



KINGDOM OF CAMBODIA
Nation Religion King

Permanent Mission of the Kingdom of Cambodia
to the United Nations Office, the World Trade Organization
and other International Organizations at Geneva

Ref: 13/01/028

The Permanent Mission of the Kingdom of Cambodia to the United Nations Office, the World Trade Organization and other International Organizations in Geneva presents its compliments to the United Nations Office of the High Commissioner for Human Rights, Special Procedures of the Human Rights Council, and with reference to the letter of Ms. Farida Shaheed, Special Rapporteur on Cultural Rights dated 24 October 2012, has the honour to attach herewith the clarification (Replies) from the Ministry of Culture and Fine Arts of the Royal Government of Cambodia concerning of Freedom of Arts in conformity with the resolution 19/06 CHR.

The Permanent Mission of the Kingdom of Cambodia to the United Nations Office, the World Trade Organization and other International Organizations in Geneva avails itself of this opportunity to renew to the United Nations Office of the High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 18 January 2013



To: Office of the United Nations High Commissioner

For Human Rights (Palais des Nations)

Cc: Special Rapporteur of the HRC

Ms. Farida Shaheed

Special Rapporteur on Cultural Rights

RESPONSE TO THE FREEDOM OF ART

1. In the Constitution of the Kingdom of Cambodia, there is no special mention on freedom of art but there are general mentions of freedom of culture clearly indicated in the Article 35 as follows: “Khmer citizens, both sexes, have the rights to actively participate in political-economic, social, and cultural activities of the country,” and the Article 36 states: “The state has the duty to preserve and develop the national culture.”
2. In 2003, the Royal Government of the Kingdom of Cambodia decided and declared to implement:
 - a. The author’s rights laws and similar rights which total to 8 sections in 69 articles attempting to protect the author’s rights and similar rights as well as to protect cultural products by authors, performers, phonograph producers, and broadcasting entities to comply to the legal practice of professions related to cultural productions.
 - b. The Ministry of Culture and Fine Arts has announced the management rights on literary, art, and music productions which do not pertain to ethnic heritage.
 - c. Announcements on the stop to all activities violating the rights of authors and similar rights of the Ministry of Culture and Fine Arts which have become the practical plans to protect cultural rights which are the economic rights of authors including virtuous rights.
3. The political programs of the Royal Government have put effort in the conservation, protection, and promotion of national cultural heritage, and development of cultural activities in all fields in localities as well as uplifting productions of cultural handicrafts while encouraging new creations and promotions of rich Khmer cultural productions.
4. In Cambodia, artists are individuals who have professions on the arts, namely, dance, song, music, theater, plastic arts, and so on, which are developed from imagination and creation with aesthetics expressed through the body and mind, and in turn, cause people to be moved and impressed, making them want to see, to hear, and to know.

The importance of this definition is to show the general meaning of the words devoid of the separation of the kinds and forms of the arts. Therefore, regardless of the words—dancer, singer, painter, or sculptor, they are all artists. Moreover, they all have the rights to create works according to their creativity and imagination while these works are protected by the author’s rights law and similar rights law of the country. These great benefits have not been challenged by any art organizations which are undertaking activities related to the above meanings of the words.

5. The definitions of Handicraft Artist and Sculptors are to mean the artists who create the image or art-pieces in various forms such as painting, sculpture, photography, sewing, lacquer work, pottery, architecture, decoration, video-art, and glassware, etc. This definition is important for handicraft artists in the formation of organizations to collectively create works and share with one another their experiences in the techniques and creations as well as the protection, rights, and freedom in their appropriate professions.

To the present, handicraft artists or artist organizations, which are active, have not challenged the aforementioned definitions.

6. Artists in Cambodia have faced the challenges which amount to a lot of obstacles to their professions:
 - a. Limited knowledge and quality products
 - b. Narrow and tight market in Cambodia
 - c. Lack of markets and networking
 - d. Lack of supporting funds for research, documentation, and work-creation
 - e. Copy of works
 - f. Limited infrastructure
 - g. Lack of promotion

7. Plans to address these concerns are:
 - a. Participating in the raise of Khmer art value and encouragement for artists
 - b. Finding local and international markets
 - c. Creating cultural events in the country and abroad
 - d. Building art infrastructure in order to provide space for exhibits, performances, and promotions to the general public
 - e. Strengthening and protecting the intellectual rights law
 - f. State support for poor artists to enable them to continue their works
 - g. Development partnership

8. The Ministry of Culture and Fine Arts has a budget earmarked for the conservation and development of art, including plans for trainings for artists and budget for competition in various art-festivals.
9. To the present, in Cambodia, there has not been any policy that prohibits the rights and freedom of art nor penalty, but we have professional artist ethics to refrain any such events from occurring which, in turn, may affect and influence the national socio-traditional technical codes and the country laws.
10. The state does not set limit nor does it have a prohibition on an art-form as well as the use of musical instruments or songs which are not allowed to be presented to the public.
11. A) The Department of Cinema and Cultural Promotion has been given the rights to examine and give opinions on the decision relating to film-works within the framework of application and legal issues pertaining to appointments as follow:
 - a. Role and duty in the Article 22 in the Sub-decree #24/ANKR/BK dated June 19, 2007 on the organization and operation of the Ministry of Culture and Fine Arts.
 - b. Role, duty, and structure of the Department of Cinema and Cultural Promotion as stated in the Declaration #98/PRK dated September 8, 2008.
 - c. Implementation according to the role and duty of the Department of Cinema and Cultural Promotion having the rights to formulate and apply various strategic policies, including the Sub-decree #63/ANKR/BK dated September 4, 2000 and other declarations.

B) The Department of Cinema and Cultural Promotion has the duty to interpret and explain all issues relating to relevant professions. The unit of the Department of Cinema and Cultural Promotion has the power to set policy as stated in the Declaration #198/PRK and the rights to give opinions to the Ministry of Culture and Fine Arts, and to examine and decide on all matters as stated in the Sub-decree #63/ANKR/BK. The Department of Cinema and Cultural Promotion is under the judiciary of the Minister of Culture and Fine Arts.

C) The Department of Cinema and Cultural Promotion executes works complying with the judicial framework and other mechanisms according to the laws adopted by the Sub-decree #63/ANKR/BK dated September 4, 2000 on management and control of cinema- and video-arts.

12. Artists can mount performances to showcase their works in public venues but they have to ask for authorization from appropriate authority in order to maintain order and security.

13. Every year in Cambodia, the Royal Government (Executive Branch) has organized fora between the government and the private sector, having participated by all private institutions and NGOs.

14. In Cambodia, there has not been any independent art council but the Royal Government supports organizations and art associations, participating in the alleviation, conservation, and development of art and culture in Cambodia.

15. There are drafts of sub-decree on collective management organization. This unit will participate in the collection of revenues from creations of works and performances to give these revenues back to the artists.