

### Background:

- The Australia has been providing support to the criminal justice sector in Cambodia since 1997, and we are now implementing the third phase of the Cambodia Criminal Justice Sector Assistance Project. This project implements the RGC Legal and Judicial Reform Strategy, as well as the National Prison Reform Strategy and Cambodian National Police Strategic Plan.
- Australian support extends across national Ministries as well as courts, police and prisons in five provinces.
- Australia also supports smaller initiatives with non-government agencies working with communities on child protection and domestic violence; a regional initiative to prevent trafficking in people and child sex tourism.
- As a result of the GEC some AusAID funding to the criminal justice sector may be reoriented to social protection and economic infrastructure priorities. We will seek to limit the impact on key RGC priorities by reducing and nationalising international TA and related inputs.

### Key Issues

- The Legal and Judicial Reform strategy has been in place since 2003. A recent report of the Council for Judicial Reform notes that while there has been progress in implementing the strategy this is project based, with 20 donors often running pilots across nearly 100 priority actions. It is now timely for RGC to identify key priorities that have political support so that we can move beyond pilots to focus both donor and RGC resources on achieving nationwide reform, through the relevant Ministries. Costing the LJR Strategy would contribute to the prioritisation exercise.  
*Discussion point:* Council for Legal and Judicial Reform plans for setting reform priorities and costing.
- A related issue is the lack of strategic direction in the Ministry of Justice. Australia and other donors are ready to support functional mapping and strategic planning at the Ministry of Justice.  
*Discussion point:* Australia would like to explore with Ministry of Justice a functional mapping exercise and development of a strategic plan.
- It has been noted that Ministry of Justice including courts administration is significantly underfunded as compared with the services to be delivered, as well as compared with other service sectors.  
*Discussion point:* How is the issue of justice sector funding, vis a vis funding for other sectors being addressed by the Ministry of Economics and Finance and the Ministry of Justice?
- Implementing the constitutional principle of judicial independence is emerging as a major challenge for Cambodia. The model court initiative of the CLJR and Ministry of Justice will be an important step in supporting judicial independence, as will finalisation and passage of fundamental laws on the Judiciary and Supreme Council of Magistracy. Implementation of CCJAP in five provinces has led to questions about the respective roles of provincial judges and provincial administration. The new Organic Law specifies that Provincial governors have authority in matters relating to security and human rights.  
*Discussion point:* Steps that can now be taken to clarify how the constitutional guarantee of judicial independence is implemented at provincial level
- The key donor – government dialogue forum is the TWG on Legal and Judicial Reform chaired by the Council for Legal and Judicial Reform. Participation of critical line ministries including Ministry of Justice and Ministry of Interior is poor.  
*Discussion point:* What steps can be taken to ensure active senior level representation in the TWG from MoJ and Mol?
- Australia has extensive training activities with the CNP in areas human trafficking, forensics and management. These are well received and we want to move to a more sustainable approach through institutionalising training into the RGC systems for training of police at provincial, regional and national levels.  
*Discussion point:* Explore how can training provided to the CNP by Australia can be institutionalised into police training schools at provincial, regional and national levels.
- Through CCJAP a number of project salary payments are made to Ministry of Interior and Ministry of Justice staff. In accordance with Cambodian law (Merit Based Pay Incentive Subdecree 29) Australia

seeks to implement the Merit Based Pay Initiative in the two Ministries as a matter of urgency.

*Discussion point:* Explore what can be done to progress MBPI implementation in the Ministry of Interior and Justice, with the approval of the Council for Administrative Reform.