

KINGDOM OF CAMBODIA

NATION – RELIGION - KING

CAMBODIA CRIMINAL JUSTICE ASSISTANCE PROJECT PHASE III

Performance Report NMB
Executive Summary:
January to December 2008

GLOBAL JUSTICE SOLUTIONS (ASIA) PTY LTD

December 2008



Australian Government

AusAID

Funded by the Australian Agency for International Development

EXECUTIVE SUMMARY

This executive summary reports on the progress of the Cambodia Criminal Justice Assistance Project Phase III (CCJAP) to output level from January to December 2008.

Over the past 12 months CCJAP has continued to evolve from a traditional implementation project to one that is more engaging and committed to strengthening partnerships, seeking ways to support other RGoC reform programs and to improve aid effectiveness and opportunity for sustainability at the National and Sub-National levels.

Through the international aid effectiveness objectives that will be discussed at this NMB CCJAP will: strengthen executive capacity development and support for reform priorities; align project activities to government systems and structures to strengthen opportunity for sustainability; improve donor coordination and partnerships with civil society so that we are more effective in our support; and, to ensure our efforts are focused on achieving positive results and outcomes, not just the work we are doing.

All project activities are focussed at strengthening our commitment to cross-cutting themes of: juvenile justice, gender equity, HIV/AIDS, governance and standards and support to vulnerable people.

COMPONENT 1

CCJAP and DANIDA continue to work with the PMU to strengthen its functions as secretariat for the Council for Legal & Judicial Reform and to support implementation of broader reform objectives. CCJAP is working with Technical Working Groups and Sub-Groups to strengthen sector integration, interagency cooperation, donor harmonisation and problem-solving at the national level.

This component continues to strengthen executive capacity development and sector integration through the ongoing collaborative development of the draft Sector Planning Manual (SPM) and the development of the indicator monitoring system. The draft manual has been submitted to the Ministry of Economy and Finance for comment and to ensure that the principles reflect the intent of the RGoC Public Financial Management Reform.

Work in collaboration with DIHR has continued on the development of an Indicator Monitoring System for RGoC use. Assistance has been provided to the PMU who have developed draft steps for all 97 activities in the Legal & Judicial Reform. Key Performance Indicators have also been developed which measure changes in court systems and efficiency as a result of reform initiatives. This is planned to begin to be implemented in the Model Courts.

The component has continued to support the development of the Model Court concept with EWMI/USAID, DIHR, the PMU, the Courts and MOJ. The component has undertaken training workshops and assisted Banteay Meanchey, Kandal, Phnom Penh and Kampong Cham Courts in the development of business plans.

Work has also included assisting the PMU with improving communication with stakeholders. Assistance with the development of a communications strategy was provided as well as support for the bulletin. Further support for civil society – RGoC dialogue was also provided with individual meetings as well as larger provincial workshops supported.

COMPONENT 2

A key sustainability strategy for this component is our focus to integrate CPCS activities into partner province systems. This has occurred in the Kandal Province, and more recently in Battambang and Prey Veng, where commitment and support has been strong which is demonstrated through the signing of MoA's between Provincial Governors, the NMB and AusAID, committing both parties to utilising established government systems to implement planned activities and to manage the funds for them. MOAs were established with Battambang and Prey Veng and a renewed MOA with Kandal.

Provincial Coordination Committees (PCC) were formed in partner provinces to coordinate the implementation of LIRS and CCJAP activities and to support the strengthening and use of provincial systems by CCJAP.

During this period the Kandal Province District Priority Activity Matrix 2008 was developed which reflects agreements with 42 Communes in 4 districts which support the development and implementation of 65 CPCS related activities in 2008. This consists of 46 activities under the Security sector and 19 under the Gender sector. The CNP have expressed a desire to take more of a leadership role in CPCS and to strengthen their commitment to the Civilian Protection Movement.

Two audits were conducted into the financial management practices of the Kandal ExComm Finance Unit in expending FSF monies. There were no major issues, discrepancies or malpractice found in the management of these funds and they are considered to be accountable and transparent with monies expended in accordance with the MoA.

Planning is now underway to develop draft MOAs between AusAID and Banteay Meanchay and Kampong Thom.

COMPONENT 3

A working group from the CNP collaboratively developed the CNP Strategic Plan which was endorsed by the Commissioner General. The strategic plan was further reviewed and draft business plans were developed by working groups from the major operational units of the CNP. The Sector Planning Manual was used as a guide for these activities, resulting in its continued amendment from working group feedback and input.

The Forensic Activities are continuing to strengthen: the capacity of the CNP Scientific and Technical Department pool of experts; the police's investigative capacity at crime scenes; their management and handling of exhibits; and, to strengthen support to survivors of sexual assault. These activities have commenced in partner provinces with in excess of 300 forensic police trained with more provincial expansion activities planned.

The sexual violence program, which is intended to build capacity for the investigation of sexual offences and for victim support, has engaged with the CNP, Ministry of Health, the Ministry of Justice and NGO's who see our approach as the only 'whole of justice' approach in Cambodia for survivors of sexual violence. This is a key sector and project integration activity that has the potential to be strengthened and expanded into partner provinces.

We will continue to support the CNP to: train forensics experts and medical specialists; improve forensics capacity to respond to sexual crimes against vulnerable people; develop reciprocal reporting standards and protocols with key stakeholder agencies; develop partnerships between civil society and police to improve victim support and to prevent crime; develop executive planning monitoring and evaluation capacity; review and strengthen capacity to collect and analyse crime trend data; and, to review and support the drafting of relevant legislation that support this initiative and for the CNP.

The MoI/CNP Police Act Working Group and the supporting Australian delegation held meetings to progress the first phase of this legislation in September 2008. Phase 1 of the draft legislation has now been finalised and

considerable work is being undertaken on the next phase of the proposed legislation. Further working group meetings between the parties are scheduled for early February 2009 with a view of completing the draft legislation prior to 30 June 2009.

COMPONENT 4

Key activities in this component have centred on the development of both Juvenile and Adult Registers for the Kandal Court and the development of a database / case management system for the Court of Appeal. Judges have exhibited some cautiousness in relation to the introduction of the Courts Registers as such a system is new to the courts in Cambodia, this was to be expected. The President of Kandal Court has commenced trial of the Register which is also supported by the Secretary of State, MoJ, Kandal Court Judges and Prosecutors. The President of the Siem Reap Court, who is a vastly experienced and respected judge, has also asked that his court be included in the trial of the register system. This support is a boost the success of the register system both because of the willingness of such a senior judge to be involved and his support for the system.

The Court Procedures Handbook continues to be widely used with the Courts and by agencies within then legal and Judicial Sector. The review of the handbook is now being undertaken by a committee comprised of officers from within the Ministry of Justice and Judges, with support from CCJAP.

Work in this component continues to support component 1 and DANIDA to further develop and implement the model court concept in partner provinces. Further activities that support implementation of the model courts in partner provinces are planned for 2008/9. This is a key focal area to strengthen integration and the opportunity for sustainability.

The database for the Court of Appeal is progressing well with database server installed in the court and final testing of the system being undertaken prior to installation. CCJAP has also assisted with the installation of electronic court recording which is due for completion in the week commencing 12 January 2009. Assistance has also been provided to the Court of Appeal to update the courts filing systems. Three staff funded by CCJAP are refiling all old and existing case files in a space renovated with funding support for CCJAP. The Courts and the Prosecutor Generals offices prosecutors have been trained in the use of MS Word and Excel and supplied desktop computers. The judges and prosecutors computers have been linked with a local area network which will assist greatly with information exchange in the court and Prosecutors General Office as well as improved timeliness in relation to the disposal of cases and when combined with the electronic court recording system will result in improved quality and timeliness of the courts decisions.

Assistance has also been provided in relation the focusing themes and cross cutting issues with a short term Juvenile Justice Adviser assisting the MOJ in relation to Juvenile Justice issues. Ethics and Standards have recently received assistance via the MOJ Inspector Generals Office. Gender issues within the MOJ were assisted through the development of a draft Gender action plan for the MOJ, assistance will also be provided to print and launch the plan as well as the provision of training to support the plan. HIV /AIDS has also been subject to assistance through a short term adviser whose report will be distributed in early 2009.

Executive capacity and strategic human resource management systems were reviewed and scoped by a short-term adviser with related recommendations and activities planned for implementation in 2008/9.

COMPONENT 5

A STA Legislative Drafter commenced a review of existing laws, decrees, sub-decrees and policies during this period. Drafting themes, recommendations and instructions continue to be collaboratively developed to support the implementation of new Draft Law on Corrections. Key counterparts from the GDoP continue to develop and monitor an Action Plan to progress the development of the draft correctional law.

Support was also provided to: review the GDoP Strategic Plan and this plan was integrated into the MOI 5 year Strategic Plan; refine and distribute the GDoP Annual Plan 2007; and, to develop Duty Statements for departments of the GDoP, including the Office of Inspections. The assistance provided to develop a duty statement of the Office of Inspection will strengthen governance and accountability within the Prison system and this is a key focus for standards and governance activities in the Annual Plan 2008/9.

A national ‘future directions’ workshop involving key stakeholders and NGOs was conducted during this time. This was a new and important initiative for the GDoP.

Executive and management capacity was supported through a range of planning, training and awareness-raising activities and CCJAP has assisted GDoP in developing and completing the Competency Self Assessment for all senior leadership and management levels. CCJAP has provided assistance in developing a draft GDoP Gender Action Plan by the Gender Working Group. This plan will be implemented in association with the CCJAP Gender Strategy and the short term adviser.

The GDoP and CCJAP have developed a draft training and development program for operational prison officers and management which will be implemented in 2008/9. GDoP and CCJAP have also developed a human resource development program which has been approved by the Minister of MOI.

The project continues to support MoH and GDoP training in all aspects of prisoner health, including HIV/AIDS. Support has been provided in the areas of: research with UNODC to address problems of HIV/AIDS, TB and drug dependence in prisons; research with CRS to assess the needs and opportunities for HIV Services in Cambodian Prisons; workshop facilitation with key stakeholders to map GDoP services to reduce HIV/AIDS and TB; and development of the GDoP Prison Health Instruction. CCJAP continues to work with MOH and NGOs to improve prisoner health in partner prisons.

A key risk to prisoner health is one of overcrowding of prisons, which is growing at a significant rate. This can only be appropriately addressed by a whole of justice sector approach to establishing alternative sentencing regimes, court diversion programs, vocation and rehabilitation services and early release programs. A whole of sector approach of this nature, requiring the full cooperation of the PMU, police, courts and prisons may also reduce recidivism which will reduce overcrowding.

With respect to prisoner rehabilitation and reintegration: the draft policy framework for prison reform was completed; workshops were conducted with NGOs to table and obtain feedback on the policy framework; This framework has now been approved by the Minister of MOI and has been implemented. Prison industry and farming practices were researched and procedures developed; and, training was provided to prison chiefs on prison industry and farming practices. Prison industry and farming has now been piloted in all national prisons and a number of the larger provincial prisons, including Kandal and Battambang.

The GDoP has also participated in PCP meetings and engaged in discussions with the MoJ, Courts prosecutors and prison chiefs regarding sentence reduction and amnesty policies.

COMPONENT 6

During this period counterparts and key stakeholders were engaged in: the development of the Annual Review Report (APR) and Forward Plan (AP) 2008/2009; the review of the Risk Management Plan; the review and refinement of the Monitoring and Evaluation Framework; and, the development of the draft Sector Planning Manual.

The Project Operations Manual (Procedures) was reviewed and approved by AusAID and the FSF guidelines and approval processes were collaboratively reviewed with and approved by the NMB and AusAID. Two (2) FSF Audits were conducted of the projects financial management procedures and the FSF during this time. Minor procedural recommendations were implemented to ensure complete compliance to accountable and transparent operational practices. FSF changes were communicated to key stakeholders to explain the new FSF procedures and revised guidelines.

The Gender Mainstreaming Strategy has now been drafted and is ready for implementation in 2008. Action Plans have also been developed and implemented within partner agencies with strong support provided to MOWA in ensuring their timely implementation.

Draft Juvenile Justice and HIV/AIDS Strategies are still under development and the NMB will be provided with an overview of them both.

Overall the project has performed satisfactorily with some issues that need to be addressed to strengthen opportunity for sustainability. There are sound working relationships with the majority of key counterparts and stakeholders that can be further developed and leveraged upon to ensure implementation activities are more effective and sustainable in the long-term.

During this period CCJAP achieved all planned capital works activities in preparation for the commencement of construction at partner sights, however, our commencement of construction works has been slow. Project officers and counterparts were: mentored and trained in governance and tendering processes; construction inspection methodology; procurement methodology; and, quality assurance protocols. Manuals and tools were developed and training provided for occupational health and safety standards to GDoP representatives who will be utilising prison labour, within a prison industry framework, to support constructions. Some issues about the role of National agencies and Provincial ExComm Units in the procurement of capital works needs to be resolved to progress construction works. Minor capital works renovations have commenced in CC1, CC2 and Phnom Penh Prison.

Three people have resigned from the project:

- Larry Proud, the Team Leader, resigned on the 31st December 2008.
- Noun Sokchea, the Gender project officer, resigned on the 9th December, 2008.
- Ian McPhee, the Courts Adviser, will resign on the 13th February, 2009.

The Selection process for the the replacement of the Team Leader is almost complete. The panel comprised of HE Suy Mong Leang, Ms. Arthi Patel, AusAID and Mr. Glenn Crannage of Global Justice Solutions. Announcement will be made soon.

Selection for the Courts Adviser and the Gender and Juvenile Justice Project Officer will commence next month.