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RODRIGO ROA DUTERTE SWORN IN AS 16TH PRESIDENT OF THE REPUBLIC OF THE PHILIPPINES



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ANFREL congratulates the Philippines on its successful holding of the May 9, 2016 national and local elections.

On 30 June 2016, the new set of leaders officially assumed their posts. President Benigno Simeon Aquino III handed over the presidency to President Rodrigo Duterte in a ceremony held at the Malacañang Palace (Presidential Palace).

In a separate inaugural ceremony, a first in Philippine history, the newly elected vice-president, Maria Leonor "Leni" Robredo, also took her oath as the 14th vice-president of the republic. Traditionally, oath-taking ceremonies of both the president and vice-president are held together. But this time, the office of the president opted to have two functions in order for the new vice-president to accommodate more guests.

President Duterte is among the longest-serving mayors in the Philippines. As mayor of Davao City, a highly urbanized city in Mindanao, he was known, both nationally and internationally, for his tough stance against criminality and was sometimes referred to by the media as "The Punisher." Duterte was alleged to be behind the Davao Death Squad (DDS), a group known for

summary executions of individuals suspected of petty crimes and dealing in drugs in Davao.

But Duterte's straightforward, sometimes out-of-control, manner of speaking endeared him to Filipino voters. As a candidate, he promised the voters that he would bring real change. He emphasized during his inaugural speech that the words "real change" were the ones that catapulted him to the presidency. Amid criticism about his methods, he vowed during his speech that his "adherence to due process and the rule of law is uncompromising."

Vice-President Leni Robredo, on the other hand ran, under the banner of the Liberal Party, President Aquino's party. She is considered a neophyte politician but was a long-time lawyer working for a non-government organization (NGO) providing basic legal services. She had previously run and been elected to the House of Representatives (lower house) of the Philippines' bicameral legislature in 2013 following the untimely death of her husband, Jesse Robredo, who also served as Mayor of Naga City for more than a decade and later became Secretary of the Philippine Department of the Interior and Local Government.



“The only way for all of us to realize our vision for our nation is to work together. During these times when there seem to be significant divisions and conflict in the world, the challenge is to come together, celebrate our commonalities and differences, and turn them all into strengths.”

Vice-President Robredo appealed to voters with her simplicity and her strong advocacy of participatory governance. She won the vice-presidency by a small margin over Ferdinand “BongBong” Marcos, Jr., the son of the late former President Ferdinand Marcos. Marcos recently filed an election protest with the Presidential Electoral Tribunal (PET) claiming fraud in the electoral process.

Vice-President Robredo in her inaugural speech called for unity in order to serve the people well. She emphasized that “The only way for all of us to realize our vision for our nation is to work together. During these times when there seem to be significant divisions and conflict in the world, the challenge is to come together, celebrate our commonalities and differences, and turn them all into strengths.” Consistent with her campaign promises, she reiterated the need to work hard in order to improve the lives of those who are at the fringes of society, whom she vowed to help prosper.

In a statement after the May 9 elections, ANFREL applauded the Filipino people for their active participation in the democratic process, which resulted in a historic voter turnout of 81%. ANFREL also commended the Commission on Elections (COMELEC) for their commitment to hold free and fair elections.

 **VIEW FULL STATEMENT AT:**

<http://anfrel.org/anfrel-congratulates-the-philippines-for-successful-holding-of-2016-national-and-local-elections-notes-challenges-ahead/>

SUCCESSFUL ELECTIONS CONFIRM DEMOCRACY IS ALIVE IN THE PHILIPPINES

Ramon Casiple

Executive Director, Institute for Political and Electoral Reform (IPER)



The 2016 Philippine national and local elections held on May 9 were a success.

The elections had a greater than 81% voter turnout. The winning national candidates, particularly the presidential, vice-presidential, and senatorial winners, were determined within three days after voters went to the polls. Indeed, losing presidential candidates started to concede to Davao Mayor Rodrigo Duterte just five hours after the polls closed.

The elections were monitored by a good number of citizens and organizations, as well as by observers from foreign embassies and international observers. The observers were unanimous in concluding that, despite the usual problems such as long queues and missing names in the voters list, the elections were largely free and fair. The credibility of the results was high and the voters accepted them.

Despite some problems with the automated election system (AES), this year's counting and transmission of results through the vote counting machines (VCMs) was by far the fastest compared with the experience of two previous automated elections. It also saw the fewest machine failures, compared to the elections in 2010 and 2013.

The nationwide implementation of the biometrics voter registration system was incomplete and was not used much on Election Day. Long queues still proved to be a challenge which led to disenfranchisement of voters in many precincts across the country. There was, however, a marked improvement in the facilitation of voting for the elderly, PWDs, detainees and persons in other marginalized sectors.

Vote-buying and election-related violence remain the most serious problems with Philippine elections.

Other areas of the electoral process that still need improvements include the conduct of the random manual audit; the voter registration list which can be difficult for a voter to find his/her name yet still contains the names of unqualified voters such as dead persons and non-residents; and insufficient information and training regarding automated system instructions for persons working for the Board of Election Inspectors (BEIs).

There is no doubt that the electoral system produced a new set of leaders, which the people have accepted. Its triumph is a victory for Philippine democracy.

OPPOSITION UNSEATS RULING PARTY IN MONGOLIAN ELECTIONS

On June 29, Mongolia held parliamentary elections, the seventh since the country's transition to democracy in 1990. The opposition Mongolian People's Party (MPP) won a landslide victory, securing a controlling 85 percent parliamentary majority with 65 seats in the 76-member State Great Khural. 35 of the 65 MPP members of parliament elected are first-time officeholders.

The MPP won 45 percent of the popular vote, while the incumbent Democratic Party (DP) won 33 percent, securing just nine parliamentary seats. The remaining two seats went to the Mongolian People's Revolutionary Party (MPRP) and an independent candidate, a popular folk singer whose campaign focused on nationalism and environmental issues.

The results came as a surprise to many observers, as public opinion surveys and polls before the election had predicted a close race between the DP and the MPP. Analysts have pointed to a change in Mongolia's electoral rules as the reason for the disproportionality between the percentage of the popular vote and parliamentary seats won by the two major parties. Two months before the election, the DP government passed a new election law that changed the electoral system back to a simple majoritarian system instead of the mixed majoritarian-proportional representation system used in the 2012 elections. A majoritarian system tends to benefit large parties at the expense of smaller parties and independent candidates.

Despite these last-minute changes, the June 29 elections saw a high voter turnout, with 72 percent of Mongolia's 1.9 million eligible voters turning out to cast their ballots on election day. This was an increase over turnout for the 2012 elections and reversed a trend of declining voter participation in the last decade. The election results have been widely interpreted as a demonstration of voters' dissatisfaction with the performance of the DP government, in particular its handling of the economy.



Photo Source: <http://www.telesurtv.net/english/news/Former-Communists-Win-Parliamentary-Elections-in-Mongolia-20160629-0020.html>

Mongolia's economic growth declined steadily from 17 percent when the DP came to power in 2011 to an estimated 0.4-2 percent this year, and the country faces rising foreign debt and unemployment. On July 7, the MPP chose Erdenebat Jargaltulga as Prime Minister. Mr. Erdenebat formerly served as Finance Minister, signaling that fixing the country's troubled economy will be a priority for the new government.

ANFREL ACTIVITIES

ANFREL, TOGETHER WITH TAF AND IRI, HOLDS WORKSHOP ON BEST PRACTICES IN ELECTION OBSERVATION FOR THAI CSOS



ANFREL, working with The Asia Foundation and International Republican Institute (IRI), conducted a workshop for Thai non-government organizations (NGOs) on "Best Practices in Election (or Referendum) Observation." It was held on 4 May in Bangkok.

Election Commission of Thailand (ECT)'s Deputy Director-General for General Department of Election Administration, Mr. Wanchai Jaikusol, attended the gathering and presented an overview of the preparation status of ECT, including the ECT's ongoing voter information activities, in relation to the upcoming referendum on the draft constitution. During his presentation, he explained the referendum process and showed the participants samples of the referendum ballot.

The Asia Foundation's (TAF) Regional Director for Elections and Political Process, Mr. Tim Meisburger, ANFREL's Executive Director, Ichal Supriadi, and International Republican Institute's (IRI) Matthew Hays participated in a panel addressing the importance and purpose of holding election observation missions. Mr. Meisburger made a presentation differentiating the roles of political parties and NGOs engaged in election observation, and he highlighted the

importance of having independent monitoring groups to help ensure credible election outcomes. Mr. Supriadi explained the different but important roles of international and citizen observers. He pointed out that, although they have different and distinct roles during an electoral process, they complement each other as they work toward a common goal. Specific election monitoring experiences and methodologies were shared by ANFREL and IRI. In addition, new approaches in independent election observation, such as the use of Information Communication and Technology (ICT), were also discussed by TAF and IRI. The Carter Center, as one of the participants, also joined the panel and shared their experience in developing the ELMO software being used for election monitoring. ANFREL's Program Officer Kristina Uy Gadaingan shared ANFREL's experience on how it evolved from using traditional monitoring forms to the use of technology and mobile applications.

Lastly, a workshop discussion among Thai NGOs was facilitated to identify existing networks and encourage a consolidation of efforts in promoting a free and fair referendum process.

SECOND EDITORS FORUM IN MYANMAR

The Asian Network for Free Elections (ANFREL) and the Myanmar Journalist Network (MJN) successfully held the second Myanmar Editors' Forum on 28 May 2016 in Yangon. The forum was convened with the objective of identifying the role of the media in keeping track of promises made during the recent election campaign. The forum was held under the banner of "Elections Promises and Governance: Role of Media."

MJN's Zayar Hlaing and ANFREL's Bidhayak Das welcomed the guests and participants. The chief guest speaker at the forum was Myanmar's Minister of Information, Dr. Pe Myint. In his speech, he underscored the importance of the work of the media for the country's development. He encouraged the media to play its role as the fourth pillar of democracy to provide checks and balances in governance.

Other keynote addresses were delivered by the following: the Chairperson of Myanmar News Media Council, U Khin Maung Lay (Phoe Tauk Kyar), the Minister for Karen Ethnic Affairs (Yangon), Daw Naw Pan Thinzar Myo, the President of the Myanmar Journalists Association, U Thiha Saw, and the founding leader of the Myanmar Journalists Union (MJU), U Zaw Thet Htwe.

The forum was aimed at seeking ways to overcome obstacles and challenges in the electoral process and in governance. The first forum, held in 2015, focused on the opportunities and challenges of the 2015 elections, while the second forum was aimed at focusing on how well winning candidates and parties implement their election promises.



ANFREL JOINS FORUM-ASIA FOR A MISSION IN MONGOLIA, VISITS MEMBER ORGANIZATION

ANFREL joined an Advocacy Mission hosted by the Asian Forum for Human Rights and Development (FORUM-ASIA) and its members, Center for Human Rights and Development (CHRD) and Globe International (GI), in Ulaanbataar, Mongolia from 25 – 27 May. The mission’s goal was to promote human rights in elections in Mongolia ahead of the 29 June general elections. The mission sought to engage with various stakeholders, specifically political parties and civil society organizations, to discuss various human rights issues and how political parties could include them in their agendas.

ANFREL Program Officer Kristina Uy Gadaingan met with CSOs and some political parties, including the Civil Will Green Party (CWGP) of Mongolia, and discussed the principles enshrined in the Bangkok Declaration for Free and Fair Elections and the Dili Indicators for Democratic Elections. The discussion emphasized the need for having free and fair elections as a pre-requisite to a functioning democracy.

In a press conference in Ulaanbataar as part of the mission, ANFREL expressed hope for free and fair elections in the 2016 general elections.

"The groups recognize that human rights thrive in a genuine democracy based on the free will of the people. Thus, we call upon the General Election Commission (GEC) of Mongolia to maintain its professionalism and independence. We call upon the General Election Commission (GEC) of Mongolia to maintain its professionalism and independence, and ensure universal franchise, provide mechanisms for participation of the vulnerable sectors, and guarantee the rights to contest in the electoral process. Universally recognized principles of free and fair elections should be upheld, laws must be enforced in a manner that is fair to all parties concerned, and a level playing field should be ensured."



Forum Asia Representative, ANFREL Representative, and National CSOs with the chairperson of Mongolia’s National Human Rights Commission



ANFREL’s Program Officer, Kristina Uy Gadaingan, visits ANFREL’s Member the Women for Social Progress (WSP).

ANFREL also visited its member organization, the Women for Social Progress (WSP). WSP advocates for electoral reform laws to ensure that the electoral process is more inclusive. WSP has also undertaken voter education campaigns targeted among the majority of the voting population, the youth.

ANFREL CONDEMNS POLICE ACTION AGAINST SOUTH KOREA ELECTORAL GROUP

Following general elections in South Korea, police raids were carried out on 16 June in the offices of members of South Korea's Citizen Network for General Elections (CHANGE 2016). These raids were in relation to a complaint filed by the Seoul Election Commission in April 2016 for alleged violation of the Public Official Election Law. The law prohibits unlawful distribution or posting of documents and pictures and the publication of public opinion or survey results. CHANGE 2016, in a statement, stated that although the present form of the law limits the voters' freedom of expression, they maintained that their campaigns were conducted within the bounds of the law.

Leading to the 2016 general elections, more than 1000 South Korean civil society organizations, including ANFREL's member the People's Solidarity for Participatory Democracy (PSPD), established CHANGE 2016 to conduct an online campaign to encourage voters to

participate in the polls. The group also launched a blacklist campaign which encouraged voters to identify the 10 worst candidates during the election.

ANFREL, in its statement issued on 28 June, expressed solidarity with CHANGE 2016. It also supported the group's appeal to the United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression. ANFREL also condemned the arbitrary police raids as they raised a serious concern that the government of South Korea was violating the people's right to expression and undermining the efforts of civil society to promote free and fair elections. ANFREL asked the government of South Korea to end the arbitrary investigations and to fully respect and protect the universal human rights of all South Korean citizens as well as put an end to any form of judicial harassment.



[VIEW ANFREL'S FULL STATEMENT ON THIS LINK:](http://anfrel.org/anfrel-condemns-police-action-against-south-korean-electoral-reform-group-change-2016/)

<http://anfrel.org/anfrel-condemns-police-action-against-south-korean-electoral-reform-group-change-2016/>

ANFREL SECRETARIAT AND CNE TIMOR LESTE OBSERVE PHILIPPINE ELECTIONS



ANFREL, together with Timor Leste's Election Management Body, Comissão Nacional Eleições (CNE), sent a team to conduct a limited observation of the 2016 Philippine national and local elections.

The ANFREL team, together with 5 commissioners and one staff member from the CNE, visited the Philippine Commission on Elections (COMELEC) and paid a courtesy visit to COMELEC Commissioner Luie Tito F. Guia in order to learn more about the electoral process in the country.

The team also met with some candidates, political parties, the Commission on Human Rights, and ANFREL member organizations in the Philippines, the National Movement for Free Elections (NAMFREL), the Parish Pastoral Council for Responsible Voting (PPCRV), and the Institute for Political and Electoral Reform (IPER).

The team closely followed the events leading to election day. They talked with stakeholders, monitored campaign activities, and observed the polling process itself on May 9.



ANFREL and CNE Timor Leste with COMELEC Commissioner Luie Tito Guia

ANFREL NETWORK OBSERVES PHILIPPINE OVERSEAS VOTING IN MALAYSIA, TAIWAN, AND THAILAND



Overseas Voting in Taipei

ANFREL, in conjunction with the Philippines Center for Migrant Advocacy (CMA), launched a pioneering international election observation of overseas voting for the 2016 Philippine national elections.

The **Center for Migrant Advocacy – Philippines (CMA-Phils.)** is an advocacy group that promotes the rights of overseas Filipinos, including land- and sea-based migrant workers and Filipino emigrants and their families. CMA has worked extensively with other stakeholders in the Philippines to make overseas absentee voting more meaningful. CMA is also a member of the Consortium on Electoral Reforms (CER) and Bantay Karapatan para sa Halalan.

The Philippines is among the many Asian countries with large numbers of its citizens working and living abroad. Overseas Filipino workers (OFW) are even referred to as modern-day heroes for their significant contributions to the Philippine economy. To promote and protect the civil and political rights of migrant Filipinos, the Overseas Absentee Voting Act was passed in 2003. The act allows qualified citizens to participate and cast their votes wherever they may be in the world, thus permitting them to be represented in government. Currently, there are a total of 1,376,067 Philippine citizens registered to vote absentee from overseas.

The election observation project was aimed at supporting efforts to strengthen the credibility of the 2016 elections, to expand the capacities of Asian electoral reform advocates in monitoring out-of-country voting, and to encourage overseas Filipinos to participate in the electoral exercise.

This pilot mission mobilized ANFREL's member from Taiwan, the Citizens Congress Watch (CCW), its secretariat in Bangkok, Thailand, and volunteers from Malaysia's Coalition for Free and Fair Elections (BERSIH 2.0).

ANFREL and CMA closely coordinated with COMELEC's Office for Overseas Voting (OFOV), which provided accreditation to the observers. The mission prioritized key cities where there is high concentration of overseas Filipino workers (OFW).

Fifteen observers from Malaysia, Taiwan, and Thailand were accredited by COMELEC. Malaysia is among the Asian countries where the Philippines used the automated election system (AES). Overseas voters personally went to cast their votes at the Philippine Embassy in Kuala Lumpur. However, in both Taiwan and Thailand, manual elections were still employed. In Thailand, most voters cast their ballots at the



Overseas Voting in Bangkok



Overseas Voting in Kuala Lumpur using the Automated Election System (AES)

Philippine Embassy in Bangkok, although some were able to mail their completed ballots to the embassy. In Taiwan, Filipino registered voters were able to vote at the Manila Economic and Cultural Office (MECO) in the cities of Taipei, Taichung, and Kaosiung.

The monitoring methodology followed internationally accepted principles, including those set forth in the Declaration of Principles for International Election Observation, Universal Declaration on Human Rights, International Covenant for Civil and Political Rights, Bangkok Declaration on Free and Fair Elections, and Dili Indicators of Democratic Elections.

The voting in all three countries went smoothly, with staff at the respective embassies and economic and cultural offices being welcoming and transparent throughout the process. The counting of votes was conducted after the closing of polls in the Philippines on 9 May. In Thailand and Taiwan, votes were counted manually. In Kuala Lumpur, where automation was employed, vote counts were transmitted electronically. All official canvas certificates were subsequently sent physically to the Philippines to be counted by the Commission on Elections (COMELEC).

NEWS FROM ALL OVER ASIA

UNEXPECTED RESULTS IN SOUTH KOREA NATIONAL ASSEMBLY ELECTIONS

South Korea held parliamentary elections on April 13 for the 300 seats in the country's single-chamber National Assembly. Unexpectedly, the ruling Saenuri Party lost its parliamentary majority by a narrow margin to the opposition Minjoo Party. Opinion polls before the election had indicated that President Park Geun-hye's conservative Saenuri Party would secure a substantial majority. Voter turnout was 58%, slightly higher than for the previous parliamentary elections in 2012.

South Korea uses a mixed majoritarian-proportional representation system for National Assembly elections, with 253 members of parliament elected by plurality vote and 47 through proportional representation. The Minjoo Party of Korea secured 123 seats in the National Assembly with 25.5% of the vote, while the Saenuri Party won 122 seats with 33.5% of the vote. The People's Party, a new center-left party that was popular with younger voters, won 38 seats (25) with 26.7% of the vote. The remaining

seats went to the opposition Justice Party and independent candidates.

The close results mean that South Korea is likely to see more policy gridlock in the National Assembly during the remaining year of Ms. Park's presidency. Without a majority, the Saenuri Party may have difficulty pushing through Ms. Park's legislative agenda to bring about the structural economic reforms and transformative growth she promised during her 2012 presidential campaign.

Over the past few years South Korea has experienced slowing economic growth and rising unemployment and household debt. Analysts suggest that economic concerns were a focus for voters in this election and a primary reason for the decline in support for the ruling party. The Minjoo Party's campaign focused on welfare issues and proposed programs to increase employment and address income inequality.

MALAYSIA'S 2016 BY-ELECTIONS



In Malaysia, two by-elections took place on 18 June 2016 to fill the seats of two members of parliament who passed away last May in a helicopter crash. The vacated parliamentary seats were for the towns of Sungai Besar and Kuala Kangsar in the federal states of Selangor and Perak, respectively.

During the campaign, electoral watchdog BERSIH 2.0 found cases of vote buying committed by political parties contesting in what was dubbed as 'twin polls.'

In a statement, Bersih 2.0 denounced this apparent election offense and highlighted the need to uphold the rule of law and to protect the spirit of free and fair elections.

Also in its statement, Bersih 2.0 criticized an election commission (SPR) member who publicly stated that handing out of goodies during campaigns is not an electoral issue.

The elections saw low voter turnouts in both places. The ruling party Barisan Nasional (BN) retained both seats. Some political analysts attributed the victory of BN, despite the numerous political scandals it is facing, to the fragmented opposition.

MALAYSIA'S BERSIH 2.0 RECEIVES HUMAN RIGHTS AWARDS FOR ELECTORAL REFORM WORK; CHAIRPERSON BARRED FROM LEAVING THE COUNTRY TO ACCEPT AWARD



BERSIH 2.0 Chairperson, Maria Chin Abdullah, delivers acceptance speech via videoconference.

Photo source: FORUM-ASIA

Malaysia's Coalition for Free and Fair Elections (BERSIH 2.0) was awarded the Gwangju Prize for Human Rights 2016. The Gwangju committee chose Bersih 2.0 as co-winner together with Vietnamese activist Dr. Nguyen Dan Que.

The Gwangju committee recognized Bersih's untiring work in advancing electoral reforms despite difficult circumstances. The organizing committee cited BERSIH 2.0 as "an example of strength for the country in the face of mounting challenges from the state. For the first time ever, BERSIH 2.0 gave vibrancy to electoral reform and made it a national agenda for change with its eight demands."

However, Bersih's chairperson, Maria Chin Abdullah was stopped from leaving Malaysia to receive the award. Ms. Abdullah was on her way to South Korea to attend the 18 May award ceremony when she was barred from passing through the immigration gates at the Kuala Lumpur International Airport. No reasons were provided other than the purported existence of

an order issued at Putrajaya (Prime Minister's office). Bersih 2.0 in a statement demanded an answer from the Prime Minister on Ms. Abdulla's travel ban.

The Gwangju Prize for Human Rights was established by the May 18 Memorial Foundation to celebrate the spirit of the 18 May 1980 Gwangju Uprising in South Korea. The award recognizes individuals, groups, or institutions in South Korea and around the world. It is awarded by the citizens of Gwangju in the "spirit of solidarity and gratitude from those whom they have received help in their struggle for democratization." The award hopes that the "spirit and message of May 18 will be immortalized in the hearts and mind of humankind." Bersih 2.0 protested that the ban is an infringement on Ms. Abdullah's constitutional right and freedom of movement. A group of NGOs in Malaysia also issued a statement that labeled the ban as an abuse of power by authorities.



Afghanistan's Wolesi Jirga

Photo Source: www.afghanistan-analysts.org

AFGHANISTAN'S WOLESI JIRGA REJECTS ELECTORAL REFORM PROPOSALS

On 13 June, Afghanistan's Wolesi Jirga, or the lower house of the country's bicameral National Assembly, rejected the presidential decree on electoral reforms or the amendment of the Law on the Structure, Duties, and Authorities of Electoral Commissions for the second time.

Reports noted that the rejection of the presidential decree would result in the postponement of parliamentary elections. Many found the decision to be unfortunate, as electoral reform was part of an agreement when the National Unity Government (NUG) of President Ashraf Ghani and Chief Executive Officer Abdullah Abdullah was formed. President Ghani described the decision as a step backward in the path to electoral reform. However, in a statement, the Independent Election Commission (IEC) welcomed the decision of the Wolesi Jirga, citing it as a "positive step towards the lawfulness and independence of IEC."

ANFREL's member, the Free and Fair Election Forum of Afghanistan (FEFA), in a statement, said that it found the rejection of the proposal a regrettable act. In a statement, FEFA said, "This decision of Wolesi Jirga is considered rejection of election and democracy in the country. This irresponsible act of Wolesi Jirga proved that MPs do not value public demands. People expected the Wolesi Jirga to make decision about this decree deeming the prestige of this house and put an end to the electoral reform deadlock."

[READ FULL STATEMENT OF FEFA:](#)

<http://anfrel.org/afghanistan-fefas-statement-on-the-rejection-of-the-wolesi-jirga-on-the-second-presidential-decree-on-electoral-reform/>

NEW ELECTION LAW IN CAMBODIA CURTAILS PEOPLE'S BASIC FREEDOMS



*Mr. Yuthiya Soun**

Talks between the Cambodia People's Party (CPP) and the Cambodia National Rescue Party (CNRP) resulted in an agreement in 2014 to undertake reforms in the country's electoral legal framework. Both parties agreed that the legal framework developed before 2013 needed to be changed to a more democratic one that is more responsive to the needs and context of Cambodian politics. They also vowed to overhaul the current state of affairs to pave the way for the separation of state powers between the legislative and the executive. This way, a check and balance approach would be put into place.

Key members from each party were assigned to specific working groups tasked with conducting research and reviewing best practices around the globe. However, public participation in the drafting was limited, and civil society organizations were only invited to participate towards the end of the process.

The working groups eventually came up with a set of principles to be incorporated in the proposed law. It was eventually adopted in March 2015 as the "Law on the Organization and Function of the National Election Committee

and the Law on Election of Members of the National Assembly (LEMNA)." Among the recommendations were to shorten the campaign period, putting a gag on civil societies into place during the election process, and the revocation of a political party's legal registration if its leader were charged with an offense.

These provisions were found both by domestic and international experts to go against basic principles of democracy. Some sections of the law were also found to curtail freedom of expression during election campaign periods. The law also failed to institutionalize an independent national election committee (NEC). CSOs are also banned from participating or holding activities during campaigns, polling, and vote counting. These restrictions would adversely affect independent election monitoring and other related activities such as voter education campaigns. Individuals can also be penalized under such vague prohibitions as "insulting another political party or candidate."

Imposing such restrictions threatens the ability to freely campaign. The campaign period is supposed to provide a venue for the electorate to evaluate competing political parties and candidates to help them make informed decisions on polling day. An adequate campaign period should be allowed in every election.

In an ideal electoral process, people from all walks of life are highly encouraged to participate in electoral activities by expressing their views and engaging in healthy debates.

LEMNA poses a grave threat to Cambodia's democracy as it suppresses the people's basic freedom of expression and can be used to silence civil society. The deterioration of the human rights situation in the country directly affects the levels of freedom that its citizens enjoy.

* *Mr. Yuthiya Soun is the Legal and Advocacy Officer of the Committee for Free and Fair Elections in Cambodia (COMFREL). The article is contributed on his individual capacity and does not necessarily reflect COMFREL's official position or opinion.*

UPCOMING ELECTIONS



Thailand Referendum

On 7 August 2016, the Kingdom of Thailand will hold a referendum to decide whether to adopt a new constitution drafted by the Constitutional Drafting Committee appointed by the Thai junta, which operates as the National Council for Peace and Order (NCPO).

According to the Election Commission of Thailand (ECT), there are about 51 million voters eligible to vote in the referendum, which asks whether the draft constitution should be "approved" or "disapproved".

There are two questions on the ballot for the referendum (As translated by ECT):

- 1 "Approve" or "Disapprove" the Draft Constitution of the Kingdom of Thailand B.E. ...
- 2 Supplementary Topic: " Whether do you approve that for contributing continuity of the country reform according to the national strategic plan, it should be stipulated in the Transitory Provisions of the Constitution of the Kingdom of Thailand that for the duration of 5 years from the first sitting of the National Assembly under this constitution; the joint sitting of the two chambers of the National Assembly shall convene to consider approving a person to be appointed as the Prime Minister?"

If a majority of the participating voters vote that the constitution should be "approved," the Prime Minister will present the draft constitution to the King for royal endorsement within 30 days after the result is announced.



ANFREL Gears up for AESF – 3

ANFREL is preparing for the third Asian Electoral Stakeholder Forum (AESF), which will be held in Bali, Indonesia from 22 – 25 August 2016. This year's AESF is co-hosted by the General Elections Commission of the Republic of Indonesia (KPU) and the Asian Network for Free Elections (ANFREL). This 3rd AESF is a continuing engagement between EMBs and NGOs in Asia with the aim of strengthening cooperation in order to enhance electoral democracy in individual countries as well as in the region as a whole. The theme for AESF 3 is "Transparency and Integrity for Quality Elections."

THE ANFREL E-BULLETIN

ANFREL E-bulletin is ANFREL's quarterly publication issued as part of the Asian Electoral Resource Center (AERC) program. Each E-bulletin includes relevant and important updates regarding Asian electoral developments.

We encourage ANFREL members and friends to contribute articles to the e-bulletin. For questions, suggestions, or inquiries, you may send us an e-mail at e-bulletin@anfrel.org.

ABOUT ANFREL

The Asia Network for Free Elections (ANFREL) was established in 1997 as Asia's first regional network of civil society organizations working on the promotion of electoral democracy through election monitoring, capacity building, and campaign and advocacy. It strives to promote and support democratization at national and regional levels in Asia.

ANFREL is supported by a number of national organizations from Afghanistan, Bangladesh, Cambodia, India, Indonesia, Japan, Mongolia, Nepal, Pakistan, Philippines, Singapore, South Korea, Sri Lanka, Timor-Leste, and Thailand.

For more information you may visit
<http://www.anfrel.org>

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