

Kingdom of Cambodia

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**Code of Conduct for Members of Royal Cambodian Armed
Forces, National Polices, and Electoral Security Agents
during Electoral Process**

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Acronym

1- National Election Committee	NEC
2- Provincial/Capital Election Commission	PEC
3- Commune/Sangkat Election Commission	CEC
4- Polling Station Commission	PSC
5- Ballot Counting Station Commission	BCSC
6- Provincial/Capital Election Secretariat	PES
7- Commune/Sangkat Council	CSC
8- Voter Registration Team	VRT

**Code of Conduct for Members of Royal Cambodian Armed Forces,
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during Electoral Process**

1. Introduction

A democratic country always prefers a free and fair election. To reach this goal, we, citizens, electoral officers, political parties, candidates, political party's agents, local authorities at all levels, ministries, institutions, armed forces, national and international journalists, national and international observers, and all relevant stakeholders shall firmly abide by the election laws, the National Election Committee's regulations and procedures, legislative documents related to election as well as the code of conduct.

This code of conduct has been prepared in pursuant to election laws, the NEC's regulations and procedures as well as other legislative documents concerning election.

Following this code of conduct is an integral part to enable the election process ranging from the beginning to the election result proclamation to be conducted in a smooth, secured and safe manner. Moreover, in compliance of this code of conduct also encourages all citizens, electoral officers, local authorities at all levels, armed forces, national and international journalists, national and international observers, political parties running for the election to be more mutually optimistic, cooperative and to fulfill their roles and responsibilities contributing to solidarity and national and international collaboration strengthening for the election. Complying with this code of conduct will help minimize violence, conflict, discrimination, and social division among those who have different political stance. In addition, it will also promote national prestige in the international arena and manifest law enforcement, national cohesion and mutual trust amongst political parties, citizens, government and all stakeholders in the society.

The National Election Committee (NEC) adopted this code of conduct for members of Royal Cambodian Armed Forces, national police and electoral security agents taking part in the election, particularly in protection of security, order, safety during the entire election process.

2. Objective

This code of conduct aims to set out crucial rules and principles for members of Royal Cambodian Armed Forces, national polices, particularly the electoral security agents to implement their authorities, roles and responsibilities taking part in electoral process to:

- ensure that the national and sub-national election process is conducted in a safe and secured environment without any threat, intimidation, violence and to succeed in the conduct of the election;

- maintain the safety and security, public order for registered applicants, voters, candidates, campaigners, agents of political parties running for election, and all levels of electoral officers, national and international observers and maintain stability for the whole society;
- take necessary measures to prevent, control or crackdown on all offences, sabotages, and terrorisms which may lead to obstruction for the election process.

3. Scope

This code of conduct is applicable for all members of Royal Cambodian Armed Forces, national police taking part in the election, especially the electoral security agents to maintain safety, security and public order in the entire election process in accordance with designated locations and targets.

4. Definition

Key Terms for this code of conduct include as follows:

4.1 Members of Royal Cambodian Armed Forces refer to soldiers, military officers, and senior military officers including military police.

4.2 National Police refers to national police officers of the Kingdom of Cambodia.

4.3 Electoral Security Agents refer to members of Royal Cambodian Armed Forces and National Police designated to maintain security during the election.

4.1 Election refers to the Election of Members of Senate, the Election of Members of National Assembly, the Election of Capital/Provincial/Municipal/District/Khan Councils, and the Election of Commune/Sangkat Councils, which are conducted by NEC.

4.2 Electoral process refers to:

- Voter lists revision and voter registration;
- Registration of political parties and candidate lists running for election;
- Electoral campaign;
- Polling, ballot counting, consolidation of election result;
- Filing, receiving, and handling complaints;
- Electoral result announcement.

5. Rights, Roles and Responsibilities of Royal Cambodian Armed Forces, National Police, and Electoral Security Agents

Members of Royal Cambodian Armed Forces, National Police, and Electoral Security Agents shall implement the rights, roles and responsibilities as follows:

5.1 Rights of Royal Cambodian Armed Forces and National Police

Members of Royal Cambodian Armed Forces and National Police are eligible to participate in the election like other ordinary people and this right has been stipulated by electoral laws and applicable laws concerned.

After having completed their work during working hours, besides working hours or when being out of duty, civil servants, all authorities at all levels, Royal Cambodian Armed Forces, National Police, court officials can participate in the electoral campaign activities in favor of any political party or candidate as long as they do not wear uniform, carry their weapons and do anything leading to threats.

5.2 Roles of the Commanders and Electoral Security Agents

Commanders and electoral security agents shall implement the following duties:

5.2.1 Commanders or representatives of Royal Cambodian Armed Force, Royal Gendarmerie and National Police shall carry out the following roles:

- attend the meetings with NEC or/and election commission at all levels to take measures to maintain security, order, and safety throughout the electoral process.
- issue orders or instruction to officers under their supervision to monitor activities of officers under their supervision involving political parties, candidates, political party supporters, and all citizens and protect fundamental rights and freedoms as stipulated in the Constitution of the Kingdom of Cambodia.
- cooperate and be ready to collaborate with NEC and election commission at all levels in assigning electoral security forces to maintain order, safety and security throughout the electoral process.

5.2.2 Electoral Security Agents shall carry out the following duties:

- Maintain safe, secured environment and public order during voter registration, disclosure of preliminary voter list, official voter list, list of polling station locations, candidates list, and during election campaign, polling and ballot counting process.
- On the Election Day, three electoral security agents shall guard a polling station and ballot counting station, shall properly wear the uniform and armband of NEC electoral security.
- Take part in guarding of each polling station and ballot counting station, which is the administrative and security perimeter.
- Stand by around polling the station and ballot counting station to be ready for carrying out the duty in case of request from chief of Polling Station Commission/Ballot Counting Station Commission to maintain security and order at any station.

5.3 Responsibilities of Electoral Security Agents

Electoral security agents shall hold responsibilities as follows:

5.3.1 Uphold neutral, impartial position and shall never express support for or against any candidate or political party and shall bear in mind that:

- All citizens, registered applicants, and voters have the rights to safety and security to enable voter registration and election process to be conducted in a free and fair manner.
 - Candidates, speakers or campaigner's representative of political parties running for election have equal rights to security and safety protection in all legitimate activities.
- 5.3.2 Ensure equal rights to security and safety protection for all concerned candidates and parties during the election term.
- 5.3.3 Strictly guard and check all polling stations and ballot counting stations during polling and ballot counting.
- 5.3.4 Prevent any person possessing or equipping with all types of weapons, explosives, and ammunitions from entering or standing nearby voter registration station, polling station, and ballot counting station; except, he/she is the member of Royal Cambodian Armed Forces or National Police who is on duty and requested to deal with any incident, taken place in the polling station and ballot counting station or/and in the inner or outer perimeter.
- 5.3.5 Upon the request, assist in protecting transport of election material/documents, ballot papers, ballot counting minutes, minute of consolidation of preliminary election result, and the minute of consolidation of election result from one location to another as instructed by NEC or/and election commission at all levels.
- 5.3.6 shall be highly vigilant, enhance and build capacity to have clear understanding on principles of electoral laws, regulations and procedures for voter registration, polling, inter-agency plan of Ministry of Interior and Ministry of National Defence and NEC, Code of Conduct as well as other instructions regarding the protection of election security for the basis in its operation.

6. Prohibition for Royal Cambodian Armed Forces, National Police, and Electoral Security Agents

Members of Royal Cambodian Armed Forces, National Police, and Electoral Security Agents are:

- 6.1 Prohibited from exercising authorities and influence of his/her roles on the electoral process directly or indirectly such as direct or indirect words or a piece of writing conveying a threat to life, body or an attempt of destruction of property, display or use of weapons for the purpose of intimidation. Threat, intimidation, and discouragement include as follows:
- Beating any person
 - Verbal abuses referring to cause physical harm
 - Expressing any word or piece of writing referring to past events such as murder, beating or physical injuries, rapes or property destruction of any person

- Shooting or the use of weapons to intimidate any person in any form
 - Act of placing any animal carcass, marks, or any tools in front of any person's house causing threat to his/her life or relatives.
 - Act of walking nearby or detaining any person by coercion making him/her afraid or making personal safety of him/her or his/her family under frightening condition.
 - Use of immoral words indicating intimidation
 - Financial threatening includes dismissing from employment, seizure of land or house and other benefits.
- 6.2 Prohibited from using state buildings or offices for conducting election campaign to seek for vote in favor of any candidate or political party.
- 6.3 Prohibited from participating in election campaign for any political party or candidate during working hours or time of carrying out the tasks under official authority. The participation in the activities has been determined as follows:
- being the member of Permanent Committee of Information and Media or Commission of Electoral Campaign of any political party;
 - participating in a meeting, procession, or marches to support any political party or/and candidate;
 - displaying or posting pictures or other documents with their vehicles or organizations or within their workplace compound in favour of any political party or candidate.
 - conducting civic opinion polls for any political party or candidate;
 - driving any vehicle of any political party or candidate;
 - distributing campaign materials to voters with the purpose of supporting any political party or candidate;
 - making a public statement to support any political party or candidate;
 - participating in orchestration of music or/and singing a song or/and disseminating various political messages through loudspeakers to support any political party or candidate and
 - participating in any public campaign with the uniform of armed forces.
- 6.4 Prohibited from participating in any campaign during working hours.
- 6.5 Prohibited from walking or standing close to means of campaign or to any area used for conducting election campaign except of a request from NEC or/and Election Commission at all levels.
- 6.6 Prohibited from interfering election operation.
- 6.7 Prohibited from carrying any weapons, explosives, and other harmful objects or wearing armed forces uniform to enter the inner and outer perimeter of and in voter

registration station, polling station and ballot counting station except only in case of necessity and a request for intervention from the Chief of NEC, Provincial/Capital Election Secretariat (PES) or Provincial/Capital Election Commission (PEC), Commune/Sangkat Election Commission (CEC) or Commune/Sangkat Councils (CSCs) or Voter Registration Team (VRT) or Polling Station Commission (PSC)/Ballot Counting Station Commission (BCSC).

6.8 Electoral security agents shall not enter inside the polling station and the ballot counting station except only in case of necessity and a request for intervention from the Chief of NEC, PES or PEC, CEC or PSC/BCSC.

6.9 Smoking and Fire Prevention

Royal Cambodian Armed Forces, national police, and electoral security agents shall avoid:

- Smoking in the headquarters of NEC, Provincial/Capital Election Secretariat (PES) offices, election commission offices, voter registration stations, polling stations, and ballot counting stations.
- Unnecessary use of matches or lighters or other inflammable tools in voter registration stations, polling stations, and ballot counting stations

6.10 Gambling

Royal Cambodian Armed Forces, national police, and electoral security agents shall not take part in any gambling or other entertaining games in the headquarters of NEC, PES offices, election commission offices at all levels, voter registration stations, polling stations, and ballot counting stations.

7. Suggestion and Implementation

Royal Cambodian Armed Forces, national police, and electoral security agents as well as line ministries/institutions involving security tasks shall attentively implement this code of conduct as follows:

7.1. Suggestion

Line ministries/institutions and authorities at all levels in charge of security tasks, public order and other fields shall provide collaboration for NEC or Election Commission at all levels to maintain safety, public order and security during the period of annual voter list revision and voter registration and each election process to get success.

Royal Cambodian Armed Forces, national police, and electoral security agents shall collaborate with relevant authorities to maximize effectiveness, prevention and crackdown on any criminal offence or other activities relative to violation of law leading to fear and impacts on political environment and national security as a whole.

Upon the request of NEC or/and Election Commission at all levels, electoral security agents shall carefully secure the compound of printing house for producing ballot paper, compound for storing ballot papers or transport of any materials, equipment and furniture necessary for supporting the election and transport of ballot papers and election documents at all phases in a highly effective, safety and smooth manner.

Royal Cambodian Armed Forces and national police especially the officers assigned to implement security tasks for the election like electoral security agents shall be gathered around for good collaboration and take measures based on their expertise by all means, equipment, and with great attention and high sense of responsibilities for maintaining security, order and safety for election.

7.2. Implementation

This code of conduct herewith is entered into force from the date of signature and shall be enforced in every election term, organized by NEC.

Phnom Penh, 20th September 2016

For National Election Committee

Chairman

Excerpt of Penalties

A. Excerpt of Articles on Penalties in the Law of the Election of Members of the National Assembly

Article 142. _

Regardless of any other possible criminal penalties, a fine from 5,000,000 (five) riels to 20,000,000 (twenty million) riels shall be imposed by the National Election Committee on any person, who, by all illegal means,

- Prevents the citizens who are eligible to vote from registering to vote or deter the citizens who are eligible to vote from being registered in the voter lists and the voter register;
- Causes disturbances or prevents the regular activities at the areas for voter list revision and voter registration during the period of voter list revision and voter registration;
- Let supporters or voters commit abuses, threats or violence against other candidates or political parties;
- Prevents the eligible voters from going to cast their votes;
- Prevents candidates or supporters of political parties from conducting campaign activities as determined;
- Causes the loss of trust in the secrecy of voting;
- Causes confusion resulting in the loss of trust in the election;
- Disrupts the polling process;
- Disrupts the ballot counting process;
- Disrupts the order during the polling;
- Buys votes by offering material or monetary incentives.

Any person, who commits the above-mentioned crimes, shall have his/her name removed from the voter list or his/her candidacy deleted by the National Election Committee in addition to the criminal penalty provided in paragraph 1 (one) above.

Article 146. _

Any person, who carries weapons, explosives, all kind of ammunitions or weapons that fall under the jurisdiction of Article 489 (Production or Trafficking of Other Assault Weapons) of the Penal Code into the prohibited areas and during the period as provided in Article 52 and into security range of the polling station as provided in Article 112 of this law without authorization from the competent authorities or without reasons permitted by law, shall be fined from 5,000,000 (five million) riels to 10,000,000 (ten million) riels and shall have his/her name deleted from the voter list by the National Election Committee, regardless of other criminal offenses.

In case the offender is an agent or a staff member of the National Election Committee, an agent, a staff member or member of the Election Commission at all levels, he/she shall be dismissed and shall be barred from further employment with the National Election Committee or the Election

Commissions at all levels for 10 (ten) years starting from the current election in addition to the criminal penalty as provided in paragraph 1 of this article.

Article 147._

The National Election Committee shall remove the name of any civil servant or responsible person from the voter list for 05 (five) years and shall request the head of their respective institution to impose administrative sanctions, ranging from placement in vacant positions without pay to dismissal from positions if he/she violates Article 87 of this law.

Article 158._

Any person, who uses the State materials or means of transport to carry out campaign activities for a political party or a candidate, shall be warned in writing by National Election Committee.

In case of non-compliance with the above-said warning, the National Election Committee shall fine him/her from 5,000,000 (five million) riels to 10,000,000 (ten million) riels.

B. Excerpt of Articles on Penalties in the Law on the Election of Communt/Sangkat Councils

Article 171._

Regardless of any other criminal penalties, any person who commits the following violations by all illegitimate means shall be fined from 5,000,000 (five million) riels to 20,000,000 (twenty million) riels by NEC:

- Prevents an eligible citizen from going to register or prevent from registering an eligible voter into the voter lists and voter register;
- Provokes chaos or prevents regular activities taken place in voter lists revision area and voter registration area during voter registration and voter lists revision;
- Encourages the supporters or voters to commit violations, threats, and violence against another candidate or political party;
- Prevent an eligible voter from going to vote;
- Prevent a candidate or supporters of political party from undertaking electoral campaign activities as determined;
- Undermines the credibility of the secrecy of voting;
- Causes confusion undermining the credibility of voting;
- Disrupts the polling process;
- Disrupts the ballot counting process;
- Cause disorders during the election;
- Buy votes with materials or cash.

The name shall be removed from voter lists or the candidacy of the individual shall be deleted by NEC in addition to the penalties mentioned in the First Paragraph above for any person who commits the violations prescribed in the First Paragraph above.

Article 175._

Regardless of other criminal penalties, any person who brings any type of weapons, explosives, and ammunitions or any weapon shall be fined from 5,000,000 (five million) Riels to 10,000,000 (ten million) Riels by the NEC under the scope of Article 489 (production or trafficking of other assault weapons) of Criminal Code, violating the provision of Article 28 of this law, without any permission from the competent authority or any reason to be allowed by the law.

In case the violator is an agent and a staff of the NEC or is an agent, a staff or a member of Election Commissions at all levels, the NEC shall dismiss and bar him/her from further employment with the NEC or electoral commissions at all levels for 10 (ten) years, commencing from the current election in addition to the penalties prescribed in the first paragraph of this article.

Article 176._

Any official or responsible person who violates Article 10 of this law, the NEC shall remove his/her name from the voter lists for 05 (five) years and shall request the head of his/her institution to impose administrative sanctions on him/her ranging from suspension without pay to dismissal.

Article 186._

A written warning shall be made by the NEC to any person who uses the materials/means of transports which are the State property to undertake campaign activities for any political party or any candidate.

In case of failure to comply with the written warning mentioned above, he/she shall be fined from 5,000,000 (five million) Riels to 10,000,000 (ten million) Riels by the NEC.
