



DGTTF CAMBODIA 2007: ACCESS TO JUSTICE

BACKGROUND:

The judicial system in Cambodia is generally perceived as being fragmented, corrupt, slow, inefficient and not independent. It suffers from a low level of support both from donors and the general public. At the local level, the situation is compounded by the absence of a national level legal framework and guidelines on indigenous issues.

The project supported by the DGTTF targeted informal justice systems, in particular Alternative Dispute Resolution [ADR] mechanisms, to bring justice closer to the people. At the macro-level, the project was consistent with national priorities outlined in both the National Strategic Development Plan and the National Strategy for Legal and Judicial Reform and its action plan.

CATALYTIC & INNOVATIVE:

Initially the project had only envisaged to provide support to the ADR mechanisms in order to improve the demand side of access to justice [A2J]. At the request of the Government, the development of a human rights database, support to the Official Gazette and the publication of judicial decisions were added as objectives in order to address the lack of capacity of the supply side as well.

ADR mechanisms were established at the local level through 20 'Maisons de la Justice' and 56 Community Dispute Resolution Committees [CDRCs] in six provinces out of 24. The CDRCs operate at the level of the commune - and are composed of seven members with at least 30 percent of them female - while the Maisons work at the district level and disseminate information, monitor activities of the CDRCs and mediate unresolved cases or refer them to provincial courts if necessary.

Empowerment of women was supported in three provinces by using the issue of domestic violence as

an entry point by building on the positive results achieved through community conversations by a different project related to HIV/AIDS. By making use of the same methodology to address domestic violence, the project helped train over 200 village facilitators and conduct capacity development activities in 77 villages.

On the other hand, none of the project outputs to improve government responses on the supply side of justice were achieved. ADR mechanisms to address land ownership issues for indigenous people have also failed for the most part.

LESSONS LEARNED:

Although the project delivered good results on local level, this was only one of its four outputs to be achieved. Disagreements between national government partners and other stakeholders, including donors and civil society organizations have meant that some project activities were abandoned, and others yielded very limited results. Civil society organizations did not wish to be involved with the human rights database for fear of rubber stamping an initiative they viewed as ineffective.

Investments:

- USD 221.000 from DGTTF
- USD 50.000 from Regional Centre Bangkok
- USD 500.000 from Country Office
- USD 2.100.000 from Gov of Spain after 2007

Partners:

- Council of Legal and Judicial Reform [CLJR]
- Ministry of Interior [MoI]
- Ministry of Justice [MoJ]
- Ministry for Women's Affairs

For more information:

- <http://www.undp.org/governance/library.shtml>
- <http://www.undp.org/oslocentre>
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The quality of judicial decisions was deemed to be too poor to serve as reference in the future, and they were not published. Support to modernizing the Official Gazette was not provided as the government announced it would not be made available on the internet free of charge as had been planned.

Likewise, A2J activities for indigenous people failed as they ran against powerful economic interests linked to illegal logging in indigenous areas.

In summary, failure to take stakeholders' interests and constraints into account translated into unrealistic project design, which accounted for the limited results achieved on national level.