

ANFREL Pre-Election Assessment Mission Report

Cambodia 2022 Commune and Sangkat
Council Elections



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Executive Summary

Cambodia will hold its fifth commune and sangkat council elections on 5 June 2022. About 9.2 million registered voters are expected to elect the chief and councilors among over 80,000 candidates in 1,652 communes/sangkats across the country.

In March 2022, The Asian Network for Free Elections (ANFREL) conducted a pre-election assessment of the upcoming commune and sangkat council elections. The team conducted more than 60 interviews with stakeholders comprising representatives of civil society organizations, political parties, the media, labor unions, academia, diplomatic community, international organizations, as well as voters in order to perform a detailed analysis of the pre-election socio-political situation.

The undemocratic elements in the current legal framework continue to allow room for abuse, leading to a repressed civic space and a hindrance to a free and fair election environment. The composition of the National Election Committee (NEC) and of their local counterparts are mostly affiliated with ruling CPP, making them widely perceived to be partisan by many key election stakeholders and the general public.

Crackdowns against the political opposition, CSOs, activists, and media have intensified in recent years. This has worsened when the newly adopted COVID-19 law is often used to curtail human rights and fundamental freedoms. Furthermore, many opposition candidates and members, most notably those from the recently reactivated Candlelight Party (CP), continue to experience harassment and intimidation on the ground. Despite the shrinking civic space, the upcoming elections will feature participation from more political parties compared to the 2017 commune and sangkat elections.

Civil society members, particularly election monitoring groups, were prohibited from conducting joint election observation efforts since 2017 as the government warned of the violation of the draconian Law on Associations and Non-Government Organizations (LANGO). Under the limited climate, the participation of CSOs in elections is minimal. This is also partly down to the lack of funding as many international donors stopped funding election related initiatives.

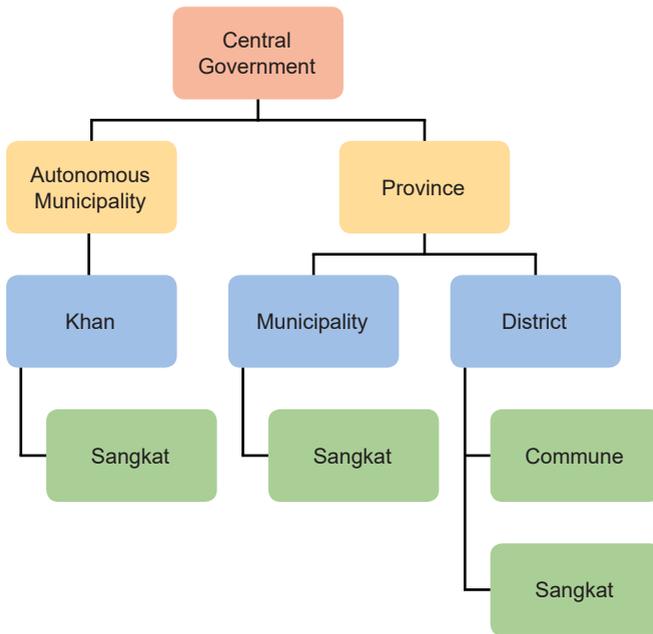
The deterioration of media freedom remains a worrying issue in Cambodia. The government has imposed measures that led to additional censorship, shutdown of news sites and arrests of journalists. This was exacerbated during the COVID-19 pandemic, with restrictions further disabling journalists from gathering and disseminating information on the ground. Media often choose to self-censor due to fear about retaliation, therefore fair election reporting is expected to be limited in the run-up to the June elections.

Although voter education is limited in the lead up to the election, active voter participation is expected as it was in the last two elections in 2017 and 2018 because many Cambodians still regard voting as a civic obligation. However, in a political space mostly dominated by middle-aged able-bodied males, more work has to be done to promote and actualize meaningful political participation and representation of women and other marginalized groups.

Overall, Cambodia still falls short of the standard of democratic elections according to ANFREL's Dili Indicator for Democratic Elections. There will be no genuine and legitimate election outcome as long as threats against the opposition and civic society remain prevalent. **Cambodian authorities must take genuine efforts toward democratization and political reform, first by making room for multiparty democracy by allowing the opposition and civil society to operate freely, as this is a prerequisite for holding fair, credible, transparent, inclusive and peaceful elections.**

Legal Framework

Commune (*khum*) and *sangkat* are the third level of the subnational administration in Cambodia, after autonomous municipality and province at the first level, and section (*khan*), municipality and district at the second level.



The administrations of commune and sangkats were essentially agencies of the central government before 2002. The Cambodian government introduced the Law on Commune and Sangkat Administrative Management and the Law on the Election of the Commune and Sangkat Council in 2001, which established local elections that replaced the state appointment system. The first commune and sangkat council elections were then held in February 2002.

Cambodian commune and sangkat council elections are now governed by a legal framework comprising the 1993 Constitution, the 1997 Law on Political Parties, the 2001 Law on the Election of the Commune/Sangkat Councils, the 2001 Law on Commune/Sangkat Administrative Management, and the 2015 Law on the Organization and Functioning of the National Election Committee (LOFNEC).

The legal framework for the 2022 commune and sangkat council elections, also known as the fifth commune and sangkat council elections, is largely the same as for the 2017 elections. No significant changes were made to the laws, and only a few revisions were done to regulations and procedures for the commune and sangkat council elections. This means that ANFREL's assessment of the legal framework in the 2017 report of the international election observation mission¹ remains mostly relevant and accurate.

- **Law on Commune and Sangkat Administrative Management**

The undemocratic elements in the law governing the commune and sangkat council remain. Although Article 48 of the 2001 Law on Commune/Sangkat Administrative Management provided commune and sangkat councils with legislative and executive powers, Article 49 stated commune and sangkat resolutions that violate the ambiguously defined “spirit of the constitution” may be annulled by the Minister of Interior. In addition, Article 58 allows the Minister of Interior to dissolve any commune or sangkat council that conducts activities against “national interests”, another term that is vaguely defined in the law. In short, local government autonomy is not guaranteed in Cambodia.

1 <https://anfrel.org/wp-content/uploads/2017/07/The-2017-Cambodia-IEOM-Final-Report.pdf>

- **Law on the Election of the Commune/Sangkat Councils**

The conduct of the commune and sangkat council elections are governed by the Law on the Election of the Commune/Sangkat Councils. It prescribes a closed list proportional representation system for the commune and sangkat council elections. The number of seats awarded to each political party is determined by the proportion of votes cast for that party, and the candidates are selected based on their rank on the party list.

According to Article 42 of the law, political parties are required to register a list of candidates with twice the number of the seats available in a commune or sangkat council. While ANFREL recognises the unique electoral system in every country, such a requirement is unnecessary and would cause additional burden to small parties. A number of political parties interviewed by ANFREL raised concerns that they face challenges in recruiting candidates in order to fulfill the requirement.

In addition, the current electoral system does not recognise the participation of independent candidates. This restriction is contrary to the Dili Indicators of Democratic Elections², a document adopted at ANFREL's second Asian Electoral Stakeholder Forum, as well as General Comment 25 of the ICCPR,³ to which Cambodia is a state party. Both documents call for independent candidates to be eligible to run for office without requiring to be a member of a political party.

Regrettably, there are no controls or limits on campaign spending in the existing legal framework for elections, and there are no requirements for contesting political parties to declare their sources of funding or expenditures to the public. In the 2017 elections, the Committee for Free and Fair Elections in Cambodia (COMFREL) estimated that the ruling Cambodian People's Party (CPP) spent five times more than the now-defunct

2 <http://aesf.anfrel.org/wp-content/uploads/2019/01/2015-Dili-Indicators-of-Democratic-Elections.pdf>

3 CCPR/C/21/Rev.1/Add.7, paragraph 17

Cambodia National Rescue Party (CNRP) that competed in the same number of communes and sangkat⁴. Without a rigorous mechanism to fairly regulate campaign finances, the scenario is expected to continue in the 2022 elections.

- **Law on Political Parties**

Article 44 of the Law on Political Parties amended in 2017 allows the court to dissolve political parties on broad grounds, leading to the politically motivated dissolution of the CNRP and the ban of 118 prominent party officials from politics for five years, after the party was accused of attempting to overthrow the government in a so-called “color revolution.”

Article 38 also enables the Ministry of Interior to suspend a political party’s activities on the ambiguous grounds of having “acted in contradiction to the Constitution, Law on Political Parties and other laws currently in force in the Kingdom of Cambodia.”

The far-reaching legal measures against political rights to the extent of termination of a party or suspension of party’s activities should be used with utmost restraint and kept out of the control of the executive power. Political party and CSO informants have expressed worry that influential opposition parties may be subject to the risk of the same fate as the CNRP, either before or after the June 2022 elections. Such undemocratic provisions should be repealed.

- **COVID-19 related laws**

The election environment in 2022 faces additional threats under the draconian Law on the Management of the Nation in a State of Emergency. Introduced in 2020 under the pretext of combating the COVID-19 pandemic, the law has been used to disproportionately restrict the

4 <https://comfrel.org/english/final-assessment-and-report-the-2017-commune-council-election/>

rights to freedom of expression, association and peaceful assembly in the country.

Article 5 of the law lists 12 measures that the government can take, including to ban any assembly, control social media, and even worse, implement “any other measures that are suitable and necessary to respond to the emergency.” The law could be used as a tool to outlaw or restrict opposition parties’ activities during the election period, leading to an un-level playing field between ruling and opposition parties.

In addition, the government introduced the Law on Measures to Prevent the Spread of COVID-19 and Other Serious, Dangerous and Contagious Diseases in March 2021 to curb the spread of COVID-19. The law carries disproportionate punishments of up to 20 years in prison and fines up to USD 5,000 for those who violate health protocols such as restrictions on the size of gatherings and mask-wearing. Within just a month, over 100 people were charged in court under the law.⁵ Political parties, especially the opposition, are expected to scale down their election campaign activities to avoid violations of the law.

⁵ <https://vodenglish.news/over-100-people-facing-court-cases-for-covid-19-violations/>

Election Administration

The National Election Committee (NEC) is the sole authority in charge of organizing, regulating, and administering Cambodian elections as stipulated in Article 150 of the Cambodian Constitution. It further states that the NEC must act independently and impartially in order to ensure free, accurate, and fair elections in accordance with the principles of liberal and multi-party democracy.

According to the Article 151 of the constitution and the Law on the Organization and Functioning of the National Election Committee (LOFNEC), the NEC is a nine-member committee with four members selected by the ruling party, four members selected by the opposition parties that hold seats in the National Assembly and one member selected by the consent of all parties with seats in the National Assembly.

After the dissolution of the CNRP, three among four CNRP-nominated NEC members announced their resignation. They were replaced by CPP-nominated Nuth Sokhom, former Funcinpec lawmaker; Hel Sarath, affiliated with the Cambodian Nationality Party; and Dim Sovannarom, affiliated with the CPP.⁶ The remaining one member nominated by the CNRP chose to stay the course.

The National Assembly appointed Prach Chan, a CPP senior member and former governor of Battambang and Tboung Khmum provinces, as the new NEC chairperson in 2021.⁷ The remaining members in the NEC are Mean Satik, Duch Sorn and Em Sophath who are affiliated with the CPP, and Hang Puthea who was formerly with the Neutral and Impartial Committee for Free and Fair Elections in Cambodia (NICFEC). As such, seven out of nine NEC

6 <https://www.phnompenhpost.com/national-politics/new-nec-members-insist-they-are-neutral>

7 <https://www.khmertimeskh.com/50880675/chan-confirmed-as-new-nec-chairman-by-national-assembly/>

members have ties with the ruling CPP. The current NEC is entirely composed of men.

The NEC's neutrality and impartiality have been called into question by the current composition, as almost all local stakeholders interviewed by ANFREL perceive the current NEC as pro-CPP. While the current appointment method as stipulated in the LOFNEC is supported by the major political parties and local CSOs, such a partisan composition would not result in a truly impartial election management body. With the CPP's dominance in all seats in the National Assembly, all opposition parties would effectively be kept out of the nomination process.

The NEC's autonomy is still hampered by its lack of financial independence. Article 59 of the LOFNEC stipulates that all funds, whether from the government, foreign contributions, or other sources, must be credited in the Trust Fund Account for Election at the National Treasury. Before any financial revenues can be used, they must first go through the national budget process, giving the Ministry of Finance complete authority over the NEC's budget and hence potentially significant influence on its activities.

As the European Union and the United States withdrew their funding to support the NEC following the dissolution of the CNRP, the NEC said it did not receive any funding from partner organizations or the international community to run the commune and sangkat council elections.⁸ However, the Japan International Cooperation Agency (JICA) continued to provide technical support and training for the NEC staff.⁹

The NEC appoints municipal/provincial election commissions (PEC) and commune/sangkat election commissions (CEC) and delegates duties to organize the elections to them. Each PEC and CEC consists of a chairperson, a vice-chairperson and three to five members. Despite the fact that the LOFNEC requires all PEC and CEC members to resign from any party

8 <https://www.khmertimeskh.com/501010146/lack-of-funding-not-a-hindrance-to-smooth-commune-elections/>

9 <https://www.phnompenhpost.com/national/nec-wraps-japan-guided-workshop-election-officials>

affiliations following their appointment, local stakeholders highlighted that many of them are CPP members or supporters who would be biased.

The voter registration and voter list update are to take place annually in Cambodia. In 2021, the process was conducted from 12 October to 30 November to allow citizens aged 18 or above to check the voter list or register as a new voter. The 2021 voter list concluded with 9,205,681 registered voters, representing 87.94 percent of the total adult population.¹⁰ The NEC later revealed that a total of 36 complaints about the voter list were filed nationwide but most were resolved.¹¹

Election watchdog COMFREL conducted an audit on the 2020 voter list and found that the list “has a good quality and is acceptable in its accuracy.”¹² However, it is noteworthy that there is no mechanism in place for Cambodians residing abroad to register as a voter and to vote in the elections by either advance voting or out-of-country voting. In Cambodia’s neighbor Thailand alone, there are nearly two million Cambodian migrant workers who are currently working and living there.¹³ They would be essentially disenfranchised without the access to voter registration and voting.

The NEC revised the rules and procedures for the 2022 commune and sangkat in January 2022, which would stop allowing party agents to receive copies of Form 1102, a form containing ballot counting results at the polling station. Previously, Form 1102 was filled out by hand by election officials and given to each political party’s agent directly at polling stations on Election Day. The NEC will only make three copies of Form 1102 now: the first will be delivered to the Commune/Sangkat Election Commissions (CEC) along with polling station documents and equip-

10 <https://www.khmertimeskh.com/501024137/2021-voter-list-validated-and-put-into-official-use/>

11 <https://www.nec.gov.kh/english/content/press-release-submission-reception-and-resolution-complaint-disclosure-preliminary-voter-1>

12 <https://comfrel.org/english/wp-content/uploads/2021/02/Final-Press-Release-of-the-2020-MO-and-AVL-Eng-Version.pdf>

13 <https://www.central-cambodia.org/archives/5545>

ment, the second will be displayed publicly at the polling stations and the last will be displayed publicly at the CEC office.

Six political parties then submitted a joint petition to the NEC, demanding a return to the previous practice where Form 1102 copies would be given to all party agents present. COMFREL also opposed the change. The NEC stood firm in its decision despite the concerns, but said it would leave it to the local committees to evaluate and make their decision. The NEC should take the election stakeholders' concerns into serious consideration instead of passing the hot potato to the local election officials, as it would likely cause confusion and discrepancies in the implementation.

Civil Society Engagement

The phrase “shrinking civic space” may no longer be sufficient to describe the current situation in Cambodia; continuous crackdowns on CSOs, independent media, political opposition and human rights defenders to silence dissent have led to a nearly closed civic space in the country. Since 2017, hundreds of activists, opposition members, and journalists have been arrested, jailed or harassed by the authorities, with some fleeing the country for fear of reprisal.

The draconian provisions of the Law on Associations and Non-Governmental Organizations (LANGO) are still in place. The law prohibits unregistered organizations from engaging in any activity and gives the Ministry of the Interior exclusive control over the registration procedure. Registered organizations are required to follow a broadly defined obligation of “political neutrality” in their operations. Though CSOs do not have the legal obligation to acquire permission from the authorities before conducting out their activities, they are often forced to go through informal approval processes with the authorities at the local level in order to carry out their work on the ground.

In 2017, a local NGO consortium called the “Situation Room” collaborated to monitor the commune and sangkat council elections. It is an informal network of 40 local NGOs, including election monitoring groups COMFREL and NICFEC, as well as prominent human rights NGOs LICADHO, ADHOC and Cambodian Center for Human Rights (CCHR), with the aim to jointly observe the elections.

The Situation Room was subsequently sanctioned by the Cambodian government on the basis that it “does not reflect the neutrality” mandated by the LANGO despite it being a legitimate election monitoring activity. The prohibition of CSOs working together to observe elections is a flagrant violation of the rights to freedom of expression and association under international human rights law. The Cambodian

authorities also repeatedly accused CSOs working on election monitoring of being allies to the opposition and attempting to launch a color revolution in the country, a vile tactic aimed at demonizing the CSOs.

In fear of further repercussions from the authorities, the groups have no intention to continue the Situation Room in the upcoming elections, but some will independently deploy election observers to observe the elections. Despite this, several local CSOs reported that their activities are still being monitored and that participants are warned about participating in their activities. They also expressed that they face additional financial challenges to deploy election observers and conduct voter education efforts, as many donors have decided not to sponsor election-related activities after the CNRP was disbanded in 2017.

A coalition of 64 CSOs in Cambodia, including ANFREL members COMFREL and NICFEC, jointly launched a list of recommendations which they named it the “minimum conditions for legitimate commune and sangkat council elections”¹⁴ in July 2021. The recommendations include enabling a free political environment and active participation in political activities, and allowing the main opposition to review and select members of the NEC. They also called for greater political neutrality and independence for the military forces and courts, as well as the freedom of the media and civil society organizations to function. Regrettably, no significant changes have been made since then.

As of 28 April 2022, the NEC has accredited 27,926 local election observers from seven local CSOs (see table below). Over 97 percent of those accredited are from the Union of Youth Federations of Cambodia (UYFC) and Cambodian Women for Peace and Development, led by Cambodian prime minister’s eldest son Hun Manet and deputy prime minister Men Sam An respectively. The accreditation of these so-called election observers that are closely linked to the ruling CPP again after the 2018 National Assembly elections is highly questionable and would be detrimental to

14 https://comfrel.org/english/wp-content/uploads/2021/07/302_Final-Minimum-Condition_-Eng.pdf

election integrity. The registration of local election observers runs until 25 May, and the NEC is still reviewing the application of nearly 5,000 observers.

Table: The number of accredited observers as of 28 April 2022¹⁵

No.	Name of organization	Number of accredited observers
1	Union of Youth Federations of Cambodia (UYFC)	17,266
2	Cambodian Women for Peace and Development	9,835
3	Association of Democratic Students of Cambodia	711
4	Association of Intellectual and Youth Volunteer	46
5	Our Friends Association	27
6	COMFREL	26
7	Traditional and Modern Mental Health Organization	15
	Total	27,926

¹⁵ <https://www.nec.gov.kh/khmer/content/5524>

Political Parties, Candidates Registration and Election Campaign

- **Situation of political parties**

The 1991 Paris Peace Agreement paved the way for Cambodian democracy to see the light of day. Part of which is the transition of its government from a single party rule to a multi-party system. However, the country has been ruled by the Cambodian People's Party (CPP) since 1979, and is now a *de facto* one party state after the party swept all National Assembly seats in 2018.

In Freedom House's Freedom in the World 2021 report, Cambodia scored a dismal 24 out of 100 points. This is partially attributed to the dire situation of political pluralism and participation throughout the country. Since the 2018 National Assembly elections, the political opposition and its proponents and supporters have been purged and disempowered. Small political parties could barely hold their own weight, nor can they secure a substantial number of seats in various levels of government.

In November 2017, Cambodia's Supreme Court dissolved the opposition CNRP for allegedly planning to overthrow the government, allowing the CPP to win all 125 seats in the 2018 National Assembly elections. The party's leader Sam Rainsy has been living in exile in France since 2015 and was sentenced to 25 and 10 years in prison last year and this year respectively in absentia over allegations of attempting to topple the government. Meanwhile, CNRP leader Kem Sokha was arrested in 2017 on politically-motivated treason charges. He was placed in pre-trial imprisonment until his release in 2019, with the requirements that he not participate in politics or travel outside of the country. Sokha's trial was supposed to start in early 2020, but it was constantly postponed over two years due to the COVID-19 pandemic.

The trial resumed in January 2022 and is currently ongoing.

Among the 118 CNRP senior officials who were banned from politics in 2017, over two dozen have sought political rehabilitation and gotten their ban lifted. Some of them established or joined new political parties, such as Kampucheaniyum Party, led by Yem Ponhearith; Khmer Will Party, led by Kong Koam; the Cambodia National Love Party, led by Chiv Kata; the Khmer Conservative Party, led by Riel Khemrin; the Cambodian Reform Party led by Pol Horm and Ou Chanrath; the Cambodia National Heart Party (CNHP), led by Siem Phluk; and the National Future Party, led by Khim Laky.

The Ministry of Interior gave the nod for the formation of the first four parties, and rejected the registration of the CNHP over the alleged use of forged thumbprints for registration. CNHP leader Siem Phluk and National Future Party leader Khim Laky, who decided to give up registering his party, later announced that they would join the CP that has been recently reactivated.

The CP, formerly known as the Sam Rainsy Party before merging with the Human Rights Party to become the CNRP, had been inactive in the past years. The party has managed to mobilize and field candidates in almost all communes and sangkats across the country in the lead up to the 2022 elections. It is also considered the second largest party in Cambodia now.

The establishment of political parties participating in the upcoming elections is rooted from a diverse range of reasons. Based on ANFREL's interviews, some are focused at bringing about development and peace, while others are anchored on invigorating Buddhist faith or strengthening allegiance to the Cambodian monarchy. It was also observed that some have a strong desire to improve democratic institutions and processes in the country.

- **Candidate registration and disqualification**

Currently, there are 47 registered political parties in Cambodia. Of which, only 17 will contest in the 2022 commune and sangkat council elections.

The League for Democracy Party that gained nearly five percent of the vote in the 2018 National Assembly elections announced that it would boycott the 2022 commune and sangkat council elections. The party made the decision after the NEC decided to stop providing Form 1102, a form containing primary election results that would be given to all party agents at polling stations.

As of 28 April 2022, the NEC has disqualified a total of 150 candidates from the CP, including 116 in Phnom Penh, 24 in Kampong Cham province and 10 in Pursat province, citing that they do not fulfill the Khmer literacy requirement as stated in the Law on the Election of the Commune/Sangkat Councils.¹⁶ The Khmer Will Party also saw 33 of their candidates in Phnom Penh being disqualified for the same reason.

Some CP officials interviewed by ANFREL raised that rather than disqualifying non-compliant candidates only, the NEC in certain cases removed all candidates on the entire list. The NEC's move was in obvious breach of the principle of collective punishment, and would diminish the choice of voters.

Meanwhile, the Beehive Social Democratic Party had 10 candidates removed in Phnom Penh, after the candidates lodged a complaint that they had no intention to run in the elections for the party and did not register as candidates.¹⁷

The provisional registration results of candidates as of 8 March and the official registration of candidates on 28 April by political parties are in the table on page 23. Despite the disqualification and withdrawal of opposition candidates, the official result of registered opposition candi-

16 <https://cambojanews.com/more-candlelight-party-commune-candidates-cut-from-election/>

17 <https://www.khmertimeskh.com/501048792/nec-removes-10-bsd-p-candidates-from-polls-list/>

dates increased by 1,884 people compared to the provisional result. No explanation was given in the NEC's public statement.

- **Election campaign**

The official election campaign period will start in two weeks before Election Day, followed by a one-day cooling period. Most of the political parties interviewed by ANFREL said they have not started any official election campaigns, but some have engaged in informal activities on the ground, such as visiting voters. Like in the previous elections, ANFREL's informants anticipate to witness the abuse of state resources for election campaigns and vote buying in cash or in kind in the lead up to Election Day.

Opposition candidates and members, especially from the CP, faced escalating persecution and intimidation by local authorities in numerous ways, including police arrest, demands to withdraw their participation, and threats to revoke IDPoor¹⁸ cards. At least two CP members were arrested in Pursat province over the allegation of forging documents for the candidate registration. Another CP member from Prey Veng province, who is facing the same allegation, was forced to flee the province in order to avoid further reprisals from local authorities. A number of opposition candidates and party agents chose to withdraw their participation in the elections after suffering pressure and intimidation.

Local CP officials have further revealed that there were attempts to weaken the party by bribing CP candidates with money or public service positions in exchange for their candidacy withdrawal. In addition, some opposition parties faced obstruction from the local authorities when they tried to set up their party banners in their communes/sangkats.

Some opposition candidates also pointed out that they face difficulties in getting verification for their candidacy forms from the local commune

18 A poverty identification program to identify aid beneficiaries through validation by local authorities. The program is supported by the Australian and German governments

chiefs. The need for verification by commune chiefs in order to submit candidate registration involves conflict of interest and would make it subject to abuse of power. As the opposition parties face mounting challenges and repression, the CP said it might boycott the elections if the issues persist.

The Code of Conduct for Political Parties and Candidates was established by the NEC to reinforce provisions within the Election law and to “mitigate violence, conflict, discrimination, and division amongst who have different political stances in the country¹⁹.” While compliance is voluntary, a party who fails to follow may likely face public scrutiny. Enforcement therefore greatly depends on the commitment of each party. This non-binding document was generally viewed as adequately fair by many party members interviewed by ANFREL. However, due to the rather partial nature of the NEC and local authorities, opposition parties are at a disadvantage in terms of enjoying a fair electoral environment, as well as complying with rules and guidelines.

Various stakeholders have raised concerns that the CP could face a similar fate to that of the now-defunct CNRP as the support for the newly-reactivated party grows. The CPP-aligned Khmer Times reported on 1 March 2022 that some CPP senior officials have repeatedly warned of the possible violation of the Law on Political Parties as Sam Rainsy publicly backed the CP he had formed and mobilized support for it.²⁰

Ensuring the existence of a real opposition party and a level playing field is a fundamental element in the democratic process. ANFREL urges the Cambodian government to respect the spirit of multiparty democracy envisioned under the Paris Peace Agreement by enabling all political parties to participate freely in the political process.

19 <https://www.nec.gov.kh/english/content/code-conduct-political-parties-candidates-and-political-party-agents-during-election-0>

20 <https://www.khmertimeskh.com/501033257/trouble-stirs-rainsys-support-for-cp-may-violate-law-on-political-parties/>

Table: Provisional Results of Registration of Candidates on 8 March 2022²¹ and Official Results of Registration of Candidates on 29 April 2022²²

No.	Political party	Provisional registration result on 7 March		Official registration result on 29 April		Difference in the number of candidates
		Number of commune/sangkat	Number of candidates	Number of commune/sangkat	Number of candidates	
1	Cambodian People's Party	1,652	28,008	1,652	28,008	0
2	Candlelight Party	1,649	23,679	1,623	23,939	+260
3	Funcinpec Party	715	9,407	680	9,952	+545
4	Khmer National United Party	650	8,340	596	8,815	+475
5	Cambodian National Love Party	388	4,634	315	5,050	+416
6	Cambodian National's Party	310	3,980	245	3,956	-24
7	Cambodian Youth Party	116	1,824	114	1,824	0
8	Khmer Will Party	67	1,000	58	1,050	+50
9	Cambodian Reform Party	58	823	59	978	+155
10	Kampucheaniyum Party	39	642	38	658	+16

²¹ <https://www.nec.gov.kh/khmer/content/5393>

²² <https://www.nec.gov.kh/khmer/content/5525>

No.	Political party	Provisional registration result on 7 March		Official registration result on 29 April		Difference in the number of candidates
		Number of commune/sangkat	Number of candidates	Number of commune/sangkat	Number of candidates	
11	Khmer United Party	35	498	30	457	-41
12	Grassroots Democracy Party	32	435	32	481	+46
13	Beehive Social Democratic Party	25	425	23	392	-33
14	Cambodian Indigeneous Peoples Democracy Party	19	194	19	202	+8
15	Ekpheap Cheat Khmer Party	15	175	14	178	+3
16	Reaksmey Khemara Party	7	79	6	88	+9
17	Khmer Economic Development Party	4	65	4	64	-1
	Total		84,208		86,092	+1,884

Media Freedom and Access to Information

A free and independent media is a critical marker of a functioning democracy. Compared to some of its Southeast Asian neighbors, Cambodia used to be home to a freer media, whereby sensitive issues were tackled and reported without much restraint. This has dramatically changed since the closure of Cambodia Daily and crackdown on media in 2017. From then on, journalists have been living under a climate of fear and intimidation.

In 2021, there were 2,017 registered media outlets, including 706 websites, as well as 81 video news outlets, of which, 23 are foreign-owned, according to the statistics by the Ministry of Information.²³ The Ministry revoked the licenses of 15 media entities for violating the law or non-renewal by the owners.²⁴

According to the World Press Freedom Index 2021 by Reporters without Borders (RSF), Cambodia stood 144th out of 180 countries. Over the past five years, the country has consistently been on a steep decline with regards to its press freedom record.²⁵ This is mainly attributed to systemic crackdowns on independent and critical media by the ruling government. This was further aggravated by restrictions imposed to curb the pandemic.

The RSF further reported that the government has been using the COVID-19 crisis to impose more censorship, block news sites, arrest journalists and proclaim a state of emergency that gave it unprecedented power to censor and spy on the media.²⁶ The pandemic also af-

23 <https://www.phnompenhpost.com/national/kingdom-boasts-over-2000-print-online-and-tv-outlets>

24 https://ccimcambodia.org/wp-content/uploads/2022/03/CCIM_Challenges-for-Independent-Media-2021.pdf, p. 5

25 Cambodia's ranking in previous World Press Freedom Index: 2016 - 128, 2017 - 132, 2018 - 142, 2019 - 143, 2020 - 144

26 <https://rsf.org/en/cambodia>

affected how the media could access and communicate with affected communities and individuals. A journalist shared that they have to conduct interviews over the phone, as the movement was restricted and some people are afraid to talk in person.

In August 2021, a state-initiated Monitoring Committee on Journalism Ethics was established to examine complaints by the public against journalists and media outlets, and evaluate the practice of Journalism in Cambodia. The 15-member body is composed mainly of interior and information officials, with only four seats given to representatives of journalist associations. This proves problematic for journalists who are already struggling to freely and independently access, produce and disseminate information and news.²⁷

In light of the upcoming commune and sangkat council elections in June 2022, members of the press are still traumatized by suppression resulting from events in 2017, followed by the aftermath of the 2018 National Assembly elections. This disproportionately affected their safety and security when covering matters on the ground.

Since 2017, both extrajudicial and legal attacks on journalists and media organizations have become a staple in Cambodia. A number of journalists, who investigated on sensitive issues, have been held by the government for politically motivated incitement or defamation charge²⁸. In 2021 alone, as shared by a media personnel informant, 93 local journalists were reportedly harassed and attacked by authorities. This has been exacerbated by draconian means to suppress COVID-19 infections and restore peace and order. The “Measures to Prevent the Spread of COVID-19 and other Deadly and Serious Infectious Diseases” law has been reportedly used to purge freedoms of expression and the press²⁹. Many have then resorted to self-censorship, when investigating critical issues—particularly involving political officials.

27 <https://rsf.org/en/news/cambodia-use-ethics-committee-censor-journalists>

28 <https://www.hrw.org/news/2020/11/02/cambodias-government-should-stop-silencing-journalists-media-outlets>

29 <https://monitor.civicus.org/updates/2021/06/24/activists-journalists-continue-face-reprisals-covid-19-law-exacerbates-violations-cambodia/>

In its concluding observations on Cambodia’s Third Periodic Report in March 2022, the UN Human Rights Committee expressed that it is “deeply concerned about the persistent violation of the freedom of expression within the State party. The Committee is alarmed by reports of the closure of multiple national and international media outlets; blockage of websites critical of the Government; the use of criminal and civil legal actions against journalists and human rights defenders; and widespread harassment and intimidation of online activists, including during the period of the 2018 elections and for criticizing the State party’s handling of the COVID-19 pandemic. It also recommended the state to “(a) Refrain from prosecuting and imprisoning journalists, human rights defenders and other civil society actors as a means of deterring or discouraging them from freely expressing their opinions; and (b) Prevent acts of harassment, intimidation and arbitrary restrictions or arrests of journalists, activists, human rights defenders who merely criticize public officials or government policies.”³⁰

Misinformation has greatly affected public awareness, as well as confidence towards the media in Cambodia. Due to the lack of an independent fact checking mechanism, it has been difficult for the public to identify which news or information is true or fake. Fake news has become rampant throughout Cambodia³¹. This was most evident during the COVID-19 pandemic, when unverified information spread across various media channels, most notably on the internet. In response to this, in January 2022, the Prime Minister called out journalists for the spread of misinformation. He added that they should “continue to help in the fight against complacency, cheating, corruption and injustice in society to build a clean and transparent Cambodia” and “to destroy opportunists who seek personal gain by taking refuge under the label of the press.” Some media outfits have been facing serious setbacks, with some having their licenses revoked by the Ministry of Information.³²

30 UN Human Rights Committee. “Concluding observations on the third periodic report of Cambodia.” Advanced Unedited Version. 30 March 2022. p. 7. Accessed from: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CCPR%2fC%2fKH%2fCO%2f3&Lang=en

31 https://ccimcambodia.org/wp-content/uploads/2022/03/CCIM_Challenges-for-Independent-Media-2021.pdf, p. 16

32 <https://www.phnompenhpost.com/national/journalist-union-urges-end-fake-news-dissemination>

Social media penetration in Cambodia stood at 73.9 percent in 2022,³³ making it an increasingly dominant source of information. While this is so, traditional media, such as radio programs, is still the most accessible platform for rural and remote communities. State media has greater reach and resources to share/disseminate more information compared to its independent counterparts. One interviewed journalist said that, “progressive media enjoys little space and opportunity to reach out to the audience.”

When it comes to accessing information, one media informant shared that political parties have been more open to sharing their platforms and policies with them. The NEC, too, has been active in disseminating election-related general information. However, more nuanced and sensitive matters are difficult to access by the press.

Funding has been a major issue for a number of independent media organizations. It was found that one has been struggling to acquire and maintain facilities, as well as paying salaries for its staff³⁴. Political parties approached by ANFREL also raised the issue of unbalanced treatment from the media. Some have faced difficulties accessing adequate air time and news coverage to discuss their and policies. They have also raised concerns about state-sponsored media’s partiality towards the ruling party.

Despite these challenges, independent media organizations are adamant to play a crucial role during the commune and sangkat council elections. Some are already preparing to deploy local journalists on the field to monitor both the campaign period and election day. One organization shall be producing a series of videos to increase voter awareness and participation, particularly of women. Political parties will also be invited to share their platforms and policies through radio and online programs.

33 <https://www.statista.com/statistics/883742/cambodia-social-media-penetration/>

34 https://ccimcambodia.org/wp-content/uploads/2022/03/CCIM_Challenges-for-Independent-Media-2021.pdf , p. 16

Voter Education and Awareness

The 2017 commune and sangkat council elections and the 2018 National Assembly elections saw high voter turnouts of 90.37% and 80.49% respectively. Solely based on these numbers, it seems that the Cambodian electorate is vibrant and active. One can also assume that many Cambodians are well-aware of their right to suffrage.

According to some voters interviewed by ANFREL, elections are still an integral feature of Cambodian democracy. One viewed this as a civic duty, “we need to choose our representatives through our votes. We need to find who is the best for us. Only a few are chosen to pursue the destiny of the country. It is our obligation as citizens to vote.” A young female voter shared, “we need to reform to protect us from corruption. We also need to free us from the dictatorship of the military. We need to choose an educated one.” While another young female voter declared that it is a measure to audit those who are currently in power. “It is very important for us to make them accountable. It is better to choose those who are skilled. They will be tested at the commune and sangkat level if they can also lead at the national level.”

Voters interviewed by ANFREL expressed a desire to elect qualified, committed and competent people to head their respective communes or sangkats. Some demonstrated understanding that commune or sangkat leaders are mandated to bring about progress and change in their respective communities. One shared, “they have the budget from the national government to develop communities.” Another raised the responsibility to serve the needs of the community. “It is their responsibility to provide services. They are tasked to produce ID cards and family books, so any difficulty from the people, it is their role to address these.” However, it is key to highlight that one young voter seemed to be unaware, “I am distant from the local authority. I know little about what the commune/sangkat leaders do.”

The NEC is mandated to educate voters of their rights and duties. It also sets guidelines on processes to disseminate information regarding the elections. Despite this, there is still room for improvement when it comes to reaching out to and educating members of vulnerable sectors. A person with disability interviewed by ANFREL shared that they have designed posters or materials for PWDs, particularly those with visual impairment, at the local level. However, it is desired that more materials related to the elections are produced in braille and sign language formats.

Voters are using the internet and social media to update themselves on election news and voting procedures. The NEC has an active presence on social media with over 100,000 Facebook followers on both its official page “គណៈកម្មាធិការជាតិរៀបចំការបោះឆ្នោត National Election Committee”³⁵ and the NEC spokesperson’s page “អ្នកនាំពាក្យ គ.ជ.ប - NEC Spokesperson”³⁶ as of this writing. It also regularly updates its official website. In rural areas, however, communities rely on traditional means to gather election information. Commune authorities, here, have played a vital role in raising awareness and encouraging their constituents to vote. They disseminate information through printed materials and house visits.

Amid legal restrictions and shrinking spaces, some local CSOs have been actively assisting communities to register and be more acquainted with the electoral process. One respondent working for a women’s rights organization shared, “we plan to arrange meetings with women in the communities. We want to help women to check whether they are registered to vote, because some prefer to no longer vote because they are convinced that the results are already set.”

Some political parties have been doing their part to raise voter awareness at the commune level. They were done through house visits, distributing leaflets, and using loudspeakers. They also would rely on their local activists to educate community members.

35 <https://www.facebook.com/CambodiaNEC>

36 <https://www.facebook.com/NECSpokesperson/>

Participation of Marginalized Sectors

The 1993 Cambodian Constitution, in Article 31, stipulates that “every Khmer citizen shall be equal before the law, enjoying the same rights, freedom and fulfilling the same obligations regardless of race, color, sex, language, religious belief, political tendency, birth origin, social status, wealth or other status.” It also contains language pertaining to a citizen’s right to political participation. Article 35 provides, “Khmer citizens of either sex shall have the right to participate actively in the political, economic, social and cultural life of the nation.”

ANFREL observed that the current Cambodian political arena is dominated by able-bodied, middle to older-aged cisgendered males. While conversations around the political participation of women and youth are picking up steam, much can still be said (and done) for other marginalized sectors.

It has to be noted that many voters interviewed by ANFREL are more concerned about a candidate’s policies and competency rather than one’s sexual identity, gender and/or age. One young voter said, “sex is not a factor to be a good leader. In a democratic society, we need to observe human rights as well. Candidates from the Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual+ (LGBTIQIA+) community should have the skill to lead.” Another voter mentioned, “Old or young, I do not mind. The vision is fundamental. The young can be innovative and creative in achieving changes and reform. If the youth have the capacity, I will vote for them.” This, however, should not discount the need to highlight and address barriers faced by women, young people, and vulnerable populations from fully enjoying their right to political participation.

- **Women**

Women make up 51.18% of the total population of Cambodia,³⁷ but only hold 23 percent of seats at commune and sangkat councils and 20 percent at the National Assembly. Beyond statistics, however, gender inequality is still a fundamental challenge in the country, where cisgendered males are traditionally viewed as leaders of most units of society. UNFPA reported, “gender norms remain heavily rooted in society, creating inequality between men and women and depriving women of their basic rights.”

For the 2017 commune elections, 25,788 of 94,595 of eligible candidates were women, from 12 contesting political parties, which was a 1.67% increase from 2012. Interestingly, the number of women candidates placed in the first line of the candidate list was 481 or 7.89% of a total of 6,092 candidates. Obviously, this number is significantly lower than their male counterparts.³⁸ It was then reported that 1,940 women were cumulatively elected as commune chiefs, deputy chiefs or commune councilors. This statistic was lower than that in the 2012 elections, in which 2,038 were elected³⁹. It should be noted that the rate of women candidates elected as commune chiefs increased from 5.81% in 2012 to 7.77% (from 95 to 128 women)⁴⁰.

When it comes to voter registration in the previous commune and sangkat elections (2017), 4,210,914 of 7,865,033 (53.53%) registered voters were women. It is key to highlight some barriers that keep women from exercising their right to vote. It was reported that some were unable to vote due to care work responsibilities, maternity situation, old age, or migration⁴¹.

37 <https://data.worldbank.org/indicator/SP.POP.TOTL.FE.ZS?locations=KH>

38 https://comfrel.org/english/wp-content/uploads/2018/08/275_Final-Assessment-and-Report-on-the-2017-Commune-Council-Elections-in-English-Version.pdf

39 <https://www.phnompenhpost.com/national/female-representation-politics-decreased-commune-elections>

40 https://comfrel.org/english/wp-content/uploads/2018/08/275_Final-Assessment-and-Report-on-the-2017-Commune-Council-Elections-in-English-Version.pdf

41 *ibid*

For the 2022 elections, it was recorded that women comprise 53.28% of the total number of eligible voters (4,904,832 out of 9,205,681).⁴²

The upcoming 2022 elections saw 27,813 women registering to run for various posts at the commune and sangkat levels. They make up 32.3% of the total registered candidates. This is a slight increase from 27% recorded in the 2017 elections. The Cambodian National's Party and Khmer Unity Party have the highest number of women in their candidate pool at 55.2% and 54.3% respectively, while major parties such as the Cambodian People's Party (CPP) and the Candlelight Party (CP) record percentages lower than the overall average, with 25.9% and 23.2%, respectively.⁴³

A women's rights activist interviewed by ANFREL claimed that women are still confronted with multiple, multi-layered roadblocks in light of political participation. "Those who are involved in politics have to spend a lot of money. They also are not aware of issues in the public space. Women just follow instructions when it comes to who they will be voting for."

Based on ANFREL's interviews, most political parties have yet to institutionalize and normalize the participation of women within their ranks. The CP, however, tries to woo more women to run for elections through cash incentives of 300 USD.⁴⁴ Furthermore, informants posit that women are busy with care work, and are unable to gather support from their families. One party member shared, "women are reluctant to stand in the elections. They need support from families, colleagues and friends." A CSO officer mentioned that "Cambodian families usually would not support women to join politics, because it is an economic burden and women usually rely on their husband's income." Another informant from civil society, however, observed a slow shift in perspectives, "more and more women are understanding their roles and responsibilities. Men are giving more value to the leadership of women."

42 <https://www.khmertimeskh.com/501024137/2021-voter-list-validated-and-put-into-official-use/>

43 <https://www.nec.gov.kh/khmer/content/5525>

44 *ibid.*

It is key to note that a few interviewed voters recognize the added value of having women leaders in their respective communes. One shared, “women are more understanding of women’s needs and concerns. They can help each other more efficiently. For women who are victims of rape, only women can solve the issue.” A male voter, working for a women’s organization, mentioned, “women pay more attention to the concerns and needs of the people. They communicate better with the community.”

- **LGBTQIA+**

According to UN Office of the High Commissioner on Human Rights (OHCHR), the existing legislation in Cambodia does not specifically prohibit discrimination based on sexual orientation and gender identity, and there are no sanctions for those who violate the human rights of LGBT persons. Moreover, the current Cambodian Constitution still upholds a binary outlook on gender, which has been ingrained in social consciousness.

When asked if she will be voting for an LGBTQIA+ candidate, a young female voter replied, “no, a leader should reflect the binary reality of Cambodian society.” Another voter shared, “it is hard to understand their appearance. This is very new for me, [however] I will vote for a person who is able to work for their communities.

Multiple forms of discrimination and stigma are still a predominant lived experienced by members of the community. This, according to the OHCHR, has affected their full enjoyment of political and socio-economic rights and freedoms.⁴⁵ It is key to note that, while there is a rather vibrant movement working on Sexual Orientation, Gender Identity and Expression (SOGIE) in the country, LGBTQIA+ members participating in the political sphere remain invisible. This is evident by the fact that ANFREL’s informants from political parties could not present any disaggregated data, nor have any policies related to the inclusion of queer

45 <https://cambodia.ohchr.org/en/issues/lgbt-rights-0>

politicians in their ranks. This was confirmed by a CSO worker who said, “political parties do not really talk about LGBT. Generally, Cambodian society is not ready to accept LGBT peoples.”

Amid structural and social challenges, a number of LGBTQIA rights activists are still adamant to contribute to the restoration of democratic values and institutions in the country. For the 2022 commune and sangkat elections, for example, a group of queer election observers is being set up to monitor activities during campaigns and on Election Day.

- **Youth**

About two thirds of the Cambodian population is aged under 30 years old, making it the ‘youngest’ nation in Southeast Asia. The engagement of young people in various social and economic affairs has greatly contributed to the development of the country.

On the political front, young people are generally observed to be visible and active. The commune and sangkat elections in 2017 enjoyed a youth voter registration of 2,621,190 or 33.3% out of the total of 7,865,033. Of which, 1,369,046 (52.3%) were young females⁴⁶. Official statistics on young voters for the 2022 elections have yet to be released as of this writing.

The level of political conscientiousness and participation of many Cambodian youth seem to generally be on a steady rise—particularly with the support of technology and social media. In fact, as per some analysts, young people are crucial “in halting the country’s democratic backsliding.”⁴⁷ There are also a good number of local and international organizations working for and with young Cambodians on both development and human rights matters. Moreover, young people have been at the forefront of campaigns and even participating in previous national and com-

46 https://comfrel.org/english/wp-content/uploads/2018/08/275_Final-Assessment-and-Report-on-the-2017-Commune-Council-Elections-in-English-Version.pdf

47 <https://www.phnompenhpost.com/opinion/youth-should-engage-politics>

mune elections. One trade union leader shared, “young people have been playing a good role in the elections. They are more active in campaigns and information dissemination. Nowadays, they are still active, but are more discreet. They still connected with the older generation. They are more supportive of the opposition party.”

On the contrary, there is some concern about young people becoming politically apathetic. Young people have been caught up by the need to be socially and economically successful. One academic shared, “the youth tend to be busy doing online things. Many do not care much about politics. They believe that it is useless, and does not provide any economic benefits to them. It is not a good sign for the country. We need more people to speak out and be part of the political space.” Another issue is the low participation of young women in political affairs. A women’s rights activist shared that, “young women have occupied limited space in the electoral process. Moreover, they are not given the chance to run and be part of decision making processes.”

When it comes to running for political office, Article 76 of the 1993 Cambodian Constitution provides that a Khmer citizen who is at least 25 years old is qualified to run for the national assembly. For some political parties, this provision itself is proof that they accommodate young members and candidates in their team. However, none have actually presented any disaggregated data on young people registered with their party, particularly for the upcoming commune elections.

It is key to highlight that some political parties are laying the ground for the next generation of leaders. During interviews, two political parties, Cambodian Youth Party and Khmer Will Party, revealed that young people make up at least 80% of their membership. The ruling party is also moving towards preparing young members, though many are the children of the incumbent CPP leaders, to assume key positions in government. One CSO member commented, “they run it like a family business where the parents pass the position to their children. It may cause some internal conflicts when the senior party members feel they are not valued.”

In terms of involvement in election processes, it was reported that young people were active in campaign affairs such as political rallies during the previous commune and sangkat elections.⁴⁸ For the 2022 elections, according to interviews with CSOs working on youth issues, young people shall be encouraged to get involved as election monitors and be active in voter awareness raising in their respective communities. One young female leader shared that her group is planning “to provide recommendations on what has to be changed, and what the government should do to ensure free and fair elections. We want to diversify opinions to improve the ability of the next government.”

- **Persons with Disabilities**

According to the UN Economic and Social Commission for Asia and the Pacific (UN ESCAP), the prevalence of disability in Cambodia is at 3.5%.⁴⁹ This is mainly brought about by a history of conflicts, poverty, and a lack of adequate health services and infrastructure. The government has been taking steps to fulfill the rights and needs of persons with disabilities (PWD). In 2009, it ratified the International Convention on the Rights of Persons with Disabilities (CRPD), followed by the passage of the Law on the Protection and Promotion of the Rights of Persons with Disabilities. A National Disability Action Plan for 2019-2023 is also in place. According to a disabled persons’ organization (DPO)’s representative, the Ministry of Social Affairs is in the process of producing PWD cards. An estimation of 250,000 registrations have been made to the ministry since August 2021, and this number is still increasing.

However, according to the third cycle shadow report to the Universal Periodic Review by the CDPO, much is yet to be developed and/or improved in the areas of access to justice, education, health care, employment and

48 https://comfrel.org/english/wp-content/uploads/2018/08/275_Final-Assessment-and-Report-on-the-2017-Commune-Council-Elections-in-English-Version.pdf

49 <https://theaseanpost.com/article/cambodias-disabled-left-behind>

social security for persons with disabilities.⁵⁰ In terms of political participation, it was pointed out by a group of DPOs in a 2013 UPR report that existing legal provisions bar persons with disabilities from fully engaging in elections. They include “Articles 34 and 50 of the Amended Law on Election of Members of the National Assembly (LEMNA) of 2007, which prohibits “insane persons or persons under guardianship, who are certified as such by a competent institution” to stand as candidate in the election of the National Assembly and to register, and Amended Law on Elections of Commune Councils of 2006, which prohibits persons that are certified by a competent institution as being insane or under a guardianship to register or vote in the Commune Councils Election.”⁵¹

For the upcoming commune elections, while there is enthusiasm to participate, voters with disabilities continue to face challenges. Some polling stations are not accessible, and are unable to accommodate various disability needs and concerns. Many were unable to register as a voter as they do not possess an ID card due to the inaccessibility to obtain one.

Political parties have also not included disability rights in their policies. This is on top of the fact that there is no information about a person with disability running for office. A critical issue raised is the ability and competency to run for elections. One DPO representative shared, “some commune council members are PWDs, but they are not well educated or literate enough to govern their communes.”

50 https://www.upr-info.org/sites/default/files/document/cambodia/session_32_-_january_2019/jstmp10_upr32_khm_e_main.pdf

51 “A Stakeholders’ Report prepared by Disabled People Organization (DPO) in Cambodia for the Universal Periodic Review (UPR), May 2013.

Recommendations

The recommendations made by ANFREL in its reports of the 2017 international election observation mission to the commune and sangkat council elections⁵² and 2018 pre-election assessment of the National Assembly elections⁵³ remain largely unfulfilled. In light of the assessments above, ANFREL, once again, offers the following key recommendations for improving Cambodia's elections:

1. On the legal framework:

- Reform overly restrictive laws in order to adhere to the international obligations of Cambodia and the spirit of the 1993 Constitution.
- Remove undue restrictions on political parties and CSOs, particularly in the Law on Political Parties and the Law on Associations and NGOs.

2. On the electoral system:

- Allow independent candidates to run, in line with Cambodia's commitment to inclusive elections.
- Remove or lower the minimum threshold number of candidates required for a party to run in commune and sangkat council elections.

3. On the NEC:

- Establish a more independent selection process for NEC members.
- Grant the NEC increased control over its budget, and institute transparent auditing processes of its accounts and activities,

52 <https://anfrel.org/wp-content/uploads/2017/07/The-2017-Cambodia-IEOM-Final-Report.pdf>

53 <https://anfrel.org/wp-content/uploads/2018/06/FINAL-REPORT-2018-CAMBODIA-PEAM.pdf>

ensure full disclosure of its finances, and publish audit reports to promote accountability.

- Strengthen the NEC's role in providing nationwide voter education to increase voter awareness of the electoral processes and requirements.
- Ensure the election observers accredited by the NEC fulfill the requirement of being independent and nonpartisan.

4. On voter registration:

- Establish mechanisms for the registration and enfranchisement of Cambodians living overseas, such as out-of-country voting or advance voting.
- Promote registration of persons with disabilities as voters and identify them on the voter list to ensure the accessibility to cast their ballots.

5. On election campaigns:

- Introduce a disclosure mechanism for campaign contributions and expenditures to increase accountability and prevent the use of state and other illegal resources. Provide for proportionate sanctions in case of non-compliance by candidates or parties.
- Adopt and implement strict regulations to prevent misuse of state resources by any political parties or candidates for electoral advantage.
- Ensure all political parties and candidates enjoy the freedom to campaign without fear of intimidation, threats, and/or violence.

6. On the media:

- Restore the space for independent media to help promote a free and fair election environment;
- Promote fair access to both state and private media by all political parties and candidates.

7. On the participation of marginalized sectors:
 - Strongly encourage political parties to take meaningful action in order to significantly increase membership of marginalized communities, particularly women, LGBTQIA+ peoples, youth and persons with disabilities, within their ranks;
 - Address social, cultural and structural challenges that hinder marginalized sectors from voting and/or running for public office.

