Legal and Judicial Reform

Discussion Point 1:
The development partners are pleased to see the progress made in the area of Legal and Judicial Reform since the last CDCF. Noteworthy accomplishments include the passage of the law on anti-corruption, the civil code, the civil procedure code, the penal code and the penal procedure code. Building on these accomplishments, the Development Partners encourage the Royal Government of Cambodia to pass the remaining fundamental laws on the organization of the courts; the statute on judges and prosecutors; and the law on the amendment of the organization and functioning of the Supreme Council of Magistracy.

The next critical step after passage of these laws is their active implementation. Robust implementation of these laws will require an adequate budget. The Development Partners encourage the Royal Government of Cambodia to consider the full implementation costs of these new laws and to budget accordingly. Related to this is the Model Court Initiative, which is supported by the Development Partners. The Model Courts also require adequate funding to be fully functional models of judicial reform. The importance of these two issues is highlighted in their inclusion as Joint Monitoring Indicators for the Legal and Judicial Reform sector.

- How does the Royal Government of Cambodia plan to address the need for adequate support of both the passage of the remaining fundamental laws and the implementation of key laws that have already been passed?
- Does the Royal Government of Cambodia have a plan for financial support of the Model Court Initiative? Does the Royal Government of Cambodia have a plan to increase funding for the Ministry of Justice more broadly?
- Over the next two years, what are the priorities for the Royal Government of Cambodia in the Legal and Judicial reform sector? How can the Development Partners be supportive of these priorities?

Discussion Point 2:
Integral to legal and judicial reform is the development and utilization of a monitoring framework for the sector. The Development Partners welcome the recent agreement to develop performance indicators for the legal and judicial reform strategy initially focusing on the Model Court Initiative. This step moves the sector beyond the discussion of laws and toward the establishment of a tool to measure the impact of legal and judicial reform efforts on the lives of Cambodian citizens.

- Does the Royal Government of Cambodia have a plan to operationalize an indicator monitoring system and for how to expand it to cover other areas of legal and judicial reform? Is there an estimated timeframe in which this process will take place?

Anti-Corruption

Discussion Point 1:
The Development Partners congratulate the Royal Government of Cambodia on the passage of the Law on Anti-Corruption. This is a major achievement, and we now look forward to the robust implementation of this important piece of fundamental legislation. Essential to this is the new permanent and independent anti-corruption enforcement agency, the Anti-Corruption Institution.

The Development Partners would like to work with the RGC in combating corruption and strengthening the new Anti-Corruption Institution (ACI). In order to do this we would like to ask about the Royal Government of Cambodia's plans for the ACI.

- Specifically when will the new ACI be formally established and what is the anticipated budget and level of staff? How can Development Partners be supportive of these efforts?

Discussion Point 2:
An important piece of legislation related to the Law on Anti-Corruption is an Access to Information Law. Fighting corruption effectively will be difficult without a law which facilitates access to information held by public officials. In 2008, a draft Access to Information policy framework was submitted to the Ministry on National Assembly and Senate Relations and Inspection but has yet to be forwarded to the Council of Ministers for review and approval.

- We would like to inquire as to the status of the Access to Information policy framework and when it might be submitted to the Council of Ministers.