

KINGDOM OF CAMBODIA

NATION – RELIGION - KING

Cambodia Criminal Justice Assistance Project Phase III

Summary of Annual
Performance Report
2008

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INTRODUCTION

This is the second Annual Performance Report (APR) for the Cambodia Criminal Justice Assistance Project Phase III (CCJAP). This Executive Summary reports on: CCJAP's progress on rolling out its planned activities and moving towards the achievement of its component objectives; summarizes implementation progress between 1st January 2008 and 31st December 2008; and, reports on progress towards achieving its planned outcomes between the commencement of activities in June 2007 and 31st December 2008.

The findings of this APR Executive Summary are informed by data collected from several sources:

- CCJAPIII Annual Stakeholder Survey for 2008, conducted by staff from Domrei, a local research-and-evaluation agency, involving 73 stakeholder interviews.
- CCJAPIII's own set of indicators, relying on justice-agency data.
- CCJAPIII advisers and local staff.
- CCJAPIII project documents and records including CCJAG reports.
- Partner agency sources (including newspaper articles).

KEY FINDINGS

The main finding is that CCJAP is progressing quite well across all components in supporting improvements to law and justice sector systems as well as building the knowledge, attitudes and practices of key stakeholder agencies and their counterparts. The independent research team conducting the CCJAP Annual Stakeholder Survey for 2008 collected information on 232 system changes facilitated by the project which highlighted systems and attitudinal changes which has increased effectiveness and opportunity for sustainability of CCJAPIII-facilitated benefits.

CCJAP's focus to sustainable system change in accordance with the Paris Declaration is illustrated by:

- Its ongoing contribution to the development of three important pieces of justice-sector legislation that are progressing at a satisfactory rate because of CCJAP support (Police law, Correctional Law and Juvenile Justice Law).
- Strengthening government ownership of the RGoC's own reform agenda which is demonstrated by the very good performance and commitment shown by the NMB, the performance of the FSF Screening Team and the outcomes achieved and inputs of key stakeholders and counterparts.
- Its common output across all components of strengthening the capacity of partner agencies through the draft Sector Planning Manual and other activities that support executive development in committing to reform policy, planning and monitoring and evaluation.
- Strengthening technical skills that support project priorities and cross-cutting themes and that have the greatest opportunity for impact and sustainability.
- Working through, aligning with and strengthening integrated systems at the national and sub-national levels that support both LJRS and D&D Reforms, enabling CCJAP to broaden the meaningful engagement of Provincial Governments to directly support vulnerable people.
- Its key leadership and coordination role in partnership with AusAID to support the Donor community and key NGO's in national and sub-national activities.

COMPONENT 1

CCJAP and the Danish International Development Agency (DANIDA) have supported the General Secretariat (GS) to strengthen its functions as secretariat for the CLJR and to support a range of RGOC reform objectives. As implementing partners they have worked together with the GS to develop and coordinate activities for implementing the LJRS as are set out in the RGOC “Plan of Action for Implementing the Legal and Judicial Reform Strategy”.

The data and information collected so far suggests that the GS has improved: its capacity to implement the Legal and Judicial Reform Strategy (LJRS); to articulate reform aims and progress and to plan the roll-out of a reform program; and, to develop better procedures and processes for monitoring and reporting the progress of reform initiatives. GS staff work practices – including cooperation with partners - are also reported to have improved and probably a factor in the more timely submission of reports by action-plan implementers in 2008 compared to previous years.

This is evidenced by: the collaborative development of the sector Indicator Monitoring System (IMS) to measure LJRS implementation progress against agreed indicators; and, the ongoing collaborative development of the draft Sector Planning Manual (SPM) and its use as a reform implementation and sustainability tool. The SPM was used to facilitate the introduction of reform priorities in the development of CNP and GDoP agency strategic plans and annual plans (including 6 departments of the CNP). It was also used as a guide by the CCJAP team in supporting the development of the 4 Model Court Plans. Key counterparts and agency personnel have stated that their capacity to plan and to budget has improved.

In summary, this review has found evidence of improved GS planning, monitoring and cooperation with partners (including donors) in the implementation of the LJRS. There is evidence of improved strategic planning in the CNP, GDoP, Banteay Meanchay, Kandal, Phnom Penh and Kampong Cham Courts in accordance with the Sector Planning Manual. There is also evidence of improved monitoring in key sector agencies and within the Courts and improved attitudes and practices towards transparency in Model Courts. The responsibility for implementation activities in Model Courts will shift to Component 4 in the Work Plan (July-December) 2009.

COMPONENT 2

CCJAP has supported a considerable increase in proposals and contracted activities relating to Crime Prevention and Community Safety (CPCS) in partner provinces. The substantial increase has resulted from CCJAP’s support to formal and informal training on CPCS at provincial, district and commune levels, the recruitment and training of District Facilitators that support the planning and monitoring of commune activities and the use of resources provided through the FSF to fund CPCS activities, which are planned and implemented within the framework of the Commune Investment Planning Process (CIP). This is a very positive outcome.

The work of this component has supported LJRS implementation activities in partner provinces under individual MOA’s between the Provincial Governor and the GOA. The placement of Provincial Project Officers (PPOs) in partner provinces has positively influenced provincial ownership and commitment to CPCS and the LJRS. Evidence clearly indicates improved relationships between civil society (and NGOs) and partner agencies, particularly at the Sub-national level and with the GDoP and the NMB at the National level (seeking FSF funding). The evidence shows that in this component the project is strengthening provincial government capacity to support the poor and vulnerable by using their systems and structures and is aligned to the project’s key cross-cutting and sustainability objectives.

Another positive outcome is that through this component Provincial Governors and the NMB has effectively used the FSF to: resource (and empower) partner Provincial Governors to finance community priority activities; align CPCS activities with government systems; and, facilitated greater interaction with the community and people at risk at the sub-national level.

COMPONENT 3

In 2008, through the use of the principles of the SPM, CCJAP assisted Cambodian National Police (CNP) to develop its first-ever strategic and departmental annual plans that were reflective of reform priorities. CCJAP assisted (and continues its assistance into 2009) the CNP, AFP and Australia's Commonwealth Attorney General's Department to develop a new Police Act. The Police Act is currently in draft stages. The Act, if the draft version is passed largely intact, will incorporate and support some elements of a revised organisational structure for the CNP, including support for the human-resource framework of rank competencies that CCJAP will assist CNP to develop in 2009. The development of these rank competencies will then assist in progressing job descriptions for the CNP. This is an RGoC planned intervention to implement NSDP and LJRS reform priorities within the CNP as a faster pace.

On the evidence presented in the APR 2008, CCJAP has made very good progress in improving the strategic capacity of CNP and the planning skills of management. The quality of CNP's organisational planning process has improved considerably, a testimony to improved executive capacity. CNP management allowed the process of change to commence and, given that the plans were developed by CNP staff and management themselves with technical support of CCJAP, CNP management deserves the credit for the improved planning system and processes.

CNP's technical capacity, especially relating to forensic functions also improved in 2008. The strengthening of forensic services also extended to the Ministry of Health in Partner Provinces and activities were designed and implemented to improve access to justice for vulnerable people by strengthening interagency victim support, case management and forensic medical support to victims of sexual violence.

While many challenges remain in supporting CNP to improve their strategic, executive and technical capacity, 2008 saw a number of advances towards realisation of Component Three's objectives.

COMPONENT 4

Component Four's main focus up to December 2008 was the development of court registers and case management protocols and procedures in partner courts and developing Court of Appeal Case Management Systems.

Support to partner Model Courts is achieving good outcomes with the production of draft Model Court Plans (Strategic Plans). This Component will be assuming responsibility for continued support to the implementation of Model Courts plans (as reported in C1). The Annual Performance Report identified a range of outcomes showing progress towards the component objective. The new court data management system, including registers and electronic file management in Kandal Court and Banteay Meanchay, is designed to enable better case management and also greater transparency to support juveniles, adults and vulnerable appearing before courts in Cambodia.

Separate juvenile and adult registers and the new Juvenile Justice Law pave the way for an improved framework for planning, managing, implementing, monitoring and evaluating juvenile justice in Cambodia. Component 4, through activities implemented and technical representation on the Child

Justice Working Group (CJWG) made an appreciated and substantial contribution to the development of the Juvenile Justice law as well as improved case-management and transparency in partner courts.

The work done in this component has mainly been of a technical nature, focussing at strengthening systems and practices to better develop and manage case files. Future activities will focus on strengthening MoJ and Departmental organisational and executive planning, budgeting and monitoring capacity to support reform initiatives.

COMPONENT 5

CCJAP has achieved very positive outcomes in this component. The project has strengthened GDoP's capacity to implement the prison reform program and to prison management priorities through several key outputs. Project support in developing: the new draft Correctional law; the GDoP Strategic Plan; the first GDoP Annual Plan (recognised by the MOI as a department in its own right); and, the GDoP's willingness to open up its annual planning-reporting conference to civil society representatives, are all positive outcomes. As noted in the Output Delivery Report, this was the first time that GDoP had hosted a public event about its future goals and plans and it was the first time that NGOs had been invited to participate in GDoP planning. Promoting wider input into its planning and reporting processes strengthens GDoP capacity to reform the department, work with stakeholders and civil society to identify emerging priorities and facilitates greater opportunity for sustainability of initiatives.

CCJAP has strengthened GDoP's capacity to collaboratively respond with the Ministry of Health (MoH) to the physical and mental health needs of prisoners through its ongoing assistance to GDoP to help it to change from a punitive to a rehabilitative system with a range of flow-on benefits for staff and prisoner health and well-being. CCJAP also assisted GDoP to review the existing Sub-Decree no. 11 and 83 on Prisoner Rations and Cell Equipment, taking into account the increased prisoner population and current market prices. This review is also considering the specific needs of women in custody and for women who have children residing with them in custody.

CCJAP's assistance to GDoP in its development of new Correctional law has not only helped GDoP to identify options for community based corrections – part of Component-Five's objective – but also to move towards the development of a legislative and policy framework for community-based corrections. The GDoP has a vision for prison reform and it working hard to achieve it.

COMPONENT 6

During this reporting period CCJAP's management has undertaken a paradigm shift from a traditional implementation model to one that philosophically and practically aligns with the purpose and intent of the Paris Declaration and the AAA, to be more effective in aid delivery and achieve reform sustainability. Over the life-cycle of the project international technical inputs will decrease and national roles and responsibilities will increase.

The FSF has become a key catalyst to increased ownership of reform activities by the NMB. FSF Screening Team members have embraced their management responsibilities and demonstrated increased accountability in their prioritisation, approval and monitoring of FSF resources. The NMB's willingness to fund NGO activities and programs that improve access to justice for vulnerable groups and the community generally are positive outcomes, testimony of CCJAP's support to and relationship with the NMB, and the NMB's willingness to engage with community-based organisations.

The Monitoring and Evaluation framework continues to develop and in this report the project is evaluated to outcome level for the first time since 1/7/07 using the approach detailed in the introduction. It will continue to be reviewed and amended during annual planning.

The Procedures Manual continues to be amended with the insertion of revised: human resource management systems, recruitment, assessment, selection and induction practices; leave management systems; financial management systems; and, FSF Guidelines.

A new Team Leader and Justice Systems Adviser were appointed, selected position descriptions were revised and performance management frameworks were reviewed and further formalised. In June 2009 the Deputy Team Leader (CPCS Adviser) resigned. This position was not replaced and the new Deputy Team Leader appointed is Cheryl Clay, now called the Deputy Team Leader and Community Corrections Adviser. Working relationships between CCJAP management and AusAID have strengthened and flourished.

CROSS-CUTTING ISSUES

CCJAP facilitated many positive changes affecting juveniles and women in 2008. The project worked to support mainstream action plans in each component. An analysis of all monitoring information reveals most planned activities were achieved and good outcomes were reported.

The Kandal sexual violence pilot program supports vulnerable people who are victims of sexual violence. This initiative shows positive outcomes in partner provinces: stronger sector integration; improved RGoC partnerships with NGOs; and, the provision of support services to victims that do not go through the formal justice system. The NMB's support to these activities is a good Outcome.

The Model Court plans have considered ways to increase access to justice for vulnerable people (women and children). The planned implementation of registers in all Model Courts will be the catalyst for tracking and managing criminal cases and court orders for juveniles and women. Support to the Child Justice Working Group and the new Juvenile Justice Law will provide a foundation from which to implement juvenile justice reform in the sector.

CCJAP achieved positive gender outcomes including: improved community-and-police attitudes and practices to reduce domestic violence and sexual assault; improved community awareness of where to seek assistance for victims of domestic violence and sexual assault; the establishment of Gender Mainstreaming Action Groups (GMAG); the progressive development of Gender Mainstreaming Action Plans in partner agencies (no such groups in 2007); and, the implementation of a some gender changes in partner agencies and provinces. More support to gender equality is needed in the MOJ. The draft HIV/AIDS Strategy and draft Juvenile Justice Strategy was researched and collaboratively developed during this reporting period.