of eligible voters wish to vote because they did not register their names on the voter lists, lived too far away from the polling stations, were busy working at home, had no information regarding elections, could not afford high transportation fees or were misinformed that without voter information cards they could not vote. 14% of eligible voters did not want to go to vote.

Figure 7: Reach polling station but could not vote

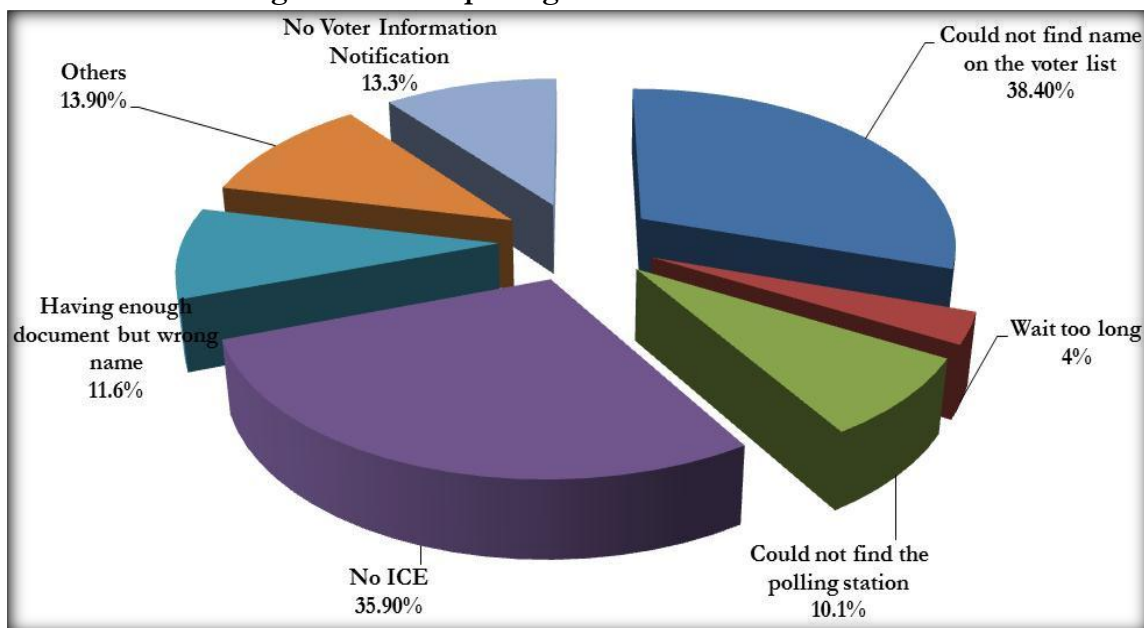


Figure -8 shows the main reason eligible voter “wish to vote but did not go to vote [or registered]”

- 50.3% said that they did not register.
- 20% said that they live faraway form polling station.
- 5.7% said that they did not vote as the cost of transportation home had increased.
- 11.3% said there was no election information.

Figure -9 shows the main reason eligible voter “don’t want to go to vote”: Most of them said that they were busy and lazy.

Figure 8: Wish to vote but did not go to vote

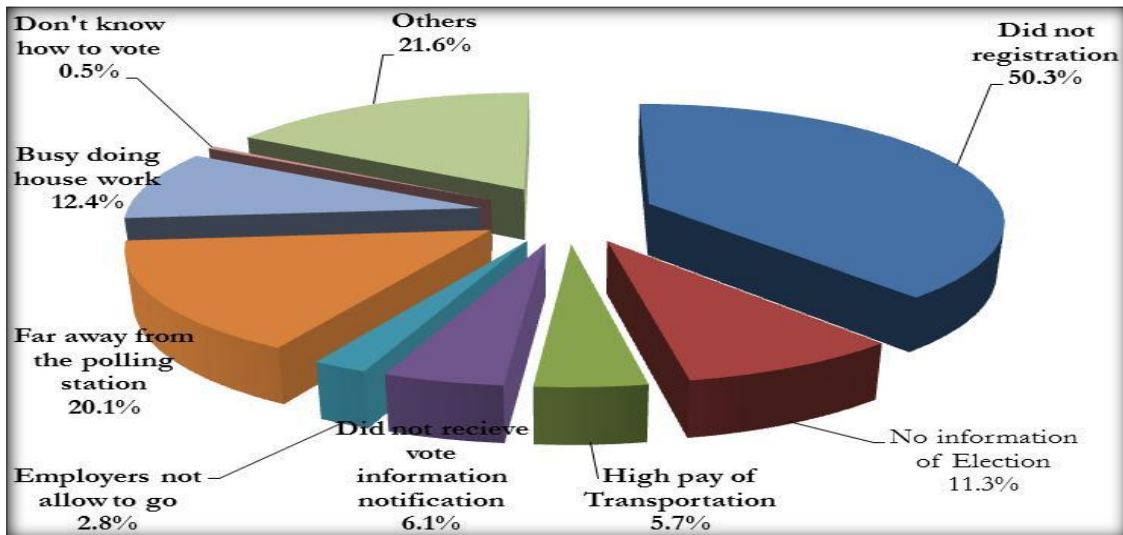
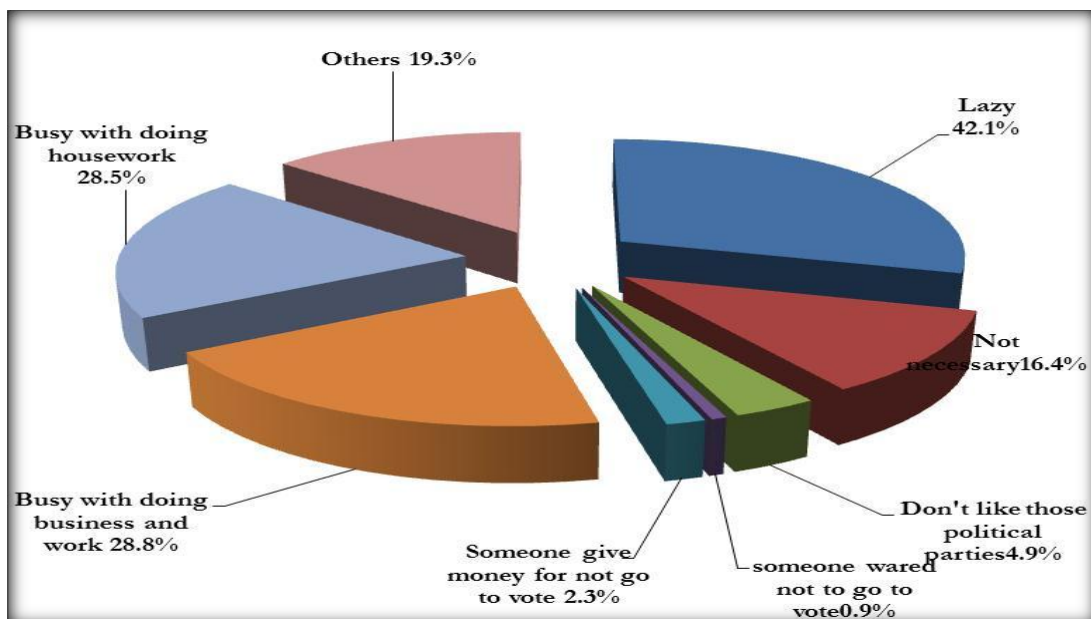


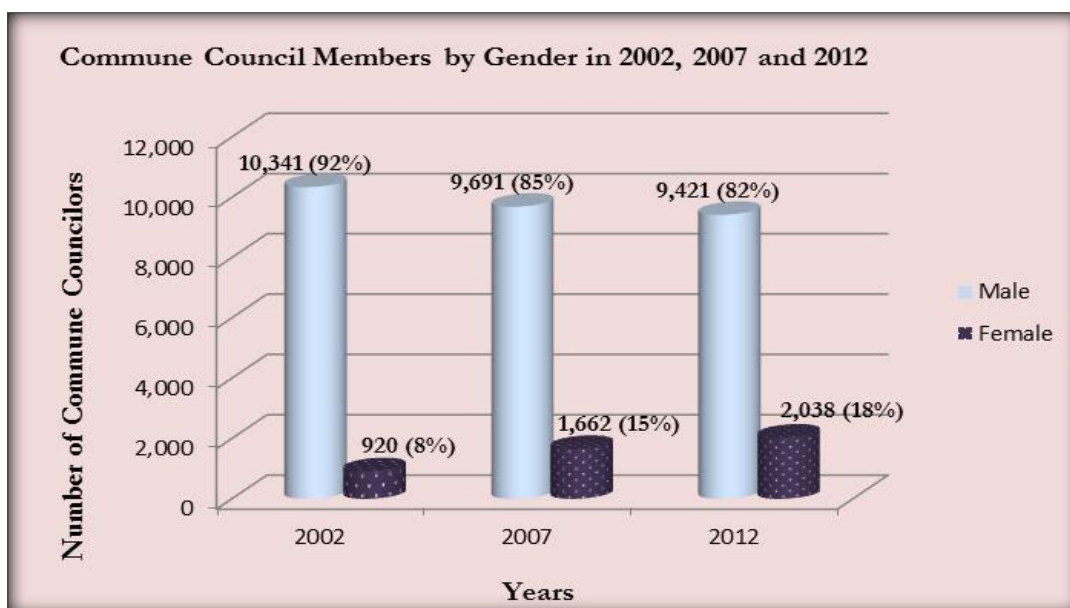
Figure 9: Don’t want to go to vote



8.2 Women Candidates and Voters

The communal elections 2012 proved a stronger participation of women candidates in the electoral process. New policies of the Royal Government of Cambodia to increase the number of women candidates, positive responses by political parties as well as information and education campaigns of different NGOs have encouraged women to get more actively involved in political affairs and election contests. COMFREL positively observed that the NECs official political party candidate lists showed that the number of women candidates has increased by five per cent in comparison to the election 2007 where only 21 per cent of commune/sangkat council candidates were women and the election 2002, where only sixteen per cent were women candidates. The commune/sangkat council election 2012 has also positively increased the number of women commune councillors and commune chiefs. Now 2,038 of the 11,459 commune councillors are woman (18%), as compared with 1,662 of the 11,353 commune councillors in 2007 (15%) and only 920 of the 11,261 commune councillors in 2002 (8%). 95 women were elected as commune chiefs, which is an increase in comparison to the number of commune chiefs in 2002 (34) and 2007 (67).¹¹ Figure 10 below shows the increase in the number of women commune/sangkat councilors between 2002 and 2007:

Figure 10: Commune Council Members by Gender between 2002 and 2012



Despite these positive developments women still continue to be underrepresented in commune councils. They occupy only eighteen per cent of all commune councillor and six per cent of all commune chief seats. More women would have liked to contest in the elections than were finally nominated and registered by all contesting political parties and more would have liked to secure a commune council or commune chief seat.

¹¹ A detailed list of all elected female candidates by political party for the post of commune councilor, commune chief, first deputy or second deputy chief of commune can be found in the appendix of this report.

Totally 111,056 candidates had competed for these elections, but only 28,481 of those were women candidates (26%). Moreover only 2,038 women candidates (18%) were successfully elected (please see appendix 5: 'Elected Female Commune Council Members'). This low representation is partly explained by the fact that less than one percent of all women candidates were listed among the top candidates by all contesting parties. Most women candidates won with a CPP ticket (total 1,781 elected women candidates, of which 93 were elected as commune chief), while SRP secured only the vote of 237 women candidates of which two were elected as commune chief. The HRP secured only twelve elected women candidates, the FUNCINPEC only five and NRP only three elected women candidates. None of them were elected to the post of commune/sangkat chief. The RGC has not succeeded yet to fulfill the Cambodian Millennium Development Goal's 2015 which formulated the objective to reach a representation of 25 percent women in each of the 1,633 commune/sangkat councils. Only in the provinces of Pailin, Battambang and Oddar Meanchey and the capital, the Cambodian Millennium Development Goal of 25 percent representation in all commune/sangkat councils had been nearly reached.

Some of the reasons for the persistent underrepresentation of women in Cambodian politics are the low acceptance of women candidates among a number of male party members as COMFREL found. Party members often share the perception that women candidates might not be as successful or as capable as a men candidate. This is partly reflected in the low ranking of women candidates on the candidate list for this commune/sangkat election by all political parties and claims of some women candidates to have been discriminated by their male counterparts. COMFREL found that women candidates had a general better chance to win elections, when they were ranked higher on the candidates list. Noteworthy among others is a SRP women candidate, who was ranked among the top candidates of the SRP in a highly tense commune/sangkat, where land conflicts prevail for many years and only male politicians had dominated the scene. The SRP candidate was elected as first women commune chief for Amlaing Commune, in Tporng District, Kampong Speu Province.

Even all political parties have changed their policies and emphasize more recruitment of women candidates with new nomination procedures including elections and surveys on local level, the perception prevails among a number of party members, that women candidates are less attractive for voters and less capable. Some party members argued that women should not be commune chiefs because they lack understanding of security matters and leadership. However, despite claims from political party members that women candidates lack the capabilities to run for elections, COMFREL found that in the last years many women have gone through political trainings supported by NGOs. This proves their capacities, but still was rejected by their male counterparts. COMFREL for example have sent a list of trained women and potential women candidates to political parties encouraging them to nominate some, but only 148 out of the 540 candidates were nominated. Another NGO named Ammara Organization also have trained 207 women activists and

proposed them to political parties, but only 96 of those were nominated to stand as candidate in these elections. Potential women candidates also refrained from the contest because they feared to be discriminated and intimidated by activists, local authorities or supporters of the ruling CPP, should they run for oppositional parties as observed by COMFREL in some communes/sangkats. In some communes/sangkats the political and electoral environment is still characterized by fear and intimidation what discouraged some women from getting involved into the electoral contest.

Concerning the women voter turnout unfortunately there are no data compiled by the NEC, what makes it impossible for COMFREL to verify how many women in comparison to men have voted in this election. Totally 53 percent of all registered voters on the voter list 2011 were women, but nothing is known about their voter turnout. However COMFREL observers did not had the impression that there was a gender gap in voter turnout in the 5,810 polling stations which were observed. Nonetheless COMFREL suggests that a gender component should be introduced in calculations of the voter turnout in order to identify a possible gender differences in future elections.

8.3 Youth Voters

In the commune/sangkat elections 2012 the youth, defined as age group between 18 and 35 years, represented the largest electorate with 54 percent off all registered voters. Moreover, for the first time in elections new voters made up more than 1,2 million of registered voters. Since 2008, the amount of new youth voters has increased by a rate of 300,000 per year. All contesting political parties have reacted on this demographic change and targeted in their campaigns particularly the youth. Among the most active political parties in this regard were the CPP, SRP and HRP. The CPP for example have created a new youth movement called the 'Quickly Reaction Youth Movement', which is led by Hun Manet, the son of Prime Minister Hun Sen. In election campaigns the CPP tried to attract more youth through entertain programs including comedy shows and concerts with popular stars. CPP used hereby intensively its party working group network to mobilize activists and voter's support among the youth. Likewise did the SRP and HRP, but they focused in their campaigns more particularly on university students and youth garment workers. Also civil society organizations including COMFREL tried to mobilize the youth for the elections. COMFREL conducted a radio program on the elections called 'Go or not go'. Other education programs for youth were run by the International Republican Institute (IRI), who organized youth debates on party politics and trainings for activists of political parties. The Youth Council of Cambodia (YCC) and Loy9, beside others ran media education programs in order to encourage youth participation.

Positively the number of elected youth commune councilors and youth commune chiefs has increased in comparison to previous commune/sangkat elections. In the commune/sangkat elections in 2007 only 163 youth candidates were elected, which equaled to 1.43 percent of the total 11,353 elected commune/sangkat

councilors. In this commune council election 615 youth candidates (among them 293 women) were elected, which equals now to five percent of the total number of 11,459 commune councilors. CPP had the highest number of youth candidates elected. Totally 423 youth commune councilors and 16 youth commune chiefs were elected of which seven are youth women. The SRP followed with 145 elected youth candidates of which two were elected as commune chiefs. The HRP provided 39 elected youth candidates, the FUNCINPEC four elected youth candidates, the NRP one elected youth candidate and the LDP three elected youth candidates.

Despite this progress, youth involvement in politics still remains relatively low in this election. Though COMFREL observed that youth has been actively voting, was involved in election campaigns, participated in different political party activities and even ran as candidates for the elections, some observations still indicate that youth awareness about democracy and elections to this day is low and needs further advancements. Noteworthy is here a baseline study on 'Youth Civic Participation in Cambodia' conducted by BBC World Service Trust in November 2010, in which 72 percent of youth respondents could not state what democracy mean to them, of the rest who did offer a definition neither elections nor voting were mentioned. COMFREL has also observed very low voter registration rates of youth in some communes/sangkats of the provinces of Kampong Chhnang, Sihanoukville, Kampong Cham, Kampong Speu and Preah Vihear province. COMFREL also estimates that only about 65 percent of youth turned out to vote. COMFREL's voter survey which was conducted after the elections found that among the 2,536 interviewees, who had not voted, 46 percent were in the age group of youth. 42 percent of them reported that they wished to vote but they had not registered their names, because they lacked the documents showing their identity, had moved their place of residence or were not properly informed about the voter registration. Other respondents lacked confidence in the elections or found them unimportant.

8.4 Disabled Voters

COMFREL remains concerned about disabled voters, though it seems many disabled voters went to vote in this election. COMFREL estimates based on sample surveys that only 25 percent refrain from voting for different reasons in past elections and in the current commune/sangkat election. However qualifications have to be made, this estimation is only based on sample surveys, which might not represent all disabled voters nationwide. After Election Day, COMFREL conducted a sample survey with disabled voters on their opinion on the current voting system. Of the sixty interviewees, 36 disabled voters reported that they went to vote. Among those 22 voters said they went to vote because they want to fulfill their role as a citizen and fourteen said they want to vote in order to support their favorable political party. Five complained that election officials were not friendly in facilitating their vote. Among those 24 disabled voters, who reported to COMFREL that they did not went to vote, twelve reported that they were too sick to go to vote, four

disabled voters said that they did not go because it was too difficult to register and eight reported that it was difficult for them to reach the polling stations as they had no appropriate means of transportation.

Though the sample survey is not representative for all disabled voters nationwide, the interviews show that the NEC should make stronger efforts to put appropriate procedures in place in order to facilitate disabled voters. For example until today no mobile voter registration system has been put in place in order to facilitate the registration of disabled voters. Likewise voter information campaigns seldom target disabled voters and polling stations often do not provide appropriate facilities for their voting. The General Network for Disability Access (AGENDA) including the Cambodia's Disabled People's Organization (CDPO) and the Neutral and Impartial Committee for Free and Fair Elections in Cambodia (NICFEC) have conducted voter information campaigns and deployed disabled observers in order to raise awareness among election officials and voters alike about the importance of disabled voter's participation in elections. These organizations deployed totally eighty disabled election observers (forty observers from CDPO and forty from NICFEC) and found that in polling stations observed, of the total 3,393 voters, 283 persons were disabled voters. This equals to two percent and indicates that the number of disabled voter nationwide could be as high as estimated 184,000 eligible voters, although the total number of disabled voters is unknown. Registered disabled voters are not emphasized in voter lists. Latter could facilitate election officials' work to make sure they have proper facilitations for disabled voters on Election Day in place.

8.5 Indigenous Voters

The number of indigenous citizens is estimated to be approximately 190,000 constituting 1.4 percent of the population according to Cambodia's National Census 2008. The Cambodian Government's National Policy on the Development of Indigenous Peoples (NPDIP) lists 24 different indigenous groups found in fifteen of Cambodia's 23 provinces. Two thirds of the indigenous population is found in the Northeast of Cambodia in the provinces of Monduliri and Rattanakiri. Indigenous citizens are a vulnerable group in Cambodia today, often lack education and are affected by land conflicts. In the past few years some civil society organizations have started to promote the rights of Cambodia's indigenous communities including the Indigenous Community Support Organization (ICSO). The total number of eligible indigenous voters is unknown and therefore also their voter turnout, but COMFREL could interview through its rapid voter survey after Election Day 23 eligible indigenous voters and found that a lack of education and difficulties for them during the voter registration and updating of voter list have kept away thirteen of the interviewed voters, while twelve interviewees said that they did not find their name on the voter list including that they have not received an Identification Certificate for Elections (ICEs) and had no Voter Information Notice (VINs). Though no general conclusion based on this survey on the voter patterns of indigenous voters and their registration as voters can be made, COMFREL finds that based on the conducted rapid voter survey

that indigenous voters need to be more targeted in voter information campaigns and the election administration should make more efforts involving them in the electoral process.

9. Electoral Complaints

COMFREL found that procedures and legal provisions for electoral complaints continued to lack coherency, clarity and transparency during the electoral process of this commune/sangkat election. This has increased suspicion among some political parties and other electoral stakeholders that a due process of law was not followed and no effective remedies were provided by electoral officials to complainants as already observed in previous elections. According to LEMNA political parties as well as individual voters can file complaints when they found irregularities in the electoral process.

Two different legal procedures for electoral complaints are provided. For complaints regarding the voter registration and the preliminary voter list, intimidation and threats during the electoral process and election petitions, complaints can be filed first at the commune/sangkat level to the Commune Election Committee (CEC). If no solution is found complaints can be forwarded to the next higher level, the Provincial Election Committee, then to the National Election Committee (NEC) and finally to the Constitutional Council. For complaints referring to the candidate registration, irregularities in the election campaign and polling and counting, however the NEC's ruling is final, no regress to the Constitutional Council is possible. The existence of two complaint procedures for specified electoral complaints led to confusion among election officials and other electoral stakeholders including voters and political parties, which procedure to apply for which complaint. Moreover both procedures require different timelines until when latest a complaint has to be filed.

An amendment to LEMNA in November 2011 extended the period for filing complaints regarding the preliminary voter list from five to ten days, while the complaint period of three days for complaints regarding the voter registration has not been extended. For the candidate registration the complaint period is three days after the publication of the preliminary candidate list at CEC level. For electoral complaints, polling and counting complaints already have to be filed the next day until latest 11.30am. While the complaint period for the preliminary voter list is sufficient, this is not the case for complaints on the voter registration, campaign irregularities, polling and counting. Moreover different timelines and procedures make it for complainants difficult to follow the procedures for complaint applications properly and leave them little time to provide evidence for their complaints. The complaint procedures are especially precarious in regard to voter registration and preliminary voter lists. Hereby the CECs are in practice the primary institution to handle such complaints, whereby decisions of the CECs rely heavily on the commune/sangkat councils and the NEC. Complaints are often handled in a conciliatory way without

following a specific legal framework indicating a clear investigative procedure for adjudication for the voter verification.

Likewise COMFREL found that the NEC lacked some transparency in solving complaints and consequently contributed to a lack of confidence in the procedures among some electoral stakeholders. This lack of transparency was also reflected in COMFREL's own observations. COMFREL was not provided with details of each complaint filed by election committees and therefore also could not follow-up on each specific complaint, although some information was provided by political parties and election committees on the number and types of these complaints. COMFREL hereby observed an increase in electoral complaints on Election Day in comparison to previous commune/sangkat elections. In 2007 119 complaints were filed on Election Day, in 2012 142 complaints. COMFREL found that the slight increase is explained by a growing awareness among party agents how to file complaints. In contrast voters have been rarely observed filing a complaint, though they were allowed by polling officials to do so. COMFREL found that it is due to a lack of knowledge on the complaint procedures. Most complaints filed referred to irregularities in the polling and counting, election campaign violations, irregularities in the candidate registration and the voter registration. Following complaints were found and followed during the election process:

- *Complaints about the voter registration and revision: twelve complaints were filed to the CECs, four complaints were rejected. Ten complaints were filed at NEC, five complaints were rejected. Two complaints were filed at the Constitutional Council, both were rejected.*
- *Complaints about the preliminary voter list: 41 complaints were filed to the CEC, 37 were filed by the SRP, one was filed by the CPP and three were filed by citizens. 20 complaints were rejected. 32 complaints were filed at NEC, 15 complaints were rejected. Two complaints were filed to the Constitutional Council. Both were filed by the SRP.*
- *Complaints about the candidate registration: 29 complaints were filed at CEC, eleven complaints were filed by the HRP, eight were filed by LDP, six complaints were filed by FUNCINPEC, one was filed by Norodom Ranariddh and others three were filed by the SRP. Eight complaints were rejected. Two complaints were filed at NEC. One of which was filed by the HRP and another one was filed by the SRP. Both were rejected.*
- *Complaints about the election campaign: 91 complaints were filed at CEC, 68 complaints were filed by the SRP, twelve complaints were filed by the CPP, three complaints were filed by the HRP, three complaints were filed by FUNCINPEC, one was filed by the Norodom Ranariddh, one was filed by the citizen and another one was filed by local authority. Seventeen complaints were rejected. 26 complaints were filed at PEC, thirteen were rejected. Four complaints were filed at NEC, three were filed by the SRP and one was filed by the CPP. Three were rejected. Complaints about the cooling day: three were filed at CEC, two were filed by the SRP and one was filed by the CPP. One was rejected. One complaint was filed by the SRP to PEC, which was rejected. The complaints included the destruction of campaign material (tearing leaflets and party logos and the loss of party logos), prohibited campaign (display of party logos on public roads and public buildings, the distribution of gifts and the use of state vehicles) and some cases of intimidation (the*

disturbance of one party campaign and intimidation of candidates and voters including the taking of ID cards and the issuing and refusal to stamp ICEs by a commune chief).

- *Complaint about ballot counting and polling included the use of the 'old' form 1018 instead of ICE for voter identification, the issuing of ICEs on Election Day, to allow voters to vote by only showing their VINs and cases where polling officer have not followed legal procedures in polling stations properly. 142 were filed to the CECs. Election officials on CEC, PEC and NEC level rejected most of these complaints. 45 percent of the 142 complaints on Election Day were disqualified because of a lack of documents, incomplete application forms, evidence or a lack of legal provisions supporting the complaints. 129 were filed by the SRP, five were filed by the CPP, one was filed by the FUNCINPEC, five were filed by the HRP, one was filed by the citizen and one was filed by local authorities. 60 were rejected: 104 were filed at PEC. Two were filed by the CPP, 100 were filed by the SRP and other two were filed by the local authority. 82 were rejected. 64 were filed at NEC. 54 were rejected.*
- *COMFREL counted ten cases in which the NEC requested the MoI to investigate violations of electoral laws by local authorities including clerks and commune chiefs. Two cases were charged and fined with 10,000,000 riels and 5,000,000 riel respectively. Beside the NEC issued warning letters to one political party and nine polling officers. NEC issued letters to blame three polling officers and one candidate and issued letters to inform four polling officers and party agents about the election regulation. One polling officer was fired for five years.*

V. Election Results: Verification, Analysis and Comparison

1. Election Results Verification

Although some irregularities during the electoral process of counting and consolidation of results were observed, COMFREL found no severe errors, which indicate that the counting and consolidation of election results were in any form manipulated. COMFREL's verification of election results were only in minor difference to the official results released by the NEC. COMFREL counted 61.77 percent of votes for the Cambodian People Party (CPP), 20.81 percent of votes for the Sam Rainsy Party (SRP), 9.83 percent of votes for the Human Rights Party (HRP), 3.87 percent of votes for FUNCINPEC, 2.97 percent of votes for the Norodom Ranariddh Party (NRP) and 0.95 percent of votes for the remaining five minor political parties (LDP, CNP, DMP, KAPP and RDP), which have contested in this election. The voter turnout according to COMFREL's calculation was 64.53 percent. The NEC counted for the CPP 61.80 percent of the votes, for the SRP 20.84 percent of the votes, for the HRP 9.88 percent of the votes, for the FUNCINPEC 3.79 percent of the votes, for the NRP 2.91 percent of the votes and 0.78 percent for the five minor political parties (LDP, CNP, DMP, KAPP and RDP), who have contested in this election. The voter turnout according to NEC was 65.13 percent. There was only a 0.6% difference in the voter turnout rate between COMFREL and the NEC. For the Election result of each political party, COMFRE found the largest difference to be 0.07% and the smallest 0.03%.

2. Election Results Analysis

The election results confirm the dominance of the ruling CPP. The ruling party has established since the year 1979 a one-dominant party system, which makes it extremely difficult for other political parties to challenge its position. The CPP secured in this elections 1,592 commune chief seats, among them eleven seats in newly established communes/sangkats. In 2012 the number of commune/sangkats had increased from 1,621 to 1,633. In 223 communes the CPP occupies now all councilor seats and commune chief seats (total 13 percent), though the majority of communes/ sangkats remain multi-party constituencies. Just 41 of the 1,633 commune chiefs are now from other parties than the CPP. The Sam Rainsy Party (SRP) gained 22 commune chief seats, the Human Rights Party (HRP) gained 18 and the FUNCINPEC one commune chief seats. All other parties failed to gain a majority in the commune/sangkat councils in order to elect a commune chief.

In percentage of total votes, the CPP won a clear majority with 62 percent of the total votes, occupying 8,292 councilor seats, followed by the SRP who won 21 percent of the total votes occupying 2,155 councilor seats. The HRP won ten percent of the total votes and obtained 800 councilor seats, the FUNCINPEC won four percent of the total votes and obtained 151 councilor seats. The NRP won three percent of the total votes and obtained 52 councilor seats. Two minor parties, the League for Democracy Party (LDP) and the Cambodian Nationality’s Party (CNP) won with less than one percent of total votes ten councilor seats of which the LDP occupies now eight commune councilor seats, the CNP only one councilor seat. The other contesting political parties which are the Khmer Anti-Poverty Party, the Republic Democratic Party (RDP) and the Democratic Movement Party (DMP) won no councillor seat in this election (please see the Appendix 6: Seat Allocation). Figure 11 below shows the percentage share of commune/sangkat seats gained by each political party and Figure 12 the percentage of vote gained by each political party in this election:

Figure 11: Percentage Share of Councillor Seats per Political Party, 2012 Commune Election

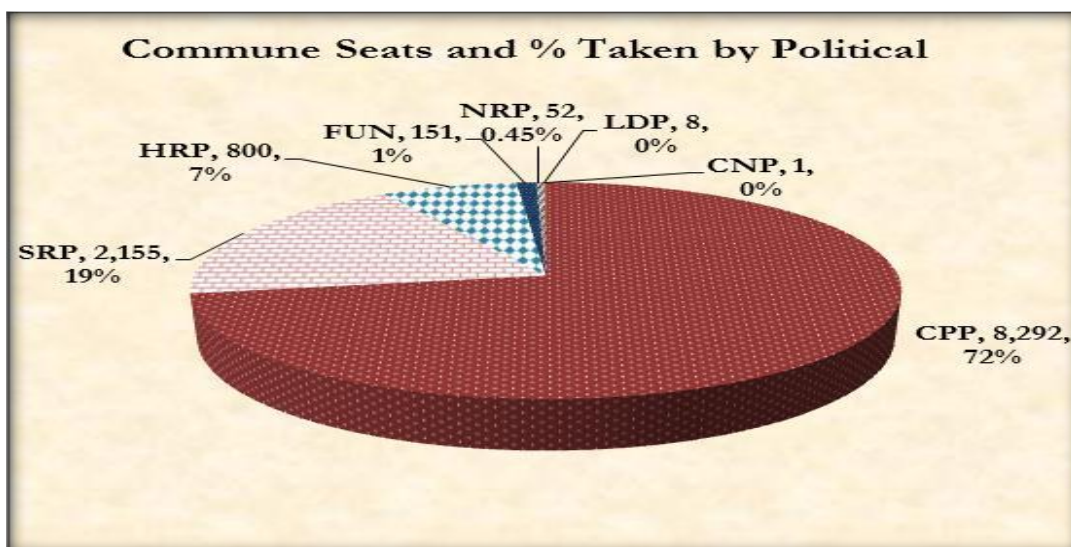
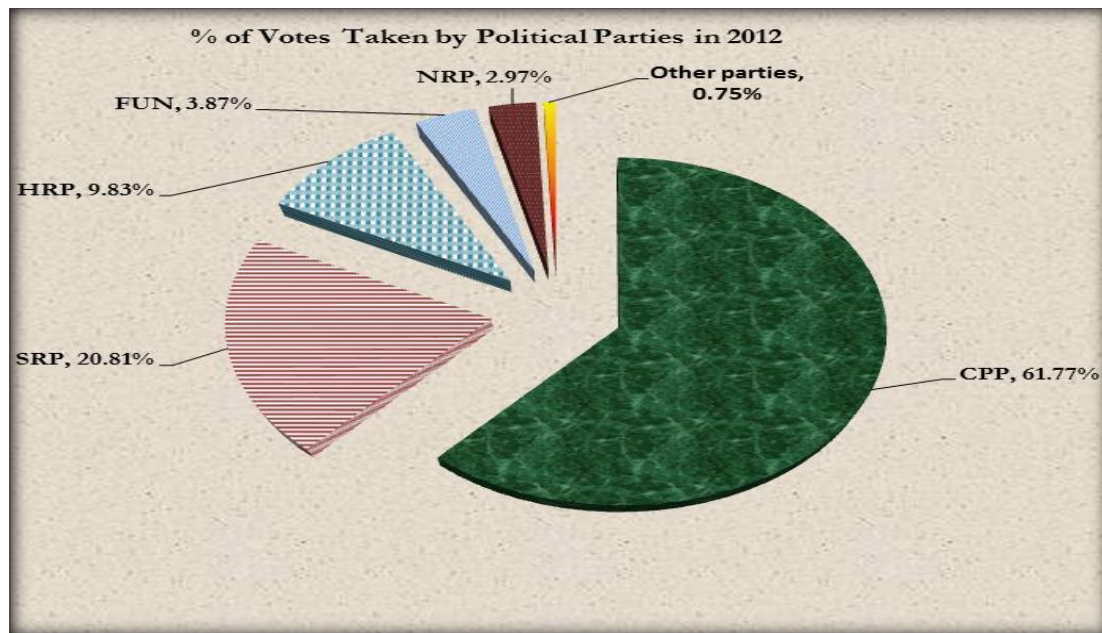


Figure 12: Percentage Share of Votes per Political Party, 2012 Commune Election



The CPP won the majority of commune councilor seats in all 23 provinces and the capital Phnom Penh. The least contested provinces according to the percentages of the total number of commune councilor seats won by other parties than the CPP were the province of Kep with zero percent for other parties (all commune councilor seats were won by the CPP), Svay Reng province where other parties than CPP won only seven percent of the total number of commune councilor seats and Pursat, where other parties than CPP won only eight percent of the total number of commune councilor seats. These provinces followed Koh Kong (13%), Mondulakiri (12%), Rattanakiri (14%), Sihanoukville (16%) and Oddar Meanchey (18%). In none of these provinces other political parties than CPP could win together more than forty percent of the seats. The most contested provinces according to the election results were Kampong Cham and Prey Veng where other parties than the CPP were able to win 40 percent of the total number of commune/sangkat councilor seats followed by Kampong Thom (37%), Kampong Speu (33%) and Phnom Penh (30%). Moreover, all 18 commune/sangkat councils won by the HRP in this election were previously held by the CPP. The HRP won the majority of council seats in ten communes/sangkats in Prey Veng, in seven communes/sangkats in Kampong Cham and in one commune/sangkat in Kampot province.¹²

Only the CPP and the oppositional HRP were able to strengthen its support among voters in comparison to the previous commune/sangkat election in 2007 and parliamentary elections 2008. The CPP gained in 2012 total 3,631,082 votes, which is an increase of 482,549 votes to the commune/sangkat elections 2007, when the CPP gained 3,148,533 votes. Likewise the Human Rights Party (HRP), who contested for the first time in commune/sangkat elections was able to gain more votes than in previous elections (here in comparison

¹² See table of election results by province and political party won commune councilor seats in the Appendix

COMFREL Final Assessment and Report on 2012 Commune Council Elections

to the parliamentary elections 2008, when the HRP contested for the first time). The HRP gained 580,483 of the votes (10%), which is an increase of 182, 667 votes to the parliamentary election 2008, when the HRP gained 397,816 votes (7%). In contrary all other political parties had lost votes in this commune/sangkat election, although the SRP was successful in securing its position as largest oppositional political party in Cambodia. The SRP won 1,224,460 votes (22%), which is a decrease of 79,446 votes in comparison to the election 2007, when SRP won 1,303,906 votes (25%). Likewise FUNCINPEC won in 2012 222,663 votes (4%), which is a decrease of 54,874 votes in comparison to the election 2007, when FUNCINPEC won 277,545 (5%) votes. The largest losses had NRP with 170,962 votes (3%) in 2012, which is a decrease of 248,820 votes in comparison to 2007, when the NRP gained 419,791 votes (8%). Table 5 and Figure 13 and 14 below showing voter patterns between 1993 and 2012:

Table 5: Voting Patterns for All Elections from 1993 to 2012 (NEC)

Party	1993		1998		2002		2003		2007		2008		2012	
	No	%	No	%	No	%	No	%	No	%	No	%	No	%
CPP	1,530,943	39.63	2,014,912	41.7	2,647,849	60.89	2,445,177	47.3	3,148,533	60.82	3,492,374	58.11	3,631,082	61.80
FUN	1,821,886	47.16	1,547,767	32.01	955,200	21.97	1,072,136	20.74	277,545	5.36	303,764	5.05	222,671	3.79
SRP	-	-	694,169	14.36	736,454	16.94	1,137,308	22	1,303,906	25.19	1,316,714	21.91	1,224,460	20.84
NRP	-	-	-	-	-	-	-	-	419,791	8.11	337,943	5.62	170,962	2.91
HRP	-	-	-	-	-	-	-	-	-	-	397,816	6.62	580,483	9.88
Others	510,678	13.22	578,794	11.97	9,061	0.21	514,751	9.96	27,094	0.52	161,666	2.69	46,069	0.78
Total	3,863,507	100	4,835,642	100	4,348,564	100	5,169,372	100	5,176,869	100	6,010,277	100	5,985,458	100

Figure 13: Comparison of Total Votes from 1993 to 2012 per Political Party

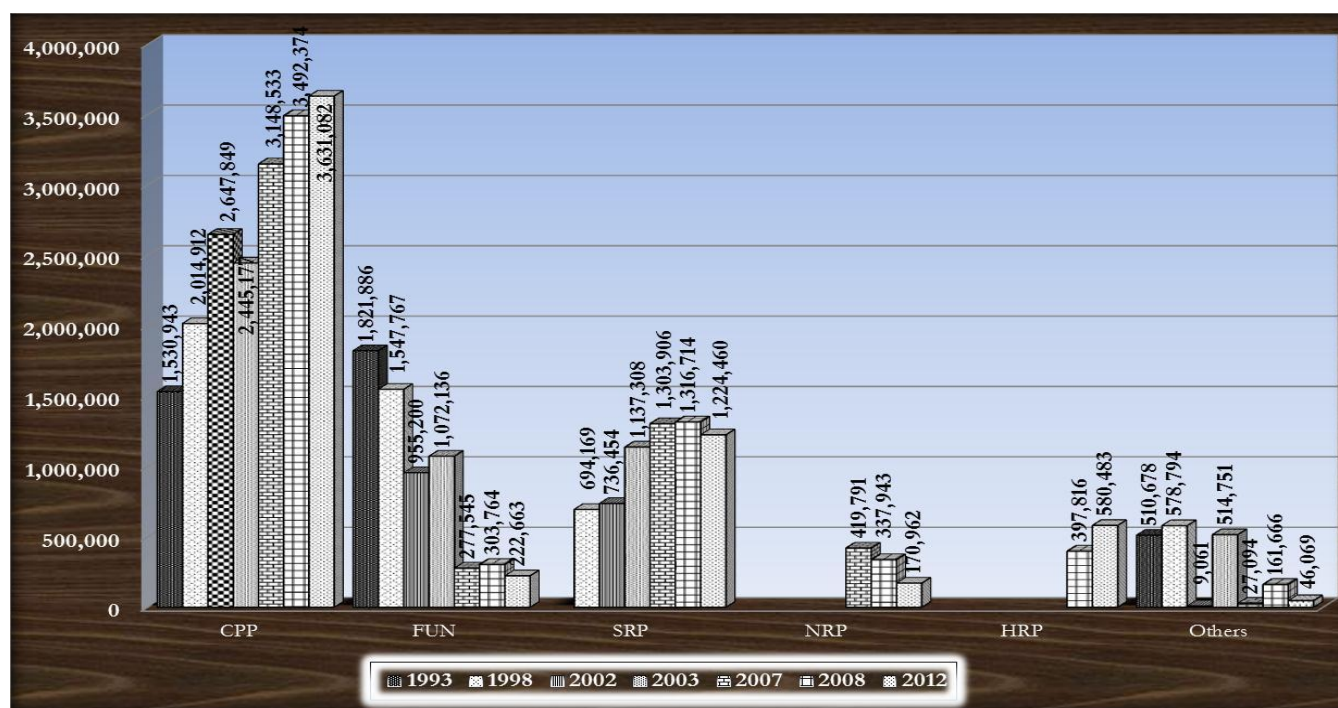
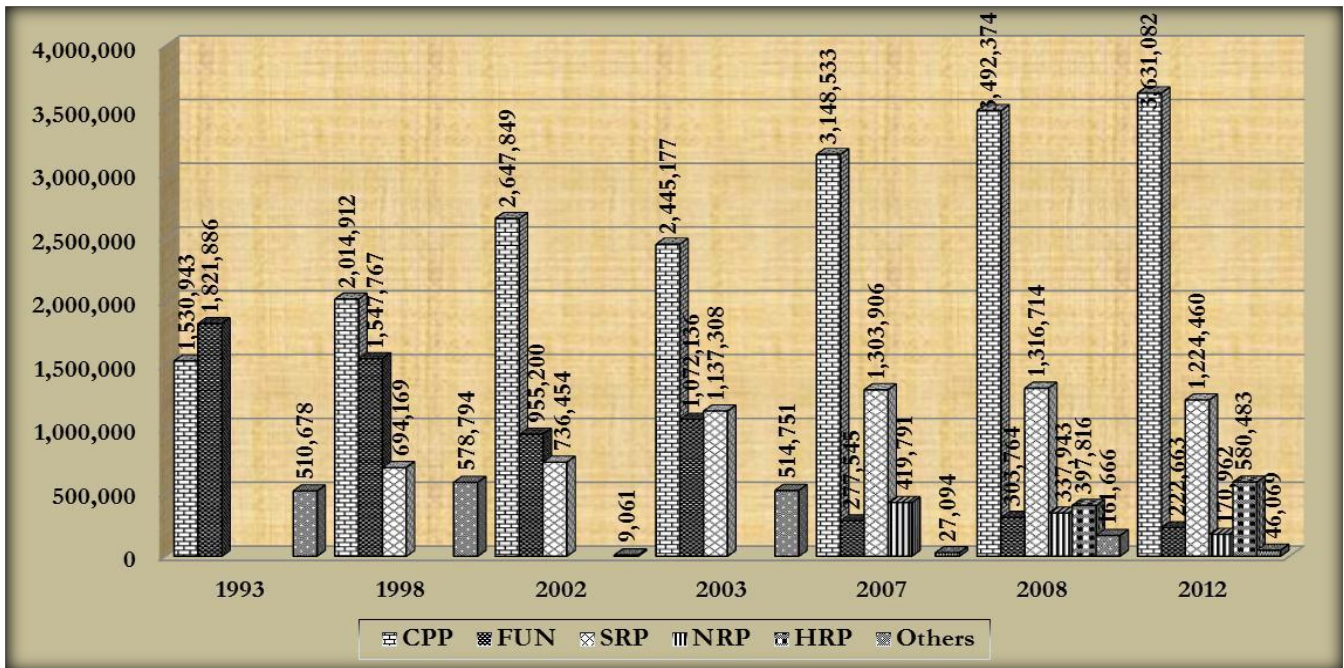


Figure 14: Comparison of Total Votes for Political Parties per Year from 1993 to 2012



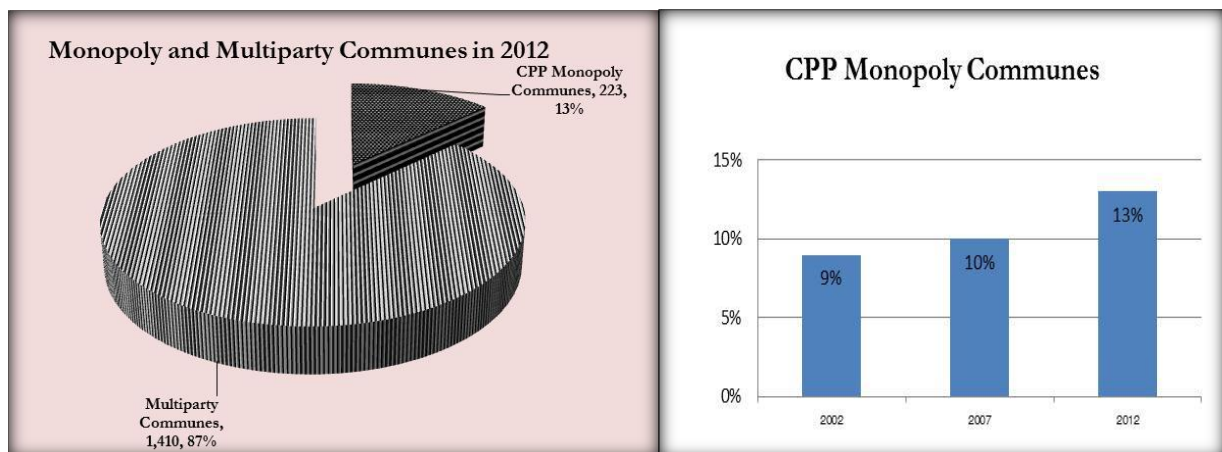
Likewise all political parties except the CPP and HRP have lost commune councilor seats and commune chief seats. The SRP lost six of the 28 commune chief seats won in 2007 to the CPP. Among these were one commune/sangkat in the province of Banteay Meanchey, one commune/sangkat in Kandal, four communes/sangkats in Kratie, three commune/sangkats in Phnom Penh and another commune/sangkat in Sihanoukville. Notable is that only five of the previously 28 commune chief seats won in 2007 by SRP were re-won in this election. This includes three communes/sangkats seats won in 2007 and regained in 2012 in Kampong Cham, two in Preah Vihear and one in Rattanakiri province. Moreover the SRP lost 505 commune/sangkat councilor seats. In 2007 the SRP had gained 2,660 seats, in 2012 only 2,155 seats. Significantly, the SRP could not win any commune/sangkat in Phnom Penh in this election. In 2007 the SRP had won three communes/sangkats in Phnom Penh. The election results indicate that the SRP lost votes mainly to the HRP who contested with as an oppositional alternative. Partly the losses of the SRP might also be explained by the fact that the SRP did not meet voter expectations or were hindered to meet these expectations because of ongoing severe political tensions with the ruling CPP (see details in the chapter political/electoral environment). The CPP had also employed all its resources, including state resources and the control of the communes/sangkats to disadvantage gains for the SRP.

Nevertheless the SRP still could keep the upper hand as largest oppositional political force in Cambodia. Moreover the SRP won some communes, which were formerly held by the CPP. This includes five communes in Preah Vihear, two communes in Prey Veng, one commune in Kampong Speu, one commune in Siem Reap and one commune in Stung Treng province. The SRP claimed according to media reports that the party gained these communes/sangkats because of ongoing land disputes which have not been resolved

by formerly elected commune chiefs of the CPP.¹³ An example is the Orm Laing commune in Kampong Speu province. The commune is known for a yearlong unresolved land dispute. Now the formerly CPP held commune is led by a young and female SRP commune chief. More significant losses were made by the other formerly leading political parties, FUNCINPEC and NRP. FUNCINPEC lost 123 communes/sangkat council seats in comparison to the commune/sangkat elections in 2007, when 274 communes/sangkat council seats were secured. Of the won 151 communes/sangkat council seats, only in one commune in Uddor Meanchey province, a majority was secured to obtain the commune chief seat. Previously held two commune chief seats in Stueng Treng and Banteay Meanchey went to the CPP. Likewise the NRP lost 373 commune/sangkat council seats in 2012 and occupies now only 52 seats. Like in the election 2007 the NRP could not gain a majority in any council to secure a commune chief seat.¹⁴

COMFREL observes that the overwhelming gains of the CPP are partly explained by technical rather than political reasons. Among the most concerning is that all parties other than CPP had difficulties to nominate enough candidates to contest for this election (see the number of registered candidates in the previous chapter). This led to the paradox situation that in 223 communes/ sangkats the CPP was the only contestee, whereby the number of communes/sangkats in which only CPP candidates run has further increased in 2012. In 2002 148 communes were only contested by the CPP, in 2007 the number increased to 166 and now to 223 as shown in Figure 15 below:

Figure 15: One-Party and Multi-Party Commune/Sangkats after the Election in 2012



Considering this disturbing trend in the face of the importance of choices for voters in order to conduct democratic elections, this weakness of the current commune/sangkat electoral system should be overcome (see chapter recommendations). Another concern for COMFREL is that the current technical formula to transfer votes into seats, called ‘d’Hondt Highest Average Formula’ is widely considered to lead to less

¹³ Radio Free Asia, 13-08-2012

¹⁴ See election result tables in the Appendix

COMFREL Final Assessment and Report on 2012 Commune Council Elections

proportional election results than other formulas like the ‘Greatest Remainder Formula’ used in the first parliamentary elections in 1993, but was changed in 1997.¹⁵

The disproportionality of the current d’Hondt formula is reflected in the number of commune chief and commune councilor seats obtained per political party. Although the CPP won 62 percent of the votes which equalizes in absolute proportionality to 7,105 commune councilor seats and 1,012 commune chief seats, the CPP won 8,292 of the total 11,459 commune councilor seats and 1,592 of the total 1,633 commune chief seats. The SRP in contrary who won 21 percent of votes which equalizes in absolute proportionality to 2,406 commune councilor seats and 343 commune chief seats, obtained only 2, 155 councilors and 22 commune chief seats. Likewise the HRP won ten percent of votes which equalizes in absolute proportionality to 1,146 commune councilor seats and 163 commune chief seats, but gained only 800 commune councilors and 18 commune chiefs. Although the disproportionality is also explained by the district magnitude (how many seats are contested per commune, the larger the number the more proportional) and for other technical reasons an absolute proportionality can never be reached, the current election results still indicate that the currently adapted d’Hondt formula favors the CPP and disfavored other contesting parties.

Table 6 below shows the disproportionality in favor of the CPP who gained ten percent more on seats than votes obtained in this commune/sangkat election, while other political parties lost seats despite a higher share of voter percentage including the SRP, HRP, NRP and FUNCINPEC:

Table 6: Total Votes and Percentage of Councilor/Commune Chief Seats in 2012

Political Party	Total Votes	Commune Councilors	Commune Chiefs
CPP	3,631,082 (62%)	8,292 (72%) Disproportionality: + 10%	1,592 (97%)
SRP	1,224,460 (21%)	2,155 (19%) Disproportionality: - 2%	22 (1%)
HRP	580,483 (10%)	800 (7%) Disproportionality: - 3%	18 (1%)
FUN	222,671 (4%)	151 (1%) Disproportionality: -3%	1 (0.06%)
NRP	170,962 (3%)	52 (0,5%) Disproportionality – 2.5%	0 (0%)
Source: COMFREL, own calculations			

¹⁵ Gallup, Jeffrey: Cambodia’s Electoral System: A Window of Opportunity for Reform, in: Electoral Politics in Southeast and East Asia, (Ed. Aurel Croissant, Friedrich Ebert Foundation, Office for Regional Cooperation in Southeast Asia), Singapore 2002. pp. 25-73

3. Post-Election Environment

The election results of the commune/sangkat elections were widely accepted among the electorate and by all contesting political party except the SRP. After the elections the political atmosphere remained calm, no major incidents were observed. No demonstrations or protests against election results were held in any of the 1,633 communes/sangkats. The political parties, CPP, FUNCINPEC, NRP, HRP and the minor political parties LDP, CNP, the Khmer Anti-Poverty Party, the Republican Democratic Party and the Democratic Movement Party accepted the election results. Yet, COMFREL remains concerned that the SRP as largest oppositional political party of Cambodia rejected the election results, though only after election results were announced by the NEC. SRP claimed that the voter registration exercise was flawed because of numerous irregularities referring to the illegal and fraudulent use of 1018 forms and new ICE forms and numerous eligible voters who could not find their name on the voter list on Election Day. Moreover SRP claimed the current composition of the election administration lacked impartiality. Also the HRP, though accepting the election results in general, made some qualifications in stating that the election were not free and fair due to the current voter registration system, which have disenfranchised too many voters of their right to vote and also doubted the composition of the election administration and current regulations of campaign financing. The FUNCINPEC, NRP, LDP and CNP raised none of these concerns and stated to follow the decisions of voters. The CPP countered the critics of SRP and HRP with claims that the party won, because people understood who good political leaders are.

Some difficulties were also observed during the transitional period from the incumbent to the newly elected commune/sangkat councils and commune/sangkat chiefs. According to Article 11, Paragraph 2 of the Law on Commune/Sangkat Administration Management (2001), the incumbent commune/sangkat councils and commune/sangkat chiefs should only facilitate the daily interim administrative work until the new commune/sangkat council is formed and the commune chief appointed. The SRP and HRP submitted on 28th June 2012 a complaint to the MoI claiming some commune chiefs had violated this law, because they had appointed new village chiefs before they handed the power to the newly elected commune/sangkat chief. On 18th July the MoI reacted on the complaint and issued a letter to respective provincial-capital governors to investigate the cases. In one commune the transition to the new commune chief took place in the CPP office and not the commune house. The inauguration was consequently boycotted by the SRP commune councilor.

Even though COMFREL share some of the concerns raised by SRP and HRP regarding the voter registration, the composition of the election administration and the campaign finance, COMFREL found no severe irregularities, which could have obstructed the electoral process as claimed by SRP. Nonetheless for COMFREL the non-acceptance of the election results by the SRP raises concerns for the integrity of the

electoral process and could put the upcoming parliamentary elections in 2013 into jeopardy. The challenge will be therefore to increase the confidence in the electoral process among all contesting political parties. Reforms of the current voter registration system, regulations of campaign financing and changes of the composition of the election administration seem to be inevitable. They have developed to the weakest links in the current electoral system and can therefore be considered as the major reform challenges for the upcoming parliamentary elections.

4. Prospects for Upcoming Elections

The political competition for the upcoming National Assembly elections 2013 is likely to intensify. The HRP and SRP have merged and created a new party named the 'Cambodian National Rescue Party' (CNRP). An application for the new party was registered by the Ministry of Interior (MoI). However the current political party law makes political party mergers difficult. In case of a political party merger while dissolving two old parties, they would lose current parliamentary seats and other elected officials including commune councilors which these seats will be given to CPP, FUNCINPEC and NRP. It remains at this stage also open if a merger will be successful and can challenge the dominance of the CPP. The new political party would be headed by the current SRP party leader Sam Rainsy, who might serve as president of the party and Kem Sokha, the current leader of the HRP, who might serve as vice-president.

However, in October 2012 finer details of the party's local structure and composition have yet to be finalized. Moreover remain uncertain if the case of party leader Sam Rainsy will be resolved until the National Assembly elections 2013. He was sentenced to ten years imprisonment in absence for destruction of public property, racial incitement and forgery. In a high-level government meeting between US Department of State Secretary Hillary Rodham Clinton and Cambodian Foreign Minister Hor Namhong, Hillary Clinton raised the issue of appropriate participation across the political spectrum in the 2013 elections referring to the current stalemate surrounding the prosecution of Sam Rainsy. The case also attracted attention by the UN Special Rapporteur for Human Rights, Surya P. Subedi, who wrote in his report from 20th July 2012 on the human rights situation that the case of Sam Rainsy asks for a political solution enabling him to participate in the upcoming elections. The Royal Government of Cambodia might compromise on a political solution during the ASEAN plus meetings (7th East Asia Summit and other forums.) These Meeting will be held in mid-November 2012 in order to reduce the current international pressure allowing Sam Rainsy to contest in the upcoming National Assembly election.

Another party merger for the upcoming National Assembly elections 2013 was announced by the NRP and FUNCINPEC. This could further increase the political competition and challenge the current CPP dominance as well as the current oppositional parties, who might lose votes to this new party. However first attempts of a merger of the two parties failed after disputes between Prince Norodom Ranariddh, president

of the NRP and Nhek Bun Chhay, FUNCINPEC's executive president. After the commune council election the NRP secretary general pushed the NRP to join under the FUNCINPEC, and NRP had been changed to a new party named 'The Nationalist Party' (NP) and nominate a new party president who was former NRP secretary general. NP leader has suggested Prince Norodom Ranariddh who should not involve in politics or political party while he announced his resignation from political activities. Prince Norodom Ranariddh was also accused by FUNCINPEC of planning to work with the SRP and HRP to foster a government change and disputes who should head the FUNCINPEC. The FUNCINPEC favors a coalition with the CPP and has no objective to change the government, but wants to increase its weight in a future coalition.

How far the commune/sangkat council election results will influence the outcome of the upcoming National Assembly elections remain to be seen. Based on the commune/sangkat council election results the upcoming National Assembly election in 2013 will not mean major changes in favor of other parties than CPP. However in case the SRP and HRP merge successfully, they might be able to gain thirty percent of the votes and increase their number of seats in the National Assembly to 36 (from 29 seats in 2008). Currently the SRP holds 26 seats with 22 percent of the total votes and the HRP three seats with seven percent of votes in the National Assembly, whereby the HRP has increased its total votes in this commune/sangkat election to ten percent in comparison to the National Assembly election 2008. Nonetheless the CPP will most likely hold the upper hand with same percent of the vote, but might lose some National Assembly seats to other political parties, probably gaining 86 seats instead of 90 seats won in the election 2008.

Moreover in case the SRP and HRP fail to merge, the SRP most likely will lose seats to the HRP and CPP of probably four percent in comparison to the National Assembly elections 2008, while the HRP and CPP might increase its seats in comparison to the National Assembly elections 2008. The commune/sangkat election results show that the SRP has lost votes. The number of seats for the SRP would accordingly decrease most likely in favor of HRP and CPP, which would receive two seats more of each to the currently held seats in the National Assembly.

No major gains can also be expected for the NP and/or FUNCINPEC based on the commune/sangkat election results, both political parties might keep two of the four currently held seats in the National Assembly. Their votes have significantly decreased in this commune/sangkat election. Nevertheless these predictions of the electoral outcome for the upcoming National Assembly elections 2013 cannot be granted as taken, since voter patterns might be differ during parliamentary elections. Probably other preferences might prevail among voters than the ones which led them vote for a political party in the commune election. Exact predictions remain difficult.

In contrary more accurate predictions for the election results of the next senate elections and sub-national council elections (provincial and district councils) can be made because commune/sangkat councilors and National Assembly members vote by party indirectly on behalf of voters for the senate seats and provincial and district councils. Party discipline is strong among Cambodia’s political parties and it can be expected that votes will be made along the party line. Also independent candidates are also not allowed in these elections. The CPP will therefore be able on the base of the current election results of 2012 and the assumption that the CPP can hold its current number of National Assembly seats in 2013 to decrease two senate seats (currently CPP has more than 80% or 46 indirectly elected senates of total 57 indirectly elected senate) underlining its dominance and the continuation of a one-dominant party system. The SRP and/or HRP (or CNRP) will be probably able to obtain 13 senate seats (or increase two seats while current number is 11 seats). Likewise in the indirect elections for provincial and district councils the CPP will secure probably 79 percent of sub-national council seats, while the SRP and HRP will probably gain up to 21 percent of the seats and the NP and/or FUNCINPEC will probably receive less than one percent of the seats. The total number of seats on sub-national level including district/khan councilor seats, city councilor seats and provincial/Phnom Penh councilor seats is more than 3,000.

In conclusion based on the recent commune election results the future trend indicates a slight decrease of CPP seats in the senate, the National Assembly and sub national councils, whereas the CNRP or SRP and HRP in case of a successful merger before the upcoming elections will slightly increase their number of seats in these parliamentary chambers and councils. FUNCINPEC or/and NP in contrary might lose a significant number of seats in the upcoming National Assembly elections.

VI. Political Party Participation

1. Number of Political Parties

The number of political parties contesting for the commune/sangkat elections has not significantly changed. In 2002 eight political parties had competed, in 2007 the number increased to eleven political parties whereas in this year’s commune/sangkat election ten political parties had contested. Nonetheless a decline in the number of political parties can be observed for the National Assembly elections, affecting the overall number of political parties contesting in commune/sangkat elections. In 1993 twenty parties registered for the National Assembly Elections, in 1998 39 political parties, in 2003 23 political parties and in 2008 only eleven political parties as Table 7 below shows:

Table 7: Number of Political Parties Contesting Commune/Sangkat and National Assembly Elections between 1993 and 2012 (Source: NEC)

1993	1998	2002	2003	2007	2008	2012
20	39	8	23	12	11	10

The decline in the number of political parties does not indicate that voters have no choice among a plurality of political parties, but indicates that only few political parties succeed to establish themselves as main political challengers to the established political parties. Latter originate from the Cambodian Civil War (1979-1991) including the CPP and FUNCINPEC, while new political parties who were successful to obtain seats in the National Assembly in the previous elections includes only two political parties formed after splitting from the FUNCINPEC. This is the SRP (formed of the former FUNCINPEC member Sam Rainsy in 1996) and the NRP (formed of the former president of the FUNCINPEC, Prince Norodom Ranariddh in 2007). Only one political party emerged from a civil society organization, the HRP under its current party leader Khem Sokha, which was formed in the year 2008. He is the former president of the Cambodian Center for Human Rights (CCHR).

Major changes of the current one-dominant political party system into a real multi-party system cannot be expected. Reasons for it are that currently no other political party than the CPP has the capabilities in terms of human resources and finances to establish itself as a government party. Also no social movements are visible out of which a new political party with a similar strength than the established parties could emerge. On the other hand however, as the current election results indicate, remain the possibility of the development of a real two-party system after the next election. The oppositional political parties SRP and HRP succeeded to establish themselves as mass political parties among the Cambodian electorate. Also a possible party merger, announced in July 2012 between the SRP and HRP into a new party named ‘The Cambodian Democratic Movement for National Rescue’, might allow these oppositional political parties to extend its mass base among the Cambodian electorate. In contrary, the FUNCINPEC and NRP did not succeed in the past five years to extent their support among the Cambodian Electorate and continue to remain basically aligned to the current CPP government, though NRP takes a more oppositional stance than the FUNCINPEC. Both political parties announced to merge into a new party named ‘Nationalist Party’, but announce to want to govern in alliance with the CPP, while opposing the SRP and HRP.

2. Number of Political Party Agents

The number of political party agents has further increased during this year’s election indicating a positive trend towards more transparency of the electoral process as shown in Table 8 below:

Table 8: Number of Accredited Political Party Agents (Source: NEC)

1993	1998	2002	2003	2007	2008	2012
N/A	5,389	76,006	86,990	104,450	131,534	118,810

Positively more women were deployed as party agents to observe this year’s commune/sangkat council election. However, only the CPP, SRP and FUNCINPEC were capable to deploy enough party agents for all the 18,107 polling stations for this commune/sangkat council election. The CPP deployed 36,112 party agents (5,369 women), the SRP 34,124 party agents (10,303 women) and FUNCINPEC 20,768 party agents (7,481 women). These political parties followed the HRP with 16,421 party agents (3,981 women) and the NRP with 9,767 party agents (3,207 women), whereas the other political parties lacked noticeably the capacities to employ a sufficient number of party agents. The CNP deployed only 778 party agents (313 were women), the LDP 459 party agents (105 women), the KAPP 305 party agents (108 were women), the RDP 63 party agents (22 women) and the DMP only twelve party agents. COMFREL also found that a number of party agents in polling stations lacked sufficient training and expertise of the polling and counting and to raise complaints.

VII. CSOs Participation in Election Monitoring

1. Number of Accredited Election Observers

COMFREL positively observed that the NEC has improved its transparency through a close cooperation with election observers and voter information campaigns in different media including the NEC webpage (www.necselect.org). This allowed access to important information on the electoral process and clarifications on electoral irregularities. Totally 14,778 local election observers and 136 international observers were accredited by the NEC for this election. International observers included delegations from the embassies of the US, Malaysia, Denmark, UK, Australia, Sweden, Korea, Vietnam and Myanmar, the National Democratic Institute (NDI), the International Foundation for Election Systems (IFES), PEFOC Japan, the Women Health Initiative (WHI), the Center for Khmer Studies (CKS), BORDA Cambodia and Chibodia (both from Germany), the Environment Action Association (EAA) and the Thailand-Cambodia-Laos Brotherhood (TLC). Table 9 below show the total number of local election observers accredited by the NEC:

Table 9: Number Accredited Independent Local Election Observers (Source: NEC)

	1993	1998	2002	2003	2007	2008	2012
NGOs	N/A	18	N/A	102	33	72	24
Observers	N/A	83,665	39,948	29,637	19,121	31,262	14,778

2. Accreditation of Election Observers

The accreditation procedures for election observers were not changed for this election creating difficulties for civil society organizations to ensure a proper and timely deployment of its local election observers. The NEC has not accepted suggestions to ease its bureaucracy. Currently the accreditation is conducted centrally through the NEC. PECs and CECs have no power to accredit election observers. Local election observers can only apply ten days before Election Day for an accreditation card. This problem boded ill for the activities of many short-term observers (over 5,800 from COMFREL alone), who needed an accreditation card to be present on polling day. It would be better if the NEC only needed to accredit the name of the election monitoring organization, particularly as election monitoring organizations have to spend a great deal of money and time to send accreditation cards from Phnom Penh to observers deployed nationwide. Also PECs could be assigned to accredit election observers in their respective area of responsibility. The current centralized procedures might also have contributed to the declining number of local election observers in comparison to the commune/sangkat election 2007 as shown in Table 9 above.

VIII. Recommendations

1. Voter Registration

COMFREL recommends changing the current voter registration system. Procedures should be simplified and improved in order to ensure an accurate voter registration and voter list verification. A permanent voter registration system should be set up, which allows voters with the age of 18 years to register to vote any time throughout the year at their place of residence. Additionally the government should amend the regulations on issuing National ID cards allowing permanent lifetime use, whereby citizen for practical reasons should be obliged to update their National ID photo after a twenty years period had elapsed. The MoI in cooperation with experts and international donors are working on plans to set up a nationwide ID biometric database covering all citizens and providing them a permanent national ID card with a respective number refereeing to their biometrical data. The voter list should be by the implementation of this project synchronized with this biometric database in order to produce accurate voter lists by the NEC and facilitate voter's identification.

If such a change is not possible the current temporary voter registration system needs to ensure transparency through involving all contesting political parties and civil society stakeholders in the process, when they wish so. Moreover citizens should be more intensively informed about the requirements to be registered as voters. A more effective system of Voter Information Distribution and Voter Information campaigns in the forefront of elections needs to be addressed. The responsibility for the voter registration should be delegated to the commune/sangkat and provincial election committees under supervision of the

NEC, who should be set up not only for the purpose to conduct the elections, but also to ensure a proper voter registration process. The registration committees should involve a proportional representation of all political parties in the committees. Civil society organizations should be facilitated to provide information and education to voters in the process of voter registration and elections. Political parties should be excluded from conducting voter information campaigns for the voter registration in order to contain undue political influence. COMFREL request the NEC to set up a computer system for the voter registration in each commune/sangkat in order to check double name entries of voters during the voter registration and revision exercise. This process should ensure to reduce the number of wrongly registered voters.

2. Election Administration

Currently only the NEC is composed of members of all political parties represented in the National Assembly (NA). However the NEC structure has not been changed after the National Assembly elections 2008, despite that NRP and HRP have obtained parliamentary seats. Moreover the proportional representation of political parties must only be followed on national level according to political comprise reached in 2006, but not on commune/sangkat and provincial level. The commune/sangkat and provincial election committees are set up by the NEC and MoI without involvement of political parties. Despite that these procedures should ensure the impartiality of the election administration on all levels, this objective has not been achieved. Political parties continue to agitate against the impartiality of the election administration undermining the overall confidence in the electoral process. This needs to be addressed. In order to ensure the independency and impartiality of the election administration all political parties who obtained parliamentary seats in the last National Assembly election should be proportional represented in election committees on all levels of the election administration. Should it be not possible to recruit enough qualified election officials from political parties, the latter should set up recruitment committees during the application procedure in order to ensure that election officials are selected based on the consensus of all main political parties represented in NA. This should ensure also that later in the process political parties cannot agitate against election officials they have selected. More important, it will increase the confidence among political parties in the election administration.

COMFREL recommends strengthening the capacities of the election administration in regard to finances and human resources. Currently the national, commune/sangkat and provincial election committees cannot effectively enforce regulations violated during election campaigns, conducting intensive voter information campaigns or investigate effectively possible misconducts of local authorities and election officials during the voter registration exercise and the conduct of elections. Consequently the NEC should be facilitated with mobile investigation units for each province and municipality, whereby the NEC would be in charge of investigation committees in coordination with commune/sangkat and provincial election committees. This could also strengthen the currently complicated and ineffective complaint procedures in place, because the

NEC could increase the effectiveness of the complaint procedures through these investigation units providing training and expertise fostering in this way more adjudication and compliance to due procedures and regulations.

3. Election System

COMFREL recommends reforming the current election system into an inclusive election system. The party candidate registration for the commune/sangkat election showed, that contesting political parties under current regulations have difficulties to recruit enough candidates for each commune/ sangkat. The regulations are too rigid in regard to reserve candidates needed in each commune. Also independent candidates should be allowed to contest in commune/sangkat election. This can broaden the choice for voters and the right to stand for elections. Some voters might not feel aligned to any of the contesting political parties. A personality vote for independent candidates could also tie candidates closer to their constituency. An alternative would be to set up an open party-list system instead of a closed party-list system or a mixed voting system including political party lists and independent candidates. This would allow voters to give preferential votes to candidates and political parties. In such a system voters choose the independent candidates which they would like to obtain a council seat besides ticking their preferred political party. The current closed party-list system gives voters no influence on the selection of political party candidates.

COMFREL recommends to change the currently for the proportional allocation of seats used formula named 'd'Hondt Highest Average Formula', which favor larger political parties into the allocation formula used under UNTAC named 'Greatest Remainder Formula' which is more favorable for smaller political parties. Current election results show, that only the CPP could gain under the current formula ten percent more commune/council seats than actual votes received (62% votes, but 72% of commune/council seats). Considering the dominance of one political party in the current system, a change of formula would increase the number of political parties represented in the commune/sangkat councils and ensure more political plurality. Also the introduction of a quota-system for women should be considered in order to reach a more proportional representation of women councilors in the commune/ sangkat councils. Political parties should be required by election law to nominate at least thirty percent women candidates.

4. Election Campaign

Observations of COMFREL showed that the current regulations in place to ensure an equitable level-playing field for political competition are insufficient. This does not allow it to call current elections 'free and fair'. Only one political party could clearly dominate the election campaign because of a lack of clear provisions on campaign finance, media campaign and the use of state resources. In order to balance the

inequity of the current campaign system in place, stricter campaign regulations are necessary and more effective procedures to enforce such regulations. In regard to media there is no basis in Cambodian law for the government's insistence to solely having the authority to provide licenses to Cambodian broadcasters. This has not ensured a more equitable media access. COMFREL agrees with EU recommendation on the 2008 EU election observation mission that suggests 'the government must show its commitment towards this end by the establishment of an independent broadcasting regulatory, responsible for the distribution of licenses and frequencies to the broadcast media on an open and transparent basis'.

The objective should be to develop a legal framework for media, which ensure equitable access or an equitable time principle for political news as suggested by UNDP and effective enforcement of such regulations in case media not comply. At the same time the NEC should continue to encourage all media to provide more equitable broadcasting time for all political parties contesting in elections. Particularly private radio and TV stations should be encouraged. Moreover civil society organizations should be encouraged and facilitated to operate voter information campaigns in all media. Electoral laws in regard to media campaign violations need to be stricter enforced.

In regard to campaign finance COMFREL recommends the adaption of regulations and procedures which ensure that the campaign finance becomes transparent and more equitable. A law on political party finance should be adapted. Campaign finance limits should be introduced. At the same time procedures need to be put in place which allows a close monitoring of campaign spending of each political party. This could be achieved with obligatory financial reports of each political party, who are required to disclose their finances any time upon request of government authorities including electoral authorities. Latter should monitor the financial statements of each contesting political party during the election campaign and should publish the financial statements of each political party before Election Day. Civil society organizations should support the monitoring by encouraging political parties to disclose their campaign expenditures. This can increase their credibility and accountability among citizens. Political parties intentionally not complying with financial provisions should be heavily fined. Also the current Law on Political Party, which allows political parties to receive state funds, should be effectively implemented in order to foster a more equitable campaign.

5. Use of State Resources

COMFREL recommends emphasizing a more effective implementation of existing law including the political party law, election law and other laws which are related to the misuse of state resources for political party purposes. Specifically NEC needs to amend its provisions contradicting other provisions and articles of the laws prohibiting the active support of state officials in political party activities or opposition to other political party. The Royal Government of Cambodia has hereby two policy options. Whether it allow the

use of state resources related to public space, property, state media and finance for political parties, guaranteeing equitable access to these sources for all parties represented in the parliament (which applies to international best practice) or continue to prohibit the use of state resources by taking stronger measures to reform and enforce current provisions. COMFREL strongly recommends that the Royal Government of Cambodia and the National Election Committee shall take appropriate actions to prevent any further misuse of state resources for political party purposes supporting their campaign. Educational measures could be for example an effective policy to encourage state officials to refrain from breaches of professional conduct.

6. Youth Participation

COMFREL recommends that the Royal Government of Cambodia should create a curriculum on education for democracy integrated in the formal education program which can help to increase the participation of youth in the election process and increase their engagement in the political process. The youth will be the one leading the political future of Cambodia while an increasing participation of youth and women in the democratization process could help to overcome destructive political discourses and advance a more conciliatory democratization process. Currently it seems that the political process including elections is only an overwhelmingly destructive competition for power.

IX. COMFREL's Election Related Activities

COMFREL's experiences in electoral engagement have proven that systematic and comprehensive monitoring of elections contributes to increasing transparency in the electoral process while improving the election administration and the electoral environment. Although vote buying and political intimidation continue to remain of concern, the continued monitoring of elections resulted in a reduction of technical irregularities and violence compared to previous elections in Cambodia.

1. COMFREL's Observation/Monitoring Activities

For the 2012 commune/sangkat council elections, COMFREL fully trained and deployed 231 long-term observers operating at district and provincial level nationwide. They covered the full range of electoral observation and monitoring activities including the verification of voter lists; the voter registration and updating of voter lists; a voter registration audit; observing the candidate registration, the election campaign, the political climate, the 'cooling-off' period, the polling and counting and tracking electoral complaints, as well as observing the general election climate and helping collate and coordinate reports (regular reports, surveys and special incident reports). LTOs also established relationships with key partners – domestic

observers, international election missions, party agents and election officials and supervised the activities of Short-term Election Observers (STOs) and Parallel Voting Tabulation/Quick Count Observers (PVTOs).

- **Audit of voter registration and the voter list**

231 LTOs were divided into fifty teams and deployed to audit and monitor the voter registration process in a sample of 850 polling stations in villages of all communes/sangkats nationwide for fifteen days including interviews with 160-180 eligible voters. LTOs were then deployed to observe the pre-election environment and report cases of incidents of violence, intimidation or coercion, the abuse of political rights and freedoms and the misuse of state resources.

- **Monitoring the Broadcast Media**

COMFREL conducted media monitoring with a small team of twelve observers for a nine-month period in the pre-election period, official campaign period and post-election campaign period. The observers monitored three television stations (one state owned and two privately owned) and five radio stations (including two state run stations). The monitoring coverage was designed to assess the relative coverage given to each of the political parties and to determine whether it complies with principles to provide accurate, fair and balanced coverage. Electronic media were monitored seven days a week for six hours a day during the prime time (5.00pm to 11.00pm) analyzing broadcasts about political parties to determine whether they were neutral, positive or bias in tone.

- **Monitoring Election Campaign Financing**

COMFREL conducted a pilot study with six trained observers to monitor election campaign financing. Three communes each of which located in the capital and two provinces (Phnom Penh, Kampot and Rattanakiri) were monitored during the official election campaign. After the pilot study, observers conducted monitoring in using procedures and techniques in tracking and following up campaign expenditure and the possible misuse of administrative resources in Phnom Penh for the period of the official election campaign. They collected data from independent sources such as radio and television broadcasts and print media sampling. Through phone interviews with the competing parties, they collected data on detailed factual descriptions of events organized by contesting parties.

- **Election Day - Monitoring/Observation of Polling and Counting**

COMFREL deployed 5,852 election observers, including Short-term Observers (STOs), Parallel Voting Tabulation Observers (PVTOs) and locally recruited Short-term Observers (LSTOs) to competitive and remote constituencies covering 5,810 polling stations:

- ✓ 3,578 STOs were deployed to observe inside assigned polling and counting stations and areas and to complete quantitative and qualitative observation forms and checklists
- ✓ 850 PVTs were deployed to observe randomly selected polling stations. They were responsible for transmitting election result data from counting stations as quickly as possible.
- ✓ 1,174 LSTOs were asked to observe the polling stations where they went to vote and to send their findings back to COMFREL head office.
- ✓ 250 Long-term Observers were responsible for facilitating and supervising all observers in their respective area of responsibility.

- **Parallel Voter Tabulation/Quick Count (PVT)**

In order to verify the official election results and to better understand the general patterns of possible election irregularities during the counting and compilation of results, COMFREL specially trained and coached 850 election observers on the technique of **Parallel Voter Tabulation/Quick Count (PVT)**. Observers closely observed the situation in 850 randomly selected polling stations and sent election results and reports in case of serious irregularities to COMFREL headquarters.

- **Rapid Voter Survey on Election Day**

All PVT observers were also assigned to conduct interviews with eight eligible voters in the PVT's sampling polling stations, five voters stained by indelible ink and three without indelible ink. The main purpose was to gain insight into voter opinion as to why they voted or why they did not vote.

- **Observation of Youth and Disadvantaged Peoples Participation in Elections**

COMFREL cooperated with the youth organizations to collect required information regarding youth and disadvantaged people participations in elections. COMFREL focused its observers on youth voters and disabled voters including them in the observation checklist.

- **Publication and Distribution of COMFREL Reports**

In May 2012, COMFREL produced and released 400 copies of the report on Voter Survey on Voters List, Voters Registration and Audit of Voters List 2011 and 150 copies of the report of Misuse of State Resources. These reports were distributed to the Ministry of Interior, the NEC, journalists, expats, international observers, COMFREL's donors, the nine National Assembly commissions, all COMFREL provincial secretaries and others stakeholders.

The reports were also disseminated through the media, mailing lists and its website. The two reports were widely disseminated to the public through radio channels such as Khmer Post, World Khmer Radio, Free

Press Magazine, VOA, RFA, FM 90 MHz and TV stations: CTN and TVK. COMFREL also launch a workshop to reveal the report on Misuse of Stat Resources.

- **Workshops/Press Conferences on COMFREL Reports**

COMFREL organized workshops and press conferences on the electoral process. Two press conferences were held at COMFREL head office and one workshop at the Imperial Garden Hotel. Participants in these events were national and international press media such as RFA, RFI, VOA, Khmer Post Radio (USA), the DAP news, the Phnom Penh Post, Apsara TV, Raksmei Kampuchea and the Cambodia's Daily, political party representatives and international institutions such as the NDI and the Cambodian's People's Forum, Japan. The purpose of the workshop and press conferences was to present COMFREL's observation findings on the voter registration, pre-election campaign period and campaign financing to the public in order to advocate for improvements targeting especially the NEC, the National Assembly and political parties. COMFREL also took the floor with workshop and press conference participants to seek recommendations to deal with election irregularities in improve the fairness and integrity of the electoral process.

2. COMFREL's Voter Education Activities

COMFREL conducted nationwide voter education campaigns in order to encourage voter participation and assist them in the voter registration and polling process. Special focus was given to women and youth participation. Youth participation was encouraged with audio spots, call in radio shows and debates on COMFREL's weekly radio program on Saturdays from 7.30 to 8.30am called "Tov Reu Min Tov" (Go or Not to Go) and distribution of voter education material including 7,736 stickers circulated to newly registered youth voters. COMFREL also produced the nationwide distribution of the quarterly Neak Kloam Meul Bulletin between June 2011 and June 2012. Voter Information was also published on COMFREL's website including voter information, press statements and election. Voter voice was created through the social media Tweets and Facebook.

COMFREL conducted other innovative activities in line with its mission to promote better knowledge of the electoral process and encourage citizen participation, such as radio shows in COMFREL's radio program 'Voice of Society' which included listener call-ins for questions and answers on the elections. Additionally election materials were produced and distributed to voters' education them on the electoral process. This included the distribution of 6,000 Q&A booklets on Aid-Memoire of Civic Awareness during and after Commune Council Election to twelve provinces.

3. COMFREL's Activities Encouraging Female Political Participation

COMFREL provided three capacity development trainings to ninety female party candidates from all contesting political parties in three provinces: Kampong Chhnang, Takeo and Kampot province. The training aimed to strengthen capacity of female political party candidates standing in the 2012 commune/sangkat council election. Following topics were trained and discussed:

- ✓ How to set up political platform with gender equity basis
- ✓ Advocacy
- ✓ Importance of women's right in building social accountability and governance
- ✓ Strategic plan for successful commune council election campaign
- ✓ Some important points stated in the NEC's procedure and regulations
- ✓ Strengthening of women's courage in conducting commune council election campaign

Besides, COMFREL distributed 130 T-shirt with a slogan "More Women, More Power, More Solution" to raise gender awareness among voters and produced two training manuals on Advocacy and Standing for Election Candidates and Empowerment of Women in Politics. Also produced were two video spots on 'How to Vote for Women' and 'Voting for Women Helps Our Country'.

COMFREL Final Assessment and Report on 2012 Commune Council Elections

Appendix 1: Number of Communes, Polling Stations, Council Members, Eligible Voters, Registered Voters and Voter Turnout

No.	Provinces/ Municipalities	Number of Communes	Polling Stations	Commune Councilors	Eligible Voters	Registered Voters	Registered Voters (%)	Voters	(%) of Voters/ Registered Voters
1	Banteay Meanchey	65	922	515	432,457	459,046	106.14	233,349	50.83
2	Battambang	102	1,304	814	662,059	679,243	102.59	389,616	57.36
3	Kampong Cham	173	2,474	1,353	1,178,148	1,229,857	104.39	759,823	61.78
4	Kampong Chhnang	69	662	419	299,803	309,958	103.38	225,545	72.76
5	Kampong Speu	87	1,019	609	465,047	496,055	106.66	358,453	72.26
6	Kampong Thom	81	885	577	419,136	422,974	100.91	254,227	60.10
7	Kampot	93	802	561	394,355	427,849	108.49	284,883	66.58
8	Kandal	127	1,370	915	760,119	788,168	103.69	581,075	73.72
9	Koh Kong	29	157	167	67,908	77,265	113.77	40,887	52.91
10	Kratie	46	390	282	190,053	198,262	104.32	125,438	63.26
11	Monduliri	21	81	107	31,262	32,237	103.11	19,038	59.20
12	Phnom Penh	96	1,587	810	888,382	918,266	103.36	562,686	61.27
13	Preah Vihear	51	231	333	108,960	112,378	103.13	80,136	71.31
14	Prey Veng	116	1,559	892	754,660	785,822	104.13	510,694	64.98
15	Pursat	49	607	343	260,715	267,460	102.58	186,641	69.78
16	Ratanakiri	50	165	260	75,585	78,221	103.48	46,418	59.34
17	Siem Reap	100	1,099	668	548,613	527,953	96.23	346,746	65.67
18	Sihanouk Ville	27	236	169	117,745	120,495	102.33	77,649	64.44
19	Stung Treng	34	146	176	60,232	63,852	106	44,407	69.54
20	Svay Rieng	80	770	518	374,344	386,176	103.16	269,382	69.75
21	Takeo	100	1,259	736	625,049	635,663	101.69	478,721	75.31
22	Kep	5	54	31	22,225	25,051	112.71	19,484	77.77
23	Pailin	8	83	52	36,478	38,743	106.21	23,846	61.54
24	Oddar Meanchey	24	245	152	120,884	122,499	101.33	74,800	61.06
	Grand Total	1,633	18,107	11,459	8,894,219	9,203,493	103.47	5,993,992	65.13

COMFREL Final Assessment and Report on 2012 Commune Council Elections

Appendix 2: Registered Political Party Candidates by Province and Party (Source: NEC)

No	Province	Seats	Candidates		Women Candidates Per Party											
			Total Candidates	Women	CPP		SRP		FUN		NRP		HRP		Others	
					Total Candidates	Women	Total Candidates	Women	Total Candidates	Women	Total Candidates	Women	Total Candidates	Women	Total Candidates	Women
1	Banteay Meanchey	515	4,638	1,037	1,236	272	1,104	167	1,062	224	638	183	409	142	189	49
2	Battambang	814	8,067	2,493	2,309	584	1,775	434	1,676	524	748	379	1,018	393	541	179
3	Kampong Cham	1,353	14,463	3,425	3,082	591	2,840	525	1,963	654	2,591	631	2,777	456	1,210	568
4	Kampong Chhnang	419	4,790	1,131	1,001	216	981	165	876	251	941	252	860	181	131	66
5	Kampong Speu	609	6,736	1,319	1,391	250	1,373	208	1,112	283	1,142	248	1,238	151	480	179
6	Kampong Thom	577	5,912	1,542	1,338	270	1,230	222	1,185	289	1,086	398	669	174	404	189
7	Kampot	561	5,286	1,169	1,352	258	1,263	197	967	300	741	225	918	175	45	14
8	Kandal	915	9,452	2,582	2,079	473	2,029	397	1,433	548	931	342	1,952	326	1,028	476
9	Koh Kong	167	1,038	315	392	86	329	100	194	87	113	38			10	4
10	Kratie	282	2,944	821	735	200	612	124	638	175	423	126	475	177	61	19
11	Mondulkiri	107	725	172	275	45	228	64	198	55	10	5	14	3		
12	Phnom Penh	810	6,848	2,621	1,873	578	1,775	597	1,244	630	630	282	1,105	399	221	135
13	Preah Vihear	333	2,489	607	790	194	789	150	631	158	116	39	163	66		
14	Prey Veng	892	9,901	2,567	1,934	589	1,901	300	1,414	505	1,657	420	1,844	206	1,151	547
15	Pursat	343	2,872	868	857	195	684	217	647	255	418	114	215	67	51	20
16	Rattanakiri	260	1,422	340	618	112	441	121	341	99	22	8				
17	Siem Reap	668	6,837	1,504	1,558	281	1,513	284	1,418	289	1,062	360	335	120	951	170
18	Sihanouk Ville	169	1,287	279	369	65	342	42	328	86	227	74	21	12		
19	Stueng Treng	176	1,240	309	430	87	408	107	239	62	163	53				
20	Svay Rieng	518	4,639	1,287	1,171	240	1,065	279	1,006	350	724	231	574	135		
21	Takeo	736	7,484	1,553	1,655	336	1,624	295	1,568	361	1,004	272	1,440	214	193	75
22	Kep	31	180	54	79	17	63	24	38	13						
23	Pailin	52	385	127	134	39	124	41	66	20	61	27				
24	Uddor Meanchey	152	1,421	379	353	91	308	86	308	88	222	45	192	64	38	5
	Total	11,459	111,056	28,481	27,011	6,069	24,801	5,146	20,552	6,306	15,670	4,752	16,219	3,461	6,492	2,971
	Percentage		100%	25.64%	24.32%	5.46%	22.33%	4.63%	18.50%	5.67%	14.10%	4.27	14.60%	3.11%	5.84%	2.67%

COMFREL Final Assessment and Report on 2012 Commune Council Elections

Appendix 3: Election Results by Province and Party with Seat Allocation (Source: NEC)

No.	Province	Votes Cast	Votes and Seats for Each Party												RANKING OF PARTY				
			CPP		SRP		FUN		NRP		HRP		OTHERS		CPP	SRP	FUN	NRP	HRP
			Votes	Seats	Votes	Seats	Votes	Seats	Votes	Seats	Votes	Seats	Votes	Seats					
1	Banteay Meanchey	233,349	154,803	405	39,257	72	24,262	35	6,480	3	2,378	0	1426	0	1	2	3	4	5
2	Battambang	386,616	263,502	641	80,907	160	20,807	10	5,238	0	7,860	3	4445	0	1	2	3	5	4
3	Kampong Cham	759,823	390,464	812	164,672	294	14,753	4	31,663	12	137,187	231	6,750	0	1	2	5	4	3
4	Kampong Chhnang	225,545	127,967	300	45,715	87	11,087	4	14,172	7	21,280	21	879	0	1	2	5	4	3
5	Kampong Speu	358,453	200,859	410	63,112	100	9,698	0	15,422	5	59,127	94	3,350	0	1	2	5	4	3
6	Kampong Thom	254,227	134,082	363	64,891	158	23,469	36	13,843	12	10,353	8	2,070	0	1	2	3	4	5
7	Kampot	284,883	175,553	428	56,993	101	12,133	3	8,895	1	24,429	28	294	0	1	2	4	5	3
8	Kandal	581,075	350,413	651	118,835	165	8,164	0	6,566	0	83,215	98	4,948	0	1	2	4	5	3
9	Koh Kong	40,887	29,836	145	7,536	22	1,511	0	927	0	N/A	N/A	87	0	1	2	3	4	N/A
10	Kratie	125,438	73,087	203	31,975	70	6,227	3	4,816	2	6,030	4	481	0	1	2	4	5	3
11	Monduliri	19,086	14,192	94	2,974	12	1,059	1	28	0	206	0	N/A	N/A	1	2	3	5	4
12	Phnom Penh	562,686	348,361	570	167,328	234	6,813	0	4,378	0	26,024	6	574	0	1	2	4	5	3
13	Preah Vihear	80,136	51,578	243	18,255	83	4,801	5	781	0	1,468	2	N/A	N/A	1	2	3	5	4
14	Prey Veng	510,694	258,716	532	92,964	151	7,888	0	19,092	4	117,245	205	4,993	0	1	2	5	4	3
15	Pursat	186,641	147,735	315	22,545	25	5,227	0	4,181	0	3,271	3	514	0	1	2	4	5	3
16	Ratanakiri	46,418	34,884	223	6,780	30	2,753	7	131	0	N/A	N/A	N/A	N/A	1	2	3	4	N/A
17	Siem Reap	346,746	206,384	490	78,950	147	23,632	19	13,618	4	4,035	1	13,379	0	1	2	3	4	5
18	Sihanouk Ville	77,649	54,721	142	14,984	25	3,203	1	1,636	0	827	1	N/A	N/A	1	2	3	5	4
19	Stung Treng	44,407	31,860	149	7,517	19	2,377	7	1,408	1	N/A	N/A	N/A	N/A	1	2	3	4	N/A
20	Svay Rieng	269,382	188,798	425	41,748	63	8,667	3	5,998	0	18,071	27	370	0	1	2	4	5	3
21	Takeo	478,721	309,336	555	79,296	108	15,359	4	8,457	1	55,824	68	977	0	1	2	4	5	3
22	Kep	19,484	16,739	31	1,795	0	490	0	N/A	N/A	N/A	N/A	N/A	N/A	1	2	3	N/A	N/A
23	Pailin	23,846	17,185	41	5,157	11	604	0	463	0	N/A	N/A	N/A	N/A	1	2	3	4	N/A
24	Oddar Meanchey	74,800	50,027	124	10,274	18	7,687	9	2,769	0	1,653	0	532	0	1	2	3	4	5
	Total	5,993,992	3,631,082	8,292	1,224,460	2,155	222,671	151	170,962	52	580,483	800	46,069	0					
	Percentage		60.57%	72.36%	20.42%	18.80%	3.71%	1.31%	2.85%	0.45%	9.68%	6.98%	0.76%	0%					

COMFREL Final Assessment and Report on 2012 Commune Council Elections

Appendix 4: Elected Commune Council's Members by Gender (Source: NEC)

No.	Province/ Municipality	Number of Communes /Sangkat	Number of Commune Councils Members	Cambodian People's Party		Sam Rainsy Party		Human Rights Party		Funcanpec Party		Norodom Ranariddh Party		Number of women elected as commune councils	
				Men	Women	Men	Women	Men	Women	Men	Women	Men	Women	Total	%
1	Banteay Meanchey	65	515	320	85	63	9	0	0	34	1	3	0	95	4.66%
2	Battambang	102	814	489	152	134	26	3	0	10	0	0	0	178	8.73%
3	Kampong Cham	173	1,353	660	152	264	30	229	2	4	0	11	1	185	9.07%
4	Kampong Chhnang	69	419	243	57	74	13	18	3	4	0	6	1	74	3.63%
5	Kampong Speu	87	609	338	72	94	6	94	0	0	0	4	1	79	3.87%
6	Kampong Thom	81	577	281	82	130	28	7	1	35	1	12	0	112	5.49%
7	Kampot	93	561	324	104	97	4	27	1	3	0	1	0	109	5.34%
8	Kandal	127	915	514	137	150	15	96	2	0	0	0	0	154	7.55%
9	Koh Kong	29	167	113	32	19	3	0	0	0	0	0	0	35	1.71%
10	Kratie	46	282	151	52	64	6	4	0	3	0	2	0	58	2.84%
11	Mondulkiri	21	107	73	21	12	0	0	0	1	0	0	0	21	1.03%
12	Phnom Penh	96	810	420	150	185	49	6	0	0	0	0	0	199	9.76%
13	Preah Vihear	51	333	186	57	77	6	2	0	5	0	0	0	63	3.09%
14	Prey Veng	116	892	403	129	142	9	202	3	0	0	4	0	141	6.91%
15	Pursat	49	343	254	61	23	2	3	0	0	0	0	0	63	3.09%
16	Ratanakiri	50	260	175	48	28	2	0	0	6	1	0	0	51	2.50%
17	Siem Reap	100	668	391	99	134	13	1	0	19	0	4	0	112	5.49%
18	Sihanouk Ville	27	169	118	24	24	1	1	0	1	0	0	0	25	1.22%
19	Stung Treng	34	176	117	32	17	2	0	0	5	2	1	0	36	1.76%
20	Svay Rieng	80	518	330	95	57	6	27	0	3	0	0	0	101	4.95%
21	Takeo	100	736	467	88	104	4	68	0	4	0	1	0	92	4.51%
22	Kep	5	31	25	6	0	0	0	0	0	0	0	0	6	0.29%
23	Pailin	8	52	29	12	8	3	0	0	0	0	0	0	15	0.73%
24	Oddar Meanchey	24	152	90	34	18	0	0	0	9	0	0	0	34	1.66%
Total		1,633	11,459	6,511	1,781	1,918	237	788	12	146	5	49	3	2,038	18%
Grand Total				8,292		2,155		800		151		52			

COMFREL Final Assessment and Report on 2012 Commune Council Elections

Appendix 5: Number of Elected Female Commune Council Members

No	Provinces/Cities	CPP					SRP					HRP				FUN			NRP		
		Chief	1 st	2 nd	Mem	Total	Chief	1 st	2 nd	Mem	Total	1 st	2 nd	Mem	Total	2 nd	Mem	Total	1 st	Mem	Total
1	Banteay Meanchey	2	9	3	71	85	0	0	6	3	9	0	0	0	0	1	0	1	0	0	0
2	Battambang	4	15	4	129	152	0	0	10	16	26	0	0	0	0	0	0	0	0	0	0
3	Kampong Cham	12	5	0	135	152	0	4	6	20	30	1	0	1	2	0	0	0	0	1	1
4	Kampong Chhnang	6	4	0	47	57	1	3	6	3	13	0	2	1	3	0	0	0	1	0	1
5	Kampong Speu	2	3	0	67	72	1	0	2	3	6	0	0	0	0	0	0	0	0	1	1
6	Kampong Thom	2	8	1	71	82	0	5	4	19	28	0	1	0	1	0	1	1	0	0	0
7	Kampot	6	15	5	78	104	0	0	2	2	4	0	0	1	1	0	0	0	0	0	0
8	Kandal	14	8	3	112	137	0	2	6	7	15	0	2	0	2	0	0	0	0	0	0
9	Koh Kong	0	4	4	24	32	0	0	1	2	3	0	0	0	0	0	0	0	0	0	0
10	Kratie	1	14	1	36	52	0	0	4	2	6	0	0	0	0	0	0	0	0	0	0
11	Mondolkiri	1	1	6	13	21	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12	Phnom Penh	11	20	2	117	150	0	0	17	33	50	0	0	0	0	0	0	0	0	0	0
13	Preah Vihear	4	6	2	45	57	0	0	0	6	6	0	0	0	0	0	0	0	0	0	0
14	Prey Veng	5	4	1	119	129	0	0	1	8	9	0	0	3	3	0	0	0	0	0	0
15	Pursat	4	7	9	41	61	0	0	2	0	2	0	0	0	0	0	0	0	0	0	0
16	Rattanakiri	2	4	8	34	48	0	0	2	0	2	0	0	0	0	1	0	1	0	0	0
17	Siem Reap	3	15	2	79	99	0	1	2	10	13	0	0	0	0	0	0	0	0	0	0
18	Sihanouk Ville	1	5	0	18	24	0	0	1	0	1	0	0	0	0	0	0	0	0	0	0
19	Stung Treng	6	3	7	16	32	0	0	1	1	2	0	0	0	0	1	1	2	0	0	0
20	Svay Rieng	5	10	9	71	95	0	1	4	0	5	0	0	0	0	0	0	0	0	0	0
21	Takeo	1	5	1	81	88	0	0	2	2	4	0	0	0	0	0	0	0	0	0	0
22	Kep	0	1	2	3	6	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
23	Pailin	0	3	0	9	12	0	0	2	1	3	0	0	0	0	0	0	0	0	0	0
24	Oddar Meanchey	1	2	1	30	34	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Total	93	171	71	1423	1781	2	16	81	139	237	1	5	6	12	3	2	5	1	2	3

COMFREL Final Assessment and Report on 2012 Commune Council Elections

Appendix 6: Seat Allocation (Source: NEC)

No.	Provinces/Cities	Total Seats	CPP					SRP					HRP					FUN					NRP				LDP		CNP	
			Chief	1	2	Mem	Total	Chief	1	2	Mem	Total	Chief	1	2	Mem	Total	Chief	1	2	Mem	Total	1	2	Mem	Total	2	Total	2	Total
1	Banteay Meanchey	515	64	46	8	287	405	0	10	38	24	72	0	0	0	0	0	1	8	17	9	35	1	2	0	3	0	0	0	0
2	Battambang	814	102	91	13	435	641	0	8	80	72	160	0	0	3	0	3	0	3	6	1	10	0	0	0	0	0	0	0	0
3	Kampong Cham	1,353	161	47	10	594	812	5	66	90	133	294	7	60	65	99	231	0	0	3	1	4	0	5	7	12	0	0	0	0
4	Kampong Chhnang	419	68	45	2	185	300	1	15	48	23	87	0	4	15	2	21	0	3	1	0	4	2	3	2	7	0	0	0	0
5	Kampong Speu	609	86	25	1	298	410	1	32	43	24	100	0	30	42	22	94	0	0	0	0	0	0	1	4	5	0	0	0	0
6	Kampong Thom	577	79	44	1	239	363	2	32	44	80	158	0	0	7	1	8	0	5	22	9	36	0	7	5	12	0	0	0	0
7	Kampot	561	92	75	12	249	428	0	10	65	26	101	1	8	12	7	28	0	0	3	0	3	0	1	0	1	0	0	0	0
8	Kandal	915	127	65	18	441	651	0	44	54	67	165	0	18	54	26	98	0	0	0	0	0	0	0	0	0	0	0	1	1
9	Koh kong	167	29	29	13	74	145	0	0	16	6	22	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10	Kratie	282	46	39	2	116	203	0	5	38	27	70	0	0	4	0	4	0	1	1	1	3	1	1	0	2	0	0	0	0
11	Mondolkiri	107	21	20	10	43	94	0	1	10	1	12	0	0	0	0	0	0	0	1	0	1	0	0	0	0	0	0	0	0
12	Phnom Penh	810	96	91	6	377	570	0	4	86	144	234	0	1	4	1	6	0	0	0	0	0	0	0	0	0	0	0	0	0
13	Preah Vihear	333	44	41	13	145	243	7	9	32	35	83	0	0	2	0	2	0	1	4	0	5	0	0	0	0	0	0	0	0
14	Prey Veng	892	104	27	11	390	532	2	33	58	58	151	10	56	46	93	205	0	0	0	0	0	0	1	3	4	0	0	0	0
15	Pursat	343	49	47	28	191	315	0	2	18	5	25	0	0	3	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0
16	Rattanakiri	260	49	45	26	103	223	1	3	20	6	30	0	0	0	0	0	0	2	4	1	7	0	0	0	0	0	0	0	0
17	Siem Reap	668	98	71	15	306	490	2	24	62	59	147	0	0	1	0	1	0	5	12	2	19	0	3	1	4	7	7	0	0
18	Sihanouk Ville	169	27	26	8	81	142	0	1	17	7	25	0	0	1	0	1	0	0	1	0	1	0	0	0	0	0	0	0	0
19	Stung Treng	176	33	32	16	68	149	1	1	14	3	19	0	0	0	0	0	0	0	4	3	7	1	0	0	1	0	0	0	0
20	Svay Rieng	518	80	66	21	258	425	0	10	40	13	63	0	4	16	7	27	0	0	3	0	3	0	0	0	0	0	0	0	0
21	Takeo	736	100	50	7	398	555	0	30	59	19	108	0	20	34	14	68	0	0	0	4	4	0	0	1	1	0	0	0	0
22	Kep	31	5	5	5	16	31	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
23	Pailin	52	8	8	0	25	41	0	0	8	3	11	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
24	Oddar Meanchey	152	24	21	4	75	124	0	1	15	2	18	0	0	0	0	0	0	2	4	3	9	0	0	0	0	1	1	0	0
	Total	11,459	1,592	1,056	250	5,394	8,292	22	341	955	837	2,155	18	201	309	272	800	1	30	86	34	151	5	24	23	52	8	8	1	1

COMFREL Final Assessment and Report on 2012 Commune Council Elections

Appendix 7: Summary of Information by Province/Town

Province/ town	Total Population	Over 17 years of age	Registered voters	Irregularities during voter registration		Irregularities during the period of						Voters		Election results by COMFREL			Seat allocation
						Campaign		Polling		Counting				Political parties	No. votes	% vote	
				No. of cases	%	Cases	%	Cases	%	Cases	%	Voter turnout	%				
Banteay Meanchey	700,493	432,457	459,046	NA	0.00	2	2.56%	139	4.63%	2	2.22%	233,349	50.83	CPP	154,803	67.72%	405
														SRP	39,257	17.17%	72
														HRP	2,378	1.04%	
														NRP	6,480	2.83%	3
														FUN	24,262	10.61%	35
Battam-bang	1,059,949	662,059	679,243	N/A	0.00	NA	0.00%	162	5.4%	4	4.44%	389,616	57.36	CPP	263,502	68.84%	641
														SRP	80,907	21.14%	160
														HRP	7,860	2.05%	3
														NRP	5,238	1.37%	
														FUN	20,807	5.44%	10
Kampong Cham	1,861,740	1,178,148	1,229,857	NA	0.00	NA	0.00%	86	2.86%	3	3.33%	759,823	61.78	CPP	390,464	52.38%	812
														SRP	164,672	22.09%	294
														HRP	137,187	18.40%	231
														NRP	31,663	4.25%	12
														FUN	14,753	1.98%	4
Kampong Chhnang	499,356	299,803	309,958	NA	0.00	5	6.41%	59	1.97%	12	13.33	225,545	72.77	CPP	127,967	57.88%	300
														SRP	45,715	20.68%	87
														HRP	21,280	9.62%	21

COMFREL Final Assessment and Report on 2012 Commune Council Elections

															NRP	14,172	6.41%	7
															FUN	11,087	5.01%	4

Province/ town	Total population	Over 17 years of age	Registered voters	Irregularities during voter registration		Irregularities during the period of						Voters		Election results by COMFREL			Seat allocation
						Campaign		Polling		Counting				Political parties	No. votes	% vote	
				No. of cases	%	Cases	%	Cases	%	Cases	%	Voter turnout	%				
Kampong Speu	778,419	465,047	496,055	1	2.7%	NA	0.00%	100	3.33%	3	3.33%	358,453	72.26%	CPP	200,859	57.13%	410
														SRP	63,112	17.95%	100
														HRP	59,127	16.82%	94
														NRP	15,422	4.39%	5
														FUN	9,698	2.76%	
Kampong Thom	695,930	419,136	422,974	NA	0.00	NA	0.00%	47	1.57%	1	1.11%	254,227	60.10%	CPP	134,082	53.91%	363
														SRP	64,891	26.09%	158
														HRP	10,353	4.16%	8
														NRP	13,843	5.57%	12
														FUN	23,469	9.44%	36
Kampot	633,859	394,355	427,849	1	2.70	8	10.26	118	3.93%	18	20%	284,883	66.58%	CPP	175,553	63.08%	428
														SRP	56,993	20.48%	101
														HRP	24,429	8.78%	28

COMFREL Final Assessment and Report on 2012 Commune Council Elections

														NRP	8,895	3.20%	1
														FUN	12,133	4.36%	3
Kandal	1,146,512	760,119	788,168	12	32.43	6	7.69%	248	8.26%	3	3.33%	581,075	73.72%	CPP	350,413	61.25%	651
														SRP	118,835	20.77%	165
														HRP	83,215	14.54%	98
														NRP	6,566	1.15%	
														FUN	8,164	1.43%	
														CNP	3,629	0.63%	1

Province/ town	Total population	Over 17 years of age	Registered voters	Irregularities during voter registration		Irregularities during the period of						Voters		Election results by COMFREL			Seat allocation
				No. of cases	%	Campaign		Polling		Counting				Political parties	No. votes	% vote	
						Cases	%	Cases	%	Cases	%	Voter turnout	%				
Koh Kong	120,126	67,908	77,265	NA	0.00	4	5.13%	89	2.96%	N/A	0.00%	40,887	52.92%	CPP	29,836	74.78%	145
														SRP	7,536	18.89%	22
														HRP	N/A	0.00%	
														NRP	927	2.32%	
														FUN	1,511	3.79%	
Kratie	328,632	190,053	198,262	N/A	0.00	NA	0.00	24	0.8%	2	2.22%	125,438	63.27%	CPP	73,087	59.61%	203
														SRP	31,975	26.08%	70
														HRP	6,030	4.92%	4

COMFREL Final Assessment and Report on 2012 Commune Council Elections

														NRP	4,816	3.93%	2
														FUN	6,227	5.08%	3
Mondul Kiri	62,735	31,262	32,237	N/A	0.00	NA	0.00%	50	1.67%	3	3.33%	19,086	59.21%	CPP	14,192	76.92%	94
														SRP	2,974	16.12%	12
														HRP	206	1.12%	
														NRP	28	0.15%	
Phnom Penh														FUN	1,059	5.70%	1
	1,280,519	888,382	918,266	3	8.11	NA	0.00%	1086	36.18%	14	15.53	562,686	61.28%	CPP	348,361	62.94%	570
														SRP	167,328	30.23%	234
														HRP	26,024	4.70%	6
													NRP	4,378	0.79%		
													FUN	6,813	1.23%		

Province/ town	Total population	Over 17 years of age	Registered voters	Irregularities during voter registration		Irregularities during the period of						Voters		Election results by COMFREL			Seat allocation
						Campaign		Polling		Counting							
				No. of cases	%	Cases	%	Cases	%	Cases	%	Voter turnout	%	Political parties	No. votes	% vote	
Preah Vihear	199,085	108,960	112,378	N/A	0.00%	16	20.51%	25	0.83%	2	2.22%	80,136	71.31%	CPP	51,578	67.09%	243
														SRP	18,255	23.74%	83
														HRP	1,468	1.91%	2

COMFREL Final Assessment and Report on 2012 Commune Council Elections

														NRP	781	1.02%	
														FUN	4,801	6.24%	5
Prey Veng	1,151,681	754,660	785,822	NA	0.00%	16	20.51%	146	4.86%	4	4.44%	510,694	64.99%	CPP	258,716	51.65%	532
														SRP	92,964	18.56%	151
														HRP	117,245	23.41%	205
														NRP	19,092	3.81%	4
														FUN	7,888	1.57%	
Pursat	434,073	260,715	267,460	NA	0.00%	11	14.10%	258	8.59%	3	3.33%	186,641	69.78%	CPP	147,735	80.52%	315
														SRP	22,545	12.29%	25
														HRP	3,271	1.78%	3
														NRP	4,181	2.28%	
														FUN	5,227	2.85%	
Ratanakiri	146,241	75,585	78,221	8	21.62%	9	11.54%	13	0.43%	NA	0.00%	46,418	59.34%	CPP	34,884	78.31%	223
														SRP	6780	15.22%	30
														HRP	N/A	0.00%	
														NRP	131	0.29%	
														FUN	2,753	6.18%	7

COMFREL Final Assessment and Report on 2012 Commune Council Elections

Province/ town	Total population	Over 17 years of age	Registered voters	Irregularities during voter registration		Irregularities during the period of						Voters		Election results by COMFREL			Seat allocation
						Campaign		Polling		Counting						al parties	
				NO. of cases	%	Cases	%	Cases	%	Cases	%	Voter turnout	%				
Siem Reap	928,694	548,613	527,953	1	2.7%	NA	0.00%	43	1.43%	2	2.22%	346,746	65.68%	CPP	206,384	60.70%	490
														SRP	78,950	23.22%	147
														HRP	4,035	1.19%	1
														NRP	13,618	4.01%	4
														FUN	23,632	6.95%	19
														LDP	13,274	3.90%	7
Sihanouk Ville	197,718	117,745	120,495	5	13.51%	NA	0.00%	80	2.66%	1	1.11%	77,649	64.44%	CPP	54,721	72.60%	142
														SRP	14,984	19.88%	25
														HRP	827	1.10%	1
														NRP	1,636	2.17%	
														FUN	3,203	4.25%	1
Stung Treng	113,721	60,232	63,852	NA	0.00%	NA	0.00%	6	0.2%	NA	0.00%	44,407	69.55%	CPP	31,860	73.81%	149
														SRP	7,517	17.42%	19

COMFREL Final Assessment and Report on 2012 Commune Council Elections

														HRP	N/A	0.00%	
														NRP	1,408	3.26%	1
														FUN	2,377	5.51%	7
Svay Rieng	583,214	374,344	386,176	N/A	0.00%	NA	0.00%	9	0.3%	NA	0.00%	269,382	69.76%	CPP	188,798	71.61%	425
														SRP	41,748	15.83%	63
														HRP	18,071	6.85%	27
														NRP	5,998	2.27%	
														FUN	8,667	3.29%	3

Province/ town	Total population	Over 17 years of age	Registered voters	Irregularities during voter registration		Irregularities during the period of						Voters		Election results by COMFREL		Seat allocation	
				Campaign		Polling		Counting									
				No. of cases	%	Cases	%	Cases	%	Cases	%	Voter turnout	%	Political parties	No. votes		% vote
Takeo	944,342	625,049	635,663	N/A	0.00%	NA	0.00%	157	5.3%	12	13.33%	478,721	75.31%	CPP	309,336	65.92%	555
														SRP	79,296	16.90%	108
														HRP	55,824	11.90%	68
														NRP	8,457	1.80%	1
														FUN	15,359	3.27%	4
Kep	36,749	22,225	25,051	2	5.41%	1	1.28%	17	0.6%	NA	0.00%	19,484	77.78%	CPP	16,739	87.99%	31
														SRP	1,795	9.44%	

COMFREL Final Assessment and Report on 2012 Commune Council Elections

														HRP	N/A	0.00%	
														NRP	N/A	0.00%	
														FUN	490	2.58%	
Pailin	64,015	36,478	38,743	4	10.81	NA	0.00%	25	0.83%	NA	0.00%	23,846	61.55%	CPP	17,185	73.41%	41
														SRP	5,157	22.03%	11
														HRP	N/A	0.00%	
														NRP	463	1.98%	
														FUN	604	2.58%	
Oddar Meanchey	207,146	120,884	122,499	N/A	0.00%	3	2.2%	15	0.5%	1	1.11%	74,800	61.06%	CPP	50,027	68.58%	124
														SRP	10,274	14.09%	18
														HRP	1,653	2.27%	
														NRP	2,769	3.80%	
														FUN	7,687	10.54%	9
Total	14,174,949	8,894,219	9,203,493	37	100%	78	100%	3002	100%	90	100%	5,993,992	65.13%				

Appendix 8: Cases of Killing

From September 1st, 2011 to June 3rd, 2012, there are 3 cases of murder of members, activists and supporters of political parties: the Sam Rainsy Party (SRP) 1, the Norodom Ranariddh Party (NRP) 1, and the Human Rights Party (HRP). The killings included the following:

N	Date/Time	Victim(s)	Suspect(s)	Location	Description	Remarks
1	Apr 02, 2012	Name: Hoeung Krak, Sex: Male, Age: 62, Position: Supporter	Unknown Person	Prey Chrouk commune, Pouk district, Siem Reap	The victim was shot to dead by unknown group people while he was sitting and having dinner with his family.	
2	Apr 30, 2012	Name: Ngoeun Poch, Sex: Male, Age: N/A Position: NRP's number 6 candidate	Unknown Unknown Person	Boeung Bot commune, Bakan district, Pursat	The victim was shot to dead in his house by unknown person	
3	May 25, 2012	Name: Nhem Oun, Sex: Male, Age: N/A Position: HRP's activist	Unknown Person	Kork Roveang commune, Choeung Prey district, Kampong Cham	The victim was shot to dead	

Appendix 9: Campaign Finance Expenditure
Human Right Party spent for the Election Campaign

តារាងចំណាយសម្រាប់ការចោះឆ្នោតជ្រើសរើសក្រុមប្រឹក្សាឃុំ-សង្កាត់
ថ្ងៃទី០៣ ខែមិថុនា ឆ្នាំ២០១២

ល.រ	រាជធានី-ខេត្ត	ក្រុមប្រឹក្សា		ចំណាយ							ចំណូល		សរុប
		បញ្ជី	បេក្ខជន	ស្លាក	ខិត្តប័ណ្ណ	អាវយីត	មេត្រូ	ឯកសារ	បណ្តុះបណ្តាល	យុទ្ធនាការ	ក្រុមការងារ	ប្រជាពលរដ្ឋខ្មែរ	
1	បន្ទាយមានជ័យ	25	438	500.00	548.10	744.60	1,250.00	125.00	1,095.00	8,750.00	13,012.70	x	13,012.70
2	បាត់ដំបង	61	1,173	3,390.00	1,393.20	1,994.10	3,050.00	305.00	2,932.50	21,350.00	34,414.80	x	34,414.80
3	កំពង់ចាម	173	2,762	4,810.00	3,653.10	4,695.40	8,650.00	865.00	6,905.00	60,550.00	72,102.80	18,025.70	90,128.50
4	កំពង់ឆ្នាំង	69	867	2,730.00	1,131.30	1,473.90	3,450.00	345.00	2,167.50	24,150.00	35,447.70	x	35,447.70
5	កំពង់ស្ពឺ	86	1,237	1,350.00	1,630.80	2,102.90	4,300.00	430.00	3,092.50	30,100.00	34,404.96	8,601.24	43,006.20
6	កំពង់ធំ	42	681	1,350.00	880.20	1,157.70	2,100.00	210.00	1,702.50	14,700.00	22,100.40	x	22,100.40
7	កំពត	68	877	3,210.00	1,112.40	1,490.90	3,400.00	340.00	2,192.50	23,800.00	28,436.64	7,109.16	35,545.80
8	កណ្តាល	127	1,868	3,890.00	2,470.50	3,175.60	6,350.00	635.00	4,670.00	44,450.00	52,512.88	13,128.22	65,641.10
9	កោះកុង	0	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	x	0.00
10	ក្រចេះ	37	463	300.00	623.70	787.10	1,850.00	185.00	1,157.50	12,950.00	17,853.30	x	17,853.30
11	មណ្ឌលគិរី	1	7		18.90	11.90	50.00	5.00	17.50	350.00	453.30	x	453.30
12	ភ្នំពេញ	65	1,122	3,270.00	1,463.40	1,907.40	3,250.00	325.00	2,805.00	22,750.00	28,616.64	7,154.16	35,770.80
13	ព្រះវិហារ	11	191	300.00	218.70	324.70	550.00	55.00	477.50	3,850.00	5,775.90	x	5,775.90
14	ព្រៃវែង	116	1,828	3,670.00	2,408.40	3,107.60	5,800.00	580.00	4,570.00	40,600.00	48,588.80	12,147.20	60,736.00
15	ពោធិ៍សាត់	15	227	300.00	288.90	385.90	750.00	75.00	567.50	5,250.00	7,617.30	x	7,617.30
16	រតនគិរី	0	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	x	0.00
17	សៀមរាប	25	371	1,850.00	445.50	630.70	1,250.00	125.00	927.50	8,750.00	13,978.70	x	13,978.70
18	ព្រះសីហនុ	2	28	60.00	27.00	47.60	100.00	10.00	70.00	700.00	1,014.60	x	1,014.60
19	ស្ទឹងត្រែង	0	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	x	0.00
20	ស្វាយរៀង	40	585	2,950.00	750.60	994.50	2,000.00	200.00	1,462.50	14,000.00	17,886.08	4,471.52	22,357.60
21	តាកែវ	94	1,427	3,350.00	1,879.20	2,425.90	4,700.00	470.00	3,567.50	32,900.00	39,434.08	9,858.52	49,292.60
22	តែប	0	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	x	0.00
23	ប៉ៃលិន	0	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	x	0.00
24	ឧត្តរមានជ័យ	13	224	300.00	251.10	380.80	650.00	65.00	560.00	4,550.00	6,756.90	x	6,756.90
សរុប		1,070	16,376	37,580.00	21,195.00	27,839.20	53,500.00	5,350.00	40,940.00	374,500.00	480,408.48	80,495.72	560,904.20

Samraingsy Party spent for the Election Campaign

SRP KHUMS BUDGET 2012					
	Provinces	#MP seat	#Khums	TOTAL	Average/Khum
PROVINCES WHO HAS MP					
K-1	Kompong Cham	18	173	\$103,265	\$597
K-2	Phnom Penh	12	96	\$75,000	\$781
K-3	Kandal	11	127	\$67,875	\$534
K-4	Prey Veng	11	116	\$98,512	\$849
K-5	Battambang	8	102	\$57,435	\$563
K-6	Takeo	8	100	\$63,322	\$633
K-7	Siem Reap	6	100	\$42,700	\$427
K-8	Banteay Meanchey	6	65	\$42,531	\$654
K-9	Kompong Speu	6	87	\$42,185	\$485
K-10	Kompong Thom	6	81	\$43,084	\$532
K-11	Kampot	6	93	\$50,625	\$544
K-12	Svay Rieng	5	80	\$39,000	\$488
K-13	Kompong Chhnang	4	69	\$29,325	\$425
K-14	Pursat	4	49	\$24,452	\$499
K-15	Kratie	3	46	\$24,750	\$538
	TOTAL (1)		1,384	804,061	\$581
ONE SEAT PROVINCES					
K-16	A_Preah Vihear	1	51	\$16,575	\$325
K-17	Kep	1	5	\$1,875	\$375
K-18	Koh Kong	1	29	\$13,775	\$475
K-19	Mondolkiri	1	21	\$10,605	\$505
K-20	Oddar Meanchey	1	24	\$9,000	\$375
K-21	Pailin	1	8	\$2,600	\$325
K-22	Rattanakiri	1	50	\$20,750	\$415
K-23	Sihanoukville	1	27	\$11,475	\$425
K-24	Stung Treng	1	34	\$11,050	\$325
	TOTAL(2)	123	249	\$97,705	\$392
HEADQUARTERS EXPEDITURES					
	Leaflets,Vcd,and Others			\$95,000	
	TOTAL (3)			\$95,000	
GRAND TOTAL(1)+(2)+(3)				\$996,766	\$610

Funcinpec Party spent for the Election Campaign



គណបក្សប្រជាជនគិរីវ័ន
 លេខ: ៦២៧ ចាត់លេខ: ៧២

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ



ជម្រាបជូន

លោក គង់ មញ្ញ លោកប្រតិបត្តិ
គណៈកម្មាធិការដើម្បីការបោះឆ្នោតជាតិ និងយុត្តិធម៌នៃកម្ពុជា

កម្មវត្ថុ: រៀបចំបញ្ជីចំណាយក្នុងពេលយោសាណបោះឆ្នោតជ្រើសរើសក្រុមប្រឹក្សារៀបចំសង្កាត់ អាណត្តិទី៣ ឆ្នាំ២០១២ ។

យោង: លិខិតលេខ: ១៦១/១២ គ.ប.ស.រ ចុះថ្ងៃទី១៣ ខែមិថុនា ឆ្នាំ២០១២ ។

សេចក្តីជូនមានកែតម្រូវកម្មវត្ថុ និងយោងខាងលើ ខ្ញុំមានកិត្តិយសជម្រាបជូនលោកនាយកប្រតិបត្តិ គណៈកម្មាធិការដើម្បីការបោះឆ្នោតជាតិ និងយុត្តិធម៌នៃកម្ពុជា អំពីបញ្ជីចំណាយក្នុងពេលយោសាណបោះឆ្នោតជ្រើសរើសក្រុមប្រឹក្សារៀបចំសង្កាត់ អាណត្តិទី៣ ឆ្នាំ២០១២ គណបក្សប្រជាជនគិរីវ័ន មានសកម្មភាពចំណាយថវិកា ដូចខាងក្រោម:

១-ថវិកាសម្រាប់បង្រៀនក្រុមប្រឹក្សាសង្កាត់	=	១៧,១៣០	ដុល្លារ
២-ថវិកាសម្រាប់បង្រៀនអ្នកសង្កេតការណ៍	=	៧៧,៧៧០	ដុល្លារ
៣-ថវិកាសម្រាប់ការលើកការងាររក្សាសុខភាព	=	៣៥,៣២៥	ដុល្លារ
៤-ថវិកាសម្រាប់យុទ្ធនាការយោសាណ ១៨ថ្ងៃ	=	១២៦,៦៧០	ដុល្លារ
៥-ថវិកាសម្រាប់ការបោះពុម្ពសម្ភារៈ ផ្សេងៗ	=	១៦៥,៩៦៥	ដុល្លារ
៦-ថវិកាសម្រាប់ឧបត្ថម្ភសម្រាប់ការលើកពេលបោះឆ្នោត	=	១៣៦,៦០០	ដុល្លារ
សរុបការចំណាយ	=	៥៧២,៤៦០	ដុល្លារ

ព្រមទាំងបញ្ជីចំណាយផ្សេងៗ សូម លោកនាយកប្រតិបត្តិ ប្រាប។
 សូម លោកនាយកប្រតិបត្តិ ទទួលនូវសេចក្តីស្រឡាញ់រាមអានពីខ្ញុំ ។

រាជធានីភ្នំពេញ ថ្ងៃទី១៣ ខែមិថុនា ឆ្នាំ២០១២
គង់ មញ្ញ
 ប្រតិបត្តិការ

ផ្លូវជាតិលេខ ៦៣, ភូមិក្តីចាស់, សង្កាត់បឹងកេងកង, ខណ្ឌដូនពេញ, រាជធានីភ្នំពេញ, ប្រអប់សំបុត្រលេខ ៧២៦
 ទូរស័ព្ទ : ០១១ ២៧៨ ៨០៣, ០១២ ៩៩៩ ៩៨៦, ០១៦ ៨៨១ ៩៩៨, ០១៦ ៨៧៧ ៩៣៧ វិទ្យុសារព័ត៌មាន : www.Funcinpecparty.org

Appendix 10: Other documents

[ក្រុមប្រឹក្សាភិបាលនៃការផ្សាយសម្តែងការមិនពេញចិត្តរដ្ឋាភិបាលកម្ពុជាក្នុងការផ្អាកការផ្សាយកម្មវិធីរបស់វីអូអេនិងអាស៊ីសេរីក្នុងពេលបោះឆ្នោតក្រុមប្រឹក្សាឃុំសង្កាត់ទំព័រខាងមុខ » ព័ត៌មានខ្មែរ, សេដ្ឋកិច្ចនយោបាយ](#)

សម្តែងមតិ

ថ្ងៃពុធ, 06 ខែមិថុនា 2012

ដោយ BBG | វ៉ាស៊ីនតោន

[វីអូអេខ្មែរ](#)



រដ្ឋធានីវ៉ាស៊ីនតោន៖ ក្រុមប្រឹក្សាភិបាលនៃការផ្សាយនៅ ថ្ងៃនេះបានផ្តោលទោសការសម្រេចរបស់ក្រសួងព័ត៌មានកម្ពុជាក្នុងការបង្ខំស្ថានីយ៍វិទ្យុ FM ឱ្យផ្អាកការផ្សាយកម្មវិធីក្នុងពេលបោះឆ្នោតពី វិទ្យុអាស៊ីសេរី និងសំឡេងសហរដ្ឋអាមេរិក (វីអូអេ)។

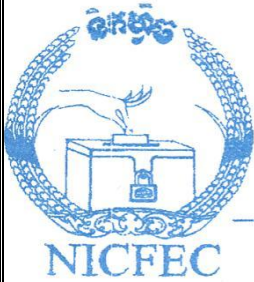
ក្រសួងព័ត៌មានបានហាមឃាត់ស្ថានីយ៍វិទ្យុដៃដៃចំនួនប្រាំ ក្នុងប្រទេសកម្ពុជាមិនឱ្យផ្សាយកម្មវិធីរបស់វិទ្យុអាស៊ីសេរី និងវីអូអេនៅ ថ្ងៃសៅរ៍ ទី២ ខែមិថុនា និងថ្ងៃអាទិត្យទី៣ ខែមិថុនា ដែលជាថ្ងៃបោះឆ្នោតក្រុមប្រឹក្សាឃុំ សង្កាត់ក្នុងប្រទេសកម្ពុជា។ កម្មវិធីផ្សាយនោះត្រូវបានដកចេញពីម៉ោងផ្សាយនៅស្ថានីយ៍វិទ្យុទាំងនោះដោយមិនមានការជូនដំណឹងជាមុន។

លោក Michael Lynton ប្រធានក្រុមប្រឹក្សាភិបាលនៃការផ្សាយបានបញ្ជាក់ថា៖

«សកម្មភាពនេះផ្ទុយគ្នាទៅ នឹងគោលការណ៍នៃការបោះ ឆ្នោតដោយសេរីនិងត្រឹមត្រូវ។ កម្មវិធីព័ត៌មានជួយអប់រំពលរដ្ឋឱ្យទទួលបានព័ត៌មានគ្រប់គ្រាន់ហើយ គួរតែទទួលបានការលើកទឹកចិត្ត គឺមិនមែនហាមឃាត់ដូច្នោះទេ។ ការព្យាយាមក្នុងការបំបិទសំឡេងអាស៊ីសេរីនិងវីអូអេ គឺផ្ទុយគ្នាទៅ នឹងគោលបំណងនៃការកសាងសង្គមប្រជាធិបតេយ្យក្នុងប្រទេសកម្ពុជា»។

វិទ្យុអាស៊ីសេរី និងវីអូអេដើរតួនាទីសំខាន់ក្នុងការជូនដំណឹងដល់អ្នកបោះ ឆ្នោតកម្ពុជាអំពីបញ្ហាគោលការណ៍នៃការបោះឆ្នោត ហើយផ្តល់នូវវេទិកាឱ្យមានគំនិតនយោបាយគ្រប់និន្នាការនៅ ក្នុងប្រទេស។ ដោយសារតែមានការហាមឃាត់របស់រដ្ឋាភិបាលលើការផ្សព្វផ្សាយរបស់ បណ្តាញ ព័ត៌មានពីបញ្ហានយោបាយព្រោះខ្លាច

មានឥទ្ធិពលលើលទ្ធផលឆ្នោត បណ្តាញព័ត៌មានទាំងនោះផ្តោតកម្មវិធីផ្សាយនៅថ្ងៃអាទិត្យតែលើព័ត៌មាន
ដែលចាំបាច់ដល់ការបោះឆ្នោតដូចជានៅពេលណាដែលស្ថានីយ៍បោះឆ្នោតបើកនិងបិទប៉ុណ្ណោះ។
កម្មវិធីចំនួនពីរបស់វីអូអេផ្នែកខេមរភាសានៅថ្ងៃទី៣ ខែមិថុនា បានផ្សាយជាធម្មតាតាមរលកធាតុអាកាស
AM រលកធាតុអាកាសខ្លីនិងតាមប្រព័ន្ធអ៊ីនធឺណិត។



និកហ្វិច

គណៈកម្មាធិការអព្យាក្រឹត និងយុត្តិធម៌ ដើម្បីការបោះឆ្នោតដោយសេរី និងត្រឹមត្រូវនៅកម្ពុជា
 Neutral and Impartial Committee for Free and Fair Elections in Cambodia
 Coalition of Non-Governmental Organizations

**STATEMENT ON PRIOR ACTIONS IN THE COURSE OF CAMPAIGNING FOR THE 3rd
 MANDATE COMMUNE/SANGKAT ELECTION
 Phnom Penh, June 2, 2012**

From May 18 to June 1, 2012, Neutral and Impartial Committee for Free and Fair Elections in Cambodia, NICFEC had deployed 500 observers in 21 provinces/municipalities to monitor the election campaigning during the 3rd Mandate Commune/Sangkat Election in order to provide information and to analyze the campaigning process as well as to improve the process in the future. Based on the reports received, NICFEC found that National Election Committee, NEC tried hard with existing experiences to organize the election campaigning in accordance with the election calendar.

The Royal Government, Land Authorities, citizens including women and people with disabilities paid attention in participation with potential events. Ten (10) registered political parties had carefully conducted campaigning. NICFEC observers basically used Election Laws, Regulations and Procedures as materials for measuring the regularity and irregularity in 15 days of campaigning and also monitor electoral officials, civil servants, armed forces, political activists, general people and media systems comparing the principles with the actual implementations. NICFEC, prior and in the course of election campaigning, finally found some irregularities as follows;

1. Environment prior to Campaign Days

- Shooting factory workers in Svay Rieng Province
- Murder of a prominent forestry protection activist in Koh Kong Province
- Murder of young girl in Kratie Province
- Imprisonment of 15 Beoung Kak women in Phnom Penh escalating the fear of people

2. Campaign Days

- Murder of political activist in Cheung Prey District, Kampong Cham Province
- Direct and indirect threats in Svay Rieng, Battambang and Prey Veng provinces
- Physical violence in Battambang and Prey Veng Provinces
- Destroying political signs, campaign materials, posters and banners in Kampong Cham, Pursat and Rattanakiri Provinces.
- Vote buying (money and materials) in almost every province
- Using state vehicle for campaigning by taking off vehicle number plate in Siem Reap and Kampong Thom Provinces
- Conducting campaign activities without specific schedule, this case took place between political parties in some small communes because of conducting campaign rallies at the same location and time
- Interferences of campaigning in Kampot, Siem Reap and Sihanouk Provinces
- Allegation of observers with political tendency by deputy village chief in Seam Reap Province
- Intimidation and threatening environment were still existing in some communes
- Some Commune/Sang Kat Election Committee, NEC, officials are not qualified in their tasks

- Abuses of procedure and false information
- Verbal attack in Chum Kiri District, Kampot Province

Conclusion

The found Irregularities in this election were the similar to the campaigning irregularities in the 2nd Mandate Commune/SangKat Election, however, numbers of actual irregularities have decreased. It is indicated that institutions and legal persons concerned with the election have mutual politics and electoral knowledge. It is expected that Cambodia would have better democratic elections in the future.

Recommendations

NICFEC would like to provide the following recommendations;

- 1 Concerned institutions should prevent fear tactics which should not happen prior and during campaigning because this event favors the ruling party and its supporters and favors their political platform on election day
- 2 NEC should select qualified electoral officials to be in charge of electoral tasks rather than assignment of electoral officials before training. NEC should have fully rights in solving electoral problems rather than land authorities.
- 3 NEC should produce, print and provide the election regulation and procedure at grass-root level at least three months prior to the date of each election phase and should strictly continue implementation of Law, Regulation and Procedure to ensure that the winning party is fair and other parties can fairly accept the result of the election.
- 4 NEC should have procedure on the use of campaigning budget
- 5 NEC should develop a fair, but strict plan, to cooperate with land authorities to safely provide the political campaign matching.
- 6 NEC should solve complaints transparency and sanction anyone who abuses the law even if the suspects are local authorities or senior officials, accordingly to laws.

Appeal:

NICFEC would like to appeal to the employers, as well as the owners, of small/large enterprises to respect the instruction of the Royal Government by giving the workers time to vote during the 3rd Commune/Sangkat Election so that the people who registered to vote can exercise their right to vote.

Address: # 16B, St 348, BBK3, Chamkarmorn, Phnom Penh

Contacted: +855 12 822 273, 12 959 666, 97 885 2889

Fax: +855 23 993 666

Email: nicfec@gmail.com

Website: www.nicfec.wordpress.com



ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

គណៈកម្មាធិការជាតិរៀបចំការបោះឆ្នោត

លេខ ៣៧៣/ គ.ជ.ប
១២

គោលការណ៍
សម្រាប់



ស្ថានីយវិទ្យុ និងទូរទស្សន៍ ក្នុងការលក់ ឬជួលម៉ោងផ្សព្វផ្សាយ ឱ្យគណបក្សនយោបាយ ដើម្បីធ្វើការផ្សព្វផ្សាយ អំពីគោលនយោបាយ ក្នុងអំឡុងពេលបោះឆ្នោត

- អនុលោមតាមច្បាប់ស្តីពីការបោះឆ្នោតជ្រើសរើសក្រុមប្រឹក្សាឃុំ សង្កាត់ និងច្បាប់ស្តីពីវិសោធនកម្មច្បាប់ ស្តីពីការបោះឆ្នោតជ្រើសរើសក្រុមប្រឹក្សាឃុំ សង្កាត់ ។
- អនុលោមតាមបទបញ្ជា និងនីតិវិធីសម្រាប់ការបោះឆ្នោតជ្រើសរើសក្រុមប្រឹក្សាឃុំ សង្កាត់ ជំពូកទី ៨ ស្តីពីការយោសនាបោះឆ្នោត ។
- អនុលោមតាមគោលការណ៍សម្រាប់ប្រព័ន្ធផ្សព្វផ្សាយព័ត៌មាន ។
- អនុលោមតាមគោលការណ៍សម្រាប់អង្គការមិនមែនរដ្ឋាភិបាល និងប្រព័ន្ធផ្សព្វផ្សាយ ស្តីពីការរៀបចំកម្មវិធីសំណួរចម្លើយ ឬពិភាក្សា អំពីគោលនយោបាយរបស់គណបក្សនយោបាយ ក្នុងអំឡុងពេលយោសនាបោះឆ្នោត ។

ដើម្បីឲ្យដំណើរការ នៃការបោះឆ្នោតជ្រើសរើសក្រុមប្រឹក្សាឃុំ សង្កាត់ អាណត្តិទី៣ ឆ្នាំ២០១២ ប្រព្រឹត្តទៅប្រកបដោយបរិយាកាសល្អ និងយុត្តិធម៌ សម្រាប់គណបក្សនយោបាយ ដែលបានចូលរួមបោះឆ្នោតជ្រើសរើសក្រុមប្រឹក្សាឃុំ សង្កាត់ អាណត្តិទី៣ ឆ្នាំ២០១២ គណៈកម្មាធិការជាតិរៀបចំការបោះឆ្នោត ចេញគោលការណ៍សម្រាប់ស្ថានីយវិទ្យុ និងទូរទស្សន៍ ដែលមានបំណងលក់ ឬជួលម៉ោងផ្សព្វផ្សាយទៅឲ្យគណបក្សនយោបាយ ដើម្បីអនុវត្តដូចខាងក្រោម ៖

I- សេចក្តីប្រកាសជាសាធារណៈ

- ១- ស្ថានីយវិទ្យុ និងទូរទស្សន៍ ដែលមានបំណងលក់ ឬជួលម៉ោងផ្សព្វផ្សាយ ត្រូវប្រកាសជាសាធារណៈ អំពីចំនួនម៉ោងដែលខ្លួនមានសម្រាប់លក់ ឬជួលក្នុងរយៈពេល ១ថ្ងៃ និងចំនួនម៉ោងដែលមានសម្រាប់លក់ ឬជួលក្នុងរយៈពេល ១៥ថ្ងៃ នៃដំណាក់កាលយោសនាបោះឆ្នោត ។
- ២- ស្ថានីយវិទ្យុ និងទូរទស្សន៍ ត្រូវប្រកាសផ្សព្វផ្សាយជាសាធារណៈ អំពីតម្លៃដែលលក់ ឬជួលនោះ ។
- ៣- ស្ថានីយវិទ្យុ និងទូរទស្សន៍ ត្រូវជូនដំណឹងអំពីការលក់ ឬជួលម៉ោងផ្សព្វផ្សាយនេះ ទៅគ្រប់គណបក្សនយោបាយទាំងអស់ ដែលបានចូលរួមបោះឆ្នោតជ្រើសរើសក្រុមប្រឹក្សាឃុំ សង្កាត់ អាណត្តិទី៣ ក្នុងរយៈពេលយ៉ាងតិច ១០ថ្ងៃ មុនថ្ងៃចាប់ផ្តើមយោសនា ។



ជ្រមោមជូន
ឯកឧត្តម ឧបនាយករដ្ឋមន្ត្រី
រដ្ឋមន្ត្រីក្រសួងមហាផ្ទៃ

កម្មវត្ថុ ៖ សុំចាត់វិធានការចំពោះមេឃុំ-ចៅសង្កាត់ ក្រុមប្រឹក្សាឃុំ-សង្កាត់ ដែលបានរំលោភលើនីតិវិធី នៃការតែងតាំងមេភូមិ អនុប្រធានភូមិ និងសមាជិកភូមិ

យោង ៖ សេចក្តីណែនាំលេខ ០០៤ ស.ណ.ន. ចុះថ្ងៃទី១៧ ខែមីនា ឆ្នាំ២០០៦ ស្តីពី បែបបទ នីតិវិធី នៃការជ្រើសរើសមេភូមិ ការចូលកាន់តំណែងការផ្លាស់ប្តូរមេភូមិ ការតែងតាំងជំនួយការមេភូមិ និងគូនាទី ភារកិច្ច របៀបរបប ធ្វើការងាររបស់មេភូមិ

តបតាមកម្មវត្ថុ និងយោងខាងលើ សូមឯកឧត្តម ឧបនាយករដ្ឋមន្ត្រី រដ្ឋមន្ត្រី មេត្តាជ្រាបថា មាន មេឃុំ-ចៅសង្កាត់ ក្រុមប្រឹក្សាឃុំ-សង្កាត់ មួយចំនួនបានរៀបចំធ្វើការជ្រើសរើសមេភូមិ ក្រោយថ្ងៃប្រកាស លទ្ធផលជាផ្លូវការរបស់គណៈកម្មាធិការជាតិរៀបចំការបោះឆ្នោត ថ្ងៃទី២៤ ខែមិថុនា ឆ្នាំ២០១២ ។ ការធ្វើ បែបនេះ គឺជា ការរំលោភនីតិវិធី និងគោលការណ៍ច្បាប់យ៉ាងធ្ងន់ធ្ងរជាទីបំផុត ។

ដូច្នេះសូមឯកឧត្តម ឧបនាយករដ្ឋមន្ត្រី រដ្ឋមន្ត្រី ចាត់វិធានការចំពោះមេឃុំ-ចៅសង្កាត់ ក្រុមប្រឹក្សាឃុំ- សង្កាត់ ដែលប្រព្រឹត្តល្មើសច្បាប់ និងផ្អាកការទទួលស្គាល់ ដោយរង់ចាំការស្នើតែងតាំងមេភូមិ អនុប្រធានភូមិ និងសមាជិកភូមិថ្មី តាមរយៈ មេឃុំ-ចៅសង្កាត់ ក្រុមប្រឹក្សាឃុំ-សង្កាត់ ដែលទើបជាប់ឆ្នោតនឹងដាក់សំណើរ ជូនឯកឧត្តម ។

សូមឯកឧត្តម ឧបនាយករដ្ឋមន្ត្រី រដ្ឋមន្ត្រី ទទួលនូវការរាប់អានអំពីយើងខ្ញុំ ។

ធ្វើនៅរាជធានីភ្នំពេញ, ថ្ងៃទី ២៤ ខែមិថុនា ឆ្នាំ២០១២

អគ្គលេខាធិការគណបក្ស សម រង្ស៊ី

តែ សុវណ្ណរតន៍

អគ្គលេខាធិការគណបក្សសិទ្ធិមនុស្ស

យ៉ែម បុញ្ញបុទ្ធិ

- ចម្លងជូន
- គណៈកម្មាធិការជាតិរៀបចំការបោះឆ្នោត
 - អង្គការសង្គមស៊ីវិលផ្នែកបោះឆ្នោត
 - ឯកសារ-កាលប្បវត្តិ

Appendix 11: Commune/Sangkat Council Election Calendar 2012

Tasks to be implemented	Date
Observers registration	17 August- 24 December 2011
Political party agent registration	25 August- 24 December 2011
Posting of polling stations location list and registration stations	22 August 2011
Posting of last voter list (2011 voter list)	30-31 August 2011
Beginning of voter list revision and voter registration	01-September-2011
Ending of voter list revision and voter registration	15-October-2011
Submitting appeal at CEC at the latest three days after receiving the voter registration rejection.	18-October-2011(Deadline)
CEC's decision on appeal and consolidation of result (3 days at the latest)	21-October-2011 (Deadline)
Lodging appeal to NEC at the latest 5 days after receiving the CEC's decision	26-October-2011 (Deadline)
NEC's decision on appeal and consolidation of result (5 days)	02-November-2011(Deadline)
Appeals against NEC's decision lodged to the constitutional council at the latest 5 days after receiving NEC's decision	07-November-2011 (Deadline)
The constitutional council's decision on appeal and consolidation of result (10 days)	20-November-2011 (Deadline)
Posting of temporary list (if no complaint or after solving complaints)	19 October- 21 November 2011
Submitting appeal at CEC at the latest 10 days on temporary list	01 December 2011(Deadline)
CEC's decision on appeal and consolidation of result at the latest 3 days	04 December 2011 (Deadline)
Lodging appeal to NEC at the latest 5 days after receiving CEC's decision	09 December 2011 (Deadline)
NEC's decision on appeal at the latest 5 days	15 December 2011(Deadline)
Lodging appeal to the Constitutional Council at the latest 5 days after NEC's decision	20 December 2011 (Deadline)
The constitutional council's decision at the latest 10 days	30 December 2011 (Deadline)
Validation and announcement of official voter list	31 December 2011
Posting of polling station location list	01 March 2012
Receipt of registration applications of political parties'candidates	01-03 March 2012
CEC's decision on applications	10 March 2012 (Deadline)
Correction of application by political party	15 March 2012 (Deadline)
Submitting appeal and complaint solving at CEC	17-24 March 2012
Submitting appeal and complaint solving at NEC after receiving CEC's decision	25 March – 01 April 2012
Posting of temporary list of political parties and candidates	02-04 April 2012
Submitting appeal at NEC at the latest 3 days	07 April 2012 (Deadline)
NEC's decision on the appeal at the latest 3 days after receiving complaints	10 April 2012 (Deadline)
Posting official list of political parties and candidates	17 April 2012 (Deadline)
Election Campaign	18 May-01 June 2012
Posting of voter list at polling station	02 June 2012
Polling and ballot counting and posting of result at polling stations	03 June 2012
NEC's publication of temporary results	03-04 June 2012
Publication of temporary results at CEC	04-06 June 2012
Submitting appeal at PEC on temporary results (3 days at the latest)	09 June 2012 (Deadline)
PEC's decision on temporary result at the latest 5 days	14 June 2012 (Deadline)
Appeals against PECs'decision lodged to the NEC at the latest 4days	19 June 2012 (Deadline)
NEC's decision on temporary result at the latest 4 days	23 June 2012 (Deadline)
Publication of official results of election	24 June 2012 (Deadline)
The Re-election, if any	23 July 2012 (Deadline)

Unofficial translation

Appendix 12 COMFREL'S CONDITION/CRITERIA FOR REJECTING ELECTION RESULTS IN CONSTITUENCIES

The conditions/criteria for rejecting election results in any constituency (national assembly election, the constituency refers to province and Phnom Penh while for commune council election, the constituency refers to commune/sangkat) are determined by the number of irregularities that can affect the election result in any constituency. Thus the number of irregularities represents a combination of major issues causing an unacceptable result. These are as follows:

1. Technical irregularities in a polling station (according to COMFREL's checklist for observers); or
2. Technical irregularities in a counting station (according to COMFREL's checklist for observers); or
3. Vote buying in a village (including the election campaign and polling day, report collected or verified by COMFREL's observers); or
4. Conduct of election campaign on cooling day; or
5. Threats, intimidation or violence occurring in a village, starting from voter registration until and including counting day (Cambodian election law).
6. Special cases

Below are the details of each irregularity (one irregularity is considered as one case), which can be combined leading up to **an unacceptable level**:

- 1- Technical irregularities equal to 50% of polling stations (on polling day).
 - 1-1. Secrecy in the polling station is not guaranteed;
 - 1-2. Vote cheating on polling day;
 - 1-3. Obstructing voters to vote from two people to 5% of the eligible electorate in a polling station;
 - 1-4. Observer and/or party agent is not allowed to monitor;
 - 1-5. Wrong performance of procedures twice in the polling station (including no dyeing of forefinger with indelible ink, a voter votes twice, lack of polling equipment/materials, electoral officials do not respect working hours, they do not carry out their task according to the manual, etc);
 - 1-6. Number of voters is much larger than on the list or more than 700 voters;
 - 1-7. Electoral officials are not neutral or violate the code of conduct;
 - 1-8. Suspending a polling station for a period of time;
 - 1-9. Electoral officials do not receive and solve complaints.
- 2- Technical irregularity cases equal to 50% of counting station.
 - 2-1. The counting process is not transparent;
 - 2-2. Observer and/or party agent is not allowed to monitor;
 - 2-3. The lock of the ballot box is cut or broken;
 - 2-4. Vote count cheating;
 - 2-5. Wrong performance of procedures from two times in the counting station (including electoral officials do not respect working hours, they do not exercise their tasks following the manual, etc);
 - 2-6. Electoral officials are not neutral or violate the code of conduct;
 - 2-7. Suspending of counting process for a period of time without an appropriate reason;
 - 2-8. Electoral officials do not receive and solve complaint.
- 3- Vote buying (purpose to attract support) in 30% of villages committed by political party supporters or candidates/representatives in each village (counting from election campaign until polling day).
 - 3-1. Money giving;
 - 3-2. Gift/materials giving (excluding political party campaign materials which the procedures allow such as shirts, caps with the party logo, etc.);

- 3-3. Political party transportation of voter to the polling station;
- 3-4. Organizing a party for villagers on cooling day.
- 4- Conducting election campaign on cooling day in 30% of villages, including/political party celebrations.
- 5- Threat/intimidation cases equal to 30% of villages (including voter registration to counting day), committed by authorities, armed forces or unidentified persons, a political party, supporters or candidates (excluding serious threats/intimidation to death, politically motivated killing cases).
 - 5-1. Direct or indirect words or a piece of writing issued with the idea of committing torture or physical abuse or threatening with death;
 - 5-2. Direct or indirect verbal remarks or a piece of writing containing an attempt to destroy property;
 - 5-3. Display or use of weapons for the purpose of intimidation;
 - 5-4. Shooting with a gun over a person's head or at his/her house roof or office or vehicle or at areas around that person;
 - 5-5. Placing an animal corpse or various signs or equipment in front of a person's house which can cause the person to fear for his/her life or his/her relative's life;
 - 5-6. Escorting or confining any person by force or against his/her will;
 - 5-7. Financial threats such as to dismiss a person from his/her job, to take away his/her land or house or other financial benefits;
 - 5-8. Putting pressure, use of threats or coercion to secure a promise or a thumbprint to promise to vote for his/her political party or a political party that he/she desires;
 - 5-9. Collection or confiscation or recording of serial code numbers of voter cards or identity documents used for voting;
 - 5-10. Tearing down a political party's signboard;
 - 5-11. Destruction of sign or office of political party;
 - 5-12. Threatening people not to use freedom of opinion, expression.
- 6- Special cases
 - 6.1-Serious threat, intimidation and politically related killing cases. The mentioned cases need to be discussed and studied separately to define the impact on voters and the election process.
 - 6.2- In case that the total irregularities, technical fault in a polling station is in 20% to 49% of the total numbers of polling stations; and vote buying, electoral campaign conducted in prohibited period, political intimidation is in 10% to 29% of the village numbers or making the vote result changed in 50% of the polling station numbers shall be regarded as a special case. The case needs to be discussed and studied separately to define the impact on voters and the election process.
 - 6.3- The vote buying and political intimidation committed in prohibited period is up to 30% of the village numbers, COMFREL consider that the vote result shall be null.

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Committee For Free and Fair Elections in Cambodia (COMFREL)



គម្រោង COMFREL

#138, Str 122 Teuk Laak 1, Toukork, Phnom Penh. Box: 1145

Tel: 023 884 150 Fax: 023 885 745

Email³ comfrel@comfrel.org, comfrel@online.com.kh

Website³ www.comfrel.org