

Phnom Penh, June 24, 2017

Statement

Overall and Ultimate Assessment on Commune Council Election for the 4th Mandate

“Restrictions on Political Freedom and Limits to Fairness, but Improved Election Management”

The Situation Room for the 2017 Election has concluded its overall assessment of the performance and management of the National Election Committee for the 2017 commune council elections. The Situation Room has found that the election process has been significantly improved and made more transparent than before, in terms of voter registration and voter list management, candidate registration, polling and counting processes, and the announcement of electoral results. The conduct of the election campaign and electoral dispute resolution need to be improved. No severe violence was observed or reported during the election. However, significant irregularities or issues occurred prior to the election which established a context that negatively impacted the fairness of the vote. They are an environment of political suppression, a lack of transparency and inequities in campaign finance, the misuse of state resources, an unequal playing field, the provisions of election laws and political party amendment law, a lack of an independent judiciary, the political partisanship of high-ranking military personnel, and the intimidation of civil society by officials from the security services that undermine liberal democratic pluralism. These problems combined to result in significant limitations on the quality of the poll, such that elections in Cambodia cannot yet be considered fully free and fair.

Situation Room for the 2017 Election would like to propose the following recommendations, with the aims of achieving fully free and fair elections in the future and preparing for the National Assembly Elections in 2018:

1. Eliminate controversial provisions from election laws and the political party amendment law which are overly vague and can be manipulated through interpretation in order to block or remove political party candidate list or even dissolve political parties.
2. Free detainee of politic, conscience, and human rights workers to return to participation in political life and elections.
3. Strengthen efforts to meet the fair election campaign for equity and transparency in political campaign finance and usage of state resources.
4. Generate the expectation that private television stations will respect professionalism and adhere to NEC guidelines and codes of conduct during the election campaign.
5. Promote official acceptance and public expectation of the norm of neutrality of armed forces and court officials, as stipulated in codes of conduct, regulations, laws, and other guidelines.
6. Increase effective collaboration between diverse government authorities and the NEC in order to ensure congruence with NEC policies and efforts, while also cooperating to minimize partisanship in the implementation of election laws and procedures, especially during the campaign period and on election day.
7. Design a special mechanism and policy to ensure that those immigrant workers eligible to vote, both inside Cambodia and abroad, are able to register and vote.
8. Strengthen the procedure for the updating of the voter list through NEC oversight over local authorities.

9. Strengthen electoral dispute resolution and vote recounting in communes where the margin of victory is 0.5% or less. Because a high number of invalid ballots are from the validation irregularity. Need to create election stakeholder's discussion on developing a clear, comprehensive, and legitimate policy for ballot invalidation and revalidation.
10. Reduce the number of reserve ballot papers to be printed to only 5% of the number of registered voters.
11. Strengthen the transparency of the vote counting process by having it take place in public view, rather than behind closed doors inside the counting station.
12. Strengthen the enforcement of guidelines on the vote counting by preventing a demand by the polling official that political party agents are required sign the electoral result note (1102 form) before the counting process, and enforce the regulation that the 1102 form and the 1105 form are posted at each commune election commission (CEC) office, in clear view and accessible to the public.
13. Make mandatory the procedure, institutional access, and needed resources to ensure an opportunity of all eligible Cambodians (100%) to obtain a Khmer ID and birth certificate.
14. Establish a joint mechanism for cooperation of diverse election stakeholders to support the dissemination of information and initially address irregularities such as violations of procedures and codes of conduct, and electoral disputes. The composition of this mechanism should include the NEC commissioner, NEC officials, permanent election-security officials, contesting political party officers, and non-governmental organizations. The mechanism should be created to operate at both the national and provincial levels, under the management of the NEC commissioner.
15. Issue an *affirmative* measure which requires all contesting political parties to increase the number of female candidates, and include them at the top of the candidate list.

Table of election situation assessment factors and rankings:

FACTORS	ASSESSMENT			
	Positive	Partly Positive	Partly Negative	Negative
1- Election legal framework 1.1 Fair election management and conduct 1.2 Rights to vote and to stand for elections		√	√	
2- Law on amendment of political party law 2.1 Rights of opposition/contesting small parties			√	
3-Boundaries /seat allocation 3.1 Pluralism—fairness to opposition and/or small parties		√		
4-National Election Committee (independence/impartiality transparency/professionalism) 4.1 Selection/appointment 4.2 Functioning/performance 4.3 Planning/trainings 4.4 Resource funding 4.5 Effective enforcement 4.6 Security cooperation arrangements		√	√	
5-Voter registration/List 5.1 Percentage of eligible voters registered 5.2 Accuracy/quality 5.3 Audit and correction		√		

6-Party/candidate registration 6.1 Reasonable/clear requirement 6.2 Discrimination (opposition, independent, gender, religion or race)		√		
7- Election Campaigns 7.1 Equitable access to media 7.2 Fair usage of state resources public space/buildings 7.3 Transparency of campaign expenditure 7.4 Freedoms of expression/assembly/movement		√	√	
8-Voting and counting operation and election day: 8.1 Secrecy of Balloting 8.2 Balloting/counting management in accordance with applicable procedure 8.3 Presence of the independent observers and bipartisan agents 8.4 Printing, consolidating and transporting and storing ballots with efficiency and transparency 8.5 Enfranchising minorities, marginalized people and persons with disabilities 8.6 Reporting election results in a timely and publicly transparent manner and ensuring 1102 forms are signed by at least two competing political parties. 8.7 Peaceful atmosphere for voter free will		√		
9-Electoral dispute resolution (Independence/ impartiality/ transparency/timeliness) 9.1- Sufficient information about how to file electoral complaints 9.2- Receiving complaints 9.3- Investigation of complaints 9.4- Public hearings 9.5- Access to decisions with reasonable explanation		√	√	

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