Project Title: Supporting the development of an effective Cambodian Access to Information Law

Implementer: Advocacy and Policy Institute (API)

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<th>Project Title</th>
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<tr>
<td>Implementer</td>
<td>Advocacy and Policy Institute (API)</td>
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<tr>
<td>Planned Start date</td>
<td>11th March 2015</td>
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<td>Planned End date</td>
<td>31st March 2018</td>
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<td>Explain any variance in start/end dates</td>
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**Project Purpose (use the exact wording from the approved Project Proposal Form)**
To support the drafting of an effective Cambodian Access to Information law by engaging the sectoral base, assessing the policy gaps, and providing inputs for integration.

**Was the Purpose achieved? If not, give reasons. Please state your sources of information**

API has contributed to achieve the overall objective of the UNESCO’s project entitled “Working towards an Access to Information Law in Cambodia: Bridging the Government and Citizens for Participatory Law-making”. Specifically, API has contributed to achieve objective 2: “To promote participatory law making and to provide a bridge between the government and the public for discussion on the drafting of the Access to Information law.” and Expected Result 2 “Participatory law-making process promoted by providing a bridge between the government and the public for discussion on the drafting of the Access to Information Law”.

Taken overall, the implementation of project activities was on track and there has been significant achievements as highlighted below:

The Access to information Technical Working Group completed the draft of Access to Information law and demminnsated the document on 31 January, 2018. With the inputs from UN agencies (UNSECO and OHCHR) and civil society organisations, the final draft/document A2I law was accepted.

The nine (9) legal reviews and analysis were consolidated into one report, printed and distributed to all relevant partners coming from the Government Ministries, NGOs, Private Sectors and the general public. The reports contributed to development of drafting of A2I (Access to Information) laws by the Ministry of Information, and to guide all relevant actors, especially relevant Ministries in development and/or amendment of the policies and laws with maximum information disclosures to be in line with A2I law after the new law is approved.

The content of the all chapters of draft of A2I law was reviewed by a legal team with consultations among the members of CSO A2I Working Group. As a result, the output of such analysis with recommendations and proposals were presented to A2I Technical Working Group (TWG) which was appreciated by the chairperson, H.E. Kiev Kanharith, the Minister Ministry of Information, during the second meeting of the A2I Technical Working Group on 23rd February 2015. API has developed two analysis reports on the Secrecy of Information and a Complaint Mechanism and submitted to the Ministry of Information, the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the Office of the United Nations High Commissioner for Human Rights (OHCHR).

API, in collaboration with CDPO, NGO-CEDAW, YUCD, PDP-Center, NEP, NGO Forum, HACC, CCHR and OHCHR, has facilitated the discussions and collected the inputs and recommendations from their member organisations to support the development of the draft A2I law. In general, the inputs are focusing on (i) General Provision, (ii) Rights and Obligations of Providing Information, (iii) Procedures of Requesting and Providing Information, (iv) Confidential Information, (v) Protection for Information Revelation, and (vi) Appeal and Enforcement of
Decisions. With these inputs (recommendations), API presented and shared at the meetings of A2ITWG which was led by UNESCO and the Ministry of Information. API has learned and has documented that there are some articles accepted by NGOs but some parts also need to be revised in order to reflect the context and practice of right and access to public information in Cambodia.

A training curriculum on “Access to Information” was developed which included key contents of A2I law and guidelines, role of sub-national in disclosing information, democratic development, the implementation of social accountability framework (I-SAF), organic law, and information management.

API actively built the capacity of sub-national government, particularly the local councils on access to information, draft A2I law and information management to ensure that they prepare themselves to participate in the law implementation as well as promoting a culture of openness.

A compilation of CSO inputs from all sectoral consultative forums was developed and it was also reviewed and finalized by the CSO A2IWG members.

As a representative of 40 CSOs, API has actively participated in subsequent meetings of A2I TWG to present the findings of CSOs and legal team as well as from the findings from sectoral forums on gender/women, youth, agriculture and environment, health, education, media and human rights. The international standard criterion of a good law, so called “the 9 principles of the freedom of information” (FOI) has been included in the process of dialogue among A2I TWG, A2I WG and stakeholders of thematic issues. Recently the drafting of A2I law was finished and officially announced to the public.

Were any significant changes to the project design agreed with Post and put in place (outputs, activities, budget, duration etc.) Please describe the changes.

API had no opportunity to conduct debriefing and consultative meeting on draft A2I law with 15 relevant officers of CNRP following Cambodia's Supreme Court decision to has dissolve the country's main opposition party (named Cambodia National Rescue Party [CNRP]) whose 118 elected representatives are now banned from politics for five years.

Were all the Outputs delivered as planned, with the planned results? If yes, please note the result. If not, please explain

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<tr>
<th>Output Number</th>
<th>Result Delivered / Not delivered</th>
<th>R/A/G</th>
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<td><strong>Phase 1</strong> From 11th March 2015 to 10th March 2016</td>
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<td>Result 1: The need for and types of information identified through public consultations with key sectors and stakeholders for supporting and feedback and A2I law draft. • 7 consultative forum reports prepared outlining sector-based specific information needed for starting draft A2I law.</td>
<td>Delivered: The records of the forum assessments show that all interviewees believed that the A2I law is useful for the citizens, and public and private institutions. For interviewees (71%) confirmed that A2I law will help to increase transparency of operations of public and private institutions, 68% believe that A2I law will reduce corruption, 65% thought it will contribute to sustainable development and increase reliability, approximately 55% believe in great reduction of social conflicts and protection of natural resources. Interviewees would all like to see the Cambodian A2I law respect the 9 principles of international standard on A2I and that this law would cover all sectors. The majority of forum participants demanded the Ministry of Information pass the Access to Information law within 1 (one) year.</td>
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1 List all the Outputs as stated on the approved Project Proposal Form
Recommendations and the information needs that resulted from the seven forums were shared with UNESCO and presented to A2I TWG, together with WMC, who is responsible for collecting feedback from community forums.

Importantly, the information needs of the public included the budgets and audit reports, Investment and Development Plan, State Contract with Private Sectors, information related to the contracts of investment projects with private companies, state capacity, rule of law and the government’s accountability, economic opportunities, management system of public institutions, quality standards of education, public service fees and procedures to request services, the Government’s reform programmes, legislations, progress report, impact evaluation and inspection reports, complaint mechanism, etc.

**Result 2:**
Key input/contents for supporting A2I law draft produced and advocated with Government institutes and the Parliament for integration in the drafting A2I law

- A legal reviews and analysis on A2I related to sectors of health, education, Labour, Economic and Investment, Environment and Natural Resource Management, Decentralization and De-concentration, Agriculture, Disability and Public Administration was developed and distributed.

**Delivered:** The analysis report found that from 1993 to 2013, legislative and executive bodies have promulgated several laws and issued sub - decrees related to health, education, Labour, Economic and Investment, Environment and Natural Resource Management, Decentralization and De-concentration, Agriculture, Disability and Public Administration. However, we observed that among 214 laws and 622 sub degrees, only 131 laws and 168 sub degree mentioned in any way the principle of the public information disclosure obligations, encouragement of the government to be open and the access to information coordination process, but other principles are not mentioned. These include the principles of disclosure information, information cost, open meetings, process to facilitate access and protection of whistle-blowers. We also observed that laws and sub degrees of sectors of Decentralization and De-concentration, Disability and Education mentioned more principles of access to information and information disclosures than the other.

As representative of CSO team, API actively attended A2ITWG meeting and presented the comments and recommendations of CSO team and legal team to improve gaps of the four chapters of A2I law to Access to Information Technical Working Group of the Ministry of Information. The format of legal analysis, recommendations and Inputs of CSO were accepted by H.E. Kiev Kanharith, the Minister of Information, during the second meeting of the Access to Information Technical Working Group on 23rd February 2015.

CSO team coordinated with API to submit comments and inputs on four chapters of drafted A2I law to the Ministry of Information.

**Phase 2**

| Result 1: To collect high substantive policy inputs from seven sectorial forums and workshops on “Confidential Information” and “Complaint Mechanism” | **Delivered:** Seven consultative forums were organized and completed in partnership with sectoral networks and organisations focused on areas of people with disabilities, women, youth, education, environment & natural resource management, health and human rights. Seven consultative forum reports were produced in Khmer. |  |
as proposals to the Government for ensuring the draft A2I law is fully participation of sectors and support specifically to the article of confidential information and complaint.  
- 7 consultative forum reports prepared outlining sector-based specific inputs and recommendations for the draft law.  
- Comprehensive provisions (articles) for chapters on “Confidential Information” and “Complaint Mechanism” are affordable for consideration into A2I law by A2I Technical Working Group.

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<th>Result 2:</th>
<th>Delivered: The inputs were made and recommendations developed. The advocacy and lobby meetings on the above inputs and recommendations were held with different Government ministries and policy makers.</th>
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| To advocate and lobby the government institutions and the Parliament for supporting and integration of key inputs in the drafting A2I law.  
- Key ministries and Members of Parliament realize the needs for inclusion of sector-based specific inputs and recommendations into the draft A2I law.  
- The amount of inputs from legal and policy expert of the government, UN agencies, CSOs and donors are integrated into the draft A2I law. | API and representatives of NGO A2I WG met and discussed the drafted A2I law, the legal analysis findings and recommendations from the sectoral discussions/forums with the representatives from the National AIDS Authority, Ministry of Education, Youth and Sport, Ministry of Information, Ministry of Social Affairs, Veterans and Youth Rehabilitation, Ministry of Labour and Vocational Training, the National Assembly, the Senate, and sub-national government (local authorities). All government’s ministries and institutions that API and NGO A2I WG met, acknowledged the useful information from legal analysis and recommendations. At the same time, there are some concerns made by government official e.g. a representative from the National AIDS Authority was concerned about duration of supplying information while the information has to be gathered, analyzed and documented. They also suggested that the confidential information should be stated clearly because many kinds of confidential information exists in health sector. Most of district councilors were satisfied and preferred to handle any complaint on information as the law/policies stated.  
API presented key findings and analysis, particularly proposals coming out from various discussions with NGO groups and legal team to Technical Working Group of the Ministry of Information to improve
gaps in four chapters of A2I law.

All inputs from NGOs were shared to the A2ITWG article by article. Some inputs were accepted and included in the draft A2I law such as article 6 on Minimum Disclosure of the public institution e.g.

f) Annual budget plan attached with detailed information on spending budget in current fiscal year and audited financial statement of the previous year;

g) Official requests or complaints mechanism established for the public in connection with action or omission of public institutions, together with summary of the requested complaint or other direct actions of members or response of public institutions.

Some inputs also discussed at length before finalizing for example article 13, 14, 15, 16 and 17. Mostly CSOs wish to decrease number of responses from public institutions as well as duration for getting information but the government was concerned about inability of information officers while some information requires collecting/organizing at inter-ministry level.

The article 4 on definition was postponed and will be discussed after the whole draft was reviewed. CSOs were concerned on legal terms that are not easily understand by ordinary citizens or that may be interpreted in wrong ways after the law passed and during the law implementation.

Phase 3 From 11th November 2017 to 31st March 2018

Result 1:
To provide inputs and recommendations, based on the sectoral discussion results and legal analysis, to the government’s institutions and the policy makers.

- A report on CSO inputs was developed

Delivered: A report on CSO inputs that contributed to the draft A2I law was written and included various comments/inputs and concerns from CSO network forums, WMC, CCiM, and CSO-A2IWG. It was also reviewed and finalized by the CSO-A2IWG, and is available in both Khmer and English.

Result 2:
To build the capacity of the sub-national government, particular the local councils on access to information law implementation and information management.

- A master training materials on access to information was developed
- 6 Training on “Access to

Delivered: API developed a master trainers curriculum on “Access to Information” and it was used for six trainings on “Access to Information” delivered to 155 (48F) local authority and 11 (2F) CSO in 6 provinces. As well one reflection and learning workshop was organized with those trained 34 (13F) from the local authority. 30 copies have been published for documentation and sharing.

Pre and Post tests were given to 123 participants with an average increase of 22% whilst an increased more than 50% was achieved by 6 people.

88% of local authority staff were very satisfied with the training.
Information was conducted
• One reflection and learning workshop was organized curriculum and they also acknowledged A2I is very important to support their daily work but currently they’re facing some serious challenges which include:
  • Lack of capacity in developing request/proposal, social media tools, organizing documents, communication skill and responsiveness
  • Lateness in receiving and disclosing information
  • Fake information accidentally occurring and sometimes providing unclear information
  • Bad roads and long distance to the institution holding public information
  • Lack of resources (budget & equipment,
  • Poor communication skills
  • Illiteracy, migration of population and ignorance of rights for participation
  • Lack of coordination with relevant stakeholders
  • Lack of skilled officer on information
  • Misunderstanding on received information
  • Citizens not yet fully informed about A2I therefore, most of them seem ignorant and are not confident enough to make any request or expression of interest in information

Result 3:
To advocate and lobby the government institutions and opposition political party CNRP for supporting and integration of key inputs in the drafting A2I law.
• Not Achievable

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<th>Activity</th>
<th>Progress</th>
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<tr>
<td>1.1 Organize first 7 discussion forums for assessing the activities</td>
<td>Activities were completed as planned</td>
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2 Only list the activities (from the approved Project Proposal Form) which were not delivered as planned
needs of information.

The project team successfully completed 7 (seven) discussion forums with 479 participants (157 women) coming from network members of human rights, media, health, agriculture and environment, education, youth and women groups, and parliament members from the National Assembly (H.E Keo Phirum and Her Excellency Sun Saphoeun) in order to present the finding of policy gaps on access to information and to collect inputs and recommendations on access to information and information disclosures in the A2I law.

The events were conducted in collaboration with the Office of the United Nations High Commissioner for Human Rights (OHCHR), Youth Coalition for Unity and Development (YCUD), the Cambodian NGO Committee on the Convention on the Elimination of All Forms of Dissemination Against Women (NGO-CEDAW), NGO Education Partnership (NEP), Khmer Buddhist Society in Cambodia (KBSC), Village Support Group (VSG), Fishery Action Coalitions Team (FACT), Cambodia Communication Institute (CCI), Cambodian Center for Independent Media (CCiM), Women Media Center (WMC), Club of Cambodian Journalists (CCJ), and Cambodian Human Rights Action Committee (CHRAC).

The Inputs and recommendations from participants were collected and submitted to the Ministry Information for development of A2I law.

2.1 Conduct legal review and analyse on the existing Cambodian Laws and Policies to identify the policy gaps

The 7 legal consultants, specializing in economics & investment, decentralization and de-concentration, national resource management – environment and climate change - agriculture, disability, labour, and public administration analysed 214 laws and 622 sub degrees, 1 decision, 48 Prakas, 2 letters, and one strategic plan to identify policy gaps on Information Disclosure of relevant sectors as noted above. The 9 (nine) legal reviews were consolidated into one report and was printed in 700 copies in both Khmer and English and shared to all relevant partners from Government Ministries, NGOs, Private Sector and general public. The reports contributed to development of draft of A2I laws by the Ministry of Information, and to guide all relevant actors, especially Ministries in development and/or amendment of the policies and laws with maximum information disclosures to be aligned with A2I law after the new law is approved. All reviews and analysis were done based on 9 (international) principles of freedom of information namely i) maximum disclosure, ii) obligation to publish, iii) promotion of open government, iv) limit scope of exceptions, v) processes to facilitate access, vi) cost, vii) open meeting, viii) disclosure takes precedence and ix) protection for whistle-blowers. The report were shared with 191 workshop participants from the National Assembly, government ministries, embassies, political parties, donors, NGOs, media, youth and universities.

API has also developed a review report on secrecy of information to share to the A2ITWG because in the draft law on A2I there is one chapter that stipulates the type of information that the state institution can refuse to provide. According to the content of Article
20 in Chapter 4 on secret information, comprehensive power is given to a public institution by refusing to provide information to the public and if subsequent drafts of the new law do not add additional articles or content, then requesters will not be able to request important information from the public institution. In conclusion, the entire law does not have any meaning at all if the chapter on confidential information is not set forth clearly. If the definition of "confidential information" is not clear the institution which is supposed to provide the information can easily avoid or refuse to provide information to the requester. Further if there is not clear definitions of confidential information, it will make it difficult, if not impossible to access important information and would defeat the purpose of the law. However, we also recognize the need for confidential information related to national security, international relations, national economy and finance. However, information related to wrongdoing of an individual and an individual group should not be secret or confidential.

API has developed the report on complaint mechanism. The proposal is that A2I law should state clearly in the law the complaint mechanism structure at the national and sub national level. The proposal requested the A2I law to consider the existing structure of complaint mechanism such as First Committee of the National Assembly, Ombudsmen Office, Ministry of Civil Services, the Arbitration Council, Commune, district and provincial council, the Parliamentarian office and the Ombudsmen Offices.

2.2 Legal Expert team

API has established a team of seven legal experts with clear ToR after the stakeholder meeting on 27th March 2015. The team has assisted API and A2IWG to go thorough sector analysis and review of articles in the draft of A2I law. They are:

- Mr. Kong Phallak
- Dr. Raymond Leos
- Mr. Am Sokha
- Mr. Man Vuthy
- Mr. Lim Li Nam
- Mr. Sok Sam Oeun
- Ms. Dana Wallack
- Mr. Huon Chundy
- Mr. Yi Dara
- Mr. Min Narom
- Mr. Tieng Sophorn
- Mr. Thoeng SokHol

Mr. Kong Phallak and Dr. Raymond Leos assist API to analyse the gaps of the draft of four chapters of A2I law, and provided experts’ comments for improvements. Mr. Phallak is also responsible for reviewing the existing complaint mechanism and will produce a report on that for consideration of A2I TWG.

Mr. Sok Sam Oeun assists API to analyse the article of secrecy information of the drafted Cambodian A2I law and provided useful inputs to CSOs.
Mr. Am Sokha, Mr. Man Vuthy and Ms. Dana Wallack assist API to discuss the content of A2I law and complaint mechanism.

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<th>2.3 Advocacy actions and meeting with government institution</th>
<th>The project team conducted eight (8) debriefing meetings with officials from the Ministry of Environment, the Ministry of Education Youth and Sport, the Ministry of Social Affair, Veterans and Youth Rehabilitation, the Ministry of Labour and Vocational Training, the Ministry of Interior, the Ministry of Health and the 3rd committee of the Senate. This was to present policy gaps on access to information and information disclosures, update progress of A2I law development and public demand of A2I law development to ensure the good governance in the public service to The officials all acknowledged the findings and expressed their desire to work with CSOs coordinated by API to improve access to information and information disclosure in their policies and laws. The Minister and legal teams of ministries expressed commitment The Minister and legal teams of the Ministry of Environment, the Ministry of Education Youth and Sport, the Ministry of Social Affair, Veterans and Youth Rehabilitation, the Ministry of Labor and Vocational Training and Ministry of Interior expressed commitment and promised to take actions on policy gaps on open information presented by the CSO networks, particularly reviews of existing policies specifically to develop or amend the existing policies and laws with maximum Information Disclosures to meet the international standards which is seriously uphold adequate and effective public access to Information. The third Commission of the National Assembly jointly led by H.E Pol Ham and H.E Hou Sri acknowledged that the legal review on Access to Information is part of their tasks during the meeting with A2IWG. The commission recognized the key findings and policy recommendations relating to access to information in natural resource management and environmental sector. They also accepted the CSO requests regarding mainstreaming of A2I initiatives in upcoming laws and policies such as the EIA Law and new law in the agriculture sector, and they will carefully review the draft A2I law led by the Ministry of Information after the Ministry officially submits the draft A2I law to the National Assembly especially focusing on the content of the complaint mechanism and whistle-blower protection.</th>
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<td>2.4 Organize and support NGO A2I Working Group’s Actions in order to support the drafting process and also demanding for A2I Law</td>
<td>Four times A2IWG meetings were conducted to comment on the proposed 4 chapters by the Ministry of Information. The A2IWG members provided inputs including reason for changing words and sentences, deletions and proposed new articles. The four chapters including general provision, principles of providing information, procedure of requesting and providing information, and secrecy information. The input on each article was considered against the nine principles of the access to information. Both content of body of law and the 4 drafted chapters were analysed by the legal team and A2IWG with clear instruction and format with the proposed appropriate articles with clear explanation. At the same time, the working group members developed the list of confidential and public</td>
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During the technical working group on A2I of the Ministry of Information both UN agencies (UNESCO and UNAIDS) mostly supported CSO comments regarding technical terms and general aspects of the drafted law. As CSO representative API presented the results of the discussion forum on A2I in youth and women’s groups particularly on how to mainstream information needed by participants into the A2I law. Several important documents such as Cambodian institution and Universal Covenants, draft policy framework by the MoNASRI and results of analysis of A2I law content of other 10 countries were used as the reference for the development of the law.

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<th>Phase 2</th>
<th>From 6th June 2016 to 31st May 2017</th>
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| 1.1 Organize 7 consultative forums to review full draft of A2I law | API in cooperation with CDPO, NGO-CEDAW, YUCD, PDP-CENTER, NEP, NGO Forum, HACC, CCHR, and OHCHR organised seven x one day consultative forums on "Draft Access to Information Law" with all CSO network members, UN agencies and the Ministries that work to promote right of people with disability, women, youth, education, environment, natural resource management, health and human rights. The forums aimed to provide opportunity to sector CSO representatives, media and representatives from the government’s concerned institutions to review full draft of A2I Law together and advocated for simple and easy ways of accessing necessary information and policies to address their concerns. A total of 335 people (98 females) from 165 CSOs, government (national and sub-national authorities) participated in the consultative forums.

The seven consultative forums on “Draft Access to Information Law” with CSO were completed as follows : 1) women completed on 02 August 2016 2) disability completed on 31 August 2016 at 3) youth completed on 06 October 2016 4) education completed on 14 October 2016 5) environment and natural resource management completed on 02 December 2016 6) health completed on 28 February 2017 and 7) human rights completed on 12 May 2017. |
| 1.2 Organize two separate consultative meeting on (i) “Confidential Information” and (ii) “Complain Mechanism” | API conducted one and half day consultative meeting on “confidential information” and “complain mechanism” at Preah Sihanouk province with 23 government official and CSO leaders who work on sectors of human rigs, health, governance, environment & NRM, youth, legal, decentralization and deconcentration reform and media.

For the complaint mechanism, CSO leader wished to expand the scope of the Ombudsman as well as roles of the sub-national council at both district and provincial level to address the complaint. This mechanism would be easier for citizens to make complaint. A national commissioner should be appointed to deal with any serious complaints and should cover all areas of Cambodia. In case a complaint is sent to the court, CSO leaders suggested to pass over the phase of provincial/municipality court. |
For confidential information, CSO leaders wish to see the public institution classify all information and stamp any secrecy documents making it easier for government officials to implement. The law shall provide details of such words in the original chapter.

It was suggested to separate Article 20 into five articles that focus on official documents, confidential information, confidentiality, very confidential information, and high secrecy Information. Identifying the confidential information with the secrecy seal is regarded as confidential information in itself so the officer in charge of information that will not be responsible for determining that the document is of confidential information or not but rather the responsible person is the one who signed on this confidential document.

Timeline of secrecy of each type of information is such that once the period of confidentiality has expired that information will be disclosed to the public information. This point is also to facilitate the officer in charge of information in making a decision to release the documents.

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<th>2.1 Conduct six time meetings with legal team of the government’s ministries</th>
<th>The project team conducted two debriefing meetings in order to present policy gaps on access to information and information disclosures, updated its progress of A2I law development and public demand of A2I law development to ensure the good governance in the public service to senior officials of the Ministry of Health and the Ministry of Education Youth and Sport. The meeting with the Ministry of Health was organized on 12 February 2016 and meeting with the Ministry of Education Youth and Sport was organized on 02 March 2016. The bottle-necks in current policies and laws are acknowledged by both ministries and they realise the needs to improve access to information and information disclosure in their policies and laws. The representatives from the National AIDS Authority, Ministry of Education, Youth and Sport, Ministry of Information, Ministry of Social Affairs, Veterans and Youth Rehabilitation, Ministry of Labour and Vocational Training, the National Assembly and the Senate attended the consultative forums on the draft A2I law.</th>
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<td>2.2 Working with Legal Expert Team to review and evaluate all inputs and recommendations from the forums and the ministries</td>
<td>The results from the consultative forums, consultative meeting with CSO leaders, and the results from the training conducted by the Ministry of Information were reviewed and evaluated. API has been working closely with the legal team to draft chapter on “State Secrecy” of the draft A2I law. As a result we drafted this chapter including articles on Official information, Secrecy information, Confidentiality, Very confidential information, and High Secret Information</td>
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<td>2.3 Conduct 4 expert meetings of CSOs, UN agencies and key donors</td>
<td>Four times A2IWG meetings were conducted to develop list of key question for assess the drafted A2I law, to review chapters on complaint and confidential information, and to see the linkage between two draft laws on Protection of Reporting Person and Law on Protection of Witness with A2I law.</td>
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The first meeting produced a list of questions for 6 consultative forums based on the comments of the consultative forum on draft A2I law with CSO on disability. This meeting was conducted on 11 August 2016 and attended by 19 participants (5 women) from CSO A2I working group and donor. The questions were designed to reflect the key principles of A2I by focusing on rights of access to government records, scope of the draft law, requesting procedures, exceptions and refusals, appeals, sanctions and protections, and promotional measures.

The second meeting was conducted on 02 September 2016 with 18 participants (5 women) from CSO A2I working group, donors, and UN agency to collect and consolidate inputs on the chapter on secrecy information of the drafted Cambodian A2I law. According to the original draft of this chapter there is only one article but if subsequent drafts do not add additional articles or content, then requesters will not be able to request important information from the public institution. However, we all recognized the need for confidential information related to national security, international relations, national economy and finance. However, information related to wrongdoing of an individual and an individual group should not be secret of confidential.

The third meeting was conducted on 16 September 2016 with 16 participants (6 women) from CSO A2I working group, donors, and UN agency to collect and consolidate inputs on the chapter on complaint of the drafted A2I law. It was recognized that the roles of sub-national staff on complaint addressing is very important, therefore, it was suggested to have an A2I committee at district, provincial and national level. The members of the committees must include councilors at all levels and representative from the Ministry of Information, the Ministry of Interior, and relevant ministry of each case. The complaint mechanism should be stated clearly in sub-decree.

The fourth meeting was conducted on 27 October 2016 and was jointly organize with Transparency International Cambodia (TIC) to build a common understanding on the two draft laws on Protection of Reporting Person and the Law on Protection of Witness. Eleven questions were used for discussion. They were: 1) What should be the coverage of this law (to which offences and whom) 2) Besides the reporting persons themselves, should the protection be extended to people closed to them 3) Should there be limitations on what the person can report (Secret information?) 4) What are the requirements for the eligibility for protection 5) What should be incorporated as measures for protection 6) Who/which agency should be the information receiver And what powers should this person/agency have 7) What should be the possible conditions that could put an end to the protection 8) What would be advised on the obligation to preserve confidentiality 9) What should be the immunities to be enjoyed by the reporting person 10) Should there be some forms of incentives to encourage reporting and if yes, what should those be And 11) When
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<th>Phase 3</th>
<th>From 11th November 2017 to 31st March 2018</th>
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<td>1.1 Collect and compile all inputs from all sector consultative forums (API, WMC, CCIM) and A2ITWG minutes.</td>
<td>One document on CSO inputs on draft A2I law was developed and included various comments, inputs and concerns from CSO network forums, WMC, CCIM, and CSO-A2I WG. This report was reviewed and finalized by the CSO-A2I WG and the report is available both Khmer and English.</td>
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<td>1.2 Organise a discussion meeting in Phnom Penh with 10 selected organisations to finalise the compilation of all inputs report.</td>
<td>One discussion meeting was held with 13 A2I TWG members on 1st March 2018 at the office of Transparency International Cambodia. All NGOs agreed the proposed format and clarified any comments that was rejected by the Ministry of Information. <em>(please see annex 2)</em></td>
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<tr>
<td>1.3 Produce a number of copies of the compilation report in both Khmer and English for distribution to key actors.</td>
<td>30 copies of the compilation report in both Khmer and English for distribution to key actors.</td>
</tr>
<tr>
<td>2.1 Develop master training of trainers (curriculum) on access to information law and information management.</td>
<td>A curriculum for master training of trainers on A2I law and information management was developed with consultation among local authorities and NGO partners. Four key sessions was designed focusing on 1) understanding of citizen on A2I, 2) advantages of A2I, 3) information disclosure campaign and legal support, and 4) A2I law and its key elements. The sub topics included human rights, decentralization &amp; deconcentration, good governance, transparency, public and personal information, milestone of A2I in Cambodia, international principles on A2I, and the draft A2I law. <em>(please see annex 1)</em>. 30 copies have been published for documentation and sharing.</td>
</tr>
</tbody>
</table>
2.2 Organize six trainings in 6 target provinces.

API conducted six trainings on “Access to Information” with 155 (48F) local authority staff and 11 (2F) CSO in 6 provinces included Pursat, Kampong Thom, Kampong Speu, Kampong Chhnang, Banteay Meanchey and Kratie. The training aimed to build the capacity of sub-national government officials and councilors on the concepts and key contents of the A2I law. Pre and Post tests were given to 123 participants with an average increase of 22% whilst an increased more than 50% was achieved by 6 people. Number of participant and schedule of each training is as follows:

<table>
<thead>
<tr>
<th>Nº</th>
<th>Date</th>
<th>Province</th>
<th>Training Place</th>
<th>Number of Beneficiary</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Total</td>
</tr>
<tr>
<td>1</td>
<td>26-28/12/2017</td>
<td>Pursat</td>
<td>Century Hotel</td>
<td>28</td>
</tr>
<tr>
<td>2</td>
<td>19-11/01/2018</td>
<td>Kampong Thom</td>
<td>Damrei Chon Khla Vol Meas Hotel</td>
<td>29</td>
</tr>
<tr>
<td>3</td>
<td>16-18/02/2018</td>
<td>Kampong Speu</td>
<td>Doung Meas Restaurant</td>
<td>33</td>
</tr>
<tr>
<td>4</td>
<td>29-31/01/18</td>
<td>Banteay Meanchey</td>
<td>University of Management and Economics</td>
<td>28</td>
</tr>
<tr>
<td>5</td>
<td>7-9/02/2018</td>
<td>Kampong Chhnang</td>
<td>Pama Hotel</td>
<td>34</td>
</tr>
<tr>
<td>6</td>
<td>13-15/02/2018</td>
<td>Kratie</td>
<td>Mekong Dolphin Hotel</td>
<td>14</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Total 166</td>
</tr>
</tbody>
</table>

Based on result of group discussion during the training the local authority staff needed information from higher level as following:

- Laws, sub-decrees, policies, and information on reforms
- Up to date guideline for implementation and capacity development
- National security, health, education, civic registration, agriculture, vocational training, land management
- Water, sanitation and electricity
- Planning of infrastructure - building new or renovation
- International relations

For more detail please see ANNEX 3 of training report
### 2.3 Organize reflection and learning in the province.

API conducted a reflection and learning workshop on 12th March 2018 with 34 (13F) local authority staff in Siem Reap Province. Most of them expressed satisfaction with the contents of the draft TOT curriculum on A2I. They noted the contents of the curriculum is enough and few participants suggested to have additional information related to Cambodian laws/policies support A2I. They requested for:

- Additional training to all district/commune councilors and governors, and youth groups
- Continuing promotion of contents of A2I law and advantages of A2I to public through radio & TV program, social media and awareness activities (parades, drama etc)
- Technical and financial support and material to promote culture of openness
- Mainstream key contents of the draft A2I law into the national education program

### 3.1 Form a dynamic technical group as ‘NGOs A2I Expert Group’ to monitor seriously on the development of draft A2I law.

API, TIC, CLEC, and CCIM confirmed as ‘NGOs A2I Expert’ to monitor the development of draft A2I law. This activity aligned with the CSO A2ITW meeting (Activity 1.2). The team will call an urgent meeting if any special case of A2I law development process happens.

### 3.2 Organize meeting with group of selected NGOs and legal experts to assess the draft A2I law. At least 20 people will be invited and participated.

Conducted a CSO A2IWG meeting to discuss on draft A2I law, to access the draft A2I law and collect additional CSO inputs which were shared during 3 days A2ITWG meeting on “Review the Whole A2I Draft law” conducted on 24th – 26th January 2018 in Preah Sihanouk province. Most of CSO concerns were addressed such as definition, duration of confidential information, and three path test of information disclosure.

### 3.3 Organize a debriefing and consultative meeting with 15 relevant officers of CNRP. The meeting aims to present and discuss on the draft A2I law and seek for support on A2I law discussion at the National Assembly.

This activity not able to be implemented following the Supreme Court having dissolved the opposition party (Cambodia National Rescue Party) and its 118 elected representatives who are now banned from politics for five years.

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**Additional API’s Activities support A2I law process**

**A. National**

At the regional level, API in collaboration with ARTICLE 19, has produced a regional analysis of FOI legislation and implementation in 11 Asian states. The report was printed and distributed during the High Level Dialogue on Access to Information “Cambodian Access to Information Law: Where We
Are Now?” to the members of A2ITWG, government institutions, UN agencies, development partners, embassies, private sector and the public. This report highlights the practices of FOI legislation in the region. It outlines the international and regional standards applicable to Asian states, and reviews the laws and their implementation in 11 countries. Countries of all sizes, economic and political systems have adopted right to information legislation, ranging from big countries like India and China to small island states such as Maldives and the Cook Islands at least in part due to the difference in their governments’ reasons for legislating.

API in collaboration with Open Institute, Cambodian Center for Human Right, and Cambodian Human Rights Action Committee organized one day High Level Dialogue on Access to Information – “Cambodian Access to Information Law: Where We Are Now?” to provide a general update on the progress of the Cambodian A2I Law. The workshop focused on sharing experiences and challenges in local and regional contexts, discussing plans to ensure public participation, and reviewing the strategies used in law development. A total of 126 participants (35 female) attended the workshop, including leaders from government agencies both national and sub-national, CSOs, media and university law students. At the meeting H.E Mr. Ouk Kim Seng, Under Secretary of State of the Ministry of Information stated “The scope of A2I law will cover all sectors and require public institutions to disclose maximum information”. He said that the technical team will be finished drafting law and consultation within 3 years with it consisting of 9 chapters and 34 articles. As result the dialogue request for the following:

- Procedures of request form should be simple and easy for the public including people with disabilities and indigenous groups.
- Determine clearly the definition of ”information”. it is assumed that information can be documents, video, audio file etc so which is a legal document of the public institution.
- Determine exactly type of secrecy information and minimize it as much as possible.
- Reduce bureaucratic procedures in seeking and providing information.
- Nominate an officer in charge of the information office in each public institutions.
- Determine the appropriate time and price for each application separately for people such as university researchers or private sector.
- Access to information law should determine the independence of public institutions to provide information, and independence of the media.
- The working group of the Ministry of Information should consult with relevant ministries such as the Ministry of Interior to determine the nature of the confidential information.
- Regular meeting chaired by UNESCO and the Ministry of Information, and the members of A2ITWG should regular participation without replacement.

B. Sub-National

API used local government platforms to open up the poor and marginalised people to the concepts of A2I. The duty bearers are trained on their role and access to information. They are also exposed to 150 live radio talk-shows on issues that most of those people are affected by, especially to make the public understand clearly the mechanisms and process for citizens to participate as well as services provided to citizens. Community forums, dissemination meetings, outreach activities and campaigns are very effective to raise public awareness. At least 10,183 community members (4,137 women) are directly engaged in all these dialogues. The dialogues do not only provide opportunity for citizens to voice their concerns but for local councils to review strategies to address various issues related to local budgets linking to public needs, prices
of rice price during harvesting season, land conflicts, environmental sanitation, education, health, and road safety. The project records shown that 220 of 364 local issues are addressed through a multi-stakeholder approach. However, local councils have encountered challenges beyond their capacity to address critical issues such as land conflicts, illegal logging and fishing which cause severe damages on environment, drugs and increased road crashes etc. API and CSO partners continue to support leaders of CBOs in 797 briefing meetings with their local councils.

Mr. Un Bunhan, an acting chief of Santuk district council in Kampong Thom province said that “local authority stands behind the citizens, and open information really makes them brave enough to find solutions for their problems from local authority”. He also added that “openness can help build accountability relationship between local authority and communities and reduce conflicts”.

However, there are some challenges existing such as 1). Weak collaboration between local authorities and other service providers, 2). Low engagement of citizens in some districts/communes, 3). Weak capacity of local councils to further advocate with higher authorities to address challenges, 4). Information disclosure mechanisms are likely working with support from CSOs.

What evidence do you have that the benefits of the project will be sustained? Please described

- The legal review report of policy gap on Information Disclosures is considered be the fundamental information for relevant actors, especially the relevant ministries to develop or amend the new laws or policies with the maximum information disclosure after the new A2I law is approved.

- The CSOs, Donors, Private Sectors, Government and Parliament expressed their desires to have good cooperation with each other in order to develop appropriate Information law. The cooperation mechanism such as networks, Technical Working Groups coordinated by the Ministry of Information include the roles of CSOs to develop appropriate A2I law to meet the international standard. This paved the way for future advocacy action to make the positive contribution toward the passage of an A2I law serving the best interest of the public.

- Another benefit which contributes to the sustainability of the project is related to the increase in knowledge of relevant actors among various ministries, Network Members and CSOs. The project team observed that relevant actors have fully supported the development of the law through increased participation in meetings, interaction among relevant actors from CSOs, government and parliament to draft of the Access to Information Law.

- The political will of Government and Parliament is seen as positive with good commitment to push the development of the A2I law forward. The Government, especially the MoI is open to engagement with CSOs, development partners and private sector in the law development process. The funding and technical support from UNESCO for this project allows the implementing partners including API to be able to engage sectoral groups to provide comprehensive inputs and comments for the draft law so that when the draft law is passed, the law will serve the needs of Cambodias.

- The input of civil society organisations has made a significant contribution in the drafting of an A2I law which will address the needs of citizens and comply with international standards and principles.

- Improved confidence and trust between the government officials and civil society organisations will pave the way for future advocacy actions to make positive contributions towards the passage of an A2I law serving the best interests of the public.

- Both national and sub government institutions and civil society organisations have a greater common understanding and improved ways of communicating, working and supporting each other due to their mutual
experiences during the passage of an A2I law.

- The API will continue its work to strengthen policy dialogue and implementation as stated in the organisation’s current five year strategy 2014-2018. The experience gained, lessons learned and results will help build a stronger foundation for API to further improve its future actions and efforts towards strengthening Cambodian local governance and social accountability.

- In the longer term the significant factor is that when the Cambodian A2I Law is passed in this term of Parliament, it will serve the best interests of the Cambodian people.

- Materials and knowledge will continue to exist and work to promote access to information in the community and local government continue to utilize their knowledge and tools to disclose information for the benefits of citizens.

- The MoI has led and own the cooperation mechanism such as networks, TWGs with open space for key actors to provide comments/inputs during the TWG meeting. This has paved the way for future advocacy action to make the positive contribution toward the passage of an A2I law serving the best interest of the public.

- The A2I law development process is considered as a model for other law development processes due to the openness and provision of space for key actors to engage and participate in the development process, especially allowing CSOs to collect inputs and comments from diversified marginalised groups for law development.

- Trained Local authorities at sub-national level are satisfied with the law development process, and continue to promote A2I dissemination and prepare to enforce the law after it is adopted.

<table>
<thead>
<tr>
<th>What were the three main lessons identified that could be applicable to running this type of project again?</th>
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<tbody>
<tr>
<td>With the participation from different groups and stakeholders, the draft Cambodian A2I law has been acknowledged and recognized by all stakeholders both demand side and supply side. To be effective and meaningful participation, the capacity development is needed for citizen, CSO, private sector and all local authority on A2I so that they can inform, improve and strengthen to promote culture of openness. Promote information availability at sub-national to better performance of sub-national authority on public disclosure and information management.</td>
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</table>

Advocacy and lobbying is needed of the Parliament members to support and adopt the Cambodian A2I law and demand for amend other regulations with is contrary to the A2I law.

Conducting the legal review and assessment on existing Cambodian laws and policies made a significant contribution to make better understanding and also to the useful discussion on the draft of A2I law processes.

<table>
<thead>
<tr>
<th>Challenges</th>
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<tbody>
<tr>
<td>1. There are different perspectives on access to information by each sector, but the draft A2I law is made for all and not just in accordance with their situation. Limited capacity of CSO representatives during law discussion was a problem particularly on the understanding of the complexity of A2I in the legal contents.</td>
</tr>
</tbody>
</table>

2. The contents of the A2I law is likely to be structured by the government with limited flexibility for
inclusion of external feedbacks/inputs.

3. Civil society participation in the drafting process has contributed to the acceleration of collection of documents to support the draft law process, collecting and bringing comments and concerns from all relevant sectors, and ensuring the promotion of the right of citizens to access public information.

4. The discussion during A2ITWG has been very open, it's focus on the content and consistency of each article, flexible discussion of complicated decisions are included in the agenda of the special meeting led by the Ministry of Information and UNESCO. The civil society concerns on the types of confidential information have been discussed and limited to an understand chapter.

5. The participation of the district councils in the consultative forum on the draft laws encourages them to strengthen local information, readiness for law enforcement, and have been satisfied and accepted the roles of complaint solicitor if the law provides for such.

6. Some wording of Khmer and English in the draft A2I law is not well matched, therefore discussions to finalise each article took much longer than expected.

7. It is difficult to convert CSO concerns, inputs and comments to legal language. Comments and inputs of CSOs mostly impact on human and civic rights concerns while the sub-committees is primarily concerned about capacity constraints of government officials.

8. There has been less participation from public on the draft law process although the feedback mechanism has been available both English and Khmer on website.

9. The full draft law was written by the A2ITWG and announced publicly but the submission to this law to the government for the inter-ministries meeting still is causing delay and the CSOs are concerned about it was not be able to be adopted during this government’s mandate (before 2018 elections).

**Recommendations**

1. UNESCO and the Ministry of Information shall follow up on the draft A2I law so that it is submitted to the government.

2. A mechanism of monitoring should be established to ensure the right of any explanation article by article reflect to the CSO’s view and the Ministry’s objective.

3. There is need to have further discussion with the government’s ministries on the A2I law.

4. Lobbying of the parliament members of needed to support this A2I law and demand amendments to other regulations related to A2I.

5. CSOs and UN agencies should involve themselves in the development process of sub-decrees or other legislation related to A2I.

6. The A2ITWG led by UNESCO and the Ministry of Information should prioritise a clear strategy to implement the A2I law.

**Signature**

Name: Lam Socheat  
Position: Director  
Date: 30-03-2018
Annexes:

1. Training curriculum on "Access to Information"
2. Consolidated CSO inputs *Khmer and English*
3. Training Report