

Legal Reform: *Program on Rights and Justice in Cambodia II (2008-2013)*



Cambodia has suffered decades of political volatility and civil war, including the devastating violence of the Khmer Rouge period that still scars the country. Over the past 10 years, a measure of stability and economic progress has been achieved, but significant challenges to development still remain: weak government institutions, displaced populations, an increased demand for natural resources, especially land, and a weak civil society. The East-West Management Institute's five-year Program on Rights and Justice II in Cambodia (PRAJ II), funded by USAID, focuses on human rights advocacy, rule of law promotion and biodiversity protection to address some of these challenges. Building upon the success of its five-year Program on Rights and Justice in Cambodia (PRAJ), the new project continues EWMI's innovative work to promote access to justice, improve the professional standards of the future Cambodian legal community, and strengthen grassroots advocacy and community networks, including community-based advocacy to protect Cambodia's biodiversity. New initiatives under PRAJ II include activities to improve the collection and use of justice system data, develop the institutional capacity of the Ministry of Justice, and improve court administration and case management in selected courts.

JUSTICE SYSTEM DATA

The lack of meaningful justice sector data in Cambodia significantly hampers reform efforts. Data relating to the functioning and performance of the Cambodian judicial system is scarce, frequently uninformative, and often inaccessible. Data collected by the NGO community is also incomplete. PRAJ II has begun working with both the government and with Cambodian human rights NGOs to improve the collection and use of statistics and information. EWMI and the Ministry of Justice have launched the MoJ Justice Documentation Training Program, an intensive four-month training series that focuses on developing MoJ staff skills to support planned improvements in Ministry information systems: a Justice Statistics Database to track court information such as caseloads and clearance rates, an MoJ office Intranet for file-sharing and email communication, and a webpage to raise the transparency of the work of the courts. In its work with human rights NGOs to improve data sharing, EWMI has emphasized freedom of expression issues and with the Cambodian Center for Human Rights (CCHR) to developed mechanisms to promote information sharing in this area. The shared data became a part of the CCHR pilot database and became the factual foundation for the Cambodian NGO submission to the UN Human Rights Council for Cambodia's Universal Periodic Review.

LEGAL EDUCATION

The hope for lasting legal and judicial reform in Cambodia rests with the next generation of legal professionals. Accordingly, a key PRAJ II objective is to improve the quality of legal education at Cambodia's universities as well as to improve the quality of education offered by Cambodia's legal professional training schools and their in-service training programs. Under PRAJ II, EWMI has continued its highly successful and well-publicized annual law student competitions, the Client Counseling Competition and the Mock Trial Competition. The winning university team from PRAJ II's 2009 Client Counseling Competition reached the semi-finals of the 2009 International Client Counseling Competition in Las Vegas, finishing in the English-language competition ahead of teams from Canada, New Zealand, Finland, Hong Kong and Scotland, among other countries. EWMI is also expanding the Alternative Dispute Resolution, Ethics, and Introduction to Advocacy classes it helped develop at the Royal University for Law and Economics (RULE), as well as working to extend the breadth of the existing English-language program at RULE. EWMI is also developing a new land law training program for judges with the Royal Academy for the Judicial Professions.

Working in partnership with grass roots groups, local governments and international organizations to build just, prosperous and democratic societies.



Deforestation of Prey Lang



NGO advocacy workshop

ADMINISTRATION OF JUSTICE

Improvements in court administration and case management are imperative if Cambodia is to have a fair and efficient judicial system. Increased efficiency will contribute to improved human rights protection. Increased transparency will make the justice system more understandable and more accessible for the ordinary citizen. EWMI is working with the General Inspectorate for Judicial Affairs of the Ministry of Justice (MoJ) to help it address its new focus on court administration. EWMI has developed an exhibits management directive at the General Inspectorate's request that complies with the recently adopted Criminal Procedural Code. EWMI has also worked as part of the Model Court Team, comprised of the MoJ, the Council of Legal and Judicial Reform and multiple donors, to complete a Five Year Strategic Plan and draft Activity Plans for four selected model courts - Phnom Penh, Kandal, Kampong Cham, and Banteay Meanchey. EWMI has worked with the four courts to prepare their 2010 program budgets for submission to the Ministry of Economy and Finance.

HUMAN RIGHTS/ ADVOCACY

Despite widespread public dissatisfaction with Cambodia's legal system, judicial reform has yet to move large constituencies of ordinary citizens or business people to mobilize and take corrective action. Expanding constituencies for judicial reform beyond Phnom Penh-based NGOs requires focusing on issues that affect people's daily lives, such as land and livelihood exploitation. In recent years, Cambodian village communities have become more confident in voicing concerns to environmentally unsound developments. Connecting with these critical economic and livelihood issues can provide a vehicle for Cambodian NGOs to cultivate and strengthen relationships with activist networks and rural Cambodians. Bringing a greater number and variety of voices into the reform dialogue may help shift the alignment of interests and push the reform agenda forward. PRAJ II provides grants to human rights and grassroots civil society organizations to actively investigate human rights violations, monitor detention centers and prisons, conduct human rights and legal awareness trainings, and provide legal representation to victims of human rights abuses, especially in land grabbing, land disputes, and forced evictions. EWMI's grassroots advocacy work has led to a significant focus on protecting Cambodia's natural biodiversity, and in particular the threatened Prey Lang Forest, the largest remaining low lying evergreen forest in Southeast Asia. EWMI helps communities conduct protection and advocacy activities, including forest patrols, biodiversity monitoring, and the preparation of complaints.

ACCESS TO JUSTICE

Improving legal aid has been an important component of EWMI's justice reform work in Cambodia. Under PRAJ II, EWMI continues to provide assistance to the government to implement the legal aid strategy of their Legal and Judicial Reform Action Plan, expand the reach of legal aid services, and strengthen the capacity of Cambodia's existing legal aid NGO providers. EWMI has awarded grants to four local partners who provide legal aid to indigent clients: Legal Aid of Cambodia (LAC), Cambodia Defenders Project (CDP), Legal Services for Children and Women (LSCW), and the Samreth Law Group (SLG), an innovative new public interest law firm founded by young lawyers who honed their skills through PRAJ's public interest legal advocacy initiative. EWMI has also provided the Women's Media Center (WMC) a grant to create a new six-part television series designed to educate Cambodians about their legal system at work.

EWMI facilitates the first "Legal Aid Leadership Forum," a PRAJ II initiative designed to provide a venue for the leaders of legal aid service providers to discuss common issues and problems. An initial Forum discussion focused legal aid lawyer recruitment and retention issues. EWMI also continues to support the Legal Aid Lawyer Working Groups, regular gatherings in Phnom Penh, Battambang and Siem Reap that attract more than half the legal aid lawyers in Cambodia. The meetings allow practitioners to discuss common problems and share information, and also serve as an effective vehicle for formal continuing legal education and refresher skills training.

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