



**Joint Submission for the UN Universal Periodic Review for the 46<sup>th</sup> Session of the UPR Working Group**

**Cambodia**

**Submitted By: Access to Information Working Group (A2IWG)**

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**Joint Submitting Organizations:**

Advocacy and Policy Institute (API), Cambodian Human Rights and Development Association (ADHOC), Alliance for Conflict Transformation (ACT), The Cambodian Center for Human Rights (CCHR), Cooperation Committee for Cambodia (CCC), Cambodia Disabilities People Organization (CDPO), Cambodia Center for Independent Media (CCIM), Community Legal Education Center (CLEC), Cambodian Journalists Alliance Association (CamboJA), Coalition for Partnership in Democratic Development (CPDD), Cambodian Human Rights Action Committee (CHRAC), Committee for Free and Fair Elections in Cambodia (COMFREL), NGO Forum on Cambodia (NGOF), Star Kampuchea (SK) Transparency International Cambodia (TIC), Village Support Group (VSG), Youth Council of Cambodia (YCC), Youth Resource Development Program.

**Description of the Access to Information Working Group:**

The Access to Information Working Group (A2IWG) is a coalition of 21 core member organizations coordinated by Advocacy and Policy Institute (API). It was established in 2003 when a civil society campaign was launched to call for an access to information law. The A2IWG advocates for information disclosure and the enactment of an access to information law in Cambodia to increase transparency and accountability. It works to advocate the government, mobilize stakeholders, hold seminars and conferences, and raise awareness on access to information issues.

## **Submission to Cambodia's 4<sup>th</sup> UPR: Access to Information Working Group**

### **Summary**

1. Cambodia does not have an access to information law. There are some provisions on access to information in existing laws, but they are not very specific and not comprehensive. Criminal sanctions for disclosing some categories of secret information are framed too broadly and discourage openness on matters of public interest. In practice, government disclosure of information is sporadic and it is highly challenging to obtain information on sensitive but important issues, like natural resource governance and concessions.
2. Cambodia previously accepted recommendations in the 2<sup>nd</sup> and 3<sup>rd</sup> UPR cycles to enact an access to information law in line with international standards. It should improve the most recent draft law to align with these standards and enact it by 2024. It should also engage in other measures to improve access to information in Cambodia according to the recommendations in this submission.

### **Scope of this Submission**

3. This submission focuses on the right to access information held by the government as protected by Article 19 of the International Covenant on Civil and Political Rights. It does not focus on broader questions of freedom of expression and access to information in society generally because these issues are covered in other joint submissions. However, the A2IWG supports reforms to guarantee freedom of expression, media freedom, digital rights and the free circulation of information in society, as they are necessary complements to any access to information system in Cambodia.

### **Review of Prior Recommendations**

4. In the 3<sup>rd</sup> UPR Cycle, Cambodia supported the recommendation of Switzerland to "...adopt the law on access to information in line with international standards of the right to the freedom of expression and the right to privacy" ([A/HRC/41/17](#), 3<sup>rd</sup> cycle, 110.96, Switzerland). It also supported a similar recommendation in an earlier cycle to "establish a law on freedom of information in accordance with international standards ([A/HRC/26/16](#), 2<sup>nd</sup> cycle, 118.17, Belgium).
5. This recommendation has not yet been implemented. Cambodia has not adopted a law on access to information. A draft Law on Access to Information has been pending for several years. The most recent publicly available draft also is not fully in line with international standards, although it shows an improvement from earlier drafts.
6. The right to information, including a right to access information held by public authorities, is encompassed by the right to freedom of expression and information in Article 19 of the International Covenant for Civil and Political Rights (ICCPR).<sup>1</sup> Access to information is also closely connected to the protection of other fundamental rights. It can have significant

impacts on the realization of health, education and environmental rights, for example, by fostering transparency around government actions in these sectors.

### **Cambodia Still Has Not Enacted an Access to Information Law**

7. Cambodia has been developing an access to information law for many years. In August 2007 the government completed a Draft Policy Paper on Freedom of Information. Members of Parliament from the opposition party also proposed a draft access to information law in 2010 and a modified version in 2012 but these were not passed by the Parliament. In 2013, the Access to Information Working Group, led by API, proposed a model law on access to information that was based on international standards and the local context of Cambodia, as well as civil society inputs and consolidated drafts from the government and members of parliament. In 2015 the government formed a technical working group to create a draft law and a series of public consultations were held prior to the release of the first draft in February.<sup>2</sup> The latest version, containing additional revisions, dates from April 2020.
8. The government originally promised to pass an access to information law by 2016. This date was then moved to 2020. Now, in January 2023, Prime Minister Hun said the Access to Information Law would be adopted after the 2023 elections, perhaps by 2024 or 2025.<sup>3</sup>
9. Recent reasons given for the delay include the COVID-19 pandemic and the time it takes to consult with various stakeholders. While these are legitimate reasons for a degree of delay, they cannot justify the three-year delay since the release of the most recent draft Law in April 2020, nor the fact that this Law has now been in development for 15 years.
10. The Cambodian government should consult with stakeholders, particularly with civil society, and should be transparent around any further changes to the current draft Law. This kind of transparency and engagement can take some time, but if it is done routinely and at an early stage it should not cause multi-year delays in enacting the Law. Civil society groups have already given public comments on earlier drafts. International standards on right to information laws are also well established and widely available (see the RTI Rating, [rti-rating.org](http://rti-rating.org), for example). For these reasons the Cambodian government should be able to pass a final version that is consistent with international standards relatively quickly.
11. This submission accordingly calls for adoption of the Access to Information Law by 2024. This is in accordance with the timeline stated earlier this year by then Prime Minister Hun Sen. It also allows more than enough time for any further consultations that prove necessary and additional updates to further align the draft with international standards.

### **Alignment of the Draft Right to Information Law with International Standards**

12. Prior recommendations supported by Cambodia called for an access to information law in line with international standards. This section of the UPR submission assesses the most recent draft version, which was released by the Ministry of Information in April 2020, against international standards. Its aim is to highlight additional changes needed in the draft for Cambodia to fully implement these recommendations.

### Positive Features of the Draft Law to Retain in the Final Version

13. Overall, the draft law is a positive step forward in providing for dissemination of information to the public, creating a procedure for Cambodians to request information from their government and obliging the government to respond to that request. The information must be disclosed unless it falls within exceptions included in the draft Law. This obligation would represent a substantial step forward in realizing the right to information in Cambodia, since currently government officials can provide information at their own discretion instead of according to clear legal obligations.
14. Some specific features of the draft Law reflect international standards and should be retained in the final version. For example:
  - The draft Law establishes a procedure for a member of the public to make an access to information request. The relevant public authority is required to issue a receipt upon receiving the request, and to give aid to illiterate or disabled requesters. A written response to the request must be provided according to specified deadlines, and reasons must be provided for any denial. These features all reflect better practice for access to information request procedures.
  - The Law provides for information officers who will handle information requests and creates information units within each public authority. These requirements will help ensure effective implementation of the draft Law when it is enacted.
  - The Law applies to information held in “all formats”. It also applies at both the national and subnational level.
15. The draft Law also contains a “public interest override”, meaning that where public interest in disclosing the information is greater than the interest in maintaining confidentiality, the information will be released even if it would normally be kept secret. This reflects international standards and is important for ensuring consistency with Article 19(3) of the ICCPR. A public interest override can ensure public access to crucial information relating to human rights violations, corruption, misconduct and other major issues.
16. Most of the grounds for keeping information confidential are “harm-tested”. A harm test means that information will be kept secret only if its disclosure would harm a specific interest protected in the access to information law. Combined with the public interest override, a harm test is a crucial part of a good right to information law, because it provides a framework for assessing whether any particular piece of information should be disclosed or kept confidential. This is therefore another positive feature of the draft Law.
17. In a very welcome development, the 2020 draft excludes some very concerning criminal penalties that had been included in earlier drafts. These included, for example, the crime of making a “lying denunciation” to a public authority or acts of violence against public officials or information officers. These provisions needlessly duplicated existing crimes and the offense of “lying denunciation” was insufficiently clear, raising concerns under Article 19(3) of the ICCPR. Their omission from the 2020 draft was a positive step and an example of the government responding to concerns raised by civil society.

## 18. Areas of Improvement to Ensure Alignment with International Standards

19. There are other areas where the Law needs further amendment to ensure alignment with international standards. These changes should be introduced in order to fully implement the recommendations received in prior reviews regarding access to information.
20. First, some additional changes are needed to the procedure for making and responding to requests:
- The requester must provide identifying information including name, sex, age, nationality or occupation. This is not necessary and could invite discrimination, or result in public authorities denying information on improper grounds. These requirements should be removed. Instead, requesters should only be required to provide a means for the public authority to contact them.
  - A requester also cannot obtain information more than once in a 40-day period. This provision should be cut from the draft Law. Some requesters may have valid reasons for making multiple requests in that time period. Lawyers who request information for clients, for example, may use the system regularly. So would journalists and some researchers.
  - The draft Law also lacks clear limits on what fees may be imposed in order to access information. There are some provisions governing how fees will be set, but it would be better to have a provision capping fees to the cost of reproducing and sending information, and providing fee waivers for impoverished requesters. Otherwise, excessive fees can become an indirect means of discouraging access to information requests, or a lack of clarity can enable corrupt practices.
21. Second, a substantial weakness in the draft Law is the lack of an independent oversight system. Upon denial of a request, the requester can make an internal appeal within the public authority who denied the request or appeal to the courts. However, seeking redress at the courts is an expensive remedy and outside the reach of most requesters. An independent oversight body like an information commissioner should be established to hear appeals and provide other oversight roles. Alternatively, another independent institution like an ombudsman can serve this role, if given sufficient resources and powers.
22. This independent entity – whether an information commissioner, ombudsman, or other authority – will need to have strong guarantees for its independence, including protection from political interference during the appointment of its members, during its operations and with its funding mechanism. It should have the powers to compel a public authority to disclose information if it finds that information has been withheld improperly. The draft Law should be revised to include this kind of independent oversight.
23. Third, the system of exceptions – meaning, reasons for which public authorities can refuse to disclose information -- also needs further refinement:
- It is unclear whether the access to information requirements of the draft Law override secrecy provisions in other laws. The draft Law does not apply to confidential information “as stipulated in the prohibition provisions” and it is not

clear if this refers to exceptions in the draft Law itself or to other laws as well (Article 3). If other secrecy laws take precedence, the access to information system can easily be undermined by subsequent and existing secrecy laws.

- An ambiguous exception for “other confidential information” in Article 20(7) could also create an expansive category of secrecy, potentially based on mere internal classification decisions by a public authority rather than a proper assessment of whether the disclosure would harm a protected interest.
- An exception for information related to internal meetings is too broad (and also lacks a harm test).
- The inclusion of the public interest override and harm tests are both positive, but re-drafting could substantially improve them. The harm test for some exceptions is very low, requiring only a minimal indication of harm. The public interest override is not located in the exceptions section of the draft Law, which could create confusion. In both cases, it needs to be clearer that an analysis incorporating a harm test and public interest override is included for every exception.
- Some exceptions expire after a set number of years. This is a positive feature, especially for the exception for documents related to internal meetings, which is 90 days. But the other time periods range from 40-60 years. This is far too long and not consistent with better practice regarding such sunset clauses. For example, national security concerns will cease to be sensitive faster than 40 years.

24. Fourth, the draft Law still contains several criminal sanctions focused on public officials who mishandle confidential information. Other laws sanction government officials for leaking or mishandling confidential information and it is not usually necessary to include this in an access to information law. The wording of Article 30 also references “any person” and not merely a government official. The phrasing is unclear, but the provision might penalise anyone who holds confidential information illegally. This would improperly punish journalists or others who are sent leaked information. In such cases, the penalty should be imposed on the government official who leaked the information, not a member of the public who receives it.

25. Whistleblower protections are also lacking. A whistleblower protection law has been under development in Cambodia for many years, but in the meantime a basic protection for whistleblowers should be incorporated into the Access to Information Law. Currently, there is a provision which protects information officers who disclose information in good faith as part of their work. This is a positive protection, but a stronger protection for any officials who disclose information revealing wrongdoing should be included in the Law as well.

26. Finally, the draft Law could include stronger measures to ensure it will be effectively implemented. For example, it should mandate public awareness efforts, annual reports from each public authority reporting on implementation of the Law and an overall central annual report.

27. A few other miscellaneous points could also be improved:

- The draft Law states that requests can be refused if a requester obstructs the operation of a public institution or the information officer. This is very unclear and

could create an ambiguous justification for an information officer to refuse a request.

- Information officers are tasked with acting as a spokesperson for the institution. This is not appropriate as information officers serve a different role than a government spokesperson. They should neutrally apply the provisions of the access to information law instead of acting as a mouthpiece for government communications.
- The draft Law addresses proactive disclosure in a somewhat limited manner. It could contain more rigorous requirements for public authorities to release more information over time, instead of merely containing a static list of information to be disclosed.
- The definition of information only applies to “official documents”. It should instead extend to all information held by the government.
- Entities which receive substantial funding should also be covered by the obligations in the Access to Information Law. The draft Law also should be clearer about what entities are covered by the Law. It is not entirely clear if State owned enterprises, the legislature or the judiciary would be covered.

28. The draft Law should be amended on these points to ensure that the Access to Information Law more fully reflects international standards regarding access to information.

### **Existing Secrecy Laws and Access to Information Provisions in Other Laws**

#### *Existing Laws Only Provide Minimal Access to Information or Encourage Secrecy*

29. In the absence of an access to information law, Cambodia does not have laws which establish strong obligations to publish government information. Numerous laws address information access, but only in a limited manner, and often in general terms or without accompanying rules that would ensure implementation. In some cases, laws actively enable secrecy.
30. The Press Law contains a right to access information for the media, but in an abbreviated way that does not establish sufficient procedures or protections to ensure the right is realized in practice. Officials must respond in 30 days to requests and must release the information unless it causes certain harms. But officials have broad discretion in applying this and interpreting what information can be kept confidential.<sup>4</sup>
31. The Archive Law provides for disclosure of documents only after long time frames – 20 years for most documents, 40 for other documents like those related to national security or public order, and 120 years for personal documents and medical records. It also does not provide specific procedures for the public to access these documents.
32. Some other laws contain commitments to transparency or require disclosure of certain information. However, many of these commitments are only described in general terms and implementing legislation that would establish precise procedures for releasing this information is lacking. A review by API of access to information protections in multiple

sectors, including health, decentralization, education, public administration, labour, agriculture, and others, found that most access to information commitments are unclear, highly general, or lack implementing regulations, so they are not very meaningful in practice.<sup>5</sup>

33. In contrast, in some important areas, authorities are not even required to disclose basic information on a proactive basis. For example, both the Law on Fisheries and the Law on Forestry provide that annual reports shall be provided to the public on request.<sup>6</sup> Annual reports are the kind of basic information that should be released routinely rather than only upon request.
34. Information disclosure is also often voluntary instead of mandatory. In the economics and investment sector many laws and sub-decrees contain some reference to sharing information, but do not create an obligation to publish, so public officials do not see it as necessary.<sup>7</sup> Similarly, in relation to land concessions there are some intellectual property provisions that have enabled challenges to questionable land concession grants but “in practice there is no mechanism to force the public authorities to provide the public with the information.”<sup>8</sup>
35. More positively, Cambodia just enacted a new Environment and Natural Resources Code in June 2023, a comprehensive new environmental law which contains a section addressing access to environmental information. The new Code creates a right to request certain types of environmental information from both government officials and from project owners, and requires regular disclosure of some basic information. It also establishes a national registry of environmental information and national register for environmental permits.
36. While this is a welcome development, important aspects of these access to environmental information provisions will be determined by subsequent decree, such as procedures for determining confidential information and the request procedures. Such decrees could greatly impact whether access to environmental information is actually improved. Also, a better approach would have been to open access to all environmental information upon request, subject to defined exceptions, and to mandate proactive disclosure of a broader range of information. An access to information law could substantially strengthen these provisions in the Environmental Code by providing a complementary access to information framework.
37. There are also other laws which enable secrecy instead of promoting access to information. A notable example is the Mining Law, which requires secrecy for a range of reports, plans and other documents from the license holder until the license terminates or the license holder agrees to release them. Information about environmental and social issues is exempt from this confidentiality, but this is only at the discretion of the Ministry of Environment.<sup>9</sup> This should enable the release of environmental information requested under the new Environmental Code, but otherwise represents a serious barrier to access to information about mining concessions and the mining industry.



38. Laws governing decentralized administration contain several positive provisions on information access but also enable secret meetings.<sup>10</sup> The Law on Administrative Management specifies that the Minister of Interior will provide guidelines on confidential meetings for provincial, municipal, district, and khan councils, for example.<sup>11</sup> Although public bodies may have legitimate reasons for closed meetings, the apparently expansive grounds for holding a secret meeting could make it easy to hide information merely by making a meeting on that matter secret.
39. Overall, it is clear that existing access to information provisions are quite limited. Despite some positive developments such as in the new Environmental Code, a comprehensive regime is needed. In addition, should an access to information law be enacted, implementation will need to be a priority. Since many authorities do not have even have obligations to regularly publish basic information, they will not be familiar with the procedures for doing so and will need training and guidance.

#### *Criminal Sanctions for Disclosing Information and Lack of Protection for Whistleblowers*

40. Those who disclose government information may face criminal sanctions. Sanctions can be appropriate for government officials who intentionally leak legitimately confidential information, but there should be exceptions for whistleblowers and public interest information, and the category of confidential information should be narrowly and precisely defined. Persons who are acting in good faith should also not face criminal sanctions. Otherwise, government officials will be afraid to disclose information and will keep information secret as a default.
41. Several crimes in the Criminal Code that prohibit sharing information could cover whistleblowers or good faith disclosures of information. For example, disclosing professional secrets, meaning secrets possessed because of one's position or profession, could result in one year in prison and a fine.<sup>12</sup> Since this is not clearly linked to specific professions or their precise standards on what constitutes a professional secret, it could easily be applied overbroadly, including to whistleblowers or even persons handling government information in a professional capacity.
42. Making information available to a foreign state which is liable to prejudice national security can result in 7-15 years' imprisonment. This crime does not clearly require a treasonous intent, does not define what could constitute prejudicing national security, and could potentially include merely publishing such information in a newspaper or report (where a foreign state could access it).<sup>13</sup> Another crime for receiving or collecting information prejudicial to national defence raises similar concerns, although at least in this case it must be done with the aim of supplying the information to a foreign state.<sup>14</sup> Despite the heavy sanction, these crimes could potentially cover relatively innocent information disclosures, leading officials to be overly cautious about sharing information.
43. The Criminal Code also has special penalties for sharing information labelled as "national defence secrets". Information which will prejudice national defence is supposed to be

subject to protective orders to restrict its circulation. The procedures for this will be set by the government.<sup>15</sup>

44. Officials who intentionally share national defence secrets with an unauthorized person may face two to five years in prison and a fine; careless or negligent sharing of such information results in six months to two years in prison and a fine. Anyone – not just officials – who intentionally acquires information that is a national defence secret can be imprisoned for two to five years and be subject to a fine. Duplicating national defence secrets also results in a similar prison sentence and fine.<sup>16</sup>
45. Such a system makes it easy for the information to be classified in the “national defence secrets” category if the government wishes, with threat of imprisonment for sharing such information publicly. The Criminal Code does not establish any exceptions if the information was shared in a good faith belief that it was disclosable, or if it pertains to information about corruption, human rights violations, or misconduct. These sanctions strongly incentivize secrecy even in circumstances where the information could not be properly restricted according to Article 19(3) of the ICCPR.
46. There is also a threat of criminal sanctions for those who lodge a complaint with the Anti-Corruption Commission from Article 41 of the Anti-Corruption Law. If the complaint is considered defamation or disinformation and the inquiry does not yield results, the person who made the complaint may face one to six months imprisonment and a 1-10 million riel fine. This penalty is more serious than that of defamation in other circumstances, which would not result in more than 6 days in prison unless it involves insult of the King.<sup>17</sup> In other words, reporting corruption *increases* the risk of imprisonment.
47. Even with a new access to information law, these sanctions could continue to suppress access to information. The draft Access to Information Law contains a provision protecting information officers from criminal offences if they disclose the information in good faith, which is positive. However, as noted above, this wording should be reformulated to provide broader protections for all officials, and these provisions in the Criminal Code should be reformed to align with international standards.
48. Protections for whistleblowers within the government are also crucial to ensuring public access to information. Whistleblowers often make information public that someone within government has tried to hide. However, Cambodia lacks comprehensive protections for whistleblowers. The Anti-Corruption Unit had been working on a draft whistleblower protection law, reportedly stating in 2017 that a draft was “90% complete”, but there have not been major updates since then and no draft has been released to the public.<sup>18</sup>

### **Barriers to Access to Information in Practice**

49. Currently, the public has access to government-held information sporadically and at the discretion of the relevant public authority. It is challenging to access even basic information which other governments disclose routinely. Information access is especially difficult when it relates to contested issues such as the extractive industries or land disputes.

50. Journalists report that authorities often provide information too late for it to be useful for their reports, or refuse to provide information even when it should be publicly available. Some officials will refuse to give interviews to independent journalists or adopt tactics like saying they are in a meeting or too busy to respond to requests.<sup>19</sup> In 2021 CCIM ran a survey of 125 journalists and persons associated with the media sector. 92% said they had experienced difficulty accessing government sources on sensitive issues.<sup>20</sup>
51. Legal information, even basic documents, can be difficult to access. Court judgments are not regularly made public, outside of Constitutional Court and Extraordinary Chambers in the Courts of Cambodia judgments. An initiative by the Ministry of Justice has supported the publication of a number of judgments on its website since 2020.<sup>21</sup> Such a program is welcome, but only covers a small portion of total judgments. A systematic rather than ad hoc solution should be developed to make publication of judgments a regular practice, at least for upper-level courts.
52. Existing and draft laws and regulations are also not easily accessible. The Official Gazette is now online since 2017 which was an important step. However, Cambodia lacks a central public database where all laws and regulations can be easily accessed. This concern has been raised by stakeholders in the prior UPR cycle but there have been no apparent efforts to create such a database, although it is mentioned in the new e-government plan.
53. Access to information is especially challenging when it relates to management of land, natural resources and extractives. In the mining sector, important information is not publicly available, particularly around details of awarded licenses and the terms on which they are awarded.<sup>22</sup> Public data on revenues from the extractives sector has been incomplete and inaccessible.<sup>23</sup> More generally, there is poor transparency throughout the extractive concessions process, such that “incomplete public information” forces stakeholders to undertake “a lot of estimation” to have a full picture of Cambodia’s extractive industry.<sup>24</sup>
54. Accessing “even the most basic information” about Economic Land Concessions (ELCs) is also challenging, with only sporadic information provided on government websites.<sup>25</sup> There has been a moratorium on these concessions since 2012 following controversies. However, the government has still not released comprehensive information about the status of cancelled ELCs or what is currently happening with the land.<sup>26</sup>
55. Communities impacted by investment, mining and other projects also lack access to information about these projects. There are numerous examples of this, and it can be observed across numerous aspects of such projects. Examples include fishing communities who could not access information about the companies involved in nearby oil and coastal development projects,<sup>27</sup> mining-impacted communities who were unaware of funds that were supposed to be available to them,<sup>28</sup> and other communities who did not have basic information about nearby ELCs such as ownership or boundaries.<sup>29</sup> While the new Environmental Code could set the stage for better access to environmental information in some respects, substantial reform of the current system is needed to mainstream transparency and the dissemination of information to local communities.

56. In other respects, public access to information is better at the local level than the federal level, with many people relying on local officials for access to information on government services and projects.<sup>30</sup> However, access to information could be improved at this level also. For example, only 34% of respondents to a TI Cambodia survey thought the Commune/Sangkat budget process is fair and transparent while 90% had never received information from their Commune/Sangkat authority about the dissemination of budget records.<sup>31</sup>
57. Awareness and knowledge of government budgets, social programs and basic services also needs improvement. Citizen awareness of national and local budget information is poor. While most respondents to an Oxfam Cambodia survey were aware of social protection programs, a third of respondents still felt it was hard to obtain information on such schemes.<sup>32</sup> In the health sector, 92.8% of respondents did not know that health centres were required to post annual budget information and 94.5% had not seen such information.<sup>33</sup> Such statistics suggest that even where some transparency or access to information rules are in place, they are not being implemented fully or there needs to be more of an effort to disseminate such information to multiple sectors of society.

## **Recommendations**

In order to meet its obligations under Article 19 of the ICCPR, we urge Cambodia to:

58. Adopt an Access to Information Law in line with international standards by 2024.
59. Improve the draft Access to Information Law, including by specifying that it overrides other classification schemes or secrecy laws, provides for an independent oversight system, addresses proactive disclosure in greater depth, and avoids imposing criminal sanctions on those who are not government officials or government officials who release information in good faith.
60. Immediately following the enactment of an access to information law, conduct public awareness-raising and educational efforts around the right to access information and the new law.
61. Establish an access to information oversight system, such as an information commissioner or ombudsman.
62. Upon adopting the Access to Information Law, immediately take steps to implement the Law, such as by appointing information officers, commissioners or ombudsmen responsible for oversight; conducting trainings; raising public awareness and proactively releasing information.
63. Immediately, before enacting an Access to Information Law, develop a list of basic information to be proactively disclosed, such as budgeting information, the national development plan, procurement information, judgement and official price of services, and start disclosing this information in a manner accessible to the diversity of Cambodians.

64. Establish dedicated state funding for upgrading government websites and other communications and establish a free, accessible and synchronised central public information database that is updated regularly with information important for the needs of the public by 2025.
65. Create a free, accessible and up-to-date official legal information database by 2025, including all the laws, decrees, royal decrees, circulars and regulations of all ministries in Cambodia, and update it regularly.
66. Ensure regulations under the new Environmental Code strongly promote access to information by creating clear procedures and rules that reflect international standards.
67. Establish a whistleblower protection regime by enacting a whistleblower protection law before the next UPR following public consultations.
68. Strongly promote access to information by reforming laws that do not align with international standards, such as provisions in the Criminal Code which restrict expression and sharing State secrets beyond that allowed by the ICCPR, or digital regulations such as the National Internet Gateway sub-decree and Prakas No. 170, as recommended in other joint submissions from the Digital Rights Working Group.

## List of Access to Information Working Group members endorsing the UPR Report 2023

1	Advocacy and Policy Institute (API)
2	Cambodian Human Rights and Development Association (ADHOC)
3	NGO Forum on Cambodia (NGOF)
4	Alliance for Conflict Transformation (ACT)
5	Cambodian Journalists Alliance Association (CamboJA)
6	Cambodian Disabilities People Organization (CDPO)
7	Community Legal Education Center (CLEC)
8	Committee for Free and Fair Elections in Cambodia (COMFREL)
9	Coalition for Partnership in Democratic Development (CPDD)
10	The Cambodian Center for Human Rights (CCHR)
11	Cooperation Committee for Cambodia (CCC)
12	Cambodia Center for Independent Media (CCIM)
13	Cambodian Human Rights Action Committee (CHRAC)
14	Star Kampuchea (SK)
15	Transparency International Cambodia (TIC)
16	Village Support Group (VSG)
17	Youth Council of Cambodia (YCC)
18	Youth Resource Development Program (YRDP)

<sup>1</sup> Human Rights Committee, General Comment No. 34, paras. 18-29, CCPR/C/GC/34.

<sup>2</sup> Raymond Leos, Cambodia Draft Law on Access to Information: Updated Legal Analysis, Advocacy and Policy Institute, 6 July 2020.

<sup>3</sup> API, An Assessment of the Information Availability and Effectiveness of Current Cambodian Legislation on Public Access to Public Information, 16 February 2015; Khuon Narim, CamboJA News, Prime Minister Claims Access to Information Law Will be Approved After Elections, 17 January 2023, <https://cambojanews.com/prime-minister-claims-access-to-information-law-will-be-approved-after-elections>.

<sup>4</sup> Press Law, 1995, Article 5.

<sup>5</sup> API, Cambodia Laws and Sub-decrees related to Access to Information: A Sector Analysis of Education, Health, Labour, Economics and Investment, Environment and Natural Resource Management, Decentralization and De-concentration, Agriculture, Disability and Public Administration, 2015, pg. 35. This review was completed in 2015 but changes to the law since then have not been substantial enough to alter this finding. The most significant update is the new Environmental Code which is discussed in this submission.

<sup>6</sup> Law on Fisheries, 2006, Article 16; Law on Forestry, 2002, Article 9.

<sup>7</sup> API, Cambodia Laws and Sub-decrees related to Access to Information: A Sector Analysis of Education, Health, Labour, Economics and Investment, Environment and Natural Resource Management, Decentralization and De-concentration, Agriculture, Disability and Public Administration, 2015, pg. 10.

<sup>8</sup> Try Thy and Gabriel Milgram, Towards Better Access to Information on Land and Extractive Industry Concessions in Cambodia, paper presented at the 2020 World Bank Conference on Land and Poverty, Open Development Cambodia, 2020, [https://data.opendatacambodia.net/library\\_record/towards-better-access-to-information-on-land-and-extractive-industry-concessions-in-cambodia](https://data.opendatacambodia.net/library_record/towards-better-access-to-information-on-land-and-extractive-industry-concessions-in-cambodia).

<sup>9</sup> Law on Mineral Resource Management and Exploitation, Royal Kram NS/RKM/0701/09, 2001, Article 20.

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