

**STATEMENT ON  
GOVERNANCE AND ACCOUNTABILITY WITH FOCUS  
ON LEGAL AND JUDICIAL REFORM**

**AT THE 15TH MEETING OF  
THE GOVERNMENT- DEVELOPMENT PARTNER COORDINATION COMMITTEE  
PHNOM PENH, SEPTEMBER 29, 2009**

Excellency Deputy Prime Minister and Minister of Economy and Finance Keat Chhon,  
Excellencies Ambassadors, Head of International Organizations, Members of the Royal  
Government of Cambodia, Excellencies, Ladies and Gentlemen,

**1. Introduction**

Recent good results on legal and judicial reform could not be achieved without the political support and a strong commitment from the Royal Government of Cambodia under the strong leadership of Samdech Akak Moha Sena Padei Decho HUN SEN, Prime Minister of the Royal Government of Cambodia. Those good results are also the products of the great effort of ministries and institutions of the justice sector with the cooperation and the support from the Development Partners to which I would like to take the auspicious opportunity to express my deep appreciation and thanks.

**2. Outcomes of the implementation of the legal and judicial reform strategy**

The Action Plan ( April 2005 ) to implement the legal and judicial reform (June 2203) has been implemented in accordance to the identified 7 strategic objectives adopted by the Royal government of Cambodia. In fact, the Royal Government of Cambodia has shown its clear commitment to continue the implementation of the legal and judicial reform strategy through the Rectangular Strategy Phase II in the speech of Samdech Decho Prime Minister on September 26, 2008.

**2.1. Outcomes related to the legal reform**

Regarding the modernization of the legal framework , around 140 laws have been adopted, in particular those three fundamental laws which are most needed by the courts, namely the Civil Procedure Code, the Civil Code and the Penal Procedure Code. The draft of Penal Code was adopted by the Council of Ministers and sent to the National Assembly on July 22, 2009.

Great efforts have been put in place to speed up the adoption of laws related to the judiciary. In fact, the Ministry of Justice has already sent the draft law on the Organization of the Council to the Council of Ministers Office. The draft law on the Statute of judges and prosecutors has passed the first meeting between the Council of jurists, the ECOSOCC, the General Secretariat of the Government and the Ministry of Justice. The finalization of the Guidelines on the Law-Making Process has been undertaken by a special working group at the Council of Ministers Office. This Guidelines is one of the key regulatory texts needed by the legal units in the line ministries and institutions involved in the law drafting.

Regarding the enhancement of the access to legal information, the publication of laws and essential regulations has been undertaken by the General Department of Official Gazette of the Council of Ministers Office through the Official Gazette. The General department of Official Gazette regularly publishes the Official gazette every week in hard copy and every quarter in CD Rom. The Academic Committee on Legal Terms has produced 2100 copies of its first edition. in Khmer, English and French in 2008. The Supreme Court publishes its own decisions regularly. The decisions of the lower courts have been published by the Ministry of Justice working group for the Supreme Council of the Magistracy twice a year.

## 2.2. Outcomes related to the judicial reform

Strengthening judicial services is strengthening the capacity and code of conduct of providers of these services, include judicial police, prosecutors, lawyers, court clerks, bailiffs, notaries and prison guards, etc.

The code of ethics of judges, prosecutors and some categories of civil servants (health, education, inspection, interior) were adopted. The Ministry of Justice is drafting the code of Ethics of court clerks. Provisions on access to decision of courts and rights to appeal are introduced in the civil and penal procedure codes.

To increase the capacity of judicial officials and relevant officials we established the Royal Academy for judicial profession, Center for Training of Lawyers and Royal Academy for Police, etc. The Royal Academy for Judicial profession is training judges, prosecutors, court clerks, and in the near future bailiffs and notaries. So far, through training, (initial/continued) 287 judges and prosecutors, 618 court clerks and close to 400 lawyers are on the job.

Measures against corruption in the judiciary are undertaken by the Supreme Council for the Magistracy under the leadership of the king. The Disciplinary Council of the Supreme Council of the Magistracy took disciplinary measures against a significant number of wrongdoers judges and prosecutors. Works of the Disciplinary Council has been strengthened recently by Anukret n° 160 dated on September 23, 2009. The anti-Corruption Unit of the Council of Ministers Office is operating normally and is significantly efficient. Beside the existence of sufficient number of laws, the judiciary needs appropriate equipment and material, as well as adequate procedures in order to deliver an efficient and fair legal process to the people. Because the state has no possibility to provide all of what was mentioned above, at the moment we established a project called Model Court Project through which we select four courts, namely Kandal Court, Phnom Penh Court, Kompong Cham court and Banteay Mean Chey court. So far, those four courts are finalizing their Strategic Plan and Business Plan in order to transform themselves, step by step, into model court from the middle of the year 2009. ECCC is also considered as model court for the Cambodian judiciary. Judges and prosecutors salary and budget of some relevant institutions were increased in accordance with the possibility of the Government. The project to establish specialized courts is underway.

In order to lighten the judiciary works and bring the judiciary closer to people, we establish and pilot Alternative Dispute Resolutions mechanisms to resolve disputes occurred at the commune level, such as Council for Arbitration to solve labor disputes, Cadastral Committee to solve land dispute at district level, provincial level and national level. National Authority for Land dispute Resolutions, and we are piloting 20 Maison de la justice at district level and 77 Committee for Dispute Resolutions at the commune level. There are some ongoing projects to prevent crime and domestic violence at the commune level and also at the indigenous community.

In collaboration with ministries and institutions of the justice sector and the DP, the General Secretariat of the Council for Legal and Judicial Reform is finalizing the Manual on the planning, budgeting, monitoring and reporting for the justice sector institutions. A project called Indicators Monitoring System Project to monitor the implementation of activities identified in the Action Plan is underway. This Project will start to monitor the implementation of the Model Court from 2010.

## 3. Conclusion

Excellency, Ladies and Gentlemen

So far, more than 60% of 97 priority actions are totally and partially implemented, but like other business the received outcomes are always not 100% satisfied in comparison to the expected outcomes. For that reason the Council for Legal and Judicial Reform plans to organize a national workshop in order to collect opinions, ideas, comments and suggestions from relevant Ministries and institutions of the justice sector and concerned DP. An updating work will follow after that workshop which will be held on November 2009 in accordance to the availability of Samdech decho Prime Minister.

Our purpose is to reach the objectives determined by the Royal Government of Cambodia under the clever and astute leadership of Samdech akak Moha Sena Padei Decho **Hun Sen**, Prime Minister, shrewd leader of the Kingdom of Cambodia.

**Thanks you !**