

# Joint Statement

on

## **The Decision by the Municipality of Phnom Penh to Prevent Political Parties from Conducting Their Campaigns in Public and Crowded Areas**

*Phnom Penh, June 25, 2008*

The **Civil Society Organization Coalition** as described below **strongly disapproves of and rejects any initiative that aims to halt the campaigning of political parties along public routes, in public gathering places and in other important public areas in Phnom Penh Municipality and other provinces/municipalities.** Such an initiative **strongly affects the process of free and fair elections, particularly the election campaigning process of political parties aimed at attracting votes.**

**Notice No. 358 SJN.S, dated June 9, 2008 and issued by Phnom Penh Municipality,** informs Phnom Penh's Election Commission to prohibit political parties from gathering in public areas and from holding processions along certain routes. **This violates the authority of the National Election Committee (NEC) and Election Commissions at all levels with regard to organizing and assuring the process of free and fair elections.**

**Phnom Penh Municipality has no authority over the NEC.** On the contrary, according to the spirit of **Article 29 of the Law on the Election of Members of the National Assembly,** authorities at all levels that are in charge of security and public order must cooperate with the **NEC and Election Commissions at all levels to ensure safety, security and public order during the whole election process, including the election campaigning period.**

Free and fair elections cannot proceed smoothly unless **voters have the right to obtain the necessary information from all political parties,** and unless political parties participating in the election **have full and sufficient opportunities to keep in touch with the public and disseminate their political platforms and programs to the public, who are voters.** In addition, the above demand goes against **Article 70 of the Law on the Election of Members of the National Assembly,** and makes it difficult for political parties and electoral candidates to disseminate their platforms to voters. At the same time, it **contravenes Points 7.1 and 7.2 of the Regulations and Procedures for the 4<sup>th</sup> mandate National Assembly elections,** as it has a direct impact on political processions, public gatherings and parades.

Moreover, **Phnom Penh Municipality's Notice No. 358 SJN.S could come to represent a barrier to political parties' election campaigning, something which is explicitly forbidden, according to Point 5 of Article 124 of the Law on the Election of Members of the National Assembly ("preventing candidates and political party supporters from conducting campaigning during the determined time period").**


The **Civil Society Organization Coalition expresses its deep satisfaction and great appreciation** that the NEC, during the 2007 commune council elections, collaborated with authorities at all levels in assuring and maintaining security, order and safety, and allowed all political parties to campaign freely everywhere, in Phnom Penh Municipality and in other major urban centers nationwide.

Therefore, the **Civil Society Organization Coalition would like to call on the National Election Committee and authorities at all levels: 1) to abide by the promulgated legislative**

regulations; 2) to use their authority in accordance with their individual competence; and 3) to let all political parties participating in the election exercise their political rights and allow them to participate fully in the election campaign in a bid to disseminate their political platforms freely and in all locations.

**Recommendation:**

The NEC should ask all political parties to inform the NEC in advance about the time and place of each campaign activity in Phnom Penh Municipality so that the NEC can cooperate with the authorities concerned to publicly broadcast information on the campaign area on the basis of the real traffic situation.

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