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Cambodian Center for Human Rights

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Outcome Report: Workshop for Youth on Electoral Reform



On the cover: A group of youth participants discuss on media during election during the workshop on 20 June 2014. © CCHR

Queries and Feedback

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Cambodian Center for Human Rights

The Cambodian Center for Human Rights (“CCHR”), founded in November 2002, is a non-aligned, independent, non-governmental organization (“NGO”) that works to promote and protect democracy and respect for human rights throughout the Kingdom of Cambodia (“Cambodia”). CCHR’s vision is of a non-violent Cambodia in which people can enjoy their fundamental human rights, are empowered to participate in democracy, and share equally the benefits of Cambodia’s economic development. CCHR promotes the rule of law over impunity, strong institutions over strong men, and a pluralistic society in which variety is welcomed and celebrated rather than ignored and punished. CCHR’s logo – a dove flying in a circle of blue sky – represents the twin principles of peace and freedom.

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Executive Summary

This Outcome Report summarizes the issues raised and the recommendations of participants during the Workshop for Youth on Electoral Reform (“the Workshop”) held on 20-21 June 2014 in Phnom Penh, Cambodia. The event was organized by CCHR under the Project to Mobilize Youth Around Electoral Reform (the “Project”), which seeks to raise awareness and engage people – in particular youth, who are becoming increasingly vocal in demanding for change – in debate and discussion about electoral reform, in order to help formulate substantive recommendations that are reflective of all stakeholders.

The objective of the Workshop was to provide opportunities for youth participants to identify key concerns regarding electoral reform and to develop recommendations, in addition to learning about substantive issues regarding political participation and electoral reform. The Workshop also provided opportunities for youth participants to increase their capacity to conduct advocacy and campaign activities for electoral reform and facilitate opportunities for the youth participants to network and make connections. A total of 42 youth participants, including 19 women, attended the event, from different youth groups and institutions, including representatives from the Cambodian Indigenous Youth Association (“CIYA”), the Young Women’s Leadership Network (“YWLN”), Politikoffee, Cambodian Young Women’s Empowerment Network (“CYWEN”), the Harpswell Foundation, Change Maker, the Wildlife Project, the U.S. Ambassador’s Youth Council and the Research and Analysis Network, and four experts on electoral reform, in addition to members of the media and CCHR staff.

From the discussions during the Workshop, the youth participants identified five key issues with the existing electoral process, and

provided recommendations on how to overcome them. The five issues were: (1) the voter list; (2) the media during elections; (3) the National Election Committee (“NEC”); (4) the rights and freedoms of voters in elections; and (5) election transparency.

Introduction

Following the National Assembly (the “NA”) elections in Cambodia, held on 28 July 2013, the official results announced by the NEC showed that the Cambodian People’s Party (the “CPP”) had won 68 seats, while the Cambodian National Rescue Party (the “CNRP”) had won the remaining 55. Despite the results, there were serious allegations of voter fraud and systematic irregularities pertaining to the election process, sparking calls for an independent election inquiry. The CNRP parliamentarians rejected the results of the elections, and for almost a year, boycotted the NA by refusing to take up their seats. Mass demonstrations and protests increased during this time, with security forces repeatedly and disproportionately used excessive force, leading to the death of six people, and to dozens of injured.

After nearly one year of political deadlock, the CPP and the CNRP reached a deal during a meeting between Prime Minister Hun Sen and CNRP President Sam Rainsy on 22 July 2014. The CNRP agreed to take their seats in the NA in order to work on some important reforms, including the NA internal reform, the NEC reform etc. As per the agreement, electoral reform is a top priority for the Royal Government of Cambodia (“RGC”) following the new political deal.

The Workshop took place over two days. The first day mainly focused on a discussion of issues raised on the electoral reform and recommendations from the youth participants. Three expert speakers on the electoral reform were invited to share different themes on the election system and electoral reform in Cambodia, including Dr. Lao Mong Hay, an independent analyst, who spoke on the election system in Cambodia, including election transparency and the NEC; Sin Titseiha, a monitoring officer from the Committee for Free and Fair Elections in Cambodia (“COMFREL”), who spoke on voter registration, the media

during the election, issues during the campaigns; and Chan Sophoan, project coordinator of SILAKA, who spoke on gender in election administration and women's representation. On the second day, Sek Barisoth, technical advisor of the Advocacy Policy Institute, presented on advocacy strategies.

The youth participants identified five key issues regarding electoral reform to discuss. The following five issues were agreed upon: (1) the voter list; (2) media during elections; (3) the NEC; (4) the rights and freedom of voter in elections; and (5) election transparency. The youth participants were then divided into five small groups (consisting of 8-10 people) and assigned one of the five issues to discuss. Following the discussions, the participants put forth recommendations.

Issues and Recommendations Regarding Electoral Reform

Voter List

The group identified the voter list as being the biggest concern prior and during elections, especially the 2013 NA election. The voter list is a very important document in that it identifies who is eligible to vote during the election. Even if those citizens that were eligible to vote had their names recorded incorrectly on the list, then they were not able to vote on the election day, despite having sufficient supporting documents required by the NEC.

The group specified which issues regarding the vote list they found most important. The first issue is that the names of eligible voters could not be found on the voter list, meaning that those people lost their right to vote, despite registering their names during the voter registration. Moreover, the group noted that some voters' names had been ticked off the list when they came to vote, meaning that they were unable to place their vote as someone else had used their name to vote already.

Other issues included that the information in the list was not always accurately recorded – the information included spelling mistakes and word typos on the date of birth; that there were many duplicated names on the voter list – for instance, one name could appear in many polling stations; that some of the names and information on the voter list available online on the NEC's website differed from the hard copy version posted in the polling stations; and that some people did not have enough of the required supporting documents, such as valid identification, passport, the Identification Certificate for Election ("ICE"), or other official identification to present to officials on the election day. Thus despite being Cambodian citizens eligible to vote, they lost their right to vote; while allegedly some people of Vietnamese ethnicity had enough supporting documents and were

allowed to vote.

The group also discussed how the problem with the voter list is related to the voter registration process, which is very complicated. The system is costly and time consuming. Voters need to register their name where their permanent residence (i.e. a person's hometown) is located. If they move elsewhere for work or study, then they need to return to their hometown for the voter registration and to check their name to make sure their name has been listed correctly, otherwise they will easily lose their right to vote.

Recommendations:

The following recommendations were put forth by the group to address problems with the voter list:

- Change the NEC's administration and management structure in relation to the voter list by improving the use of information communication technology ("ICT") at the local level;
- Provide Commune/Sangkat Election Committees with capacity building training on using ICT, and equip them with sufficient facilities so that they can improve work on the voter list;
- Ensure that the NEC makes plans to regularly check and verify the names on the voter list, either every semester or yearly, and that it takes actions over careless staff working on the list, rather than ignoring the issue;
- Ensure that voter register information is made more widespread around the country, especially in remote areas, so that rural people can access the information, which should also be translated into indigenous languages to ensure accessibility;
- Allocate a sufficient package of the budget to the election committees at the local level to work on voter registration and the voter list;

- Ensure that the NEC coordinates and supervises the process of voter registration at the local level and
- Establish a special group to work on the registration of the names of citizens who have migrated to work abroad, disabled people and patients.

Media During the Election

The role of media during the elections was another important issue identified by participants. The group discussing the media found out that there were several issues concerning media issues; one of the most important issues being that the NEC did not widely broadcast information to the public throughout the country regarding the election procedure, including voter registration, checking the voter list, the election results, political platforms etc. This was especially true in remote areas where people have scarce access to information about elections.

The group also noted that most media broadcasts are under the control of the ruling party and thus were in favor of the ruling government. As such, during the election campaign, most stations preferred to sell broadcasting slots to only the ruling CPP, while it was claimed that there were no slots to sell to the other political parties. This was despite the fact that the NEC issued a written regulation on media broadcasting during the election campaign – they had to sell slots equally to all political parties. Moreover, although some TV media did broadcast information on all political parties, especially the opposition one, the information/news of those parties was interpreted differently. The reporters seemed to be unprofessional and biased. The words and language used in the media was inappropriate, and offensive to the other parties. The group remarked that although the NEC released information on the election via its own website, this was not very user friendly and accessible, especially on election day when the voter list database was down, without any clear explanation.

The group also discussed that the fact that most indigenous people living in 15 provinces around the country are only able to access information via radio stations, which are broadcast mostly in Khmer

language – thus most indigenous peoples would be unlikely understand the information. Finally, it was noted that several Khmer language radio stations based outside of Cambodia (namely Radio Free Asia, Voice of America, Radio France International) – believed to be independent media – were not allowed to broadcast by the Ministry of Information the day prior to the election nor on the actual day of the election, without a proper reason. This is very important since they provide comprehensive information about the election issues, and most Cambodians follow and listen to these stations, especially as most of the public believed that information on the television and news was in favor of the ruling party.

Recommendations:

The following recommendations were put forth by the group to address problems with the role of media during the elections:

- Ensure that all information regarding the election, especially voter registration and the election results are widely accessible via broadcast media, online, and other means of communication; this information especially needs to be made accessible in remote areas.
- Ensure that the NEC and local authorities work together to disseminate information as widely as possible via different means, for instance, through group meetings, broadcasting recorded audio, through mobile loudspeakers in villages, and door-to-door explanations;
- Ensure that all media broadcasting strictly follow the NEC's regulation for media broadcasting during the election campaign and that the reporters uphold their journalistic professionalism; and
- Ensure, via the Ministry of Information, that people are able to access freely information on the election before, during and after

the election via the independent media.

The Lack of Independence of the NEC

The group discussing the NEC noted that this institution plays a vital role in organizing and administering elections in Cambodia. However, the election results have brought about election conflict five times since 1993, due to fraud and irregularities during those elections. The majority of the political parties and people do not trust the NEC and believe that it is a non-independent institution. The group discussed several issues in relation to the lack of independence of the NEC, such as the fact that the membership of the NEC is not independent; most of them are members of the ruling party and they work for the party's interest, rather than for the national interest. The group also noted that since 1993, the election results have always shown the same result - the CPP have won all the elections and continue to control the government.

The group remarked that the capacity and knowledge of the NEC staff is still limited; this is especially true for those who work in the provinces. Their work performance is not well managed - for instance after the ballots closed, all ballots were to be kept in the sealed safety packages, however some packages in the polling stations were not sealed properly. Moreover, some officials in polling stations in remote areas did not follow the guidelines for running the polling stations; some polling stations were opened late, and closed earlier, for instance.

The group discussed that the NEC's complaints mechanism was biased and ineffective. For instance, out of the 250 complaints received by the NEC, only 19 major complaints were solved, while the rest were not. 8 complaints made by the opposition party were rejected. It was noted that some people received threats made by the political parties on election day, but the NEC did not take action to solve that problem.

Other issues discussed by the group included the fact that the ink was of poor quality – supposedly indelible, there were widespread allegations that the ink was easy to wash off, which led to rumors that people were voting many times; and that the NEC did not use good time slots to broadcast on TV the education programs on the election; electoral education programs and political platforms were only broadcast late at night, so there were fewer viewers.

Recommendations:

The following recommendations were put forth by the group to address problems with the lack of independence of the NEC:

- There was a debate over whether the NEC members should be members of political parties that are represented the NA, or apolitical, due to the issue of independence. It was suggested by some participants that if they were to be members of the political parties, they should be selected equally from the political parties, along with members from CSOs;
- The term of the chairperson of the NEC should be limited to a certain length of time;
- NEC members should be selected competitively due to their skills and knowledge; they should work closely to monitor and administer the election process in Cambodia and be held accountable to the law;
- The NEC's staff at the sub-national level should not be local authority staff. They should be recruited based on merit by the NEC itself. The office of the election committee at the sub-national level should be separated from the Commune/Sangkat, District and Provincial offices;
- The NEC should be an independent institution that is not under any executive bodies (unlike the current one which is under the

Ministry of Interior);

- The NEC should produce electoral education and broadcast it as much as possible to encourage people to understand the importance of voting; the broadcasting time should be chosen to reach the greatest amount of people;
- Restructure the voter registration process; voter registration task forces should be set up to facilitate the registration of vulnerable groups including the disabled, chronically ill patients, indigenous peoples and migrant workers; election administrators at the local level should have access to ICT to equip them for voter registration; and
- Representatives from the political parties and civil society organizations (“CSOs”) should be sent to monitor all material for elections, including the ink and ballots.

Rights and Freedom during Elections

The participants defined rights and freedom in elections as another important issue concerning electoral reform. Following the discussion, the group identified several issues related to this topic, including the fact that some people still do not realize that their right to vote is guaranteed by both domestic and international law and are therefore more vulnerable to threats from political parties. The group also discussed that the right to vote can also be violated within the family and the community; if members of a family have different political tendencies, this can lead to arguments and discrimination amongst each other due to differing political views.

Regarding expatriates, the group noted that most Cambodians living abroad had lost their right to vote because there is no way for them to vote whilst abroad. The group also noted that the local authorities that issue the ICEs often discriminate against activists and the opposition. Moreover, gifts or incentive distributions by political parties before and during the election period was noted to be a method of vote buying that the political parties popularly use. Although some people are happy to receive the gifts/incentives that are provided, they then feel obligated to vote for that party since they received those incentives from the political party.

Finally, the group discussed issues such as errors in information on the voter list (including the wrong spelling of names, mistakes with date of births, place of births, and permanent addresses etc.), which meant that voters were unable to vote as the information was not the same as the individuals registration supporting documents, the fact the voters did not have enough supporting documents to prove they were that person, and that the locations of some polling stations were changed last minute due to security reasons and people were not

properly informed of this.

Recommendations:

- There should be a regulation banning all political parties from distributing any gifts, incentives or donations to people during the election period, especially during the election campaign;
- The RGC should integrate or mainstream the knowledge of elections and the right to political participation in the formal education curriculum starting from secondary school;
- The NEC should increase educational programs and trainings on rights and freedom of voters in the elections in remote communities, where their understanding and knowledge is very limited;
- Strengthening the law and punishment for those who violate rights and freedom in elections;
- To ensure Cambodian people living or working abroad have rights to vote, the Article 50 of the election law should be amended; and
- The RGC should find possible ways to facilitate voting for those people, for instance, through establishing polling stations located at Cambodian Embassies or Consulates abroad so Cambodian people living in those countries can exercise their rights to vote.

Election Transparency

Election transparency was another important issue identified by the participants. After much discussion, some of the points raised included the fact that, although the voter list database was available online, most of time the website suffered from technical problems; in addition, the database was closed the day prior to, and on the election day. Moreover, the ICEs were issued to some people who did not have any supporting documents. The criterion for requesting the ICE is to present at least two witnesses from their commune. The process of issuing the ICEs is not transparent and as noted before, activists and the opposition were discriminated against in this process.

The group also discussed that some polling stations closed the doors while the officials were counting ballots at the polling stations. Moreover there were irregularities during the announcement of the preliminary election results – an hour into the results being broadcast via the national television and radio, the results suddenly stopped being announced without any explanation. This raised doubt and questions for the audience over this issue. Finally, the group remarked that most of the media broadcasting, especially on national TV and the radio, did not provide independent and transparent information on the election issues. The ruling party had the majority of coverage while the smaller parties and main opposition party were rarely covered.

Recommendations:

The following recommendations were put forth by the group to address problems with election transparency:

- The NEC should ensure that important information on elections is made available to the public via different means, including print

and online broadcasting, and direct meetings in the field;

- The NEC should ensure that the doors to the polling station remain open whilst the ballots are being counted, and ensure that the preliminary election result is publicly broadcast via the media, especially the national television and radio, without censoring information; and
- The information concerning the election process should not only be available in Khmer but also in indigenous languages as well.

Conclusion

The topics raised by the Workshop participants highlight many of the problems that continue to hinder Cambodia's democratic development and to contribute to the violation of the right to participate in political life protected under domestic and international law. The discussions on these important topics summarized in this Outcome Report indicate that electoral reform is an issue of relevance to Cambodia's youth, who are becoming increasingly involved in democratic change in Cambodia. It is hope that both the Workshop and the Outcome Report will help bring a voice to the participants. The recommendations put forth by the participants, which are listed in this Outcome Report, provide some clear steps that could be undertaken by the RGC, political parties and the NEC itself as part of a process of electoral reform.

Annex

The following organizations/youths attended the workshop:

Youth Groups:

- Cambodian Young Women Network (CYMN)
- Chang Maker (CM)
- Khmer Help Khmer
- Politikoffee
- Wild Life Project
- Young Women Leadership Network (YWLN)
- Young Women Network

University:

- Kemarak University (KU)
- Royal University of Law and Economics (RULE)
- Royal University of Phnom Penh (RUPP)
- University of Cambodia (UC)
- Independent Analyst:

NGOs:

- Advocacy and Policy Institute (API)
- Cambodian Indigenous Youth Association (CIYA)
- Committee for Free and Fair Elections in Cambodian (COMFREL)
- Computer Incident Response Teams (CIRTs)
- Harpswell Foundation
- Khmer Youth Association (KYA)
- National Democratic Institute (NDI)
- SILAKA
- Transparency International Cambodia (TIC)
- Youth and Children for Freedom Organization (YCFO)
- Youth Council of Cambodia (YCC)
- Youth Resource Development Program (YRDP)