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Press Release

On

Summary of Annual Democracy and Political Irregularities Reports

Democratization in 2014 continued to be undermined by serious shortcomings preventing Cambodia from moving forward towards an established democracy. Any positive political developments were gradual and highly uncertain. It remains to be seen if these changes can put the democratization process back on the right track.

The dispute over the 2013 national election results and the following political crisis once again paralyzed the democratization process in 2014. The freedom of peaceful assembly was put on hold. Only on 22nd July 2014, one year after the 2013 national election, was an agreement reached between opposition and to end the political crisis. This paved the way for a reform process allowing cautious optimism for some democratic progress. However, the negotiation process often came close to stalling over details related to electoral and legislative reforms and the lack of public participation. By the end of 2014 it was uncertain just how far reaching election and legislative reform would be. Negotiations over electoral and legislative reforms moved forward 2015.

Democratic governance appeared to improve after the July agreement. Legislative reforms strengthened the principle of separation of powers. The legislative gained in power demonstrating the prospect for improved performance. Nonetheless, in the first half of 2014 the opposition, represented by the Cambodia National Rescue Party (CNRP), was not involved in the process thus limiting the performance of the legislative and executive. The absence of the opposition called into question the legitimacy of the law-making process and the newly formed CPP-led Royal Government of Cambodia (RGC). The executive continued to lack transparency and accountability. In particular, no genuine judicial reforms have been undertaken to safeguard its independence. The judiciary remains a partisan body and the weak link in the governance system.

The bi-partisan creation of the CPP-CNRP Joint Commission for Electoral Reform seemed like a positive step in the direction of electoral reform, but the process had not been transparent and

Vision: A democratic society that democratization in particular democratic elections are promoted and qualified to bring benefits to people.

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inclusive. Reform of the composition of the National Election Committee (NEC) was approved by CNRP and CPP lawmakers, and included constitutional amendments. Major reform proposals negotiated in 2014 included a draft 'Law on the Organization and Functioning of the NEC', revisions of the current 'Law on the Elections of Members of the National Assembly' (LEMNA), including reform of the voter registration system. A draft law on the new NEC has been finalised. Negotiations for revisions of the LEMNA continued in 2015.

Notwithstanding these promising new laws, it was highly uncertain if negotiations of the envisaged election reforms would lead to an overall improvement of the election process. The new LEMNA included, changes to voter registration and restriction of the election campaign. Of great concern, it was the inclusion of restrictions on electoral freedoms for contesting parties and CSOs, while legitimising partisan engagement in the electoral cycle of court officials, the military and national police.

The continuation of human rights abuses, in particular political and civil rights violations by the RGC were a cause for serious concern. Democratic space and freedoms did not improve in 2014. The RGC security apparatus continued to use excessive force against protesters during demonstrations. Numerous attacks, harassment and intimidation directed against trade unionists, journalists and civil and political rights activists, including CNRP lawmakers and party members were reported. Matters came to a head with the killing by security forces of four labour protesters in January. Two journalists were also killed in 2014. Repression created an atmosphere of intimidation and fear especially among citizens connected with or supporters of CNRP and critics of the CPP led government. No measures were taken by government to constrain security forces from using excessive force against protesters.

Further, virtually no effort was made by the RGC to promote freedoms of assembly, expression and access to information after the CPP-CNRP-22-July agreement. With one notable exception access to media did improve slightly. In November analog TV and radio station licenses were granted to a private CNRP affiliated media company. This was seen as positive step in counterbalancing of CPP dominance of the media landscape. The TV and radio stations will be allowed to operate in Phnom Penh and can establish relay-broadcasters in the provinces.

The establishment of a new National Election Committee will be decided by the bi-partisan National Assembly. It will adopt 24 provisions of the draft law on Organization and Functioning of the NEC. Fifteen provisions are viewed as positive or could be considered as a better than the old LEMNA, while nine provisions are seen as negative, uncertain or worse than the previous LEMNA.

A major concern of the bi-partisan electoral reform process is how the CPP and CNRP will respond to future election results if a change of government is required or CPP dominance continues.

So far, both CPP and CNRP seem convinced of the strength of voters to support in preparation for 2017 and 2018 elections, but have not fully considered how to respond to electoral defeat. Whereas electoral reforms and the culture of dialogue might lead a political party to accept an electoral defeat in the next elections, the current reform process is uncertain and leaves the question of acceptance of the results whatever they may be open. Looking back at past experiences, it is unlikely that a political party will accept electoral defeat. Currently, there is no publicly available information regarding any possible government plans for a peaceful transition of power in the event of a possible change of government in 2018.

Some improvements in the RGC anti-corruption policy were observed in 2014. Despite, the corruption and the misuse of state resources remain a permanent systemic feature. A further weakness of Cambodia's governance system remains the continuing practice of misuse of state resources for political party purposes, and partisan engagement of courts officials and members of the armed forces, who often carry out duties on behalf of the ruling CPP. For example a COMFREL study found 131 cases of irregularities including bribes made by public officials in office. Of these, 60 cases are related to the misuse or abuse of state resources. Three cases were found to be a direct abuse of power and 18 cases considered to be related to nepotism and cronyism. The study also discovered that there were five cases categorized as political bribes made by state officials

Aside from the above, 60 cases of misuse or abuse of state resources for the benefit of a political party were recorded. The recorded cases include the abuse of state resources including the use of armed forces and civil servants for partisan political purposes, and the abuse of state -run media against political parties. This was particularly evident in the state media's negative coverage of opposition leaders and their political platforms and their supporters. This can also be seen in dubious government measures and legal action taken against the opposition.

Several abuses of power committed by government officials and public authorities served the interests of the political party, including the issuance of official notification or executive orders without its limitation of jurisdiction and basis of constitutionality of legislation. There were cases of nepotism and cronyism were relatives, children, and spouses of politicians or members of political parties were appointed without transparent procedures required by law.

Transparency in national financial budget management in Cambodia has been seriously limited. Consistent with past behavior the government has not provided sufficient information and, reports that critically examine the expenses of government institutes or Ministries. This is true at both the national and sub-national levels of governance. Transparent information regarding the budget has been denied to the public, media, researchers and parliamentarians, especially members of the opposition party,

Empirical data was generated for these two reports. The report on Cambodia's state of democracy in 2014 is based on findings of COMFREL's Advocacy and Monitoring Units 'Government Watch', 'Parliamentary Watch', 'Media Watch', 'Election Watch', 'Gender Watch', the 'Access to Information NGO Working Group' and the Election Reform Alliance (ERA) and also COMFREL adopts a mix of qualitative and quantitative research methods. COMFREL developed a qualitative roster of democracy indicators to answer relevant questions in 2014. They relate to earlier annual reports allowing comparisons with past political developments. The democracy indicators include 'Democratic Governance', 'Democratic Elections' and 'Freedoms and Democratic Space'. The report analyses the powers, performances and reforms of the legislative, judiciary and executive. Particular attention is given to the political process that ended the post-election political crisis. Another report on political irregularities is available in the Khmer language based on secondary data drawn from the above reports and Media Watch. The report compiles information on abuse of state resources and politically related corruption including abuse of power and political nepotism.

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