

# CAMBODIA

## NATIONAL ASSEMBLY ELECTION

27<sup>th</sup> July 2008



Report on the International Election Observation Mission  
by  
The Asian Network for Free Elections (ANFREL)

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*Ms. Somsri Hananuntasuk*  
Executive Director of the Asian Network for Free Elections  
(ANFREL) Foundation



## Abbreviations

ADHOC	Cambodia Human Rights and Development Association
ANFREL	Asian Network for Free Elections
CEC	Commune Election Commission
COHCHR	Cambodia Office of the High Commissioner for Human Rights
COMFREL	Committee for Free and Fair Elections in Cambodia
CPP	Cambodia People's Party
CTN	Cambodian Television Network
FUN	FUNCINPEC Party
FUNCINPEC	Front Uni National pour un Cambodge Indépendant, Neutre, Pacifique, et Coopératif, or National United Front for an Independent, Neutral, Peaceful, and Cooperative Cambodia
HDDMP	Hang Dara Democratic Movement Party
HRP	Human Rights Party
ICCPR	International Covenant on Civil and Political Rights
IPU	Inter-Parliamentary Union
KAP	Khmer Anti-Poverty Party
KDP	Khmer Democratic Party
KRP	Khmer Republic Party
LEMNA	Law on Election of Members of the National Assembly
LDP	League for Democracy Party
LICADHO	Cambodia League for the Promotion and Defence of Human Rights
LTO	Long Term Observer
NEC	National Election Committee
NGO	Non-Government Organization
NICFEC	Neutral and Impartial Committee for Free and Fair Elections in Cambodia

NRP	Norodom Ranariddh Party
PEC	Provincial Election Commission
RFA	Radio Free Asia, Cambodia
RGC	Royal Government of Cambodia
SJP	Society of Justice Party
SRP	Sam Rainsy Party
STO	Short Term Observer
TVK	Tele-Vision Kampuchea



## Executive Summary

ANFREL's mission to observe the elections to Cambodia's National Assembly on 27<sup>th</sup> July 2008 took place from the 18<sup>th</sup> – 30<sup>th</sup> July 2008. A total of eleven international observers from eight countries were deployed to eight Cambodian provinces to monitor the pre-election environment and Election Day. The mission was led by ANFREL's Executive Director, Ms. Somsri Hananuntasuk. During the mission ANFREL worked closely with its local members, the Committee for Free and Fair Elections in Cambodia (COMFREL) and the Neutral & Impartial Committee for Free & Fair Elections (NICFEC). This report covers the pre-election period, Election Day itself, and includes recommendations for electoral reform.

**The Fourth Cambodian National Assembly election since 1993 was conducted in a generally peaceful and calm atmosphere. However, though the election process showed improvements in many areas compared to previous polls, it cannot be regarded as fair.**

The main political parties competing in the election were the ruling Cambodian People's Party (CPP), FUNCINPEC Party, opposition Sam Rainsy Party (SRP), the newly established Norodom Ranariddh Party (NRP), and the Human Rights Party (HRP).

The general pre-election environment was peaceful in most areas. Those reports of fighting that were received related mostly to clashes between supporters of the CPP and opposition parties. Political parties were able to campaign relatively freely, though the lack of campaign finance regulations created an unfair environment that clearly favoured the ruling political party. Interviews with voters, local stakeholders and media reports revealed prevalent vote buying. Other irregularities included politically aligned media, particularly promotion of the ruling CPP by State media, and the involvement of children in campaigning by both the CPP and SRP.

Election administrators showed good knowledge of electoral procedures and carried out their duties transparently and in a timely manner. However, the National Election Committee was not perceived as impartial by the majority of electoral stakeholders.

Most voters, including new voters, were enthusiastic to vote. There is a strong civic spirit amongst Cambodians who feel it is their duty as Cambodian citizens to vote. They demonstrated a sound understanding of the purpose and procedures of the election, though many were not informed about some newly adopted practices. Most interviewed voters felt that the election was less violent than that in 2003, although most also did not believe that the election would be entirely fair.

Polling on Election Day was a success in all observed provinces except the capital, Phnom Penh. Fewer violent cases were recorded compared to previous elections. The most significant concern on Election Day was the voter list. The NEC deleted 585,723 names from the voter list during the last revision in 2007, and it is likely that a substantial number of these people were eligible voters. Particularly in Phnom Penh, many voters could not find their names in the voter list even though they had registered within the required period. In addition, cases of 'ghost voting' (i.e. two voters with identical ID documents voting at the same polling station) were observed. It is estimated that 50-60,000 voters were denied their right to vote, a number of whom filed complaints with the CEC. Unfortunately, many CEC members were unwilling to pursue these complaints.

The misuse of 'Form 1018', an alternative means of identification enabling one to vote, was also prevalent. Commune and village authorities frequently issued this form to non-citizens in order to increase the number of votes for the ruling party. In some Cambodian areas with a large immigrant population, many voters at the polling stations were observed speaking in a foreign language and using Form 1018 as a means of voter identification.

Full recommendations to improve the electoral process are made at the end of this report. Most importantly:

1. The NEC must be politically neutral. Selection of NEC members should not be based on political affiliation and members must perform their work without bias.
2. Laws prohibiting the use of State resources (both physical and human) for campaigning should be strengthened and enforced more rigorously by the NEC. In particular, village chiefs should be excluded from any involvement in the electoral process.
3. Campaign finance laws should be introduced to facilitate more equal competition between political parties.
4. A comprehensive and accurate voter roll must be ensured.
5. Public access to voter rolls must be improved so that corrections can be made well in advance of Election Day.
6. The media should adhere to the standards of political neutrality outlined in the Code of Conduct and should be sanctioned if they fail to report impartially.
7. The current registration process and distribution of documents such as voter information notices (VIN) must be re-structured and a serious penalty should be imposed on those who manipulate the system.
8. The establishment of an independent and permanent body to adjudicate electoral violations and to monitor the work of the NEC should be considered.

## **Introduction**

This report is the outcome of the information received from 11 observers deployed to 8 Cambodian provinces. It covers the pre-election period, Election Day itself and also includes recommendations for further election reform in Cambodia. Past elections observed by ANFREL in Cambodia include Parliamentary elections in 2003 and 1998, and Commune Council elections in 2002.

### **Basic mission overview**

Following an invitation from the National Election Committee of Cambodia (NEC), ANFREL deployed a total of 11 international observers for Cambodia's National Assembly election (see Annex 1 for the list of international observers). ANFREL's mission, led by ANFREL's Executive Director Ms. Somsri Hananuntasuk, took place from 18<sup>th</sup> July until 30<sup>th</sup> July 2008 (see Annex 2 for full mission schedule).

Observers were recruited from eight countries: the Philippines, Thailand, Indonesia, Bangladesh, India, Nepal, Republic of China (Taiwan) and the Czech Republic.

Three members of ANFREL's core team arrived on 18<sup>th</sup> July to make preliminary logistical arrangements. Eight international observers joined the mission on 21<sup>st</sup> July and remained in Cambodia until 30<sup>th</sup> July 2008, monitoring eight Cambodian provinces (Phnom Penh, Kandal, Takeo, Kampot, Battambang, Banteay Meanchey, Kampong Cham, and Siem Reap).

ANFREL worked closely with its local members, the Committee for Free and Fair Elections in Cambodia (COMFREL) and the Neutral & Impartial Committee for Free & Fair Elections (NICFEC).



*ANFREL briefing with COMFREL*



*Mr. Koul Panha, COMFREL's  
Executive Director and ANFREL's  
Vice-Chairperson*

Three press conferences held jointly by ANFREL, COMFREL and NICFEC took place during the mission at which press statements were jointly issued (see Annex 9). ANFREL released a comprehensive pre-election report on 26<sup>th</sup> July and a statement on the polling and counting on 29<sup>th</sup> July.

### **Observation methodology**

As signatories to the Declaration of Principles for International Election Observation and the Code of Conduct for International Election Observers of the United Nations, ANFREL observes all elections according to internationally recognised standards and principles. Without comprising on such standards, ANFREL also aims to couch its analysis in the context of a country's recent political and electoral history. Elections are assessed in terms of compliance with international standards but also to what extent the election advances broader goals of consolidating peace and democracy, particularly in post-conflict areas.

The 2008 Cambodian election was assessed according to the following principles:

- A genuinely universal franchise
- The right of political parties and candidates to participate in the election
- Freedom of expression for election stakeholders and individuals
- Freedom of movement and assembly
- The ability of voters to cast their ballot secretly
- Transparency of the election process.



*ANFREL briefing with UNDP*

Observations focused on a number of different aspects of the pre-election environment, including the campaign environment, security, election administration, media compliance with electoral laws, voter registration, voter education and voters' views.

Prior to deployment, observers underwent a two-day intensive briefing (see Annex 3 for briefing schedule) on the local political context and pre-election environment, electoral laws and systems, and observation methodology. Training included sessions presented by local NGOs, the NEC, media, political parties and UNDP representatives. Province-specific information was provided to each team by the COMFREL provincial coordinator on site.

Observers were deployed to five base areas (see Annex 4 for deployment map), from which they travelled to a number of different districts covering sensitive areas that were at risk of election violations.

In order to obtain neutral, impartial and comprehensive information ANFREL observers interviewed all electoral stakeholders such as Provincial/Commune Electoral Commission representatives, government officers, political parties, journalists, international and local observers, NGOs and voters.

## Country Overview

### Historical context

Most Cambodians consider themselves to be Khmers, descendants of the Angkor Empire that extended over much of Southeast Asia and reached its zenith between the 10th and 13th centuries. After a long period of decline, the king placed the country under French protection in 1863 and it became part of French Indochina in 1887. Cambodia gained full independence from France in 1953.



*The current King, Norodom Sihamoni and former King and Queen of Cambodia*

In April 1975, after a five-year struggle, Communist Khmer Rouge forces captured Phnom Penh and evacuated all cities and towns. At least 1.5 million Cambodians died from execution, forced labour or starvation during Pol Pot's Khmer Rouge regime. A December 1978 Vietnamese invasion drove the Khmer Rouge into the countryside, began a 10-year Vietnamese occupation and touched off almost 13 years of civil war.

The 1991 Paris Peace Accords mandated democratic elections and a ceasefire, which was not fully respected by the Khmer Rouge. UN-sponsored elections in 1993 helped restore some semblance of normalcy under a coalition government. Factional fighting in 1997 ended the first coalition government, but a second round of national elections in 1998 led to the formation of another coalition government and renewed political stability.

Elections in July 2003 were relatively peaceful, but it took one year of negotiations between contending political parties before a coalition government was formed. In October 2004, King Sihanouk abdicated the throne due to illness and his son, Prince Norodom Sihamoni, was selected to succeed him.

### **Political environment**

Following the Paris Peace Accords of October 1991 and multi-party elections in July 1993 a new Constitution was adopted, which envisaged the Royal Government of Cambodia (RGC) as a multiparty liberal democracy under a constitutional monarchy. The new Constitution explicitly incorporated the Universal Declaration of Human Rights and the international human rights treaties to which Cambodia is party.

Three main political parties have since dominated Cambodian politics: The Cambodian People's Party (CPP), the United Front for an Independent, Neutral, Peaceful, and Cooperative Cambodia (FUNCINPEC) and the Sam Rainsy Party (SRP). Since the first



mandate of the National Assembly (NA), three nation-wide elections have been organized, including the elections for the NA in July 1998 and July 2003, and the first commune elections in February 2002.

A new coalition government was established on 15 July 2004 following almost a year of political deadlock. The commune elections of 2002 were an important step in a comprehensive program of political, administrative and financial decentralization. There is also increasing participation of civil society and NGO groups in politics and government, and a relatively underdeveloped media sector is beginning to fulfil its investigative role. However, civil society organizations and Cambodian citizens continue to face significant challenges, for example in accessing information, establishing dialogue and developing participatory processes. The Government's capacity to engage in policy dialogue with civil society is growing, but participatory mechanisms have yet to be institutionalized into mainstream policy development, public planning or monitoring processes.

The coronation of HRH King Norodom Sihamoni in October 2004 is further testament to the growing stability of the nation. Cambodian people respect their King, who has used his influence to mediate past disagreements within government.



*Hun Sen*  
*Prime Minister of Cambodia*  
*(Source: UNDP Cambodia)*



*Sam Rainsy*  
*Leader of the Sam Rainsy Party*  
*and Parliamentary Opposition*

A brief overview of the major political parties competing in the 2008 election follows. Annex 5 contains the official lists of the eleven competing parties (in Khmer and English).

The **Cambodian People's Party** is the current ruling party of Cambodia. Its title from 1981 to 1991 was the Kampuchean People's Revolutionary Party (often referred to by its French acronym 'PRPK'), and it was the sole legal party in the country at the time. Current Prime Minister Hun Sen is the Vice President of the party.

**Funcinpec** traces its roots to Norodom Sihanouk, the Cambodian independence leader and former King of Cambodia. Sihanouk's son, Prince Norodom Ranariddh, led the party until October 2006.<sup>1</sup> During the 1980s, Funcinpec participated in the political and armed resistance led by the Khmer Rouge against the Vietnamese-installed People's Republic of Kampuchea. Funcinpec and the Cambodian People's Party form the current ruling coalition.

The **Sam Rainsy Party** is a more or less liberal party in Cambodia, a member of the Council of Asian Liberals and Democrats. The Sam Rainsy Party, founded in 1995 as the Khmer National Party and given its current name in 1998, constitutes the official opposition to the Cambodian People's Party.

The **Human Rights Party** is a Cambodian political party founded in July 2007 and led by Kem Sokha. The Human Rights Party is supposed to be the first party in Cambodia to adapt the check and balance system, changing the culture of one-man-ruling parties, which most parties in Cambodia adapt (major leaders are elected in its convention).

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<sup>1</sup> Prince Norodom Ranariddh subsequently created the Norodom Ranariddh Party (NRP).

## Election Overview

### **Cambodia's obligations under international law**

The right to participate in the government of one's country through periodic and genuine elections is an internationally recognized human right, embodied in Article 21 of the Universal Declaration of Human Rights. Article 21 states that the authority of government is based in the will of the people, expressed through periodic and genuine elections involving a secret vote and universal suffrage.

Adopted in 1948, the Universal Declaration marked the beginning of the consideration of participation in government as a human right. Although the Universal Declaration is only a non-binding resolution, the right of participation has arguably attained the status of customary international law. Further, this right became a binding human rights norm in international law with the adoption of the International Covenant on Civil and Political Rights (ICCPR) in 1966.

#### Article 25 of the International Covenant on Civil and Political Rights (ICCPR) (1966)

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

- (a) To take part in the conduct of public affairs, directly or through freely chosen representatives;
- (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;
- (c) To have access, on general terms of equality, to public service in his country.

As a state party to the ICCPR, Cambodia is obliged by Article 25 to adopt such legislative and other measures that may be necessary to ensure that citizens have an effective opportunity to enjoy the rights it protects.<sup>2</sup> Hence, Cambodia must ensure genuine and periodic elections, secrecy of the ballot and the free expression of the will of the electors. It must also ensure universal and equal suffrage, which as a practical matter means maintaining comprehensive and accurate voter lists.

Cambodia is also a member of the Inter-Parliamentary Union (IPU), an international organization of parliaments of sovereign states. The IPU's Universal Declaration on Democracy<sup>3</sup> (1997) and Declaration on Criteria for Free and Fair Elections<sup>4</sup> (1994) reaffirm the rights relating to elections contained in the Universal Declaration and ICCPR and provide objective criteria to guide electoral practices.

The voting and elections rights contained in article 2 of the 1994 Declaration include the right to vote; to access an effective and impartial procedure for voter registration; to not be improperly disqualified; to vote in secret; and to access an appeal and review process to correct errors. The rights pertaining to campaigning in article 3 include the right to become a candidate for election; to establish and join a political party of their choice; and to have equal opportunity of access to mass communications media. Under article 3 candidates and parties also bear the responsibility to refrain from violence and accept the outcome of a free and fair election.

As an IPU member state, Cambodia should respect the 1994 Declaration and ensure periodic and genuine, free and fair elections. Article 4 of the 1994 Declaration states that this involves establishing

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<sup>2</sup> General Comment 25 on the Right to Participate in Public Affairs, Voting Rights and the Right of Equal Access to Public Service (Art.25 ICCPR) (1996) by the Human Rights Committee.

<sup>3</sup> Available: <http://www.ipu.org/Cnl-e/161-dem.htm> [retrieved 9 October 2008]

<sup>4</sup> Available: <http://www.ipu.org/Cnl-e/154-free.htm> [retrieved 9 October 2008]

an effective procedure for registering voters; facilitating national programmes of civic education; training electoral officers; ensuring the integrity of the poll and the counting of ballots; and ensuring non-partisan coverage in State and public service media.

**Election system**

The National Assembly consists of at least 120 members elected for a five-year term under a proportional representation system. Currently there are 123 members of the new National Assembly elected from 24 constituencies. This structure reflects the second-level administrative units (20 provinces and four municipalities). Constituencies are represented in the National Assembly by between one and 18 members. There is no threshold specified in the law for gaining parliamentary representation, and no quota reserved for women or any other groups.



*Election campaign poster produced by the NEC*

## Election administration

The Cambodian Election Administration has a four-level structure:

1. The National Election Committee;
2. 20 Provincial Election Commissions and four Municipal Election Commissions (PECs);
3. 1,621 Commune Election Commissions (CECs); and
4. 15,255 Polling Station Commissions (PSCs).

The Law on the Election of Members of the National Assembly (LEMNA) defines the NEC as “an independent and neutral body”, and stipulates that members of the election administration at all levels “shall be neutral and impartial”. The NEC has nine members who must give up their membership in a political party upon their appointment. A General Secretariat assists the NEC in its work.

The NEC produced and distributed a substantial amount of voter education materials such as posters displaying acceptable forms of identification on Election Day. Examples of valid and invalid ballot papers are included in Annex 7.



*Poster displaying acceptable forms of ID for voting*



*A ballot paper cover for blind voters*

### **Voter registration**

Cambodian citizens eligible to vote must be 18 years or older on Election Day, registered in the commune where they will vote, and not be under guardianship or serving a prison term.

A permanent voter register was introduced in Cambodia after the 2002 Commune Council elections. The NEC is responsible for maintaining and annually reviewing the voter register. The NEC delegated the last revision of registering voters to the Commune Councils and Commune clerks. The most recent update took place between 15th September and 20th October 2007. The total number of voters on the final voter list validated by NEC on 29th February 2008 was 8,124,092.

### **Party and candidate registration**

Registration of candidates took place from 28<sup>th</sup> April to 12<sup>th</sup> May. Twelve political parties applied, out of which 11 were registered by the NEC.<sup>5</sup> To be able to register candidate lists with the NEC, political parties must be registered with the Ministry of Interior and fulfil several requirements stipulated by the law.

Political parties submit separate candidate lists for each constituency. The number of candidates on each candidate list must be equal to the number of seats allocated to the constituency. Parties are not obliged to run in all constituencies, but the total number of registered candidates must be at least one third of the total number of seats in the National Assembly. Eligible candidates must be registered voters of at least 25 years of age, Cambodian citizens from birth, registered in Cambodia and nominated by a political party.

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<sup>5</sup> The application of the United People of Cambodia Party was rejected by the NEC due to the party not fulfilling the required legal conditions. See National Election Commission, 'Eleven Political Parties Officially Recognized by NEC' (Phnom Penh, 22 May 2008, No. 05.076/08 NEC.SG.PIB) (included in Annex 5).

Certain categories of voters, including civil servants, police and army personnel, monks, election administrators and members of several top-level courts may not be candidates unless they resign their position before the start of the election campaign. Persons sentenced to prison terms upon conviction for felonies or misdemeanours may not run unless they have been rehabilitated.

### **Polling arrangements**

Polling for the 2008 National Assembly election took place on 27<sup>th</sup> July from 07:00-15:00. Voters were only able to vote in the polling station where they had registered as described in the voter list, and had to produce an ID document in order to vote. As a safeguard against multiple voting, voters' fingers were marked with indelible ink. There were a total of 15,255 polling stations for the elections.

The 2008 election saw the introduction of a new vote counting procedure; regulations stipulate that the count must now take place in the polling station immediately after the end of voting. After the vote count, election materials are delivered to the CEC, which aggregates the results and prepares consolidated minutes for the elections in the commune. These minutes are then transferred to the PEC, which aggregates the results at the provincial/municipal level. Finally, the results from the PEC are transmitted to the NEC, which checks all polling station results, aggregates the results and announces the preliminary national results.

### **Pre-Election Period**

In general the pre-election environment was calm and peaceful. The election was to some extent overshadowed by a Thai-Cambodia border conflict over the contested Preah Vihear temple.



## Campaign environment

Political campaigns in Cambodia have been characterized by violence since it obtained independence from France in 1953. The 2008 election period showed improvement from past elections, with fewer reports of threats, intimidation, fighting and killings. Any fighting that did occur was generally between supporters of the CPP and opposition parties. Such violence hampered efforts to create a stable environment in which to hold the polls. In one example SRP supporters were seriously beaten during an attack by CPP followers during a public meeting in Battambang on July 25.



*Mr. Youp Vazy, 21, was one of 12 SRP supporters injured in a clash with CPP supporters at a public meeting in Battambang on 25<sup>th</sup> July. Most confrontations during the campaign were sparked by allegations of violations of the campaign schedule and failures to request permission to rally from authorities.*

In larger cities and towns only five main parties out of the eleven registered parties were visible during the election campaign: the CPP, SRP, NRP, FUNCINPEC, and HRP. Rural areas were dominated by the ruling CPP. Political parties campaigned on issues such as the price of commodities, inflation, land grabbing, tackling corruption, immigration, and relations with neighbouring countries (with a focus placed on the Preah Vihear temple conflict).

Political parties were generally able to campaign freely, through the media, convoys and rallies, and distributing print material such as stickers, posters and bill-boards. The lack of campaign finance regulations, however, created an unfair playing field that clearly favoured the ruling party. Opposition parties were afraid of the resources and networks of the ruling CPP. Articles 81 and 82 of the LEMNA require political parties and candidates to pay for their own campaigns and maintain accounts of income and expenditure, but do not specify a maximum campaign budget per day.

State media was dominated by CPP advertisements and promotions, which added to the unequal coverage of political parties in Cambodian media. The Cambodian authorities failed to ensure non-partisan coverage in State and public service media, contrary to article 4(3) of the IPU's Declaration on Criteria for Free and Fair Elections. The combination of control of state resources and lack of campaign finance limits led to the CPP's very high visibility during the pre-election period.

A vast number of vehicles whose licence plates were obscured by campaign stickers were used during rallies and other campaign activities, primarily by the CPP but also the SRP. The licence plates of other vehicles had simply been removed. The ability to use vehicles without visible licence plates creates a high risk of abuse of government property by political parties and in this election led to an unfair campaign environment dominated by the ruling party.

Local authorities across the country used government buildings such as district and commune halls, as well as government staff, to campaign for the CPP. Further, CPP affiliated village chiefs were actively involved in campaigning for the CPP during the pre-election period. The abuse of positions of authority and government premises in this way gave the CPP an unfair advantage over other parties.



*Many vehicles were used for campaigning without visible licence plate numbers. Some licence plates were covered by campaign stickers*

During the pre-election period some children were observed campaigning for the CPP and SRP. This is contrary to international standards and raises the possibility of exploitation.

Interviews with voters, local stakeholders, and media reports revealed that vote-buying was still prevalent. Many voters interviewed knew of instances of vote buying or had themselves received gifts from party officials (such as sarongs, fish sauce, and mono sodium glutamate). The impact of vote buying on election results is difficult to determine: some voters admitted that gifts would influence their decision to vote while others claimed that gift-giving would not impact on their decision-making. Some voters felt that vote-buying had a greater influence on people with little education.

## **Election administration**

The electoral authorities showed a good knowledge of election procedures and performed their duties transparently and in a timely manner. The recruitment of polling officers was satisfactory, but concerns arose in some rural areas due to low levels of education. Election materials were distributed to CECs and polling stations according to schedule, but in some cases were stored poorly or in publicly accessible areas.

The most significant issues with respect to administration in the pre-election period concerned the voter list. In its 2007 update the NEC removed 585,723 names from that list, and according to an independent audit more than 57,000 of these had been deleted incorrectly.<sup>6</sup> These deletions are likely to be in breach of article 2(3) of the IPU's Declaration on Criteria for Free and Fair Elections, which affirms that no citizen shall be denied the right to vote except in accordance with objectively verifiable criteria and the State's obligations under international law. The NEC rejected the findings of the audit, claiming that the deletions were 'properly done within the electoral law and NEC's Regulations and Procedures.' It had posted the prospective deletions list at communes and villages for a total of 80 days<sup>7</sup> and blamed voters for either not checking this list or not registering in the first place. This issue caused significant controversy across Cambodia during the pre-election period and was the subject of many post-election complaints and protests.

Questions were also raised about the NEC's late additions to the voter list. Under the revised LEMNA the NEC must officially validate the voter list in the period 1<sup>st</sup> October – 31<sup>st</sup> December of

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<sup>6</sup> National Democratic Institute press release, 'Voters List Improved but Many Voters Incorrectly Deleted,' Phnom Penh (13 June 2008), available: [http://www.accessdemocracy.org/library/2343\\_kh\\_statement\\_voterslist\\_engpdf\\_07172008.pdf](http://www.accessdemocracy.org/library/2343_kh_statement_voterslist_engpdf_07172008.pdf) [retrieved 1 October 2008]

<sup>7</sup> See National Election Committee, 'The Declaration of NEC's Spokesperson' (Phnom Penh, 8 April 2008).

every year (the same period it has to update the list: Article 49). In the year of a national election, the NEC has discretion to decide a different date to announce the list. In any case, the NEC must 'provide validity' to the list at least 90 days before the polling day (Article 48). For the 2008 national election the NEC declared the date of official validation and announcement of the voter list to be the 29<sup>th</sup> of February (see the NEC's official Election Calendar in Annex 6). However, the NEC allowed 321 and 1,138 voters' names to be added on 4<sup>th</sup> April and 29<sup>th</sup> May respectively, citing technical mistakes as the justification.

It is likely that the NEC violated the LEMNA with these two late additions, although the provisions are unclear. Under Article 49 the NEC can decide the date on which it shall officially validate the voter list, and 'can prolong the period of reviewing the list of voter [sic] and voter registration no longer than 15 days'. If the late amendments are considered a 'review' of the voter list, the NEC has breached Article 49 by allowing them after a period of 15 days from the date of official validation.

Aside from the question of their legality, these amendments indicate that the NEC's initial revision of the list was inadequate. The additions were required to correct administrative errors in five provinces and municipalities.<sup>8</sup> The NEC may need to revise the voter registration process in order to meet the standards outlined in the IPU's Declaration on Criteria for Free and Fair Elections.<sup>9</sup> Further, the NEC faced allegations of bias for allowing some additions but

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<sup>8</sup> See National Election Committee Press Release, '8,124,391 Voter Names in the 2007 Voter List' (Phnom Penh, 8 April 2008, No. 04. 061.08NEC.SG.PIB); National Election Committee Press Release, 'NEC Adds 1.138 Voters' Names to the 2007 Voter Lists for 4<sup>th</sup> Mandate Election of Member of the National Assembly 2008' (Phnom Penh, 4 June 2008, No. 06.083 /08 NEC.SG.PIB).

<sup>9</sup> Article 2(2) of the IPU's Declaration states that 'Every adult citizen has the right to access an effective, impartial and non-discriminatory procedure for the registration of voters,' and article 4(1) places the responsibility to establish this procedure on the State.

not others. The late additions are likely to have reinforced the public perception of bias in the NEC that arose with the controversy over the earlier deletions.

Unfortunately, it was not possible for voters to check that their names were on the voter list prior to cooling day. If an eligible voter had discovered their name missing on July 26, they would not have had time to register and subsequently exercise their right to vote.

Allegations of bias were also faced by many Provincial and Commune Election Commissions (PECs and CECs). The majority of complaints filed against province- or commune-level administrators concerned the placement and destruction of campaigning materials, vote-buying, “black campaigning”, and failing to abide by the campaign schedule.

### **Voter education**

The Cambodian election authorities largely satisfied their obligations under article 4(1) of the IPU’s Declaration on Criteria for Free and Fair Elections, which obliges states to ensure that their populations are familiar with election procedures and issues. Voters had a sound understanding of the purpose, process, and procedures relating to the election. However, voter education was not entirely successful: many Cambodians were not well informed about new practices such as counting ballots on site after the close of voting at 3pm.



*NEC campaign in Battambang*



*NGOs also conducted voter education*

Voter education was perceived by voters themselves as sufficient given their experience of previous elections. It was conducted mainly through the media (radio, television, and print media), Village Chiefs, political parties, and NGOs (COMFREL and NICFEC). Village Chiefs were responsible for distributing voter information notices, though they reportedly used this opportunity to openly campaign. Regarding NGO voter education programmes, it is regrettable that NICFEC's voter education drama was forced to stop its performances by local authorities one month before Election Day, despite being approved by the NEC.

### **Media environment**

The local Cambodian media generally failed to adhere to standards for balanced reporting, both in terms of tone and coverage. Most media outlets were clearly affiliated with a particular political party.<sup>10</sup> Though all opposition parties received an access to state television and radio, the ruling CPP clearly received more favourable coverage. International print media remained impartial and neutral.

For a detailed analysis please refer to the section on Media Monitoring below.

### **Voters' views**

Most interviewed voters felt that less violence surrounded this election than the previous election in 2003, although most also did not think the election was entirely fair. Several voters, in particular older voters, were afraid and unwilling to talk about the election and politics in general. While Cambodians were comfortable discussing the election with their family or close friends, there remained some fear of expressing their views in public.

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<sup>10</sup> The Raksmei Kampuchea, Koh Santepheap Daily and Kampuchea Thmey were aligned with the Cambodian People's Party; Moneaksekar Khmer with the Sam Rainsy Party; and The Voice of Khmer Youth with Norodom Ranariddh. The Phnom Penh Post Cambodia Soir, Mekong Times, and The Cambodia Daily provided more neutral coverage.

Two to three days before voting, most people had already made up their minds about which party to vote for; very few were undecided. Though most voters were enthusiastic to vote since they felt it was their duty as Cambodian citizens, others were apathetic for a number of reasons: scepticism that any change would be possible; disappointment with opposition parties; frustration with and fear of their village chief; lack of transportation to travel to distantly located polling stations; and deletion of names from the voter list.

Many people confirmed that they registered to vote through their village chief. Some took the initiative to register themselves. Others registered through their family.

Voters' views on the independence and neutrality of the election administration varied. There was a general consensus that the election administration was more impartial compared to previous elections. Village chiefs in the majority of regions, however, were perceived as working for the CPP and not for the government or ordinary citizens.



*ANFREL observers interviewing journalists in Battambang*



Young citizens generally expressed an interest in voting for the first or second time. Many students doubted that the election would be free and fair, stating that the NEC was not independent and that Cambodia was effectively under one party rule. Many students interviewed said they could not publicly discuss political issues, preferring to discuss the election with their peers in small groups. They claimed it was not possible to freely associate with other students and form student organizations.

Female voters felt that both men and women had the equal rights to participate in politics and that Cambodian women were enthusiastic and eager to vote for their preferred party. The enthusiasm of women for elections is not, however, matched by their participation as candidates, and there was no quota for women candidates for this election as is practiced in a number of other Asian countries.

## **Election Day**

### **Basic facts**

- 24 constituencies
- 15,255 polling/counting station
- 8,125,529 eligible voters
- Max. 700 voters per polling station
- 6 polling officials per polling station
- Number of ANFREL observers: 11
- Number of polling stations visited: 135

### **Election environment**

Polling on Election Day was a relative success in all observed provinces except the capital. The security situation was peaceful, and ANFREL's observers reported a good or very good overall rating for areas that they visited on Election Day. Fewer violent incidents were recorded compared to previous elections. No campaigning was

observed inside nor outside polling stations. Procedures for opening, polling, closing and counting were followed correctly in the majority of polling stations visited. Some disorder was observed in front of polling stations during the peak hours of voting (7-9 am), however this did not impact on the orderly performance inside polling booths.

The border dispute with Thailand over the Preah Vihear temple contributed to a significantly lower voter turnout in some polling stations in Siem Reap, as a large number of voters in the province serve as military personnel and had been deployed to that area.

### **Before opening**

Generally, procedures to prepare polling stations complied with the NEC's guidelines. Polling booths had received all necessary equipment, polling stations were set up correctly and almost all opened for polling at exactly 7am. Polling stations in Prek Tnout (Kampot province) were particularly accurate.

A number of issues raised concerns among election stakeholders, however, such as the early sealing of ballot boxes. It was common practice for polling station Chairpersons to seal the ballot boxes well before party agents or observers arrived in the morning, some as early as 6.10am (a station in Battambang). This practice contravened the LEMNA<sup>11</sup> and, because the ballot boxes were opaque, made it impossible to determine whether the ballot boxes were empty at the start of polling. The process of sealing the boxes was also lacking in some centres. In polling station 479 in Siem Reap the Chairperson first fastened a yellow seal to the ballot box, but had to break it in order to fasten the correct red seal. Even then, the seal appeared loose and may not have prevented someone opening the box.

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<sup>11</sup> Under the newly inserted Article 91 of the LEMNA the polling station Chairperson is to show the empty ballot box to 'all members of the Commission, the representatives of political parties and the observers to make sure that there is nothing in the ballot box' before sealing it in readiness for the poll.

Polling stations were in some cases found in close proximity to inappropriate and undesirable venues such as private houses, where the voting process may have been observed or controlled from upper floors. The official location of polling station 0772 in Battambang, for example, was ‘Meas Sophal’s House, Tapoung Commune, Battambang Province.’ While the lack of voter secrecy was not a widespread problem, the secrecy of the ballot is a crucial element of a free and fair election<sup>12</sup> and must not be compromised in this way.



*Polling station set up under a private house*



*Polling station set up inside a private house*

Other undesirable polling station locations were close to CPP offices (15-50m away) and inside restaurants, which may raise suspicions of bias or favouritism from local officials or personalities. In Preaek Aeng (Kean Svay, Kandal Province) a polling station was located inside a karaoke hall. Polling station 1607 in Tboung Khmom, Kompong Cham province, was inappropriately placed as it was surrounded by large open spaces through which people could walk and potentially view voters casting their votes. Polling station officials later addressed this by prohibiting people from walking behind the voting screens.

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<sup>12</sup> As recognised in article 21 of the Universal Declaration of Human Rights; article 25 of the ICCPR; and article 2(7) of the IPU’s Declaration on Criteria for Free and Fair Elections.

At polling station 478 in Siem Reap, election officials permitted only one ANFREL observer to enter the polling station and observe the opening procedures, without an interpreter. This may be viewed as obstructionist as the officials did not offer a reasonable justification for this decision.

### **Polling process**

The NEC administered the election well in most provinces observed. Almost all polling station staff correctly followed the NEC guidelines and welcomed the presence of international observers. Large volumes of voters were handled well by providing tents in some cases (so that voters could queue in shade, in Chong Kneas, Siem Reap polling stations 480, 478 and 479) and issuing numbers (to promote orderly queuing, in Sala Khom in Preaek Eng (Kean Svay, Kandal Province)).



*Indelible ink*

Agents representing the CPP and SRP were present in all polling stations observed, and representatives of the smaller NRP, Funcinpec and HRP were stationed in many polling stations as well. In most cases the presence of these agents contributed to an impartial environment in which to conduct the voting process.

However, a concerning number of party agents directly and indirectly interfered with the voting process. It was common for party representatives to enter and remain in polling stations to observe the voter registration process, creating an environment where voters may have felt pressured to vote in a particular way. Inside polling station 495 in Siem Reap, for example, a female CPP observer was asking for voters' ID cards and recording their details. The polling station chief and CEC official were reluctant to intervene despite acknowledging that this practice was not acceptable. CPP agents were similarly checking voter lists in polling stations 488 and 384. Some party agents interfered more directly, offering advice or directions to voters.



*Party agent in polling station 151, Battambang, observing registration process and directing voters*

Village chiefs in the Phnom Penh province were observed handing out sheets to voters that contained instructions on their allocated polling stations. While this practice may be useful in encouraging and informing villagers to vote, it is of some concern given that it may be used to influence voters' choice of candidate. Complaints of villagers loitering around polling stations attempting to influence voters in Kampot were also received.

Many voters were confused by the voting process and did not know what to do with their ballot papers, suggesting that the NEC's voter education programs were insufficient in some areas. In Prek Tnout, Kompot province, many voters did not know which polling station they were registered at. Voters received little assistance from polling station staff in Phnom Penh (where some elderly voters could not read) and polling station 384 of Siem Reap (where staff were too disorganized to offer assistance), but in most provinces polling station staff provided more helpful assistance to voters.



*Buddhist monks came out to vote in the afternoon*

### **Voter identification irregularities**

Of the greatest concern on Election Day were inaccuracies in the voter list. It is estimated that about 50-60,000 Cambodians could not exercise their right to vote due to problems with the voter list.



*Many voters could not find their names on the list in Tonle Basak, Phnom Penh*

Particularly in Tonle Basak (Phnom Penh) many voters could not find their names on the voter list even though they had registered with the NEC within the required time. It is likely that the majority of these voters had been incorrectly deleted from the voter list by the NEC. The NEC deleted 585,723 names from the voter list during the last revision in 2007, and acknowledged that disenfranchisement of voters caused by irregularities in the voter list was one of the main issues of the polling.<sup>13</sup> The SRP claim that as of 23 September 30,115 people had signed a petition against the loss of their right to vote, and that the real number of disenfranchised citizens was much higher.<sup>14</sup>

Some voters were not allowed to vote because the details on their ID cards did not match those on the voter list. This occurred in Battambang, where a man's sex was recorded as 'female' on the

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<sup>13</sup> National Election Committee, 'Statement of the NEC's Spokesman' (Phnom Penh, 5 August 2008).

<sup>14</sup> Sam Rainsy Party Cabinet, 'New Evidence of Disenfranchisement of Non-CPP Voters: Voter List Cleaning and Political Opponent Cleansing' (23 September 2008). Available:

[http://www.samrainsyparty.org/srp\\_statements/statments\\_08/september/080923\\_vote\\_r\\_list\\_cleaning\\_and\\_political\\_opponent\\_cleansing.htm](http://www.samrainsyparty.org/srp_statements/statments_08/september/080923_vote_r_list_cleaning_and_political_opponent_cleansing.htm) [retrieved 3 October 2008]

voter list, and in polling station 384 of Siem Reap, where a voter's birthday was recorded incorrectly.<sup>15</sup> Another voter at polling station 384 had received a VIN but was not on the voter list. In Battambang four voters with recently expired ID cards were not allowed to vote.

Misuse of 'Form 1018' also occurred in some provinces. Form 1018 is an alternative proof of identity that permits people who are registered to vote in a given commune, but



*Hundreds of voters filed complaints at the SRP headquarters on polling day*

who do not possess an acceptable form of identification, to vote. The form must be signed by two witnesses and certified by the commune chief. They were misused primarily by CPP party representatives and commune and village officials rather than the NEC.

For example, a female Phnom Penh resident described to ANFREL observers how, after discovering her name was not on the voter list, polling station officials advised her to visit the CPP headquarters. There she was handed a Form 1018 and asked to select a name to vote under; the form was then certified and the woman was allowed to vote. This is illegal not only because of the identity fraud, but because the issuing of a Form 1018 after 5.30pm on 26<sup>th</sup> July 2008 was prohibited and punishable by law.<sup>16</sup> The current laws permitting the use of Form 1018 appear to detract from the integrity of the ballot by

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<sup>15</sup> In this instance, when polling station officials saw the voter complaining to ANFREL observers they recalled him into the polling station and allowed him to vote.

<sup>16</sup> National Election Committee Press Release, 'Form 1018 Used in Previous Election Can Be Used for 4<sup>th</sup> Mandate Election of Members of the National Assembly (Phnom Penh, 4 July 2008, No. 07.111.08 NEC).



allowing multiple voting and voting by those not entitled to, contrary to article 4(2) of the IPU's Declaration on Criteria for Free and Fair Elections. Commune or village officials reportedly issued Form 1018 to non-citizens living in Cambodia in order to increase the number of votes for the ruling party. In some areas with large immigrant populations, many voters at the polling stations were observed speaking in a foreign language and using Form 1018 as voter identification.

Furthermore, cases of 'ghost voting' (two voters with identical ID document presented themselves in a polling station to cast their vote) were observed.<sup>17</sup> Election authorities have a responsibility to prevent such occurrences under article 4(2) of the IPU's Declaration on Criteria for Free and Fair Elections.

Many people disallowed from voting filed complaints with CECs and the NEC. For these citizens there was no alternative means to vote on Election Day, such as a tendered ballot.<sup>18</sup> Unfortunately, many CEC members were unwilling to assist in resolving these complaints. The NEC did acknowledge a number of violations, but proved reluctant to sanction commune officials involved in issuing 1018 Forms on Election Day. Instead, they were referred to the Ministry of Interior for appropriate punishment. The LEMNA requires Commune/Sangkat clerks to be dismissed for impropriety during the voter registration process, but is silent on the issuance of 1018 Forms on Election Day. The lack of a comprehensive appeals process means that individuals who have been denied the right to vote may not always have access to a competent jurisdiction in which to appeal their case.<sup>19</sup>

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<sup>17</sup> For example, a Muslim woman from Kampot could not vote because someone had voted in her name already.

<sup>18</sup> A 'tendered ballot' is a ballot cast where the right of the voter to vote is in dispute. The ballot is held separately from the ballot box while the issue is resolved.

<sup>19</sup> This right is outlined in article 2(4) of the IPU's Declaration on Criteria for Free and Fair Elections, which states that 'Every individual who is denied the right to vote or to

It may be desirable to offer more training to CEC officials and polling station staff in the future. While most followed the correct procedures, and consulted the NEC's manuals when unsure, some did not. Some staff appointed by the NEC in Phnom Penh were unprofessional and did not appear to understand the correct processes. Further, a number of teachers inside the CEC offices pretended to be NEC members but had hardly any knowledge of NEC rules and regulations.

## **Post-election**

### **Counting and tabulation process**

New electoral regulations stipulate that the vote count take place inside the polling station immediately after the end of voting. After the count the results and materials are forwarded to the CEC which aggregates the results and prepares consolidated minutes for the elections in the commune. These minutes are then transferred to the PEC, which aggregates the results at the provincial/municipal level. Finally, the results from the PEC are transmitted to the NEC, which checks all polling station results, aggregates the results and announces the preliminary national results.



*Counting and tabulation of ballots*

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be registered as a voter shall be entitled to appeal to a jurisdiction competent to review such decisions and to correct errors promptly and effectively.'

Counting was conducted in an orderly fashion across the provinces observed. Polling station staff made good use of the Manual on Counting of Votes, and welcomed observers and reporters. The presence of CEC and PEC officials facilitated the counting process. In a number of isolated cases staff failed to follow all procedures, such as punching holes in unused ballot papers (in Siem Reap).



*Polling officer punching holes in unused ballot papers.*

### **Post-election political environment**

The Cambodian People's Party won a resounding 58.11% of the 27 July poll, reinforcing its domination of the National Assembly. The poll was largely administered correctly and was conducted with comparatively low levels of violence. However, 205 complaints were filed with the various institutions responsible for the conduct of the election, 55 of which reached the NEC. Many election stakeholders have utterly rejected the result.

In a short statement released the day after polling, four political parties (FUNCINPEC Party, Sam Rainsy Party, Norodom Ranariddh Party, and the Human Rights Party) called "on the public opinion and the international community not to recognise the results of the July 27, 2008 elections which were manipulated and rigged by the ruling CPP". Opposition parties argued the extent of CPP's win reflected a campaign of intimidation, vote buying and "dirty tricks" orchestrated by the ruling party in the lead up to the election.

Shortly after the election the SRP distributed flyers claiming that over one million Cambodians had been disenfranchised by the NEC's revision of the voter list. No substantial public demonstrations were held, although newly elected National Assembly members from the SRP and HRP boycotted the inauguration ceremony in protest. The SRP also claims that the widespread misuse of Form 1018 helped the CPP win such a large majority. It has posted substantial amounts of evidence on its website in support of this claim, including scanned copies of empty pre-signed and pre-stamped 1018 Forms; a 1018 Form issued to an underage voter; and forged 1018 Forms along with voter ID cards of the same person displaying a different name.

The SRP's claims have been derided by the CPP and NEC but they embody a passionate and reasoned rejection of the election result by large portions of Cambodian society. The SRP has a right to a remedy for any violations of its members' political and electoral rights under article 3(6) of the IPU's Declaration on Criteria for Free and Fair Elections; however, if none are identified then every candidate and political party must accept the result (article 3(11)). NEC investigations are continuing but the election authorities deny any wrongdoing. These issues must be resolved quickly in order to end the political standoff between the SRP and CPP and to restore faith in Cambodia's democratic processes.

## **Local Monitoring Activities: The Committee for Free and Fair Elections in Cambodia (COMFREL)**

COMFREL deployed around 10,000 domestic observers across the country on polling day for the 4<sup>th</sup> National Assembly elections. Of the 10,000 observers, approximately 8,700 (one per polling station) were assigned to observe the situation outside the relevant polling location (pagodas or schoolyards).

1,319 observers received more intense training in order to closely observe the situation in 1,319 randomly selected polling stations. A further 250 observers monitored the participation of youth and women in the election process. Finally, 12 COMFREL observers monitored the various media outlets (radio, TV and newspaper).



*COMFREL's monitoring of the  
tabulation process*

The NEC rejected COMFREL's proposal to allow observers to assist voters at the polling stations, on the basis that assistance by NGOs would provoke disorder at polling stations and interfere with election preparation.<sup>20</sup> In previous elections, many voters experienced difficulties in finding their name on the voting list, having their name illegally deleted from the voting list, and not receiving voter information notices. COMFREL had proposed assigning its observers to assist the second assistant of polling station officials to help voters find their polling office and name.

### **Voter and candidate education**

Prior to the elections, COMFREL conducted extensive voter and candidate education activities throughout Cambodia in line with its mission to promote better knowledge of, and encourage citizen

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<sup>20</sup> According to NEC's response letter No 724/08 dated July 09, 2008.

participation in, the electoral process. These activities included radio broadcasts with call-in slots, TV shows and a play. 300,000 pamphlets, 30,000 Question and Answer booklets, 20,000 calendars and 30,000 picture books were produced and distributed through COMFREL's networks to local organizations, workers in Phnom Penh, local authorities, young people, women's party representatives, armed forces and other voters.



*COMFREL's voter and candidate education activities*

COMFREL's Media and Campaign Section undertook several programs with the objective of increasing and improving the understanding of citizens as a whole. Various media outlets were used, such as radio broadcasts, written publications and electronic media such as websites and email lists.

- Radio broadcasting
  - COMFREL's "Voice of Civil Society" received substantial interest. Elections and voter education were the focus during the election period.
  - Approximately 11% of callers were female.
  - There were an estimated 1283 hours of radio broadcasting in the twelve-months preceding the elections. 804 hours were call-in programs and 478 hours were discussions relating to the elections.



*Producing the 'Voice of Civil Society'*

- Written publications
  - 16,000 copies in four volumes of the quarterly Neak Kloam Meul Bulletin, which covers election issues, were published and distributed nationwide.
  - Three Neak Kloam Meul articles specifically emphasizing election matters and updates were released from July 2007 to July 2008.
  - 25 press releases and statements were issued.
  
- Electronic media
  - The number of visitors to COMFREL's website reached 13,770 as of April 2007. From October 2006 to April 2007 there were 3,587 visitors.
  - There were 1,335 subscribers to COMFREL's e-mail lists as of April 2007. From October 2006 to April 2007 there were 319 new subscribers.
  
- Press conferences
  - During the pre- and post-election periods, five press conferences and four political forums were organized by COMFREL with the cooperation of other concerned civil society organizations in Phnom Penh.

## **Media monitoring**

COMFREL undertook a thorough monitoring program of Khmer language television and radio broadcasters in the lead up to the 2008 election. From May 2007 – May 2008 COMFREL recorded the number of appearances of political actors on the state-run TVK television station (and whether the tone was positive, negative or neutral). From 1<sup>st</sup> June 2008 – 31<sup>st</sup> July 2008 COMFREL recorded the time political actors were allocated by a variety of television and radio broadcasters including TVK, CTN, state-owned Radio NRK AM 918 KHz and FM 96 MHz, Radio FM 105 MHz, Radio FM 102 MHz, Radio Free Asia (RFA), Radio Voice of America (VOA) and Radio France International (RFI) between the hours of 5pm and 11pm daily (and whether the tone was positive, negative or neutral).



*COMFREL's media monitoring station*

### ***Pre-election period***

In the year May 2007 – May 2008 TVK dedicated the vast majority of political coverage (85%, or 17,902 appearances) to the activities and performance of the Prime Minister and CPP-dominated RGC. Most coverage of the RGC and CPP leaders was positive, and included field trips to meet and give gifts to locals, inauguration ceremonies and attendance at workshops. Such coverage cannot be considered non-partisan. Parties and candidates had clearly different levels of access to State and public service media, contrary to article 4(3) of the IPU's Declaration on Criteria for Free and Fair Elections.



In terms of its coverage of political parties between May 2007 and May 2008, TVK favoured the CPP with 84% (or 520 times) of all appearances (619 appearances). This coverage was largely positive, portraying party members distributing gifts, accepting new members and describing the CPP's achievements in developing the country. During this period TVK had displayed CPP logos, banners and captions such as 'the CPP protects social equity and justice.'

Up to May 2008 the CPP's coalition party FUNCINPEC and opposition SRP received only 10% (or 64 appearances) and 6% (or 35 appearances) of TVK's political coverage respectively. Most coverage of the SRP was negative, including SRP members defecting to the CPP and the Prime Minister criticizing the SRP. Over the 4<sup>th</sup> and 5<sup>th</sup> of April 2008 TVK aired a program which directly criticized the SRP for protesting against increases in the price of goods. The NRP appeared on TVK only twice. No other political party was covered.

To its credit, TVK continued to broadcast the UNDP-sponsored Equity Weekly Program. This program focuses primarily on social topics such as livelihoods and development, but featured some political and electoral stories in the lead-up to the elections. The Equity Weekly Program provided more balanced coverage of political actors and parties. It also provided a forum for political debate on contentious topics such as the removal of names from the voter list.

Of all the media outlets monitored in the immediate pre-election period of 1<sup>st</sup> – 25<sup>th</sup> June 2008, the RCG including the Prime Minister received 69% (or 89 hours) of political coverage, 84% of which was neutral. The Cambodian NA and Senate received only 9% of political coverage, 90% of which was neutral. State-run media (TVK, FM 96 MHz, AM 918 KHz) and the CTN television station portrayed the incumbent government more positively than private media. CTN produced the program "Genius and Achievement", which mostly propagandized the achievements of the government; Radio AM 918

KHz and FM 96 MHz produced the program “Newspaper Views” and “Our Country” respectively to praise and defend the RGC and CPP while criticizing the non-ruling parties.

Political parties featured in only 22% of political coverage monitored from 1<sup>st</sup> – 25<sup>th</sup> June, mostly on state-run stations. Of political party coverage, the CPP received 40%, or 11 hours and 19 minutes. Pro-CPP stories were aired by state-run media (TVK, Radio FM 96MHz and AM 918KHz) and CTN, (1 hour and 5 minutes) while the three international radio stations and Radio FM 105MHz produced more of the negative programs about the CPP (29 minutes). The SRP received 30% of political party coverage, or 8 hours and 26 minutes, mostly from the three international radio stations. Most stories about the SRP were neutral (7 hours and 15 minutes, or 86%), and only 1% were positive (10 minutes).

The NRP, FUNCINPEC and HRP were not significantly covered by the major media outlets, receiving only 9%, 6% and 5% of political coverage in June respectively. This predominantly neutral coverage was produced by Radio FM 102MHz, Radio FM 105MHz and the three international radio stations. The other six political parties were allocated between 1% and 3% of total political party airtime.

COMFREL’s findings reveal that state-run channels and CTN produced large amounts of pro-RGC and pro-CPP media during the pre-election period while heavily criticizing other political parties. The other media – RFA, VOA, RFI and FM 105 MHz – played a vital role in providing balanced coverage of all political actors and a platform for smaller parties to promote their policies.

### *During and after Election Day*

The coverage of political actors on the state-run channels within the election campaign period (June 26-July 25, 2008) was completely different from that during the pre-election campaign period, due to the presence of the UNDP/TVK “Equity News Program” and the

NEC's "Equal Access Program". These two programs eliminated the previous bias evident on TVK and meant that TVK began to satisfy the legal requirements imposed on Cambodian media. The other media remained the same in terms of political actor coverage.

Over the election campaign period, cooling period and Election Day state-run media suspended all programs that had appeared biased towards the ruling party or against opposition parties. Suddenly political parties received up to 76% of political coverage through state channels, leaving only 24% for the RGC and Prime Minister.<sup>21</sup> From 26<sup>th</sup> June to 25<sup>th</sup> July, TVK's Equity News Program focused on positive aspects of political parties, providing a valuable forum to promote policies and encourage public discussion. The table on page 53 shows COMFREL's findings on time allocated to political parties by the Equity News Program. Discrepancies between COMFREL and UNDP findings result from slight differences in methodologies.

The NEC produced two types of equal access programs on state-run media: the NEC-produced Political Parties' Platform Broadcasting and the political party-produced spots. The programs were broadcast on the three state-run channels, providing each political party 10 minutes per show. The SRP, FUNCINPEC, NRP and HRP primarily used their time to criticize the CPP-led government, while the CPP used its time to promote the incumbent government's achievements. Despite article 3(4) of the IPU's Declaration on Criteria for Free and Fair Elections, which states that every political party shall have an equal opportunity of access to the media, some parties lacked the resources to produce spots for broadcast. The KRP, for example, did not produce a spot and the HDDMP only slightly modified recordings from 2003. Most political parties used all of their allotted time (approximately five hours), however the HDDMP

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<sup>21</sup> In the period of 26th June to 31st July 2008, political parties were allocated 153 hours and 23 minutes of political coverage, while the RGC including the Prime Minister received only 48 hours and 16 minutes.

and KAP used only three hours and KRP only 2 hours. Greater equality of access must be ensured for future elections as stipulated in article 4(3) of the IPU's Declaration.

Political coverage by private media during and immediately following the election period varied in tone. Radio FM 105MHz, Radio FM 102MHz and the three international radio stations dedicated the most political coverage to the SRP (19%, mostly positive) and CPP (14%, mostly negative). News and programs produced by the radio stations RFA, VOA and RFI were also negative towards the CPP and RGC.

CTN continued to criticize opposition parties during this period. The CPP received 77% of CTN's political coverage but virtually no criticism. Conversely, the SRP received 19% of CTN's coverage, 54% of which was negative. FUNCINPEC, the NRP and HRP featured only briefly.

*Results of COMFREL's monitoring of TVK's Equity News Program, 26<sup>th</sup> June to 25<sup>th</sup> July 2008*

No	Party	Positive tone (in secs)	Negative tone (in secs)	Neutral tone (in secs)	Total (in secs)	COMFREL's total findings in %	UNDP's total findings in % <sup>22</sup>	Difference	UNDP's Planned Total %
1	CPP	256	98	4065	4659	19.31	21.00	-1.69	20
2	SRP	20	0	3167	3279	13.59	13.80	-0.21	13
3	FUN	11	0	2454	2713	11.24	11.11	0.13	11
4	HRP	16	0	2336	2484	10.29	10.43	-0.14	8
5	NRP	9	0	2249	2478	10.27	9.13	2.08	9
6	HDDMP	35	8	1905	2284	9.47	8.71	0.34	9
7	LDP	0	0	1678	2140	8.87	8.19	0.16	9
8	KDP	0	0	1579	1717	7.12	7.73	-0.61	9
9	KAP	0	0	835	1006	4.17	3.61	0.56	4
10	KRP	0	0	720	761	3.15	3.89	-0.74	5
11	SJP	0	0	446	610	2.53	2.40	0.13	3

<sup>22</sup> Refer to [http://www.equitycam.tv/index.php?option=com\\_content&task=view&id=106&Itemid=80](http://www.equitycam.tv/index.php?option=com_content&task=view&id=106&Itemid=80) [retrieved on September 4, 2008].

### *Voter education through the media*

State-run media aired substantial voter education programs in the lead up to the election, particularly during the campaign period. The NEC's voter education program was broadcast by state media and included songs and comedy spots which informed people of the importance of voting and how to vote. The spots also encouraged voters to vote for whichever party they wanted without fear. By dedicating most of their time to the NEC's programs, the state-run media played a very important role in voter education.

Some private radio stations offered other programs. For example, FM 105MHz's Voice of Democracy produced a Prize-giving Electoral Question & Answer program. In addition, RFA and VOA both produced electoral programs. CTN and Radio FM 102 MHz allocated the least time to voter education programs (21 minutes and 13 seconds, respectively).

### *Violations of the Code of Conduct*

Both state controlled and privately owned media outlets, broadcasting in almost all provinces and municipalities, disregarded the codes of conduct for journalists and the NEC's broadcast guidelines. Radio FM 95 MHz Bayon radio station continued to produce its daily "Khmer Culture" program, broadcast live by at least 6 other radio stations, containing language provoking discrimination against other political parties, particularly the SRP, HRP and NRP. Leaders of these parties were referred to as incompetent, devious and intent on ruining the nation. Other private TV and radio stations<sup>23</sup> produced pro-CPP programs that criticized opposition parties, violating the NEC's principles of program production and equality of media access for all parties.

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<sup>23</sup> Including, but not limited to: Apsara TV, Bayon TV, Radio FM 88 MHz, FM 97 MHz, FM 98 MHz, FM 99 MHz and FM 103 MHz.

The NEC failed in its duty to ensure the transparent, balanced, accurate and professional reporting of private media outlets. Some statements made by NEC representatives even suggest that the national election watchdog accepted discrepancies in media coverage between political parties, believing it did not have the legal power to enforce its guidelines. The Samnei Thmey newspaper reports NEC Secretary-General Mr. Tep Nytha as saying “I have noticed that most local media broadcasts are more biased towards the ruling party than towards [non-ruling political parties]. However, the broadcasts of foreign media outlets are negative in tone towards the ruling party”. Mr. Tep Nytha evidently believed the combination of discrepancies resulted in fair coverage of the election.

The NEC also responded inappropriately to at least one case of alleged electoral law violation, requesting the Cambodian Ministry of Interior to take action against several media outlets it believed were violating the election law. This led to the disputed closure of Radio Maha Norkor FM 93.5MHz, which had rented airtime to political parties.

## **Recommendations**

### **Legal framework**

- The NEC must be politically neutral; NEC commissioners should not be selected based on their political party membership. It is crucial for all commissioners to perform their work without interference from political parties.
- Campaign finance laws should be introduced to facilitate more equal competition between political parties.
- More reliable means of confirming voter identities at polling stations (such as by photograph or ID card) should be required by the election law.

- The establishment of an independent and permanent body to adjudicate electoral violations and to monitor the work of the NEC should be considered. Adjudication in the post-election period should ensure elected representatives are brought to justice for electoral violations and their parliamentary work terminated if necessary.
- The NA should revise and clarify the legal framework under which elections are conducted. Ambiguity in the LEMNA reduces public confidence in the electoral system. In particular, ambiguity surrounding late additions to the voter list (Article 123(new)) and the lack of a specific offence for issuing a Form 1018 on Election Day (Article 122(new)) need to be rectified.

### **Voter registration and identification**

- A comprehensive and accurate voter list must be maintained by the NEC in accordance with article 4(1) of the IPU's Declaration on Criteria for Free and Fair Elections.
- The current registration process and distribution of documents such as VIN must be re-structured and a serious penalty should be imposed on those who manipulate the system.
- Public access to the voter list must be improved so that corrections can be made well in advance of Election Day. Every adult citizen should have reasonable access to this list in accordance with article 2(2) of the IPU's Declaration on Criteria for Free and Fair Elections. The voter list should be reviewed according to the voter's registration, family book, and ID cards.
- The process for complaints over the voter registration process (Article 64 LEMNA) should be amended to provide more opportunities for legitimate voters to appeal and apply for correction of their deletion from the list. The NEC should raise public awareness of the option to appeal.



- Village Chiefs should not be responsible for distributing the Voter Information Notice as they are politically aligned. A neutral body should be used instead.

### **Campaigning**

- The use of state resources for campaigning should be absolutely prohibited. The NEC should reinforce the prohibition with a declaration or press release to this effect and punish any transgressions.
- Candidates and political parties must permanently and absolutely renounce the use of violence, and encourage their supporters to refrain from violence, as per article 3(9) of the IPU's Declaration on Criteria for Free and Fair Elections.
- Village chiefs should be prohibited from any involvement in the election process. Since the last election the NEC has made substantial progress in this regard, but more needs to be done. Their role should be performed by a neutral and impartial body, with strong sanctions for those that violate this law.
- Any involvement of children in campaigning should be prohibited and penalized.

### **Media**

- The media should adhere to the standards of political neutrality outlined in the Code of Conduct and strive to cover and report impartially about all election stakeholders.
- The Cambodian authorities must prohibit political bias in State-run media to promote equality of access to the media as outlined in article 4(3) of the IPU's Declaration on Criteria for Free and Fair Elections. This will promote a greater political pluralism in Cambodian politics and future elections.
- The requirements of the Code of Conduct that demand unbiased coverage should be enforced. Corrective measures should be proportionate to the breach of electoral law.

- The Minister of Information should be held accountable for any biased coverage on state media.
- The NEC should ensure all political parties have access to basic resources (such as production equipment) in order to produce programs to feature on the NEC's equal access programs. In this way the equal opportunity of access to the media envisaged in article 3(4) of the IPU's Declaration on Criteria for Free and Fair Elections will be realized.

### **Voter education**

- Village chiefs should not be designated to provide voter education as they are often partial and have the potential to abuse their authority.
- The Cambodian government must ensure that the population is familiar with all election procedures and issues through national programmes of civic education, as per article 4(1) of the IPU's Declaration on Criteria for Free and Fair Elections. Voter education for the next election should include newly adopted procedures, such as the conducting of counting in polling stations immediately after closing.

### **Election Day and polling procedures**

- Polling stations should be consistently set up in appropriate locations in order to ensure the secrecy of the vote, which is protected by article 25 of the ICCPR and article 2(7) of the IPU's Declaration on Criteria for Free and Fair Elections. The use of private premises should be avoided.
- Ballot boxes should be transparent, or at least have a transparent window.
- Empty ballot boxes should be displayed immediately prior to the start of polling at 7.00am, instead of at 6.00-6.30am. This would be a more transparent and inclusive process, in line with best practice in many other Asian countries.
- When determining the validity of ballots, the intention of the voter should be paramount.

- Political party representatives should be prohibited from assisting in voter identification or any other procedure during Election Day.

### **Complaints investigation and adjudication**

- A separate institution to receive, investigate, and adjudicate complaints should be created to ensure that every citizen denied the right to vote has access to an appeals process, as stipulated in article 2(4) of the IPU's Declaration on Criteria for Free and Fair Elections. There is an inherent tension between the role of the NEC as the institution that administers elections and the body that receives and adjudicates complaints. To avoid the politicisation of the complaints process, a new institution, perhaps in the form of an Electoral Court, should be established and equipped with much greater investigative resources that are currently at the disposal of the NEC.
- Fully enforce the Code of Conduct. To ensure full compliance, the Code of Conduct must be fully implemented and sanctions imposed against those who violate it.
- Initiate action against those violating the election law even when a formal complaint has not been received from the aggrieved party. In many cases, the victims of election-related crimes either do not know how to make a complaint or are too intimidated to do so, in which case the NEC should act upon information received from other sources to investigate and charge violators.
- Promote understanding and trust in the adjudication of complaints by proactively releasing details of key decisions taken on serious violations of the election law.
- The NEC should consider introducing an alternative method of voting on Election Day such as tendered ballots. In this way people prevented from voting on Election Day because they are missing from the list or have lost their identification may still have an opportunity to cast their vote.

## Annexes

### Annex 1 – Mission timetable

Date	Activities
July 18	Arrival of core team
July 18-21	Accreditation and logistics preparation Arrival of observers Logistics distribution
July 21	ANFREL and COMFREL joint briefing
July 22	UNDP briefing for international observers COMFREL briefing
July 23	Deployment of observers to provinces
July 23-25	Pre-election observation Pre election report submitted (on 25 <sup>th</sup> by 7pm)
July 26	Cooling Day
July 27	Election Day and Counting
July 28	Observers return to Phnom Penh for debriefing (5pm onwards)
July 29	Press conference
July 30	STO and Core team leave the country (End of the Mission)

## Annex 2 – Observer list

	<i>Observer Name</i>	<i>Organization</i>	<i>Country</i>
1	Ms. Somsri Hananuntasuk	ANFREL	Thailand
2	Mr. Pongsak Chanon	ANFREL	Thailand
3	Mr. Abul Kalam Azad.	FEMA	Bangladesh
4	Mr. Hung-chin Wei	CCW	Republic of China (Taiwan)
5	Mr. Yeh, Hung-lin	CCW	Republic of China (Taiwan)
6	Ms. Amy Hsieh	TFD	Republic of China (Taiwan)
7	Mr. Kumar Sanjay	LOKNITI	India
8	Mr. Budi Satria	KIPP	Indonesia
9	Ms. Corazon Honorio Ignacio	NAMFREL	Philippines
10	Ms. Hana Krupanská	Independent observer	Czech Republic
11	Mr. Anurag Acharya	Independent observer	Nepal

### Annex 3 – Briefing schedule

Date/Time	Agenda	Speaker	Venue
<b>July 20<sup>th</sup> 2008</b>			
19.00 – 22.00	<ul style="list-style-type: none"> <li>• Welcome observers.</li> <li>• Introduction to local partners</li> <li>• Observers introduction</li> <li>• Introduction to ANFREL team</li> <li>• Mission overview and deployment</li> <li>• Accounting and distributing logistic</li> </ul>	Somsri Hananuntasuk Mar Sophal Hang Puthea, Pongsak Chanon, Moline Des Pallieres, Reno and Anurag Acharya	COMFREL office
<b>July 21<sup>st</sup></b>			
08.45 – 10.15	Cambodia General Political background	Koul Panha	COMFREL
10.15 – 10.30	<i>Break</i>		
10.30 - 11.30	<ul style="list-style-type: none"> <li>• The election process, polling procedures.</li> <li>• Challenge for free and fair elections</li> <li>• Pointer for focus issue to be observed</li> </ul>	Mar Sophal	COMFREL
11.30 - 12.45	Political Parties and their challenges	MP. Son Chhay (SRP), HRP,	COMFREL
12.45 – 13.45	<i>Lunch</i>		
13.45 – 14.45	The overview of Cambodian Elections, regulation, NEC and implementation	Phalla Keo, head of legal service department and Khorn Keo Mono, head of Public Information Bureau (PIB), NEC	COMFREL

14.45 - 1530	The role of Media to support free and fair election environment	Media expert	COMFREL
15.30 – 15.45	<i>Break</i>		
15.45 – 16.30	Observation experiences from Asian countries	Pongsak Chanon and Somsri Hananuntasuk	COMFREL
16.30 – 17.30	Deployment plan and provincial characteristic and situation	Pongsak Chanon, Moline Des Pallieres and Mar Sophal	COMFREL
<b>July 22<sup>nd</sup></b>			
8:00 – 8:05	Welcome remarks	William Clive, Chief Technical Advisor, Strengthening Democracy and Electoral Processes (SDEP), UNDP	By UNDP  Hotel Le Royal
8:05 – 8:20	Overview of the electoral process	NEC	
8:20 – 9:10	Democratic development in Cambodia	Sopheak Ok Serei, Political analyst & consultant	
9:10 – 9:55	“Voting is very important”	Training VDO	
9:55 – 10:20	Specific aspects on polling and counting procedures	Hassan Kelley Sesay, Election Adviser, SDEP, UNDP	
10:20 – 10:40	<i>Break</i>		
10:40 – 11:00	Complaints and appeals process	Jaye Sitton, Legal Adviser, SDEP, UNDP	

11:00 – 11:20	Methodology of observation	Marie-Violette Cesar, International Observer Facilitator, SDEP, UNDP	Hotel Le Royal
11:20 – 12:00	Overview of domestic observers	Koul Panha, Executive Director, COMFREL Puthea Hang, Executive Director, NICFEC	
12:00 – 12:30	Security presentation	Scott Hays, Security Advisor, UNDSS	
12.45 – 13.45	<i>Lunch</i>		
13.45 – 14.45	Observation process, reporting and check list	Somsri Hananuntasuk	COMFREL
14.45 – 15.00	<i>Break</i>		
15.00 – 16.00	Observer code of conduct and media handling	Mar Sophal Somsri Hananuntasuk	COMFREL
16.00 – 15.00	Special Interview role play related with Cambodia socio culture.	Somsri Hananuntasuk	COMFREL



**Annex 4 – Observer names and deployment location**

**Location of Deployment within Cambodia**



## Deployment List

<b>Team No.</b>	<b>Observer</b>	<b>Deployment Area</b>
1	Ms. Somsri Hananuntasuk Mr. Anurag Acharya Ms. Hana Krupanská	Phnom Penh, Kandal
2	Mr. Sanjay Kumar Mr. Yeh Hung-lin	Takaev, Kampot
3	Mr. Pongsak Chanon Mr. Abul Kalam Azad	Battambang, Banteay Meanchey
4	Ms. Corazon Honorio Ignacio Mr. Hung-chin Wei	Kampong Cham
5	Ms. Amy Hsieh Mr. Budi Satria Dewantoro	Siem Reap

Annex 5 – Official lists of contesting parties

**គណបក្សនយោបាយដែលបានទទួលស្គាល់ជាផ្លូវការ**  
**ក្នុងការបោះឆ្នោតជ្រើសតាំងតំណាងរាស្ត្រ អាណត្តិទី៤**  
**ថ្ងៃអាទិត្យ ទី ២៧ ខែ កក្កដា ឆ្នាំ២០០៨**

**លេខ - អ្នកអាយត្រើសរើសយកគណបក្សនយោបាយតែមួយចំនួន៖**

០១		គណបក្ស ឧបក្រុម រណបូឡី គ.ឧ.រ
០២		គណបក្សប្រជាធិបតេយ្យខ្មែរ គ.ប.ខ.
០៣		គណបក្ស សង្គ្រោះជាតិប្រជាធិបតេយ្យ គ.ស.ប
០៤		គណបក្សប្រជាជនកម្ពុជា ប្រ.ជ
០៥		គណបក្សខ្មែរឈប់ស្រុក គ.ខ.ឈ.ក
០៦		គណបក្សខ្មែរសាធារណរដ្ឋ គ.ខ.ស.រ
០៧		គណបក្សសន្តិសុខស្មោះ គ.ស.ស.
០៨		គណបក្ស ប៊ុនស៊ុនធី រ.រ.ជ.ក.ប.អ.ស.ស
០៩		គណបក្ស សម រង្ស៊ី គ.ស.រ.
១០		គណបក្ស ហ៊ុនសែនប្រជាធិបតេយ្យ គ.ហ.ប
១១		គណបក្សសិទ្ធិមនុស្ស គ.ស.ម.

**ទោះបីជាមានសន្តិកិច្ចក៏ដោយ**  
**នៅទម្រង់ ក្រុម ខ្លះ មានគណបក្សឈរឈ្មោះតែមួយចំនួន**

Official list of contesting parties in Khmer



**Kingdom of Cambodia**  
**Nation Religion King**  
\*\*\*\*\*

National Election Committee  
N° 05.076/08 NEC.SG.PIB

Phnom Penh, May 22, 2008

**Eleven Political Parties Officially Recognized by NEC**

As of May 21, 2008, the National Election Committee (NEC) has officially recognized the registration of eleven (11) political parties. These political parties are in the table as follows:

N°	Name of Political Parties	Number of Constituencies	Number of Titular		Number of Titular and Alternate	
			Total	Female	Total	Female
1	Cambodia People's Party	24	123	20	142	26
2	Norodom Ranariddh Party	24	123	11	141	15
3	Hang Dara Democratic Movement Party	24	123	10	141	17
4	Human Rights Party	24	123	11	141	15
5	Society of Justice Party	07	46	13	46	18
6	League for Democracy Party	24	123	24	141	43
7	Sam Rainsy Party	24	123	17	141	16
8	Khmer Anti-Poverty Party	07	60	10	60	29
9	Fanxicpec Party	24	123	10	141	16
10	Khmer Republican Party	09	72	10	74	15
11	Khmer Democratic Party	24	123	37	148	53

It is noticed that for the 4<sup>th</sup> Mandate Election of Members of the 2008 National Assembly, a total of twelve (12) political parties registered. The United People of Cambodia party's application was rejected due to the party not completing the required conditions as prescribed in the Law.

For further information, please contact the NEC, Fax: (855) 23 214 374 or Tel: (855) 23 859 018  
E-mail: [nenr@necn.org.kh](mailto:nenr@necn.org.kh), [www.necrims.org.kh](http://www.necrims.org.kh), [www.votelist.org.kh](http://www.votelist.org.kh)

*Official list of contesting parties in English*

## Annex 6 – Official election calendar



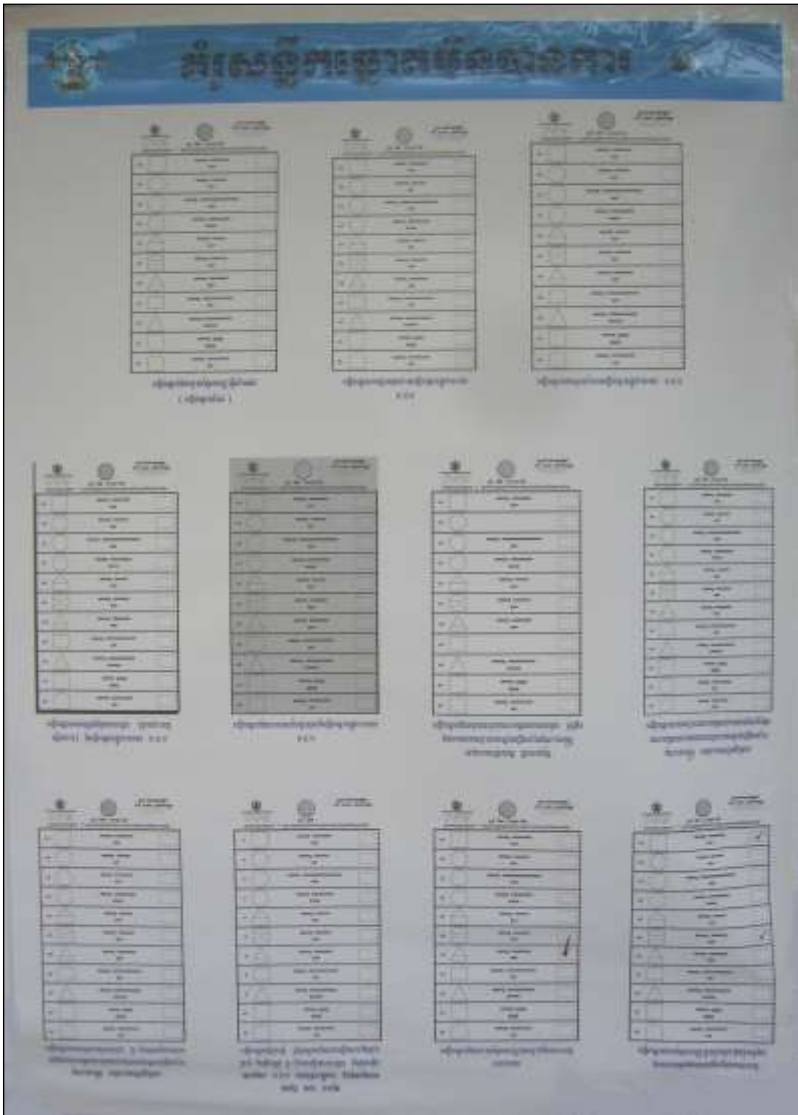
### KINGDOM OF CAMBODIA NATION RELIGION KING

National Election Committee (NEC)

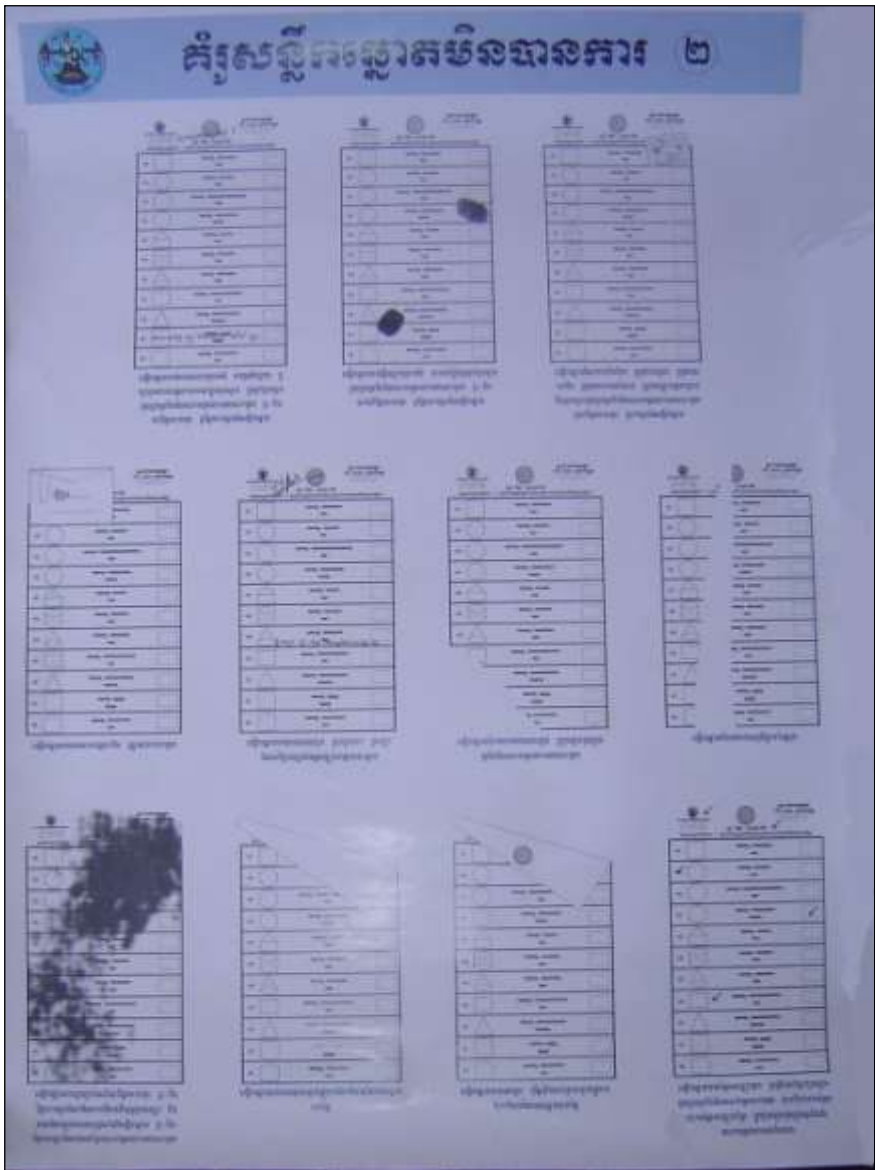
#### 2008 National Assembly Election Calendar

Tasks to be implemented	Date
Posting of polling stations location list and registration stations	5 September 2007
Posting of last voter list (2006 voter list)	13 September 2007
Beginning of voter list revision and voter registration	15 September 2007
Ending of voter list revision and voter registration	20 October 2007
Posting of temporary list (if no complaint or after solving complaint)	27 October to 30 November 2007
Validation and announcement of official voter list	29 February 2008
Receipt of registration applications of political parties' candidates	28 April to 12 May 2008
Distribution of Voter Information Notice	5 June to 25 June 2008
Posting of temporary list of political parties and candidates	11 June 2008
Posting of polling stations location list	26 June 2008
Election Campaign	26 June to 25 July 2008
Polling and ballot counting and posting of result at polling stations	27 July 2008
Submitting appeal at CBC on temporary results of polling or irregularities	28 July 2008 (No later than 11:30 am)
CBC's decision on appeal, verification and consolidation of temporary results, writing and posting of minutes	28-29 July 2008
Lodging appeal to PBC at the latest 2 days after receiving the CBC's decision	The deadline is on 31 July 2008
PBC's decision on appeal and consolidation of results (3 days at the latest)	The deadline is on 03 August 2008
Appeals against PBC's decisions lodged to the NEC at the latest 2 days after receiving PBC's decisions	The deadline is on 05 August 2008
The NEC's decisions on appeals at the latest 3 days after receiving complaints	The deadline is on 08 August 2008
NEC's publication of temporary results (in case of no re-election)	09 August 2008
Submitting appeal to the NEC or Constitutional Council on the temporary results at the latest 72 hours	The deadline is on 12 August 2008
NEC's decision on the appeal at latest 48 hours after receiving the complaint	The deadline is on 14 August 2008
Lodging appeal to the Constitutional Council at latest 72 hours after the NEC's decision	17 August 2008
Constitutional Council's decision on the appeal at the latest 20 days after receiving complaint	The deadline is on 06 September 2008
The Re-Election, 8 days after the decision, if any	The deadline is on 14 September 2008
Publication of official results of election, allocation of seats, and elected candidate (the schedule depends on whether there is complaint after the publishing of temporary results and in case of no re-election)	13 August to 07 September 2008

**Annex 7 – Examples of valid and invalid ballot papers**





*Example of valid ballot papers, distributed by the NEC*



*Example of invalid ballot papers, distributed by the NEC*

## Annex 8 – Election results

Kingdom of Cambodia Nation Religion King *****		
		
National Election Committee N° 09.162/08 NEC.SG.PIB	Phnom Penh, September 3, 2008	
<b>The Total of Voices That Each Political Party Obtained throughout the Country for the 4<sup>th</sup> Mandate Election of Members of the National Assembly 27<sup>th</sup> of July 2008</b>		
	<b>Valid Votes</b>	<b>Percentages</b>
1. Cambodian People's Party	3,492,374	58.11%
2. Sam Rainsy Party	1,316,714	21.91%
3. Human Rights Party	397,816	6.62%
4. Noreodom Ranariddh Party	337,943	5.62 %
5. Funcinpec Party	303,764	5.05%
6. League for Democracy Party	68,909	1.15%
7. Khmer Democratic Party	32,386	0.54 %
8. Hang Dara Democratic Movement Party	25,065	0.42 %
9. Social for Justice Party	14,112	0.23 %
10. Khmer Republican Party	11,693	0.19%
11. Khmer Anti-Poverty Party	9,501	0.16 %
<b>Total</b>	<b>6,010,277</b>	<b>100%</b> ↙
<p>For further information, please contact Fax: (855) 23 214 374 or Tel: (855) 12 855 018 E-mail: necinfo@forum.org.kh, www.noelect.org.kh</p>		





National Election Committee

Official Election Results  
(4<sup>th</sup> Mandate Election of the Members of the National Assembly, 2008)

Code	Provinces/ Municipalities	Norodom Ranariddh	Kmer Democratic	Longor for Democratic	Cambodian People	Kmer Anti-Noromy	Kmer Republican	Society of Justice	Futurestep	Sam Rainsy	Hang Dem Democrat Movement	Human Rights	Total of the Valid Votes
01	Banteay Meanchey	18,243	1,844	1,844	184,010	0	1,000	1,000	23,036	37,867	886	6,000	286,556
02	Battambang	13,024	1,953	6,839	242,410	0	1,583	3,910	28,813	86,843	878	9,700	391,847
03	Kampong Cham	59,716	3,747	6,472	409,564	3,179	2,794	0	23,071	217,778	6,707	72,722	786,348
04	Kampong Chhnang	17,889	1,021	1,888	128,185	810	896	1,222	30,882	37,222	889	11,843	318,411
05	Kampong Speu	22,281	2,708	4,138	191,181	1,894	0	0	14,934	88,951	1,833	26,800	332,847
06	Kampong Thom	18,474	2,152	2,680	142,578	0	1,360	2,077	27,180	40,372	1,881	6,613	271,289
07	Kam Pot	21,276	2,877	3,451	154,028	0	0	0	16,881	85,143	1,548	14,855	274,727
08	Preah Vihear	23,867	1,202	5,451	200,222	1,628	0	0	19,158	161,878	2,719	74,531	652,478
09	Preaek Krang	1,889	401	413	25,902	0	0	0	1,074	7,642	119	951	48,769
10	Preah Vihear	8,928	944	919	71,841	0	0	0	8,002	31,799	482	6,763	106,228
11	Preah Vihear	878	164	187	12,861	0	0	0	832	1,826	94	218	16,163
12	Phnom Penh	19,840	657	2,736	246,799	759	470	1,041	8,626	170,460	750	28,881	474,998
13	Preah Vihear	3,231	1,006	967	37,807	0	0	0	3,403	6,228	310	632	58,894
14	Prey Veng	48,426	1,809	4,772	312,251	0	2,280	0	14,823	116,648	2,888	46,298	554,684
15	Preah Vihear	8,228	671	2,237	124,042	710	0	1,218	7,708	28,588	322	3,816	181,580
16	Ratanak	1,084	464	493	35,101	0	0	0	1,349	2,076	183	858	38,000
17	Siem Reap	29,728	2,780	11,072	198,081	0	1,689	2,826	25,882	89,537	1,782	16,741	344,189
18	Siem Reap	1,981	421	428	44,821	0	0	0	2,107	16,264	188	1,409	66,700
19	Siem Reap	2,717	387	352	27,512	0	0	0	852	4,844	548	429	36,871
20	Siem Reap	11,247	1,269	2,246	211,693	1,003	0	0	10,897	46,698	853	8,654	387,945
21	Takeo	19,077	2,227	4,571	284,288	0	0	0	10,126	36,593	1,484	42,148	478,586
22	Takeo	786	142	166	15,946	0	0	0	564	1,892	46	274	17,826
23	Takeo	483	82	128	14,888	0	81	0	1,033	4,800	41	164	26,295
24	Uttar Meancheay	4,098	790	811	37,188	0	0	0	4,648	6,767	328	3,245	97,178
	<b>Total</b>	<b>337,943</b>	<b>32,386</b>	<b>69,809</b>	<b>3,482,274</b>	<b>9,801</b>	<b>11,840</b>	<b>14,112</b>	<b>303,264</b>	<b>1,314,714</b>	<b>28,065</b>	<b>397,816</b>	<b>6,010,277</b>

## **Annex 9 – ANFREL statements issued during the mission**

**25<sup>th</sup> July 2008**

### **ANFREL calls for NEC, PEC and CEC to pay attention on parties' misconducts and improve the deteriorating of electoral environment in Cambodia.**

As the Election Day draws closer, the political parties have intensified their campaigning.

ANFREL observers would like to raise the issue of political misconducts observed during the pre-election period:

1. NEC and the Police should clarify why a number of vehicles used by the ruling party for election campaign are missing plate numbers. The owners of those vehicles must be investigated and should be punished if they are found using the government property. The respective party must take responsibility for violation of NEC regulation prohibiting such behavior before or after the election.
2. Authorities should pay attention to the destruction of the political parties' campaigning materials, such as posters and bill boards, in order to stop this and bring about a fair campaigning environment to all political parties.
3. ANFREL's findings proved that the village chiefs have been playing an active role during the campaign period. This is clearly against the directives issued by the NEC. Village chiefs have not only been seen campaigning but also reportedly been involved in vote buying. We strongly urge

all PECs to look closer into this matter and take appropriate measures if needed.

4. ANFREL's observers urge PEC not to allow the set up of polling stations close to the parties' offices. PEC and CECs in all provinces should ensure that no parties' symbols are displayed in distance of 100 m from the polling stations as stipulated.
5. NEC, PEC and CEC are requested to issue a warning to all parties' supporters not to campaign on 26<sup>th</sup> and 27<sup>th</sup> July, 2008.
6. NEC should clarify that children should not be used for election campaign.
7. The observers have found that only a small number of voters are aware of counting being conducted after the closing of the polls in polling stations itself. Voters should be aware of this newly adopted procedure in order to be able to observe the situation around the polling stations; this public involvement would encourage free and fair process of counting.

**Joint Statement on  
Atmosphere Prior to the 2008 Elections of Members of the National  
Assembly**

**COMFREL Central Office, July 25, 2008**

The league of civil society organizations has appraised the atmosphere prior to the elections as tense and insecure, as a result of threats, the gunning down of political party activists— the assassination of a journalist affiliated with the opposition party (the Sam Rainsy Party – SRP) in particular—and the deployment of Cambodian and Thai military troops around Preah Vihear Temple, as well as the lack of neutrality of most government officials, authorities, armed force personnel and national police, who carry out activities supporting the ruling party and against other political parties.

**“The Preah Vihear military standoff has attracted much of the attention of voters. Hence, bringing voters’ attention back to the elections is absolutely crucial.”** says Mr. **THUN Saray**, President of COMFREL’s Board of Directors and also President of ADHOC.

Mr. Saray is also concerned about electoral obstacles and difficulties faced by some voters in the forthcoming July 27 elections, such as those involved with finding their name on the voter list and working out the relevant polling station code.

Observations of National Assembly elections since 1998 have shown that, one or two days before polling day (often called **Dog Barking Night**), voters are often given money and/or promised materials by political parties. Regarding these elections, civil society organizations are concerned that **political parties will give money and/or materials to voters** not only to attract them **to vote for their**

**party** but also to **prevent certain voters from going to cast their ballot.**

There has been an **increase in the number of cases of violence** during the electoral campaign period, such as murder, intimidation and physical persecution of political party activists. From June 26, 2008 to the end of the election campaign period<sup>1</sup>, **six (6)** cases of murder occurred, with a total of seven (7) victims, including political party activists and supporters and a journalist, notably the murder of journalist Mr. Khim Sambo and his son.<sup>2</sup> Of the six (6) cases, **four (4)** cases involved the murder of Cambodian People's Party (CPP) members, although the victim of one of the four cases, in Kampong Speu province, was also claimed by the Human Rights Party (HRP) as a member. The two (2) other cases of murder were of SRP members. In most cases, the perpetrator(s) have yet to be brought to justice and the authorities claim that the cases were not politically motivated.

Counting from July 2007 up to the pre-electoral campaign period, **fifteen (15)** cases of assassination of political party members, activists and supporters occurred; **seven (7)** involved the murder of members of the SRP, **three (3)** involved members of the Norodom Ranariddh Party (NRP), **four (4)** the CPP and the **last one** the HRP.<sup>3</sup>

The above-mentioned murder cases (before election campaign to an end of campaign) took place in Kampong Cham (4 cases); Banteay Meanchey, Kampong Speu, Kampong Thom and Siem Reap

provinces (2 cases in each province); and Phnom Penh, Kampong Chhnang, Kampot, Kandal, Preah Vihear, Ratanakiri, Svay Rieng, Takeo and Pailin (1 case in each province/municipality). Besides cases of murder, the observation has also noted fifty six (56) of physical persecution and

intimidation towards political party members, activists and supporters in almost all provinces/municipalities. There have been around 151 cases of civil servants, armed forces personnel and local authorities participating in electoral activities to support the CPP and to oppose other political parties. In addition, there have been cases of violation of electoral law, regulations and procedures; the destruction of property belonging to political parties; the tearing and pulling down of party signs, posters and leaflets; the prevention of and disturbance to campaign activities of other political parties; and gift giving with the aim of buying votes.

COMFREL has observed overall that the atmosphere surrounding the pre-election period brings about concerns over the level of voter participation, particularly in Preah Vihear province. The number of cases of murder, intimidation, threats and irregularities in these elections is lower than in previous elections. However, such cases have still affected the feelings and thoughts of voters. Additionally, we are concerned that these cases will continue to take place in the future. To avoid these negative cases, the league of civil society organizations would like to offer some recommendations, as follows:

- The competent authorities and institutions should prevent any cases of murder, threat or intimidation toward political party activists and voters during cooling, polling and counting day;
- The competent authorities and institutions should take action to investigate the cases of murder, physical persecution and threats, bringing perpetrators to justice effectively;
- The competent authorities and institutions should prevent all vote-buying cases (both those telling voters to vote for a specific party and those telling voters not to go to vote), particularly during cooling day;

- All armed forces personnel, civil servants and local authorities should not take part in any activity supporting any specific party in or near polling station compounds;
- Polling station officers (2nd assistants) should try their best to help voters who have no voter information notice to find their polling station code;
- Voters must go to vote even though they might face some minor difficulties.

30<sup>th</sup> July 2008

## **Polling and Counting Statement**

### **ANFREL proposes Cambodia for Electoral Reform**

#### **Cambodia Election 2008**

ANFREL appreciates the peaceful polling and counting on 27<sup>th</sup> July, 2008. Observers would like to express their gratitude to all polling officers who worked hard until the end of counting and thank to all security officers who secured all ballot boxes and assure a good quality electoral environment.

ANFREL however would like to raise some crucial issues and humbly propose few recommendations which may further enhance the Cambodia's democratic practice in future through electoral reforms.

#### **Opening Process**

In order to increase transparency, instead of showing the ballot boxes at 6.00-6.30 am., it should be displayed at 7 am prompt (PS opening) before being sealed so that all political parties' agents, observers and voters can be present to witness the process.

#### **Voting Environment and its process**

Voter list was the major concern in Cambodia's July 27<sup>th</sup> Election. And as feared, many voters could not find their names in the list even though they had been registered. Cases of 'ghost voting' and voter list's manipulation must be investigated and such wrong doing must be punished. The current registration process and distribution of documents such as VIN must be re-structured and a serious penalty should be imposed on those who manipulate the system.



Many polling stations in remote areas were located in private houses where, besides a neutrality concern, no secrecy of vote can be secured. Unfortunately, there were some cases discovered where the voting process could have been controlled from the upper floor of such private houses.

Before being distributed to PSs, electoral documents were in many CECs secured improperly (often in areas with public access) freely open to any misuse.

### **Closing and Counting**

As observed, most polling stations closed their polling at 3.00 pm. and continued the counting inside the polling station in due form.

ANFREL did not see many villagers come to observe the counting. Given the high interest of Khmer citizens in election, this might be caused by lack of information of this newly adopted procedure among voters.

### **Security**

Observers are pleased that the election observation went on in a peaceful and calm environment. Fewer violent cases have been recorded compared to the previous elections.

However, the cases of people being attacked during the campaigning period must be investigated and the victims must be compensated. The accusation of SRP supporters being beaten up by the CPP in Battambang must be examined carefully and assistance must be sent to the affected families urgently.

### **Political parties**

Electoral campaign in large cities was conducted relatively smoothly. Nevertheless, some political parties seemed to ignore a schedule and a venue provided by the election committee. This caused confrontations and fights between the party supporters.

Parties had used village chiefs and commune chiefs to influence the people's voting decision. Even though there is a regulation that prevents the village chiefs to be present inside the polling stations before and after they cast their vote, political parties used their canvassers or supporters to influence the voters during the day of election instead.

### **Complaints**

Many CEC members were clearly unwilling to assist in finding out a solution to the initial complaints filed by the people whose names were missing in the voter list or faced other election related problems. Many people went to file their complaints to opposition parties. Observers believe that the electoral violations must be handled according to the law so that the culture of injustice is not further embedded in the society.

### **Recommendations for future Electoral Reform**

- In order to bring fairness to the political campaign of all the political parties, it is time to introduce a campaign finance regulation or law to Cambodian legal electoral framework.
- NEC and the Police should implement the law and impose a clear regulation to prevent government and political parties to use government resources for their electoral campaigns.
- Voter list should be reviewed according to the registration, family book and ID cards. Before the election day, NEC should provide one extra copy of voter list for the voters to

be able to check their names at the CEC office during the entire pre-election period.

- As it was observed, polling staff often omits to control fingers for trace of indelible ink before voter cast her/his vote. The usual process of confirmation of voter's presence (signature or thumb print) should be amended to the election law.
- Village chiefs, commune chiefs should not be affiliated to political parties. Their assistance during a party election campaign should be strongly penalized.
- NEC should be politically more neutral; NEC commissioners should not be selected based on their political party membership. It is crucial for all commissioners to perform their work with no party interference.
- Ballot boxes should be entirely or at least partially (front side) transparent.
- An establishment of Permanent electoral court to handle electoral violations and to monitor work of the NEC should be considered and introduced for further discussion and future implementation. The law can be enforced for post electoral period to bring elected MPs, Ministers and PM to justice and to terminate their parliamentary work.

## **Annex 10 – Background information on ANFREL**

### **Introduction**

Formed in November 1997, the Asian Network for Free Elections (ANFREL) has established itself as the preeminent NGO in Asia working on elections. ANFREL's main focus is in observing pre- and post-electoral processes, and developing and training civil society groups that are actively working on democratisation in their home countries. We also undertake specific research projects and advocate on good governance issues in Asia. Since its formation, ANFREL has operated in more than 30 elections in 15 countries across Asia, from Timor-Leste to Japan to Afghanistan.

ANFREL draws its observers from a network of partner civil society organizations in Asia, listed below. Our long-term aim is to build expertise on elections and governance in the region, entrenching a culture of democracy that is seen as locally developed rather than externally imposed. Through observing election administration internationally, our observers have developed a strong understand of international best practice – knowledge that can then be applied in their respective home countries.

### **Objectives**

As part of its overall objective of supporting democratization efforts in Asia, ANFREL is committed to supporting national based organizations initiatives on:

- A. Election monitoring / pre-post election, referendum and local election and other democracy-related processes
- B. Education and trainings on election and democracy-related studies

- C. Research on election and democracy-related issues and cover electoral and democratic reforms
- D. Conduct campaigns and advocacy work on issues related to democratic processes
- E. Information dissemination and publication of material related to election and other democratic processes
- F. Creation of an environment conducive to a democratic development in the spirit of regional solidarity

### **Election observation mission objectives**

For all of our election observation missions, we aim:

1. To support the enhancement of the integrity of electoral processes and minimize election irregularities and election-related human rights violations
2. To provide accurate, impartial information and analysis on issues related to general elections in particular and prospects for democratic development in general
3. To enhance and sustain the capacity of civil society organizations to ensure an environment conducive for the conduct of free elections as well as for the realization of people's aspiration for democracy
4. To strengthen the civil society among participating nations (achieved in training and promotion of democratic values among members of the observation mission)
5. To support and strengthen local networks of elections observation bodies in organizing, information gathering and data exchanging activities during missions
6. To publish a mission report which underlines the outcome of the observation mission of the observation team, together with recommendations for the electoral process

## National member organizations

Afghanistan	Free and Fair Election Foundation of Afghanistan (FEFA)
Bangladesh	ODHIKAR The Fair Election Monitoring Alliance (FEMA)
Cambodia	Committee for Free and Fair Elections in Cambodia (COMFREL) Neutral & Impartial Committee for Free & Fair Elections in Cambodia (NICFEC)
India	Programme for Comparative Democracy (LOKNITI)
Indonesia	Komite Independen Pemantau Pemilu (KIPP) The People's Voter Education Network ( JPPR)
Japan	InterBand
Malaysia	The National Institute for Electoral Integrity (NIEI)
Maldives	Transparency Maldives
Mongolia	Women for Social Progress (WSP)
Nepal	National Election Observation Committee (NEOC) National Election Monitoring Alliance (NEMA)
Pakistan	Human Rights Commission of Pakistan (HRCP) The Free and Fair Election Network (FAFEN)
Philippines	Institute for Political and Electoral Reform (IPER) National Citizen Movement for Free Elections (NAMFREL-NCR) The Parish Pastoral Council for Responsible Voting (PPCRV)
South Korea	People Solidarity for Participatory Democracy (PSPD)
Sri Lanka	People Action for Free and Fair Elections (PAFFREL)
Thailand	Open Forum for Democracy Foundation (Poll Watch Foundation-Thailand)
Timor Leste	Women Caucus for Politic, Timor Leste Rua Villa Verde

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## LIST OF ANFREL MISSIONS TO OCTOBER, 2008

Country	Election / activity type	Election date
Bangladesh	Parliamentary elections	December 2008
Malaysia (Penang)	Permatang Pauh by-election	August 2008
Philippines (ARMM)	Autonomous Region in Muslim Mindanao Election	August 2008
Cambodia	Parliamentary elections	July 2008
Sri Lanka	East Provincial election	May 2008
Nepal	Constituent Assembly election	April 2008
Taiwan	Presidential election	March 2008
Thailand	Parliamentary elections	December 2007
Thailand	Constitutional referendum	August 2007
East Timor	Parliamentary elections	July 2007
Mindanao region, Philippines	General elections (9 levels of representative elected)	May 2007
East Timor	1 <sup>st</sup> round Presidential elections	April 2007
Indonesia (Aceh)	Governor and mayoral elections	December 2006
Thailand	Parliamentary elections	April 2006
Singapore	General elections	May 2006
Thailand	Provincial re-elections	November 2005
Sri Lanka	Presidential elections	November 2005
Thailand	Parliamentary elections	February 2005
Afghanistan	Parliamentary (Wolesi Jirga and Provincial Council) elections	October 2005
Taiwan	Legislative elections	December 2004

Indonesia	Presidential + Legislative elections	December 2004
United States	Presidential elections	November 2004
Afghanistan	Presidential elections	October 2004
Sri Lanka	Parliamentary elections	April 2004
Cambodia	General elections	July 2003
Pakistan	Parliamentary + provincial elections	October 2002
Cambodia	Commune council elections	February 2002
Sri Lanka	Parliamentary elections	December 2001
Bangladesh	Parliamentary elections	October 2001
East Timor	Constituent Assembly elections	August 2001
Tamil Nadu (India)	State elections	May 2001
Thailand	Parliamentary elections	January 2001
Sri Lanka	Parliamentary elections	October 2000
Japan	General elections	June 2000
Sri Lanka	Presidential elections	December 1999
Malaysia	General elections	November 1999
East Timor	Constitutional referendum	September 1999
Indonesia	General elections	June 1999
Nepal	Parliamentary elections	May 1999
Cambodia	National elections	August 1998