



*Cambodia*

**Royal Government of Cambodia**

**United Nations Development Programme**

***Access to Justice in Cambodia***

*Brief*

The Access to Justice Project (A2JP) of the United Nations Development Programme supports the legal and judicial reform agenda of the Royal Government of Cambodia. This reform agenda is constituted by three instruments:

- (a) The legal and judicial reform strategy dated June 2003
- (b) The Plan of Action for implementation of the strategy, dated 29 April 2005
- (c) The Project Catalogue, most recently drafted 7 February 2006.

RGC is committed to the goal of the Legal and Judicial Reform Strategy which is to establish a credible and stable legal and judicial sector upholding the principles of the rights of the individual, the rule of law and the separation of powers in a liberal democracy fostering private sector led economic growth, pursuant to the Constitution and within the vision of the National Poverty Reduction Plan, the goal of the strategy, which comprises seven objectives. The Plan of Action describes how to implement the Legal and Judicial Reform Strategy and comprises priority actions and corresponding interventions for each of the strategies defined for the achievement of the Strategy. The Project Catalogue is a dynamic instrument for dialogue between the Royal Government of Cambodia and the international community in relation to design and funding of the projects needed for the fulfilment of the Legal and Judicial Reform Strategy.

This project design document outlines UNDP's proposal to support the implementation of four (x4) activities specified in the project catalogue within RGC's reform framework being:

- \*Project catalogue activity 1.1.1 - *Program of raising awareness of fundamental rights at commune level*
- \*Project catalogue activity 3.1.3 - *Improve sustainability of Official Gazette and legal database*
- \*Project catalogue activity 3.2.2. - *Publication and dissemination of judicial decisions*
- \*Project catalogue activity 6.2.1 - *Studies regarding ADR at commune and local level and action plan.*

The project will be managed by the Programme Management Unit (PMU) of the Council for Legal and Judicial Reform, and classified as a nationally-executed program. There will be four project groups led by PMU, Ministry of Justice, General Secretariat of Council for Administrative Reform and Supreme Court.

Access to Justice in Cambodia

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Country: Cambodia

UNDAF Outcome: By 2010, achieve significant progress towards effective participation of citizens, accountability and integrity of government in public decision making and policy implementation for the full realization of human rights and meeting the CMDGs

Expected Outcome(s): Effective, independent and impartial justice system set up and equal access increased. Informal justice system recognized at the commune and district levels

Indicator (s): Implementation of selected RGC's project catalogue activities  
Activity 1.1.1 - Program of raising awareness of fundamental rights at commune level  
Activity 3.1.3 - Improve sustainability of Official Gazette and legal database  
Activity 3.2.2. - Publication and dissemination of judicial decisions  
Activity 6.2.1 - Studies regarding ADR at commune and local level and action plan

Expected Output(s)/Annual Targets: See Results and Resources Framework and AWP

Implementing partner: Project Management Unit (PMU) of the Council for Legal and Judicial Reform.

Other partners (implementing agencies): Ministry of Justice, Ministry of Interior, Supreme Court and the Department of the Official Gazette of the OCM.

Program Period: 2006-2008  
Program Component: Fostering Democratic Governance  
Project Title: Access to Justice  
Project ID: 00048421  
Project Duration: 3 years  
Management Arrangement: NEX

Total budget:	US\$	1,600,000
General Management Support Fee:		7%
Allocated resources:		
• Government	US\$	500,000
• Regular	US\$	500,000
• Other:	US\$	
○ UNDP-TTF	US\$	221,000
○ UNDP Reg. Prog		50,000
○ Donor		
• In kind contributions		
Unfunded budget:	US\$	829,000

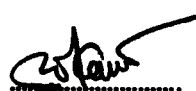
Agreed by:

Signature:

Date:

Implementing partner:

HE Mr. Sok An  
Deputy Prime Minister and Co-Chair of  
the Council for Legal and Judicial Reform



7/4/2006

Government:

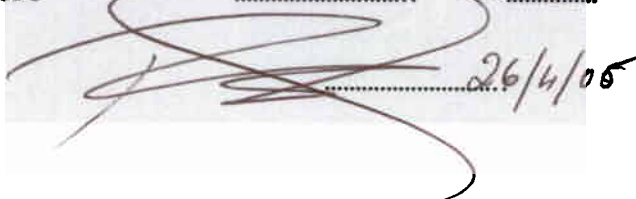
H.E. Mr. Keat Chhon  
Senior Minister of Ministry of Economy & Finance  
First Vice-Chairman of the CDC



26/4/06

UNDP:

Mr. Douglas Gardner  
Resident Representative



26/4/06

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## 1 SITUATION ANALYSIS

### RGC'S REFORM AGENDA AND VISION

The Royal Government of Cambodia has a legal and judicial reform agenda which is central to achieving the Cambodian Millennium Development Goals, the 2002 National Poverty Reduction Strategy of Cambodia and the Government's 2004 Rectangular Strategy and the National Strategic Development Plan (2006-2010).

RGC's reform agenda is constituted by three key instruments:

- (a) The Legal and Judicial Reform Strategy, dated June 2003
- (b) The Plan of Action for implementation of the strategy, dated 29 April 2005
- (c) The Project Catalogue, most recently drafted 7 February 2006.

#### *a Legal and Judicial Reform Strategy*

The RGC is committed to the goal of the *Legal and Judicial Reform Strategy* which is to establish a credible and stable legal and judicial sector upholding the principles of the rights of the individual, the rule of law and the separation of powers in a liberal democracy fostering private sector led economic growth. This strategy has seven objectives:

Strategic objective 1: Improve the protection of personal rights and freedoms

Strategic objective 2: Modernisation of the legislative framework

Strategic objective 3: Provide better access to legal and judicial information

Strategic objective 4: Enhance quality of legal processes and related services

Strategic objective 5: Strengthen judicial services i.e. the judicial power and prosecutorial services

Strategic objective 6: Introduce alternative dispute resolution methods

Strategic objective 7: Strengthen legal and judicial sector institutions to fulfill their mandates

The overall justice sector goal and the strategic objectives serves as the framework of an integrated and comprehensive reform approach with a shared vision and shared values among all stakeholders, aiming to reach the country's overall goals, including poverty alleviation.

#### *b Plan of Action for implementation of the strategy*

The *Plan of Action* is the document describing how to implement the Legal and Judicial Reform Strategy and comprises priority actions and corresponding interventions for each of the strategies defined for the achievement of the seven Strategic Objectives in the Legal and Judicial Reform Strategy. For each of the seven objectives, the strategies and their corresponding priority actions describing how to achieve the strategic objectives are clustered into short, medium and long-term priorities, creating a complex but logic hierarchy of plans for Legal and Judicial Reform. It is recognized that reform is a long term process but the Plan of Action clearly identifies those activities which are pre-cursors to broader reform.

#### *c Project Catalogue*

The *Project Catalogue* is a dynamic instrument for dialogue between the Royal Government of Cambodia and the international community in relation to design and

funding of the projects needed for the fulfilment of the Legal and Judicial Reform Strategy. Under the coordination of the Project Management Unit, a collection of project profiles has been developed on the priority actions and interventions in the Plan of Action identified as requiring allocation of resources outside of what can be seen as ongoing business (the Project Catalogue). Thus, the project profiles identify projects which require technical and/or financial donor assistance. Each project has been designed to carry out a priority action identified in the Plan of Action, and the related interventions identified in the Plan of Action have served as the basis for the content of each project. The Project Catalogue only provides the overall design of projects as the final design will be worked out between the interested donor(s), the implementing agencies, and the Project Management Unit.

In December 2003, the Council for Legal and Judicial Reform organized a workshop on the implementation of the national Legal and Judicial Reform Strategy. CLJR requested UNDP to fund a study on the roles and interrelationship of the formal and informal justice systems and reviewed alternative dispute resolution mechanisms, which was agreed. This support will build on the foundations of earlier assistance provided in the research study "*Pathways to Justice for the Poor, Women and Indigenous Peoples*" The study, which included field research in eight provinces, was completed in June 2005 and will form the basis for UNDP's ongoing support.

## **2 IMPLEMENTATION STRATEGY**

### **UNDP SUPPORT**

The United Nations Development Programme endorses RGC's legal and judicial reform strategy, plan of action and project catalogue approach, outlined above.

UNDP wishes to support the RGC to achieve its legal and judicial reform agenda. UNDP offers to enter a collaborative partnership with RGC to provide assistance to support implementation of this reform agenda. The Access to Justice Project (A2JP) of the UNDP provides a package of assistance to RGC for this purpose.

This is in line with the UN system commitment to support the achievement of all of Cambodia's Millennium Development Goals through the realization of access to justice for the poor. This commitment is elaborated in the UNDAF which itself builds on the priorities identified in the Rectangular Strategy of the RGC.

The realization of access to justice for the poor is essential to the achievement of all of Cambodia's Millennium Development Goals. The specific commitments of the UN System to enhanced access to justice are reflected in two key documents: the UN Development Assistance Framework (UNDAF) for the Kingdom of Cambodia for the period 2006-2010. The relevant commitments as stated in the UNDAF are set out in the table below.

### **PROJECT VISION**

The vision of the project is to assist the Royal Government of Cambodia to realize its vision for the justice system in Cambodia to make it more effective, responsive and accessible to the needs of the people. In particular, it will focus on priority issues related to land issues, a priority cause of disputes or conflicts, and the poor, women and indigenous people.

To bring justice closer to the people, the project operationalises a twin-track strategy, strengthening both the formal and informal systems and, in particular, the enhancement and legitimization of customary dispute resolution mechanisms, promotion of awareness of rights and regulations related to land ownership, improvement of the dissemination of

legal and judicial information, full recognition of the rights of indigenous people to communal lands and the application of customary rules and decision-making processes, and the piloting of local jurisdictional mechanisms to settle disputes, enforce agreements and protect rights, especially those of women and children.

## **PROJECT CATALOGUE ACTIVITIES**

The project catalogue, which seeks donor support for priority activities required for implementation of RGC's legal and judicial reform agenda, provides the overarching rationale for this project.

UNDP will support up to four activities nominated in the project catalogue for donor support (of which one, activity 3.1.3 will be in partnership with French Cooperation):

- Activity 1.1.1 - *Program of raising awareness of fundamental rights at commune level*
- Activity 3.1.3 - *Improve sustainability of Official Gazette and legal database*
- Activity 3.2.2. - *Publication and dissemination of judicial decisions*
- Activity 6.2.1 - *Studies regarding ADR at commune and local level and action plan*

It is noted that the project catalogue is a dynamic instrument for dialogue between the Royal Government of Cambodia and the international community in relation to design and funding of the projects needed for the fulfilment of the Legal and Judicial Reform Strategy. Accordingly, UNDP will collaborate with relevant implementing agencies in the design and development of project activities under the coordination of the Permanent Coordination Body and the Project Management Unit to make sure that all its project activities are or become a part of the Project Catalogue.

Specification of detailed design in project profiles will be undertaken under the coordination of the PMU with implementing agencies following RGC approval.

### **ACTIVITY 1.1.1 - PROGRAM OF RAISING AWARENESS OF FUNDAMENTAL RIGHTS AT COMMUNE LEVEL**

- *Project objective/goal* - Awareness of fundamental rights, primarily at the community level, is raised, taking women, children, minorities and disadvantaged, including disabled people into special consideration, including establishment of and awareness on registration of rights and complaint mechanisms with a focus on land issues.
- *Project outcome* - Program of raising awareness through training, education etc, regarding basic rights at the community level developed, including reporting mechanisms.
- *Project outputs* - (1) database on current rights awareness programs developed; (2) action plans developed, including reporting mechanisms, and (3) project profile(s) and project business plan(s) developed for implementation of action plan. On this issue of land, this project will assist the National Authority for Land Disputes Resolution (4) to create a database of pending land cases, and (5) to launch public awareness and information dissemination programme on rights and responsibilities concerning land ownership.

### **ACTIVITY 3.1.3 - IMPROVE SUSTAINABILITY OF OFFICIAL GAZETTE AND LEGAL DATABASE**

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- *Project objective/goal* - Publish existing laws, all subsidiary legislation, including guidelines and common practices in Khmer, establish the comprehensive, timely, official publication of all new laws and subsidiary legislation, e.g. official gazette, and ensure the availability of any legislative enactment to judges, lawyers, law students, government officials, the private sector, civil society and any other interested party.
- *Project outcomes* - Sustainability of Official Gazette and legal database improved.
- *Project outputs* - project profile to be agreed in consultation with RGC coordinating body, and General Secretariat of CAR. Pending that, it is proposed that project outputs comprise the following:
  - Support to build the capacity of the Department of Official Gazette (OG) and a focal point in line ministries to sustain the preparation and dissemination of the Official Gazette.
  - Community Literacy Programme conducted at the province, district and commune levels.
  - Network for dissemination of legal information among disadvantaged groups established.

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### ACTIVITY 3.2.2 - PUBLICATION AND DISSEMINATION OF JUDICIAL DECISIONS

- *Project objective/goal* - Publish existing judgments and establish a case law digest for the printing and dissemination of verdicts, decisions and rulings of the courts and ensure that court judgments are available upon request.
- *Project outcomes* - Judicial decisions are collected and disseminated.
- *Project outputs* - project profile to be agreed in consultation with RGC coordinating body, CLJR/PMU, and implementing agencies. Pending that, it is proposed that project outputs comprise the following:-
  - Bulletin of Judicial Decisions(BOJ) improved and re-launched, publishing key judicial decisions within the judiciary
  - Contents of the Bulletin of Judicial Decisions are disseminated in a reader friendly fashion through printed, online or broadcast media across the country
  - Community Literacy Programme conducted at the province, district and commune levels
  - Network for dissemination of legal information among disadvantaged groups established.

### ACTIVITY 6.2.1 - STUDIES REGARDING ADR AT COMMUNE AND LOCAL LEVEL AND ACTION PLAN

- *Project objective/goal* - other alternative and traditional methods of alternative dispute resolution are investigated into and strengthened
- *Project outcomes* - Studies conducted regarding ADR at the commune and local level and action developed
- *Project outputs* - at district level:
  - *Completed feasibility study on the establishment of Justice of the Peace*

The project will develop and carry out a feasibility study of a mobile or decentralized small claims settlement mechanism - a justice of the peace or small claims court - based on an historical model ("*Sala Lahuk*") that had been established in the early 20th century, in close collaboration with the Ministry of Justice, concerned provincial and district governments, and the courts, This justice provider would have limited powers to settle minor disputes and might possibly also decide minor criminal cases. This justice provider would be based at the district level but the feasibility of mobilizing the person to travel to the commune level would be assessed. The re-creation of this justice of the peace position raises a number of issues in regard to jurisdiction, position classification, institutional arrangements, finance and legal framework - all of which would have to be addressed and negotiated in the conceptualization phase. The justice of the peace would reinforce improved models for conciliation at the communes described above.

- *Legal services (Maison de la Justice) piloted at the district level*

The project will pilot district level legal services for commune councils and citizens, in close collaboration with the Ministry of Justice, the Ministry of Interior, concerned provincial and district governments, and the courts, (The justice of the peace, if proven feasible, could be combined with these services as a *maison de la justice*. For purposes of determining feasibility, however, the



justice of the peace and legal services will be piloted independently.) The legal services district office would be built on the existing district “bureau of justice” that currently exists. The legal services office would be comprised of the existing district staff member plus one or two technical officers from the Ministry of Justice. The legal services to be provided could include:

- assessing the demand for legal information at the district and commune levels;
- dissemination of legal and judicial information;
- facilitating access to legal aid;
- promoting multi-sectoral coordination through the establishment of Tables for Peace;
- providing training or technical advice to commune councils on legal matters and specific conciliation cases; and
- acting as clerk of courts to accept cases for submission to the provincial courts.

▪ *Project outputs - at commune level:*

The project will develop, test and document alternative models for conciliation in close cooperation with the Ministry of Interior, concerned provincial and district governments, and the Association of Commune Councils. Models will be tested in approximately 20 communes spread over four provinces (Kampong Chhnang, Kmapong Speu, Ratanakiri and Mondulhiri). The models will be based on good practices identified in commune councils and best practice information from other countries. The identification of good models and practices for conciliation will take into account how councils have approached conciliation; who they have selected to act as conciliators, effective conciliation methods, the effect of conciliation activities on the council workload, how unsuccessful conciliation efforts are handled, the rate of successful outcomes, and client satisfaction.

▪ *Project outputs - Enhanced access to justice for women*

The project will focus on domestic violence and related gender and family issues in close collaboration with the Ministries of Interior, Health and Women’s Affairs, and commune councils. The project will undertake activities in two areas in cooperation with related gender, poverty and HIV/AIDS activities. The first area will focus on social and cultural strategies to prevent domestic violence. The work on prevention will build on a successful approach introduced in the HIV/AIDS programme known as “community conversations”. This methodology uses local facilitators to stimulate community discussions on social issues and enable the voices of victims to be heard. The goals of the conversations include generating understanding of the causes of domestic violence, building self-confidence and tolerance, examining social contracts between men and women, and strengthening the capacities of community-based organizations to develop responsive strategies to the domestic violence.

The community conversations activities will develop an integrated approach to domestic violence that will bring together content from three project areas: access to justice, HIV/AIDS, and the Partnership for Gender Equity. The project will train staff of selected NGOs in order to create a critical mass of community conversations’ facilitators. Qualified NGOs will then be selected as contractors to implement community conversations in project communes and villages.

The second area of project activities will focus on the treatment of divorce and related issues in the informal and formal justice systems. These activities will include training activities for commune councils, local police and district authorities on domestic violence and review of the legal framework on divorce and separation in situations of domestic violence. The project will provide recommendations for amendments to existing legislation to protect the rights of women and children in regard to divorce or separation, child custody, alimony, domestic violence and HIV/AIDS.

- *Project outputs - Enhanced access to justice for indigenous peoples*

The project will provide supplementary support for legal aid for indigenous people, a campaign on legal awareness about their rights, and training for government and police officials in highland areas. In addition, the project will also review the legal framework with an eye to clarifying the scope of customary dispute resolution mechanisms and their status in law. The project will also work with the Association of Commune Councils to determine the feasibility of creating a sub-group of councils in highland areas that could act as an advocate for indigenous peoples.

### III. MANAGEMENT ARRANGEMENTS

A capacity assessment will be conducted by an independent firm to assess processes and systems in place for the management of the access to justice project. Pending the conclusions of this assessment, it is foreseen that the Access to Justice Project will be managed by the Programme Management Unit (PMU) of the Council for Legal and Judicial Reform, and classified as a nationally executed program. The Director of the PMU will be the **National Project Director** who will be responsible for preparation of consolidated Annual Work Plan and Budget and presentation at the PEG annual meeting, coordinating the Project Groups, monitoring implementation of 4 selected project catalogue activities, organize the annual PEG meeting and facilitate the audit and evaluation missions so that the project is managed in an effective and accountable manner. The PMU will support the National Project Director in the management of this project.

The project will be implemented by relevant government implementing agencies, as follows:

Project Catalogue Activities	Implementing Agencies (also called responsible parties)
<ul style="list-style-type: none"> <li>▪ <i>Activity 1.1.1 - Program of raising awareness of fundamental rights at commune level</i></li> </ul>	PMU of CLJR and the National Authority for Land Disputes Resolution
<ul style="list-style-type: none"> <li>▪ <i>Activity 3.1.3 - Improve sustainability of Official Gazette and legal database</i></li> </ul>	Department of the Official Gazette under the Office of the Council of Ministers
<ul style="list-style-type: none"> <li>▪ <i>Activity 3.2.2. - Publication and dissemination of judicial decisions</i></li> </ul>	Supreme Court
<ul style="list-style-type: none"> <li>▪ <i>Activity 6.2.1 - Studies regarding ADR at commune and local level and action plan</i></li> </ul>	Ministry of Justice and Ministry of Interior

The **Project Executive Group** will provide review on the progress on implementation of activities, assess the relevance of the project within the overall context of national reforms and will propose necessary recommendations to adjust project activities as required.

The Project Executive Group shall be comprised of: (i) Permanent Deputy Commissioner of Supreme Council for State Reform (SCSR); (ii) Implementing Agencies, including the representative of CLJR, Council for Administrative Reform (CAR), National Authority for Land Disputes Resolution, Supreme Court, Ministry of Justice and Ministry of Interior; (iii)

UNDP in its role to support RGC agencies, as the Senior Supplier who will be providing guidance regarding the technical feasibility of the project. The PEG will meet at least once a year and will perform the following tasks:

- To approve the Annual Work plan and budget
- To review the implementation of the work plan, achievement of results, timely disbursements and adherence to rules and regulations
- To provide guidance and solution to a major problem rising at the implementation stage.

The key decisions reached within the PEG will be shared with the members of the Technical Working Group on Legal and Judicial Reform.

On behalf of the PEG, the National Project Director is responsible for timely, cost-effective and results oriented implementation of the project through effective coordination of four Project Groups. To this effect, a staff of the PMU will be designated to each PG to monitor the implementation of the project catalogue activities.

A **Project Group (PG)** will be nominated for each project catalogue activity. The Project Groups will be formed at the implementation agency level and comprised of a Project manager, a project administration/finance assistant and short-term National and International consultancies as required. The Project manager will be the designated government official. Terms of reference for the members of the PG will be developed accordingly. Each Project Group is responsible for the implementation of project activities under their jurisdiction according to agreed Annual Work Plan and approved budgets.

The PG will include:

- i. A Project Manager and a Project Administration/Finance Assistant will provide support to implementing agency in the implementation of project activities. This personnel will take care the operational/administrative aspect of the project who will be responsible for a broad range of administrative, financial and technical functions that will include: preparing and updating the work plan, maintaining up-to-date financial records following international standards and preparation of Program's financial quarterly reports, maintaining personnel records, organizing training programs to be delivered by the Program and maintaining up-to-date records on trainees, maintaining an up-to-date filing system of Program documents, inventory of equipment, preparing requisition for procurement of goods and services, preparing payment vouchers, and managing the logistic arrangement for project operations, meetings, missions, and workshops.
- ii. Other designated staff by the implementing agency as appropriate.
- iii. Technical assistance will be provided through long and short-term National and International consultancies as required.

Overall oversight of the Access to Justice Project will be provided by the Project Executive Group that will be chaired by the Permanent Coordinating Body of the CLJR and whose members will include representatives of the designated implementing agencies. *Annual work plans and corresponding budgets* for the project will be prepared by each project manager and presented by the National Project Director to the Project Executive Group.

UNDP will also designate Programme Manager to provide objective and independent project oversight and monitoring functions, as well as facilitate relations with other UNDP programmes and cost-sharing donors.

#### **4. MONITORING AND EVALUATION**

*A quarterly narrative and financial report* will be prepared and provided by the Project Groups. *An annual progress report* will be prepared with inputs from Project Groups and presented by the National Project Director to the Project Executive Group. *An annual audit* of the financial accounts of the project will be conducted by independent auditors each year and a copy of the audit report provided to implementing agencies. *A Mid-term Evaluation* will be conducted after 18 months of operations and a *Terminal Evaluation* will be carried out at least two months before the end of project activities.

#### **5. LEGAL CONTEXT**

This project document shall be the instrument referred to as such in Agreement between the Royal Government of Cambodia and the United Nations Development Programme signed by both parties on 19 December 1994, which will remain in effect until such time that a new Standard Basic Assistance Agreement will have been signed between the RGC and UNDP. The host-country implementing agency shall, for the purpose of the Standard Basic Assistance Agreement, refer to the government cooperating agency described in that Agreement.

The management of the “pooled resources facility” will be governed by UNDP rules and procedures as well as any terms and conditions agreed by development partners contributing to the “pooled resources facility”.

### **SECTION II: ANNEXES**

#### **6 PROJECT RESULTS AND RESOURCES FRAMEWORK**

#### **7 BUDGET**

#### **8 PROJECT PROFILES (to be developed with the implementation agency).**

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## **Access to Justice - Annexes**

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### **Section 2- ANNEXES**

- 1. Project Results and Resources Framework**
- 2. Project Profiles (to be developed with the implementing agency).**
- 3. Mapping donor support to the Legal and Judicial Reform Strategy**
- 4. Terms of Reference**
- 5. Budget**

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**ANNEX 1. PROJECT RESULTS AND RESOURCES FRAMEWORK**

<p>Intended Outcome as stated in the MYFF: Increased access to justice, particularly for the poor, women and indigenous people</p> <p>Outcome indicator as stated in the Country Program Results and Resources Framework, including baseline and target:</p> <p>Applicable MYFF Service Line: 2.4 Justice and human rights</p> <p>Partnership Strategy: In close coordination with the Council on Legal and Judicial Reform, the project will establish strategic partnerships with Government agencies participating in the national Legal and Judicial Reform Programme to facilitate the detailed design and implementation of project activities. The project will also establish collaborative relationships with other UN agencies, donors and non-government organizations active in the sector through the Technical Working Group. For example, the project will implement media and training activities on domestic violence developed by GTZ to save project money on development costs and to extend the geographical coverage of GTZ activities. In addition, several NGOs will be contracted to carry out project activities. UNDP will promote financial partnerships with interested donors on a cost-sharing basis. Finally, the project will work to incorporate support from the DGTTF, UNDP Regional Governance Programme and Regional Indigenous Peoples Programme into project activities</p> <p>Project title and ID: Moving Towards Equal Access to Justice in Cambodia (00048421)</p>			
Outputs	Timeframe	Indicative Activities	Inputs
<p><b>PROJECT 1 - PROGRAM OF RAISING AWARENESS OF FUNDAMENTAL RIGHTS AT COMMUNE LEVEL</b></p> <p><i>Project objective/goal</i> - Awareness of fundamental rights, primarily at the community level, is raised, taking women, children, minorities and disadvantaged, including disabled people into special consideration, including establishment of and awareness on registration of rights and complaint mechanisms.</p>			\$145,000
<p>1.1 Systems for increasing awareness of human rights at the commune level developed</p> <p><i>Output indicators:</i></p> <ul style="list-style-type: none"> <li>• Database available</li> <li>• Training programme designed</li> <li>• Action plan developed</li> </ul>		<p>With the PMU of the Council for Legal and Judicial Reform:</p> <p>1.1.1 Establish database on current rights awareness programs</p> <p>1.1.2 Design training programme and reporting systems</p> <p>1.1.3 Develop an action plan for implementation</p> <p>1.1.4 Establish a database for pending land cases</p> <p>1.1.5 Launch a series of seminars to inform the citizens about rights and responsibilities on land ownership at the community level</p>	<p>Local consultants, communications, publications/printing, IT support, performance incentives, Miscellaneous</p>



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		<p>With the MOJ/MOI/CLJR:</p> <ul style="list-style-type: none"><li>2.2.1 Design a communication strategy to disseminate the findings of the research study "Pathways to Justice".</li><li>2.2.2 Launch the research study in Khmer in the provinces of field work</li><li>2.2.3 Use this campaign to effectively raise awareness of their rights, and communicate to all Cambodian citizens the justice services available to them.</li><li>2.2.4 Advise if and when required government counterparts on issues related to access to justice in the courts and off-court mechanisms</li></ul>	
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<p><b>PROJECT 2 - IMPROVE SUSTAINABILITY OF OFFICIAL GAZETTE AND LEGAL DATABASE</b></p> <p><i>Project objective/goal</i> - Publish existing laws, all subsidiary legislation, including guidelines and common practices in Khmer, establish the comprehensive, timely, official publication of all new laws and subsidiary legislation, e.g. official gazette, and ensure the availability of any legislative enactment to judges, lawyers, law students, government officials, the private sector, civil society and any other interested party.</p>			<p>Sub-total \$190,000</p>
<p><b>2.1 Increased access to legal information.</b></p> <p><i>Output Indicators:</i></p> <ul style="list-style-type: none"> <li>○ Official Gazette (OG) revamped and published in soft and hard copies</li> <li>○ Contents of the Official Gazette are disseminated in a reader friendly fashion through printed, online or broadcast media across the country</li> <li>○ Community Literacy Programme conducted at the province, district and commune levels</li> <li>○ Network for dissemination of legal information among disadvantaged groups established.</li> </ul>		<p><b>With the OCM, Department of Official Gazette:</b></p> <ul style="list-style-type: none"> <li>○ 2.2.1 Support to build the capacity of the Department of Official Gazette (OG) and a focal point in line ministries to sustain the preparation and dissemination of the Official Gazette in print and electronic form.</li> </ul> <p><b>With the MOJ and MOI:</b></p> <ul style="list-style-type: none"> <li>○ 2.1.1 Design, develop and conduct a community literacy programme in 4 pilot provinces</li> </ul>	<p>International and local consultants, equipment, IT support, workshops, publication resources.</p> <p>International UNV, Local consultants</p>

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<p><b>PROJECT 3- PUBLICATION AND DISSEMINATION OF JUDICIAL DECISIONS</b>  <i>Project objective/goal</i> - Publish existing judgments and establish a case law digest for the printing and dissemination of verdicts, decisions and rulings of the courts and ensure that court judgments are available upon request.</p>			<p>Sub-total \$130,000</p>
<p><b>3.1 Increased access to judicial information</b></p> <p><b>Output Indicators:</b></p> <ul style="list-style-type: none"> <li>o Bulletin of Judicial Decisions(BOJ) improved and re-launched, publishing key judicial decisions within the judiciary</li> <li>o Contents of the Bulletin of Judicial Decisions are disseminated in a reader friendly fashion through printed, online or broadcast media across the country</li> <li>o Community Literacy Programme conducted at the province, district and commune levels</li> <li>o Network for dissemination of legal information among disadvantaged groups established.</li> </ul>		<p>With the SC:</p> <p><b>3.1.1</b> Provide a package of technical assistance and support necessary to enable the timely and sustainable publication of Judicial Decisions in print and electronic form including their dissemination to the judiciary, legal professionals and the public.</p> <p><b>3.1.2</b> Provide training opportunities to judges, prosecutors and court staff of the Supreme Court in order to enhance the quality of written judicial decisions in close collaboration with the Royal School for Judges.</p>	<p>International and local consultants, equipment, IT support, publication resources.</p>

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<p><b>PROJECT 4- STUDIES REGARDING ADR AT COMMUNE AND LOCAL LEVEL AND ACTION PLAN</b></p> <p><i>Project objective/goal - other alternative and traditional methods of alternative dispute resolution are investigated into and strengthened</i></p>			<p>Sub-total 1,135,000</p>
<p><b>At district level:</b></p> <p><b>4.1. Completed feasibility study on the establishment of Justice of the Peace</b></p> <p><b>Output Indicators</b></p> <ul style="list-style-type: none"> <li>o Completed feasibility study on the establishment of Justice of the Peace</li> <li>o JofP model designed</li> <li>o JofP model tested</li> </ul>		<p>With MOJ and MOI:</p> <p>4.1.1 In close consultation with MOI , MOJ and other stakeholders, design of terms of reference for a feasibility study to develop, test and document a “justice of the peace” (JofP) dispute settlement function based at the district level (see Annex 6);</p> <p>4.1.2 Implementation of the study;</p> <p>4.1.3 Dissemination of the results and recommendations of the study and review of results by government authorities;</p>	<p>Contract for justice of the peace pilot</p>
<p><b>4.2 Legal services (Maison de la Justice) piloted at the district level</b></p> <p><b>Output Indicators</b></p> <ul style="list-style-type: none"> <li>o Models for district legal services designed;</li> <li>o Model for district legal services tested and evaluated in 4 districts</li> </ul>		<p>With MOJ/MOI:</p> <p>4.2.1 Establishment and staffing a joint MOJ/MOI office to manage the piloting of legal services at the district level;</p> <p>4.2.2 Design of a model legal services unit for testing (See Annex 7);</p> <p>4.2.3 Piloting the model in two districts in each of two provinces, Kampong Speu and Kampong Chhnang; Evaluation of the pilots after one year of operation and review of findings with government .</p> <p>With MOJ / MOI:</p> <p>1.5.6 Pilot the establishment of Peace Tables for multi-sector cooperation, inter-institutional coordination and citizen's</p>	<p>Personnel costs</p> <p>Travel and DSA for field visits</p> <p>Equipment for 4 district legal services units</p> <p>Local consultant, short-term international consultant, workshops, miscellaneous, travel, DSA</p>
<p>Sub total ADR: \$565,000</p>			

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<p><u>At commune level:</u></p> <p><b>4.3 Strengthened dispute resolution methods at commune councils</b></p> <p><i>Output Indicators</i></p> <ol style="list-style-type: none"> <li>1) ADR models developed</li> <li>2) ADR models tested</li> <li>3) Plans made for dissemination</li> </ol> <p><u>Special Support for women:</u></p> <p><b>4.4 Enhanced access to justice for women</b></p> <p><i>Output Indicators</i></p> <ul style="list-style-type: none"> <li>o Community conversations methodology adapted for domestic violence;</li> <li>o Adapted community conversations implemented and impact assessed</li> <li>o Completed study and recommendations on divorce, separation and related issues.</li> <li>o Proposal for this jurisdictional authority designed and piloted in four districts</li> </ul>	<p>participation at the provincial and district levels. Under the framework of these Peace Tables, raise awareness of rights, establish, monitor and evaluate local system of justice, to promote public hearings between authorities and citizens and to promote transparency and communication between all justice services (See Component #2)</p> <p><b>With MOJ/MOI:</b></p> <ol style="list-style-type: none"> <li>4.3.1 Design of terms of reference for the development, testing and documentation of alternative models for improved conciliation methods at commune councils (Annex 5);</li> <li>4.3.2 Selection of contractors to implement pilot testing of alternative models;</li> <li>4.3.3 Implementation of pilots;</li> <li>4.3.4 Review implications of successful pilots for the legal and regulatory framework, institutional arrangements, and related training activities ; provision of recommendations to government</li> <li>4.3.5 In cooperation the Association of Commune Councils, preparation of plans for dissemination of approved models for improved dispute resolution to all commune councils and other concerned parties.</li> </ol> <p><b>With MOI , MOJ, NGOs and MOWA</b></p> <ol style="list-style-type: none"> <li>4.4.1 Conduct study on divorce, separation and related issues completed and recommendations for amendments to existing legal framework.</li> <li>4.4.2 Empower women and women's organizations at the commune level and below through community enhancement conversations</li> <li>4.4.3 Explored opportunities for jurisdictional authority at the district level to grant rights to women and children (i.e. alimony), to prevent, protect women against</li> </ol>	<p>Contract to test alternative dispute resolution methods</p> <p style="text-align: right;"><b><u>Sub total women: \$292,000</u></b></p> <p>Consultants to adapt community conversation methodology and train NGOs and other interested parties</p> <p>Contracts for implementation of conversations and media campaign in two provinces</p> <p>Consultants (national and international) for impact assessment and divorce and</p>
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<p><b><u>Special Support for Indigenous Peoples:</u></b></p> <p><b>4.5 Enhanced access to justice for indigenous peoples</b></p> <p><i>Output Indicators</i></p> <ul style="list-style-type: none"> <li>o Small grants for legal aid disbursed and reports received;</li> <li>o Legal awareness campaign designed and implemented;</li> <li>o Legal framework reviewed and recommendations presented</li> </ul>	<p>domestic violence including arrest of weapons, and to decide on common property in cases of traditional marriages (un-registered marriages).</p> <p>4.4.4 Implement if feasible.</p> <p><b>With MOI, MOJ, NGOs and Indigenous authorities</b></p> <p>4.5.1 Empower indigenous peoples and their organizations;</p> <p>4.5.2 Conduct legal awareness campaign on indigenous rights and indigenous communal authority;</p> <p>4.5.3 Provide judicial Services (including translation and legal representation) for indigenous people available in Mondulakiri and Ratanakiri Provincial Courts;</p> <p>4.5.4 Develop National Policy advocacy and legal framework to formalize indigenous communal authority (IA);</p> <p>4.5.5 Promote and strengthen inter-institutional coordination (Police, Prosecutor, Judges, Prison, Indigenous Authority, Provincial Governor, Cadastral Commission).</p>	<p>separation study</p> <p><b>Sub total: \$278,000</b></p> <p>Funds from small grants for judicial services support</p> <p>Contract for legal awareness campaign - development and implementation</p> <p>Contract for study of legal framework</p>
		<p><b>Grand Total - \$1,600,000</b></p>



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**ANNEX 2. MAPPING DONOR SUPPORT TO THE LEGAL AND JUDICIAL REFORM STRATEGY**

Strategic Objectives	Donors involved
Improvement of the protection of fundamental rights and freedoms	UNICEF, OHCHR, French cooperation, UNICEF, USAid, UNDP
Modernization of the Legal Framework Quality of and Access to Services	JICA, French cooperation, UNICEF
Access to Legal & Judicial Information	UNDP, French cooperation WB, UNICEF, USAid
Quality of and Access to Services	JICA, French cooperation, UNICEF, USAid, AusAID, UNDP
Strengthening of the Judiciary	JICA, AusAID French cooperation, UNICEF
Alternative Dispute Resolution Mechanisms	UNDP, WB, UNICEF, USAid and UNDP
Strengthening of legal and judicial Institutions	AusAID, French cooperation, UNICEF, DIHR-DANIDA

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**ANNEX 3- TERMS OF REFERENCES****TERMS OF REFERENCE**

**POSITION: NATIONAL LEGAL SPECIALIST**  
**Project Title: Moving Towards Equal Access to Justice**  
**Project number: 00048421**  
**Duty Station: Phnom Penh and nation wide work**  
**Duration: 1 year (with possibility of extension)**

**1. Roles and Responsibilities**

The National Legal Specialist will oversee project activities at and close to central level in Phnom Penh and in Kampong Speu and Kampong Chhnang. S/he will collaborate and link these activities with: (a) the Senior Counsel at project oversight level, and (b) the Regional Legal Specialist at provincial, district and commune levels in Ratanakiri and Mondulhiri. In particular, s/he will:-

- Advocate for greater access to justice through the strengthening of ADR mechanisms at the commune level and removing barriers to access to the formal court system.
- Extract key issues emerging from our pilot initiatives to inform policy and legal frameworks amendments.
- Analyse critical legislation with the view of providing greater access to justice specially for women and indigenous peoples
- Support the Senior Law and Justice Counsel in advocating for policy/legal framework change.
- Capacity building to our national counterparts on broadening the understanding to access to justice
- Liaise with key stake holders including Supreme Council of Magistracy, Supreme Court, Royal School for Judges and Prosecutors, Council for Legal and Judicial Reform, Ministry of Justice, Bar Association, development partners, CSO, Courts, ADRs, Labour Arbitration Council, etc.
- Develop and coordinate networks for the implementation of key project activities with key partners including legal aid organizations and other CSO organizations.
- Promote a participatory methodology throughout the project implementation of activities
- Provide interpretation and translation services as required
- Other related technical duties as directed and agreed.

**2. Expected outputs**

The expected outputs include the following:

- i. Outputs as specified in the project results and resources framework, and logframe
- ii. Critical legal issues emerging from the piloted initiatives in the provinces are captured and packaged in the form of recommendations to the government for amendments to the policy and legal frameworks.

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- iii. Participatory methodology and consultations are systematically undertaken at all stages of project implementation activities in the provinces.
- iv. Legal advice on Cambodian law provided to the Senior Counsel, Legal & Judicial Reform, and Government counterparts as required.
- v. Trained national counterparts on the concept of access to justice.
- vi. Strategic partnerships built with key stakeholders in the sector including Government, donors and non-governmental organizations
- vii. Others, as directed and agreed.

3. Qualifications and requirements

The following qualifications are required for this position:

- MA in law
- LLM or postgraduate equivalent
- At least 5 years of professional experience in the field of human rights and legal reforms, preferably on access to justice
- Strong analytical skills
- Good Interpreting and translating skills
- Strong interpersonal skills
- Full command of English and Khmer languages (written and spoken).

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**TERMS OF REFERENCE**

**POSITION: REGIONAL LEGAL SPECIALIST**  
**Project Title: Moving Towards Equal Access to Justice**  
**Project number: 00048421**  
**Duty Station: Phnom Penh and nation wide work**  
**Duration: 1 year (with possibility of extension)**

**I. Roles and Responsibilities**

The Regional Legal Specialist will oversee project activities at district and commune level in each province, particularly in Ratanakiri and Mondulkiri. S/he will collaborate and link these activities with: (a) the Senior Counsel at project oversight level, and (b) the National Legal Specialist at central level and in Kampong Speu and Kampong Chhnang. In particular, s/he will:-

- Advocate for greater access to justice through the strengthening of ADR mechanisms at the commune level and removing barriers to access to the formal court system.
- Extract key issues emerging from our pilot initiatives to inform policy and legal frameworks amendments.
- Analyse critical legislation with the view of providing greater access to justice specially for women and indigenous peoples
- Support the Senior Law and Justice Counsel in advocating for policy/legal framework change.
- Capacity building to our national counterparts on broadening the understanding to access to justice
- Liaise with key stake holders including Supreme Council of Magistracy, Supreme Court, Royal School for Judges and Prosecutors, Council for Legal and Judicial Reform, Ministry of Justice, Bar Association, development partners, CSO, Courts, ADRs, Labour Arbitration Council, etc.
- Develop and coordinate networks for the implementation of key project activities with key partners including legal aid organizations and other CSO organizations.
- Promote a participatory methodology throughout the project implementation of activities
- Provide interpretation and translation services as required
- Other related technical duties as directed and agreed.

**2. Expected outputs**

The expected outputs include the following:

- i. Outputs as specified in the project results and resources framework, and logframe
- ii. Critical legal issues emerging from the piloted initiatives in the provinces are captured and packaged in the form of recommendations to the government for amendments to the policy and legal frameworks.
- iii. Participatory methodology and consultations are systematically undertaken at all stages of project implementation activities in the provinces.

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- iv. Legal advice on Cambodian law provided to the Senior Counsel, Legal & Judicial Reform, and Government counterparts as required.
- v. Trained national counterparts on the concept of access to justice.
- vi. Strategic partnerships built with key stakeholders in the sector including Government, donors and non-governmental organizations.
- vii. Others, as directed and agreed.

3. Qualifications and requirements

The following qualifications are required for this position:

- LLM or postgraduate equivalent
- At least 5 years of professional experience in the field of human rights and legal reforms, preferably on access to justice
- Strong analytical skills
- Good Interpreting and translating skills
- Strong interpersonal skills
- Full command of English and Khmer languages (written and spoken).

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**TERMS OF REFERENCE**

**POSITION:** PROJECT MANAGER  
**Project Title:** Moving Towards Equal Access to Justice  
**Project number:** 00048421  
**Duty Station:** Phnom Penh and nation wide work  
**Duration:** 1 year (with possibility of extension)

**I. Roles and Responsibilities**

The primary responsibility of this role is to manage UNDP's *Access to Justice* project. The Program Manager will be responsible for the day-to-day management and administration of the project, working in close collaboration and under the technical direction of the Senior Counsel. Specific duties will include but not be limited to:

- manage project resources, including finances and recruitment - in close collaboration with the Senior Counsel - and supervision of personnel, budgets and equipment;
- provide operational management and supervision to team members and sub-contractors;
- oversee the inputs and outputs of team members and sub-contractors;
- provide regular administrative, financial and personnel performance reports to UNDP
- manage and co-ordinate the operational inputs of team members and sub-contractors, including develop terms of reference - in close collaboration with the Senior Counsel - developing appropriate systems for coordinating, monitoring, reviewing and reporting on project work;
- in collaboration with the Senior Counsel and stakeholders, develop and revise the Work Plan (at least every six months);
- support and enable development of effective liaison and relationship building with key stakeholders in the Sector.
- Support and enable capacity building to national counterparts on broadening the understanding to access to justice
- Provide other management and administrative support as required.

**2. Expected outputs**

The expected outputs include the following:

- a. Contracts of all team members and sub-contractors
- b. Workplans on a regular 6-monthly basis
- c. Regular performance reports in relation to project operations, personnel, and budgets
- d. Ongoing project administration and management as required.
- e. Strategic partnerships and relations built with key stakeholders in the sector including Government, donors and non-governmental organizations.

**3. Qualifications and requirements**

The following qualifications are required for this position:

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- a) Tertiary qualifications in at least one of the following areas of expertise: law and justice; program management; and organisation development;
- b) Extensive executive-level results-based management experience;
- c) Significant experience and high level ability in team leadership of a multi-disciplinary team, preferably in development assistance and/or the law and justice sector in the Cambodian context;
- d) Interpersonal, oral and written communication skills at a very high level.
- e) An understanding of public sector management and reform issues;
- f) A commitment to, and understanding of, aid delivery mechanisms;
- g) An appreciation of quality assurance systems and how such systems operate;
- h) An understanding of the social, cultural, political and economic factors affecting development in Cambodia
- i) A commitment to, and proven understanding of, the importance of human rights, gender and cultural considerations in employment
- j) Full command of English and Khmer languages (written and spoken).

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**TERMS OF REFERENCE**

**POSITION: PROJECT ASSISTANT**  
**Project Title: Moving Towards Equal Access to Justice**  
**Project number: 00048421**  
**Duty Station: Phnom Penh and nation wide work**  
**Duration: 1 year (with possibility of extension)**

**I. Roles and Responsibilities**

The Project Assistant will provide support services ensuring high quality, accuracy and consistency of work and, under the direction of the Project Manager, will be responsible for the day-to-day administration of the project, to support the management of the project and, specifically to:-

- administer the project office, resources, supplies and records on day-to-day basis, including support for resource mobilisation;
- maintain project administrative, financial and personnel performance records
- perform a variety of standard tasks related to project results management, including screening and collecting of project documentation, project data entering, preparation of revisions, filing, provision of information
- provide incidental administrative support to the Project Manager, Senior Counsel, team members and sub-contractors, including travel arrangements, as required.

**2I. Expected outputs**

The expected outputs include the following:

- a. Project records, reports and files
- b. Ongoing project administrative requirements.

**3. Qualifications and requirements**

- Secondary Education preferably with specialized certification in Accounting and Finance. University Degree in Business or Public Administration, Economics, Political Sciences and Social Sciences is highly desirable but not essential
- 3 to 5 years of relevant administrative or project experience is required at the national or international level. Experience in the usage of computers and office software packages (MS Word, Excel, etc) and knowledge of spreadsheet and database packages, experience in handling of web based management systems.
- Full command of English and Khmer languages (written and spoken)
- Good Interpreting and translating skills.
- Fluency in the UN and national language of the duty station



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**NOTES FOR TERMS OF REFERENCE****Development and Testing of Alternative Dispute Resolution Methods  
at the Commune Level**

The terms of reference for development of models for alternative dispute resolutions should take into account the following considerations related to both process and content:

**Data sources and processes to be applied:**

- Data on existing practices available in such documents as Access to Justice in Cambodia (UNDP, June 2005), the Survey for the Asia Foundation on the performance of commune councils in regard to local conflicts (2005), and any other relevant research that can be located;
- The views of interested stakeholders such as the Association of Commune Councils, Ministries of Justice and Interior, and concerned civil society organizations;
- Best practices identified in other countries;
- Consultative and participatory processes for gathering data and views on how best to improve existing dispute resolution methods.

**Parameters for methodologies to be tested:**

- Methodologies that are effective, easily replicable and inexpensive;
- Methodologies that have resulted in client satisfaction;
- Methodologies that neutralize or avoid bias;
- Methodologies that limit the burden of dispute resolution on Commune Councils themselves, e.g., perhaps by involvement of non-council members in dispute resolution processes;

**Dealing with intractable issues:**

The most common disputes presented to commune authorities - domestic violence, land and divorce or separation - are often not amenable to conciliation. Some disputes involve unbalanced power relationships - a strong party against a weak one. How should or can councils deal with these intractable issues and unbalanced relationships? How should they advise the disputing parties?

**Clarification of relationships and jurisdiction between the Commune Councils and the local police:**

The model will also consider the current roles and relationships between local police and commune councils. While police behaviour at the local level is not fully understood, most observers regard local law enforcement by the police as having limited effectiveness and often to be driven by rent-seeking. Nevertheless, some victims of, say, rape or traffic accidents, prefer police mediation at the local level as it means that they can be immediately compensated, no criminal charges are preferred, and the victims can avoid the cost and time of going to court, even if it means paying part of their compensation to the police.

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Police procedure for bringing a case to the provincial court from the local level is complex and time consuming. The costs of processing a case are often borne by the victim. For example, in cases of injury or rape, victims must pay forensic fees for medical examinations. Victims may also have to pay the costs of transporting the police to their district and provincial offices and to the courts.

Judicial police powers to enforce laws have been assigned to many police and government agencies, including commune councils. (The draft law on domestic violence includes empowering staff of the Ministry of Women's Affairs as judicial police to enforce that law.) There is lack of clarity at the local level as to what these powers are, how they should be carried out, the division of labour between the local police and commune councils exercising their authority as judicial police, and how local police and commune councils can best cooperate.

### Justice of the Peace Feasibility Study

The "Justice of the Peace" feasibility study will not simply be an attempt to revive the colonial era "*sala lorhoc*" or to test a European style "justice of the peace". The purpose here is to create a new fourth tier in the Cambodian justice system at the district level between the judicial power of the provincial court and the conciliation methods used by the commune councils and local police. The justice of the peace would have limited powers to settle certain types of disputes.

Thus, the development of the model for the justice of the peace will require central agreement on a number of thorny issues prior to actual testing. A consensus must be reached among concerned central institutions (MOJ, MOI, and the Judiciary among others) on answers to the following questions before the feasibility of any model can be tested:

- What will be the actual scope of authority of a justice of the peace? What would his/her functions include?
- What will be the institutional home of this new position? Will the justice be a member of the judiciary or a para-judicial member of the district administration? How justices will be supervised, rewarded and disciplined?
- What experience, skills or credentials should be required for this position?
- What will be the conditions of employment and service?
- Can the justice be mobilized, that is, travelling a circuit around to communes in the district?
- How will the position be financed?

### Pilot for Legal Services at the District Level

The idea for the provision of legal services at the district level was originally conceived as a second component of a *maison de la justice* or *maison de droit* whose first component would be the justice of the peace. Since, however, the justice of the peace pilot (see Annex ) presents numerous difficult issues, these two components have been de-linked so that each can proceed independently. It would of course be possible to re-join the components in the long run, if both prove to be feasible.

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The preparation of a model for a legal services unit at district level must decide what services would be provided and the staffing and resources needed to deliver those services. Ideas for the service menu that have been offered include the following:

- a focal point for the dissemination of legal and judicial information linked to the dissemination of the Official Gazette and Judicial Decisions from the central level;
- a referral service to facilitate access to legal aid;
- a technical resource that could provide training or technical advice to commune councils on legal matters and specific conciliation cases; and
- a clerk of courts function to accept cases for submission to the provincial courts.

### **Adaptation of the Community Conversations Methodology**

The adaptation of the community conversations methodology should integrate content on domestic violence, HIV/AIDS and other gender issues, such as, girls' enrolment in school. The adaptation should take into account the experience of the HIV/AIDS programme in Cambodia, including the views of the facilitators of the conversations.

The content of GTZ multi-media and training materials on domestic violence should also be reviewed.

### **Study on the Legal Framework and Institutional Arrangements for Divorce and Separation**

Research findings on local disputes note that, in a high percentage cases, women are requesting divorce or legal separation as a result of domestic violence. The terms of reference for a study of the legal framework and institutional arrangements for divorce or separation should take into account the following issues:

In cases when the marriage has been legally registered, a divorce case must be processed by the provincial court. Access to the provincial court is inconvenient and costly for poor rural women. Thus, a question arises as to whether or not divorce can or should be settled by civil authorities at a lower level. Similar questions arise over custody of children, property rights and alimony.

Cases in which the marriage has been made according to custom, but not legally registered, present the same questions. Can a customary marriage be legally dissolved or dissolved according to custom at the local level? In these cases, can local officials settle differences in regard to child custody, property rights and alimony?

Since domestic violence is often the underlying cause of these divorce or separation proceedings, the response of the police and other local authorities to such cases also needs to be reviewed. How can women be effectively protected while divorce or separation proceedings are ongoing?

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### Small Grants for Legal Aid to Indigenous Peoples

The following steps are required in order to make small grants to legal aid societies or law firms for legal aid to indigenous peoples:

1. Set up a small grants fund in the project budget:

Budget code 72600: Grants

2. When grants are made, charge Account code 72605, "Grants to institutions and other beneficiaries".
3. For each grant, prepare an MOU between the project and the recipient that outlines the purposes for which the grant can be used, the time limit for use of the grant, and the requirement for a report on the use of funds.
4. The size of grants should not exceed \$30,000. However, a grant can be replenished on the basis of evident demand and a satisfactory report on expended funds from the recipient.

### Review of the Legal Framework and Institutional Pertaining to the Rights of Indigenous People

The legal protections for communal lands of indigenous peoples are contained in the Land Law. These provisions are supposed to be enforced by Cadastral Commissions and the Courts. Nevertheless, the ineffectiveness of these laws is indicated by the wide publicity given to high profile disputes regarding grants of land concessions by the Government for land regarded by indigenous people as their communal lands. In addition, indigenous people are frequent victims of swindlers who purchase their communal land under illegal and misrepresented purchase agreements. Awareness of the legal rights of indigenous people is also limited within civil authorities and the judiciary.

The general application of customary dispute resolution mechanisms by indigenous peoples is tolerated by civil authorities but is not now recognized in law.





## Annual Work Plan

Study on divorce, separation and related issues completed and recommendations for amendments to existing legal framework proposed									30,000.00		30,000.00
										0.00	40,000.00
									60,000.00	0.00	60,000.00
Opportunities for jurisdictional authority at the district level explored and implemented (if feasible) to grant rights to women & children (ie. alimony), to prevent, protect women against domestic violence including arrest of weapons, and									40,000.00	20,000.00	60,000.00
									36,000.00	6,000.00	42,000.00
Sub-total Activity 7: 2006 DGTTF (221,000) + Regional Programme Funding (25,000)										46,000.00	292,000.00
Activity 8: Special Support to Indigenous People											
Indigenous peoples & their organizations empowered											
Indigenous communal authority (IA), which legitimate & accountable is recognized & strengthened									12,000.00	23,000.00	35,000.00
Judicial Services (including translation and legal representation) for indigenous people available in Modukini and Ratanakiri Provincial courts									30,000.00	0.00	30,000.00
National policy advocacy and legal framework developed to formalize indigenous communal authority(IA)									10,000.00	35,000.00	45,000.00
Peace Table - Inter-institutional coordination (Police, Prosecutor, Judges, Prison, Indigenous A., Provincial Governor, Cadastral Commission) promoted and strengthened									5,000.00	10,000.00	15,000.00
Indigenous A., Provincial Governor, Cadastral Commission) promoted and strengthened									15,000.00	45,000.00	60,000.00
									4,000.00	9,000.00	13,000.00
									20,000.00	60,000.00	80,000.00
Sub-total Activity 8: Regional Programme Funding (25,000)										182,000.00	278,000.00
Sub-total Project 4										96,000.00	1,135,000.00
<b>GRAND TOTAL</b>											

\* These activities have the potential to be scaled up depending on availability of resources





KINGDOM OF CAMBODIA  
NATION RELIGION KING

ROYAL GOVERNMENT  
COUNCIL FOR THE DEVELOPMENT OF CAMBODIA  
Ref: 1654/06 CDC/CRDB

Phnom Penh, 28/April

2006

Anne-Isabelle Degryse-Blateau  
Programme Director, and  
Deputy Resident Representative  
UNDP, Cambodia

Ref: 00048421, dated on 10 April, 2006

Madame,

I have the honour to forward one original signed of the project document number 00048421 - Access to Justice in Cambodia.

Please accept, Madame, the assurances of my high consideration.

Yours sincerely, *Chheng Yanara*



Chheng Yanara  
Deputy Secretary General of CDC  
Secretary General of CRDB

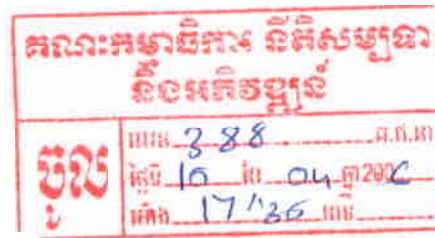
25 APR 2006

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Date:		File:
Unit	Action	Info
RR		DB/AIB
DRR		
PROG.	Socheata	
OPER/ FIN		
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Handwritten signature in Khmer script with an arrow pointing to the UNDP logo.

10 April, 2006

Ref: 00048421

Excellency,

**Subject: 00048421 – Access to Justice in Cambodia  
Signature on Project Initiative Document**

We are pleased to forward to you for your signature, the Initiative Document for the project "Access to Justice in Cambodia".

As you may see, the vision of the project is to assist the Royal Government of Cambodia to realize its vision for the justice system in Cambodia to make it more effective, responsive and accessible to the needs of the people. The project has three-year life cycle (2006-2008) which will be implemented by the Project Management Unit (PMU) of the Council for Legal and Judicial Reform in close cooperation with other government agencies including the Council for Administrative Reform, Ministry of Justice, Supreme Court and the Council for Legal and Judicial Reform.

We would be very grateful if you could sign the attached original copy and return to us for co-signatures at your earliest convenience.

Please accept, Excellency, the assurances of our high consideration.

Anne-Isabelle Degryse-Blateau  
Programme Director and  
Deputy Resident Representative

H.E Keat Chhon  
Senior Minister and Minister of  
Economy and Finance  
First Vice Chairman of the CDC