

## Final Report

“Working Towards an Access to Information Law in Cambodia: Bridging the Government and Citizens for Participatory Law-making 2014-2018” (SIDA - UNESCO)

Evaluation Project

# Final Report

## 1. Overview

The final report commissioned by UNESCO assesses, on an independent basis, the relevance, efficiency, effectiveness and impact of the work carried out to promote the right of access to information and, in particular, to develop a draft access to information law, as the core objective of the SIDA-UNESCO project “Working Towards an Access to Information Law in Cambodia: Bridging the Government and Citizens for Participatory Law-making 2014-2018”.

The objective of the evaluation is to assess progress on a series of indicators and results defined under the project and to develop recommendations for possible next steps and follow-up, according to the Terms of Reference provided by UNESCO.

The evaluation also provides expert assessment of the draft Law on Access to Information, with recommendations for revisions. This legal analysis also points to issues to which attention should be paid in the eventual implementation of the law.

Apart from the analysis of a very comprehensive and wide number of minutes and reports provided by UNESCO, this report is also based on the findings derived from the field visit that took place between 11-15 June 2015. During the visit, meetings and interviews were conducted with the following people and organisations:

From API: The Advocacy and Policy Institute:

- Mr. NEB Sinthay

Senior Technical Advisor

- Mr. LAM Socheat

Director

- Mr. PHAN PHORP Barmey

Senior Program Manager

From CCJ: Club of Cambodian Journalists:

Mr. LEANG Delux

Deputy Executive Director

From OHCHR (Office of the United Nations High Commissioner for Human Rights in Cambodia):

Ms. Cybèle HAUPERT

Head of Civil Society and Fundamental Freedoms Unit

From Transparency International:

Mr. PRUM Virak

From WMC (Women's Media Centre of Cambodia):

- Ms. VUON Soviry

Acting Executive Director

- Mr. UTH Sophea

Program Coordinator

From Embassy of Sweden:

- Mr. JOHANSSON Andreas  
First Secretary, Democracy and Human Rights
- Mr. OEUNG Jeudi

From CCI (Cambodian Communication Institute):

- Mr. SOM Ratana  
Director
- Dr. SAY Sok  
Project consultant

From CCIM (Cambodian Center for Independent Media) and also VOD, Radio 'Voice Of Democracy':

- Mr. NOP Vy  
Media Director
- Mr. CASPE Danilo  
Resource Mobilisation Director
- Mr. HIM Khortieith  
Senior Project Manager

From Ministry of Information:

H.E. Mr. MEAS Sophorn  
Under-Secretary of State

The report is also based on the draft conclusions presented to and discussed with main stakeholders during a workshop held in UNESCO's headquarters in Cambodia on 14 June 2108. The workshop was attended by the following people: Mr. Barney PHAM PHORP (API), Mr. Virak PRUM (ex-Transparency International), Mr. Andreas JOHANSSON (Swedish Embassy), Ms. Cybèle HAUPERT (OHCHR), Mr. Pgana UN, Ministry of Information, Chief of Broadcasting Department Bureau, Mr. Raksa PEN (Transparency International), Ms. Kristin OLSON (SIDA).

## **2. Evaluation Structure & Indicators**

The evaluation assesses whether the activities carried out within the context of the project have been completed as required, and also whether they have advanced towards addressing the underlying needs. In other words, whether they have properly addressed the following matters:

- » Development of an international-standard legal framework on access to information through a participatory and inclusive process;
- » Contribution to increased government transparency and accountability
- » Improved capacity and technical expertise of government officials on access to information
- » Increased understanding by the Cambodian people, civil society organisations, and the media of the key role that access to information plays in improving livelihoods, promoting citizens' political and socio-economic rights, and holding the government accountable.
- » Strengthened capacity of Cambodian journalists and media professionals to provide independent, free, and unbiased investigative reports, and to exercise their rights to information on behalf of the citizens.

The evaluation is made against the main results as defined in the master document “Working Towards an Access to Information Law in Cambodia: Bridging the Government and Citizens for Participatory Law-making”, namely:

- ✓ Expected Result 1: Formation and functioning of a capable Technical Working Group and an Inter-Ministerial Committee to draft and pass the Access to Information law.
- ✓ Expected Result 2: Promotion of participatory law-making and provision of a bridge between the government and the public for discussion on the drafting of the Access to Information law.
- ✓ Expected Result 3: Increased public demand for the Access to Information law, in particular from media professionals.

Special attention is also paid to the indicators in the project plan for inclusion of women in the process, as well as to broader indicators on the inclusion of a wide variety of stakeholders in order to create a demand for and understanding of the right of access to information both broad and deep in Cambodian society.

The evaluators report, to the fullest extent that we were able to ascertain information, on any obstacles and challenges that may have resulted in work not being conducted in the way or along the timelines envisaged. The evaluators also endeavour to assess any cultural, political, or other obstacles that may have resulted in a proposed draft law that falls below the better international standards.

A series of recommendations are also presented in this report in order to provide expert input that will guide the next steps for UNESCO and for its partners (international, national, and local, on both governmental and civil society sides).

### **3. Project Strategy**

According to the partners and stakeholders of the project, the preparation, design, and approval of the project was fully in line with the initiatives already existing and efforts made in Cambodia during the previous decade in the area of access to information.

In particular, civil society organisations such as API had been working for 10 years at least in the preparation of draft legal projects on the matter of access to information, as well as trying to engage in lobbying activities vis-à-vis the Government and relevant parties in order for a law on this matter to be considered and eventually adopted. These activities, already supported by international donors, brought together the parliamentarians, government representatives, international organisations, development partners, and media organisations. API also analysed provisions on access to information contained in the already existing sectorial legislation, particularly at the sub-national level. These norms, in any case, were very poorly implemented due to lack of proper knowledge and sensitisation in this area.

It is also worth noting that a draft law on access to information was submitted by the opposition Sam Rainsy Party to the National Assembly on 23 December 2010. This draft was comprehensively

analysed by the international NGO Article 19.<sup>1</sup> However, it was neither properly considered nor accepted by the relevant Cambodian institutions.

From the Government's side, there had been a growing commitment vis-à-vis the increase of transparency and citizens' access to public information. In fact, in 2007 the Government commissioned the paper "Access to Information: A Clear Policy Framework for Cambodia," drafted by the Ministry of National Assembly and Senate Relations (MoNASRI). This paper was designed to serve as a precursor and establish the guidelines for the drafting of a national and general law on access to information. This was also in line with the provisions contained in Article 41 of the Constitution of the Kingdom of Cambodia, which indirectly enshrines the right to access to information, as of course the solid international standards on this matter, to which the Cambodian state is committed.

The project was therefore drafted at a moment when there was already a vibrant and informed discussion on possible ways to reinforce access to information in Cambodia. Such discussions involved the main political organisations, media organisations, civil society, as well as public institutions, but not necessarily in a coordinated and consistent way.

According to main partners and stakeholders, the decision taken by SIDA and UNESCO to design a project that facilitates citizens' participation in the process of drafting a new law on access to information was timely and adequate from a strategic point of view. Despite the work already done, the involvement and coordination coming from an international organisation and an international donor through an initiative of this kind were essential at that point, in order to bridge the existing gap between civil society organisations and Government institutions.

In other words, only a project of the nature that is being assessed could make it possible to move forward in the drafting of a legal text eventually accepted by all relevant stakeholders, including the Government and the National Assembly. In this last area, it is also important to underscore the fact that by 2013 the Ministry in charge of access to information matters was not MoNASRI anymore, but a more specialised one: the Ministry of Information. According to all partners and relevant stakeholders, this Ministry had (and still has) a very positive political attitude towards engagement in a participative law-drafting process.

Considering this general framework, the following are the main conclusions and recommendations to be presented with regards to the project strategy:

- The central theme and objectives of the project were timely and properly chosen, considering the situation of access to information in Cambodia in 2013.
- The presence and involvement of SIDA and UNESCO represented an essential factor from a strategic point of view due to the deficiencies existing at that time in terms of effective and fruitful engagement between the Government, the citizens, and civil society organisations

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<sup>1</sup> Legal analysis available online at: <https://www.article19.org/data/files/medialibrary/2739/11-09-20-Cambodia.pdf>

regarding access to information. UNESCO and SIDA were therefore particularly well positioned to launch and implement the project.

- The choice of the Ministry of Information as the principal interlocutor representing the Government was also a good strategy as it clearly facilitated a fruitful dialogue with a body that was open to discuss and incorporate contributions coming from civil society into the law-making process, as will be shown later. This also contributed to mitigate the risk of some structures of the Government hindering the project progress or putting obstacles in the way of the proper functioning of the Technical Working Group, contemplated as one of the expected results of the project.
- The project also anticipates, in order to mitigate the mentioned risk, that “UNESCO will continuously engage the government in high-level dialogue with relevant Ministries, the Prime Minister’s office, and the National Assembly’s Permanent Committee to monitor, discuss and problem-solve issues as they arise”. The organisation and effective implementation of this high-level dialogue should have been better contemplated at the project design level. It is worth noting that, on the one hand, the Inter-Ministerial Committee considered in the project was never established (apparently so as to prevent the blocking of the participatory law-making process by political interests beyond the control of the Ministry of Information), while, on the other hand, the lack of high-level involvement from relevant bodies and institutions is now posing the most significant challenges in terms of viability of the results achieved during the implementation of the project, as will be shown.
- The presence of gender issues was correctly contemplated at the level of project strategy, particularly through percentage quotas in place for female leaders to be present at the Inter-ministerial Committee and the Technical Working Group meetings, and for female community members and issue-based experts to join the public and sectoral forums. The project also contemplates the fact that the investigative reports to be produced at the end of the journalist trainings need to aim at addressing gender issues such as stereotyping of women and inequalities in women’s access to and use of information. Moreover, it is also established that trainings will raise awareness among media professionals regarding the need to incorporate a gender equality perspective in media content, and include modules specifically addressing this issue. Besides all these general provisions, it is particularly noteworthy the fact that the organisation WMC was involved in the early stages of the project. This organisation aims, precisely, to deliver national awareness and informative programs on a diverse range of issues affecting the role and rights of Cambodian women, and it also counts on extensive media platforms of its own (notably, radio stations).
- The project already defined, at the time of its design and approval, a small group of partners and beneficiaries representing different sectors of civil society. Such entities had particular relevance within the Cambodian society. However, the project should have been a little more flexible in order to grant access to smaller and more focused organisations engaged in the different but relevant activities, particularly in the discussions of the Technical Working Group. The original design of a two-level scheme, where bigger and more horizontal organisations were supposed to play a role of representing the interests of the smaller ones, was correct in terms of efficiency, but raised concerns among the latter during the implementation of the project, which had to be addressed using informal and ad-hoc solutions.

- The initial project duration was established at 36 months. It is obvious that any project of this kind needs to have a very clear timeframe as a pre-condition for its efficiency. Considering, however, the nature of the main expected result, i.e. the adoption of a draft legal text to be submitted to the competent Cambodian bodies for its formal approval and adoption as a law, it has to be noted that this is a process whose duration is difficult to predict. Despite the fact that the original estimation of 36 months appears to be reasonable, the project should better have contemplated the possibility of adopting extensions for scenarios where the complexity of the negotiations of some parts of the draft required additional time and efforts (which was actually the case). Establishing these precautionary provisions at the moment of defining the project's strategy would have facilitated the eventual extension formalities and have avoided giving the impression of a lack of proper planning. In any case, and in more general terms, a more precise planning of the stages and areas of negotiation of the text of the draft law would have improved the management of the timeframes, avoiding the excessive concentration of work at the very last stages of project execution.

#### **4. Project implementation and adaptive management**

##### **4.1. Management arrangements**

Partners, beneficiaries, and stakeholders in general have expressed their satisfaction with the implementation of the project and the effectiveness of project management by UNESCO. This positive stance was also conveyed by SIDA as the supporter of the project.

The analysis of the very complete and extensive quantity of minutes, reports, and other relevant documents produced in the course of the implementation of the project shows that management decisions were properly and efficiently oriented towards the achievement of the expected results, according to the original design of the project. UNESCO has also been efficient in the communication with partners in order to guarantee the correct execution of all planned activities and the delivery of the respective outcomes.

Hence, it can be said that the overall management of the project was correct and that results and deliverables were correctly provided.

It also needs to be noted that because of external political circumstances, the involvement of the opposition party CNRP became impossible due to Cambodia's Supreme Court decision from 2017 dissolving it and banning its 118 elected members from politics for five years.

Within this general evaluation, the following comments and recommendations need to be presented:

- There have been a few communication issues, related in particular to the management of financial issues by implementation partners. These problems were detected and solved after a certain period of time. For future experiences, it is important to note that UNESCO project management needs to better coordinate at an internal level with the department in charge of financial matters.
- Despite the fact that UNESCO is considered by implementing partners as being “understanding” vis-à-vis administrative hurdles, particularly those faced by relatively small and understaffed organisations, it is recommended that in future projects UNESCO personnel pay particular attention and provide assistance to these specific partners, both in terms of administrative and substantive support. Regarding the latter, some organisations would have benefitted, particularly

at early stages of the implementation of the project, from a closer support from UNESCO regarding the content and objectives of the project.

- The creation of an active and engaged network of stakeholders involved in drafting the legal process can only be assessed in a positive manner, as will be remarked later. However, in future similar projects it is recommended to take into particular account the challenges associated with organising regular and frequent meetings with a considerable number of participants. A very good organisation and planning of the agenda from the very early stages of implementation would have helped avoid an excessive concentration of meetings and engagements towards the end (and particularly during the extension periods).
- UNESCO would have needed to establish and implement stricter parameters regarding the representation and regular presence of stakeholders, particularly vis-à-vis the meetings of the Technical Working Group. Changes in the representation of stakeholders and lack of previous clear definition of discussion criteria by certain participants were a disservice to the quality of the debates of the Group.

#### 4.2. Stakeholder engagement

All partners and stakeholders involved in the implementation phase agree on the fact that the most important and relevant part of the project in terms of achievements and implementation has been the capacity to involve all relevant civil society and political organisations in a thorough debate that also involved the honest engagement of Government's representatives. This involvement represented not only giving a voice to those entities, but also the opportunity to make actual contributions which were, at least, given proper and equitable consideration within the work of the Technical Working Group. Moreover, according to estimates provided by API, more than 60% of the contributions originated in civil society groups have been actually incorporated into the text of the draft law.

This participatory legal drafting process may also become a benchmark for legal drafting in Cambodia in general, as well as a possible good example for the region. The experience may improve some institutional practices in Cambodia and represents good evidence that participatory processes do not disempower Governments in relevant and sensitive areas, but raise their reputation vis-à-vis citizens in general. In any case, relevant change in the current political culture are still needed from this point of view.

Moreover, the implementation of the project has shown a very good level of coordination and cooperation between United Nations agencies present in the country and involved in this endeavour, i.e. UNESCO and the Office of the High Commissioner on Human Rights.

In this context, the following specific recommendations and comments also need to be presented in this evaluation:

- The project developed genuine partnerships in order to guarantee a proper and successful implementation. These partnerships have facilitated and made more efficient, through the sub-granting processes, the organisation of activities related to Expected Results 1 and 2.
- Some of these partnerships were not, however, adequately anticipated at the initial stages of the execution of the project (nor even at the moment of designing the project strategy) and had to be incorporated during posterior phases of implementation. This circumstance has hampered the full



and effective involvement of several small organisations. It is noted that, in spite of this, UNESCO made relevant efforts in order to minimise the downsides and to facilitate the highest level of civil society engagement.

- It seems obvious that the achieved level of stakeholder engagement is mostly due to the presence in the initiative of international bodies like UNESCO or SIDA. This means that future similar projects in whichever area of legal reform will still need to follow, for now, a similar scheme. Cambodian institutions still need to be adequately trained and sensitised with regards to the democratic importance of participatory processes.
- The involvement of the Government via the Ministry of Information has been particularly positive and relevant to the implementation of the project. However, concerns remain with regard to the actual power of the Ministry to push the draft law forward in order for it to be endorsed by the whole Cabinet and then discussed and adopted by the National Assembly and the Senate. In particular, the risk of these latter instances introducing amendments that would be restrictive and contrary to international standards is very high at this stage, after the completion of the project as such. In this sense, it needs to be particularly underscored that the Inter-Ministerial Committee, a body established by the project with coordination functions at the highest political level, was never created.
- It should also, separately, be stressed that the preparatory meetings, trainings, media content, and other related activities undertaken in the course of the implementation of the project were particularly consistent with the expected results and contributed in a very rich manner to the quality of the discussions of the Technical Working Group. It is also important to emphasize that such activities have reinforced, in general, the capacity and expertise in the area of access to information of the most relevant stakeholders in Cambodia. This should be taken into account when considering other projects in this area.
- The project not only facilitated the involvement and participation of civil society organisations, but also the potential engagement of citizens. In this sense, it is positive and a notable good practice that a web site, containing all relevant documents and information, was set up and made available through the open Internet.
- Some implementing partners reported that they had not had sufficient opportunity to interact with or receive information from other partners, particularly with regard to secondary or preparatory activities in which they were not directly involved. This matter needs to be better considered in future similar projects.
- The presence and voice of women was guaranteed and more than adequately maintained according to the criteria and parameters originally set in the project. The consultation process did not only introduce gender issues into the discussions, but facilitated the consideration of specific access to information interests directly raised by women in different fora. This being said, it shall also be noted that according to the project, a particular focus should have regarded access to information on violations of women's rights, as a way to help raise awareness of such rights, reduce gender-based violence, and offer assistance to women in order to ensure their protection. This specific matter does not appear to have been treated during the implementation of the project.

## 5. Quality of the output

As part of this evaluation, we conducted an in-depth analysis of the draft Law on Access to Information against international standards.

In particular, we looked at the standards from the UN Human Rights Committee, as well as international human rights courts, including the Inter-American Court of Human Rights and the European Court of Human Rights. Furthermore, we considered in particular the fact that the right of access to information is included in the Sustainable Development Goals, with UNESCO tasked with evaluating the quality of access to information laws, and of respect for the right in law and practice, under Goal 16.10.2.

As there are now 124 countries worldwide that have access to information laws and it has become a sine qua non of a democratic society, we also reviewed the law against the comparative law standards, from as captured in the RTI Rating ([www.rti-rating.org](http://www.rti-rating.org)). Comments on challenges likely to be faced in implementation are based on the extensive experience of the implementation of these laws, which provides a rich source for analysis of the quality of any new access to information law as well as the likelihood that it will function well in practice or hit obstacles due to the wording and interaction between various provisions.

### 5.1 Overview of Findings and Recommendations

The analysis found that the current draft Law only scores 69 out of 150 potential points on the RTI rating.

Section	Max Points	Score
1. Right of Access	6	1
2. Scope	30	23
3. Requesting Procedures	30	20
4. Exceptions and Refusals	30	12
5. Appeals	30	6
6. Sanctions and Protections	8	3
7. Promotional Measures	16	4
Total score	150	69

Based on this analysis, we developed a series of recommendations which fall into three categories.

- Recommendations on improvements to the current draft. We understand that not all of these may be taken up, but we believed that its essential to have these all set down on paper so that any current or future reform initiatives can take them into account. Furthermore, we believe that when the law is implemented, it will become clear why we made some of the recommendations.
- Recommendations on ensuring the smooth and correct implementation of the law. These include recommendations on increasing clarity of some provisions so that the interpretation is correct, and recommendations on the kind of training and preparation that will be needed to implement the law.
- A series of recommendations, intertwined with the others, on the establishment and functioning of an Information Commissioner. Experience from elsewhere underscores the value of such a body in ensuring the effective implementation of an access to information law and in protecting and promoting the public's right to know. An Information Commissioner

can conduct trainings for and help mediate with government departments and ensure that implementation is smooth and less confrontational. Given that very positive and participatory drafting process, we believe that the next step would be to establish an Information Commissioner to maintain the philosophy and approach that is being taken towards the right of access to information in Cambodia.

## 5.2 Highlights of Specific Issues & Recommendations

The law has some very good proactive publication provisions (not assessed in our RTI Rating) and then is strongest on scope and requesting procedures.

As to the scope, it's important to ensure that all public bodies and all bodies performing public functions are covered by the law, and we recommend extensions to the scope and/or clarifications where necessary, such as to private bodies performing public functions.

Although generally detailed, there are concerns about the requesting procedures, which include that requesters must provide their age, gender, nationality and occupation, which are not strictly necessary for processing requests and which seem to undermine the idea of requester-blind processing of requests and hence we recommend removal of this requirement. There is also confusion as to whether a form must be used or not. We have made recommendations to clarify this.

Also on requesting procedures, we believe that there is a need to clarify timeframes. It is not reasonable that public bodies can give a provisional answer in 5 days, and we recommend removing that so that the first answer comes "as soon as possible and at a maximum in 15 days" with exceptions (another 25 days) being permitted in limited circumstances.

We also recommend clarity on the fees, and suggest that it be stated that fees can be only for copies, at a commercial rate, and that impecunious or public interest requesters have the fees waived. We also suggest that the first 20 copies are free of charge.

On the scope of the law, we recommend ensuring that it applies to all public as well as private bodies performing public functions, in line with the recommendations of the UN Human Rights Committee.

A big concern is the concept of "confidential information" and the exceptions regime. We have made a series of specific suggestions, some for clarity, and some on strengthening the harm and public interest tests in line with international standards.

Last but not least, we recommend the establishment of an Information Commissioner. As noted above, we believe that such a body will make a huge difference to the implementation of the law. Hence our recommendation is to prioritise this body, and mandate it not only to hear appeals but also to promote the law, educate the public, and conduct trainings of public officials.

## **6. Sustainability**

According to the project, the main objectives to be achieved were the formation and functioning of a capable Technical Working Group and an Inter-Ministerial Committee to draft and pass the Law on Access to Information, as well as to promote participatory law making, and to provide a bridge between the government and the public for discussion on the drafting of the aforementioned law, as well as to increase public demand for a law of this nature, in particular from media professionals.

Putting aside the failed creation of the Inter-Ministerial Committee, the project was able to establish and develop an operational Technical Working Group, which has produced a draft law with

significant positive aspects, as it has already been shown. In addition to this, and according to all the information and points of view that have been collected, the implementation of the project has also brought a relevant increase of public awareness about and demand for access to information, and has increased capacities in this area from the media side.

It has to be noted that at the time of closure of the project and this evaluation (30 June 2018), there is still a part of the draft that is to be validated, specifically Chapter 7 on “Penalties”, which is awaiting validation from the Ministry of Justice. Therefore, although the project has facilitated the drafting of a complete legal proposal, due to this pending approval, the draft itself cannot yet be considered to have been fully accepted by the Government’s side.

Apart from this pending validation, and as has already been mentioned, the draft still needs to be considered by the Council of Ministers and discussed and adopted by the National Assembly and the Senate. This is, therefore, a very delicate moment, as in principle no more meetings, trainings or other events are expected or planned to take place in the months to come. Hence, as has been remarked already, the risks of the legal proposal not being adopted or of it being transformed into something unacceptable from the point of view of international standards are significant and cannot be dismissed. This scenario and its consequences should have been better contemplated at the time of the design of the project.

From the point of view of the evaluators, these are the most important current risks in terms of sustainability of the achievements and results obtained:

- » Risk of problematic changes being introduced in the draft. Some of these changes might result in the text falling short of the minimum threshold established by international standards.
- » Risk of the draft not being finally adopted.
- » Risk of the law not being implemented.
- » Risk of the law, despite being adopted, not being properly used and understood by citizens and journalists.
- » Risk of starting a long process of uncertainty about the fate of the draft, which would probably lead to a paralysis of the advocacy process, or a long “wait and see” situation for civil society stakeholders. This uncertainty might also lead to the loss of the current favourable political momentum and the return to a climate that is much less receptive vis-à-vis access to information campaigns and claims.

These risks are particularly conditioned by the general elections to be held in the country, in order to choose members of the sixth National Assembly and a new Cabinet. According to all reliable sources and experts, there is no material time for the draft law to go through all the adoption legislative procedure before the elections, which are not even planned or scheduled yet. This means that, in any case, relevant discussions and decisions will only take place and be adopted during the last quarter of 2018, after the voting. This also means that, from the Government side, and despite the fact that its political colour may not change, the persons specifically in charge of this dossier may change and have a different agenda on or understanding of Cambodia’s needs in the area of access to information.

Therefore, the recommendations applicable to the different risks and scenarios in order to preserve and enhance the results obtained with the implementation of the project are as follows:

- Strategies to push for the final adoption of the law:

- a. Advocacy. These activities could be undertaken by the international agencies involved in the project, as well as foreign delegations led by the Swedish Embassy. In any case, putting pressure on the Cambodian Government is a political decision that probably belongs to a decision-making level different from that of those directly involved in the adoption and implementation of the project. These advocacy activities should focus on Ministries and other bodies which did not participate directly in the activities of the Technical Working Group.
- b. Using already existing platforms. Most civil society organisations which did participate in the project in different capacities now are well-trained to promote the adoption of the law and to raise the importance of such adoption in different fora and environments. Some of them have created their own platforms in the course of the implementation of the project (websites, Facebook pages, etc.), which can be now used for the to contribute to the goal of promoting adoption of the law at no cost.
- c. Raising the issue in the media. Media professionals can use their outlets to publish information and articles on the situation of the draft. However, it needs to be said that the evaluators detected some reluctance from the journalists' side to openly express this claim vis-à-vis public authorities.

➤ Strategies to follow once the law is definitively adopted:

- a. Trainings provided to public officials, ombudsmen, journalists, and citizens. The existence of a valid law on access to information does not per se guarantee its proper implementation. Such an important instrument requires an adequate sensitisation and preparation of public officials and members of other political bodies (in this case this should also cover district ombudsmen as the oversight or mediation entity provided in the draft), the familiarisation and training of journalists on how to use the law and move from a culture of “informal requests” to a radically different one based on the exercise of a legal right, as well as preparing citizens to properly understand the scope of the new right and the best way to exercise it (particularly with regards to poorly-educated citizens or those living in remote areas).
- b. Dissemination. Information campaigns need to be launched by the Government in order to explain across the country the changes introduced by the law and the way any citizen can use it.
- c. Creation of independent monitoring platforms. Special independent platforms (mostly managed by civil society groups) will need to be supported in order to ensure that adequate and effective oversight and reporting mechanisms are in place, particularly focusing on the quality of the actual implementation of the law and its problems.
- d. Guiding the process of adoption and adaptation of general and sectorial sub-decrees. As has already been explained, there are already several sectorial rules, at the sub-legal, regional and local level, related to access to information matters. Such rules will need to be applied with the new general law and, if need be, amended. An important and specialized work will be needed in order to guarantee the consistency and coherence of the whole legal system in the mentioned area.

- e. Trainings provided to members of future Administrative Courts. As the law currently stands, Civil Courts would be in charge of appeals against administrative decisions taken in the area of access to information. According to Government sources, the creation of new and specialized Administrative Courts is planned to take place shortly. These Courts, once established, will be in charge of access to information appeals. It is therefore important to consider the preparation and implementation of trainings for newly appointed judges, particularly focusing on how to interpret and apply the access to information law.
  - f. Introduce gender-awareness in the implementation. Gender issues were considered during the process of drafting the law, as has already been shown. However, it is very important to continue sensitizing women on the importance of the law and the specific ways to use it, in order to cover their particular needs. On the other hand, there is also a clear need, once the law is approved, to increase the gender awareness of those in charge of its implementation, as well as to promote gender balance in the appointment of public information officers.
- Strategies if the law is not adopted (or is adopted with significant and problematic changes vis-à-vis applicable international standards):
- a. Civil society stakeholders should play a watchdog role. Civil society groups will need support in order to play a particularly intense watchdog role in order to promote access to information, despite the deficiencies of the applicable legal framework.
  - b. Intensify work vis-à-vis the already existing sub-legal framework. Legal analysis work will need to be continued in order to introduce possible improvements at the sub-legal, and regional and local levels, or at least to promote interpretations favourable to the broadest protection of citizens' access to information.
  - c. Make use of skills of already trained stakeholders. One of the most relevant outcomes of the project has been the training and sensitisation of civil society and citizens in general about the importance and the significance of access to information. These new skills will need to be used in order to continue advocating this right, as well as pursuing the actions and campaigns already developed in this area.
  - d. Particular work with Ministries that already have an “open” approach to access to information. According to several stakeholders, there are several official instances (including Ministries) which have already shown a special degree of attention to access to information matters (even in a scenario of the absence of a general law). Special work needs to be done in cooperation with such bodies, in order to improve and promote the exercise and effective implementation of this right.
-