

Kingdom of Cambodia

National Religion King

Phnom Penh, July 18, 2017

Open Letter

Discussion on Legal Rights related to Cooperation between Cambodian Civil Society Organizations for the purpose of Election Observation

**To Samdech KRALAHOM SAR KHENG
Deputy Prime Minister and Minister of Ministry of Interior**

The Committee for Free and Fair Elections in Cambodia (COMFREL) and the Neutral and Impartial Committee for Free and Fair Elections in Cambodia (NICFEC), with support from other civil society organizations (CSOs), issue this open letter to seek an opportunity to meet with Samdech KRALAHOM or representatives of the Ministry of Interior and to share our perspective on legal rights and need for the collaboration of non-governmental organizations for supporting non-partisan observation of election activities. Previously, COMFREL and NICFEC asked for audience from Samdech KRALAHOM through a joint letter issued on 3rd July 2017 clarifying the purpose and activities of the project of 2017 election observation called The Situation Room. On July 4, 2017, a day after submitting the joint letter, COMFREL and NICFEC received a letter from Samdech KRALAHOM's issued by the Ministry of Interior over the Situation Room for 2017 commune council election observation. However, in accordance with the content of the letter, we have learned that associations and civil society organizations have a legal right to participate actively in political life and social activity, a right to freedom of expression, of assembly, and of association, as well as a right to take part in mass organizations for mutual benefit as stipulated in Article 35, Article 41 and Article 42, of the Constitution, and in Article 19, Article 21 Article 22 and Article 25 of the International Covenant on Civil and Political Rights to which Cambodia is a State Party. In particular, Article 21 of the Law on Associations and Non-Governmental Organizations establishes that associations or non-governmental organizations that have registered or signed the memorandum have the "right to sign cooperation contracts with partners in the implementation of action plans" in accordance with the law of the Kingdom of Cambodia. Elections Laws state that associations and non-governmental organizations have the right to participate as observers in the electoral process.

Regarding the neutral position for all political parties as stated in Article 24 of the Law on Associations and Non-Governmental Organizations, COMFREL and NICFEC with associations and CSOs, in the 2017 election, deployed observers who were accredited by the National Election Committee (NEC). We have a right to collect and compile reports on violation of law and procedures and irregularity of election according to the Code of conduct issued by the NEC. Practically, we have made reports an election observation, and issued statements on assessment on election with appropriately using national and international approaches and norms¹, which does not

¹ The Constitution of the Kingdom of Cambodia, the United Nations Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights, the Paris Agreement on Cambodia, the Law on the Organization and Functioning of the NEC. Bangkok Declaration on Free and Fair Elections, Declaration of the Free and Fair Election of the Inter-Parliamentary Union (IPU), Indicators for Free and Fair Elections in Dili, and Declaration of Global

include support for any political party. Assessments were made to find positive and / or negative outcomes on nine factors including: electoral legal and regulatory framework; amendment laws on political parties; constituency boundaries and seat allocation; independence, neutrality, transparency and proficiency of the NEC; voter Registration and the voter list; political party candidate and list registration; electoral campaigning; polling and counting and Election Day; and, election dispute resolution. In addition, the neutrality of members of the non-governmental organizations and observers also were applied to the legal principle, and NEC's guideline which non-member or activist of any political party is a must.

We respectfully request the opportunity to meet and continue dialogue for the purpose of receiving guidance and recommendations from Samdech KRALAHOM or the Ministry of Interior. We are deeply committed to cooperative dialogue, trust and transparency, and collaborative engagement with the Royal Government of Cambodia. We strongly believe that the opportunity to meet or continue dialogue will provide us with important learning or insights regarding how we can best work with the MOI to promote the respect for legitimate rights to cooperation and coordination of non-partisan non-governmental organizations/associations in support of electoral observation activities.

CC: The National Election Committee (NEC)

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