

FROM BAD TO WORSE

ELECTORAL INTEGRITY IN CAMBODIA



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Electoral Integrity in Cambodia

2024
Asia Centre

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ABBREVIATIONS

CamboJA	Cambodian Journalists Alliance Association
CCIM	Cambodian Center for Independent Media
CLP	Candlelight Party
COMFREL	Committee for Free and Fair Elections in Cambodia
CNRP	Cambodia National Rescue Party
COVID-19	Coronavirus Disease 2019
CPP	Cambodian People's Party
CSO	Civil Society Organisation
CTN	Cambodian Television Network
FUNCINPEC	National United Front for an Independent, Neutral, Peaceful and Cooperative Cambodia
HRD	Human Rights Defender
ICCPR	International Covenant on Civil and Political Rights
IPU	Inter-Parliamentary Union
ISP	Internet Service Provider
INGO	International Non-Governmental Organisation
JANIC	Japan NGO Center for International Cooperation
LEMNA	Law on the Election of Members of the National Assembly
LOFNEC	Law on the Organization and Functioning of the National Election Committee
MPTC	Ministry of Posts and Telecommunications
NDI	National Democratic Institute
NEC	National Election Committee
NGO	Non-Governmental Organisation
NHRI	National Human Rights Institution
NIG	National Internet Gateway
OHCHR	Office of the High Commissioner for Human Rights
SR	Special Rapporteur
SRP	Sam Rainsy Party
SRSG	Special Representative of the Secretary-General for Human Rights in Cambodia
TVK	National Television of Cambodia
UN	United Nations
UDHR	Universal Declaration of Human Rights
UNTAC	UN Transitional Authority in Cambodia
UPR	Universal Periodic Review
VOD	Voice of Democracy

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EXECUTIVE SUMMARY

The 2023 general election in Cambodia points to a worsening trend in electoral integrity. Since the first democratic elections in 1993, the integrity index has decreased from 2.99 to 0.55 on a scale ranging from 0 to 4, where 0 indicates a complete absence of fairness and freedom in elections ([V-Dem, 2024](#)).

The continued erosion of electoral integrity over successive elections is attributed to the presence of electoral violence, the shutting down of independent media outlets, increased difficulties for opposition parties to contest elections, and a misalignment between the national legal framework and international election standards. Collectively, these conditions have undermined international **standards of free and fair elections, undermining Cambodia's democracy** rankings in global indices.

However, the international community and local actors are also responsible for ensuring election integrity and therefore must also be held accountable for the current state of affairs. Their minimal efforts to address shortcomings in electoral integrity have perpetuated the existing challenges. A combination of diplomatic considerations, including foreign governments' interests in maintaining positive relations with the Cambodian government, and fears that advocating for free and fair elections might strain relations and push Cambodia closer to China, along with concerns about potential political and legal repercussions, has contributed to the persistence of these challenges.

Data from the UN, INGOs, CSOs, and local and international news reports, as well as inputs from 5 experts on Cambodian politics, point to five key electoral integrity issues that have bogged Cambodia since 1993. Firstly, while instances of electoral harassment have decreased, incidents during the 2023 elections show the issue persists, threatening electoral integrity. Secondly, independent media face prolonged challenges, leading to eventual shutdowns rather than temporary control during elections. Thirdly, legal and administrative obstacles hinder opposition parties, diminishing their capacity to compete fairly. Fourthly, efforts to undermine opposition have evolved into a sustained threat, reflecting a systemic approach to neutralize their influence. Lastly, international reticence on compromised electoral integrity aims to maintain diplomatic stability, downplaying concerns to avoid tensions with Cambodia.

In 2023, global indices measuring free and fair elections, such as V-Dem, confirmed a significant deterioration in electoral integrity in Cambodia. A combination of the harassment of opposing candidates, the hard shutdown of several independent media outlets, and the use of registration provisions to disqualify the participation of the Candlelight Party has led many to question the legitimacy of elections devoid of genuine competition. The marked hesitation by the international community to call out the lapses of electoral integrity in the run-up to the elections but choosing instead to issue statements after the fact, allowed electoral integrity-harming actions to be taken unchecked in the run-up to the elections. Finally, unlike in previous election cycles, harassment of the political opposition continues beyond the election period through the filing of defamation lawsuits that stand to bankrupt the defendants through hefty liable claims. Collectively, these perpetuate democratic regression in Cambodia.

The report concludes by offering policy recommendations for relevant actors, highlighting the importance of a multi-stakeholder approach to improve electoral integrity in Cambodia. The UN should increase its efforts so that all relevant actors can start implementing the recommendations made by the international community regarding free and fair elections. Therefore, the international community should maintain and increase, if appropriate, its engagement with local CSOs to document instances of weak electoral integrity and use UN mechanisms to report them. The government should seek more assistance from the UN to discuss how to better implement the recommendations made by the international community. Given the knowledge they have at a grassroots level, local CSOs should continue monitoring cases of weak electoral integrity and cooperate with INGOs to report these instances. Finally, technology companies are also key actors in strengthening electoral integrity and they should not take down online content at the request of the government without strong evidence, and should also publish transparency reports with all requests to remove online content.

While weak electoral integrity has long been a problem in Cambodia, addressing these issues requires a collective effort and commitment from a wide range of actors.

1. Introduction

Since the signing of the Paris Peace Agreements in 1991, Cambodia has held seven general elections. However, submissions to UN human rights mechanisms and independent election observation reports consistently highlight electoral integrity issues over the last three decades. This report focuses on Cambodia's electoral cycles and shows that integrity in the 2023 elections has worsened compared to previous years. It traces these issues back to the 1993 general elections and identifies electoral violence, the shutdown of independent media outlets, and a mismatch between the national electoral laws and the standards set by the international community as the key issues that have contributed to weak electoral integrity.

1a. Methodology

Research for this report consisted of three stages:

First, the research team at the Asia Centre undertook a desk review of primary and secondary sources, which included UN Special Procedures reports, legal documents – **such as Cambodia's Constitution**, Law on the Election of Members of the National Assembly – election observation reports by INGOs and local CSOs, and news reports on elections in Cambodia. The review enabled the team to frame the research topic, specify its scope, and identify the gaps this report would address.

Second, the team obtained primary data by conducting five online interviews with experts in Cambodian politics between December 2023 and March 2024. The input provided by these experts was used to address the knowledge gaps from desk research, validate the findings, and elaborate the policy recommendations.

In the third and final stage, the team at the Asia Centre internally reviewed the draft report. Thereafter, and where appropriate, the necessary amendments were made before finalising the report.

1b. Electoral Integrity

Electoral integrity revolves around guaranteeing the fairness and legitimacy of the complete electoral process, encompassing the pre-election period, campaign, election day, and post-election ([Garnett et al., 2023](#)). Free and fair elections, which constitute the essence of electoral integrity, are crucial as they foster trust in government, ensure the inclusion of every voice, and facilitate peaceful transitions of power. This, in turn, contributes to stability, development, and the promotion of human rights, establishing electoral integrity as a cornerstone of a robust democracy.

In ensuring electoral integrity, key concepts such as deliberation play a crucial role in fostering fair, transparent, and democratic processes, such as the free exchange of ideas, viewpoints, and arguments ([Parry, 2021](#)). Ensuring sufficient opportunities for deliberation is crucial as it allows voters access to a wide range of perspectives, empowering them to make well-informed decisions. This necessitates creating platforms for public discourse, organising debates, and promoting dialogue among citizens, candidates, and stakeholders. Meaningful engagement in deliberation not only strengthens the credibility of electoral results but also cultivates a sense of civic involvement and duty among individuals.

Equality of contestation emphasises the notion that all candidates and political parties should compete on a level playing field. This principle seeks to prevent unfair advantages or undue influence that may skew electoral outcomes. It entails ensuring that electoral laws and regulations are applied consistently and impartially, regardless of political affiliations. Additionally, it involves mechanisms to address issues such as campaign finance transparency, access to media coverage, and restrictions on political advertising ([Sarah, 2011](#)). By upholding equality of contestation, electoral systems can mitigate the risk of domination by powerful interests and promote genuine competition among candidates.

Therefore, in this context, effective electoral management delivery is essential for the smooth and credible conduct of elections. This involves the impartial administration of electoral processes, from voter registration to ballot counting and results announcement. Electoral management bodies play a central role in ensuring that elections are conducted fairly, transparently, and efficiently. Key aspects of electoral management delivery include the establishment of clear procedures, the training of election officials, the deployment of appropriate technology, and the implementation of safeguards to prevent fraud or manipulation ([The Carter Center, 2021](#)). By upholding high standards of electoral management delivery, authorities can instil confidence in the electoral process and uphold its integrity.

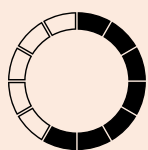
Electoral integrity hinges on the principle of equality of participation, which asserts that all eligible citizens should have equal opportunities to engage in the electoral process ([Thalin, 2024](#)). This encompasses aspects such as voter registration procedures, accessibility of polling stations, and measures to accommodate diverse populations, including marginalised communities and persons with disabilities. Ensuring broad participation not only strengthens the legitimacy of election outcomes but also fosters social cohesion and democratic citizenship.

Central to electoral integrity is the certainty of the rules of the game - the assurance that electoral laws, regulations, and procedures are clear, consistent, and applied predictably. Uncertainty or ambiguity regarding electoral rules can undermine public trust and create opportunities for manipulation or disputes ([Figueroa, 2016](#)). Therefore, it is essential to establish robust legal frameworks that define electoral procedures, delineate the roles and responsibilities of stakeholders, and establish mechanisms for resolving disputes or irregularities. Moreover, electoral rules should be subject to public scrutiny and review to ensure their fairness and relevance in evolving political contexts.

1c. International Standards

Numerous international human rights frameworks include legal provisions intended to strengthen electoral integrity. Governments and electoral bodies must adhere to the rights delineated in these frameworks, thereby reinforcing electoral integrity and advancing democratic governance. Conversely, any breaches of these rights pose a risk of undermining the legitimacy of elections and diminishing public trust in the democratic process.

Regular & Periodic



Ballot Secrecy



Universal



Free & Open



Informed Choice



As a foundational document in the field of human rights, adopted by the United Nations General Assembly in 1948, the Universal Declaration of Human Rights outlines fundamental human rights and freedoms to be universally protected, regardless of nationality, ethnicity, religion, or any other status.

Within this framework, Article 21(3) of the UDHR underscores the principle that political authority **derives from the will of the people, to be expressed through free and fair elections**: “The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by **equivalent free voting procedures.**”

The Inter-Parliamentary Union (IPU), an international organisation of national parliaments, aims to promote democratic governance, accountability, and cooperation among its members. Its Declaration on Criteria for Free and Fair Elections ([1994](#)) outlines key principles for ensuring fairness in electoral procedures, with Articles 2, 3, and 4 being particularly significant.

Article 2 hinges on the principle of equality of participation or inclusivity. It ensures that every adult citizen has the right to vote in elections without discrimination and has access to fair voter registration procedures, highlighting that no citizen shall be denied the right to vote or registration except by law-based criteria consistent with international obligations. Those denied voting rights have the right to appeal for review and correction of errors. Equal access to polling stations and the right to vote with equal weight and in secret are guaranteed.

The opportunities for deliberation and exchange of viewpoints are enshrined in Article 3(3), citing that everyone has the right to express their political opinions freely, without interference, and to seek, receive, and share information to make informed choices, both individually and collectively. Section 4 of the same Article mentions the role of the media in such a process of deliberation to exchange ideas **and make informed choices**: “Every candidate for election and every political party shall have an equal opportunity of access to the media, particularly the mass communications media, to put forward their **political views.**”

Furthermore, Article 3 also focuses on the safety and security of all, from voters to contestants in elections. Put differently, it underscores the lack of violence as a fundamental principle of strong electoral integrity. It states that candidates are entitled to security for their lives and property, while individuals and political parties have the right to legal protection and remedies for any infringements on political and electoral rights. Additionally, candidates and parties must refrain from engaging in violence, respect the rights and freedoms of others, and accept the outcome of free and fair elections as part of their civic responsibilities.

Electoral integrity requires an impartial administration of electoral processes, normally through impartial electoral commissions. This principle is covered under Article 4(2), stressing the importance of balanced electoral management bodies. It states that “**States should take the necessary policy and institutional steps to ensure the progressive achievement and consolidation of democratic goals, including through the establishment of a neutral, impartial or balanced mechanism for the management of elections.**”

Regarding people’s freedoms, per Article 4(3), states are required to respect and safeguard the human rights of all individuals within their jurisdiction, including during electoral periods. This entails ensuring the freedom of movement, assembly, association, and expression, particularly in the context of political rallies and meetings. By upholding these fundamental rights, states can facilitate a fair and inclusive

electoral process that allows citizens to participate actively and express their political views without fear of reprisal or restriction.

In addition to the Declaration on Criteria for Free and Fair Elections, international human rights frameworks such as the International Covenant on Civil and Political Rights (1966), ratified by Cambodia, contain provisions aimed at fostering conditions conducive to free and fair elections.

Beyond the Declaration on Criteria for Free and Fair Elections, other international human rights frameworks like the International Covenant for Civil and Political Rights, adopted by the United Nations General Assembly in 1966 – which Cambodia has signed and ratified – also contain several articles aimed at cultivating an environment favourable to free and fair elections.

Freedom of expression, vital for electoral integrity, is enshrined in Article 19, allowing individuals to express their opinions, discuss political matters, and access information freely, contributing to an informed electorate.

Article 21, on freedom of assembly, ensures people’s right to peaceful assembly, a vital element for effective political campaigns, public debates, and the expression of diverse political opinions. This is a key article since a vibrant and unrestricted public discourse contributes to the integrity of the electoral process.

Article 25(b) states that all citizens are entitled “to vote and to be elected at genuine periodic elections, which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors.” This article is important in two ways. On the one hand, it enshrines **people’s right to vote and contest elections. On the other hand, it strengthens the principles of freedom** of expression under Article 19, highlighting that voting in elections is a manifestation of freedom of speech.

Despite provisions in the IPU and ICCPR, concerns about electoral integrity in Cambodia have consistently been communicated to the Cambodian government through various United Nations human rights mechanisms, including the Universal Periodic Review (UPR) process. Recommendations have primarily focused on safeguarding freedom of expression, especially in digital and media realms, and the necessity to enhance electoral laws to ensure a level playing field conducive to political pluralism, enabling all candidates to contest elections without harassment.

During the first Universal Periodic Review (UPR) cycle (2008-2012) (UNHRC, 2010), Cambodia received recommendations concerning its electoral process, emphasising the need to fortify its electoral framework and safeguard the rights of all citizens to participate freely and fairly in democracy. Specifically, it was urged to uphold freedom of expression and opinion, particularly for opposition members, crucial for fostering an environment where diverse voices can contribute without fear of reprisal, essential for democratic processes.

Additionally, Cambodia was advised to develop a comprehensive action plan to ensure unrestricted access to electronic media and liberalise ownership rules, thereby promoting a more inclusive media landscape. Lastly, there was a call for Cambodia to take concrete steps toward fully implementing election regulations in the future, underscoring the importance of fair and transparent electoral processes in upholding democratic principles. These recommendations received "support" from the Cambodian government.

During the second Universal Periodic Review (UPR) cycle (2012-2016) ([UNHRC, 2014](#)), Cambodia received recommendations aimed at improving its electoral processes and fostering a more inclusive political environment. Firstly, it was urged to ensure equal access to the media for all candidates to prevent voter manipulation and encourage political dialogue.

There was also a call for constructive dialogue among political parties to address concerns from past elections and implement necessary reforms promptly. Cambodia was advised to enact legislation protecting the rights of political parties, labour unions, and civil society groups to freely express themselves and assemble peacefully, ensuring demonstrations occur without intimidation or excessive force. Key electoral reforms suggested included enhancing voter registration systems, ensuring media access equality, and preserving the independence of the National Election Committee. Moreover, Cambodia was encouraged to adopt and implement electoral reform recommendations from the Special Rapporteur on Cambodia, strengthen its legal framework surrounding elections, and address shortcomings identified by various stakeholders. Notably, there was an emphasis on developing an action plan to align Internet laws with freedom of expression principles, facilitating free access to electronic media and allowing bloggers, journalists, and NGOs to promote and protect human rights. These recommendations collectively underscore the imperative for Cambodia to undertake significant electoral reforms to uphold democratic principles and ensure credible, fair elections that reflect the will of its citizens and were also “supported” by the government.

During the third Universal Periodic Review (UPR) cycle (2017-2021) ([UNHRC, 2019](#)), Cambodia was confronted with numerous recommendations aimed at promoting democratic principles, protecting human rights, and ensuring fair and inclusive electoral processes. Central to these recommendations was the call to re-establish the opposition party, specifically the Cambodian National Rescue Party (CNRP), and reinstate its members, emphasising the importance of political pluralism and opposition participation in the democratic process. The need to strengthen democratic participation was highlighted, urging Cambodia to guarantee media independence, create a safe environment for civil society and trade unions, and ensure the full participation of opposition parties in upcoming elections.

Furthermore, there were calls to cease harassment and arbitrary interference with political opposition, human rights defenders, and activists, urging amendments to laws limiting freedom of association and assembly. Recommendations included immediate reinstatement of opposition members' rights and release of arbitrarily detained individuals, such as Kem Sokha, as well as protection for journalists and activists from harassment and physical attacks. Cambodia was encouraged to align its laws with international human rights obligations, including those related to freedom of expression and association, and to repeal or amend legislation deemed restrictive or arbitrary.

Additionally, adherence to international standards on the independence of institutions, particularly the judiciary and National Election Commission, was stressed to ensure free, fair, and transparent electoral processes. These recommendations underscore the urgent need for Cambodia to uphold democratic principles, protect human rights, and create conditions for genuine multiparty democracy and fair elections in the country.

Special Rapporteur’s reports also highlight several human rights violations that have been instrumental in highlighting weak electoral integrity in Cambodia ([OHCHR, 2018a, 2018b, 2023a](#)). Despite improvements in election conduct since the 1990s, past special procedure mandate holders have consistently highlighted persistent concerns. Key among these concerns are issues related to freedom of expression, with instances of pressure, threats, and intimidation against political activists, particularly during campaign periods and the run-up to voting days. This is particularly relevant because it

produces a chilling effect among people, with many Cambodians resorting to self-censorship due to fear of reprisals for supporting opposition political parties.

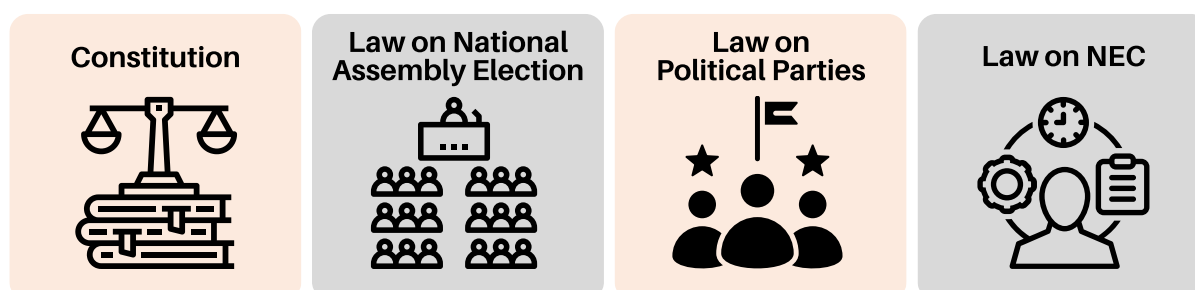
Additionally, inequities in media access and control among political parties have been observed, **affecting quality journalism and people's access to unbiased information** – essential for all people to make informed political choices during elections. Concerns have also been raised regarding the misuse of state resources by political parties during campaigning, shortcomings in the National Assembly's protection of freedom of speech, and limited opportunities for opposition parliamentarians to effectively debate bills. These issues underscore persistent challenges to electoral integrity and human rights in Cambodia.

Observations and recommendations put forth by UN Special Rapporteurs often face criticism, with detractors accusing the experts of bias and influence from opposition members ([OHCHR, 2022](#)). Critics often attribute the lack of adherence to international standards to Cambodia's "national particularities," citing progress in socio-economic development and a preference for a rule-by-law approach over the rule of law ([Chheng, 2018](#)). During the tenure of SRSG Yash Ghai (2005 – 2008), personal attacks were used to undermine the credibility of UN rights mechanisms. These attacks ranged from insults and racist remarks to accusations of ulterior motives, culminating in a formal request from the Cambodian government to terminate the mandate presented to the Human Rights Council ([Smyth, 2014](#)).

Having outlined Cambodia's background on electoral issues in previous general elections and international observation, the next chapter reviews domestic legislation that influences the electoral regime in Cambodia. These include the Constitution, the Law on the Election of Members of the National Assembly, the Law on Political Parties, and the Law on the Organisation and Functioning of the National Election Committee.

2. Cambodia's Electoral Laws

While elements that constitute electoral integrity are part of international human rights law to which Cambodia is a party, the codification of those principles in local laws is not aligned with the international standards or is too vaguely worded to effect free and fair elections in Cambodia. Over time, these legislations have also been subject to various amendments that make them more conducive to a one-party system in the country.



2a. Constitution Provisions

The Cambodian Constitution (1993) facilitated the country's transition to democracy and promoted a peaceful reconstruction following years of political instability and violence. It serves as a cornerstone in recognising and emphasising people's fundamental right to participate in free and fair elections and the importance of ensuring the integrity of such electoral processes. As Article 51 states,

the Kingdom of Cambodia adopts a policy of liberal democracy and pluralism. The Cambodian people are the masters of their own country. All powers belong to the people. The people exercise these powers through the National Assembly, Senate, Royal Government and the Judiciary (Article 51).

The constitution includes articles that, although not explicitly mentioning elections, are crucial for a democratic system centred on multi-party elections. For example, Article 1 implies the significance of a multi-party system that upholds people's civic freedoms by stating that "Cambodia is a Kingdom with a King who shall rule according to the Constitution and to the principles of liberal democracy and *pluralism* [emphasis added]."

Article 31 emphasises the imperative of upholding human rights, as outlined in the Universal Declaration of Human Rights (UDHR) (1948) – see section 1c – emphasising that political power originates from the consent of the governed, which is manifested through open and equitable electoral processes.

Other constitutional provisions concern elections directly. The right to vote articulated in Article 34 of the Constitution, is to be accessible to all Khmer citizens aged eighteen and above. However, the same **article also cautions that "restrictions on the rights to vote and the rights to stand as candidates in elections shall be determined by an electoral law"** – elucidated further below.

To ensure the integrity of free and fair elections, Article 41 of the Constitution safeguards various civic freedoms. It asserts that "Khmer citizens shall have freedom of expression of their ideas, freedom of

information, freedom of publication, and freedom of assembly.” However, it also specifies that these rights should not be used to compromise the dignity of others or disrupt societal norms, public order, and national security, allowing for certain restrictions.

Concerning freedom of association and political participation, Article 42 affirms that “Khmer citizens have the right to establish associations and political parties,” with the scope of these rights being regulated by law.

Since its creation in 1993, 10 amendments have been made to the Constitution over the years. Such amendments have been instrumental in the country's progressive decline of electoral integrity. The two most recent amendments of 2021 and 2022 exemplify this.

In 2021, a series of constitutional amendments contributed to Cambodia's uneven electoral playing field with a series of changes that minimised the role of the main opposition party CNRP, targeting Sam Rainsy and other top members of the opposition. These changes, affecting Articles 19, 82, 106, 119, and 137 of the Constitution, as well as Articles 3 and 4 of the Additional Constitutional Law, forbid individuals with dual or multiple citizenships from holding key positions like Prime Minister or President of the National Assembly, Senate, or Constitutional Council (Lawrence, 2022). For instance, Sam Rainsy, former leader of the CNRP, holds Cambodian and French nationalities, while Mou Sochhva, former vice-president of the CNRP, married a non-Cambodian citizen.

The latest constitutional amendment, from 2022, is detrimental to electoral integrity since it dilutes the role of elections by making it more difficult to keep elected – through an uneven electoral playing field, as explained above – government officials accountable. Amendments to Article 98 now require a higher threshold in the National Assembly to initiate a vote for removing a government, with one-third of the house's members needed to make such a request, compared to the previous requirement of 30 MPs. Changes to Article 119 and Additional Constitutional Law Article 4 alter the government formation process, shifting the responsibility of proposing a new Prime Minister to the party with the most seats. This shows the decline of electoral integrity in the aftermath of elections (Ibid).

These constitutional amendments have contributed to the erosion of electoral integrity, particularly through the potential diminishment of legislative power that affects, primarily, minority parties. Amendments restricting coalition governments to the party with the majority of seats could hamper smaller parties' ability to collaborate and challenge the longstanding dominance of the ruling party CPP. Furthermore, these changes are mechanisms for the ruling party to consolidate its power. Utilising legal means targeting associations, NGOs, trade unions, and political entities, opposition forces have been weakened, culminating in the dissolution of the main opposition party, the CNRP, in 2017. With key opposition figures facing legal actions or being forced into exile, the ruling party's control seems increasingly entrenched, exacerbating concerns about electoral fairness.

2b. Law on the Election of Members of the National Assembly

The Law on the Election of Members of the National Assembly (LEMNA) (1997) governs the National Assembly election process and plays a pivotal role in shaping electoral integrity, aiming to establish a framework that ensures transparency, fairness, and inclusivity. Article 1 sets the tone by emphasising the importance of clear procedures and guidelines to govern the electoral process, promoting transparency and consistency.

Meanwhile, Article 5 delves into the foundational principles that underpin the electoral process, such as universal suffrage, free and fair voting, and the use of proportional representation. These principles

not only uphold democratic ideals but also foster inclusivity by ensuring that all voices are heard and represented in the legislative body.

Article 7 further enhances electoral integrity by emphasising the active participation of political parties through the appointment of representatives known as political party agents. These agents serve as watchdogs during the electoral process, contributing to transparency and accountability by observing election proceedings and participating in ballot counting.

However, while these measures aim to promote fairness, Article 23 raises concerns regarding inclusivity by limiting candidacy to Cambodian-born individuals, potentially excluding naturalised citizens from participating in the electoral process. Moreover, Article 46 outlines the criteria for voter eligibility, setting clear guidelines to ensure that only eligible citizens have the right to vote. This helps safeguard against potential manipulation of the electoral process by restricting voting rights to qualified individuals with a stake in the country's future.

Article 71 ensures fair and ethical conduct in political activities by prohibiting threats, intimidation, or violence against citizens, political entities, or candidates. It also bars incitement to engage in abusive or violent actions. Additionally, it prohibits insults or verbal remarks against candidates or their supporters and actions aimed at influencing votes through threats or incentives. Furthermore, it addresses electoral bribery by prohibiting the provision of cash or incentives in exchange for votes. Furthermore, Article 74 underscores the importance of adherence to election law and democratic principles, providing a mechanism for addressing disputes and complaints through established procedures overseen by the National Election Committee and the Constitutional Council. However, Articles 84 and 85 introduce potential challenges to electoral integrity by imposing restrictions on certain political activities by foreigners and organisations, raising concerns about the impact on freedom of expression and assembly.

In 2023, just before the election, amendments to LEMNA were introduced ([ODC, 2023](#)), barring candidates who failed to vote in the last two elections from running for office and penalising those advocating for a vote boycott or nullification ([Ros, 2023](#)). This has been labelled as a tactic to sideline political rivals, coinciding with the disqualification of the main opposition party, Candlelight Party (CLP), from the elections of 2023 due to registration issues. The amendments were swiftly approved by the National Assembly with minimal debate, where all 111 lawmakers present were affiliated with the Cambodian People's Party ([Cheang, 2023](#)).

2c. Law on Political Parties

The Cambodian Law on Political Parties, enacted in [1997](#), formalises the procedures and requirements for political party establishment, registration, and activities (Article 1).

First and foremost, the Law on Political Parties emphasises the principle of equality among political parties in Cambodia, which should result in strong **electoral integrity**. **Article 4 states "All political parties shall be entitled to the same rights, and privileges and shall receive equal treatment from the Royal Government and authorities of all levels."**

Article 5 places a strong emphasis on the freedom of choice for every Khmer citizen to engage in any political party without coercion. It serves as a protective measure, ensuring that individuals cannot be deprived of their civil, political, or professional rights based on their affiliation with a particular political party. This provision aims to safeguard individual freedoms and rights in the political sphere.

Under Article 12, Khmer citizens, provided they are at least 18 years old and possess civil rights, have the freedom to join political parties as members. This provision recognises the significance of individual agency and participation in political processes, emphasising inclusivity and democratic engagement.

Article 34 outlines stringent criteria for the dissolution of political parties, setting a high threshold. It asserts that no authority is permitted to dissolve a political party unless there is a clear declaration of bankruptcy through a final court judgment or appeal. This provision ensures that the dissolution process is judicious and contingent on established legal standards, adding a layer of accountability to the regulatory framework for political parties.

In 2017, several articles of this law were subjected to amendments threatening electoral integrity ([OHCHR, 2018c](#)). The revision to Article 48, requiring a party to fill a vacant leadership position within 90 days, alongside a new amendment stating that parties will dissolve if their leaders are convicted of domestic crimes, was viewed as targeting the former opposition party, the CNRP. This legal change prompted Sam Rainsy, former CNRP president, to step down in February 2017, due to numerous pending cases against him in Cambodia and his exile since 2015.

Additionally, the amendment to Article 44 new (2) grants the Supreme Court authority to dissolve any party deemed to cause division, undermine democracy, jeopardise state security, foster unrest, or be influenced by foreign entities. It also allows for a five-year ban on political leaders from disbanded parties engaging in politics ([RFA, 2017](#)).

2d. Law on the Organisation and Functioning of the National Election Committee

The Law on the Organisation and Functioning of the National Election Committee (LOFNEC), enacted in [2015](#), serves to delineate the responsibilities and functions of Cambodia's National Election Committee (NEC) in overseeing elections. As an independent body ([NEC, n.d.](#)), the NEC holds the pivotal role of managing and supervising the electoral process. Its duties encompass a wide array of tasks aimed at ensuring the fairness, transparency, and integrity of elections. These include implementing electoral laws, regulations, and procedures, facilitating voter and candidate registration, as well as resolving electoral disputes. Operating within the framework of the Constitution and pertinent legislation, the NEC is dedicated to upholding the fundamental principles of free and equitable elections ([Ibid](#)).

Article 6 establishes the eligibility and requirements of election commissioners. However, the selection process is aligned with international standards, where a selection committee—composed of experts in respective professions relevant to the election process—would be set up to find ideal candidates to fill the role. Rather, the law allows political parties to directly recruit candidates. On another note, the same Article states that the Chair and Vice Chair would be appointed by the King, but does not specify the process.

Articles 9, 10 and 11 (dismissal, accountability and replacement of Chair, Vice Chair and commissioners) under the LOFNEC allow the ruling party that controls the National Assembly to influence dismissing and replacing election commissioners. Article 9 outlines possible conditions **when the office holders may lose their tenures. It contains a vague scenario defined as “when he or she lost his or her professional aptitude as certified by competent ministries or institutions,”** which can lead to abuse if the government can marshal enough ministers to pass such a verdict. Article 10 states that the Chair, Vice Chair and commissioners are accountable to the National Assembly and it is the

prerogative of the latter to dismiss them. Article 11 stipulates that if the Chair, Vice Chair and commissioners lose their tenures, the National Assembly will coordinate with political parties to fill in the vacant seat in five days.

The LOFNEC faces a similar problem to the LEMNA as it lacks a preamble on the definition of the terms used under the law, which can compromise electoral integrity as it leaves interpretation and implementation of the law to the incumbent government and public authorities.

The NEC is responsible for releasing updated Regulations and Procedures for the National Election. These regulations are revised with each election, covering various aspects such as the management of elected members in the National Assembly, the registration of political parties, financial procedures, remedies for issues, and monitoring roles.

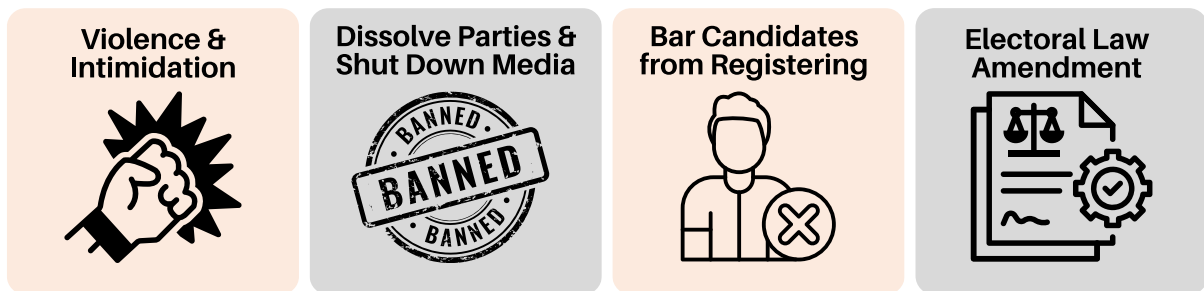
Ahead of the 2023 national election, the National Election Committee (NEC) has issued comprehensive regulations and procedures. These guidelines, spanning 438 pages with 10 chapters and nine annexes, detail the upcoming parliamentary election scheduled for July 2023 ([NEC, 2023](#)). The regulations impose bans on activities such as voter intimidation, violence, and personal attacks on candidates. Additionally, they prohibit the coercion of voters, exchange of gifts for votes, and disruption of campaign events or voting procedures. Each party is allowed one political agent inside the election room, with reserved members observing from outside. Unauthorised access to election offices is strictly prohibited. The regulations also forbid the use of government-related licence plates for campaign activities and the use of loudspeakers that may disrupt other parties. Destruction of opposing party materials and improper placement of campaign banners are also banned.

In response to recommendations from civil election observer groups, certain measures have been implemented, including provisions for observing voter registration preparations and ensuring transparency during ballot counting. However, groups representing the opposing party have expressed disappointment, citing concerns that the committee's membership consists solely of members from the ruling party ([Sarath, 2022](#)). They argue that not all of their suggestions were taken into account ([Reuy, 2023](#)).

In essence, guarantees of electoral integrity are provided for under the Constitution, LEMNA and LOFNEC, but the lack of a preamble on the definition of the terms used under each of these two laws has compromised its intended implementation. In effect, the LEMNA and LOFNEC become vague and could be subject to arbitrary interpretation, which could eventually lead to potential abuse. LOFNEC, in particular, is not aligned with international standards and does not constitute an independent body and provide oversight for the administration of elections in Cambodia. The next section will analyse the impact of these legal frameworks on the latest election in Cambodia.

3. Electoral Integrity Issues from 1993 to 2023

Since the first electoral cycle in 1993, reports from international organisations, INGOs, and local CSOs consistently highlight ongoing challenges with electoral integrity, particularly exacerbated during the 2023 general elections. Notably, there is a discernible pattern of limited tolerance from the ruling party CPP towards opposition forces, encompassing opposition parties and media. While physical violence was prevalent in the 1990s, its incidence has decreased over time. However, the legal framework, as detailed in Chapter 2, has undergone systematic amendments aimed at undermining electoral integrity and solidifying the political dominance of the CPP.



3a. Electoral Integrity Since 1993

As outlined in Chapter 2, Cambodia's legal framework enshrines a multi-party system where all parties and contenders have the same opportunities. However, all electoral cycles since 1993 have been characterised by weak electoral integrity and the consequent political hegemony of the CPP.

Table 1: Results of the General Elections of 1993 (Nohlen et al., 2001)

Party	Votes	Share of Votes (%)	Seats in the National Assembly
FUNCINPEC	1,824,188	45.47	58
Cambodian People's Party	1,533,471	38.23	51
Buddhist Liberal Democratic Party	152,764	3.81	10
Liberal Democratic Party	62,698	1.56	0
MOULINAKA	55,107	1.37	1
Khmer Neutral Party	48,113	1.20	0

Table 2: Results of the General Elections of 1998 (Nohlen et al., 2001)

Party	Votes	Share of Votes (%)	Seats in the National Assembly
Cambodian's People Party	2,030,790	41.42	64
FUNCINPEC	1,554,405	31.71	43
Sam Rainsy Party	699,665	14.27	15
Khmer Democratic Party	90,000	1.84	0
Cambodian National Sustaining Party	71,093	1.45	0
Cambodian's People Party	2,030,790	41.42	64

Table 3: Results of the General Elections of 2003 (Nohlen et al., 2001)

Party	Votes	Share of Votes (%)	Seats in the National Assembly
Cambodian People's Party	2,447,259	47.35	73
FUNCINPEC	1,072,313	20.75	26
Sam Rainsy Party	1,130,423	21.87	24
Khmer Democratic Party	95,927	1.86	0
The Rice Party	76,086	1.47	0

Table 4: Results of the General Elections of 2008 (COMFREL, 2008)

Party	Votes	Share of Votes (%)	Seats in the National Assembly
Cambodian People's Party	3,492,374	58.11	90
Sam Rainsy Party	1,316,714	22.91	26
Human Rights Party	397,816	6.62	3
Norodom Ranariddh Party	337,943	5.62	2
FUNCINPEC	303,764	5.05	2

Table 5: Results of the General Elections of 2013 (COMFREL, 2013)

Party	Votes	Share of Votes (%)	Seats in the National Assembly
Cambodian People's Party	3,235,969	48.83	68
Cambodia National Rescue Party	2,946,176	44.46	55
FUNCINPEC	242,413	3.66	0
League for Democracy Party	68,389	1.03	0
Khmer Anti-Poverty Party	43,222	0.65	0

Table 6: Results of the General Elections of 2018 (NEC, 2018)

Party	Votes	Share of Votes (%)	Seats in the National Assembly
Cambodian People's Party	4,889,113	76.85	125
FUNCINPEC	374,510	5.89	0
League for Democracy Party	309,364	4.86	0
Khmer Will Party	212,869	3.35	0
Khmer National United Party	99,377	1.56	0

General Election of 1993

In 1993, the first post-Paris Peace Agreement election occurred under the supervision of the United Nations Transitional Authority in Cambodia (UNTAC). Independent, Neutral, Peaceful and Cooperative Cambodia (FUNCINPEC) secured victory with 45.47% of the votes, while the Cambodian People's Party (CPP) claimed second place with 38.23% (Branigin, 1993). Despite their loss, the CPP refused to accept defeat and even threatened secession, violating Article 3, clause 11 of the IPU's standards on free and fair elections, particularly regarding result acceptance. The potential for civil strife was narrowly averted when UNTAC and FUNCINPEC agreed to a co-premiership, with Norodom Ranariddh and Hun Sen as co-prime ministers (Osborne, 2018).

After the 1993 elections, a FUNCINPEC-CPP coalition disintegrated within three years. Tensions arose in March 1996 when back-then First Prime Minister Norodom Ranariddh sought a more equitable power balance, leading to armed clashes later in 1996 and widespread conflicts in 1997 between troops loyal to each leader across multiple provinces (Peou, 2018). The political struggles persisted until July, when the CPP's Hun Sen orchestrated a coup against Ranariddh, instructing his forces to forcibly remove his political counterpart. This action resulted in an armed conflict in Phnom Penh, culminating in the defeat of the Royalist Army. Allegedly, during this event, CPP forces carried out

summary executions, causing the deaths of 41 to 60 individuals, including FUNCINPEC members and ministers ([Peou, 1997](#)).

Leading up to the 1998 election, violence against FUNCINPEC members instilled widespread fear, causing many to flee and live in exile ([Bjornlund and Manikas, 1998](#)). As a result of such political upheaval, the CPP had unhindered campaigning opportunities, with limited media coverage granted to opposition candidates throughout the election period, hindering their ability to connect with the electorate (Ibid). For instance, lower-level FUNCINPEC officials faced violence and intimidation when attempting to engage with villagers and grassroots networks in Takeo, Prey Veng, and Kampot provinces ([Human Rights Watch, 1998](#)). A politician who was interviewed during the drafting of this report explained that violence was notable in the months preceding the elections. This way, the government could intimidate the opposition while allowing it to breathe in non-electoral periods.

“Intimidation during those times was characterised by violence and various types of physical intimidation, but it always occurred before the six months leading up to an election. Once the election is over, there is a respite; you have a couple of years without intimidation, allowing the opposition **some breathing room (KII4).”**

In this context, the 1998 election process contradicted the IPU's criteria for free and fair elections, specifically violating Article 3, Clause 4 (ensuring the ability to campaign on an equal basis and equal access to the media), Article 3, Clause 5 (ensuring the security of candidates), and Article 3, Clause 9 (ensuring the absence of coercion and violence).

This departure from the IPU's international standards, notably Article 3, clause 5 (ensuring candidates' security) and Article 3, clause 9 (promoting non-violence), underscores the considerable challenges in maintaining a secure and peaceful electoral environment during that time.

The CPP obtained victory with 41.4% of the votes, gaining 64 seats out of 122 in the National Assembly. FUNCINPEC and the Sam Rainsy Party (SRP) obtained 31.7% (43 seats) and 14.3% (15 seats) of the votes, respectively. Alleging election irregularities, both FUNCINPEC and SRP rejected the results, organising demonstrations and marches that persisted for several months. The government responded with violence, resulting in at least dozens of deaths ([U.S. Department of State, 1999](#)).

It is also noteworthy that in 1997, one year before the elections, the National Assembly adopted the 'highest average' formula, also called the Jefferson or d'Hondt formula, in the 1997 Election Law, instead of the 'greatest remainder' formula for handling leftover votes (KII4). This change potentially favours larger parties, occasionally granting them seats disproportionately compared to smaller parties. Interestingly, no objections were raised by any party when this system was implemented, suggesting that the implications of this change might not have been fully understood at the time ([Gallup, 2002](#)).

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General Election of 2003

In the 2003 general election, the CPP won with 47.5% of the votes (73 seats), falling short of the two-thirds majority needed to elect the prime minister. FUNCINPEC and SRP, with 20.75% (26 seats) and 21.87% (24 seats) respectively, boycotted parliament, preventing Hun Sen from becoming prime minister. Both parties rejected the official results, claiming that the elections had not been free or fair ([ABC News, 2003](#)). A personal feud among the parties and CPP opposition to including SRP in a coalition government delayed the formation of a new government for a year. In June 2004, FUNCINPEC and CPP reached an agreement. FUNCINPEC secured an increased share of ministerial positions, while CPP, with Hun Sen as prime minister, led the new government ([BBC News, 2004](#)).

From February 2002 to polling day, at least 12 activists and opposition supporters were killed ([Human Rights Watch, 2003](#)). The CPP allegedly coerced cooperation in Takeo province, threatening denial of marriage administration or land confiscation through local village chiefs ([ANFREL, 2003](#)). Similar incidents were reported in Siem Reap and Kampong Cham. Media access showed disproportionate favouritism towards the CPP; EU-supported monitoring revealed that TVK allocated 65% of airtime to government news, 22% to CPP, 3% to FUNCINPEC, and none to the SRP a month before the election ([ibid](#)). These conditions violated IPU's standards on free and fair elections, specifically Article 3, clause 4 (equal campaign basis and media access) and Article 3, clause 9 (absence of coercion and violence).

General Election of 2008

In the 2008 general election, the CPP secured 58.1% of the votes, winning 90 seats out of 123 seats in the lower house ([COMFREL, 2008](#)). Internal strife within FUNCINPEC and conflicts between FUNCINPEC and SRP led to the fragmentation of the opposition forces ([Samean, 2006](#); [Sokheng, 2007](#)). As a result, FUNCINPEC performed poorly with only 5% of the votes and 2 seats. The SRP remained a stronger contender, winning 21.9% of the votes and securing 26 seats ([COMFREL, 2008](#)). The remaining seats were divided among factions that broke away from FUNCINPEC: Human Rights Party (3 seats) and Norodom Ranariddh Party (2 seats).

In the 2008 election, reduced violence was attributed to the CPP offering high-paying advisory roles to defecting senior SRP members ([Human Rights Watch, 2008](#)). Despite this, a drive-by shooting in Phnom Penh led to the death of Khim Sambo, an 'opposition journalist' associated with the SRP-affiliated newspaper Moneaksekar Khmer. However, electoral integrity was still at risk. In May 2008, Angkor Ratha radio was closed for broadcasting opposition programs without government approval ([RFA, 2008](#)). Simultaneously, Dam Sith, the editor of Moneaksekar Khmer and an SRP candidate, faced charges related to the paper's report on the alleged role of the foreign minister during the Khmer Rouge regime ([Ibid](#)). From May 2017 to May 2018, COMFREL reported that TVK dedicated 85% of its political coverage to the government's activities, with 84% of its airtime focused on the CPP when covering political parties. FUNCINPEC and SRP received only 10% and 6%, respectively ([ANFREL, 2008](#)). These actions constituted clear violations of IPU's standards: Article 3, clause 4 (equal campaign basis and media access) and Article 3, clause 9 (absence of coercion and violence).

General Election of 2013

The 2013 general election represented the first significant challenge to Hun Sen's CPP since 1998. While the CPP secured victory, its popularity decreased to 48.8% of the total votes, resulting in a reduction of seats to 68. Simultaneously, the opposition parties successfully consolidated and improved their standing. The merger of the SRP and the HRP led to the formation of the Cambodian National Rescue Party (CNRP), securing second place with 44.4% of the vote shares and 55 seats ([RFA, 2013](#)).

During the election period, despite a reduction in serious political violence compared to the previous election, members of the CNRP faced continued intimidation and threats, including 5 cases of death threats and 56 arrest threats ([COMFREL, 2013](#)). These incidents violated Article 3, clause 9 (absence of **coercion and violence**) of the IPU's standards. Furthermore, state-owned media, particularly TVK, showed improvement in unbiased reporting and balanced coverage of political parties, allocating 19.5% of airtime to the CPP, 15.3% to the CNRP, and 12.4% to FUNCINPEC ([ibid](#)). However, that was not the case for private media outlets. For instance, CTN and Bayon TV, linked with the CPP, allocated 75% and 87% of their airtime to the CPP, while dedicating 19.7% and 11.4% to the CNRP, respectively ([ibid](#)). **This unequal media access contradicted Article 3, clause 4 of the IPU's standards on free and fair elections.**

General Election of 2018

In the run-up to the 2018 general election, violations of IPU's electoral integrity principles, such as the absence of violence and intimidation, candidate security, and equal campaign opportunities, persisted. In response to challenges and declining popularity, Prime Minister Hun Sen strengthened his hold on power to secure the CPP's uncontested rule. Beginning with the CNRP in 2017, the Supreme Court dissolved the party, alleging foreign support for government overthrow ([Boyle, 2017](#)). Harassment and prosecution of civil society and media escalated, including the closure of Mother Nature ([David, 2017](#)) and the order to close the National Democratic Institute (NDI) office, citing NDI's registration status ([NDI, 2017](#)). Accusations of tax evasion against Cambodia Daily and Phnom Penh Post led to immediate hefty tax bills, prompting business closures and compromising editorial independence ([Ellis-Petersen, 2018](#)). This political manoeuvre eliminated the primary threat to Hun Sen's rule, resulting in the CPP winning all 125 parliamentary seats in the 2018 general election (Asia Centre, 2021). Against this backdrop, the CPP secured all 125 seats in the National Assembly with 76.8% of the total votes.

In the 2023 general election, the CPP secured a landslide victory gaining 120 seats out of 125 with 82.3% of total votes counted ([Khmer Times, 2023a](#)). Those elections were characterised by the disqualification of the main opposition party, the Candlelight Party (CLP) – a detailed analysis of the 2023 elections is provided in Chapter 3. Although elections were multi-party, opposition parties had virtually no chance to contest the dominance of the ruling party.

International free and fair elections indices have captured a consistent lack of electoral integrity since the first elections in 1993 after the signing of the Paris Peace Agreements in 1991:

Table 7: Free and Fair Elections Indices Between 1993 and 2018 ([V-Dem, 2023](#))

General Election	Index (0=lowest; 4=highest)
1993	2.98
1998	2.06
2003	2.22
2008	2.03
2013	2.08
2018	0.86

Data in Table 1 shows two things. First, except for the first elections in 1993, electoral integrity in Cambodia since the Paris Peace Agreements has been rather limited or, according to V-Dem, “ambiguous” – there was substantial competition and freedom of participation but there were also significant irregularities that called into question the legitimacy of the outcomes. Second, in the aftermath of the elections in 2013 – when the CNRP threatened the CPP's political hegemony for the first time – the quality of elections decreased sharply.

Furthermore, data from the Perception of Electoral Integrity index suggests a similar trend from 2012 to 2022 as Cambodia scores 29 out of 100 on average, measuring the quality of national elections against thresholds such as electoral laws and procedures, media coverage and electoral authorities ([Garnett et al., 2023](#)).

Cambodia's compromised electoral integrity has drawn attention from the international community, leading to its utilisation of UN human rights mechanisms to address the country's limitations in conducting free and fair elections, as detailed in the subsequent section.

3b. The 2023 General Election

The Run-up to the 2023 Elections

In the months leading up to polling day, numerous incidents were reported that threatened the overall quality of the election. As polling day approached, instances of violence were reported, and the primary opposition party, the Candlelight Party (CLP) was barred from participation in the elections for not having the right paperwork ([Strangio, 2023](#)). Additionally, the independence of the NEC remained a subject of doubt, and media outlets attempting to hold government officials and policies accountable faced the risk of closure.

Although violent incidents against contenders and the general public were low compared to the incidents reported in the context of the elections in the 1990s, several instances of violence in the context of the general election of 2023 were reported, including attacks on the Candlelight Party (CLP) ahead of the elections ([Freedom House, 2022](#); [Sothyroth & Sea, 2023](#)). In July 2022, a CLP official, Nol Pongthearith, was assaulted by an unknown motorist ([Sopheap, 2022](#)), adding to previous incidents in 2020 when he was beaten and subsequently fled the country due to government criticism ([APHR, 2020](#)). Also, in 2022, a Voice of Democracy (VOD) cameraperson “was slapped on the face” by a BHQ (the prime minister’s bodyguard unit) officer after the journalist declined to surrender the phone he was using to film officers interrogating his VOD peers ([RSF, 2022](#)).

In addition to physical violence, cases of intimidation and verbal threats were not uncommon during the electoral period. For instance, then-Prime Minister Hun Sen’s verbal remarks against opposition members and their supporters in a Facebook live session led the platform’s Oversight Board to recommend suspending his account for six months in June 2023 ([Turton, 2023](#)). Additionally, he threatened legal and physical action against CLP leaders who criticised the ruling party ([Sothyroth & Sea, 2023](#)). Cases of intimidation against electoral observers were also reported. At least two key members of COMFREL and its affiliates stated they received verbal threats from unknown individuals while commuting to work on motorcycles, underscoring the dangers encountered by individuals engaged in election monitoring activities ([ANFREL, 2023](#)). These incidents perpetuated the use of threats, intimidation, and violence throughout the election, directly contravening Article 3, clause 9 of the IPU standards.

Another factor contributing to the erosion of opportunities for reinforcing electoral integrity was the sustained maintenance of an uneven political playing field disproportionately favouring the government. This disparity significantly restricted the opportunities for opposition parties to emerge as robust contenders for office.

This uneven playing field stems, partly, from the National Election Commission (NEC), which oversees national elections, to ensure fairness and transparency. According to Article 150 of the Constitution, **“The National Election Committee (NEC) serves as the primary authority responsible for organising, regulating, and administering elections in the country. Its fundamental objective is to uphold the principles of liberal and multi-party democracy while ensuring the conduct of free and fair elections.”** Established in 1998, it manages voter registration, defines constituencies, enforces electoral laws, and announces results.

However, despite its crucial **role, the NEC faced criticism for bias towards the ruling party since it “ [...]** emphasised modalities that appear to have discriminated against one or more of the country's main **political parties,” the experts said (OHCHR, 2023b).**

“The integrity of the election in Cambodia is flawed, and the reason for it is that the Prime Minister has his hand in the daily management or decision-making of the NEC (KII4).”

The NEC, comprising nine members per Article 151 of the Constitution and Article 4 of the Law on the Organisation and Functioning of the National Election Committee (LOFNEC), undergoes a selection process where four members are chosen by the ruling parties, four by opposition parties with seats in the National Assembly, and one selected through consensus among all parties in the National Assembly.

The dissolution of the CNRP in 2017 had a notable impact on the NEC's composition. Afterwards, three out of four NEC members nominated by the CNRP resigned, replaced by individuals affiliated with the ruling CPP and other parties. This included figures like Nuth Sokhom, formerly of FUNCINPEC; Hel Sarath, associated with the Cambodian Nationality Party; and Dim Sovannarom, linked to the CPP. Hing Thirith, the remaining CNRP nominee, retained his position. In 2021, Prach Chan, a senior CPP member and former provincial governor, became the NEC chair appointed by the National Assembly.

Other NEC members, such as Mean Satik, Duch Sorn, and Em Sophath, have CPP ties, while Hang Puthea, previously with NICFEC, was selected by both ruling and opposition parties. This composition raises concerns among local stakeholders, who perceive bias towards the ruling CPP, with seven out of nine members affiliated with the party. The lack of representation from credible opposition parties fuels debates about the nomination process's inclusivity (ANFREL, 2023).

Against this backdrop, the effectiveness of the NEC in ensuring electoral integrity in Cambodia has been questioned since seven out of nine members are linked to the CPP. This raises the question of whether this mechanism can act impartially and in an unbiased manner. In May 2023, the NEC refused to register the Candlelight Party for the upcoming general elections in July 2023, citing a failure to submit original registration documents to the Ministry of Interior. This decision was made despite the Candlelight Party being permitted to participate in the 2022 commune elections with the same documentation. In response, the Candlelight Party appealed the NEC's ruling to the Constitutional Council. However, on May 25, 2023, the Council unanimously upheld the NEC's disqualification of the party. Notably, the Constitutional Council, composed of nine members, five of whom are part of the CPP Central Committee, had the final authority on the matter (FIDH, 2023).

The NEC was instrumental in barring the strongest opposition party, the Candlelight Party (CLP) from contesting the elections in 2023. Leading up to the voting day, efforts were made by the opposition and former members of the dissolved Cambodia National Rescue Party (CNRP) to regroup under the CLP. However, the NEC hindered their attempts by disqualifying the CLP two months before the

election, citing issues with the documentation process ([Leang, 2023](#)). Despite facing international condemnation, the NEC maintained that no rules were altered in the lead-up to the election and emphasised that all political parties were required to submit original documents for registration to the Ministry of Interior ([NEC, 2023](#)). This action, influenced by the Law on the Organization and Functioning of the NEC (LOFNEC), which conditions the functions and independence (or lack thereof) of the NEC, contradicted IPU's standards. According to Article 4, clause 9 of the IPU standards, an independent and impartial authority should determine electoral complaints promptly and effectively.

Leading up to the elections, media outlets that voiced criticism against public officials and covered or gave publicity to opposition parties faced closures. Five months before the election, Voice Of Democracy (VOD) was forcibly shut down following a report accusing Hun Manet of exceeding his powers by authorising aid to Turkey on behalf of then-Prime Minister Hun Sen after a tragic earthquake ([Brook and Rathana, 2023](#)). After the closure of VOD, the Telecommunication Regulator Cambodia (TRC) took measures to block access to its news sites ([Freedom House, 2023](#)). In 2021, the Ministry of Information (MoI) revoked K01 TV's licence for criticising the government's handling of the COVID-19 pandemic ([ibid](#)). Government rebuke extended to social media platforms as well.

The Cambodian government also ordered internet providers to block several media outlets, including the Cambodia Daily, and Radio Free Asia. The government claimed that these outlets spread misinformation and failed to meet licensing requirements. Yet, media advocates say these measures were an attempt to censor critical voices ahead of the election ([Kelliher, 2023a](#)).

A new database called Kamnotra was also blocked. It was created by the Cambodian Center for Independent Media (CCIM) and compiles public information about Cambodian government officials and businesses to ensure accessibility, clarity, and searchability for individuals in both Khmer and English. Additionally, it offers context and analysis when relevant ([Kamnotra, 2023](#)). The government claims that Kamnotra is not a news organisation and does not have a licence. Media advocates say the blocks are part of a wider crackdown on freedom of expression in Cambodia ([Kelliher, 2023](#)).

Polling Day: a CPP Landslide Victory Without Major Incidents Reported

The general elections of 2023 took place on 23 July 2023. Like previous elections, the voter turnout was above 80%, at 84.58% – the highest in the past two decades – with 8.2 million out of 9.7 million eligible voters participating ([Al Jazeera, 2023](#); [Hutt, 2023](#); [Raksa and Yutharo, 2023](#)).

As the table below shows, Hun Sen and the CPP secured 120 of the 125 parliamentary seats in the National Assembly, with the remaining five going to FUNCINPEC candidates. According to the NEC, no major violent incidents were reported during polling stations in 2023 ([Sochan, 2023](#)).

Table 8: Results of the General Elections of 2023 ([NEC, 2023](#))

Party	Votes	Share of Votes (%)	Seats in the National Assembly
Cambodian People's Party	6,398,311	82.30	120
FUNCINPEC	716,490	9.22	5
Khmer National United Party	134,285	1.73	0

Party	Votes	Share of Votes (%)	Seats in the National Assembly
Cambodian Youth Party	97,412	1.25	0
Dharmacracy Party	84,030	1.08	0
Cambodia Indigenous Peoples Democracy Party	52,817	0.68	0
Khmer Anti-Poverty Party	40,096	0.52	0
Khmer United Party	36,526	0.47	0
Grassroots Democratic Party	35,416	0.46	0
Khmer Economic Development Party	26,093	0.34	0
Ekpheap Cheat Khmer Party	25,261	0.32	0
Cambodian Nationality Party	23,197	0.30	0
Women for Women Party	22,843	0.29	0
Khmer Conservative Party	20,968	0.27	0
Beehive Social Democratic Party	20,210	0.26	0
People Purpose Party	13,831	0.18	0
Democracy Power Party	13,704	0.18	0
Farmer's Party	12,786	0.16	0

The concerns about the quality of elections in Cambodia have been prominently voiced, with evidence suggesting that the 2023 elections are perceived as the least free and fair, prompting scepticism among many Cambodians about the significance of participating in elections of such low quality.

In Cambodia, the term "ampil ampik" in the Khmer language refers to smaller political parties that emerge shortly before an election and then quickly fade – although this is not the case with the FUNCINPEC, which was established in 1981. These parties are frequently introduced as part of a strategy to preserve the illusion of electoral competition, thereby creating a facade of a multi-party democracy. However, behind this facade lies a political landscape overwhelmingly dominated by one party, leaving minimal space for opposition parties to effectively compete (Wallace, 2018).

In a news report published the day before voting day (Kelliher, 2023b), a 45-year-old street food vendor questioned the value of voting when there is only one party, likening it to a pointless endeavour without genuine competition. Such sentiments were also shared by a 23-year-old working for a non-governmental organisation, who expressed that he sees no point in travelling back to his hometown to vote as he already anticipates the predetermined outcome.

Some respondents conveyed feelings of apathy towards the election. However, they also noted that pressure from relatives and local authorities in their villages played a significant role in their decision to vote. One of them explained the following:

“I had to vote, even though I did not want to because my family and I faced pressure. My mother called me several times, urging me to travel 200 km from the city to our village to vote. Additionally, the village chief’s assistant visited our home, asking whether my brother, sister and I would come to vote. In our village, there were people observing who would vote, including members of political parties, and they could tell if someone arrived late or did not vote (KII1).”

Even some supporters of the ruling party acknowledged that the electoral process has become an empty formality, raising concerns about Cambodia’s international image and the country’s governance. A 35-year-old member of a ministry acknowledged the importance of having an opposition party in a democratic country but admitted that such discussions were not taking place within his ministry. Despite recognising the role of the opposition as a check on the government, he revealed that his decision to vote on election day was influenced by the ministry’s directives, highlighting potential challenges to the genuine democratic process in Cambodia (*ibid*).

Post-electoral Landscape

Two elements characterise the aftermath of elections in 2024: the continuous harassment against political opposition even after elections and the quasi-silence of the international community in the face of weakening electoral integrity.

One respondent (KII4) explained that although instances of physical violence have decreased over the years – as evidenced previously in this report – some cases of such violence still occur. However, nowadays, examples of intolerance towards opposition forces occur systematically not only leading up to election day. He elaborated on this by stating that

“[In the 1990s and early 2000s, the government] used physical violence, but it was not as effective anymore. People started to experience judicial harassment and imprisonment instead. Many individuals no longer fear going to prison because they may only stay there for two to four years before being released. Now, the strategy has shifted towards defamation and financial ruin. This new approach has a broader impact, affecting not just the individual but also their family, including children and grandchildren. Consequently, it is perceived as more effective than physical confinement (KII4).”

For instance, in February 2024, lawyers representing Cambodia’s ruling party initiated legal action by filing a lawsuit against a prominent human rights activist, accusing him of defamation and demanding \$500,000 in damages. The lawsuit alleged that the activist tarnished the reputation of the ruling party during an interview, asserting that the CPP has wielded its influence over the courts to exert pressure on its political adversaries (*The Diplomat, 2024*).

The second notable point is the limited action of the international community in condemning the erosion of electoral integrity. Following the CPP’s declaration of a “landslide” victory in the elections, international reactions were divided. Some simply emphasised the weak electoral integrity with written statements, while others endorsed the CPP’s victory.

Most Western democratic countries, such as Australia, Canada, Germany, and the United Kingdom, issued statements expressing regret at Cambodia’s lack of electoral integrity, namely the disqualification of the Candlelight Party and the pressure on civil society and independent media

(Vicheika, 2023). The EU and France went slightly further to call for the release of opposition members under detention (Ministry for Europe and Foreign Affairs, 2023; EU, 2023).

The EU delegation to Cambodia also issued a press release the day after the election expressing similar concerns. It highlighted that the elections “were conducted in a restricted political and civic space, where the opposition, civil society and the media were unable to function effectively without hindrance” (ibid.).

Another example of condemnation of Cambodia’s lack of electoral integrity came from Germany’s Federal Foreign Office. Its statement underscored that “the elections took place in a restrictive political environment, which left Cambodian voters with little space to express dissent and without a genuine choice at the ballot box.” It also remarked that the lack of strong opposition and the verdict against Kem Sokha had severely hindered free and fair elections (Federal Foreign Office, 2023).

On the voting day, the US Embassy in Cambodia issued a press statement expressing its concern about the poor standards of the elections.

The United States is troubled that the July 23 Cambodian national elections were neither free nor fair. Ahead of the elections, Cambodian authorities engaged in a pattern of threats and harassment against the political opposition, media, and civil society **that undermined the spirit of the country’s constitution and Cambodia’s international obligations.** These actions denied the Cambodian people a voice and a choice in determining the future of their country (Department of State, 2023).

The United States declared that the election was not free nor fair, imposing visa bans on individuals believed to undermine democracy and paused US\$ 18 million assistance programs (The Daily Star, 2023). However, two months later in September 2023, the foreign aid cut was reversed, raising doubts over the Biden administration’s commitment to democratic principles (Meyn and Noy, 2023).

On the other hand, Cambodia received congratulations from various ASEAN leaders following the electoral victory. General Secretary of the Communist Party of Vietnam (CPV), Nguyen Phu Trong, extended his congratulations to Hun Sen for the success of the CPP in the 7th National Assembly Election. Additionally, President Thongloun Sisoulith of Laos expressed his delight and offered sincere congratulations and best wishes to Hun Sen in a letter sent a few days after the elections. Furthermore, Wan Muhammad-Noor Matha, Speaker of the Thai National Assembly, congratulated the CPP on its landslide victory in the National Election, as reported on the party’s website (Koemsoeun, 2023).

Beyond ASEAN, China and Russia downplayed the lack of electoral integrity, emphasising economic development and strengthening bilateral cooperation. China congratulated the CPP and Prime Minister Hun Sen on its electoral victory and praised Hun Sen’s leadership in “achieving political stability, economic development and better living standards for Cambodian people” (Khmer Times, 2023b). It also expressed a willingness to strengthen bilateral relations and cooperation. Similarly, Russia congratulated Cambodia on the successful administration of the general election and reiterated its intention to tighten the relationship and cooperation between the two countries (Khmer Times, 2023c).

Informants explained that many Western countries want to maintain engagement with Cambodia, despite concerns about weak electoral integrity, driven primarily by self-interest, so that they wouldn’t lose influence in the country and region (KII4), particularly regarding investments and foreign policy, even at the expense of promoting good governance. Noticed from Prime Minister Hun Manet’s early

foreign trips and meetings with international delegates, some such as the EU, France, and Japan expressed a desire to re-engage with Cambodia, hoping for a new direction away from the authoritarian rule of his predecessor. Cambodia's chairmanship of ASEAN last year and its participation in the EU-ASEAN summit in Brussels improved relations with the West. While Brussels is unlikely to revoke trade privileges further, it remains cautious, awaiting signs of closer ties with the West under new leadership. Cambodia is also undergoing a significant generational shift in its political landscape, with the retirement of the 1980s political generation making way for a new cohort. Whether these changes will lead to meaningful political shifts remains uncertain ([Deutsche Welle, 2023](#)). A worker for an INGO explained how Cambodia carefully embraces the agendas of Western nations:

“The question of legitimacy looms large, both for the Cambodian people and for Western countries. Initially, there was scepticism, especially considering a decline during the transition period. However, recent events have altered perceptions significantly. A recent visit to Europe garnered substantial praise from leaders like Macron and other European counterparts, as well as from the U.S. government. As a result, there's a tendency to view Cambodia's leader as already assuming a leadership role, largely due to his support for various agendas. Notably, he has backed Ukraine and condemned Russia in the Ukraine-Russia conflict, as well as supported initiatives like COP28 and all COP meetings. Cambodia is increasingly seen as a forward-thinking and supportive partner aligning with Western and EU agendas. The country's commitment to humanitarian causes and its proactive stance on global crises are seen as unwavering, earning widespread endorsement (KII1).”

Similarly, a representative from the media sector explained that

“Well, I think diplomats are sometimes in a difficult position when it comes to responding to demands from civil society and pro-Candlelight Party activists. What the activists want is a clear stance from those diplomats regarding the election and the formation of a new government [...]. However, from the diplomats' perspective, they want to maintain a position that allows them to continue their engagement with the new government (KII2).”

These interactions might explain their silence or lack of action regarding the lack of electoral integrity in the 2023 general election. Investment and development assistance were the main discussion points throughout these foreign meetings, while democracy and human rights became less important ([Raksa, 2024](#)). France and Japan, for example, pledged new trenches of foreign aid valuing US\$ 217 million and US\$ 30 million, respectively, while democracy promotion or respect for human rights was not pressed forward by the two countries ([Chheng, 2024](#); [Ministry of Foreign Affairs of Japan, 2023](#)).

Additionally, some informants underscored the observed trend of international actors maintaining quasi-silence on sensitive matters such as electoral integrity. This strategic approach may stem from a desire to avoid antagonising the Cambodian government, potentially leading to a shift in alignment towards China, which already holds significant sway as Cambodia's foremost ally (KII2, 3, 4). The reluctance to address contentious issues could be interpreted as a calculated move aimed at preserving diplomatic relationships and safeguarding economic interests. By refraining from openly seeking to keep the government accountable, these international actors may seek to maintain a delicate balance, prioritising stability and economic cooperation over the promotion of democratic principles. However, this cautious stance raises questions about the long-term implications for governance and human rights in Cambodia, as well as the broader geopolitical dynamics in the region.

Women in Politics in Cambodia

Women are increasingly having a less relevant role in the politics of Cambodia. Data show that the number of women has remained low since the first legislature and in decline since the early 2000s.

Women Representatives in the National Assembly (NA) in Cambodia (1993 – 2023)

Year	Number of NA Seats	Number of NA Seats held by Women	% of NA Seats held by Women
1993	83	6 (NAC, 1993; ADB, 2004)	7%
1998	120	12 (NAC, 1998)	10% (+3 percentage points)
2003	123	15 (ADB, 2004)	12% (+2 percentage points)
2008	123	26 (Comfrel, 2009)	21% (+9 percentage points)
2013	123	25 (NAC, 2013; Comfrel, 2015)	20% (-1 percentage point)
2018	125	25 (Comfrel, 2018)	20% (no change)
2023	125	16 (Khmer Times, 2023; NAC, 2023)	13% (-7 percentage point)

Further to that, data also shows that a large majority of these women are from the CPP and, since 2018, no women representatives from other parties have had seats in the National Assembly.

Political Parties of Women Representatives in the National Assembly in Cambodia (1993 – 2023)

Year	Political Party	Number of NA Seats held by Women
1993	CPP FUNCINPEC	3 3
1998	CPP FUNCINPEC SRP	8 3 1
2003	CPP FUNCINPEC SRP	8 4 3
2008	CPP SRP	20 5
2013	CPP CNRP	18 7
2018	CPP	25
2023	CPP	16

3c. Shift in Electoral Integrity Issues

As highlighted in Chapter 1, Cambodia has consistently grappled with weak electoral integrity throughout its electoral cycles since the 1993 elections. The most recent general election in 2023 followed this pattern, displaying significant issues that undermined the fairness of the electoral process. However, an examination of electoral cycles spanning from 1993 onwards reveals a notable evolution in the nature of electoral integrity challenges in Cambodia. This shift can be delineated through five key points.

First, there has been a decrease in instances of electoral harassment and violence against members of opposition parties over time. However, it is crucial to note that such cases still happen, as evidenced by incidents during the 2023 elections. So while there has been improvement, the issue has not been resolved and is still threatening to weaken electoral integrity.

Second, the management of content within independent media outlets has undergone a notable transformation, transitioning from periods of heightened control typically observed during elections to a more consequential outcome: eventual shutdowns. This shift signifies a departure from mere temporary exertions of influence during electoral cycles to a systemic trend wherein independent media entities face prolonged challenges culminating in the cessation of operations.

Third, there has been an observable increase in the utilisation of legal and administrative frameworks aimed at impeding the ability of opposition parties to effectively participate in free and fair electoral processes. This trend can be observed in a **series of amendments to the country's electoral laws in a way that creates substantial obstacles for opposition entities, thereby diminishing their capacity to compete on an equitable footing within the democratic framework.**

Fourth, there has been a discernible escalation in endeavours aimed at undermining opposition forces, transitioning from actions primarily concentrated in the pre-election period to a sustained and enduring threat. This evolution underscores a strategic shift towards perpetuating a continuous state of vulnerability for opposition entities, reflecting a systemic approach to neutralising their influence and efficacy within the political landscape and, most crucially, in elections.

Fifth, there has been a noteworthy reticence within the international community regarding the issue of compromised electoral integrity, ostensibly driven by a desire to avoid pushing the Cambodian government and potentially steering it closer to aligning with China. This quasi-silence underscores a diplomatic balancing act, whereby concerns over electoral fairness are muted to mitigate diplomatic tensions and maintain geopolitical stability in the region.

4. Recommendations

The Paris Peace Agreements of 1991 marked a significant milestone in Cambodia's political journey, transitioning from decades of non-democratic rule. Central to this new era were free and fair elections, essential for democratisation. However, despite initial strides, the quality of elections has remained weak since 1993, exacerbated in the 2023 elections. In response, this report offers policy recommendations for both international and local stakeholders to enhance the periodicity and fairness of elections.

The United Nations should

- Sustain the oversight of electoral integrity by leveraging the documentation submitted during the Universal Periodic Review (UPR) cycles and incorporating insights from the Special Rapporteur's (SR) efforts.
- Increase its advocacy efforts for member states to adopt the recommendations put forth in submissions to the Universal Periodic Review (UPR) and those suggested by the Special Rapporteur. Specifically, the UN should focus on ensuring that electoral laws in Cambodia adhere to international standards and are effectively implemented.
- Establish new budget lines for the creation and implementation of electoral monitoring programmes, thus contributing to building capacity among civil society organisations to report on electoral irregularities.

The International Community should

- Strengthen its cooperation with local CSOs in Cambodia to collect input on electoral integrity violations and report them using international human rights mechanisms, particularly those of the UN like the UPR and SR.
- International government organisations and foreign countries should continue sending electoral observers to monitor and report on any practices that may jeopardise electoral integrity. Countries that have ceased sending observers should reconsider this decision, ensuring a consistent and vigilant oversight of electoral processes.
- Foreign governments should cooperate with local electoral organisations.

The Royal Government of Cambodia should

- Seek assistance from the UN and the broader international community to implement the recommendations from UPR submissions and reports from the SR.
- Identify innovative strategies to bridge the gap between the practical implementation of electoral laws and the standards established by the international community that can foster an environment conducive to improvements in electoral integrity.
- Amend vaguely worded electoral laws to reduce susceptibility to various interpretations, thereby strengthening electoral integrity.

Civil Society Organisations should

- Keep monitoring and documenting instances of electoral irregularities and report them using UN human rights mechanisms.
- Create public awareness of issues related to electoral integrity by engaging more directly with different communities and creating educational programmes to deliver political literacy to the people.

Technology companies should

- Conduct a comprehensive review of community standards to prioritise the amplification of civil society voices that call out lapsus in public policies, while refusing to block or remove accounts of individuals and organisations that call for government accountability.
- Consistently publicise comprehensive transparency reports that detail government requests for content removal and blocking access, as well as instances of state-supported information operations, ensuring continued openness and accountability.

5. Conclusion

Cambodia has grappled with electoral integrity issues since its first democratic elections in 1993. These challenges have impeded the optimal development of the democratic system established with the assistance of the UN in 1991 through the signing of the Paris Peace Agreements. In the latest electoral cycle for forming a new government in July 2023, instances of violations of electoral integrity in the lead-up to the voting day and the aftermath of elections were also reported. These challenges underscore the persistent nature of such issues and suggest a worsening trend that will persist, leading to further consolidation of a one-party state unless the international and local community takes immediate action.

As Cambodia approaches the one-year mark since the CPP's victory in the July 2023 general election, the country's longstanding issue of weak electoral integrity continues to aid the ruling party in solidifying its political control. This trend comes at the expense of fair and open elections that would allow opposition parties a genuine chance to compete. Following the 2023 elections, two significant events have unfolded, both directly linked to the deteriorating electoral integrity.

Firstly, there has been a notable rise in dynastic politics, exemplified by the seamless transfer of power from former Prime Minister Hun Sen to his son, Hun Manet, in August 2023. The dynamics of this political succession warrant examination from two perspectives. On one hand, the decline in electoral integrity, partly attributed to a weakened opposition, has facilitated the CPP's ability to establish a political dynasty centred around the Hun family. On the other hand, Hun Sen and his allies within the party have adeptly managed potential internal conflicts by allowing senior government officials to pass on their positions to their offspring. This strategy ensures party stability but also contributes to the consolidation of dynastic politics, not only within the Hun family but also among other senior officials.

Secondly, on 25 February 2023, the CPP solidified its dominance with yet another overwhelming electoral triumph, this time in the Senate, just seven months after the general election. Securing 55 out of the 58 contested seats, the CPP's victory in the Senate is pivotal for Cambodia's political landscape. The Senate, comprised of 62 members, sees two appointments by King Norodom Sihamoni and two by the National Assembly, serving as the lower house of Parliament.

This victory further strengthens the CPP's grip on power and the consolidation of a one-party state. The outcome of the Senate election sets the stage for Hun Sen, the CPP's president, to assume the presidency of the upper house. This move grants him an official governmental position after stepping down in August 2023 to pave the way for his son's ascension to Cambodia's premiership. While the Senate primarily carries out ceremonial functions, such as ratifying measures passed by the National Assembly, its President plays a crucial role, especially in the absence of the king, effectively acting as the head of state.

In essence, one year after the latest general election, weak electoral integrity keeps strengthening the role of the ruling party CPP in the National Assembly and the Senate. The months that followed the elections of 2023 have also shown the need for the international community to take proactive steps in addressing the weakened state of electoral integrity rather than remaining primarily passive. This necessitates adopting a multi-stakeholder approach to steer away from the current trajectory of deterioration. Such an approach can be the starting point offers of a viable pathway for progress, transitioning the situation from a downward spiral to a path of improvement.

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ANNEX

List of KII Respondents

Code	Background
KII1	Independent consultant and policy advisor
KII2	Journalist
KII3	Human right lawyer
KII4	Politician
KII5	Leader of a local NGO



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