



with support from



Conference Programme

National Conference on
**Access to
Information**
in Cambodia

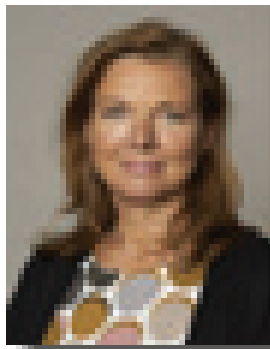
30 - 31 May 2013

Hotel Cambodiana, Phnom Penh



**National Conference on
Access to Information in Cambodia 2013**

Welcome to the Conference



It is a great pleasure for me to welcome all participants to the National Conference on Access to Information in Cambodia 2013. For the Swedish Government, Freedom of Expression and Access to Information are very high on the agenda, both in our domestic and foreign policies, following a very long tradition.

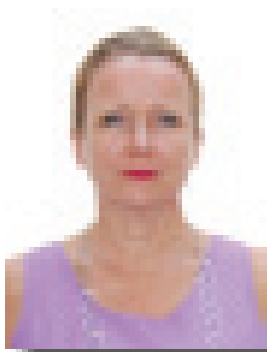
In Sweden, Freedom of Expression and Access to Information have a strong constitutional support, dating all the way back to 1766. We see these rights as enablers for all other human rights and for the realization of key principles such as transparency and accountability. Access to information and openness are key to democracy and good governance. Government decisions are likely to be of higher quality and to better reflect the needs and wishes of the people if they are based on adequate information and broad consultations.

We hope that this conference will take us one step closer to strengthening Freedom of Expression and Access to Information in Cambodia, which in turn will create better conditions for social and economic development for all the citizens of this country.

I wish you a successful conference.

H.E. Ms. Anne Höglund
Ambassador of Sweden

A Message from the UNESCO Representative in Cambodia



“The right to information is the touchstone of all freedoms”

United Nations General Assembly 1946

As the only United Nations agency with a mandate to promote freedom of the press, the United Nations Educational, Scientific, Cultural Organization (UNESCO) works to ensure the protection, respect and fulfilment of press freedom and the rights to access information for all people. UNESCO’s people-centered approach to defending Access to Information and Freedom of Expression includes the training of journalists, the advancement of media and information literacy, and the development of community media.

Access to information is the cornerstone of good governance, citizen participation, and transparency, and UNESCO stands ready to assist the Royal Government of Cambodia to promote participatory lawmaking through informed debate in the establishment of the right to information legislation.

I welcome all conference participants and encourage everyone to explore all aspects of establishing a culture of openness, transparency and accountability. The conference will provide a platform for connecting people and institutions, and is an opportunity to forge new strategic alliances to promote Access to Information in the country. We would like to thank our partners, the Cambodian Center for Independent Media and Advocacy Policy Institute, for their cooperation. We especially thank the Embassy of Sweden for making this conference possible.

Anne Lemaistre

UNESCO Representative in Cambodia

Keynote Speakers and Presenters

Day 1

Session 1. Access to Information: Why so important?



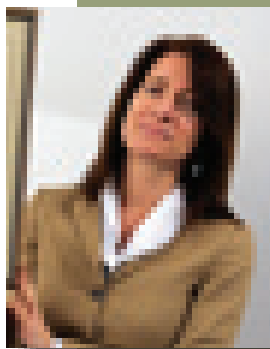
Mr. Koul Phanah

Mr Koul Panha is the Executive Director of the Committee for Free and Fair Elections in Cambodia (COMFREL). Mr. Panha assumed the role of COMFREL Executive Director in 1998. Under his leadership, COMFREL has become the country's leading independent organization on electoral issues. It campaigns for responsible voting and electoral reforms, using all available media. In protecting the 2008 electoral process, COMFREL and its partners trained and deployed over ten thousand volunteers, covering 60 percent of the country's polling stations.



Mr. Sinthay Neb

Mr. Sinthay Neb is Director of the Advocacy and Policy Institute, a Cambodian non-profit and non-government organization with a mission to serve the long term democratic and social development needs of Cambodia. API aims to empower the Cambodian people to interact with government bodies to protect people's rights and improve their livelihoods. Mr. Neb has over nineteen years' experience working for Cambodian and international NGOs in the areas of civil society development, local governance, access to information, decentralization, advocacy and policy, and capacity building and training.



Mr. Sinthay Neb

Mr. Sinthay Neb is Director of the Advocacy and Policy Institute, a Cambodian non-profit and non-government organization with a mission to serve the long term democratic and social development needs of Cambodia. API aims to empower the Cambodian people to interact with government bodies to protect people's rights and improve their livelihoods. Mr. Neb has over nineteen years' experience working for Cambodian and international NGOs in the areas of civil society development, local governance, access to information, decentralization, advocacy and policy, and capacity building and training.



Mr. Pa Nguon Teang

Mr. Pa Nguon Teang is the Executive Director of the Cambodian Center for Independent Media, and leads the organization's mission of improving democratic governance, promoting freedom of expression and information, and giving voice to marginalized citizens. Since 2007, CCIM has been utilizing multimedia techniques to educate, empower and advocate for disadvantaged Cambodians, whilst bolstering democratic governance at the institutional level. CCIM's production team, Voice of Democracy (VOD), produces informative and participatory programmes such as call-ins, round-table discussions and news reports.

Session 2. Access to Information in the Asia-Pacific: Regional Perspectives



Mr. Sinfah Tunsarawuth

Mr. Sinfah Tunsarawuth is an independent media lawyer based in Bangkok, Thailand and also teaches media law part-time at state and private universities. His specialization is in freedom of expression issues. Formerly, he was the director of the Thai Media Law & Policy Center, a non-profit think-tank on media law of press associations in Thailand. He has worked on promoting the use of access to information law, i.e. Official Information Act, in Thailand and has written various reports and studies on defamation and Thailand's Computer Crime Act for international human rights organizations including ARTICLE 19 and Open Society Institute.



Mr. Alamsyah Saragih

Mr. Alamsyah Saragih is one of seven Commissioners of the Center for Information Commissioner, Republic of Indonesia (2009-2013). Before joining the Information Commission (2002-2009), he was a Local Governance Specialist for the Initiative For Local Governance Reform (ILGR) Project, World Bank-Jakarta, providing technical assistance to 22 local governments. He has extensive experience in initiating and implementing various reform agendas: Financial reform, procurement reform, and also the establishment of local regulations on about transparency and public participation.



Mr. Nepomuceno Malaluan

Mr. Nepomuceno Malaluan is a lawyer, trustee at the Action for Economic Reforms, and an independent policy analyst. Mr. Malaluan is Co-Director of the Institute for Freedom of Information, a partnership program of the Action for Economic Reforms and the Philippine Center of Investigative Journalism. He is the Co-Convenor of the Right to Know. Right Now! Coalition, a campaign coalition of more than 150 organizations that is at the forefront of the campaign for the passage of a Freedom of Information Act in the Philippines.

Session 3. National Outlook: Experiences from Civil Society Actors in Cambodia



Mr. Chhith Sam Ath

Mr. Chhith Sam Ath is the Executive Director of the NGO Forum for Cambodia, a membership organization for local and international non-governmental organizations working in the country. Mr. Chhith is a founding member of the Cambodian Human Rights and Development Association. He is a leading civil society activist who advocates for socio-economic justice for many Cambodians who have yet to benefit from the country's prosperity.



Mr. Pisey Pech

Mr. Pisey Pech is the Director of Programs at Transparency International Cambodia. Pisey is an expert in economic and social affairs, as well as public financial management, national policy, good governance and aid effectiveness. He has been working in the development sector for more than 9 years with CARE International, Cambodia, Haringey Association for Voluntary and Community Organizations, London (HAVCO), UNESCO, UNDP and BBC Media Action prior to joining TI Cambodia.



Mr. Raymond Leos

Mr. Raymond Leos is the Dean of the Faculty of Communications and Media Arts and Professor of Law and Communications at Pannasastra University of Cambodia. He is also an advisor to the National Assembly of the Kingdom of Cambodia, and a part time lecturer in international law at the Royal University of Law and Economics. His current academic and professional interests include Access to Information, International Law, Cyber Law, Conflict Resolution, Freedom of Expression, Media Law and Ethics, and Multimedia in Education.



Mr. Ou Virak

Mr. Ou Virak is the President of the Cambodian Center for Human Rights (CCHR). He is the founder of the Alliance for Freedom of Expression in Cambodia (AFEC) and the winner of the 2007 Reebok Human Rights Award. Mr. Virak studied Economics at California State University and was Vice-President of the National Cambodian Student Association. He has worked in both legal and public welfare sectors before returning to Cambodia to lecture on Economics at Pannasastra University, Phnom Penh. He joined the CCHR in 2005 as the Advocacy and Public Relations Director, eventually becoming President in 2007.

DAY 2



H.E. Ms. Men Sam An

Deputy Prime Minister

Minister

Ministry of National Assembly, Senate Relation and Inspections



H.E. Mr. Cheam Yeap

Lawmaker

Cambodian People's Party

Chairman

Commission on Economy, Finance, Banking and Auditing
(Commission 2)



H.E. Mr. Son Chay

Lawmaker

Cambodia National Rescue Party (CNRP)

DAY ONE

30 May 2013

OPENING

MC: Ms. Neang Sovathana

8:25-8:30	National Anthem
8:30-8:45	Welcome Remarks Ms. Anne Lemaistre UNESCO Representative in Cambodia UNESCO
8:45-9:00	Keynote Remarks H.E. Ms. Anne Höglund Ambassador Embassy of Sweden
9:00-9:15	Opening Remarks H.E. Mr. Thach Phen Secretary of State Ministry of Information
9:15-9:20	Screening of a short film on Access to Information by Open Government Partnership
9:20-9:30	Coffee Break

SESSION 1. ACCESS TO INFORMATION: WHY SO IMPORTANT?

The free flow of information and ideas lie at the heart of the very notion of democracy and is crucial to effective respect for human rights. The importance of the right to Access to Information (A2I) held by public bodies, sometimes referred to as the Right to Know, has been recognized in Sweden for over 200 years. Whereas in 1990, only 13 countries had adopted national right to information laws, upwards of 70 such laws have been adopted globally and under active consideration in another 20-30 countries. We ask: How will Cambodia benefit from an Access to Information (A2I) Law?

Moderator: Mr. Kol Phannah

Executive Director, The Committee for Free and Fair Elections in Cambodia
(COMFREL)

<p>9:30-9:50</p>	<p>Mr. Sinthay Neb Director, Advocacy and Policy Institute (API)</p> <p>“Access to Information in Cambodia: Successes and challenges at the national and subnational level”</p> <p>This presentation will explore the importance of open government and open access to information in working towards improved livelihoods, good governance, and freedom of expression in Cambodia. We explore the challenges that face us in developing an Access to Information policy and law in the country and present recommendations to the government, civil society and donors.</p>
<p>9:50-10:10</p>	<p>Ms. Anette Novak Former Editor-in-Chief, Norran Access to Information Expert, Sweden</p> <p>“On the citizens’ side: Transparency as an innovative force in the digital era”</p> <p>Rapidly changing media consumption and behavioural patterns in the digital era challenges us. By using transparency as driving force we can join hands with the citizens and together build a successful future. This presentation will share the experiences from the international scene, more specifically from a case study of Sweden, a country with the oldest Access to Information law in the world.</p>
<p>10:10-10:30</p>	<p>Mr. Pa Nguon Teang Executive Director, Cambodian Center for Independent Media (CCIM)</p> <p>“Towards legal protection for journalists, media freedom and informed citizenry”</p> <p>Taking into account experiences from Cambodia, Access to Information is needed for the protection of journalist safety and credibility of media which plays an important role in informing the public. This presentation will explore the vital role of media in every country, especially in Cambodia, where the majority of the population reside in the rural and remote provinces with low education and literacy levels and limited access to information.</p>
<p>10:30-10:55</p>	<p>Panel Discussion</p>

SESSION 2. ACCESS TO INFORMATION IN THE ASIA-PACIFIC: REGIONAL PERSPECTIVES

In this session, we will share experiences from the Asia-Pacific Region, and explore the successes and challenges in drafting, passing and implementing an A2I legislation in the ASEAN countries. Three different countries, Thailand, Indonesia and the Philippines, are in three different stages of working towards a regime of Access to Information. Thailand is a country with one of the oldest Access to Information laws in ASEAN. Its 1997 constitution guaranteed the right to information held by public bodies, and an Access to Information law was passed as early as 1997. In the Philippines, the country's 1987 Constitution contains a right to information, and there continues to be a campaign for the passage of a Freedom of Information Act. Indonesia passed a Freedom of Information Act in 2008, and is currently working on resolving issues related to its implementation. Here, we learn more about three different countries with unique experiences in working towards access to information.

Moderator: Ms. Anette Novak, Sweden

10:55-11:15

Mr. Sinfah Tunsarawuth

Media Lawyer, Thailand
Access to Information Expert, Thailand

“Fifteen years of enforcement of the Access to Information law in Thailand: Its Strengths and weaknesses”

In his presentation, Mr. Tunsarawuth will discuss the key elements of Thailand's Access to Information law, known as the Official Information Act, or OIA, which has been in force for 15 years already. As the first nation in ASEAN with such a law, Thailand has gained an extensive experience in educating its people about right to know and urging its bureaucrats to be more open. However, the law also has its weaknesses, which is why it is underused by journalists and activists.

11:15-11:35

Mr. Nepomuceno Malaluan

Co-Director, Institute for Freedom of Information and
Co-Convenor, Right to Know. Right Now! Coalition (Philippines) Lawyer,
Philippines

“Finding common ground on Freedom of Information (FOI) legislation:
The Philippine experience”

The right to information has now evolved into a universal human right. More and more countries are giving expression to this right either in their Constitutions or through FOI legislation. Having a good FOI legislation not only fulfills our obligations for human rights, but it also correlates with improved economic performance and political outlook. However, the process of legislating a good FOI law is never easy, given legitimate contending concerns by government and other stakeholders (such as national security and privacy) on increasing access to information. The key is finding a proper balance between broader access to information versus other legitimate concerns. The presentation gives the case of the Philippines on the process of finding a common ground and reaching consensus on balancing contending interests.

11:35-12:00	<p>Mr. Alamsyah Saragih Commissioner, Central Information Commission, Republic of Indonesia</p> <p>“The role of Information Commissions: Implementing the Access to Information law in public bodies and establishing an effective information commission”</p> <p>The Indonesian Freedom of Information Act was initiated by a group of civil society organizations, the FOI Coalition. The FOI Coalition proposed the draft of FOI Act to the National Parliament in 2000. After the eight years of controversy, in April 2008, a draft of the Public Information Disclosure Act was passed. This Act ruled that the Indonesian Government should establish the Central Information Commission a year after its establishment. In June 2009 the Central Information Commission was finally established. In this presentation, we will explore the key role of the Information Commissioner in promoting government transparency and open society, and the challenges the Commissioner may face.</p>
-------------	---

12:00-1:30	LUNCH
------------	--------------

1:30-2:20	Panel Discussion
-----------	-------------------------

SESSION 3. NATIONAL OUTLOOK

This session will be an opportunity to share experiences from civil society actors working towards access to information on national budget, demographics, and development projects in Cambodia. In 2004, the Royal Government of Cambodia acknowledged the need for a freedom of information law in order to promote government transparency and anti-corruption, and set a target to develop a clear policy framework on access to information as part of Target 17 of the Joint Monitoring Indicators. Although the Framework has not been approved by the Council of Ministers to this date, civil society organizations have continued to work to promote a culture of transparency, to advocate for open government budget and to raise awareness among grassroots actors to push for an A2I legislation.

Moderator: Mr Yong Kim Eang
Director of People Center for Development and Peace

<p>2:20-2:40</p>	<p>Mr. Chhith Sam Ath Executive Director NGO Forum</p> <p>Access to Budget Information in Cambodia: Presenting the Open Budget Survey 2012”</p> <p>Cambodia’s budget transparency is reflected through the Open Budget Survey (OBS). Every two years, the OBS assesses eight key budget documents at the national level, the parliament and supreme audit institutions. According to the OBS 2012, Cambodia provides its citizen with scant information on the central government’s financial activities. Nonetheless, the country has strong potential for making significant progress in improving budget transparency at minimal costs.</p>
<p>2:40-3:00</p>	<p>Mr. Pisey Pech Director of Programme Transparency International Cambodia</p> <p>Whilst corruption is a well-known phenomenon affecting the lives of millions of people across the world, every day, the likelihood of people discussing it openly depends on the availability of resources and information on the topic. TI Cambodia works with individuals and institutions at all levels to promote integrity and reduce corruption in the country. How will an Access to Information law assist efforts in moving towards a more open and transparent Cambodian society?</p>
<p>3:00-3:20</p>	<p>Mr. Raymond Leos Consultant Advocacy Policy Institute</p> <p>“Comparing Cambodia and the region: Access to Information in China, Japan, and South Korea”</p> <p>This presentation will focus on Access to Information (A2I) in the key non-ASEAN countries of Japan, South Korea, and China. All three of these countries have developed significant economic and political ties with Cambodia in recent years, and each has enacted its own national A2I law or regulations. After a brief overview of each country’s law or regulations, we will examine their positive impacts (if any), the challenges and obstacles faced in implementation and enforcement, and the role played by civil society. We will then consider some of the lessons learned from each country’s experience, and how we can apply these lessons in developing an effective A2I legal framework for Cambodia.</p>
<p>3:20-3:40</p>	<p>Coffee Break</p>

<p>3:40-4:00</p>	<p>Mr. Ou Virak President Cambodian Center for Human Rights</p> <p>“Accessing information by internet: Cyber Law and its impact on privacy, civil liberties and other fundamental values”</p> <p>This presentation will provide an overview of the use of new media in Cambodia and its implications for access to information and freedom of expression. We will have a look at the overview of internet penetration and examine the potential of internet in increasing access to information. We will further explore the background to the right to access to information as protected under domestic Cambodian and international law and consider the recent trend and efforts to legislate internet activity in the country.</p>
<p>4:00-5:00</p>	<p>Panel Discussion</p>
<p>8:00-8:30</p>	<p>Registration</p>

SESSION 4. PARTY PLATFORMS AND GOVERNMENT POLICIES ON ACCESS TO INFORMATION

DAY TWO
31 May 2013

8:30-8:40	Recap of Day 1 Mr. Pa Nguon Teang Executive Director Cambodia Center for Independent Media
8:40-9:00	H.E. Mr. Cheam Yeap Representative Cambodia People's Party (CPP)
9:00-9:20	H.E. Mr. Son Chay Representative Cambodian National Rescue Party
9:20-9:35	Coffee Break
9:35-10:10	Moderated by Ms. Anette Novak, Sweden Open floor discussion session: What kind of a society and future do we envision for the people of Cambodia? What will open access to information bring?
10:10-10:15	Breaking Out and Forming Groups (5 minutes)

10:15-11:15	<p>Group Work</p> <p>All groups will work on specific topics discussing:</p> <ul style="list-style-type: none"> - Negative effects of today's situation of limited Access to Information - Responsibilities of handling open information - Opportunities with an Access to Information law <p>On the basis of the groups' findings, each group will formulate three main recommendations for the Royal Government of Cambodia in working towards an Access to Information Law in the country.</p>
11:15-11:45	Joint Presentations
11:45-12:00	Wrap-up and conclusions for Group Discussion
12:00 – 2:00	LUNCH
2:00-2:30	<p>Moderated by Mr. Pa Nguon Teang Director Cambodian Center for Independent Media</p> <p>Open floor Discussion: Formulating and refining recommendations to the Royal Government of Cambodia</p>
2:30-2:45	<p>Conclusions Ms. Anne Lemaistre UNESCO Representative in Cambodia</p>
2:45-3:00	<p>Closing Remarks H.E. Ms. Anne Höglund Ambassador Embassy of Sweden</p>

3:00-3:10	Presentation of the formulated recommendations to the Royal Government of Cambodia Mr. Sinthay Neb Director, Advocacy Policy Institute
3:10-3:30	Closing Remarks H.E. Ms. Men Sam An Deputy Prime Minister Minister Minister of National Assembly, Senate Relations and Inspection
3:30-3:50	Press Conference UNESCO, CCIM, API 1. Results of the 2 day conference 2. Q/A