FIRST QUARTERLY PROGRESS REPORT
OF THE JOINT TECHNICAL WORKING GROUPS
For the Period: December 2004- February 2005

This quarterly progress report from each Joint Technical Working Group is requested by the Secretariat of the Government-Donor Coordination Committee (GDCC) before 25 February 2005. It will be used to prepare a briefing note for the Second GDCC Meeting scheduled to be held on 7 March 2005. Please return the completed questionnaire to H.E. Chhieng Yanara at CDC in both soft and hard copy.

TECHNICAL WORKING GROUP (TWG): .Legal and Judicial Reform (also covering anti-corruption)

1. Did the TWG prepare its Terms of Reference? Yes ☑ No ☐

2. Did the TWG prepare an Action Plan? Yes ☑ No ☐ (if No, please continue to question 9)
   If Yes: When was the Action Plan approved by the TWG? (date / month / year) ……/…… /…….

3. Since the 7th CG Meeting held in December 2004 how many times has the TWG met?

   Once - 7 February due to leave commitments of donor representatives

4. Is the scheduling of activities in the Action Plan done by month/quarter? Yes ☑ No ☐
   If No, please go to Q8, but first please identify the methodology that is planned to be employed by the TWG to monitor and report on progress made: .....

5. Please list below activities in the Action Plan that were scheduled to be implemented during the last quarter (December 2004 and February 2005).

Dec 2004 – Feb 2005

i. From the short term action plan on Legal and Judicial Reform and previous benchmarks, select critical actions as benchmarks and submit to the Consultative Group meeting for approval
ii. Establish appropriate arrangements (joint working groups) for technical work on each of the benchmarks to be supported and monitored by the TWG
iii. Agree on terms of reference for the TWG which reflect sound partnership principles

Feb 2005 onwards

iv. Through a series of joint working groups, support implementing institutions to complete work required for benchmarks to be met
v. Meet quarterly to report on progress, discuss requests for technical assistance and determine action required to resolve any barriers to progress
vi. Report to CDC and Consultative Group meetings as required and develop potential benchmarks for following years, related to the LJR action plans.

6. Which of the activities listed in question 5 are being implemented as scheduled?

Activity (please use the same number as shown in Q5)	**Comments, if any**
i. From the short term action plan on Legal and Judicial Reform and previous benchmarks, select critical actions as benchmarks and submit to the Consultative Group meeting for approval	All proposed benchmarks adopted by CG December 2004
ii. Establish appropriate arrangements (joint working groups) for technical work on each of the benchmarks to be supported and monitored by the TWG	3 joint working groups led by implementing institutions and with nominated donor co-ordinator approved by TWG 7 February.
iii. Agree on terms of reference for the TWG which reflect sound partnership principles	ToRs circulated for comment December 2004; adopted TWG February 2005.
Other activities ongoing or scheduled for later in the year	

7. Please list the activities that are behind schedule, reasons for delay, and the TWG's recommendations for solving the problems.

Activity (please use the same number as shown in Q5)	**Reasons for Delay**	**TWG's Recommendation**
Nil.		

8. Please list the activities in the Action Plan that have been implemented during the last quarter December 2004-February 2005

See above

9. Is (are) there any Joint Monitoring Indicator(s) agreed at the 7th CG Meeting held in December 2004 that fall within the mandate of ***this*** TWG? Yes ☑ No ☐ (please go to Q11)
If Yesm list the indicators below:
See attachment 1.

10. What progress has been made toward achieving targets of the Joint Monitoring Indicator(s) listed in Q9 above?

Because of the absence over January of many of the group's members, there has been little joint activity although there has been notable progress within the Council of Jurists in reviewing key laws. Detailed progress will be provided in next quarterly report.

Joint Monitoring Indicator	Progress	Constrains	Recommendation
Anti corruption	Donor support group formed under co-ordination of UNDP with support of USAID, JICA and Australia- to be merged into Government led group under leadership of HE Leng Peng Long Drafting of the amendment of the draft anti corruption law is underway within MoNASRI to be submitted to CoM by end April	On target	Nil
Fundamental legal framework	Laws being progressed in Ministry of Justice. Two groups nominated to bring donors and Government together - both led by MOJ - (1) addressing the Codes - donors co-ordinated by JICA with French Assistance, (2) addressing laws on the judiciary - donors co-ordinated by Australia with USAID, French, JICA and UNDP assistance	On target	Nil

11. Please list below activities in the Action Plan that are planned for the next quarter (March 2005-May 2005).

iv. Through a series of joint working groups, support implementing institutions to complete work required for benchmarks to be met

vii. Meet quarterly to report on progress, discuss requests for technical assistance and determine action required to resolve any barriers to progress

12. REPORT ENDORSED BY:

Signature: _____
Chairman, TWG

Name: SAM SOK PHAL

25-02-05

Signature: _____
Donor Lead Facilitator

Name: Douglas Gardner
UNDP Resident Representative

Signature: _____
Donor Lead Facilitator

Name: AMBASSADE DE FRANCE
Le Conseiller de Coopération et d' Action Culturelle

Dominique DORDAIN

(1) Fighting Corruption and Increasing Accountability : The key thrust of the RGC's strategy to fight corruption is to take concrete actions that attack the roots of corruption (RS)	1. Within the existing criminal law, **reported cases of corruption** shall be brought before the courts for investigation and hearing; a consistent and strategic approach shall be employed by law enforcement authorities to the prosecution of cases of corruption. Data shall be collected to enable monitoring of progress. 2. *The **existing draft law on anti-corruption** shall be brought into compliance with international best practice [such as reflected in the United nations Convention against Corruption or other instruments] - pending agreement before end of 2004 and enacted.* 3. The Government should commence preparatory work on establishing a legislative framework (such as a Freedom of Information Law) to facilitate **access to information held by public authorities**. In the meantime, public authorities must change current practice by displaying a preparedness to share information with the general public and with other institutions in Government. The difference TWGs will monitor specific indicators of access to information (see Annex for examples).
(2) Legal and Judicial Reform and Protection of Human Rights: The RGC will promote LJRs and ensure the independence of the court system through the implementation of key policies and strategies.... to strengthen the rule of law, promote social justice, reduce corruption, eliminate the culture of impunity, and strengthen the culture of peace and the primacy of law (RS)	In all benchmarks listed below, the law shall be consistent whit the Constitution and international best practice (such as reflected in international human rights treaties, and by instrument such as the basic Principles of the judiciary and the Guidelines on the Role of Prosecutors) and prepared through a satisfactory participatory process. ***Fundamental Legal Framework (new- but includes laws from previous unmet benchmarks)*** **Adoption of the drafts of the 8 fundamental laws** by the Council of Minister and submission to the National Assembly as a matter of urgency: 1. Penal Code 2. Code of Penal Procedures 3. Civil Code 4. Code of Civil Procedures 5. Organic Law on the Organization and Functioning of Courts 6. Law on the Amendment of the Supreme Council of Magistrates (reflecting transparency in appointment, promotion, transfer, remuneration and disciplining of judges and prosecutors, and ensuring the independence of Judges and Prosecutors) - ***rolled over*** 7. Law on the Status of Judges and Prosecutors - ***rolled over*** 8. Law on Anti-corruption - ***rolled over***