



# BULLETIN

Office of the Council of Ministers  
Council for Legal and  
Judicial Reform

## Legal and Judicial Reform

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### The Legal and Judicial Reform in The Rectangular Strategy Phase II



Samdech Akka Moha Sena Padei Techo **Hun Sen** at the First Cabinet Meeting of the Fourth Legislature of the National Assembly

In the first issue of the Council for Legal and Judicial Reform bulletin it was noted that the reform is a political tool that the Royal Government of Cambodia took from their first legislative mandate in 1993 to ensure the sustainable development of the country. In the fourth legislature of the National Assembly (2008-2013), the Government strongly committed to continue its reform in order to serve the country's interest and to respond to the needs of the Cambodian people.

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#### Study to Introduce Ombudsman System in Cambodia

The complaint system for the public against maladministration has been studied for introduction and application in Cambodia. It was discussed in a seminar on "Introduction of the Ombudsman System in Cambodia" organized by the Project Management Unit (now the General Secretariat) of the Council for Legal and Judicial Reform and supported by the GTZ "Administration Reform and Decentralization Program" on 06 March 2009 at the Inter-Continental Hotel.

The objective of the seminar was to provide better understanding of the current situation of complaint mechanisms in relation to the administration in (Continued on page 15)

# Strategic Plan of the Model Court in Cambodia

Strategic Plan of the Model Court has been developed according to the document of Model Court Analysis, which is responding to the main objectives international and national standard and criteria developed according to the three mechanisms of court: case management, court management, and court administration. In regard to the objective and standard of the Model Court, there was an explanation already in the CLJR bulletin No. 1 2008. In this publication, we will present only the three mechanisms of the court as follows:

## First mechanism: Case management

Case management is the organization of the case handling in order to facilitate an efficient case flow, i.e. the actions related to getting a case through the system. The activity will include many activities conducted by the court and judge in the case of case filing and organizing. Different decisions of the judges and other supported officers in the court will be affected to the management of the case, for example, systematic case receiving. The case management has ten stages (see more criteria of Model court in Cambodia, CLJR bulletin, No. 1, 2008).

## Second mechanism: Court management

Court management focuses on the proceeding of all legal and jurisprudential aspects of the court work, the assignment of the cases, the organization that all supports are available when required by the judges in handling their individual cases, the control of the total case load, the collection of statistics, the control of conflicts of

interest, court library and information, contact with other courts etc. Main functions to perform in court management are: (1) reception, (2) registration, (3) secretariat, (4) documentation, and (5) information and cooperation.

## Third mechanism: Court Administration in the individual court

Court administration is everything related to logistics and operational support enabling the courts to perform their functions, including the actual physical registration, filing and achieving of cases, budgeting, accounting, procurement, physical facilities, IT, asset and inventory control and human resource management. It means that court administration should be considered on a number of functions like (1) finance, (2) support mean, (3) human resource, and (4) system of management.

Five years Strategic Plan of the Model Court of Phnom Penh, Kandal, Kampong Cham, and Banteay Mean Chhey court has been prepared already by the Working Group of each Model Court with the technical support from experts of General Secretariat of the Council for Legal and Judicial Reform, Ministry of Justice, and other development partners (CCJAP III, EWMI, DIHR, DINIDA) based on the three mechanisms mentioned above. This Strategic Plan has been approved by the High Level Working Group of the Model Court on 25 May 2009. This is the first court strategic Plan in Cambodia. Starting from the strategic plan, the Working Group of each Model Court is preparing business plan for each model court. The action plan will be developed according to the existing strategic plan.



General Aspect of the meeting of the High Level Working Group for Model Court on 25 May 2009



## Progress of Implementation of CCJAP III Component IV, 1st Quarter 2009

The CCJAP III strategic objective consists of 6 components: (1) legal and judicial reform support, (2) crime prevention and community safety, (3) police, (4) Ministry of Justice (MoJ) (5) correction and (6) program management.

The component 4 aims to strengthen the capacity of the MoJ to support the courts in the delivering equitable and timely access to justice. The result of the implementation of this component for January-March 2009 is as follows:

The trial of the court register system for both adult and juvenile offenders is continuing in Kandal and Siem Reap Court. This is a positive step for the trial of using the new register.

Component 4 has continued to support the Ministry of Justice Child Justice working Group. Advises have been provided to the Working Group to refine the Proposed Juvenile Justice Law, particularly in regard to the court and prosecutor roles in the law as well as diversion aspects of the proposed law.

Police Courts Prisons meetings have continued to be supported by component 4. So far, advisers have been in attendance at these meetings at Battambang and Prey Veng Province. Police Court Prison meeting will be extended to Kampong Thom and Banteay Meanchey Province due to the project extension to cover these provinces.

The Ministry of Justice Gender Action Group has received support in the development of the Ministry of Justice Gender Action Plan. Support will continue to be provided to print and launch the plan as well as provide training to the MOJ to assist in implementing the plan.

The Court of Appeals database development has continued. A draft of the system has been presented with fine tuning of the system expected to be completed in early 2009. The database server has been installed in the court awaiting the completion of the software, this will allow for case details to be entered onto the system for use by the court. The courts database will allow for accurate data from the court to be obtained as well as automating the courts case listing which will remove any human error that may arise from the prioritisation in the listing of

cases before the court.

Court recording equipment for the Court of Appeal and the Supreme Court is using in the courts. The court recording equipment will allow for an improved record of the proceedings in appeal cases, which in turn should allow for more accurate appeal decisions and in a more timely fashion.

The Court of Appeal is also being assisted to improve the courts filing systems. Three staff have been funded by CCJAP to reorganise the filing system in the court, find all completed and current case files and file the cases orderly in a renovated space in the court which was also funded by CCJAP.

The Supreme Court of Cambodia along with improved court recording equipment has been assisted through the provision of photocopy machines to more easily distribute appeal documents amongst the judges. The machines will allow improvements in the courts timeliness in hearing matters as well as distributing appeal decisions. Funding has also been approved to print and distribute the Supreme Court judgment bulletins. These judgments assist lower jurisdictional courts by means of guidance in dealing with cases where the Supreme Court has made findings in similar situations.

### *Continued from page 6 : Development partners supporting legal and judicial reform sector*

Legal and Judicial Reform Strategy adopted by the Council of Ministers in 2005. Most activities have been implemented according to separate institutional frameworks. Recently the number of aligned projects has increased.

- Many key DPs, for example, JICA, USAID, AusAID through CCJAP III, DANIDA, and UNDP have started to align their programs with the PAILJRS of the Government.
- More than 300 million US dollars has been provided to support the sector reform.

## Development partners supporting legal and judicial reform sector

USAID, JICA and AUSAID and France Cooperation are standing in the first, second, and third in supporting the Legal and Judicial Reform sector among 20 development partners.

Mr. KHLOK Dara, Head of Human Rights and Arbitration Division of the Secretariat General of the Council for Legal and Judicial Reform presented a report of a study on “Development Partners Activities in Legal and Judicial Reform Sector” to participants at the Technical Working Group for Legal and Judicial Reform meeting on 23 February 2009.

The Legal and Judicial Reform Strategy is continued to be a priority reform program of the fourth mandate of the Government. The reform strategy was adopted by the Council of Ministers in 2003 and the development of its action plan took around two years to finalize by the Council of Ministers with full participation from all stakeholders in government agencies, development partners (DPs) and civil society organizations. Presently many of the 97 priority actions in the reform strategy have been actively supported and implemented by DPs and Government implementing agencies. However, there is no single, clear information or report on activities supported by the DPs in the legal and judicial reform sector. As a result some support from DPs could be duplicated.

With the support from JICA, a Working Group of Secretariat General of CLJR led by Mr. KHLOK Dara prepared a study on “Development Partners Activities in Legal and Judicial Reform Sector” in order to grasp the whole picture of who is doing what in this sector to avoid overlapping, to see the gap between the plan and implementation, and to maximize the resources and inputs from DPs. To achieve this CLJR and all members of the TWG-LJR decided to summarize the activities/projects taking place and to collate them in a DP activity report for the sector. The report will provide a single point of information for all stakeholders, in particular DPs, to map out their activities and plan for implementation of the sector reform program.

The report focuses upon only the activities of the DPs supporting the legal and judicial

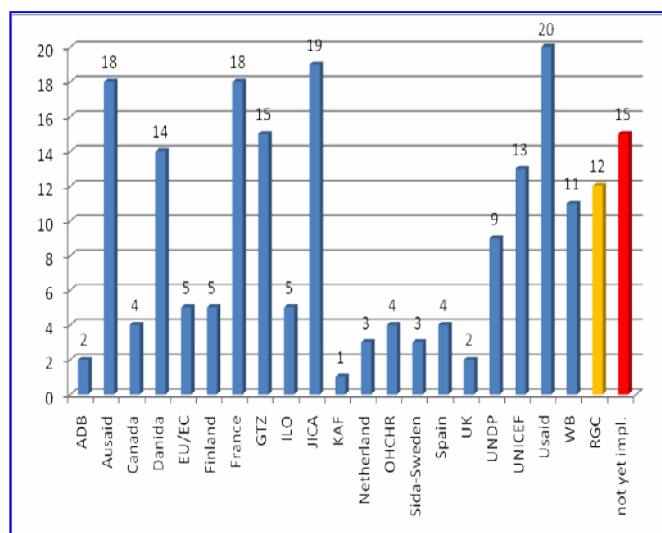
TWG/  
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reform sector and does not cover related sector funding information.

Sixteen half hour meetings and interviews were organized with DPs, being AusAID, DANIDA, USAID, EWMI, GTZ ARDP, GTZ PWR, GTZ LMAP, World Bank, CCJAPIII, EU/EC, ILO, France Cooperation, UNICEF, JICA, Labor Arbitration Foundation, and ILO – component indigenous people promotion. Furthermore the report has been reviewed and commented upon by the Secretariat General of the Council for Legal and Judicial Reform. To validate the report information, the first draft of the report was presented in the meeting of Technical Working Group for Legal and Judicial Reform (TWG-LJR) on the 20<sup>th</sup> of February 2009 for reviewing and receiving comments and feedback for the final report. (Continued on page 6)

*Chart on number of DPs supporting LJR sector by activities*



*Continued from page 16: New Structure of the Council for Legal and Judicial Reform*

structure in order to make it more effective and to place it in the context of the present and future development of the country.

In this framework, the Council for Legal and Judicial Reform drafted a Royal Decree to amend article 1 and 6 of the Royal Decree No. NS/RKT/0602/158 dated 19 June 2002 on the establishment of the Council for Legal and Judicial Reform. Along with that, a draft sub-decree on organizing and functioning of the Secretariat General of the Council for Legal and Judicial Reform was prepared to replace the old structure. The old structure had two levels of management, the first being the Permanent Coordination Body (PCB) and the second being the Project Management Unit (PMU) of the Council for Legal and Judicial Reform.

The draft Royal Decree and Sub-Decree were passed at the first meeting on January 2009 and the inter-ministerial meeting and on 11 February 2009. The decrees were finally approved by the Council of Ministers meeting on 27 February 2009.

The new Royal Decree N0. NS/RKT/0309/348 dated 27 March 2009 on the amendment of article 1 and 6 of Royal Decree N0. NS/RKT/0602/158 dated 19 June 2002 on the establishment of the Council for Legal and Judicial Reform changed the membership of the Council from 8 members to 12 members as below:

- Deputy prime minister in charge of the Office of the Council of Ministers Co-Chairman
- President of the Supreme Court Co-Chairmen
- Minister of Justice Deputy Chairman
- President of Cambodian Human Rights Committee and president of Anti-Corruption Unit Deputy Chairman
- President of Appeal Court Deputy Chairman
- President of First Instance court of Phnom Penh Member
- One Representative from the Council of Jurists Member
- One Secretary of State of Economy and Finance Member
- One Secretary of State of the Office of the

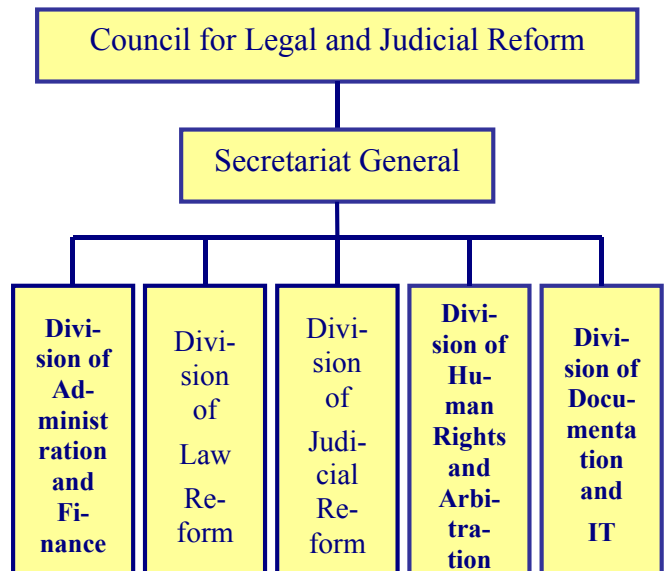


H.E. **Sok Pheng** (right) Secretary of State of the Office of the Council of Ministers representative of H.E. **Sok An** Deputy Prime Ministers and Minister of the Office of the Council of Ministers and Co-Chair of the CLJR at the plenary meeting of the COM examining and approving the drafts of the Royal Decree and Sub-Decree

- Council of Ministers Member
- One Secretary of State of Interior Member
- One Secretary of State of Commerce Member
- Secretary General of the Council of Legal and Judicial Reform Permanent member.

The new article 6 of the Royal Decree established a General Secretariat to assist the Council replacing the old structure of the Council, which has two levels of structure (PCB and PMU).

The organization and functioning of the General Secretariat of the Council for Legal and Judicial Reform was determined by Sub-Decree N0. 52 RNK.BK dated 6 April 2009. The new structure diagram of the Secretariat General of the Council for Legal and Judicial Reform is below:



## Continued from page 4 : Development partners supporting legal and judicial reform sector

The report in detail can be found with [www.cljr.gov.kh](http://www.cljr.gov.kh). Furthermore, the draft of report was sent to all 20 DPs for final review and comments.

The report focuses upon the information of the projects/programs that DPs (DPs) have supported and implemented in 2008 within the framework of the legal and judicial reform program.

The assessment of the DP activities supporting legal and judicial reform is incomplete since the report focused only on the activities of the DPs in the LJR sector.

The report should identify more information on the funding of the DPs in the reform. The implications on government implementing agencies from activity implementation and completion should also be assessed in order to ensure the successful implementation of the reform.

The findings of the study are as follows:

- DPs played a very important role in supporting and implementing 70 LJR priority actions from the 97 priority actions in the PAILJRS.
- 12 priority actions have been implemented by RGC agencies without any DP

support.

- Twenty DPs actively contributed to the legal and judicial sector reform. Six of these (USAID - 20 activities, JICA - 19 activities, France and Ausaid - 18 activities, GTZ - 15 activities, and DANIDA - 14 activities [see table 1 and annex 3 and 4]) are key DPs who have supported many activities in the legal and judicial sector. The DPs have provided both technical and financial support to the legal and judicial reform program.
  - 202 activities have been supported by 20 DPs in the legal and judicial sector reform.
  - Strategic Objective 1 has received much support from DPs with 70 activities supported by 18 DPs
  - Fifteen priority actions are yet to be implemented
  - There are nineteen implemented projects/programs required more review
  - Sixty three implementing project/programs that need to provide more supports
  - Most of the project/programs implemented in the legal and judicial sector are unaligned with the Plan of Action for Implementing.
- (Continued on page 3)

## Continue from page 12: The Legal and Judicial Reform in The Rectangular Strategy Phase II

Council for the Legal and Judicial Reform, showed that after one project has been implemented the second phase of the monitoring is applied to the outcome. Therefore, all priority actions which have a 100% completion rate should be subject to outcome monitoring and evaluation. This needs to be done in order to determine if the outcomes are contributing to the strategic objective or not and in turn contributing to the common goal of the Legal and Judicial Reform Strategy.

Therefore, according to the commitment of the Royal Government of Cambodia in continuing the implementation of the Legal and Judicial Reform Strategy in this fourth legislature of the National Assembly, the objectives for Legal and Judicial Reform implementation for 5 years (2008-2013) are:

- 1-Monitoring the projects that achieved 100% step completion
- 2-Continue to complete projects that achieved 50% step completion
- 3-Strengthen the implementation of the projects that achieved under 50% step completion
- 4-Contact and coordinate with development partners to implement projects that have not yet begun implementation as well as ongoing projects.

The implementation of the five years continuing Legal and Judicial Reform Strategy needs effective and efficient coordination and close cooperation between the Council for Legal and Judicial Reform and implementing institutions, especially development partners in the legal and judicial sector.

# Model Court Creates Hope in Cambodia

*Mr. Brendan Sweeney had interviewed Mr. Thomas Martin about the future of the model court in Cambodia. The content of this interview quoted from the web site of DIHR is as follows:*

**Could I ask you about your position at the Danish Institute for Human Rights, and what your work in Cambodia entails?**

I work as a Project Manager for the Danish Institute for Human Rights on Cambodia. Our project is centred on a long-standing partnership based on collaboration with a coordination body and the project management unit under the Cambodian Council for Legal and Judicial Reform. We have worked with them for the last eight years, primarily to build up a strategy for legal and judicial reform in Cambodia, as well as on tools and concepts.

**What is the background of this project? How did it all get started?**

Well, the Cambodian government had a vision of creating a cohesive, educationally advanced and culturally vibrant Cambodia. And to reach this goal they realized that they had to ensure respect for human rights; the primacy of the law, and the separation of powers. The 1993 Constitution was a milestone in this respect. It enshrined a liberal democracy with separation of powers, rule of law and human rights for all citizens. But outside this legal framework no one could ignore the fact that decades of conflict and instability had damaged almost every aspect of Cambodia's legal, judicial, social and economic life. So this wide reform agenda established by the Cambodian State had to take on the task of building up capacity. This wasn't really in focus in the 1990s when there was a lack of communication and coordination between the Cambodian ministries and the various reform bodies. The legal and judicial institutions did not at function properly as a sector and efforts invested in justice reform had not resulted in the expected improvements. So our project was developed to create a

functioning justice sector, including the strengthening of the courts. The courts are central to the delivery of justice and the development and application of a model court approach has been an important part of the strategy.

**What can you tell me about the concept of the model court approach, and how you are using it in Cambodia?**

The project has been developed over the last three years in collaboration with the key institutions and ministries of the Cambodian justice sector, including the Ministry of Justice and the courts. You take a number of already-existing courts and you develop them into centres of excellence and drivers in a court reform process. It is a concept that has been used with varying rates of success across the world. There has been criticism too; it's crucial that the political will to engage the courts is there, that you understand the society you're working in and that you respect and support the independence of the judiciary and the courts.

**Could I ask you about the independence of the courts, because that is generally seen as a problem in Cambodia?**

It is well documented that there is extensive corruption in the courts in Cambodia and that ordinary people have little faith in a system where access to justice is limited, there is little transparency and where people in positions of power can use the system to their own advantage. But on the positive side there is currently a strong commitment on behalf of the Government and especially the courts themselves to do something about this. One has to keep in mind that Cambodia has experienced not only genocide but a very specific form of genocide targeted at intellectuals. Rumour has it that there were only eight legal scholars left in Cambodia after the Khmer Rouge had carried out their mass killings and that's not more than 30 years ago. Building a just system with such scarce human resources and after so much political turmoil is a long process. But the model court approach has a lot of potential with its anchoring in the strategy which the Cambodian government has developed.

(Continued on page 10)

## Activities of “Maison De La Justice” (District Center for Justice) of the Program of Access to Justice in Cambodia

One element of Access to Justice Program, implemented by Ministry of Justice and Ministry of Interior under the support from UNDP, is to establish point center for district justice “maison de la justice” in 20 districts of 6 provinces where 4 centers have been established in 2006 and 16 others in 2008.

The fourth element of Access to Justice Program on alternative dispute resolution mechanisms composes of three programs which are:

- alternative dispute resolution mechanisms by establishing district centers for justice and commune dispute resolution committees
- empowering women through establishing community communication on domestic violence prevention and protection affected parties
- indigenous people and their organizations empowered

All the three programs of the fourth element of Access to Justice Program have been implemented by the Ministry of Justice and Ministry of Interior in order to support the program of legal and judicial reform of the Royal Government of Cambodia under the financial support from UNDP signed on 7 April 2006.

### **I-Maisons de la justice at district level and commune dispute resolution committees**

The ministry of Justice and Interior issued inter-ministerial Prakas No. 85 PR.K.KY MP/06 dated on 20 December 2006 on the establishment of maison de la justice in pilot project in district level in four districts in Kampong Speu and Kampong Chhnang provinces and an other inter-ministerial Prakas No. 13 PR.K.KY MP/08 dated on 11 February 2008 on the establishment of 16 additional pilot district centers in 6 provinces: Kampong Speu, Kampong Chhnang, Battambang, Siem Reap, Ratanakiry, and Mundulkiri provinces.

In the first quarter of 2009, there are 397 cases in total in the 20 maison de la justice in

which 268 cases left from previous year and 129 cases are new. So far there are 48 pending cases, 245 cases in the process, 63 cases successful solved, 17 cases fail solved, 20 continued procedure cases, and 4 cases not pursued by the party.

The dispute categories are 224 land cases, 30 insult/defamation cases, 20 domestic violence cases, 20 divorce cases, 3 pre-marital contract breaches cases, 32 debt cases, 4 heritage cases, 14 property dispute cases, 2 alimentary obligation cases, 23 neighborhood dispute cases, and 25 minor cases.

The commune dispute resolution committees of 56 communes in 20 districts of 6 provinces, in first quarter of 2009, received 575 cases in which there are 179 left cases from previous year and 396 new cases. So far there are 63 not mediated cases, 160 mediated cases, 286 successful mediated cases, 35 fail mediated cases, 30 continued procedures cases, and 1 not pursued by the party case.

The dispute categories are 193 land cases, 77 insult/defamation cases, 145 domestic violence cases, 31 divorce cases, 15 property damage cases, 40 minor cases, 8 street disputes cases, 4 heritage cases, and 62 debt cases.

### **II-Women Empowerment**

Women empowerment has been established by organizing community conversations on domestic violence prevention and protection through providing training to village coordinators and other supporters ( local authority, police and monk) improving human rights awareness program, empowerment and conflict prevention. The training focuses on:

1. definition and category of domestic violence
2. cause of domestic violence
3. impact of domestic violence
4. roles and duties of local authority
5. belief and fact of domestic violence
6. social resource (Continued on page 9)

# Continued from page 8: Activities of “Maison De La Justice” (District Center for Justice) of the Program of Access to Justice in Cambodia

7. strategy of target group
8. divorce is a final choice of domestic violence
9. civil registration and its advantages
10. offense related to domestic violence and its related provisions.

meeting with provincial authority to solve difficult problems, especially land issues in their community.

So far the community conversation has been implemented in 77 villages in 14 districts in Kampong Speu and Siem Reap provinces. In the first quarter of 2009, the project group conducted a feasibility study on livelihood, including conflict happened in Ratanakiri and Mondul Kiri provinces in order to identify target village to strengthen community conversation program in 12 villages of the two provinces.

The result of the fourth element of the program of access to justice showed that alternative dispute resolution mechanism services getting more popularity than formal court. It is of course responding to the priority action and policy of the Government of Cambodia. Recently, it was strongly supported by the first and second commissions of the National Assembly.

### III-Indigenous people and their organizations empowered

This program has been jointly implemented by UNDP, and Ministry of Justice and Ministry of Interior. The program consists of:

The picture below show process and procedure of dispute resolution.

- Enhancing rights of access to justice of indigenous people: the project team made contract with Community Legal Education Center (CLEC) for 2009 in order to continue implementing the program in indigenous people community in Ratanakiri and Mondul Kiri provinces to build capacity in conflict resolution through indigenous traditions.
- CLEC continued implement the program in indigenous people communities by providing continued training on contract making and dispute resolution mechanisms through formal court and alternative dispute resolution mechanisms which consists of negotiation, mediation, conciliation skills to informal education teachers and elders people who used to play a role of conciliator in the indigenous people community
- Preparing peace table talk contributing opportunity to indigenous people



**In concrete terms how does the model court system work?**

Four courts have been selected as model courts and they are now in the process of formulating how they want to approach the task and internalising a framework for reform.

There are 10 different standards, defined by looking at the Cambodian constitution and international standards for the administration of justice that have been adopted by the Cambodian government and the courts themselves. These standards are designed to ensure, for example, that the court is accessible and independent, that it operates transparently and impartially, that accused and victims are treated equally and fairly and that court judgements are systematically enforced. A working group under the project, comprising Cambodian officials from relevant ministries, prosecutors, judges etc, has then gone through a process of taking their own laws (for example, looking at the existing penal codes or court procedure), and examining which existing criteria in the national legislation that have to be met to realise the new model court standards.

This comprehensive analysis has then been introduced to the four model courts and the courts are now assessing how they, in practice, adhere to the new standards and criteria. On the basis of that assessment, each model court develops a three-year business plan through which they attempt to achieve the goals of the model. And very importantly, how they want to prioritise their efforts, when seen in relation to the entire court – procedures, personnel, equipment, training, systems, and facilities – across the different types of civil and criminal cases. The business plan enables the individual court to plan and budget better for its activities and to present its needs to the Ministry of finance and the Ministry of justice and to donors. These courts have the opportunity to become national frontrunners and to serve as an example that can be easily modified for other courts.

We have spent a lot of time on methodology because this will be the model for the national court system. Once the plan is realized with

these four courts, the Cambodian partners will be able to export this to all twenty-one courts throughout Cambodia, and we want to create a workable process that can translate easily into other contexts.

**What is the downside to a model court system, and have you faced criticism?**

The general critique of model courts is that you have political will at the inception of the project: the donors and government wants to work with these courts, you paint them, you get ramps for wheelchairs, big signs, a website, and all the trappings of a model court. However, there is no guaranteed trickle down effect, and if the project stops at the specific model court, it does not address the deficiencies of the entire system.

Our goal is not to simply help to produce four model courts: our goal is to help these courts build a workable process for all courts in Cambodia so that these safeguards and improvements can be felt throughout the country.

**So far this seems to be functioning well. Are you optimistic about the future of this project?**

I'm optimistic about the fact that we've got this far, and that we have political backing from the Cambodian courts and from the government. I'm also optimistic about the participation of donors who are willing to finance such a system. The project is now funded by Danida, but other donors express their interest, especially the Australians, whom we work closely with. They appreciate the structure: it is transparent, and they are committed to working through the model framework.

One of the biggest challenges is that the courts are extremely under-resourced. To live up to this new model, they will have to undergo a lot of changes, in terms of management and human resource development, but also in terms of filing and public relations, and practical administration. They lack resources in all areas: not just bricks and buildings, but (Continued on page 11)

# Prison Reform In Cambodia

The General Department of Prison of the Ministry of Interior in partnership with CCJAP III, hosted a workshop for all NGOs and development partners who are providing services to the women and juvenile prisoners of Correctional Centre 2 (CC2).

The workshop was held on 24 April 2009 with 3 aims. The first one is to assist in improving coordination and cooperation between NGOs. The second aim is to provide an opportunity for H.E. **Heng Hak**, General Director of General Department of Prison to inform the NGOs of his future plans for rehabilitation and reintegration programs in prison and to seek the support of the NGOs in achieving this. The third aim is to make sure that skills and resources are put to best use and that means trying to prevent duplication.

There are 3 priority groups at CC2. There are women prisoners, juvenile prisoners and children who are living in prison with their mothers. The purpose of the workshop was to ask what is currently being done for these 3 groups, identify what else needs to happen and look at how to make those changes.

Representatives from 12 different agencies attended. This workshop was very successful as agencies could raise issues of concern directly with each other and with the senior representative of CC2 and, as a result, a number of



General aspect of the Seminar

solutions were able to be implemented immediately. It also provided a good opportunity for learning about what other agencies were doing at CC2.

All agency representatives and the senior prison staff thought that this type of forum was very useful and a resolution was made to continue with these meetings each 3 months.

Prison reform in Cambodia takes into account the Legal and Judicial Reform Strategy transforming the focus from incarceration based on security only to a greater focus on prisoner rehabilitation and reintegration services through education, vocational skills and prison industry and farming.

## Continued from page 10: Model Court Creates Hope in Cambodia



Mr. **Thomas Martin**  
Project Manager for the Danish Institute for Human Rights on Cambodia

also management capacity to actually implement a well run, effective state institution. That is part of what we are hoping to change.

The project is working because it is well-anchored in the Cambodian courts and the government, and it has the right pace because Cambodians themselves are setting the priorities. It is also firmly anchored in international standards, and the four courts are eager and committed to the process. They are now doing their business planning and they seem to have internalized the idea, which is exciting.

Original Source: <http://www.humanrights.dk/news/model+courts+create+hope+in+cambodia>

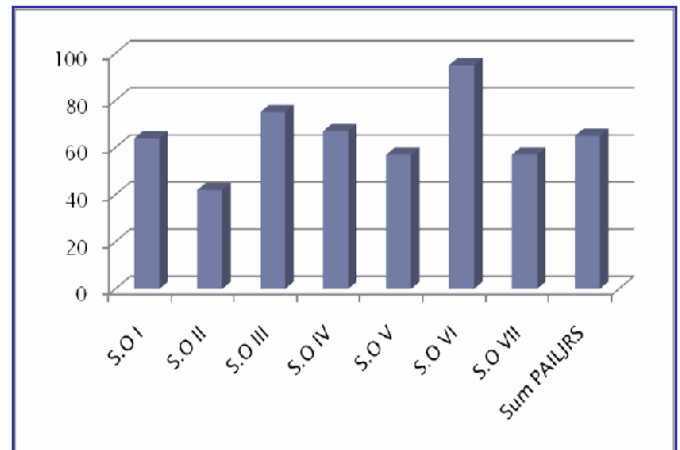
## Continued from page 1: The Legal and Judicial Reform in The Rectangular Strategy Phase II

In this regard, in the rectangular strategy phase II, the Legal and Judicial Reform Strategy remains a very important element along with the other three key reforms being the administrative reform, fighting corruption, and the reform of the Armed Forces. The Legal and Judicial Reform Strategy of the Rectangular Strategy Phase II of the Government of the fourth legislature of the National Assembly was raised by the head of the Royal Government of Cambodia in the first plenary meeting of the Council of Ministers meeting of the fourth legislature of the National Assembly as below:

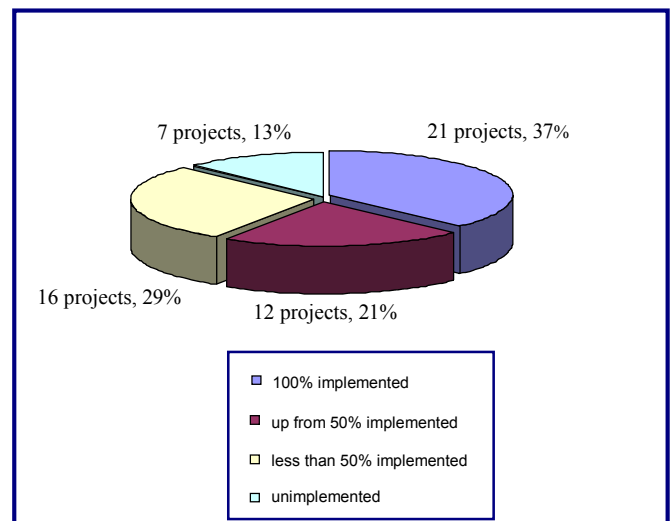
“The Royal Government of Cambodia will continue implementing the Legal and Judicial Reform Strategy in order to achieve its 7 strategic objectives. It will also focus more on enforcing and adopting the key laws, for example, penal code, draft law on organizing and functioning of court, draft law on amendment of law on establishment of Supreme Council of Magistrates, and so on. Along with this action, the government will continue to improve legal dissemination to people and provide training to law enforcement officers in order to increase better understanding and right implementation. In this fourth legislative mandate, the Royal Government of Cambodia will continue prioritize: (1) strengthening capacity of judges and prosecutors through high quality of continued training and professional training and strengthening the accountability of judge and prosecutor through strengthening their discipline in cooperation with the Supreme Council of Magistrates; (2) establishing mechanisms supporting justice sector such as statute of clerks, notary, and bailiff, including establishment of professional training school for officers assisting justice sector ensuring quality and high professional capacity; (3) providing legal aid to people, especially to poor people; (4) continuing the promotion of alternative dispute resolution mechanisms to strengthen and improve the culture of peaceful, solidarity and harmonization reconciliation”.

So far 65% of the implementation of the Legal and Judicial Reform Strategy of third leg-

islature of the National Assembly has been undertaken. The diagram on the achievement of the implementation of Legal and Judicial Reform Strategy by strategic objective is as below:



There are 97 priority actions of the Plan of Action for Implementing the Legal and Judicial Reform Strategy 2005 however some priority actions have been merged into larger single priority actions. The result of these mergers is 56 separate priority actions as show below:



Priority actions which achieved 100% have completed all of the identified steps but it does not mean that they will be taken out from the project catalogue for implementing the Legal and Judicial Reform Strategy.

The process of the Indicator and Monitoring System (IMS), which was developed and implemented by the (Continued on page 6)

## Continued from page 16: Legal Drafting Capacity of Ministries Has Been Studied

government to develop a national strategy for strengthening legal units of ministries/institutions to complete their mandate for effective and efficient law making and monitoring in the future.

After the open house seminar, the Secretariat General of the Council for Legal and Judicial Reform (SGCLJR) will start to conduct a baseline study. For the first step, the Working Group of Secretariat General of the Council for Legal and Judicial Reform was conducted a literature review of laws and other regulations related to the organization and functioning of the legal units of ministry and then conducted interviews in selected ministries using questionnaires (61 questions) focusing on four main outputs that were developed by the Working Group.

The four main outputs are:

**First:** Current situation of the law drafting and institution involved in the law drafting process (legal framework, mechanism, guideline, resource...)

**Second:** The needs of legal and law drafting capacity



Participants from different Ministries and Institutions in the seminar



The group discussion on work

**Third:** The supply of legal and law drafting capacity

**Fourth:** Measures and actions for improvement of legal and law drafting capacity.

The open house seminar was attended by three different level officers of all ministries/institutions, namely a high ranking official, a legal unit official, and a specialized unit official. The open house seminar discussed and shared experiences among all participants from all ministries and relevant institutions on the challenge of the implementation of law drafting and future expectations. The discussion in the Open house Seminar divided into six Discussion Group according to the four main outputs of the baseline study.

After the open house seminar the Working Group of Secretariat General of the Council for Legal and Judicial Reform began conducting interviews with the three categories of officers in 15 ministries/institutions. The interviews have been conducted using semi-structure methodology. When the interviews are finished the Working Group will organize a validation seminar to finalize the report of the baseline study on the legal drafting capacity of legal units.

# Legal database of Secretariat General of the Council for Legal and Judicial Reform

In 2003, the Council for Legal and Judicial Reform (CLJR) and the Royal Government of Cambodia endorsed the Legal and Judicial Reform Strategy. This has been the result of many years of study and research. The time is now right to move forward with a series of actions to improve access to justice within Cambodia.

Strategic objective no 3 of the LJR is to provide better access to legal and judicial information and thus the web site of Legal and Judicial Reform secretariat general was developed in order to help achieve this goal. The main goal of this web site is to provide all information related to Legal and Judicial Reform to people in the whole country and improve the quality and access to Legal and Judicial services.

In early 2007, PMU (actually The Legal and Judicial Secretariat General) with the support from DIHR created one web site to show all activities of the Secretariat and relevant institutions. Importantly, in order to access to the law information, most of the laws were added for judges, lawyers, students, government official, private sectors, and civil social as well as other interested parties.

Having seen the extremely importance of law information such as Constitution, Royal Decrees, Sub Decrees, Prakas, Decisions,... are necessary resources for research purpose of Government officials, students, people, and oth-

ers interested parties, the Legal and Judicial Reform Secretariat decided to change the Law Section in the web site with the support from GTZ. In this new feature, users will be easier in term of searching the law documents. Documents were divided into year such as before 1993, 1993, 1994 until 2009. In addition, it was also divided into 18 sectors including Council of Ministers, Office of the Council of Ministers, Security and Public Order, Commerce and Industry, National Defence and Border Affairs, Economy and Finance, Information, Justice and Arbitration, Agriculture and Environment, International Affairs, Tourism, Public work and Transport, Post and Telecommunication, Land Management and Construction, Health, Culture, Art and Religion, Education and Sport, Social Affairs and Labor, Human Rights. More importantly, in this new improvement, users can also search by title or by content as well as download the documents in PDF format or reading it on the web site itself.

As of today, there are more than 600 documents related to laws and other government regulations have been posted to the web site and still being added. Users can log in to our web site at this address [http://www.cljr.gov.kh/all\\_law.php](http://www.cljr.gov.kh/all_law.php) to get documents or if you have any request, please feel free to contact us by e-mail: [info@cljr.gov.kh](mailto:info@cljr.gov.kh).

*This is the page of legal database*



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## Continued from page 1: Study to Introduce Ombudsman System in Cambodia

ministries/institutions and the international concept of an Ombudsman as well as performance and service delivery monitoring and indicator mechanisms. The system will contribute towards improving the principles of responsiveness, transparency and participation which is the common goal of the Legal and Judicial Reform Strategy.



The panel of the seminar

The Ombudsman Project is priority action 1.6.1 of the Plan of Action for Implementing the Legal and Judicial Reform Strategy approved by the Council of Ministers meeting on 29 April 2005 and the one of the three components of the MOU between the Council for Legal and Judicial Reform and the GTZ “Administration Reform and Decentralization Program” on date of 11 June 2008. The Working Group was established to implement the project.

The Working Group with support from the GTZ “Administration Reform and Decentralization Program” advisor conducted 10 interviews with 8 relevant ministries/institutions and 2 other non-governmental organizations. The pre-assessment report on the ombudsman and other complaint systems in Cambodia showed that:

- Most of the complaint offices are new
- Most of the complaint offices of ministries received both internal and external complaints

- Most of the complaint offices are located within their own ministries/institutions and are difficult to find and contact
- Officers who work in the office are from the same ministry/institution and ministers must solve complaints against their own ministries
- There is a small number of complaint offices which conducted dissemination programs
- There are few statistics on complaint from the complaint offices



Participants in the seminar

- No statistics of satisfied customers
- There are many requests to continue to implement a hotline mechanism in the Ministry of Industry, Mine and Energy
- The Citizen’s Office in Battambang province is a new access point for citizens to complaint against the administration
- The implementation of the Citizen’s Office in Battambang province faced many problems.

The Seminar discussed the report on the pre-assessment of the ombudsman and other complain systems and the introduction of ombudsman system in Cambodia. It was agreed that it is necessary to implement the new complaint system with transparency, independence, justice and credibility. The introduction of the ombudsman system in Cambodia will contribute to promote effective and efficient public service delivery implementation, and the project needs further study before official implementation begins.

## New Structure of the Council for Legal and Judicial Reform

According to the speech of Samdech Akka Moha Sena Padei Techo **Hun Sen**, Prime Minister of the Kingdom of Cambodia on the



The Cabinet Meeting on 27, February 2009

“Rectangular Strategy” at the first Cabinet meeting for the fourth legislature of the National Assembly dated on 26 October 2008, the Royal Government of Cambodia will continue to implement the Legal and Judicial Reform Strategy in order to achieve the seven strategic objectives. The Council for Legal and Judicial Reform, which is responsible for conducting the effective and efficient implementation of the strategy, should also reform its (Continued on page 5)

### Bulletin Of The Council For Legal and Judicial Reform

H.E. Suy Mong Leang, Mr. Ben Schulthz : Advisors  
 H.E. Suong Leang Hay : Director-in-chief  
 H.E. Pen Bunchhea : Deputy director-in-chief  
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### The Council For Legal And Judicial Reform Welcome All Feed Back

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## Legal Drafting Capacity of Ministries Has Been Studied

A baseline study on law drafting capacity of legal units as well as the planning, policy and legal capacity needs of each ministry was conducted by the Working Group of the Secretariat General of the Council for Legal and Judicial Reform with support from the GTZ “Administration Reform and Decentralization Program”.

H.E Suy Mong Leang, Secretary General of the Council for Legal and Judicial Reform said in the open house seminar on the baseline study of the legal drafting capacity of legal units of ministries/institutions on 23 January 2009 that the project of strengthening of legal units of ministries is the implementation of priority action 2.3.4 of strategic objective II of the Plan of Action for Implementing the Legal and Judicial Reform Strategy approved by the plenary meeting of the Council of minister on 29 April 2005 under the MOU between



The Secretariat General panel at the seminar

GTZ “Administration Reform and Decentralization Program” and the Council for Legal and Judicial Reform on 11 June 2008. He continued that, under the support from GTZ “Administration Reform and Decentralization Program”, the Secretariat General of the Council for Legal and Judicial Reform organized an open house seminar in order to disseminate the implementation of the project and to seek cooperation from all relevant ministries/institutions of the (Continued on page 13)