

KEYNOTE SPEECH

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On behalf of the Board of Directors of the Open Institute, I would like to welcome all of you to this seminar on the Publication of Forum Results on Women in Access to Information.

The forums, trainings, and discussions over the past year have seen wide participation and cooperation and fruitful discussion involving a diverse group of participants. I would like to congratulate the Open Institute and the National League of Commune/Sangkats for organizing the forums and for bringing together all of us here this morning to discuss the results. I would also like to thank the Open Society Institute and the Swedish Program for ICT in Developing Regions for their kind and generous financial support for the project.

I also want to thank and recognize all of those who participated in and contributed to the forum discussions, including all the citizens, the commune/sangkat councilors, members of the private sectors, members of the media, the representatives of (NEC) the National Election Committee, representatives of (COMFREL) the Committee For Free and Fair Elections in Cambodia, and the course the kind and generous contributions of representatives of the Demand for Good Governance Project of the Ministry of Interior, who are also participating in the discussions this morning.

The right to access information has been recognized in international law as a fundamental human right. This right is now generally considered to be part of the fundamental right of freedom of expression, which includes the right to seek, receive, and disseminate information, under Article 19 of the Universal Declaration of Human Rights

Over 90 countries around the world have enacted some form of access to information legislation, including most countries in Europe, more than half in Latin America, nineteen in Asia Pacific, five in Africa, and two in the Middle East.

In ASEAN, access to information laws have been enacted or are in the process of being enacted in Thailand, Indonesia, Malaysia, Philippines, and Vietnam. Laws have also been enacted in Japan, India, South Korea, and China.

Although there is currently no specific access to information legislation in Cambodia, the Royal Government, with the encouragement and support of donor countries has recognized the need for a national access to information policy and legislative framework.

Three provisions in the Cambodian Constitution provide the constitutional underpinnings of a protected right of “timely and effective access to high quality and accurate information held by the Royal Government of Cambodia and other public institutions”.¹ Article 31 of the 1993 Constitution of the Kingdom of Cambodia pledges to “recognize and respect human rights as stipulated in the United Nations Charter, the Universal Declaration of Human Rights, the covenants and conventions related to human rights, women’s, and children’s rights.” Article 35 of the Constitution also gives Khmer citizens the “right to participate actively in the political, economic, social, and cultural life of the nation. Any suggestions from the people shall be given full consideration by the organs of the State.” Further, under Article 41, Khmer citizens “shall have freedom of expression, press, publication, and assembly.”

In 2004, the Royal Government of Cambodia formally acknowledged the need for an access to information law, “in order to create transparent government, reduce corruption, and promote confidence in the government by the citizens of Cambodia.”²

One practical necessity for a national access to information law relates to attainment of the Millennium Development Goals. The Royal Government of Cambodia has made achievement of the Cambodian Millennium Goals one of its national priorities in its National Strategic Development Plan (NSDP).

Access to information legislation could serve as valuable tool to facilitate achievement of several of the CMDGs related to women’s issues such as CMDG 3 (Promoting Gender Equality and Empowering Women); CMDG 4 (Reducing Child Mortality); and CMDG 5 (Improving Maternal Health);

For example although there is a greater awareness among citizens about the problem of domestic violence, and a legal framework in place to combat the problem, levels of

¹ “Access to Information: A Clear Policy Framework for Cambodia”, July 22, 2007, Draft Policy submitted to Ministry of National Assembly and Senate Relations (MoNASRI), Royal Government of Cambodia, p. 4.

² See “Access to Information: A Clear Policy Framework for Cambodia”, July 22, 2007, Draft Policy submitted to Ministry of National Assembly and Senate Relations (MoNASRI), p. 7.

acceptance or minimization of the problem remain high, particularly in rural areas. Most domestic violence victims “do not have access to or do not seek professional or legal help.

Effectively implemented access to information legislation can ensure that domestic violence victims (of whom the overwhelming majority are women) get access to information on where to obtain legal assistance, to learn about their rights under the Law of Domestic Violence, and to inform themselves regarding social assistance and family counseling / mediation services in their local communities.

With regards to Reducing Child Mortality and Improving Maternal Health (CMDGs 4 and 5), effectively implemented access to information legislation could help facilitate access and dissemination of information regarding proper health practices, health risks, nutrition, access to medical resources and treatment, reproductive health, and medicines. Not making this type of information readily accessible to women, particularly information related to reproductive health, can also constitute a form of gender based discrimination and hinder the empowerment of women, an issue also related to CMDG 3 (See above).³

Traditionally disadvantaged groups – of which women are the largest – could especially benefit from access to information, enabling their participation in decision-making processes, including elections and voting.

As we all know, many women also work outside the home, and many of them work in factories. Workers rights can also be greatly enhanced in a work place where critical information is available. Workers can be informed about health and safety issues, and other working conditions.

Society can also benefit from boys and particularly girls being aware of the right and importance of an education. Awareness can help trigger a greater public demand for training and education. This can help contribute to the creation of a more highly skilled workforce, which is essential to national economic and social development.

However, for any access to information law to be effective, three principles of best practice must be prioritized.

³ See also Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW),

First there must be a policy of maximum disclosure, with as much information made available to the public as is possible.

Second, a proactive information release policy should be implemented. This would involve public institutions on their own, without request, releasing information to the public, and then following up by engaging and educating citizens regarding the information and its value to their lives. This would be especially useful with information related to voting, domestic violence, environmental impact, disease control and prevention, sanitation, children's health, and women's reproductive health. In addition, making even simple bits of everyday information useful to citizens, such as the costs of birth certificates or the importance of registering a marriage, could also become parts of a proactive information policy.

Third, the information should be easy to access, and obtained at little or no cost. Staff at ministries and other government bodies should be able to understand the procedures involved in releasing information, as well as be able to assist citizens in obtaining access.

It is crucial that in drafting such a law, inter-ministerial cooperation and input is included, along with participation and input from civil society, the public, and local authorities. This should also be accompanied by a continuing effort at capacity building to educate government officials and staff on how to properly implement an A2I law, and to ensure that all administrative rules, regulations, and procedures are consistent with it.

These are not easy tasks. And to be sure, there will be plenty of challenges faced in the lawmaking process. Yet despite these challenges, the long term benefits of enacting an access to information law clearly outweigh the challenges.

An effective access to information law can create a new future for Cambodia—a future with more accountable, efficient, and responsive government at all levels. Creating an environment of openness and trust toward public institutions, can help create a more aware, more informed, and more engaged citizenry, and with it a more stable, peaceful and productive society.

I am confident that your discussions this morning will be fruitful and will lead to continued engagement and cooperation as we move forward toward eventually enacting an Access to Information Law for this great nation.

I now declare this seminar open.

Thank you very much!