



Transparency International Cambodia's Report on 2013 National Election

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Introduction

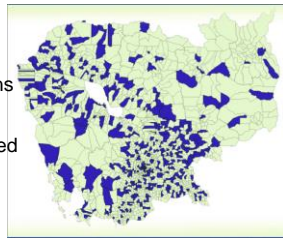


- Transparency International Cambodia (TIC), in cooperation with the Coalition for Integrity and Social Accountability (CISA) network, was accredited by the NEC to observe the Cambodian national elections on 28 July 2013.
- This project is financially and technically supported by National democratic Institute for International Affairs (NDI). NDI is supported by the generous assistance of the United States Agency for International Development (USAID).

Methodology



- **Sample Based Observation** : Observation of a representative sample of polling stations and provides statistically meaningful information on the conduct of voting and counting.
- 906 TIC's observers were deployed to 409 polling stations in Cambodia
- Sample were randomly selected and represented all provinces and municipalities



Electoral and Political Context

Electoral & Political Context



- Legal Framework:
 - Law on the Election of the Members of the National Assembly (LEMNA), adopted in 1997, governs the National Assembly Election
 - Constitution of the Kingdom of Cambodia, the Political Party Law, the Press Law and the Law on Assembly are also integral to the election process.

Electoral & Political Context



- Numerous domestic and international organizations and election experts have raised concerns over the NEC's neutrality and competence:
 - Housed under the Ministry of Interior (MOI)
 - No autonomous budget allocation or its own constitutional status
 - Little transparency in the Committee's selection and operation
 - Limited public access to documents and meetings
 - Voter list was removed from the web database of the NEC one day prior to the election.

Electoral & Political Context



- A multitude of administrative functions for the electoral process are not solely carried out by the NEC
 - The delegation of task to commune councilors introduces inherent conflicts of interest, opportunities for abuse and bias in the compilation of the lists.
- Cambodian legal framework does not accommodate citizens who do not permanently reside in their commune of registration
- Failure to complete civil registry and provide the national ID to all Cambodians

Electoral & Political Context

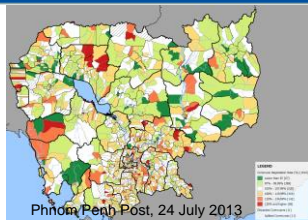


- 800,000 Identification Certifications for Electoral Purposes (ICE) forms were distributed by Commune Councils for the 2013 election and 270,000 of these were issued between the end of the voter registration period and the election
- Voter Registry Audits (VRA) by NEC, NDI and CAS found:
 - 10.8% of eligible citizens who thought they were registered were not on the registry and 7.8% of those not on the list actually having voted before
 - 18.3% of the names on the voter list cannot be verified. (people who had permanently relocated, died, or were unknown).

Electoral & Political Context



- Over registration :
 - Over 80,000 duplicated names (exact same name spelling, date of birth, and gender)



- Lack of Media Independence and no equal access to media for the campaign
- COMFREL found the indelible ink to be easy washable

Electoral & Political Context



Political Environment:

- Increase in enthusiasm and interest from the general public, especially youth
- Most competitive election campaign
- The return of opposition leader even not able to contest
- Rapid passage of a politically-motivated law, such as Law on the Denial of Crimes Committed During the Period of Democratic Kampuchea
- Political tension and feelings of intimidation among the public (Chaos, Civil wars vs Anti-Vietnamese sentiment)



Key Findings

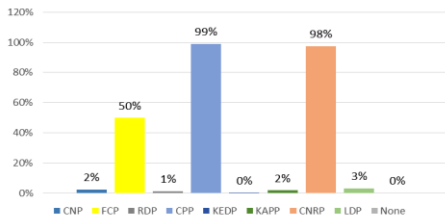
Key Findings



Key Findings : Opening & Setup



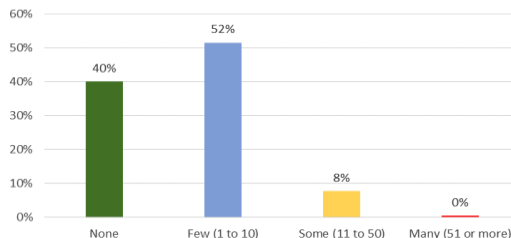
- Overall, Polling Stations opened punctually. Almost all of the ballot boxes were shown as empty, sealed correctly and displayed publicly
- Political party agents presented during the opening & setup



Key Findings : Voting Process



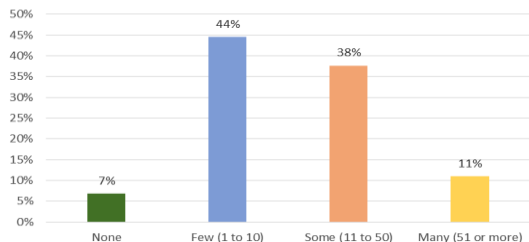
- At about 60% of the polling stations, some voters with proper identification documents were unable to find their names and could not vote
- Political parties or civil society was not allowed to carry a copy of the voter list to polling stations on election day



Key Findings : Voting Process



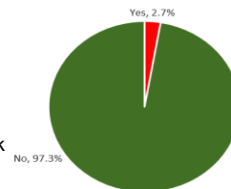
- In 25% of the polling stations, people without valid ID were allowed to vote → potential fraud, impersonation
- At 93% of the polling stations, ICEs were used to vote



Key Findings : Voting Process



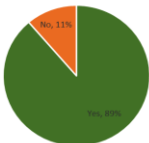
- At 4% of Polling stations, the officers failed to mark the name of voters after they have voted.
- Observers at 2.7% of those polling stations witnessed the ink being removed on the premises



Key Findings : Closing and Vote Counting



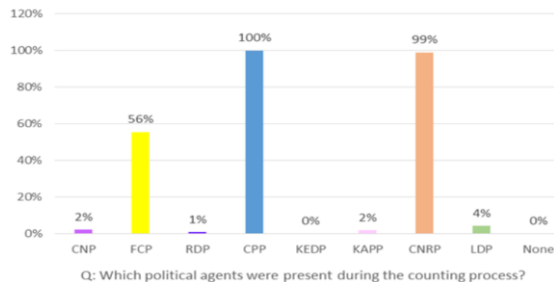
- Vote count in 99% of polling stations was recorded correctly
- In 11% of the polling stations, the election results were not posted publicly
- Nationwide, only 1.7% of ballots were determined to be invalid.



Key Findings : Closing and Vote Counting



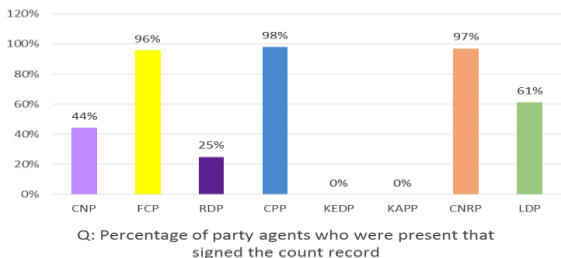
Almost 100% of party agents were present during the counting process



Key Findings : Closing and Vote Counting



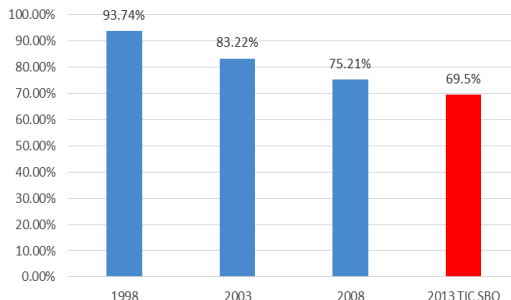
Almost 100% of party agents who were present at the closing signed the record form



Key Findings : Closing and Vote Counting



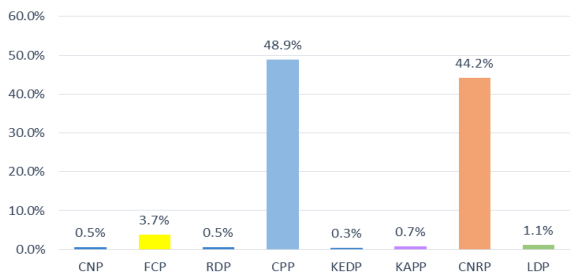
Comparison of Voter Turnouts with Previous Elections



Key Findings : Closing and Vote Counting



TIC SBO Projection - National Votes Share



Key Findings : Closing and Vote Counting



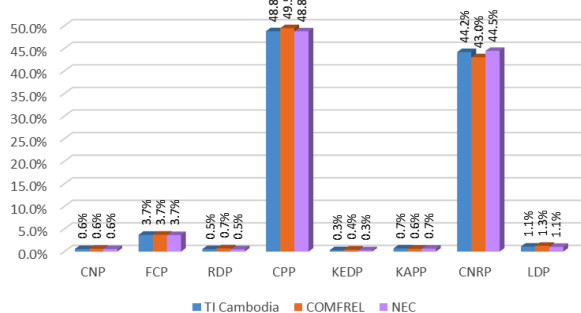
Projection of Popular Vote Results and Margin of Error for each Contesting Party

No	Political Party	Total Votes	Percentage	ME 95%	SBO Confidence Range
1	Cambodian Nationality Party	790	0.5%	0.1%	0.5% - 0.6%
2	FUNCINPEC Party	5,389	3.7%	0.4%	3.3% - 4.1%
3	Republic Democracy Party	794	0.5%	0.1%	0.5% - 0.6%
4	Cambodian People's Party	70,687	48.9%	1.6%	47.3% - 50.4%
5	Khmer Economic Development Party	475	0.3%	0.1%	0.2% - 0.4%
6	Khmer Anti-Poverty Party	1,014	0.7%	0.1%	0.6% - 0.8%
7	Cambodia National Rescue Party	63,925	44.2%	1.7%	42.5% - 45.9%
8	League for Democracy Party	1,609	1.1%	0.1%	1.0% - 1.3%

Key Findings : Closing and Vote Counting



Comparison of National Votes Share



Key Findings : General Environment



- Overall, TIC's observer can use observation forms during setup, voting and counting at all polling stations.
- At 9.3% of polling stations: observers reported that polling station officials did not appear to understand the regulations and procedures of the voting process.
- At 1.7% of polling stations, observers reported intimidation or undue influence on voters
- 4.7% of polling stations allowed unauthorized people to enter
- TIC observers reported 15 critical incidents involving violence, chaos or demonstrations in or around the polling station.

Post Election Day Observation



- The difference in total votes between the two parties is 289,793
- NEC has refused the requests for ICE distribution figures
- 19 complaints were filed by political parties to the NEC. The NEC rejected all of them.
- Constitutional Council held four public hearings to investigate safety packages A for Kratie, Battambang, Siem Reap and Kandal.
 - Ex. safety packages A were found to be tampered with or inadequately secured, 8/13 in Kratie was unsealed, 7/12 in Siemreap were torn or inadequately sealed

Post Election Day Observation



- NEC punished the polling officers for carelessness and mistakes
- After 17 day review, all of the CNRP's 15 complaints on voting irregularities were rejected by the CC
- The requests for more polling-station packages to be opened and actual ballots be checked against the existing packages were ignored.
- the CNRP has advocated for an independent investigation into the election irregularities and results through an independent-joint committee.
- CNRP hosted none violence protest on 7th September. No violence or hostility was reported.
- CNRP's demonstration from 15-17 September, with some violence broke out (1 death & around 10 injures)



Recommendations

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- ❖ Further investigation into and acknowledgment of irregularities as necessitating a complete overhaul of the election system in Cambodia
 - Establishment of an Electoral Investigative and Reform Committee with the participation of the main political parties, key civil society organizations and election monitors, and relevant international groups, co-led by the parties or a designated organization agreed by the parties.
 - NEC to make all documentation and data available

Recommendation



- ❖ Review and overhaul of the Law on the Election of Members of the National Assembly, and possibly the Constitution of Cambodia:
 - The National Election Committee: A new, independent and constitutionally-mandated election commission should be created with the authority, comprehensive jurisdiction, and budget to operate effectively and commissioners selected in a transparent manner with the involvement of all key stakeholders.
 - Automatic registration through a valid civil registry or removal of responsibility from the political and partisan Commune Councils

Recommendation



- ❖ Review and overhaul of the Law on the Election of Members of the National Assembly, and possibly the Constitution of Cambodia:
 - Revision of LEMNA : to include measures to prevent the use of state resources for political campaign
 - Transparent Political Financing
 - Complete the civil registry and distribute national identification cards to all citizens.
 - ICEs need to be eliminated. The Ministry of Interior should create a mechanism to replace stolen or lost national IDs.

Recommendation



- ❖ Ensure fair and equal access to mass media
- ❖ International donors should add electoral reform as a key benchmark for the Government of Cambodia to receive aid funds

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