



2010 Report on Cambodian Democracy, Elections and Reform

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

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TABLE OF CONTENTS

2010 Report on Cambodian Democracy, Elections and Reform

An Introduction of Events in 2010	1
Events in 2010	2
Methodology	5
1. Election Reform and Citizen’s Participation	6
1.1. Improved Needs for Fair Elections	6
1. 2. The Rights to Vote	8
1.3. Women’s Political Participation.....	10
2. Freedoms and Democratic Space	11
2.1. Freedom of Expression	11
2.2. Freedom of Assembly.....	15
2.3. Freedom of Associations	16
2.3.1. Civic Association and Union	15
2.3.2. Political Party Situation	18
2.4. Freedom of the Press and Media Access and Content	21
2.4.1. Print Media	22
2.4.2. Broadcast Media and Television	22
2.4.3. Dangerous New Infringement: Blocking the Internet	23
3. Democratic governance	24
3.1. Functioning of the National Assembly and Its members	24
3.2. Government Political Platform Fulfillment	26
3.3. Anti-Corruption	28
3.4. Decentralization and De-concentration	29
3.5. Neutrality of Civil Servants	30
4. Analytical Perspectives of International Dynamic and Influence	30
Conclusion to 2010 Report	32

ACRONYMS

ACU	:	Anti-Corruption Unit
ADHOC	:	Cambodian Human Rights and Development Association
CCAWDU	:	Coalition of Cambodia Apparel Worker Democratic Union
CCHR	:	Cambodian Center for Human Rights
CDPO	:	Cambodian Disabled People's Organization
CEC	:	Commune Election Commission
COMFREL	:	Committee for Free and Fair Elections in Cambodia
CPP	:	Cambodian People's Party
D&D	:	Decentralization and De-concentration
FOREDS	:	Forums on Elections and Democratic Space
FUNCINPEC	:	National United Front for an Independent, Neutral, Peaceful and Cooperative Cambodia
HIF	:	Handicap International Federation
HRP	:	Human Rights Party
ISP	:	Internet Service Providers
LICADHO	:	Cambodian League for the Promotion and Defense of Human Rights
Mol	:	Ministry of Interior
MP	:	Member of Parliamentary
NDI	:	National Democratic Institute
NEC	:	National Election Committee
NP	:	Nationalist Party
PEC	:	Provincial Election Commission
RGC	:	Royal Government of Cambodia
SRP	:	Sam Rainsy Party
VIN	:	Voter Information Notice

2010 Report on Cambodian Democracy, Elections and Reform from the Committee for Free and Fair Elections in Cambodia (COMFREL)

www.comfrel.org

An Introduction

Following on last year's Report on Democratic Reform, COMFREL continues to advocate for reforms and improvements by discussing a variety of issues in Cambodia which impact on the function of democracy, democratic governance and citizen's participation. While a few improvements of democratic governance have been made, and some rights of citizen participation are still being respected, the Cambodian government continues to suppress certain rights with relative frequency. The government has also failed to protect some members of the public and communities from the predatory actions of others in society, particularly in land cases. As it was an inter-election year, the main concerns in 2010 relate to the continued trend of the governments' use of a variety of tactics to intimidate members of the public, whether they are civil society members, human rights defender, journalists, or villagers in land disputes. In particular, the police, the courts and prisons have been used to intimidate and restrain people. The exile abroad of opposition leader Sam Rainsy continued in the background as a major political concern, while no moves were made on electoral reform.

COMFREL has called on the Royal Government of Cambodia (RGC) to implement key reforms in elections, to reform legislation already passed, and to protect the democratic environment, so that the fairness of elections can be improved and the rights to participation of the Cambodian citizenry can be fully realized. In addition, COMFREL reminds the RGC of its existing obligations both under the Cambodian Constitution and international rights treaties, and urges the government to respect the rights of the Cambodian people. Cambodia is a constitutional monarchy with a liberal democracy and a multi-party political system. Elections are held at the national and commune (local) level every five years. The constitution is the highest law in the country and guarantees the Cambodian people the right to vote and to stand as candidates for election according to articles 34 and 51. Other political and social rights are also guaranteed by the Cambodian Constitution. In addition, Cambodia has signed and ratified several human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR), by which the Cambodian government is required by international law to respect the rights described therein.

Previously, COMFREL has urged the government to roll back clauses in recent Cambodian laws which further limit and constrict the rights of Cambodian people to freedom of speech, association, and assembly. COMFREL has requested the major donors and the international community to support and persuade the Cambodian government to undertake these reforms and promote democracy in Cambodia.

◆ Events in 2010

The following is a series of cases and events for the year 2010 which demonstrate that the government continues to conduct or tolerate¹ a wide range of acts of legal intimidation:

The year started off with concern as 20 Uighur refugees had just been deported back to China, where rights advocates say they were likely to be tortured or executed. The event showed how Cambodian government actions can affect rights of citizens of other countries as well.

Over the course of the year, several journalists who had been held starting in 2009 were finally released from jail. Hang Chakra, was released on April 14th, 2010, after almost 10 months imprisonment, while Ros Sokhet was released on the 28th of October 2010, after almost a year of imprisonment. Meanwhile, charges were dropped against Radio Free Asia reporter Sok Serey related to comments he made about a Cham Muslim leader in Takeo.

The editor of the small newspaper Khmer Amatak, Mr. Bun Tha, was threatened with legal action two times in 2010, once for disinformation, and the both defamation and disinformation. The first concerned an article in which he described the 1997 fighting in Cambodia as a “coup”, and the second concerned on an article describing fees for an application form at University of Cambodia. The charges were dropped only when Mr. Bun Tha published apologies and corrections.²

In late April, the Cambodian government prevented the Cambodian Confederation of Unions from showing a film entitled “Who Killed Chea Vichea?”³ On November 17th, the showing of the same film was banned at the newly opened “Freedom Park”.

In July, 2010, authorities banned two textbooks written by Penn Puthspha, because a sample answer contained criticism of the current government in relation to corruption and services.

In October, 2010, an ADHOC staff member, Sam Chankea, and two villagers were charged with defaming a company involved in a land dispute in Kampong Chhnang. In January, 2011 they were found guilty and ordered to US\$ 1,000 in penalties.

¹ Even though the government is not always the perpetrator of some abuses (such as in land cases or intimidation of unionized workers), the government still has an obligation to protect Khmer citizens from these abuses, and it is wholly in its power to do so.

² *Khmer Amatak Publisher Faces Charges of Disinformation and Defamation*, Cambodian Center for Human Rights, http://www.sithi.org/temp.php?url=incident_show.php&CID=1475 (March 1st, 2011)

³ Chea Vichea was a well known labor leader in Cambodia who was murdered in broad daylight in Phnom Penh in January, 2004. Most human rights organizations believe that the true perpetrators have never been apprehended.

In 2010, the massive tragedy of Koh Pich bridge occurred, in which 353 people lost their lives. Yet despite the severity of the event, no member of the government was dismissed as a consequence of the event.

Also during 2010, an old defamation case against MP Kem Sokha, filed by estranged former members of the Cambodian Center for Human Rights, was suddenly revived, and now Mr. Kem faces the possibility of having his parliamentary immunity removed.

In another free speech incident, the League for Democracy Party's radio show was banned by the RGC.

In September, Thach Prei Chea Keoun, a Khmer Kampuchea Krom monk who was the editor of the small newspaper Prey Nokor News was pressured to resign from his position. He was also denied permission to live at two pagodas due to his writing.⁴

In September, Sam Rainsy further added to the political turmoil by filing charges in the United States against Prime Minister Hun Sen in connection with the 1997 grenade attacks.

2010 was also a year of significant labor unrest, with many unions refusing to accept the results of negotiations which led to a rise of the minimum wage to US\$61. Several unions, including Coalition of Cambodian Apparel Workers Democratic Union (the CCAWDU), continued to demand a greater increase in the wage, and the differences continued until a strike broke out from September 13th to 16th, 2010. After the strike, labor leaders agreed to meet with management on September 27th, but leaders of the strikes were suspended from work, two ministers urged for labor leaders to be investigated for possible charges, and legal charges were made against several labor delegates. A joint civil society statement cites judges ordering the suspension of 92 workers after the labor unrest of September.⁵ Hundreds of other workers were not re-instated after the end of the strikes, which resulted in further spontaneous strikes by as many as 10,000 additional workers around September 18th. Finally, with the non-reinstated workers being held as a weapon against the unions, the unions agreed to keep the minimum wage as agreed, but to negotiate other benefits.⁶ On 29 September Prime Minister Hun Sen called for the charges against workers to be dropped. However, various groups of workers still struggled to be re-instated into October, November, and December.⁷

During U.N. Secretary General Ban Ki Moon's visit, Prime Minister Hun Sen shocked the UN Secretary General by demanding that the head of OHCHR Cambodia Office be removed, or else the entire office would be closed. Later, the Minister of Information, Khieu Kanharith, clarified further that the office

⁴ Vong Sokheng, "Editor Fears Possible Deportation", The Phnom Penh Post, 02 September, 2010.

⁵ Joint Civil Society Statement, *Intimidation and Legal Threats Against Union Workers and Leaders Must Cease*, LICADHO, <http://www.licadho-cambodia.org/pressrelease.php?perm=228>

⁶ John Roberts, *Cambodian Garment strikers victimized as unions enter talks*, World Socialist Website, <http://www.wsws.org/articles/2010/oct2010/camb-o01.shtml>

⁷ "Garment Workers Meet to Push Reinstatement", *The Cambodia Daily*, 3 December, 2010.

would be closed regardless of whether Christophe Peschoux is removed or not. This situation is still unresolved, with civil society concerned that the closure of the OHCHR Cambodia office would further deteriorate the human rights landscape in a country where human rights defenders are under constant restriction.

On October 28th, police attacked 50 demonstrators who sought intervention from UN Secretary General Ban Ki Moon over the Boeung Kak evictions.⁸

In November, villagers were blocked from presenting their petitions related to land conflicts to US Secretary of State Hillary Clinton.

The year also saw a large number of incidents involving alleged “leaflets”. In a trend, there were several cases of anonymous distribution of leaflets, which were then later blamed on individuals, who in some cases may not have been committed the leaflet distribution. Two people accused of scattering leaflets at Wat Phnom fled to Thailand under fear of arrest, but say they did not distribute any leaflets. In another bizarre case, on May 29th, 2010, Leang Sokchoeun, an employee of Cambodian human rights organizations LICADHO⁹, was arrested for allegedly distributing leaflets in Takeo in early 2010. There were glaring errors in evidence¹⁰, and Mr. Leang was held incommunicado for over 33 hours after his arrest.¹¹ Despite a wide range of flaws in his trial Leang was charged and convicted of Disinformation under the UNTAC Law on August 30th, and sentenced to two years in prison and a \$500 fine.¹²

In another incident related to leaflets, on December 19th, 2010 Phnom Penh Municipal Court convicted Seng Kunnaka, an employee of the UN’s World Food Program, of incitement and sentenced him to six months in jail, and a fine of about \$250. He was tried and convicted in a speedy trial less than 48 hours after he was first arrested for distributing a few leaflets critical of the government, originally published by KI-Media (one of three websites blocked by the Cambodian government).

Through all of these leaflet cases, despite the poor trials and faulty evidence, the Cambodian government has never explained why it is a criminal act to distribute leaflets at all. According to COMFREL, unless the government can prove that the leaflets contain defamatory speech, then the distribution of leaflets is a right, legally protected under the Cambodian Constitution and the ICCPR.

⁸ Boeung Kak is a lake in Phnom Penh which was leased to developers for 99 years, who are filling the entire lake for development, and evicting all former residents in the process.

⁹ Cambodian League for the Promotion and Defense of Human Rights

¹⁰ The person cited from phone wiretapping was named as a Vietnamese national Leang Sokly, also known as Choeun, where as LICADHO staff Leang Sokchouen is Khmer. No other evidence identifying Leang Sokchouen as the perpetrator has been introduced.

¹¹ <http://www.licadho-cambodia.org/reports/files/144ChoeunSummary-ENG.pdf>

¹² <http://www.fidh.org/Cambodia-International-Groups-Condemn-Sentencing>

Over the course of the year, the Cambodian Human Rights Development Association (ADHOC) reported that it is now observing two times more demonstrations related to land conflicts, with 23 demonstrations dispersed by the armed forces. Land dispute cases recorded by ADHOC number 196 in 2010.

◆ Methodology

The methodology of producing the report is mainly based on an analysis of events in Cambodia in the year 2010 and early 2011, and informed by COMFREL's extensive experience monitoring elections and the political arena in years past. This report is an update on previous documents calling for democratic reforms in Cambodia. Many of the events and situation described in the report are common knowledge in Cambodia, and as such were heavily covered in the local media in 2010. Other material used in the analysis was drawn from COMFREL field activities, which included data collection as part of Parliamentary Watch, voter's scoring on the fulfillment of the government's platform, and interaction with voters during COMFREL's public forums workshops. In addition, COMFREL conducted an audit of the voter list. Additional sources were drawn from newspapers such as the Cambodia Daily, the Phnom Penh Post, and reports from other Cambodian human rights organizations.

The report which follows focuses on COMFREL's research, results and recommendations for electoral reform, an analysis of the state of three basic freedoms and democratic space, concerns about democratic governance in Cambodia and a perspective on international dynamics. The section on election reform discusses the major recommendations that have been collected from other stakeholders to promote fair elections, and follows up on efforts to achieve the universal right to vote. In addition, another section explores some positive aspects and challenges to women's political participation. The section on democratic space and freedom updates the situation and major cases which affect the democratic process. The section on democratic governance provides key findings from COMFREL's parliamentary and government watch, analysis on the Anti-Corruption Unit, and discusses the role of civil servants and armed forces in politics. The final section examines international dynamics and their influence in Cambodian politics.

1. Election Reform and Citizen's Participation

With support from UNDP Cambodia, COMFREL, CCHR and civil society organizations followed up issues on election reforms and initiated a series of Forums on Elections and Democratic Space (FOREDS) in four provinces of Cambodia- Prey Veng, Banteay Meanchey, Mondolkiri, Siem Reap and others. The forums were to bring together representatives of diverse stakeholder groups to discuss problems and solutions in Cambodia's elections and democratic process.

Through these forums, many political parties and civil society organizations reached a consensus on recommendations for election reform focusing on Voter Registration, the composition of the National Election Committee (NEC), Provincial Election Committees and Commune Election Committees, electoral complaint solution/adjudication, campaign finance, the structure of the electoral system, access to media, and voter education.

In April 2010, there was an effort that may contribute to a small change, as the National Electoral Committee (NEC) and Ministry of Interior (Mol) established a mixed Technical Working Group to oversee the possibility of improving the system of voter registration and controlling the identification documents that are accepted to register and vote. The format of the voter list has been improved even though there has been no legal reform of major election issues, including the election system, improvement in equal access to broadcast media, electoral tribunal/electoral dispute resolution, and campaign finance. So far the NEC, the ruling party and the government have still not given any indication that they will institute reforms regarding these major issues.

COMFREL suggests that the government and major political parties make a serious effort to resolve issues of concern and reform, in particular the procedures for Voter Registration and complaint solution/adjudication. COMFREL specifically suggests setting up a new committee to discuss implementing possible reforms to the system.

1.1. Improved Needs for Fair Elections

The Ministry of Interior representative, provincial authorities and members of the National Assembly of the non-ruling parties who were present during the FOREDS seemed to be receptive to recommendations made by stakeholders. In national consultations, ruling party members were receptive and even proposed holding a similar forum in the National Assembly. A Ministry of Interior speaker attended all four forums and made many comments on the recommendations.

However, it remains to be seen whether the government and the National Assembly will be receptive to the recommendations made and actually implement reforms to address the problems raised. This depends partly on election stakeholder's advocacy activities in follow up, but also on the political will of the government and the NEC.

So far, there has not been real political will from the government to implement the recommendations made. The government and the National Assembly are controlled by one main party, and all decision making is highly centralized. Similarly, in discussions with representatives of the Ministry and local

authorities, statements are often made that they “are waiting for the green light from higher levels”. However, after this statement nothing has happened yet.

It may also be noted that while key proposals made are entirely fair, being fair is not necessarily in the interest of the ruling party and the government. The below policy recommendations were collected from the FOREDS in provinces and national consultations with 80% of participants supporting.

(1) In order to build political party's confidence in the NEC, the selection of members of Provincial Election Committees (PECs), Commune Election Committees (CECs), and officers of polling stations shall be made in line with criteria currently defined by the NEC and ensure the joint membership of political parties whose seats are in the National Assembly. The NEC should create a Mobile Investigation Unit (the NEC is in charge of the Investigation Committee) and there should be one group per province. Allowances for polling station/counting station officers should range from 200,000 to 400,000 riel.

(2) In order to strengthen politically equal/ equitable access to media during the election calendar, the NEC and the government should encourage radio and television stations, particularly private radio and TV stations, to widely and openly broadcast and provide equal access to political parties so that they can deliver their speeches to voters through TV and radio, and ensure that private media does not violate the law on elections. The NEC should schedule time for campaign broadcasting equally for each political party in the NEC election calendar.

(3) In order to disclose financial/account reports of political parties and promote state financing of contestants in election campaigns, the Government and National Assembly shall enforce article 28 of the political party law that states that part of the national budget should be distributed (for instance allocate 1% of the budget) to all party contestants as equally as possible in the election campaign. The NEC should enforce the election law effectively. The NEC should monitor the financial statements of all parties competing in elections (income and expense) during the election campaign, and announce the financial statements again before the election.

(4) Modification of the Electoral System: The seat allocation formula should be changed back to the “greatest remainder” formula, or UNTAC formula. In contrast, under the current formula, called “highest average”, the small parties received more than 1% of the popular vote, but did not get 1 seat while the Cambodian People's Party received 58% of the popular vote, but got 73% of the seats in the N.A. The current proportional system of closed list should be modified to a mixed system that combines party lists and independent group list at the national level (National Assembly). On the other hand, FOREDS participants recommended using the “plurality” or “first past the post” system at the commune level, so people will be able to choose their local representatives individually, not by party. Additionally, there should be a 50% quota of women on the candidate list of each political party, with men and women ranked in alternate order in the ballot from the top.

COMFREL keeps its recommendation that the government should change the system of election of the new provincial/ municipal and district/ khan councils so that the Cambodian citizenry directly elects these councils, rather than being elected by existing commune councils.

1.2. The Right to Vote

On November 30th, 2010, senior officers of the NEC stated in a press conference that the NEC received 22 complaints during voter registration and the checking of the voter list. Most were filed by people and representatives of political parties against members of commune councils for violations of the law and the joint regulations of the NEC and Ministry of Interior, while the rest of the complaints were brought against the preliminary voter list. Based on a report from the NEC issued on the same date; counting from October 1st to 23rd, 2010, there were approximately 389,730 new registrations in all 1,621 communes in Cambodia, which was more than expected (319,193 people). 176,149 names were deleted from the registration lists and 37,680 were edited, the report added. The total number of voters in the 2010 voter list is approximately 8,543,283, but despite the numbers there is still overall concern about quality of the voter list.

The Cambodian government and the NEC have taken some measures to implement recommendations for improving the quality of voter registration and the voter list, in order to ensure that every eligible voter can vote, as well as to avoid any fraudulent voters.

On April 15th, 2010, the NEC and Ministry of Interior (MoI) established a mixed Technical Working Group to oversee the possibility of improving the system of voter registration and controlling the identification documents that are accepted to register and vote. The working group has conducted workshops to discuss issues of voter-registration, the voter list, and the update of the voter list every year, and as a result many recommendations have been raised. The working group between the NEC and MoI has been highly appreciated, and has proposed the possibility of implementing some recommendations including expanding the voter-registration period, reforming the procedure of issuing temporary identification documents (form 1018), and residence documents (form 1019), as well as the possibility of extending the use of many expired ID cards for the next elections until 2013. However, in the Forum on Elections and Democratic Space/FOREDS participants proposed that Cambodian ID cards should be a permanent document, such as in Malaysia, which issues permanent ID cards to the citizens. The Technical Working Group (NEC and MoI) discussed the possibility of reforming identification document form 1018 to be strictly controlled and managed better than before, including putting the numbers in sequence, using a photo, and releasing information and reports on the issuing of this document. However, COMFREL suggested that the status of temporary identification documents should be changed into card (like a form of voter card). This card can be used for voting only twice- a single round of the Commune Council Election and the National Assembly Election. With this system, the number of voters who have no Cambodian ID card can be realized by checking voter data.

COMFREL's surveys showed that women with disabilities and evictees faced even more obstacles. The evictee voter registration survey in 2010 found that 25 % of evictees couldn't find any information at all on the 2009 voter list, meaning that they would lose their right to vote completely. For 63 % of respondents, their information is not completely correct, but these people will still be able to vote according to the guidance of the NEC. COMFREL, Handicap International Federation (HIF) and the Cambodian Disabled People's Organization (CDPO) conducted research on Disabled Women's Participation in Politics 2010 in Kampong Speu province, Kampong Cham province, and Phnom Penh

municipality. As a result of various obstacles, 29% of disabled women responded that their names were not listed in the 2008 voter list.

Some other critiques of the voter list and the registration have been made. Both political parties and civil society organizations that work for elections have noticed that some commune clerks and commune chiefs, in implementing the duty to register and delete voter names, are biased or discriminate against people who are known to be not supported the ruling party. The regulation which requires voters to check their name on registration lists every year is also a problem in that it is a burden to voters rather than registration officials (commune chief, commune clerk, and the NEC) who should be responsible in cases where there is a loss of the right to vote. Many people complain that even when they requested that their name or some data be corrected, later, their name and data were still not correct. Some political parties are concerned about irregularities in the issuing of form 1018¹³. In this case, there are accusations from the opposition parties that previously some commune chiefs issued form 1018 to people who are not eligible to vote. In these same cases, the NEC was unable to provide statistics about the number of 1018 forms issued in the 2008 elections.

In order to address these problems, COMFREL makes the following recommendations:

- Before deleting voter names in the list, commune councils must have enough confirming documents before updating or deleting the name of voters who moved to other communes or died.
- Also, since elections are conducted every 5 years, during the election period the NEC needs to cooperate with the commune chief, two members of the commune council (who come from different political parties), the commune clerk, and local authorities responsible for preparing voter registration.
- During election years, the period for updating the voter list should be extended to 120 days, so people have more time to register, check, and correct data in the voter list.
- Moreover, election monitoring organizations and political parties could be more active to deploy observers and do the work of observing the process of registration and updating the voter list in all communes. Independent non-government organizations must continue to do an audit of the voter list in order to provide accurate information on the voter list prior to the beginning of voter registration and updating the voter list, especially in the election year.
- The procedure for cleaning the voter list must be reformed. The NEC should use the voter list which was used in the last elections and find the names of voters who didn't vote. So, the NEC should focus only on the people who did not vote, no need to pay attention to people who did vote.
- Each voter should have a voter information notice (VIN) for handling major obstacles that may happen at the polling station, such not being able to find their name or polling station. The voter information notice should be laminated and contain information especially about the polling station and the voters' permanent polling center.

¹³ A document used to register and vote when a voter lacks ID or their ID is incorrect in comparing against the voter list

- The process of distributing VINs should be conducted by the NEC in better cooperation with the commune chief, two commune council members (from two different parties), the commune clerk, and local authorities, as recommended by voters. These authorities must ensure that all voters who are in the voter list receive their VIN.
- The Cambodian ID card should be issued more widely, while COMFREL suggests that temporary identification documents (Form 1018) should be changed into a card (like a voter card). This card can be used for voting only twice- a single round of the Commune Council Election and National Assembly Election.

While the NEC registered many voters in 2010, many concerns still surround the process, especially as COMFREL's former research revealed significant disenfranchisement in the 2008 election. Recent research showed evictees and disabled women also lost the right to vote in large numbers. The burden of responsibility to correct data and check their name should be shifted from voters to the NEC and local authorities. Otherwise, the NEC must do more to ensure that all eligible voters can vote, clear irregularities in data and change the use of form 1018. COMFREL looks forward to providing more support to the NEC in this process through feedback and advocacy as the 2012 elections approach.

1.3. Women's Political Participation

In addition to implementing activities to promote women's participation in politics, COMFREL also monitors the role of women in Cambodian government. Despite the fact that women make up 53% of the Cambodian electorate, only 22% of Members of Parliament are women, and 16.8% of commune councilors are women. COMFREL as a whole, and specifically the Civic Education and Gender Unit, advocate for women's political empowerment in the form of a larger role at all levels of government. COMFREL advocates for quotas to guarantee a certain minimum level of women's participation in the two levels of elected government, and these quotas should be written into political party policies, as well as national law. To this end, short of a law mandating quotas, COMFREL appeals to each political party to create their own internal policy to this effect.

On the positive side, COMFREL recognizes some efforts to bring greater numbers of women into governance. For example, the Royal Government of Cambodia appointed 24 women to be Deputy Governor in each Province/ municipality in Cambodia. In addition, out of 185 districts/khans in Cambodia, 169 women were appointed to be Deputy District Governor. On the other hand, at the district and provincial level (which is not directly elected), only 12% of councilors are women.

Level of Government	Percentage of Women
National Assembly	22%
Provincial/Municipality and District/Khan (not directly elected)	12%
Commune/Sangkat	16.8%
Village Chief (not elected)	3%

In addition, the Prime Minister has given more force to the call to include women in government, in a speech he made at a recent forum, saying that all government institutions should appoint women at

least as vice chair or deputy. He also appealed to political parties to insert women in their party lists for the upcoming Commune and National Assembly Elections. While COMFREL welcomes the Prime Minister's efforts in this issue, it is also to be noted that a verbal recommendation is not the same as a concrete written policy.

At the local level, COMFREL has conducted some research which is also revealing. According to this research, conducted in ten communes in five provinces of Cambodia, women play an important role in addressing women's and children's issues at the local level, especially the problem of domestic violence. In addition, 18.2% of female commune councilors reported that they were criticized or discriminated against by men during the performance of their duties. The same percent (18.2%) also reported that they were not given the chance to perform their real duties and responsibilities as described in the Law on Commune/Sangkat Administration. As relates to political activism, a separate survey by COMFREL found that only 14% of women served as political party volunteers, compared with 25% of men.

In recent research regarding disabled women's political participation, COMFREL, the Cambodian Disable Organization (CDPO) and Handicap Internal Federation (HIF) discovered that disabled women face many more obstacles to political participation than women in general. For example, while 76.7% of women in general registered to vote, only 51.3% of disabled women registered. Even more surprisingly, while 94.4% of women in general voted in 2008, only 58.8% of disabled women voted in the same election. These results show that the government, the NEC and civil society need to do more to ensure that this marginalized group is not excluded from the right to vote.

While COMFREL recognizes some efforts to increase women's political participation, COMFREL urges the government and political parties to institute quotas to ensure a certain level of women's political participation. The Cambodian government needs to do more to ensure that Cambodia meets its commitments under the Millennium Development Goals to reach 30% women in the NA, and 25% women councilors at the commune level.

2. Freedoms and Democratic Space

2.1. Freedom of Expression

The exercise of freedom of expression in criticizing the government, corruption, impunity, land grabbing and forced evictions has not yet improved since 2009. Threats have been made against human rights defenders and the opposition, and the government has created bans or restrictions on the freedom of expression in public areas which are now narrower than before. For instance, the government in practice has refused to grant permission for peaceful demonstrations by civil society. The government and the companies have used the courts, and criminal law to persecute representatives of the people's communities, union representatives, human rights defenders and opposition politicians.

Last year, COMFREL conducted a legal analysis of the three cases in which the immunity of the three MPs was removed, Mu Sochua, Ho Vann and Sam Rainsy. In this year the cases against Mu Sochua and Ho Vann were finished. There is still a controversy as the National Assembly and the Ministry of Justice are passing the buck on the issue of who is responsible for restoring the parliamentary immunity of opposition lawmaker Mu Sochua, saying each institution is awaiting an authorization letter from the other.

Meanwhile, the case against Sam Rainsy deepened, as he was sentenced to a total prison term of 12 years. In addition, charges against two other MPs, Kem Sokha, leader of the Human Rights Party (HRP), and Chea Poch (SRP) were revived from several years ago.

In the six-month period covered in December 2010, LICADHO documented nearly 50 cases involving violations of expressive rights in Cambodia. These cases follow patterns, and their similarities are not coincidental. They have the markings of a systematic crackdown.

For instance there were major cases in 2010:

- *Two former students of the Phnom Penh Royal University, who were involved in the distribution of leaflets insulting government leaders, were ordered jailed by the Phnom Penh municipal court on 31 January. The pair are charged with incitation to crime. The two former students are So Khemarak, currently an employee of the Maryknoll organization, and Ngor Meng Hong who currently helps his mother sell chicken at Phsar Deum Kor market. The pair were arrested on 29 January 2011. Following their arrest, the cops searched their houses and confiscated 200 leaflets from Ngor Meng Hong's home in addition to the 85 leaflets the cops confiscated from the street last week in 07 Makara and Chamcar Mon districts.*
- *In May, 2010, Leang Sokchoeun, an employee of Cambodian human rights organizations LICADHO¹⁴, was arrested for allegedly distributing leaflets in Takeo in early 2010. There were glaring errors in evidence¹⁵, and Mr. Leang was held incommunicado for over 33 hours after his arrest.¹⁶ Despite a wide range of flaws in his trial Leang was charged and convicted of Disinformation under the UNTAC Law on August 30th, and sentenced to two years in prison and a \$500 fine.*
- *Mr Seng Kunnaka was arrested on 17 December before noon by the Russei Keo district police and was accused of sharing with his co-workers leaflets he printed from the online news blog KI-Media, which carries articles and opinion pieces that are often critical of the Cambodian*

¹⁴ Cambodian League for the Promotion and Defense of Human Rights

¹⁵ The person cited from phone wiretapping was named as a Vietnamese national Leang Sokly, also known as Choeun, where as LICADHO staff Leang Sokchouen is Khmer. No other evidence identifying Leang Sokchouen as the perpetrator has been introduced.

¹⁶ <http://www.licadho-cambodia.org/reports/files/144ChoeunSummary-ENG.pdf>

government. KI-Media is maintained by several domestic and overseas bloggers who aggregate Cambodia-related news articles with a mix of political commentary, satirical cartoons, Khmer poetry and inspirational quotations. Some of the government criticism is vitriolic. Prime Minister Hun Sen and other senior officials are listed as “traitors”, while opposition leader Sam Rainsy and other activists are labelled “heroes”.

- Barely two days later, on the morning of 19 December, Mr Kunnaka was found guilty by the Phnom Penh court of incitement to commit a felony under article 495 of the new Criminal Code, and was sentenced to six months imprisonment and fined 1 million riel (approximately 250 US dollars).
- In October, 2010, an ADHOC’ provincial coordinator, Sam Chankea, and two villagers were charged with defaming a company involved in a land dispute in Kampong Chhnang. In January, 2011 they were found guilty and ordered to pay US\$ 1,000 in penalties by the Kampong Chhnang provincial court. The guilty verdict refers to defaming the work of KDC International, a company owned by the wife of the Minister for Industry, Mines and Energy. The charges against Sam Chankea related to an interview he had given to Radio Free Asia on 26 December 2009, where he expressed his opinion about a land dispute between the villagers of Lorpeang village, and KDC International. Mr. Sam Chankea, considered the bulldozing activities of the company as illegal actions. “What the company has done violates the law because the court has not returned any verdict yet. Therefore, the company should postpone its activities and wait for the court judgment”, Mr Sam Chankea outlined.
- Concerned with the recent people’s uprising in Tunisia, a Cambodian rights activist [Dr. Lao Mong Hay] in Europe told Radio Free Asia that corruption, social and economic injustices, and political repression in Cambodia may lead to similar occurrences. The RFA broadcast of the comment that a similar revolt “might happen one day” in Cambodia, incurred Premier Hun Sen’s anger. He lashed out in a speech in Kampong Cham on January 20th 2011, ridiculing the “bald head” commentator, and vowed to arrest him if he sets foot in the country. “I have to send a message to people who want to inspire a riot (like) in Tunisia ... I will close the door and beat the dog,” declared Hun Sen. “I remind you: first, do not play. But if you can gather enough people, please go ahead.”

Violations of Freedom of Expression Are Parallel to Economic Exploitation

Limitations on freedom of expression, of speech, and the media, is a means of preventing public knowledge and public pressure, and is linked to exploitation of land and resources by the Cambodian elite. In COMFREL's analysis, the trend of restrictions on freedom of expression being extended further and further is not only to maintain political power for the ruling party, but is part of a process of exploitation of resources for Cambodian elites. The suppression of free expression goes hand in hand with gaining control of resources, which can be turned to a large profit for the owner(s). This mechanism can be seen repeatedly both in land conflicts which pit wealthy individuals against villagers, or in concession conflicts, in which the conflict is usually with a company.

One of the main trends in Cambodia today is an increase in suppression of the rights of local people to assemble, demonstrate, and express their objections to loss of land. Yet repeatedly community activists have been arrested on various charges, sending a chill through resistance and making others fearful to stand up. It's an effective strategy- use the courts to make charges against powerless local people to intimidate them and others in the group, so the company or wealthy individual can get control over the land. Charges of defamation, incitement, destruction of property, and others, have all been used to silence local people in this way. In contravention of its obligation to protect Khmer citizens, the Cambodian government is not preventing this from happening.

The condition of the media enables the social environment in which these abuses can occur. The TV media, for example, does not report on this kind of conflict at all. This lack of information prevents Khmer citizens from making an informed choice and taking measures to correct the problem. In other forms of media, fear of being prosecuted for defamation has caused a near silence on sensitive issues.

Meanwhile, the political elite, in repressing demonstrations and free speech, are acting in harmony with the Cambodian economic elite, who are either members of the CPP, or connected to it. A dangerous cycle of mutual reinforcement by the economic powers to the political elite, and from the political elite to the economic powers, is developing which threatens the rights and economic well-being of Cambodian people.

COMFREL would like to conclude with some recommendations on Freedom of Expression. Through consultations, stakeholders made recommendations that the National Assembly and the government should:

- Provide a clear definition and explanation of the term "Freedom of Expression".

- Determine clearly the elements of an offence related to defamation, disinformation and incitement.
- Protect the expression of representatives (MPs) with immunity, as stated in Constitutional Law.
- Provide a clear definition of cases which can become offenses, such as disseminating false information, incitement and defamation.
- Cease treating the expression of citizens and political parties as criminal offences.
- The wide and open expression of citizens, as well as civil society, even if there is an effect on a public personal or public institutions, is excepted from accusation
- Disseminate to the public laws related to Expression to avoid other charges.
- Allow independent media to freely report and comment on events in Cambodia, including information and perspectives not necessarily favorable to the government. Pursue a media licensing policy which allows independent media to operate.

COMFREL continues to urge the government to change the clauses in the penal code law to *de-criminalize defamation* and all other similar criminal charges, since the offence remains in the Penal Code. For instance, prosecutions due to alleged offences concerning publication of commentaries relating to court proceedings should be restricted to statements intended and likely to undermine the administration of justice.

2.2. Freedom of Assembly

Civil society organizations such as human rights organizations advocated for more freedom of assembly and a better law on demonstrations. The Law on Peaceful Demonstrations was ratified by the National Assembly in October 2009. The adoption of this law was controversial, but it was approved by 76 of the 101 lawmakers voting in favor of the new measure at the National Assembly's Session Hall. No opposition lawmakers voted in favor of the bill. The law limits assemblies to 200 people if authorities are given short notice, and those demonstrators who give short notice are restricted to meet only at a place dubbed the "Freedom Park." While according to the law it is theoretically possible to obtain permission to have more than 200 demonstrators, and outside the "Freedom Park" area, by applying more than 5 days in advance, in actual practice in the last eight years, would-be demonstrators are almost always denied permission. In 2010, the government announced the launch of public handbooks outlining the rights of demonstrators under the new Demonstrations Law. The handbook, which was sponsored by some donors, seeks to prevent legal conflict for protesters following the passage of the controversial demonstration law.

As part of this law, in Phnom Penh the authorities plan to set up a "Freedom Park" where demonstrators can gather to protest without having to hold a march along the many public streets as had happened in the past. The city explained that setting up the "Freedom Park" where people can express their opinions is aimed at eliminating anarchy during protest marches, as well as strengthening the security for the demonstrators. These comments by the Cambodian authorities show just how much respect they have for the Right to Freedom of Assembly- apparently traffic flow is more important than people having the right to demonstrate.

2010 was also a year of significant labor unrest, with many unions refusing to accept the results of negotiations which led to a rise of the minimum wage to US\$61. Several unions, including the CCAWDU, continued to demand a greater increase in the wage, and the differences continued until a strike broke out from September 13th to 16th, 2010. After the strike, labor leaders agreed to meet with management on September 27th, but leaders of the strikes were suspended from work, two ministers urged for labor leaders to be investigated for possible charges, and legal charges were made against several labor delegates. A joint civil society statement cites judges ordering the suspension of 92 workers after the labor unrest of September.¹⁷ Hundreds of other workers were not re-instated after the end of the strikes, which resulted in further spontaneous strikes by as many as 10,000 additional workers on September 18th. Finally, with the non-reinstated workers being held as a weapon against the unions, the unions agreed to keep the minimum wage as agreed, but to negotiate other benefits.¹⁸ On 29 September Prime Minister Hun Sen called for the charges against workers to be dropped. However, various groups of workers still struggled to be re-instated into October, November, and December.

2.3. Freedom of Associations

2.3.1. Civic Association and Union:

Two forthcoming laws, the Law on Associations and Non-Governmental Organizations (the “NGO Law”) and the Law on Trade Unions (“Trade Union Law”), as they are currently formulated, threaten to deal a fatal blow to the right to freedom of association. The draft NGO Law contains a number of vague and problematic provisions, including a requirement of compulsory registration for all NGOs before they are allowed to “operate any activity”. It is feared that the vague provisions of the NGO Law may provide for arbitrary and selective denial of registration applications, resulting in the criminalization and/or closure of NGOs and other associations, with the law silent on any appeal process if a registration application is rejected. If this draft law is adopted, its implementation will affect the work of more than 3,000 NGOs and associations in particular community based organizations.

The government has cited the need of the NGO law to combat and prevent terrorism however Cambodia already has an anti-terrorist law. The draft law also suggests the Ministry of Finance and the National Audit Authority should have the power to examine the resources and properties of any NGO or association without any specifying any restriction on this practice. The government is now pushing to have this NGO Law against the objections of civil society. COMFREL and some human rights NGOs maintain that this law is not necessary, and suggest a simple procedure for registration, since there are civil code law and other laws that can be used for the NGOs and associations as well as other legal entities.

¹⁷ Joint Civil Society Statement, *Intimidation and Legal Threats Against Union Workers and Leaders Must Cease*, LICADHO, <http://www.licadho-cambodia.org/pressrelease.php?perm=228>

¹⁸ John Roberts, *Cambodian Garment strikers victimized as unions enter talks*, World Socialist Website, <http://www.wsws.org/articles/2010/oct2010/camb-o01.shtml>

Similarly, the Trade Union Law imposes onerous registration processes and reporting obligations on groups of employees. The registration requirements in both laws will mean that if groups fail to register, then their activities and the very fact of forming an association will be deemed illegal. Moreover, the process of drafting of these laws was problematic and did not allow for proper input and consultations from civil society.

More than two hundred representatives of domestic and foreign non-governmental organizations and associations, and other stakeholders were given opportunity to participate in the National Consultation Workshop on the Draft NGO Law on January 10th, 2011.

CSOs are still unsure whether the Royal Government is really willing to openly accept our comments and recommendations shared during the one day consultation. The government rejected a proposal to create a joint Technical Working Group consisting of representatives from the Royal Government and civil society to follow up on the recommendations for the draft law. The proposed mechanism is critically important to ensure further constructive dialogue to achieve greater clarity and mutual understanding on the process and contents of the draft law.

Neutrality and “Opposition NGOs”

The government has taken a negative approach and attitude towards the work of NGOs, unions, and human rights defenders when they are critical of the human rights abuses occurring in the country.

Frequently the government has also referred to some NGOs, in particular human rights and democracy NGOs, as “opposition NGOs” when their reports and statements are critical of the government, or not favorable to the ruling party.¹

Most human rights and democracy NGOs are devoted to the cause of human rights and democracy and maintain independence and neutrality from the government and political parties. For instance COMFREL’s mandate in Cambodia is to monitor the implementation of Cambodian democracy, as well as the overall democratic environment which is crucial to citizens exercising their rights to democratic participation. As COMFREL also implements public forums at the local level to promote interaction between citizens and commune councils, COMFREL is also positioned to provide feedback on governance.

As experienced rights professionals devoted to the cause of democracy, COMFREL’s staff have an acute sense of justice and are immediately aware when disruptions to democracy or violations of rights occur. In its mandate of protecting and promoting democracy in the interest of the Khmer people, COMFREL is obligated to raise concerns when rights are violated or conditions for democracy are not favorable, including due to government actions. Similarly, COMFREL is also obliged to provide recommendations for reform on long standing issues which COMFREL has recognized in 14 years of observing the Cambodian political context, if and when COMFREL sees that these reforms will increase the power of the Khmer voter and build democratic institutions.

These contributions from COMFREL also enrich public debate and enhance the discourse on governance in Cambodia. COMFREL accepts staff without regard to political affiliation. The unifying objective of COMFREL staff is to promote Khmer people's rights and increase their power through voting and other forms of participation, and COMFREL needs to continue to advocate in order to reach those ends.

Thus, the RGC should understand the neutral character of human rights and democracy NGOs, and interpret their comments as constructive input to progress in human rights and democracy in Cambodia. COMFREL hopes the government will recognize these facts, and looks forward to continuing cooperation between the RGC and human rights and democracy NGOs on a wide range of projects. COMFREL welcomes the discussion and efforts of H.E. the Prime Minister and Professor Surya P. Subedi, the UN Special Rapporteur for Human Rights, to potentially create a possible mechanism for dialogue between the government and civil society as proposed by a group of NGOs.

2.3.2. Political Party Situation

In January 2011 Prime Minister Hun Sen said in a speech that he wanted “to make the opposition [group/party] die.”

So far, several small parties that do not have seats in the National Assembly have already indicated their interest in contesting the 2012 and 2013 elections, such as the League for Democracy Party, the Khmer Republican Party and a few other parties. Most small parties reported they have not decided yet whether to run, primarily due to financial and human resource considerations.

These same small parties have raised several concerns related to elections, which are the same as some of the opposition party complaints. For the future elections they are concerned about too much media bias in favor of the ruling parties, acts of intimidation on their supporters, irregularities in issuing form 1018, vote buying, and difficulty competing because of unlimited spending by large political parties.

In 2010, COMFREL found out that there were at least 17 cases of intimidation, obstruction, law suits, or killing of opposition political activists. Of the 17 cases, 15 cases were related to SRP members and activists, while the remaining two were related to HRP. Cases related to the SRP included: six cases of lawsuits against SRP MPs and local activists; seven cases of intimidation and arrest by local authorities; one killing case; one case was related to the destruction of the political signboard by its own activist. The HRP cases included one case related to lawsuits against its MP and one case related to the local authorities preventing or obstructing the party from meeting the people.

In internal party news, The Nationalist Party has changed its name back to the Norodom Ranariddh Party, and Norodom Ranariddh himself has entered back into politics. The Norodom Ranariddh Party (NRP) is still seeking a merger with FUNCINPEC with a new name (FUNCINPEC 81), but an agreement

has not yet been reached. FUNCINPEC has started to have conflicts among its leaders over whether to take a new name or keep the same name as FUNCINPEC.

SRP has been hampered by infiltration into its local and management level, and the internal conflicts. Prime Minister Hun Sen also admitted that many of his people [infiltrators] are in the SRP including in the management structure. On 19 July 2010, Prime Minister Hun Sen publicly announced that he had wiretapped the discussion of the SRP permanent committee meeting on 06 July 2010. "... You all [SRP Permanent Committee Members] have a permanent committee meeting at 1.00 pm to discuss whether you should meet with another political party on the request of one International Non-governmental Organization. However [before starting the topic], you have spent 20 minutes and 58 seconds to talk about my personal affair. While you were speaking, I was listening to you." Meanwhile, a conflict arose within the Sam Rainsy Party, in which eight party members complained that they were promised to serve half a mandate as MP (meaning they would replace the current MP), and they have not been given that opportunity yet. Some local members had been defected to the ruling party.

The Sam Rainsy and Human Rights parties have been discussing a negotiated merger for a long time. The working groups from both parties has suggested a union that aims to bolster opposition candidates' chances against the ruling Cambodian People's Party members in commune elections 2012 and national polls in 2013. Although the two sides have agreed to a framework for the merger that is moving forward, among senior politicians some still do not have confidence in each other.

A rule¹⁹ by the Constitutional Council on article 36 of the law on political party has obstructed the freedom of political parties to merge. In response to the question raised by Sao Rany, a MP from the Nationalist Party (recently Norodom Ranariddh Party), asking for the clarification on Article 36 of the law on political party, as to whether when two political parties are merging, MPs from one of the two parties will lose their seats or not. Below are the answers:

¹⁹ Case 1: If a political party A and a political party B announce their merger by adopting the name of the political party A, then in that case, the name of political party B will be erased from the register of the ministry of Interior, therefore party B will lose their seats at the National Assembly, the Senate and all councils at level lower than the national level. Case 2: If a political party A and a political party B announce their merger by adopting the name of the political party B, then in that case, the name of political party A will be erased from the register of the ministry of Interior, therefore party A will lose their seats at the National Assembly, the Senate and all councils at level lower than the national level. Case 3: If a political party A and a political party B announce their merger by adopting a new name as political party C, then in that case, the name of political party A and B will be erased from the register of the ministry of Interior, therefore party A and B will lose their seats at the National Assembly, the Senate and all councils at level lower than the national level.

Leader of Opposition Party Mr. Sam Rainsy Charged with Destruction of Property, Racial Incitement, Forgery and Disinformation

Hanging over the continued environment of suppression and fear of legal intimidation, was the continued absence overseas of Sam Rainsy, leader of the party of the same name. The Sam Rainsy Party is the second largest party in Cambodia, with 26 seats in the NA, and the absence of the leader of that party has serious repercussions for Cambodian democracy in particular the upcoming elections. In the Cambodian political structure and electoral system (closed party list system) a great deal depends on the party leadership. The party leader plays significant role to support the party in contesting the elections.

On 27 January, 2010, Mr. Sam Rainsy was tried in absentia, convicted on both charges and sentenced to two years in prison. The court proceedings were heavily guarded by police and were closed to journalists, human rights activists, members of the public, and even the family members of two other villagers who were tried at the same time. The court also refused to consider evidence which the defense lawyers for the two villagers wanted to introduce.¹

While in exile, he published maps which he asserts prove that the area where he and several villagers uprooted temporary border posts actually are in Cambodian territory. After this, the government initiated even more serious charges against Sam, of disinformation and forgery in connection with the maps. In September, 2010 Sam was found guilty of this charge and sentenced to ten more years in prison. This brings the total number of years he faces in prison to 12 years.

The government has since admitted that the border markers in question were actually temporary markers, has not provided proof that they demarcated the real border line, and later removed the temporary border posts in question.¹ Yet the government continues to maintain the charges against Sam Rainsy which would require him to serve 12 years in jail if he returns to Cambodia.

Due to this conflict, Sam Rainsy did not step foot in Cambodia during 2010. He only was in contact with his party in Cambodia through video conference, and when his party members met him in the Philippines. This exile, which has almost become permanent now, is a major impediment to him conducting his role as an MP effectively, and calls into question whether Cambodia really is a democracy. If one of the main opposition figures is in exile from the country, it certainly does not bode well for the health of that democracy. Sam Rainsy, for his part, may have exacerbated the conflict by filing charges against Prime Minister Hun Sen in a court in New York over the March, 1997 grenade attacks.

Thus, as the 2012 Commune Elections approach, the government needs to change course on Sam Rainsy, and decide to allow him to return to Cambodia. His return is needed to restore confidence in the democratic system in Cambodia. Sam Rainsy, for his part, must also make conciliatory efforts to reach common ground with the government.

CHHR's Legal Analysis states that "examining the fairness of the various proceedings against Sam Rainsy against standards of fair trial in Cambodian and international law, concluding that there are concerns as to violations of his right to a fair trial which, pursuant to Article 19 on the Law on the Organization and Functioning of the Constitutional Council, should be reviewed by the Constitutional Council".

In its "Resolution on Cambodia, in particular the case of Sam Rainsy" unanimously adopted in Strasbourg on October 21, 2010, the European Parliament condemns "all politically motivated sentences against representatives of the opposition and NGOs." It says, "the strategy of Cambodia's ruling party is to use a politically subservient judiciary to crackdown on all government critics," and it considers Sam Rainsy's actions "to be of a symbolic and clearly political nature...based on an act of civil disobedience." The European Parliament also notes, "the uprooting of six wooden temporary border posts at the Vietnamese-Cambodian border, which is still disputed between the two countries [...] took place in support of villagers who claimed to be victims of land-grabbing, saying that the Vietnamese had illegally shifted the posts onto Cambodian soil, in their rice fields, and that their complaints to the local authorities had remained unanswered."

For this reason, the time has come for parties to commit to reconciliation for the best interests of the country and for democracy. COMFREL calls on the government to reconsider the actions which have led Sam Rainsy to be sentenced to a prison term. For Sam Rainsy's part, COMFREL encourages him to avoid provocative actions, and to consider the well being of all Khmer citizens in democracy, before taking reckless actions.

COMFREL strongly urges the Cambodian government and members of the ruling party to cease legal actions against MPs, which have the effect of intimidating the opposition. It will also empower them to compete effectively with members of the ruling party in future elections, in a fair process which favors those who deliver results to their constituents. Without Sam Rainsy's involvement in upcoming elections, the international community should question the legitimacy of Cambodian democracy.

2.4. Freedom of the Press and Information and Media Access and Content

In 2010 and continuing from previous years, the media in Cambodia, including print, radio and TV media, continued to be structured in ways that place opposition parties at a severe disadvantage and limit the information and perspectives available to Cambodian citizens. The negative effects of the control of the media are also felt by Khmer citizens who are denied a variety of perspectives, different ideas, and a variety of information. In addition, last year the courts continued to be effectively used by high ranking officials from the government to sue journalists and newspapers. This has continued the existing chill in the journalistic corps and the internet service providers, who self-censor in order to avoid negative legal consequences. In addition, critical news sites have been strangely blocked by Internet Service Providers, apparently due to calls or email from government offices.

Access to the media for major political parties, and an impartial presentation of events in the country, is a critical part of the functioning of the democratic system in which voters make decisions based on information about the performance of the parties, as well as the overall situation in the country.

According to a LICADHO report on freedom of expression in Cambodia, the situation in 2010 has not improved. Journalists appear to be among the most at-risk groups. At least seven of them reported serious threats, beatings or attempted attacks over the brief period covered in this report. These included three death threats, three physical assaults and one attempted murder. At least 10 journalists faced legal charges during the period of May 2009 to May 2010, according to a study by the Club of Cambodian Journalists.

2.4.1 Print Media

The newspapers still are controlled or influenced by members of the ruling party and the government, with few outlets for alternative news or opposition voices. Cambodia's media was described as "not free" in Freedom House's annual international press freedom report for 2010 while for last year Cambodia's media was as "partly free," and Reporters Without Borders ranks the country No. 117 of 174 in press freedom.

According to the ministry of Information report Cambodia is now home to 623 national newspapers and magazines/bulletins (68% newspapers, 22% magazines), 43 international newspapers, 28 international magazines, 10 imported newspapers, 11 international news agencies, 27 journalist associations, 84 printing houses and 5 publishing establishments.

Some Khmer language papers supporting the opposition parties have discontinued operation or were forced to close. Defamation and disinformation lawsuits have been an effective tool for government high ranking officials to use against journalists, especially from opposition newspapers.

In 2009 pro-opposition newspaper's editor in chief of the Khmer Machas Srok newspaper, Mr. Hang Chakra, was also sentenced to a one year prison term and a fine of nine million Riel. He was sued by the RGC on "disinformation and incitement" after he alleged that there had been corruption in office of Deputy Prime Minister Sok An. Mr. Hang Chakra, was released from jail in April 2010. Since release of him and Moneaksekar Khmer's publisher Dam Sith, the long running paper affiliated with the opposition Sam Rainsy Party, they has continued to publish these newspapers.

2.4.2. Broadcast Media and Television

The vast majority of Cambodia's televisions (10 stations broadcast from Phnom Penh and 7 broadcast from provinces), radio (40 stations broadcast from Phnom Penh and 51 broadcast from provinces) are overwhelmingly dominated by the ruling party or its allies in the business community.²⁰ The opposition parties and small parties cannot access TV coverage, while by using the broadcasting the government and the ruling party gains more popularity from the the border dispute around the Preah

²⁰ Formore discussion of standing issues in media in Cambodia, see Standing Issues, section 7., page __ below

Vihear Temple between Thailand and Cambodia, and praise the government especially the prime minister taking action and campaign against the Thailand.

The medium of TV is made more diverse through only two shows-one TVK's UNDP-funded "Equity Weekly" program, in which opposition members of parliament are sometimes interviewed related to the few political topics of the program, and the second a show on plenary session debates on draft laws in the parliament. COMFREL's monitoring of the TVK "Equity Weekly" program from January to December 2010 showed that the SRP and its MPs are shown more than other political parties- with 79 appearances. The CPP and its MPs were covered in 52 appearances, the Human Rights Party and its MPs were shown in 51 appearances, while FUNCINPEC and the Norodom Rannariddh Party combined were shown in 13 appearances.²¹

2.4.3. Dangerous New Infringement : Blocking the Internet

Previously, the Cambodian government had only blocked a few websites, such as reahu.com, usually under claims of protecting Khmer morality (the reahu site contained art which depicted Khmer women in partial nudity). The impact of this blocking was minimal as it affected few sites, but recently at least three major websites, KI Media, Khmerization, and the Sacrava political cartoon site, have been blocked by some Internet Service Providers (ISPs). There has been no official explanation either from the government or the ISPs about why or whether the websites have been blocked.

While the government may have a legitimate claim against the websites (the KI media site calls some top government officials "traitors"), COMFREL encourages the government and the professional media institutions to educate the public on the issue of credibility and a code of ethic for the media rather than by blocking websites. While the websites in question are often critical of the government, they are also a valuable source of information to some educated Cambodian people who can access the internet. The websites aggregate material from a wide range of media sources which are then available to readers on the website.

Thus, in the interest of preserving the right to freedom of information and the internet as a valuable media source, the Cambodian government should seek to resolve conflicts over websites without resorting to blocking them. The Cambodian government needs to specifically renounce any country's approach to the internet censorship, and affirm that Cambodia is a pluralist, democratic society in which debate and criticism is tolerated as an important part of democratic processes. The Cambodian government and its people can take pride in the degree to which Cambodia is more free and democratic than its powerful, economically advanced, but highly controlled northern neighbor.

Freedom of Information (Access to information) is a crucial ingredient in achieving the Royal Government's admirable key goal to improve overall transparency, accountability and participation.

²¹ This information is derived from COMFREL's media monitoring of TVK.

Journalists and the public still face difficulty to acquiring important data and information managed by the civil service. However until the end of 2010, there have not been any specific steps forward to enforce the policy framework on the right to access information that is considered part of the joint indicator on anti-corruption. The draft policy is still in hands the Ministry of the National Assembly–Senate Relations and Inspection, while the draft has not gotten to the council of the minister). CSOs propose to the Ministry of National Assembly–Senate Relations and Inspection to impose a draft policy framework on the right to access information that respects international standards to the Council Ministers for adapting as fast as possible. CSOs would also like to participate in the discussion process of the policy framework. The government should prioritize the development of such legislation which would help encourage trust and confidence between the Royal Government and the Cambodian people, and would empower more people to engage in political and development processes.

3. Democratic Governance

3.1. Functioning of the National Assembly and Its Members

In last year’s report, COMFREL discussed the failure of the National Assembly in acting as a check on the power of the Executive Branch. This problem persists as well in 2010, with the same primary causes there are no members of the opposition in the NA Committees. In addition members of the NA of the human rights party have been not allowed to comment on draft laws in the plenary session.

Because of the fact that only the ruling party has its members in the NA permanent committees, when laws reach the plenary session they have not yet been considered or debated by members of the opposition parties. Further, when the MPs do receive the draft laws, it is usually just a short time before the scheduled debate. This is harmful to the democratic process because MPs need sufficient time to consider the draft laws before debating them. According to the NA Internal Rules, the NA administration is only required to send the Agenda of the plenary session meetings (with the proposed draft laws) at least two days before the meeting, despite the fact that the concerned committee and RGC representatives would have been working on the draft law for weeks, or potentially months.

There is no rule that the National Assembly administration cannot distribute draft laws earlier, but the NA itself chooses to wait until the invitations to the plenary session are issued, which is usually 2 or 3 days, sometimes even only one day before the plenary session.

COMFREL maintains its standing appeal to the government and National Assembly to release the draft laws to the public and the National Assembly, to allow enough time for comment from citizens and civil society, and schedule extensive debate on those draft laws in the National Assembly.

According to COMFREL’s observation of the NA, for the whole year’s debate at the plenary session in 2010, there were 18 draft/proposed laws which were debated and approved. Only three draft laws were given to MPs five or six working days before the plenary session. The remaining 15 draft laws, including the Anti-Corruption Law, were given to MPs from one to three working days before the plenary session.

Members of Parliament from the opposition parties have complained many times that the draft laws were provided too late for them to conduct their study and discussion before the law was debated at the plenary session. For instance, MPs Yim Sovann and Son Chhay were surprised during the plenary session on 27 December 2010, when three additional draft laws were added to the agenda, and Members of Parliament were only informed one working day before the plenary sessions. Similarly, on March 10th, 2010 opposition MP Son Chhay complained that he was unable to study the draft Anti-Corruption Law sufficiently to have a good quality debate, since the time given to him to study the law was too short.

In basic updates with regard to the National Assembly, in 2010, two MPs were replaced, and the NA gained one more woman when Ms. Pen Ren (CPP) replaced Mr. Roth Sarem.- Of the total 27 female MPs, 21 are from CPP and 6 are from SRP.

Over the course of the year, MPs sent 81 letters to government, for the following reasons: seeking intervention (33 times), request to measure (39 times), inquiry (4 times), and invitation to clarify at the NA (5 times). Sadly, in a sign of the power of the National Assembly, the government only replied to 21 of the letters (26%).

According to COMFREL's observation, 109 members of the parliament conducted field visits to constituencies a total of 1,803 times with five main reasons as listed in the table below:

Objectives of 1,803 field visits by 109 MPs	Political parties					Total number of field visit objectives
	CPP	SRP	HRP	FUN	NRP	
	78	25	3	2	1	
Visiting people in constituency, gift giving and project inaugurations	741	184	90	7	3	1,025 (57%)
Strengthening internal party networks	195	223	100	10	3	531 (29%)
Group missions and accompanying leaders to hold ceremonies in the party, attending conferences or	149	0	1	4	0	154 (9%)

inaugurating new public achievements						
Attending forums and workshop/dialogues conducted by NGOs	10	24	14	1	5	54 (3%)
Intervening and helping people to solve their problems	12	25	2	0	0	39 (2%)
Total number of field visits by each party	1,107	456	207	22	11	1, 803 (100%)

As far as attending forums, and workshops/dialogues despite CSOs invitations, a few CPP's members of Parliament attended the Forums or workshops. They need permission from their political party leaders. However, CPP officials from lower levels of government (Provincial Councils, for example) did attend. For instance National Democratic Institute (NDI) got the permission of the CPP for allowing their members of the national assembly to join the constituency dialogues.

In addition to COMFREL's strong push (mentioned above) for more time for the public and MPs to receive draft laws from the Committees, COMFREL suggests that the Parliamentary Office be improved, as a place where voters can meet their MPs, and as a source of information. Finally, in order to improve the function of the National Assembly, COMFREL suggests reform of the internal rules and statutes of parliament to allow all parties to speak during the NA's sessions.

3.2. Government Political Platform Fulfillment

In the 3th term the government's political platform had set certain reforms including 5 of 8 prioritized laws with the goal, among others, of strengthening the professional court system with effective and qualified judicial services in Cambodia. In addition to these prioritized laws, the government also aims to create and pass the law on legal appointments, the statute on judges and prosecutors, an amendment law on the organization and development of the Supreme Council of Magistracy (which is the most powerful organ of the judicial system), and the law on freedom of information.

COMFREL appeals again to the government to create and pass two laws mandated by the Cambodian Constitution- the law on the statute of judges and prosecutors and the law on the organization of the judiciary, while allowing enough time for public comment and appropriate debate in the NA. COMFREL also urges the government to take steps to ensure the credibility and independence of the Supreme Council of the Magistracy (SCM).

COMFREL conducts activities termed “Government Watch”, which consist mostly of Voter Benchmark Workshops. In 2009, COMFREL conducted one Voter Benchmark Workshop in all 24 provinces/municipality. These workshops gave participating voters the chance to create ten priority sectors for their constituency and set up benchmarks to measure the government’s success in fulfilling its promises in those benchmark areas. These benchmarks correspond to the 4th term of the Government’s political platform (48 points) and Rectangular Strategy for Growth, Employment, Equity and Efficiency covers almost every sector. The workshop participants were suggested to identify the benchmarks for priority sectors, with precise indicators for the development of their own province, to be submitted to parliamentarians, the RGC, provincial councilors, boards of provincial/municipal governors and other concerned institutions.

Then in 2010, COMFREL conducted eight follow up forums in which voters scored their elected officials’ performance on the fulfillment of promises against the previously created priority benchmarks. These follow up scoring workshops had a total of 727 voter/participants, and were held in the eight provinces of Kampong Speu, Kampot, Pailin, Rattanakiri, Kampong Chhnang, Siem Reap, Prey Veng and Oddor Meanchey. In the workshops, COMFREL instructed the voters on how to rate the performance of their elected officials who had promised to fulfill priority sectors set last year in the benchmark workshops.

In the results of the eight follow up workshops in 2010, most of the priority sectors were not fully accomplished. The vast majority of voters concluded that most the benchmarks were slightly, moderately, or averagely accomplished (corresponding to 0-60% accomplished). There were only a few benchmarks that most voters evaluated as fully accomplished, such as the national benchmarks including adoption of the Anti-Corruption Law, building local roads and bridges in Kampong Speu, the government’s measures against local illegal fishing and logging in Kampong Chhnang, establishment of technical training for local farmers in Siem Reap, and rehabilitation of local infrastructure and recognition of fishing communities by local authorities in Kampot.

The following are the average evaluations (from did not accomplish at all to fully accomplished) of the 727 voters on the accomplishment of benchmarks in the 8 forums mentioned above:

- 30% said the benchmarks were not or only slightly accomplished (0%-20%)
- 32% said the benchmarks were low to moderately accomplished (21-40%)
- 24% said the benchmarks were averagely accomplished (41-60%)
- 10% said the benchmarks were largely accomplished (61-80%)
- 4% said the benchmarks were almost or completely accomplished (81-100%)

The results of the eight follow up workshops seem to suggest that efforts to reach goals and achieve results for local voters have so far fallen short of expectations. 62% thought that benchmarks were only slightly or moderately accomplished. This implies that the voters expect more out of their government, and government administration, from the Prime Minister to the NA, down to the local level, need to make more effort to achieve voter benchmarks and expectations.

3.3. Anti Corruption

In early 2010, a major milestone was passed as the RGC finally passed the much vaunted and long awaited Anti-Corruption Law. Unfortunately, the RGC did not give all the MPs enough time to examine and discuss the draft legislation, and discussion of the law in the NA plenary session was too short. The law also led to a diplomatic incident when the UN Resident Coordinator (the head of all UN agencies in Cambodia) asked that more time be given to examine the law. In response, he received a harsh warning from the RGC (the foreign ministry), followed by a letter by the Minister Hor Namhong to the UN resident coordinator Douglas Broderick, threatening to expel him from Cambodia. "The unwarranted comments made by you in connection with the adoption of Cambodia's Anti-Corruption Law [are] a flagrant and unacceptable interference in the internal affairs of Cambodia," the minister wrote. "Any further repetition of such behaviour would compel the Royal Government of Cambodia to resort to a 'persona non grata' decision," Hor Namhong concluded.

It does seem clear that the National Council of Anti-Corruption and its Unit (ACU) will not be independent, as 11 members of the national council and the chief of ACU headed by Mr. Om Yenteng (who was former the ACU of the government before having this law) have long been members of the ruling party and high ranking political members of the government.

The ACU has announce the implementation of a policy to require the declaration of all assets without disclose of information to public - by more than 100,000 government officials beginning January 2011. Its policy is strange that government officials are obligated to declare their wealth, including interest, professional wealth, personal wealth and vehicles, but they do not need to declare their money in the bank. Ten tycoons have asked permission to resign their government posts following the introduction of new rules requiring senior officials to declare their assets to anti-graft authorities.

Some cases have been considered by the Anti-Corruption body, which has arrest medium powers. It is still too early to tell whether the institution will have any impact on corruption, or whether the cases seen so far are only political tactics to show its commitments. According to COMFREL's documentation, there are at least 54 corruption-related cases reported on the media. The accused persons range from local authority including commune councilors and civil servant to the prosecutor and armed forces. Of the 54 cases, 40 cases were reported with specific victims (complainant) and specific accused persons while the other 14 cases were allegedly reported: no specific victims but specific perpetrators. Of the 54 cases, at least 4 cases were taken actions or investigated by the Anticorruption Unit (ACU) and relevant institutions. For instance, on 29 November 2010 the ACU arrested one Pursat prosecutor accused of corruption. In 2010 along the NGO's complaints and campaign the ACU investigated the complaints against tax officers for additional fee on the road tax. In December the ACU found 30 tax officers guilty but did not process the case to the court. The ACU give their findings to the Tax Department and request the Tax Department to take administrative actions against those staff members. In December, the Ministry of Education Youth and Sport suspended its 23 staff members from being invigilators between 1 and 2 years as the Ministry found them of having mistakes in implementing their duties at examination center during examination periods.

The Anti-Corruption Commission has a long way to go- various studies have found that corruption is commonplace in Cambodia. A global corruption survey released by German NGO Transparency International, titled 2010 Global Corruption Barometer, was based on a poll of 91,000 people in 86 countries and focused on small-scale corruption. 84% in Cambodia report paying a bribe to receive attention from at least nine different service providers in the past year.

3.4. Decentralization and De-concentration

At least since the Commune Council elections in 2002, the Cambodian government in partnership with the international community has been involved in the process of Decentralization and Deconcentration (D&D). This process is intended to move power and some funds to the local level, and attempts to encourage people to be involved with their elected commune councils at the local level.

A National Program for Sub-National Democratic Development 2010-2019 was adopted by the government in early 2010. Beginning in 2010, the RGC has taken steps to implement the National Program on Sub-National Democratic Development (2010-2019) to devolve more power to the local level and empower citizens to participate in sub-national democracy. However, the sub-national elections system does not reflect the objective of democratic development, which is a stated goal in the Decentralization and De-concentration reforms of the Cambodian government. Under the current election system used for the sub-national councils, the ordinary voters cannot strengthen the accountability of elected officers. Through surveys and forums, COMFREL found that the public does not have confidence in this electoral system, and citizens have asked for a system of direct elections to select the provincial, municipal, district and khan levels of the government.

Yet at the local level, through COMFREL's experience, local people and even the commune and local staff have a low level of awareness of D & D and the National Programme for Sub-National Democratic Development. COMFREL recommends that the government and its international partners make more effort to disseminate information about sub-national democratic implementation and the Organic Law. Additionally, more effort needs to be made to increase the capacity of the councils (commune, district and province) as soon as possible.

Despite efforts to decentralize power and provide opportunities for local people to be involved in governance, in COMFREL's experience implementing activities at the local level, it has found that the dominant mindset of commune councils is still to follow the old hierarchy. Old behaviors and attitudes in governance remain, and instead of making decisions on the input of local residents, decisions are still made according to alliances and personal biases. Indeed, knowledge of the role of citizens and members of civil society in participating in local governance is still limited as well. There is little facilitation of people's involvement or dissemination of information related to the activities of the local councils or the right of people to be involved.

For these reasons, the government and its institutions should develop mechanisms or standards for the councils to operate by, and disseminate information to assist people's participation. These standards should include measures to guarantee timely and adequate information is provided to citizens.

Civil society, for its part, needs to strengthen its own capacity as regards D & D through trainings and sharing information on the latest developments in the government's sub-national administrative management.

Finally, COMFREL has observed that sub-national councils' fulfillment of duties and responsibilities has been inadequate due to resource shortfalls and limited means. Therefore the central government needs to increase the funds available to communes/ sangkats, especially those located in distant, remote areas.

3.5. Neutrality of Civil Servants

The involvement of civil servants in political party activities during working hours is prohibited in Cambodia. According to Article 37 of the Law on Co-Statute of Civil Servants, and article 15 of the law on political party must civil servants and armed forces be neutral and are prohibited from using their position or state property to serve or be against any political candidate or any political party.

However, the enforcement of the law is still minimal. Civil servant and armed force participation in supporting the political parties, the ruling party in particular, is also widespread and broadcast in the media. According to COMFREL's media monitoring, there were at least 11 cases²² reported by these media showing civil servants (ranging from high ranking civil servants to district governor) supporting the CPP party's activities during working days. The cases include, but are not limited to, attending the inauguration ceremony of the inclusion of new political party members, meeting with members of the CPP, and reviewing and strengthening the party network.

4. Analytical Perspectives on International Dynamics and Influence

The balance of power has shifted in Cambodia in the last several years. Previously, traditional donor nations had at least some influence over the government. While opinions and perspectives on the donors vary, the fact is that many human rights organizations hoped that donors would exert influence on the RGC with respect to human rights and democratic space.

In the last five years the situation has been changing dramatically, with the People's Republic of China looming larger and larger in the affairs of Cambodia, both as a source of aid and loans, as well as huge amounts of investment. Unlike most of the older donor countries (the Western countries plus Japan and South Korea), China does not have a democratic form of government- in fact it is far less democratic than Cambodia. China is ruled by a single party and does not allow opposition, blocks vast

²² This is minimum cases only; cases that were seen in media monitoring

swathes of the internet, and conducts everyday censorship of the media (among other widespread violations). Not surprisingly, the Chinese government does not exercise very much conditionality in its aid, at least not with regards to democracy or political freedom. Minor forms of conditionality can be seen in the relationship with China- for example the need to adhere to the One China policy, and the forced deportation of Uighur refugees²³- but these forms of conditionality are not transparent, and it is not actually known what agreements the Cambodian leadership may have made with the Chinese government.

China's rise in this region is now causing alarm in Washington, which is aggressively courting the countries of Southeast Asia. For geopolitical reasons the US administration has cultivated closer ties with its old foe Vietnam.

In an October 28th 2010 speech about US policy in Asia, before embarking on her sixth trip to the continent in two years, Secretary of State Hillary Rodham Clinton used military terminology to refer to US efforts: "forward-deployed diplomacy."

During a 2010 trip to Phnom Penh- the first by a US secretary of state since 2002- Clinton, while speaking to Cambodian students, was asked about Cambodia's ties to Beijing. "You don't want to get too dependent on any one country," she told them.

Nevertheless, Cambodia's Prime Minister appreciates China's relative lack of conditionality quite a lot, and has mentioned as much in several of his speeches. The Cambodian government has avoided criticizing the dams under construction along China's stretch of the Mekong River.

There is a ruling elite who don't necessarily have a material or personal interest in democracy. On the other hand there is the massive economic and military power of China, which is now providing large amounts of aid and loans, which also has no interest in democracy (and may even be opposed to it). The converging interests of these two parties have potentially frightening implications for the future form of democratic governance in Cambodia.

It is still not clear whether members of the ruling elite truly appreciate the value of democracy, and are willing to allow the people to participate in democratic governance, or whether they simply wish to use the government to their own gain. Democracy and respect for political freedom is unlikely to survive in Cambodia if the ruling elite do not internalize the value of democracy, appreciate it as a matter of principle, and respect the rights of their fellow citizens out of common decency.

In the last several years, the conflict between Cambodia and Thailand has been made the center of attention in the Cambodian public discourse. COMFREL is concerned that an excessive attention to the Thai- Cambodian conflict is causing a neglect of attention to other important concerns and problems.

²³ Briefly after deporting the Uighur refugees back to China, The Cambodian government was rewarded with \$1.2 billion in aid and loans in December, 2009.

Democracy relies on the informed decision making of the populace, yet many other important issues and news stories have been drowned out by the focus on Thailand. The resulting upsurge in nationalism may blind some Cambodians to the real situation in their country, raising concerns that the border conflict at Preah Vihear is being used to the benefit of the ruling political parties. At that same time, Cambodian civil society organizations and opposition parties have supported the government's approach in some aspects- actions such as calling for multilateral negotiations or third party involvement in solving the dispute.

Conclusion

COMFREL regrets to report that in 2010, major challenges to political freedoms continued, and there has been little response to major recommendations previously covered in the 2009 COMFREL report on Cambodian democratic reform. COMFREL urges the Royal Cambodian Government to change direction by respecting basic political rights and implementing major needed reforms to improve Cambodian democracy and make it fairer.

COMFREL and other civil society members are concerned that the current election procedures and administration are continuing to cause a large number of voters to lose the right to vote. The government's policies have also made it difficult for other parties to compete fairly, and decreased Cambodian citizen's access to information and divergent perspectives. Basic freedoms of expression and assembly continue to decline while freedom of association is under threat by restrictive legislation. Self censorship due to legal intimidation continues in the media, while blocking of websites has now been started on the internet in Cambodia. Improvements in democratic institutions and governance reform have been too slow.

Cambodia needs to institute serious changes which will guarantee freedom of expression, broaden the perspectives available in the media, and take immediate measures to restore democratic space and a level playing field for all democratic contenders. There has been an alarming trend in Cambodia for legal charges to be initiated against critics. These charges in some cases result in censorship, and therefore seriously reducing these peoples' effectiveness as MPs, human right defenders, journalists and politicians. This trend must be reversed in Cambodia in order to ensure the secure tenure of social critics, which will enable them to perform their proper role as a critical voice, offering a different perspective than the ruling party. The Cambodian Royal Government needs to take immediate steps to reverse a decline in freedom of expression, and stop the expansion of lawsuits against citizen expression. Laws currently in place urgently need to be reformed to remove clauses which penalize citizens, and to broaden the scope for pluralist political participation.

Democratic governance-by the will of the people and with proper check and balances from the NA and judicial system- drastically needs to be improved. Members of the National Assembly must be empowered to protect their citizens from the abuse of the justice system by wealthy and powerful people. The National Assembly is still failing to act as a check on the power of the Executive Branch and is not allowing the public time to consult on draft laws. Additionally, the problem of the function

and power of members of the NA persists as well in 2010, with the same primary cause- there are no members of the opposition in the NA Committees. Due to internal rules, members of the NA from the Human Rights Party have been not allowed to comment on draft laws- even in the plenary session.

The government's fulfillment of its political platform has fallen short of citizen's expectations. In 2010, 62 percent of COMFREL's forum participants thought that benchmarks of the platform were only slightly or moderately accomplished. This implies that the voters expect more out of their government, and government administration, from the Prime Minister to the NA, down to the local level, need to make more effort to achieve voter benchmarks and expectations. In terms of corruption, since the adoption of the Law on Anti-Corruption at the end of 2009, some cases have been considered by the Anti-Corruption unit. The institution has started to have a small impact on corruption, but some observers speculate that the cases seen so far are only political tactics or a token show of a crackdown.

Despite efforts to decentralize or de-concentrate power and provide opportunities through the additional creation of a National Program for Sub-National Democratic Development 2010-2019, in COMFREL's experience implementing activities at the local level, it has found that the dominant mindset of commune councils and sub national councils is still to follow the old hierarchy.

The current international dynamic has created a dangerous convergence of interests for Cambodian democracy. China is engaged in a major push to extend its economic and political influence into Cambodia. Spreading investment, aid and loans, along with political pressure, China is proudly displaying its Chinese model. The visible developmental successes of various non-democratic regimes, such as China, and Vietnam, are frequently invoked by ruling elites as evidence against the advisability of a democratic approach. For these reasons, some members of civil society and human rights groups feel a heightened concern about the fragile state of Cambodian democracy, and the increasing attraction of authoritarian models of development.

Yet nevertheless, despite the persistent concerns, rights abuses and glacial pace of reform, COMFREL, together with its partners in civil society and the international community, continues to forge ahead in promoting democratization and monitoring democratic space and elections. COMFREL continues to reach out to the government to engage in dialogue on democratic reform. COMFREL calls on the Royal Cambodian Government, the National Assembly, and the sub national governments to heed COMFREL's appeal for reforms and respect for political freedoms. COMFREL looks forward to working with partners in government, civil society and all political parties in the upcoming year to realize the vision of a democratic Cambodia.



ខុមហ្វ្រែល COMFREL

ទស្សនៈវិស័យ ខុមហ្វ្រែល ៖ ដើម្បីឱ្យការបោះឆ្នោតមានអត្ថស័យ ដែលប្រកបដោយលក្ខណៈប្រជាធិបតេយ្យ។

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

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