

What commitment has the Government made to FOI?

During the eighth Consultative Group meeting in March 2006, the Royal Cambodian Government promised to develop a clear policy framework on Freedom of Information by December 2006. This policy framework serves as the guideline for drafting the law on Freedom of Information. The Cambodian Government has developed a policy framework on FOI but the policy has not yet been adopted. As the citizens of Cambodia, we strongly encourage the Government to adopt the FOI policy framework by 2008.

What should be in the law on FOI?

Based on international best practices, a FOI law should include the following principles:

1. **Maximum disclosure:** FOI legislation should be guided by the principle of maximum disclosure.
2. **Obligation to publish:** public bodies should be under an obligation to publish key information.
3. **Promotion of open government:** public bodies must actively promote open government.
4. **Limit scope of exceptions:** exceptions should be clearly and narrowly drawn and subject to a strict 'harm' test and 'public interest' override. These tests should be provided for by law and should protect a legitimate interest.
5. **Processes to facilitate access:** requests for information should be processed rapidly and fairly and an independent review of any refusals should be available.
6. **Cost:** individuals should not be deterred from making a request for information by excessive costs.
7. **Open meetings:** meetings of public bodies should be open to the public.
8. **Disclosure takes precedence:** laws which are inconsistent with the principle of maximum disclosure should be amended or repealed.
9. **Protection for whistleblowers:** whistleblowers - individuals who release information of wrongdoing - must be protected.

Freedom of Information



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The right to know is the right to live
Cambodians have the right to know

What is public information?

Public information is information that is collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business by public bodies. The general form in which public information may exist include, but are not limited to: books, papers, letters, documents, photographs, films, tapes, microfiches, microfilms, sound recordings, maps and drawings, voice data or video presentations.

Cambodians have the right to know

All Cambodians have the right to access public information because they are taxpayers, voters and equal owners of their country. This right is guaranteed by the Constitution of the Kingdom of Cambodia:

Article 31: The Kingdom of Cambodia shall 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 right.

Article 35: Khmer citizens of either sex shall have 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.

Article 41: Khmer citizens shall have freedom of expression, press, publication and assembly....

These fundamental rights guarantee the people's rights to access information held by the Government and other public bodies in a timely and accurate manner. These rights are also guaranteed under the International Covenant on Civil and Political Rights, which Cambodia ratified in 1992:

Article 19:

1. Everyone shall have the right to hold opinions without interference.
2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

Freedom of Information helps reduce corruption

Freedom of information ensures openness and transparency, thus resulting in good governance and a reduction of corruption.



What is Freedom of Information?

It is the people's right to access information held by public bodies. This right is guaranteed by the constitution and law. For example:

- A citizen has the right to access information held by commune councils regarding procurement, and the cost of projects in the commune where he or she lives.
- A reporter has the right to access information held by a Ministry's officials regarding the procurement of projects managed by that Ministry.

Cambodia needs a Freedom of Information law

A Law on Freedom of Information (FoI) ensures the right of Cambodians to access information held by public bodies.

How does Freedom of Information benefit us?

Citizens

- More access to information regarding public services
- More access to information regarding requests to authorities such as those for identity cards, birth certificates and other papers
- More access to information regarding public expenditures for projects.

Members of Parliament, Government and Court Officials

- More access for members of parliament to information held by public bodies such as information on development projects, business contracts with companies, public expenditures and so on.
- More access for government officials to information held by public institutions such as information on ministry expenditure needed by the national audit authority.
- More access for court officials to information held by public bodies needed for investigation.

Media

- Increased access to public information for reporting in publications.
- Public officials cannot hide public information, thus allowing better reporting.

Private sector

- More access to information regarding public bidding, development projects, etc.
- More access to information on the economy, investments, tax policies, laws, and other information useful for business.

Civil society organizations

- More access to information regarding public policy held by public bodies.