

# 2017 Commune Election Report



## I Executive Summary

Cambodia's commune elections were held on June 4, 2017. The Cambodian NGO Committee on CEDAW trained and deployed 567 observers on Election Day to observe 476 polling stations spread across all 25 provinces of Cambodia. The election observation efforts by NGO-CEDAW had the following aims:

- encouraging youth and women's participation in democracy by engaging them in observation activities
- Promoting accountability in the elections by physically observing election processes; and
- Collecting gender disaggregated data on participation at all levels of the election process as a baseline for Cambodia.

### Key findings:

NGO-CEDAW observers reported that:

- 1 - Women are not underrepresented in voter list in monitored areas. 52% of registered voters are female (in line with the population as a whole).
- 2 - The gender of people actually voting and using replacement ID cards to vote appears the same as that of registered voters (52% female)
- 3 - Women are well represented as polling station staff (49%) but not as leaders of polling stations. Only 29% of chiefs are female and 39% of deputy chiefs
- 4 - Women are underrepresented among political party agents sent to monitor the election (29% are female for all political parties combined).
- 5 - Some, but not all polling stations gave preferential treatment in lines and assistance to pregnant women. Many polling stations were grouped together in a single pagoda or school, so that many people could not walk to their polling station. Most of these locations also had steps leading into the polling place. Overall, accessibility can be improved.
- 6 - The number of women elected dropped since the last election in 2012. Female members of commune councils dropped from 18% to 17%. Not only has the government failed to meet its own goals for improving women's role in leadership to 25%, but has taken a step backwards.

NGO-CEDAW recommends implementing amendments to the laws or prakas (regulations) to add temporary special measures to ensure that women are represented as first-level candidates for election in 2018 and are chosen in equal numbers as men as polling station chiefs and political party agents.

## **II Introduction to elections in Cambodia**

### **A First elections under the current Constitution**

After the Paris Peace Accords were signed in 1991, the fragile peace in Cambodia was maintained by a temporary government overseen by the United Nations Transitional Authority in Cambodia (UNTAC). UNTAC coordinated the transition to a democratic structure after years of civil war and occupation by Vietnam which had defined the country for the previous 15 years. The first national elections were coordinated by the United Nations, which used biometric scanning and a system of mobile voter registration to enable as much of the Cambodian citizenry as possible to vote. This included all prisoners in pretrial detention, and all Cambodians living abroad, including refugees, migrant workers, and emigrants. Cambodians living abroad were permitted to vote at their nearest embassy.

### **B Party list system**

In Cambodia, ballots contain only the names of political parties, rather than the names of candidates. It is up to political parties to select candidates to nominate, but those candidates must meet the requirements of the National Election Committee and national election laws to be approved. Each party maintains a list of candidates for each jurisdiction, ranked by number. Names at the top of the list get positions first, and seats won by each political party got to only to the top-ranked candidates. In Cambodia, there are no official rules or laws implementing the Constitutional requirement to stop discrimination against women in candidate list placement. As a result, parties are permitted to nominate men over women and to place men's names at the top of the list, and the women's names at the bottom. This practice ensures that the percentage of women in elected office remains low.

### **C Results of past elections**

The Front uni pour un Cambodge indépendant, neutre, pacifique et coopératif (FUNCINPEC) party won a plurality of votes (45%) in the election, with the Cambodian People's Party (CPP) coming in second. FUNCINPEC and CPP formed a coalition government with two prime ministers, Prince Norodom Ranariddh of FUNCINPEC and Hun Sen of CPP. The two parties shared power until 1997, when the parties (which maintained their own militaries) had a military confrontation. CPP emerging as the winner of the fighting and took full political control of Cambodia. Although CPP became the ruling party through force rather than through an election, elections were later held in 2003, 2008, and 2013 in which multiple parties were on the ballot. While CPP emerged as the ruling party after each national election, the elections were marred by many incidents of violence, voter fraud, and intimidation.

### **D Commune council structure**

Cambodia's government is structured into 25 provinces. Each province is divided into districts (khans) and the districts are divided into communes (sangkat). Each sangkat includes a small number of villages.

The number of total communes increased from the 2012 commune elections to the 2017 elections because one province was divided into 2 provinces in early 2014. The number of commune council seats rose from 11,459 to 11,572.

### **III Legal background**

In 1991, the Paris Peace Accords stated that the “Cambodian people shall have the right to determine their own political future through the free and fair election” run by the UN of an assembly who would draft a Constitution. The Peace Accords required Cambodia to ratify international human rights treaties.

In 1993, the newly elected leaders passed a Constitution which guaranteed Cambodians basic human rights including freedom of assembly, of speech, of voting in a fair election. The Constitution Article 31 also stated that Cambodia would be bound by human rights treaties, including ones on civil and political rights and women’s rights.

Cambodia later passed laws on the establishment of political parties, a National Election Committee, and the process for local and national elections.

In 1997, a few months after military confrontation between the two ruling parties resulted in the ousting of the FUNCINPEC party from power, the Law on Political Parties was passed. It included such provisions as a ban on parties maintaining their own militaries.

The Constitution originally stated in Article 76 that the “organization responsible for conducting the election, electoral procedures and processes shall be determined by an electoral law”. The original NEC Law stated that the National Assembly would elect the members of the NEC. This led to all NEC members being persons supported by the ruling party.

In 2014 the Cambodian Constitution was amended to grant independence to the National Election Committee (NEC). The new Article 150 establishes the NEC as an independent agency and prohibits members from holding another public function being members of any political party or from being the president of any association, union, NGO or company. Article 150 also requires the NEC to have an autonomous budget for its operation.

In 2015, several election laws were amended. Specifically, Cambodia amended the National Election Committee law (NEC Law), the law on the election of members of the National Assembly (LEMNA) and the law on the election of commune and sangkat (district) officials. The revised election laws fail to implement recommended changes or address serious concerns raised in the UNOHCHR’s 2011 report on Cambodia’s election laws. One item of particular concern is the vagueness of the laws and the failure to include a section of definitions of terms used in the laws, meaning that the ruling party can choose to interpret the law in whatever manner benefits themselves. Rural Cambodians and monks face financial and bureaucratic obstacles in obtaining Khmer ID cards, so the requirement of holding a Khmer citizenship card and also be on a voter list, rather than being in possession of a voter card is overly burdensome. Severe restrictions were imposed on freedom of assembly for all Khmer and on the right to express opinions. For example, Article 84 prohibits associations (such as land activists and unions) from even indirectly participating in a meeting, rally or campaign for a party or candidate. Articles 80-81 of LEMNA require notice to the commune/sangkat election commission before any campaigning even in private places. The NEC law creates conditions

calculated to remove any true neutrality of its members and render them susceptible both to threats and bribery by the ruling party. Specifically, all NEC members must give up any source of income and any association with any organization or business. There is no minimum salary nor a ban on bribery. They must give up citizenship in any country other than Cambodia. These requirements go beyond the neutrality required in the Constitution. Moreover, the law gives the NEC no control over their budget, contrary to the Constitution, so the NEC must rely on the ruling party for funding from the national budget.

The laws permit non-governmental organizations to send observers who can watch the election activities from the polling stations. Civil society observers are not permitted to make objections if they see violations of election procedure; however, they have the crucial role of recording any irregularities in the election process.

In the spring of 2017, prior to the commune election, the legislature amended the Law on Political Parties. The law, similar to a law passed in Thailand, would be changed to place additional restrictions on political parties. One key change is Article 6: the original law focussed on banning violent activity or activity creating separate territory; the new law bans "any subversive activities."

Another change made it unlawful for the president or vice president of any political party to have been convicted of a felony or misdemeanor (Article 18). According to Article 47 of the Criminal Code, a misdemeanor is an offense punishable by one week up to 5 years in prison, and a felony is an offense punishable by 5 to 30 years in prison. This amendment forced the leading opposition party to change leadership right before the election to remain on the ballot.

The amended law also banned parties from receiving any money from foreign sources. Parties had previously raised money from Cambodians living abroad.

In July, 2017, soon after the NEC finalized commune election results, parliament approved further amendments to the Law on Political Parties, this time prohibiting parties from using campaign materials made by or using the image of anyone convicted of a crime. The main opposition party had continued using old campaign materials with the former leader's writings, speech and image.

#### **IV International human rights obligations of Cambodia**

Cambodia's Constitution references the Universal Declaration of Human Rights and the human rights treaties ratified by the nation. These contain numerous provisions related not only to free elections, but to women's equal participation in the political process.

The Universal Declaration of Human Rights Article 21 recognizes the right of everyone to participate in genuine elections of representatives by secret ballot.

The International Covenant on Civil and Political Rights, ratified by Cambodia in 1992, states in Article 25 that everyone has the right to participate in public service and elections regardless of sex.

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), ratified by Cambodia in 1992, states in Article 7 that States Parties must take all appropriate measures to ensure that women can vote, be eligible for public office, and perform all public functions at all levels on equal terms with men.

## **V Overview of female political representation and participation in Cambodia**

### **A Opportunities and challenges for female candidates**

#### (1) Challenge of traditional gender norms

Traditional gender norms in Cambodian culture contribute to limiting women's political opportunities. As in many other cultures, there is a tradition in Cambodia of viewing men as the decision-makers and women as followers. Women who do wish to take on a leadership role often face criticism by their family, and communities who feel that they are overstepping their traditional roles in society. Women are discouraged by their own families in ways that men are not from spending time away from their families to work for political activities.

Lack of role models also plays a subtler part in discouraging women from seeking decision-making jobs. When girls do not see women working in a job, they do not think of that job as possible for them to aspire to. Because there are so few women in politics, many women do not feel empowered to run for office.

#### (2) Policies of political parties

Women continue to face challenges to full participation as political decision-makers in Cambodia. On a positive note, several political parties publically stated their intention to increase the number of female candidates in their own parties. Indeed, overall, the proportion of women among all candidates in the 2017 election increased to 27%, which marked a 1.6% rise from the percentage of female candidates in the 2012 election.<sup>1</sup> However, the two largest parties each nominated women as fewer than 25% of their candidates, and both failed to substantially increase the number of winning female candidates since the 2012 election.<sup>2</sup>

A key explanation for why women candidates do not win is that they do not run individually; rather the political party has complete control of who they place in the seats won by the party. Cambodia utilizes the party list system, in which each political party must submit a candidate list to the election authorities. Voters select one political party from a list of parties on the ballot, but never see the names or genders of the actual candidates. Council seats are awarded proportionately based on the number of votes received by each party, with the party winning the most votes getting the person on the top of their candidate list elected to the position of

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<sup>1</sup> Janelle Retka and Sek Odom, "Political Parties Still Struggling With Female Representation," *The Cambodia Daily*, May 10, 2017.

<sup>2</sup> Meas Sokchea, Sen David, and Leonie Kijewski, "A Stagnant Women's Field: Percentage of Female Commune Candidates Dips for Both Major Parties," *The Phnom Penh Post*, March 9, 2017.

commune chief. Thus, an individual who is placed higher on the candidate list is significantly more likely to receive the positions of commune chief, deputy chief and other councilor seats.

Overall, fewer than 8% of female candidates were chosen for the top spot on the ballot list in the 2017 local elections.<sup>3</sup> Some women have reported that they were deliberately pushed down their party's candidate list despite their popularity in internal party ballots.<sup>4</sup> One candidate, It Sakhorn, recounted how other party members convinced her to switch from the first to second spot, telling her that her "limited knowledge and resources" made her unsuitable as the leading candidate.<sup>5</sup> Thida Khus, Director of Silaka, notes that gender biases in the selection of candidates for the ballot lists have led to women's exclusion from meaningful political participation. In an interview with the Phnom Penh Post, Khus said, "The men who are first on the list refuse to leave."<sup>6</sup> As a result, women often cannot move up the candidate list within their own parties.

### (3) Unequal economic opportunities

Another factor that leads to fewer women listed as candidates is their lack of financial resources compared to men. Candidates need to devote time and money to a political party over several years in order to gain the experience and seniority to meet party requirements for getting on the candidate list. Because of cultural bias against women as decision-makers, donors give more money to the campaigns of male candidates than female candidates. Additionally, because of pay gaps between men and women, women are less likely to have the economic resources to devote the time required to political activities when they are required to spend more time than men to earn the same amount of money to support their families. A study from 2008 revealed that among all waged workers, women earned 81% of men's earnings.<sup>7</sup>

Moreover, women spend a disproportionate amount of time working within the home performing childcare, cooking and other tasks without compensation, further reducing their economic ability to participate in political life.

Women's responsibilities as mothers and wives in the home can constrain their ability to participate in politics as they are forced to make a decision between pursuing a career or caring for their family.<sup>8</sup> For example, one female candidate in Prey Veng Province was placed on the number-two position on the candidate list, but her husband threatened to leave her upon learning

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<sup>3</sup> Holly Robertson, "Cambodian Elections: The Women Who Lost Their Land and Are Now Fighting for Power," *The Guardian*, June 3, 2017.

<sup>4</sup> Pang Vichea, "Women pushed aside: Many female candidates find themselves sliding down pecking order," Text, *Phnom Penh Post*, (May 31, 2017).

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

<sup>7</sup> MoWA, "Gender Relations and Attitudes," 3.

<sup>8</sup> "Cambodian Women Yet to Receive Full Social Support," *VOA*, accessed July 14, 2017, <https://www.voacambodia.com/a/cambodian-women-yet-to-receive-full-social-support/3763474.html>.

that she would need to work more hours if she took office. Faced with this dilemma, the woman chose not to run after all.<sup>9</sup>

#### (4) Lack of laws setting quota on female candidates

Further creating barriers to women's full participation in politics is the lack of laws requiring the government and political parties to take action to meet their requirements under the CEDAW and national action plans. A report from MoWA in 2014 highlighted that the lack of special temporary measures in the form of quotas has slowed progress on promoting women to public decision-making roles. While the state has introduced a special temporary measure in which one out of three members of a village committee must be a woman, no law other than CEDAW exists to hold the government or political parties accountable for ensuring gender parity among candidate pools and political positions.

### **B. Specific national goals toward gender equality in elections**

The Royal Government of Cambodia (RGC) set goals in national action plans for achieving greater representation and participation of women in politics. These objectives are defined in three key documents: Cambodia's gender equality plan Neary Rattanak IV; the Cambodian Millennium Development Goals (CMDG) for 2015, and Cambodia's Sustainable Development Goals (SDG)

#### **Neary Rattanak IV**

Neary Rattanak is the Cambodian government's Gender Strategic Plan aimed at advancing gender equality and women's empowerment in Cambodia. The Ministry of Women's Affairs (MoWA) led the development of this framework in partnership with other relevant government ministries, institutions, and society partners. There have been four iterations of this five-year plan over the past 19 years.

Issued in December 2014, Neary Rattanak IV set a goal of achieving 25% women in commune council seats by 2018. It also set the goal of 30% women in elected seats in the National Assembly by 2018. However, these are the same goals listed in the previous plan, Neary Rattanak III. NR II set goals of 15% in commune councils by 2010, and 24% in national elections by 2008.

#### **2000 Millennium Development Goals**

The UN Millennium Development Goals were a set of eight objectives which member states agreed to achieve by the end of 2015. In 2003 the RGC adopted the Cambodian Millennium Development Goals (CMDG) with 9 major objectives, which includes the promotion of gender equality and women's empowerment in Target 7 of Goal 3. CMDG established the following specific targets for elected offices:

- Increase the proportion of seats held by women in the National Assembly from 12% in 2003 to 30% by 2015.

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<sup>9</sup> Pang Vichea, "Women pushed aside: Many female candidates find themselves sliding down pecking order," *Phnom Penh Post*, May 31, 2017.

- Increase the proportion of seats held by women in commune councils from 8% in 2003 to 25% by 2015.

### 2015 Sustainable Development Goals

SDG is a set of universal goals for UN member states to use in forming their national agendas and development policies from 2016 to 2030. SDG builds on MDG, addressing the need to promote gender equality and ensure human rights for all. Goal 5.5 is “Ensure women’s full and effective participation and equal opportunities to leadership at all levels of decision-making in political, economic and public life. There are no interim goals set by the UN, as the goal for 2030 is actual parity, or 50%.

Cambodia appears to be slowly making gains in women's representation, but 10 years behind schedule according to Neary Rattanak. Shortly before Neary Rattanak IV was approved, women were appointed to the deputy governor position in all 24 provinces which existed at that time for a total of 20% of the 119 total deputy governor positions. However, not until after the 2017 commune election was a woman appointed as a provincial governor. The goals for women's elected positions were set high, but lack of any implementing law or regulation made it a mere guideline, which the political parties did not make an effort to meet. The lost opportunity to include quotas in any of the newly amended election laws reflects a lack of political will to actually achieve gender equality in the near term.

	Target		Actual	
	CMDG 2015	Neary Rattanak 2018	2016	2017
Senate	30%	30%	14.75%	14.75%
National Assembly	30%	30%	20.33%	20.33%
Ministerial Positions	15%		10.70%	10.70%
Secretaries of State	18%	-	20.54%	20.54%
Under-Secretaries of State	20%	-	17.60%	17.60%
Provincial Governors	10%	-	0%	4%
Provincial Deputy Governor	15%	-	20%	20%
District Governor		-	1%	
District Deputy Governor		-	29%	
Commune/Sangkat Councilors	25%	25%	17.78%	16.76%

Following the June 4, 2017 elections, according to NEC data, women's representation in commune councils decreased by 1% from 2012. However, the total number of female commune chiefs rose to 128 of 1646 total communes in 2017 from 95 out of 1633 communes in 2012. This is an increase to 7.7% from 5.8%.



In 2012, women were elected to 2038 of the 11,459 commune council seats, a total of 17.79 percent. In 2017, women were only elected to 1940 of 11,572 commune council positions, a total of 16.76%. Not only has the government failed to meet its own goals for improving women's role in leadership to 25%, but has taken a step backwards.

### **C. Opportunities and challenges for female voters**

As with female political candidates, women voters face numerous challenges that serve to exclude them from the electoral process.

#### **(1) Voter registration (particularly migrant workers)**

One obstacle that female voters encountered in the commune election was the voter registration system implemented by NEC in 2016. Under this framework, no provisions were included to register Cambodian migrant workers living abroad. Moreover, absentee voting is not permitted even within Cambodia. This omission poses problems for Cambodian women as many of them migrate to outside provinces and foreign countries for employment. It is estimated that 1 million Cambodians, half female are working in other countries as migrant workers. Another 2 million, half female, are permanently living abroad but have Cambodian citizenship and would be eligible to vote if they had a Cambodian address. The expense of traveling back to Cambodia multiple times, to obtain ID, register, then to vote in person is insurmountable for most Cambodians living overseas.

#### **(2) Access to polling stations**

Another barrier to voting for women is their access to polling centers. Because of traditional gender norms around women's responsibilities inside the home, they may not have the time or resources to leave their family and travel to the polling stations. Furthermore, the unavailability of toilet facilities or the presence of stairs in voter registration and polling stations may discourage women, particularly pregnant women, from going to the polling locations.

Another factor that may have restricted women's access to polling stations is the timing of the 2017 commune/sangkat elections, which occurred during the rice cultivation season. Research from World Bank indicates that 75% of Cambodian women are employed in the agricultural sector. As such, women who depend on harvesting rice for their livelihood may have chosen to work on their farm rather than vote.

Garment factory workers may have also experienced difficulty in accessing polling stations. Approximately 90% of around 700,000 employees in the garment industry are women. Moreover, most factory workers are migrants from other provinces or communes, meaning that they are very likely to have to travel to their home province to register to vote or to actually vote. Unlike in previous elections, where the government mandated that both Election Day and the day before be paid work holidays, workers were not guaranteed any time off to vote in 2017. Female garment workers may have to choose between earning a salary and returning home to vote.

#### **(3) Lack of Access to Information**

Lack of access to information about this year's elections may have posed problems for women as voters. Because women spend more time within the home, they are less exposed to news and

conversation about political issues. Moreover, due to a large gender disparity in the level of education between men and women in Cambodia, women are less able to remotely access news sources via traditional and social media. This gap could lead to women's lack of understanding about their political rights and the election process as a whole.

#### (4) Traditional Gender Norms

Traditional gender norms exclude women from not only participating in politics as candidates, but also as voters. Women are expected to allow the men to lead the family in all major decisions. Consequentially, some women may be inclined to let the men in their household make political decisions for the family including whether a woman should vote, and if so, for which party.

### **VI 2017 Election calendar**

Voter lists from previous elections were discarded and new voter lists were created from September 1, 2016 through November 30, 2016. Cambodian citizens wanting to register were required to go in person to registration stations in their communes with ID cards, family documents, and if needed, two witnesses to prove their identity. Fingerprint scans were made of all registrants and photos were taken by NEC staff. However, registration on the list did not ensure the ability to vote, because only specific photo IDs were permitted on Election Day and fingerprints were not used.

There was no procedure for voter registration and for Cambodians working or living in other countries. They would have had to bear their own costs for returning to Cambodia at least two times, to register and again to vote in person.

Political parties were required to submit candidate lists for registration from March 3-5. Over the next month, candidate lists could be appealed and adjusted, but were finalized by April 18.

Political party agents were registered by May 1.

Civil society observers were registered from February 15, 2017 through late May 2017.

Campaign period lasted two weeks, from May 20, 2017 through June 2, 2017. The day before the election was supposed to be free of campaign activities.

Election Day was on June 4, with polling stations officially open from 7 am to 3 pm.

Preliminary results were counted and posted outside each polling station at the end of the day.

Some communes with close results had recounts, and on June 21, NEC finalized results.

### **VII Methodology of 2017 Election Observation by NGO-CEDAW**

#### **A. Selection criteria for observers**

NGO-CEDAW recruited observers from throughout Cambodia informally with assistance from NGO-CEDAW's member CSOs. Youth, particularly women, LGBTQ and persons with disabilities were specifically targeted. All observers were required to demonstrate a commitment to democracy, a commitment to gender equality, and have no bias toward any political party.

Anyone who was an activist for either an opposition party or the ruling party was not permitted

to be an observer. Otherwise, observers came from a wide variety of education and backgrounds from different provinces.

NGO-CEDAW selected two main types of observers for the 2017 Commune Election: Lead Observers and Short-Term observers.

The lead observers received more extensive training, in two separate training sessions lasting three days each. The training taught them about human rights law and election observation procedures with a special focus on issues affecting women and gender equality. Their job was to not only conduct election observation at polling stations, but also to provide assistance at additional trainings, help register observers with the provincial election commission offices, and act as coordinators on Election Day to assist short-term observers in resolving logistical problems.

NGO-CEDAW selected two lead observers from each of Cambodia's 25 provinces to provide coverage nationwide. All lead observers were Khmer nationals, and selection criteria targeted women, youth, LGBTQ, and persons with disabilities. Because the observers had to be from different provinces, the selection of observers was therefore based in part on the geographic location of the observers' home provinces. NEC regulations required observers to be at least 18 years old, so younger people who expressed interest could not be recruited.

Additionally, 518 short-term observers, primarily women, youth, LGBTQ and persons with disabilities, received a one-day training on Election Day procedures and reporting. All except 6 of the deployed observers were Cambodian nationals.

### **B Convenience Sampling**

NGO-CEDAW using a sample of convenience to determine which polling stations and communes were observed. Because almost all observers also needed to vote on Election Day, they could not be deployed far from their homes, so they observed the process in their own polling station and were stationary observers. The small number of mobile observers were able to submit partial checklists for multiple polling stations; however, all mobile observers were restricted to a single province.

### **C Checklists used**

NGO-CEDAW used three types of checklists/reports for observers to complete: the pre-election incident report, the Election Day checklist, and the Election Day incident report. In addition to questions typically included in election observation checklists, NGO-CEDAW's checklists asked observers to record the gender of persons at the polling stations and affected by irregularities. Specifically, observers were asked to identify the gender of registered voters, polling station staff, political party agents present at polling stations, civil society observers, and persons perpetrating or harmed by violations of election procedures. Since information disaggregated by gender has not been gathered in the past, this will provide a baseline for Cambodia ahead of the upcoming national elections.

Incident report forms gathered data on where, when, and by whom violations occurred as well as more specific details of what happened in each incident.

Checklists asked observers to confirm whether election procedures were followed at a particular polling station on election day, and the numbers of voters, polling station staff, and results of the election in that polling place.

All of the checklists were made available in either English or Khmer, and in hard copy or mobile app format. The four versions of each form asked for the same information.

#### **D Election day process**

On June 4, 2017, NGO-CEDAW deployed 567 registered observers, of whom 304 are female (54%) and 487 are youth under age 35 (86%).

476 Election Day checklists were submitted (the number is not the same as the number of observers deployed because some observers worked in pairs and completed a joint checklist, and mobile observers submitted more than one checklist).

#### **E Compilation of data**

NGO-CEDAW collected checklists in hard copy and entered the responses into a database. Additional checklists submitted via mobile app were downloaded and imported into the same database. All checklists were therefore able to be sorted and reviewed based on responses to checklist questions, polling station, and province.

#### **F Analysis**

Adding the number of total responses then taking a percentage based on the total number of responses for that particular questions. Not every question was answered by every observer. For example, a mobile observer may have seen the opening of a polling station but did not observe the closing of the same polling station. Also, some responses were unclear or appeared to be in error. For example, an observer may have given a number for female polling staff members that exceeded the number of total staff in a station. If a specific question's answer was blank or unclear, that observer's response was simply excluded from the calculation. Therefore, the sample size for different measurements was not the same. The goal was to identify a baseline figure for women's participation or to identify possible issues in the electoral procedure rather than to create a fully representative sample of all aspects of the election process in the whole country.

### **VIII Pre-Election issues and challenges**

#### **A. Media reports**

In addition, to issues directly observed by NGO-CEDAW, the media and other civil society reported numerous violations of election procedures and restrictions on voters' freedom to choose how to vote in the months leading up to the election itself.

### **(1) Certificate of Identity Rule**

One issue that arose prior to Election Day was the lack of transparency and communication around voter registration rules. On March 10, NEC adopted new procedures for registering voters for the commune/sangkat elections. Under this new system, citizens whose names appear on the voter registration lists but do not have the official Khmer personal identification card could not vote unless they applied for a certificate confirming their identities. Individuals had to fulfill three requirements in order to obtain a certificate: prove one's identity, submit three identification photos, and ask two witnesses to appear before officials from the commune/sangkat election commission between May 4 and June 2.<sup>10</sup>

When NEC published the new registration rule in April, election observers and civil society organizations voiced concerns that many Cambodians would be excluded from the voting process. There was not enough public awareness of the new rule, and most people assumed that if they were registered, they could vote. Moreover, the rule was particularly onerous for workers who have migrated to other provinces or foreign countries, including garment workers. Some in civil society suggested that the new ID rule was unnecessary since the new voter registration system required individuals to scan their thumbprints and possess the necessary identification documents, and individuals also received a confirmation receipt following their registration.

### **(2) Voter Intimidation**

Another factor that compromised the fairness and equality of the 2017 commune/sangkat elections was intimidation of voters by political parties. Government officials made several prominent speeches threatening opposition. For example, in May, Defense Minister Tea Banh threatened that the state military will “smash the teeth” of anyone protesting CCP victory in the local elections.<sup>11</sup> This sentiment was reiterated by Prime Minister Hun Sen, who warned the opposition to “prepare your coffins” if his party was defeated in the local elections. He said that his party was ready to “eliminate” 100 or 200 opponents to maintain peace in Cambodia.<sup>12</sup>

In addition to verbal threats, the court system has been used to intimidate opposing political parties and civil society. Kim Sok a political commentator and a government critic, was arrested in February for defamation and incitement. In the same month, Oun Vansak, A CNRP activist, fled Cambodia after he received summons from the court for questioning over charges on “incitement to discriminate.”<sup>13</sup> Similar claims were made against Sam Sokha, a labor activist and CNRP supporter in Kompon Speu, who was issued an arrest warrant for throwing her

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<sup>10</sup> “New Voter Registration Procedures Could Disenfranchise 300,000 Cambodians: Analysts,” *Radio Free Asia*, May 18, 2017, <http://www.rfa.org/english/news/cambodia/newvoter-registrationprocedurecoulddisenfranchisecambodiansanalysts05182017160042.html>.

<sup>11</sup> Richard Finney, “‘Prepare Your Coffins,’ Cambodia’s Prime Minister Tells Critics,” *Radio Free Asia*, June 21, 2017, <http://www.rfa.org/english/news/cambodia/coffins-06212017171740.html>.

<sup>12</sup> *Ibid.*

<sup>13</sup> Lay Samean and Cristina Maza, “Fearing Arrest, CNRP Activist Flees,” *The Phnom Penh Post*, February 20, 2017, <http://www.phnompenhpost.com/national/fearing-arrest-cnrp-activist-flees>.

sandals at a CPP poster in April. Facing threats from CPP members in her village, Sokha went into hiding abroad.<sup>14</sup>

The CPP also targeted civil society organizations that were monitoring the election process. Hun Sen said on May 28 that the Situation Room was colluding with the opposition and attempting to start a “color revolution.”<sup>15</sup> This remark was soon followed by an announcement from the Interior Ministry that several groups were under investigation for violating the Law on Associations and NGOs by supporting the opposition.<sup>16</sup> The ministry head, General Khieu Sopheak, later admitted that the threat of investigation was “to threaten those organizations to be scared.”<sup>17</sup>

#### **(4) Other Pre-Election Issues**

While intimidation and voter registration were two prominent issues during the pre-election period, other issues also occurred to compromise the fairness and equality of this year’s election.

- NEC printed 1.5 million ballots more than the number of registered voters. Nine NGOs raised concern over this decision, stating that the extra ballots could increase the likelihood of misuse.<sup>18</sup>
- Politicians have also failed to address the needs of disabled individuals. NEC reported that approximately 8,000 disabled Cambodians registered to vote in this year’s election.<sup>19</sup>
- Several incidents of irregularity and/or bribery by political parties were reported. In one case, CPP activists in Battambang were allegedly instructing villagers on how to tick off party names on ballots. The marked sample ballots were collected at the end of the meeting. In the same province, village chiefs and commune councilor candidates were

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<sup>14</sup> Niem Chheng and Shaun Turton, “Small Act of Protest Led to Big Problems,” *The Phnom Penh Post*, June 2, 2017, <http://www.phnompenhpost.com/national/smallactprotestledbig-problems>.

<sup>15</sup> Ben Sokhean and Ben Paviour, “Situation Room’s NGOs Face Investigation Over Monitoring,” *The Cambodia Daily*, June 29, 2017, <https://www.cambodiadaily.com/second/situationroomsngosfaceinvestigationmonitoring-131911/>.

<sup>16</sup> Aun Pheap and Ben Paviour, “Ministry Puts NGOs Under Watch, Alleging CNRP Bias,” June 2, 2017, [https://www.google.com.kh/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0ahUKEwjLmfDzmvTUAhWCmJQKHYYB\\_gQFggmMAA&url=https%3A%2F%2Fwww.cambodiadaily.com%2Fnews%2Fministry-puts-ngos-under-watch-alleging-cnrp-bias-130861%2F&usq=AFQjCNHo2zXcUuZqSkpNwbEb-qq3Bv1BwA](https://www.google.com.kh/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0ahUKEwjLmfDzmvTUAhWCmJQKHYYB_gQFggmMAA&url=https%3A%2F%2Fwww.cambodiadaily.com%2Fnews%2Fministry-puts-ngos-under-watch-alleging-cnrp-bias-130861%2F&usq=AFQjCNHo2zXcUuZqSkpNwbEb-qq3Bv1BwA).

<sup>17</sup> Human Rights Watch, “Cambodia Elections Not Free or Fair.”

<sup>18</sup> Pang Vichea, “NEC defends printing of extra ballots for vote,” Text, *Phnom Penh Post*, (May 5, 2017), <http://www.phnompenhpost.com/national/nec-defends-printing-extra-ballots-vote>.

<sup>19</sup> Hean Socheata, “Disabilities Group Urges Politicians to Consider Their Needs in Local Elections,” *VOA Khmer*, May 25, 2017, <https://www.voacambodia.com/a/disabilitiesgroupurges-politicianstoconsidertheirneedsinlocalelections/3869502.html>.

reportedly giving away tins of canned fish, bread, and water for votes.<sup>20</sup> Another case of election rule violations occurred in Kandal’s Koh Thom district, where the district chief ordered the chief of the district education office to instruct students to attend a CPP campaign event on May 28.<sup>21</sup>

## **B. Pre-election incident reports**

Several NGO-CEDAW observers reported directly observing problems before Election Day, including:

2 reports of intimidation in the form of pressuring someone to join a political party.

4 reports of campaign activities in violation of the law, specifically noting that multiple political parties continued to campaign throughout June 3, 2017, a day after the campaign period officially ended. One party was observed handing out gifts to potential voters.

1 report of an observer threatened with arrest if he attempted to visit another village to see relatives the night before the election.

At one polling station, NEC did not have enough staff to monitor the finger ink on June 3. So the polling station opened June 4 with a new staff member, but they were unable to train.

## **IX Findings on Election Day issues and challenges**

### **A Role of gender:**

1 - Women are not underrepresented in voter list. The numbers reflect women as a percentage of the total population in Cambodia.

264 polling stations, 23 provinces  
52.11%                      49630 female

95241 total voters                      47.89%                      45611 male

\*Note: totals of men and women were only 99.6% of the number listed in total people on voter list, so there is a small degree of inaccuracy. Half of the checklists did not disaggregate voter list data by gender, so the data is not available for all provinces.

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<sup>20</sup> Radio Free Asia, “Rights Group, Diplomats Call on Cambodia to Stop Threats of Violence Ahead of Elections,” *Radio Free Asia*, May 31, 2017, <http://www.rfa.org/english/news/cambodia/rightsgrouppdiplomatscalloncambodiatostopthreatsof-violenceaheadofelections0531201716372>.

<sup>21</sup> Yesenia Amaro and Kong Meta, “Student Rally ‘Violated Neutrality,’” *The Phnom Penh Post*, June 2, 2017, <http://www.phnompenhpost.com/national/studentrallyviolatedneutrality>.

## **2 - Number of women actually voting:**

Numbers of women actually voting at 250 polling stations where disaggregated figures were available:

43882 Female

39766 Male

83648 Total

52.46 % of actual voters counted were women, slightly more than the percentage of registered voters who are women.

### **Use of replacement ID**

699 Female

651 Male

52 % female

## **3. Women on polling station staffs**

451 polling stations, 24 provinces

1312 Female, 1342 #Male

49 % Female

\*Note, records were removed if the numbers appeared to be in error (too many or too few staff counted to operate a polling station.

446 polling stations

Chief: 95 Female, 351 Male

21.3% Female

Deputy Chief:

420 Polling stations

164 Female, 256 Male

39.01% Female

## **4 - Female Political Party Agents**

476 polling stations

25 provinces

For all parties:

Female	Male	Total
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554	1351	1905
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29%	71%	
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## **5. - CSO observers visiting the same polling stations or neighboring stations as NGO-CEDAW observers**

466 female stationary observers from other CSOs

405 male stationary observers from other CSOs

178 female mobile observers from other CSOs

166 male mobile observers from other CSOs

## **B Good procedures observed by NGO-CEDAW**

446 polls with observers inside at opening were reported as having all required materials

367 checklists reporting some preference given to one or more of the following groups: elderly, disabled, pregnant. However, all should have received preferences.

430 polls with inside observers reported that privacy screens were present

## **C Irregularities observed by NGO-CEDAW**

123 of 460 polling stations observed at opening opened early, from 6 to 6:45 am.

6 of 439 polling stations with observers present at closing closed at least 15 minutes early; 45 closed at least 15 minutes late

6 reports of police/security too close to polls, in violation of NEC regulations

1 report of voters transported to polls in government vehicles

7 reports of inaccessible polls

1 report of a ballot box not empty at the start of voting

416 reports of ID always checked, but 7 where ID was often checked, 20 where only sometimes checked, and 4 where never checked.

27 reports of voters who were on the voter list yet not allowed to vote

1 report of voters in line at the time of closing who were unable to vote

44 reports of voting without proper ID

6 reports of voting when the voter was not on the list

7 reports of voting under another person's name

21 reports of voting without secrecy of ballot being maintained

120 reports of disorderly lines

6 reports of interruptions to voting

1 report of violence

1 report of no finger ink used at a polling station

13 reports of the number of used ballots not matching the number of voters

15 observers did not view decisions on ballots as being good, but 401 thought the decisions were good

3 reports of the counting not done in the open

9 reports of the actual count not matching the results sheet

19 reports that agents and observers did not get copies of the results sheet

11 reports that results were not publically posted

1 report of a duplicate name on the voter list

1 report of a name removed from the voter list

Additional reports:

At one polling station, the observer reported that at 11 am, chief of polling station asked observer to sign a blank 1102 form before the polls closed. The NEC collected the blank form.

The voter lists were posted outside but the names were not in any order. Voters were told to find their own name's location on the voter list, taking much time.

In Ratanakiri, polling stations were poorly lit and it was too dark to see the ballots clearly.

Also in Ratanakiri, no staff could give instructions in the indigenous language, so some voters were confused and unable to vote.



*Typical urban voting set-up, with multiple polling stations placed side-by-side in a school setting. Most polls had a step with no ramp, so were not accessible to wheelchair users.*



*Security within 15m of polling stations in Phnom Penh T'mai*

## **X. Conclusion and recommendations for 2018 elections**

Following the June 4, 2017 elections, according to NEC data, women's representation in commune councils decreased by 1% from 2012. In 2012, women were elected to 2038 of the 11,459 commune council seats, a total of 17.79 percent. In 2017, women were only elected to 1940 of 11,572 commune council positions, a total of 16.76%. Not only has the government failed to meet its own goals for improving women's role in leadership to 25%, but has taken a step backwards.

NGO-CEDAW notes that the failure of the political parties to voluntarily include more women on candidate lists, and the failure of the RGC to implement legislation requiring temporary special measures related to candidate selection, both directly led to this result. The National Assembly passed multiple amendments to the election laws over the past few years, with no effort to include measures to actually implement the goals the RGC endorsed in Neary Ratanak, the CMDG, or the SDG. This lost opportunity has delayed the process of achieving gender equality, at least at the commune level.

Pursuant to CEDAW Article 2, sections e and f, the RGC is obligated to take all appropriate measures, including modifying legislation, regulations, and practices, to eliminate discrimination against women by any person, organization or enterprise, including political parties. CEDAW Article 4 and General Recommendation No. 5 encourage the use of temporary special measures such as positive action, preferential treatment or quota systems to advance women's integration into politics to promote de facto equality.

Political leaders often claim that women are underrepresented in politics because women are not qualified. General Recommendation No. 25, Paragraph 23 by the UN CEDAW Committee states:

The adoption and implementation of temporary special measures may lead to a discussion of qualifications and merit of the group or individuals so targeted, and an argument against preferences for allegedly lesser-qualified women over men in areas such as politics.... As temporary special measures aim at accelerating achievement of de facto or substantive equality, questions of qualification and merit... need to be reviewed carefully for gender bias as they are normatively and culturally determined. For appointment, selection or election to public and political office, factors other than qualification and merit, including the application of the principles of democratic fairness and electoral choice, may also have to play a role.

NGO-CEDAW's position is that many qualified women are available to fill the roles of political leadership. Moreover, many inexperienced men have traditionally been selected for such roles. However, negative gender stereotypes and norms have contributed to the creation of discriminatory selection criteria by political party leaders of all major parties. The criteria used by political parties and government officials empowered to make appointments have the

practical effect of excluding most women from the political process regardless of the intention of the leaders not to deliberately discriminate against women. To counter such implicit bias, *mandatory* but temporary special measures must be taken to put women into leadership positions. The sooner women are placed into positions of power, the sooner their presence will be able to change gender norms and encourage new generations of women leaders.

NGO-CEDAW strongly recommends the immediate enactment of temporary special measures, such as quotas, reserved seats, or requiring alternating men and women on candidate lists, with women to be listed at the top of the list for 50% of each party's candidate lists and women listed second in the remaining lists. This way, the goals of achieving improved representation of women in national office can be reached in 2018.

While NGO-CEDAW appreciates that the RGC has set policies and targets of increased numbers of women in appointed offices and aspirational goals of higher percentages of women in elected office, these are mere guidelines with no consequence if, like the Neary Ratannak targets, they are not achieved through voluntary action by the current political leaders who have benefitted from the patriarchal system and are not strongly committed to changing that same system. True equality will come through mandatory action implemented through law or regulation, not merely through an action plan. The multiple amendments in 2017 to the political party law demonstrates that the nation's leaders have the ability to change the behavior of political parties if they choose to exercise that power. NGO-CEDAW encourages the RGC to actually achieve gender equality in the 2018 elections by doing just that.