

FACTSHEET – UPR 2018 – Cambodia

3rd CYCLE UNIVERSAL PERIODIC REVIEW

Free and Fair Elections in Cambodia

NAMES OF ORGANISATIONS ENDORSING THE SUBMISSIONS

The report is jointly submitted by the Committee for Free and Fair Elections in Cambodia (COMFREL), and Neutral and Impartial Committee for Free and Fair Elections in Cambodia (NICFEC) and other 10 CSOs.

SUMMARY OF KEY ISSUES FROM PREVIOUS UPR CYCLES

In 2014, the Royal Government of Cambodia totally received and accepted eight election-related recommendations during the 2nd cycle UPR. These recommendations aimed to uphold the election integrity in Cambodia based on the multi-party democracy principle. In 2015, several legal frameworks were revised and created under the electoral reform agenda. Consequently, the voter registration, the voter list and formation of electoral commission are significantly improved.

However, some important addressed recommendations remain unimplemented. They include a citizen's accessibility for voting right, a political

party's meaningful participation in election, an efficient mechanism for electoral dispute and resolution and fair access to media, and restriction of political abuses of power and of state resource.

Beside unimplemented recommendations, Several legal frames including amendment of Law on Associations and Non-Governmental Organizations, Law on Political Party and Law on Elections, were developed and played as political motivate in the last the national assembly election. The implementation of these amendments result an elections without democratic principles that remains Cambodia as a single party state.

NATIONAL FRAMEWORK

The reformed of election regulations in 2015 has contributed positive impacts to a number of electoral process, such as: the voter registration and procedure of the selection of the members of the National Election Committee (NEC), the immunity status for the members of NEC, and the authority and operation of NEC in general. The reformed, however, has also presented negative impacts.

The amendments of Law on Political Party in 2017 gives the ruling party the legal authority to dissolve any political party, including the ban members from

political participation and imprisoning its leadership. The amendment of the Law on Associations and Non-Governmental Organizations and provision in elections law limits and narrow CSO's space for participation in electoral process. This extends to the observers and CSOs, that are viewed threats to political power. The legislation has threatened and undermined the principles of multi-party democracy and free and fair election in Cambodia. Particularly it is being used to restrict the active and meaningful participation of other political parties and the public.

CHALLENGES

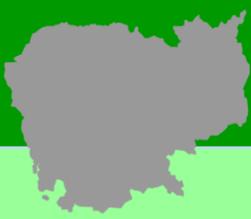
Law on Associations and Non-Governmental Organizations (LANGO) and Law on General Elections:

- To limit electoral observation participation
- To restrict financial independency of CSOs

IMPACT

The Law on Association and Non-Governmental Organizations (LANGO) and Law on General Elections, it is noteworthy to empathy that, have threatened the rights and fundamental freedom to assembly and association of the Cambodian peoples and CSOs in Cambodia. Basing on the LANGO, the Royal Government of Cambodia continue to question and threaten the legitimacy of CSOs. The Situation Room, a voluntarily collective electoral observation of joint CSOs, is no longer allowed to take place in the future elections.

The Government has imposed a set of unsupportive law and regulation that restrict the activities and financial independency of members of the civil society organizations (CSOs) in Cambodia. The independent media outlets including,



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the Cambodia Daily, The Phnom Post and other well-noted media agency, were hit with manipulated tax payment. Consequently they were forced to shut down and to be sold who is linked to the Cambodian Prime Minister Hun Sen. A number of local and internet radio, it is important to note that, were forced to shut down and a number of its journalists are on self-exiled and placed behind bar.

Law on Political Party:

- To disrespect the people’s will
- To end up democratic process
- To disregard CCPR

The amendment of the Law on Political Parties in 2017 which proposed by Prime Minister Hun Sen and adopted by parliamentarians from the ruling party has given his government the legitimate and unchallenging authorities to suspend and dissolve political parties, effectively removing their leadership from politics. It is considered to be politically motivated and aims to preventing competition from the activities of opposition political parties in elections; and in the violation of the International Convention on Civil and Political Rights which Cambodia itself is the state party.

In November 2017, the court, which is notorious for a political motivate, marked the death of democracy in Cambodia. The main opposition, Cambodia National Rescue Party (CNRP), was forcefully dissolved at the hand of supreme court basing on the groundless complaint filed by the Ministry of Interior (MoI) claiming the CNRP was attempting to overthrow the government through the so-called colour revolution funded by the United States. Resulting from the dissolution, the total 118 senior members of CNRP, also, are banned from political activity for five years. 55 out of 123 parliamentary seats and 5,007 local councillor seats of CNRP, which were elected from 44% of the popular vote in general elections, were distributed and re-allocated to unelected members of the ruling and other political parties. The outcome of implementation of the law amendment leave Cambodia as the state disrespecting people’s will.

RECOMMENDATIONS

1. Repeal the amendments of Law on Political Party, as such: article 6 new (two), article 11 new, article 12 new, article 17 new, article 18 new, article 19 new, article 25 new article 16 new, article 29 new, article 34 new, article 38 new, article 39 new, article 40 new, article 41 new, article 42 new, article 43 new, article 44 new (two), article 45 new (double), article 46 new, article 47 new and article 48 new (double); to promote multi-party democracy, before 2020.
2. Repeal the amendments of the Constitution of Cambodia; i.e. article 34 new (one), article 42 new, article 49 new and article 53 (new); to ensure the exercise of civil and political rights of all Cambodian citizens, before 2022.
3. Create and safeguard an enabling environment for members of civil society organization (CSOs) to monitor elections, by lifting all undue restrictions on activities and funding of NGOs, including the Law on Associations and Non-Governmental Organizations (LANGO); and repeal Article 18, Article 84, Article 137, Article 148, Article 159; and Article 160 of the Elections laws which restricts and regulates the civil and political rights of Cambodian citizens that is constitutionally mandated, by 2022.
4. Enable genuine multi-party democracy principle through the establishment of a meaningful election competition based on the principle of inclusiveness, transparency, integrity, accountability and accessibility for all political parties. And adopt the legal framework to ensure that all candidates have fair access to the media, by 2022. (Rec.8.9 and 10 in the Submission Report)
5. Adopt and safeguard a legal framework which will enable Cambodia citizens who resident abroad to exercise their right to vote and uphold the right to vote of all citizens, including those in pre-trial detention, by 2022.