

# Access to Justice Project in Cambodia

## **FINAL EVALUATION REPORT**



[Peace Table Participants in Mondulkiri Province]

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## List of Abbreviations

ABA	:	American Bar Association
ACT	:	Alliance for Conflict Transformation
A2J	:	Access to Justice
AECID	:	Spanish Agency for International Cooperation and Development
ADR	:	Alternative Dispute Resolution
BfD	:	Buddhism for Development
CC	:	Commune Council
CCE	:	Community Conversation Engagement (on Domestic Violence)
CCJAP	:	Cambodia Criminal Justice Assistance Project
CDRC	:	Commune Dispute Resolution Committee
CDRI	:	Cambodia Development Research Institute
CLEC	:	Community Legal Education Center
CLJR	:	Council for Legal and Judicial Reform
CWCC	:	Cambodian Women’s Crisis Center
DSA	:	Daily subsistence allowance
DV	:	Domestic Violence
EIC	:	Economic Institute of Cambodia (Beneficiary Survey)
EWMI	:	East West Management Institute
GTZ	:	German Agency for Technical Cooperation (Deutsche Gesellschaft für Technische Zusammenarbeit)
LAC	:	Legal Aid of Cambodia
Maison	:	Maison de la justice
MOI	:	Ministry of Interior
MOJ	:	Ministry of Justice
MOLand	:	Ministry of Land
MOWA	:	Ministry of Women’s Affairs
NGO	:	Non-governmental Organization
PEG	:	Project Executive Group (Project Group)
PMU	:	Programme Management Unit (of the CLJR)
RGC	:	Royal Government of Cambodia
SWOT	:	Strengths, Weaknesses, Opportunities, Threats
TOT	:	Training of trainers
UNDAF	:	United Nations Development Assistance Framework
UNDP	:	United Nations Development Programme
UNICEF	:	United Nations Children’s Fund
UNFPA	:	United Nations Population Fund
VF	:	Village Facilitators

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## Executive Summary

The Access to Justice project was implemented from April 2006 until 31 March 2010. The design was based on a UNDP study "Pathways to Justice". Access to Justice is defined as 'empowering the poor and disadvantaged to seek remedies for injustice, strengthening the linkages between formal and informal structures and countering biases inherent to both systems to provide access to justice for those would otherwise be excluded.

Although the original project document of April 2006 contained 4 objectives, only 1 of these objectives was implemented and further expanded through the Addendum agreement of December 2007 with the co-funding by the Spanish Government (AECID). The second phase of the project concentrated on the following components:

### 1) Legal advocacy on national level

The output was only partially delivered and little impact was measured. In order to increase impact additional follow up is needed. This component is evaluated as only partially successful.

► Provide greater support for activities, and greater coordination from UNDP, MOI, MOJ and MOLand

► Consolidate lessons learned in access to justice with follow up activities including seminars and training on customary rules, review of laws and coordination.

### 2) Legal assistance and judicial services at provincial levels

► Improve coordination and networking with various stakeholders

#### a) Legal representation by Legal Aid of Cambodia (LAC) in three provinces

This component was seen as very successful due to the high numbers of cases, the lack of other legal services for women complainants, and the positive views by beneficiaries and other partners. This component was very successful.

► Continue legal representation of women by LAC in existing and new provinces

#### b) Legal representation by CLEC in two provinces

Statistics presented by CLEC in their reports indicate they saw a total of six cases in Monduliri and two cases in Ratanakiri, which is a very low number of cases over the course of the Project. Reasons for the low number were among others delays in financial reimbursement from UNDP, difficulty obtaining cases as indigenous people are reticent to go to the courts and prefer to solve problems at the local level; lack of lawyer in the field which tends to result in indigenous people going to the NGOs that have lawyers in place (e.g. LAC and ADHOC). This component was rated as only partially successful.

► Review legal representation of indigenous people by CLEC

### **c) Peace Tables by CLEC in two provinces**

Observers and central level staff were very positive about the Peace Tables. The majority of the Peace Tables were related to land. Although our interviews were very positive about the indigenous peoples component, the EIC Beneficiary survey indicated that the Peace Tables participants were the least satisfied amongst the beneficiaries for all components. Interviewees felt there was however a lack of support from authorities at the national and provincial level, as well as lack of support from UNDP. In conclusion, the Peace Tables were found to be successful.

▶ Continue Peace Tables

### **3) Legal services at the district level: Maisons de la Justice**

A high demand still exists for a dispute resolution system at the district level, and many district deputy governors we interviewed were thankful for the existence of the Maison, as it lightened their workload. The twenty Maisons saw a total of 676 cases between 2007 and 2009, and in 2009 this averaged to two cases per month per Maison. The Maisons' ability to be neutral, and their relationships to CDRCs and local authorities can be considered strengths. Although in general, the Maisons seem to be able to mediate cases, and are apparently following guidelines as stipulated in the ADR and Maison handbook, the final evaluation findings are still not fully successful because of four reasons: a high rate of absenteeism of the Maison chief's, a relatively low number of cases received, a lack of information dissemination, and a lack of supervision and support to the CDRCs in most communes. The Maisons work was therefore rated as partially successful.

- ▶ Continue to provide district level ADR services but review functions of MOJ and MOI staff
- ▶ Reconsider setting up a judicial institution at the district level under MOJ
- ▶ Consider setting up District Dispute Resolution Committees

### **4) Strengthening of the alternative dispute resolution at commune levels (CDRC)**

In general, the CDRC component of the A2J project was determined by the evaluators to be very successful and was viewed positively by almost all interviewees. The 56 CDRCs saw a total of 2,652 cases from 2007 – 2009, and in 2009 when all the CDRCs were functioning, that averaged to 3 cases per month per CDRC. This is a high number of cases considering that all CDRC members have other full-time jobs. In most cases, we found CDRC members to be highly committed and enthusiastic about their work. All interviewees stated that the CDRCs were an important asset to increase access to justice and should continue. The SWOT analysis showed very high concurrence with the CDRCs' ability to be neutral and their positive reputation. Support for the CDRCs at the district government level was evident in all interviews with deputy governors who had good understanding of the project. The CDRCs remain however in a pilot stage with further training, mentoring and supervision needed, as well as review and refinement of procedures.

**▶ PRIORITY RECOMMENDATION – CONTINUE CDRCs**  
CDRCs were the most successful and cost-effective amongst the components: to continue them is the primary recommendation of the evaluation

► Location for Confidential Mediation Needed for CDRCs<sup>1</sup>

## 5) Empowerment of women and indigenous peoples at the village levels

### a) Community Capacity Enhancement

The evaluation results of this component show that this component is successful, although the target outputs were not fully achieved. Groups of village facilitators (three per village) were given a series of five training sessions (two topics per session), which they then co-taught in their target village every month for ten months. Many interviewees stated that the extensive training of the CCE methodology was much better to improve knowledge of domestic violence, than the other shorter trainings done by other organizations on domestic violence. In the SWOT analysis, a weakness was found in the village facilitators' ability to organize meetings and to fundraise. Since they now have received extensive training, other ways should be found to capitalize on this knowledge and experience. The surveys found that there was an increased awareness of domestic violence; a decrease in the numbers of cases reported by village chiefs; and improved understanding of domestic violence. Due to these findings and the strong interest of both providers and receivers of the community conversations, we conclude that this component has been successful (in spite of target outputs not being achieved).

► Continue village-level awareness building for women's rights and domestic violence

### b) Traditional Authorities

Our observations and interviews with the Traditional Authorities were all very positive, with fairly good understanding of dispute resolution principles by participants, strong commitment, strong desire for more training, and positive views by some beneficiaries. Interviewees did not focus on monetary rewards, indicating their strong commitment independent of funding. Interviews noted however, a lack of support for activities at the district and commune level, by authorities at the provincial and national level which decreased the effectiveness of some activities. This component was rated as successful.

- Continue Training for Traditional Authorities, carefully select project sites, and conduct workshops on how to integrate traditional practices and mediation methods
- Promote activities to decrease discrimination and increase the numbers of indigenous people involved in projects.

## Other evaluation findings

Asides from the components the evaluation also showed some cross cutting issues in the project: 1) General ADR issues; 2) Women; 3) The poor; 4) Project Management.

General recommendations made are:

**PRIORITY RECOMMENDATION – CREATE ADR TASK FORCE**

<sup>1</sup> In order to cut costs, and to avoid significant expenditures if ADR functions of CDRCs were to be expanded to all 1,621 communes, innovative green, local technologies or housing for refugee populations could be explored.

The duties of the Task Force (including a international legal advisor) would be to develop regulations for ADR processes (including codes of conduct and ethics); review existing ADR procedures (including in comparison with arbitration processes); review training processes; consider the creation of a national training institute and/or a national association of mediators.

- There are two approaches which could be chosen by sector, or by component:
- 1) Government and potential donors could consider projects to broaden the scope of the CDRCs or other components in wider geographic areas, using the strategies and lessons learned highlighted below (see section on CDRCs).
  - 2) Or, another approach would be to focus on the overall objective of increasing access to justice for women and/or indigenous people by again including all levels of intervention (village to national) in a geographically limited location.

## Conclusion

In general, the majority of the various components of the A2J Project can be considered a success, and have resulted in increased access to justice by the poor, women and indigenous people. There has been a reduction of domestic violence at the village level, an increased number of cases conciliated at the commune and district level, actions taken to promote the rights of indigenous people, women and the poor. Most of the outcomes have been achieved.

These successes have not been achieved without struggle however, due to design flaws, lack of ownership by the government and by UNDP, and delays in implementation with a great toll taken out of the personal lives of many of the staff of the Project.

There are many options for continuation after this A2J Pilot Project which have been reviewed in the recommendation section. As interviewees have highlighted many difficulties surmounted in the implementation of the A2J Project, these can hopefully be avoided in any future phases.

## I. INTRODUCTION

### A. Background and Context

The Access to Justice Project (A2J Project) was created based upon a study on *Pathways to Justice for Poor, Women and Indigenous Peoples* released in 2005 and from the framework established by UNDP globally in Access to Justice Practice Note in 2004. Access to Justice is defined as ‘empowering the poor and disadvantaged to seek remedies for injustice, strengthening the linkages between formal and informal structures and countering biases inherent to both systems to provide access to justice for those would otherwise be excluded’<sup>2</sup>. According to the Mid-term review (February 2009), Country Assessment (late 2009), and SWOT analysis (October 2009), the A2J Project goals and objectives are well aligned with the Royal Government of Cambodia’s (RGC) aims for legal and judicial reforms<sup>3</sup> to establish a credible and stable legal and judicial sector. The reforms intended to introduce alternative dispute resolution methods; capacity- building of sector institutions to fulfill their mandates; and promotion of personal rights and freedoms for women, poor and indigenous peoples<sup>4</sup>.

Cambodia embarked on a democratization process through various economic and political reforms including both public administrative and legal and judicial reforms to promote good democratic governance and to reduce poverty. In its ‘Rectangular Strategy’ of July 2004 the Cambodian government defines ‘good governance’ as the centre piece of and precondition for achieving the country’s development goals. Focus is being placed upon: control of corruption; reform of the legislature, judiciary, and public administration; decentralization; and reform of the military and demobilization. In the ‘Cambodian Millennium Development Goals’ gender equality and the promotion of women are defined as the third out of nine goals, constitute the umbrella for the development strategy.

### B. Project Aims and Components

The Access to Justice Project, by working with key institutions in government and civil society, seeks to further the objective of the Legal and Judicial Reform Strategy by recognizing that “improving access to justice and judicial services for the poor is essential to tackle feelings of social injustice and vulnerability, improve community confidence on the rule of law and quality of life and reduce poverty, and continues its engagement in the sector to prioritize access to justice for disadvantaged groups focusing on legal support and promotion of alternative dispute resolution mechanisms”<sup>5</sup>. The substantive objective of the Project envisages an integrated formal and informal justice system into Cambodia that will become functionally effective and more responsive and accessible to the poor, women and indigenous peoples. The justice mechanisms that serve the poor will be effective, fair and accountable in the resolution of disputes, the protections of rights, the protection and compensation of victims and the prevention of abuse of power. Similarly, the justice system will protect women and their children against domestic violence and sexual abuse and will settle divorce or separation with due regard for the rights of women and their children. In regard to indigenous peoples, the justice mechanisms will enable them to apply their customary law and conflict resolution mechanisms

<sup>2</sup> Cambodia Country Assessment (2009) page 10.

<sup>3</sup> Under the overall goals of Legal and Judicial Reform agenda ‘the establishment of a credible and stable Legal and Judicial sector upholding the principles of the rights of the individuals, the rule of law and the separation of powers in a liberal democracy fostering private sector led economic growth’

<sup>4</sup> A2J Project Mid-term Assessment, February 2009, page 9.

<sup>5</sup> Cambodia Country Assessment (2009) page10.

provided human rights are respected. Indigenous peoples will be protected against abuse of power, especially in cases of illegal alienation of community land.<sup>6</sup>

To achieve these aims, the A2J Project was designed as a pilot project with interlinked components including: 1) Development of human rights training database, 2) Support to Official Gazette, 3) Publication of judicial decisions and 4) Alternative dispute resolution. The first three components were not fully functional while the fourth component had been considered successful and was expanded for a second phase. With support from the Spanish government, the fourth component was designed specifically to focus on the informal justice system: promoting the implementation and recognition of alternative dispute resolution mechanisms. The A2J Project for second phase consisted of 1) legal advocacy at national level, 2) legal assistance and judicial services at provincial levels, 3) legal services at the district level: Maisons de la Justice, 4) strengthening of the alternative dispute resolution at commune levels (CDRC) and 5) empowerment of women and indigenous peoples at the village levels. Detail of each component will be described under project description.

However, progress in all these areas has been incremental and as the Prime Minister's address on the second phase of 'Rectangular Strategy' noted, "Despite remarkable progress in key reforms aimed at strengthening good governance, the quality, efficiency and delivery of the public service still remain as challenges and could not yet respond fully to the real needs of the people. The judiciary could not yet gain full confidence from the public. The development of a legal framework has not yet been comprehensive, while law enforcement is still to improve"<sup>7</sup>. UNDP Cambodia pursues the principle of division of labour among the development partners engaged in Cambodia, based on the Paris Declaration. The Royal Cambodian Government's legal reform agenda is made up of the Legal and Judicial Reform Strategy (2003), the Plan of Action for Implementation of the Strategy (2005) and the Project Catalogue<sup>8</sup>. In line with this agenda, UNDP Cambodia has been involved in supporting the legal and judicial reform agenda through the Access to Justice Project.

## II. DESCRIPTION OF THE PROJECT

### A. Situation Analysis and Project Context

The A2J Project was set up with special emphasis on three main target groups: poor, women and indigenous peoples. All these peoples have been considered as most vulnerable and excluded from getting fair access to justice for many reasons. The courts are located in the provincial centers which are far away from most rural areas. Rural poor people can neither afford the cost of travel to provincial courts nor can take time away from earning their living. Lack of legal information, awareness and legal representation also create distance between the people and the justice system. Distrust of the court, perceptions of corruption and dysfunction still dominate rural people's perceptions. Traditional community conflict resolution is still the remedy of

6 Addendum to Project Document (2007) page15.

7 Address by Samdach Akka Moha Sena Padei Techo Hun Sen, Prime Minister of the Kingdom of Cambodia on "Rectangular Strategy" for Growth, Equity and Efficiency Phase II, First Cabinet Meeting of the Fourth Legislature of the National Assembly at the Office of the Council of Ministers, Phnom Penh, p26. September 2008 quoted from the Mid-Term Assessment, February 2009, page 9.

8 The Project Catalogue is "a dynamic instrument for dialogue between the Royal Government of Cambodia and the international community in relation to design and funding of the project needed for the fulfillment of the Legal and Judicial Reform Strategy, under the coordination of the Project Management Unit..." A2J Project Document (2006) page 1.

choice for most rural people. Village elders, village chiefs, leaders of ethnic minorities, the commune council, local police or district officials are amongst the conciliators of choice. This practice of traditional community conflict resolution is considered to be faster, costing less, less time consuming and more effective.

The A2J Project was developed in order to meet the demand for access to justice by poor rural and indigenous peoples and women, and to improve the existing supply by strengthening the alternative dispute resolution mechanisms at village, commune and district levels. The A2J Project is premised on various legal frameworks and research carried out during initial phases of the Project which include: the *Pathways to Justice* study, and studies on Divorce and Separation, Establishment of Justice of the Peace, and Indigenous traditional legal systems. The A2J Project contributes to good governance and the promotion and protection of human rights' priority areas identified by the United Nations Development Assistance Framework (UNDAF) 2006-2010. In particular the realization of access to justice for the poor is essential to the achievement of all Cambodia's Millennium Development Goals. The A2J Project is designed and implemented in accordance with the following principles: "access to justice is a basic human right as well as an indispensable means to combat poverty and to prevent and resolve conflicts. development programming should be guided by national and international human rights standards and principles; the independence, integrity and complementarity of both formal and informal justice systems must be strengthened, making each more responsive and effective in meeting the needs of justice for all --especially the poor and marginalized groups. And capacity development for access to justice requires building on existing systems and strengths".<sup>9</sup>

The A2J Project found a unique niche (the added value of UNDP's engagement in Legal and Judicial Reform) where it was able to develop capacity directly at the local level and provide support to people with alternatives to the formal justice system which is fast, inexpensive and reliable. The project was considered a pilot and had two phases: Phase I from 2006-2007 using UNDP/DGTTF fund to start the project and Phase II from late 2007-2010 under support from The Spanish government and UNDP.

**B. Phase I: Inception and Piloting in 4 Districts (design and implementation)**

The agreement for Phase I was signed in April 2006 but the implementation was fully functional for some components only in late 2006. A summary of the three first components of the A2J Project are reported in the Findings section (human rights training database, Official Gazette, and judicial decisions). These three components were added to the project upon the request of the Council of Ministers and were never fully operational. As a result, the annual work plans for 2008 and 2009 were entirely focused on the ADR component.

During Phase I, the ADR component consisted of: 1) feasibility study on the establishment of a justice of the peace, 2) legal services (Maison de la justice) piloted at the district level, 3) Legal services (commune dispute resolution committees or CDRC) piloted at the commune level, 4) enhanced access to justice for women and indigenous peoples through community conversation and legal awareness raising and legal aid and representation. Three studies were carried out in 2006 by international and national consultants in supplement to *Pathways to Justice*<sup>10</sup>. As a

<sup>9</sup> Cambodia Country Assessment (2009), page 10.

<sup>10</sup> Ryan, Margaret; Slot, Billie Jean and You, Suonty, (2006). *Case Study on Divorce and Separation as a Supplement report to Pathways to Justice Report*; Bou Nou Ouk and Partners, (2006): *Feasibility Study on the*

result, four Maisons were set up as pilot in four districts: Phnom Srouch and Kong Pisey District in Kampong Speu Province and Teuk Phos and Kompong Leng Districts in Kompong Chhnang Province. The four district authorities offered office spaces for the Maisons and the A2J Project renovated and furnished them. At the Maison level, the chiefs were selected from the Ministry of Justice while the assistants were selected from the Ministry of Interior, district staff. Both Maison staff along with district governors or deputy governors received the same training modules and were invited to offer the trainings to the CDRCs. As of end of November 2007, 74 cases were brought to Maisons.

The A2J Project team organized a study tour of models for alternative dispute resolution (ADR) mechanisms. The study tour was done with the support from local non-governmental organizations (NGOs) that had already organized ADR committees<sup>11</sup>. After the tour, 20 CDRCs were set up and 140 CDRC members (of whom 46 were female) were selected, based upon information collected in the Pathways to Justice study. Trainers on alternative dispute resolution mechanisms and relevant basic legal awareness were selected from the Maison staff at the district level<sup>12</sup>. Between October and December 2007, the 20 CDRCs received 176 cases. The cases were mainly involving land, defamation/insult, domestic violence, contracts and inheritance.

Twenty two villages in four districts were selected to enhance awareness at the village level, through a “Community Capacity Enhancement” (CCE) methodology during this period. In each village, three villagers (with two women) were selected with close cooperation with and support from the district women’s affairs offices and commune and village authorities, with a total of 66 village facilitators (VFs). The villages were selected based upon a high prevalence of domestic violence in the community. The village facilitators were trained on topics of the CCE methodology, and after receiving training, organized community conversations with at least 30 villagers in their respective villages. In addition to the CCE component and the ADR at district and commune levels (Maisons and CDRCs), there were trainings organized by the sub-contracted NGO, Community Legal Education Center (CLEC) consisting of legal awareness raising and ADR skills in 6 villages for indigenous peoples (four villages in Ratanakiri and two villages in Mondulakiri).

### **C. Phase II: Pilot expansion to extra 16 Districts in provinces (design, implementation)**

The initial period of the A2J Project was planned from 2006 until 2009. In 2007, with the support from the Spanish Agency for International Cooperation and Development (AECID), the A2J Project Addendum (2007) was expanded to an additional 16 districts in six provinces and Project period was extended to December 2010. The A2J entirely focused on promoting the ADR mechanisms. The components of the Access to Justice under Phase II were essentially the same as Phase I: 1) legal advocacy at national level; 2) legal assistance and judicial services at provincial levels, 3) legal services at the district level (Maison de la justice); 4) strengthening of the alternative dispute resolution at commune levels (CDRC) and 5) empowerment of women and indigenous peoples at the village levels. For details on the progress of the A2J Project see [Appendix A](#).

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*Establishment of Justice of the Peace*; Backstrom, Maria; Ironside, Jeremy; Paterson, Gordon; Padwe, Jonathan; Baird, Ian G. (2006). *A Case Study of Indigenous Traditional Legal Systems and Conflict Resolution in Ratanakiri and Mondulakiri Provinces, Cambodia*.

<sup>11</sup> The project team made field visit in Banteay Meanchey, Battambang, Kandal, Kompong Thom, Oddar Meanchey and Siem Reap provinces with support from the local NGOs.

## D. Management Arrangement and Monitoring and Evaluation Mechanism

The A2J Project was initially planned as a nationally executed (NEX) project with several implementing partners including the Ministry of Interior (MOI), the Ministry of Justice (MOJ), the Supreme Court, the Project Management Unit of the Council for Legal and Judicial Reform (PMU/CLJR) and the Department of Official Gazette of the Council of Ministers. Some of the activities were outsourced to two local NGOs, Legal Aid of Cambodia (LAC) for Kompong Speu, Kompong Chhnang, and Siem Reap Provinces and Community Legal Education Center (CLEC) for Monduliri and Ratanakiri provinces. The Director of the PMU is the National Project Director who is responsible for preparation of the consolidated annual work plans and budgets and presentation at the Project Executive Group (PEG) annual meeting which supervised the Project (later for the ADR components, the board was reduced to the Project Board). The MOJ, MOI and UNDP executed the day-to-day management of the project activities according to the annual work plan and approved budgets. For various reasons, UNDP Cambodia has been managing the A2J Project through directly executed processes (DEX). For information on this see the section on findings.

As part of monitoring and evaluation, a quarterly narrative and financial report was prepared and provided by the Project Group to the National Project Director and UNDP. Annual Progress Reports were prepared with inputs from the Project Group and presented by the National Project Board to the Project Board. Before the A2J Project started, the Project team conducted a baseline survey and at the end of each year, another survey was to be conducted to evaluate the progress and the result of the activities, but these were not carried out. Provincial consultative groups were supposed to review the performance of the Maison de la justice and the CDRC every three months. The consultative meeting was to be led by the provincial governor and joined by relevant officials such as judges, police, officials of the provincial department for women's affairs and some NGOs. In addition, there were some field visits from M&E staff, UNDP and project managers, MOI and MOJ<sup>13</sup>.

## III. PURPOSE AND SCOPE OF THE EVALUATION

### A. Overall Goals and Specific Objectives of the Evaluation

As per the terms of reference (TOR) for the international and national consultants (see [Appendix B](#)), "the overall objective of the evaluation is to assess the extent to which the poor, women and indigenous people have increased access to justice since the beginning of the project term". The specific objectives include:

- to assess the extent to which the project goal (*outcome*) and objectives (*outputs*) have been met;
- to determine the relevance, effectiveness and added value of each component, in particular regarding the effective use of project resources and whether resources have been appropriately targeted to achieve project objectives;
- to evaluate the impact, sustainability and replicability of the program and its components;
- to determine best practice of and lessons learned in the project implementation;

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<sup>13</sup> Since there were frequent changes of the M&E staff, who did not stay long with the Project, there were no reports of M&E for review except for annual reports. The last M&E Officer, assisted with the CCE handbook, SWOT analysis and EIC Beneficiary Survey.

- to determine the factors that have influenced performance and success of the programme as well as factors that have constrained the programme from achieving its intended outcomes;
- to provide specific, actionable recommendations, particularly for the design of any future project working on access to justice in Cambodia.

## B. Scope of the Evaluation

The evaluation team consisted of one international consultant (44 days) and one national consultant (41 days). The period of the evaluation was from 28 February – 15 May 2010. The scope of this evaluation included: review of UNDP and partner reports on the immediate objectives and their actions, indicators and outputs, including the results of the surveys; design of question guides to be used as the basis for interviews (see [Appendix C](#)); interviews and focus group discussions with donors, project staff, counterparts, local partners, beneficiaries, government/ministries and other stakeholders; and the preparation and presentation of the report to UNDP and key stakeholders. The evaluators went to all six study provinces (though Mondulhiri and Ratanakiri were divided between the national and international consultant) but could not visit all 20 Maisons and 56 CDRCs due to the limited timeframe. See [Appendix D](#) for a summary of the target areas.

## C. Key Questions

The main themes and questions of the evaluation revolve around the objectives of the Project as follows:

- Has the project *increased access to justice, particularly for the poor, women and indigenous people*? Have the following objectives been achieved:<sup>14</sup>
  - To provide legal advocacy at the national level
  - To improve legal protection for women and indigenous people
  - To provide legal representation to women and indigenous people at the provincial level
  - To pilot the provision of legal services at the district level
  - To strengthen alternative dispute resolution mechanisms at the commune level
  - To raise awareness of fundamental rights at the village level, particularly for women and indigenous people

## D. Limitations

Due to the scheduling of the evaluation during the process of closing the A2J Project, staff and counterparts were absent or busy with many activities. Because of the large number of evaluations or surveys (mid-term, regional, SWOT, beneficiary) conducted very recently (in 2009), there was 'evaluation fatigue'. This evaluation was asking many of the same questions as previous evaluations, which impeded the conduct of the evaluation. Because the objectives were general, descriptive and difficult to measure and evaluation across the life of the Project was difficult. Finally due to inconsistent and incomplete reporting mechanisms both at local and national levels, it was difficult to obtain clear and complete statistics about the activities of this project and this hampered the evaluation and limited the types of analysis.

<sup>14</sup> Note that as per the findings, these very general objectives are unclear and difficult to measure.

## IV. APPROACH AND METHODOLOGY

The approach of the evaluation was qualitative and included: desk review on major project documents and evaluations, field interviews both in Phnom Penh and six study provinces and data analysis for reporting.

### A. Document review

The final evaluation built upon the previous comprehensive assessments and mid-term evaluations conducted both during 2008 and 2009 and a recent Beneficiary Survey conducted by the Economic Institute of Cambodia (EIC): see [Appendix E](#) for a list of documents consulted and [Appendix F](#) for a summary of the pertinent EIC findings. The Mid-term Assessment (February 2009), and the Cambodia Country Assessment (2009) served as primary resources for this evaluation (along with the comprehensive list of documents they compiled). The Mid-term Assessment found mixed results. Successes and best practices were identified for the ADR enhancement, but some challenges were identified in terms of project management and leadership, similar to those found in this evaluation.<sup>15</sup>

In April 2009, a Country Assessment was conducted to review the overall impact of the A2J Project and to analyze and document the experience for knowledge management. The study aimed at assessing the effectiveness and efficiency, sustainability, relevance and strategic positioning, political economy and codification of lessons learnt and tools. The findings indicated that the project was successful in achieving its expected outputs and the core of its two outcomes, and in applying (radically) innovative strategies that have led to a larger programme on access to justice. However, the level of commitment from the government counterparts for some project components was found to be limited, and sustainability was still difficult to gauge.

Other key documents included the SWOT Analysis (October 2009), Community Conversation Surveys and the Project Exit Strategy. The SWOT Analysis gave insight on how each component of the Project succeeded and faced challenges during implementation so far. The paper compiled numerous recommendations from relevant stakeholders both in Phnom Penh and target provinces. In addition, documents produced by the Project staff were also reviewed, such as Annual Progress Reports, the Mediation Handbook, the Operations Manual, other training materials, and various reporting forms or case books as available. All materials formed integral parts of the final evaluation.

### B. Question development

The evaluation questions were developed based on each criterion as specified in the TOR. Since the interviewees' level of understanding and involvement in the Project varied, a number of guided questions were developed for different stakeholders and beneficiaries. (See [Appendix C](#) for question guides). For example, questions for interviews with project staff in Phnom Penh differed from questions for Maison staff and CDRC members. Likewise, questions for beneficiaries were not the same as questions for local authorities and NGOs. A simple questionnaire based upon an 'Appreciative Inquiry' method was administered at the final Lesson Learned Workshop of the CDRC on 10 March 2010. A summary of key questions and findings was prepared for the evaluators to complete after each interview.

<sup>15</sup> Management issues included: delays in recruitment and procurement, concerns over national ownership and commitment in project implementation, lack of cohesive teamwork within the project, communication lapses, limited external partnership and coordination on project activities, concerns on monitoring of ADR mechanisms and some limited capacity building for the staff from MOJ and MOI at the national level to manage the project funds.

### **C. Confidentiality**

All interviewees voluntarily gave their time and agreed to allow the final evaluators to interview them. All interviewees were informed and provided confidentiality at the beginning of each interview and asked for consent before proceeding to the interview (See [Appendix G](#)). Names and title of the interviewees were not quoted or used in the report. See list of interviewees and statistics in [Appendix H](#) and total numbers of interviews in [Appendix H1](#). Information received from stakeholders and interviewees was kept confidential and not disclosed to other third parties.

### **D. Interviews**

Interviews (individual and focus group) were the main approach for this final evaluation. Interviews lasted from 30 minutes to 2 hours (averaging one hour). Most of the CDRC meetings were small focus groups of two to four persons, while Maison meetings were individual for the most part. Certain key people in the Project at the MOI, MOJ, UNDP, CLEC, and LAC were interviewed by both final evaluators so as to provide a common baseline for the evaluation. The interviews lasted primarily from 2 March until 2 April (with a few additional interviews held later in April) covering all provinces and some key project staff and stakeholders in Phnom Penh. For each interviewee a cover page was completed with basic demographics and some basic questions.

In total, 321 key informants (132 female) were interviewed. Forty-seven respondents were indigenous peoples from Mondulkiri and Ratanakiri provinces. The team visited 17 Maisons and 26 communes with CDRCs, in 6 provinces. There were 25 project staff, one donor representative, and 30 staff from NGOs in the interview. The team interviewed six judges and court clerks. Eighty beneficiaries and 11 non-beneficiaries were interviewed to validate results and triangulate information. The remaining respondents were Maison staff, district governors or deputies, CDRC members, village facilitators and beneficiaries. Among the six provinces and Phnom Penh, 54 interviewees were from Battambang, 46 interviewees from Kompong Chhnang, 35 from Kompong Speu, 48 from Mondulkiri, 25 from Phnom Penh, 40 from Ratanakiri, 60 are from Siem Reap and there were five interviews and focus group discussions at the CDRC meeting in Kampong Som with a total of 13 interviewees.

### **E. Data analysis, Reliability and Validity**

The data (documents and interview notes) was grouped and collated into themes focusing on the objectives of the evaluation. Data was triangulated through comparison of the different data sets and discussions between the evaluators.

Given the length of the evaluation period and limited numbers of interviewees, statistical data analysis was not possible. Interviews in Kampong Speu Province were conducted jointly by the international and national evaluators, to ensure validity and reliability of interview results. Frequent meetings between the two evaluators were held to review and reflect findings, discuss methodological issues and get as much consistency as possible. Advice on process and issues were sought from UNDP's International Coordinator and early meetings were held with ministry counterparts. Preliminary findings were presented to UNDP, Project staff and other stakeholders for comment before finalizing the report.

## V. FINDINGS

### A. Introduction

This section presents the evaluation findings on the overall objectives and the components of the A2J Project designed to promote access to justice for the poor, women and indigenous people. For a review of the detailed outputs and progress of the Project see [Appendix A](#). After a short review of the first three add-on components (database, decisions and gazette) this section focuses primarily on the ADR-related components: legal advocacy at the national level; legal representation of women and indigenous people; legal services at the district level; strengthening ADR at the commune level; and raising awareness of fundamental rights at the village level, which includes a focus on indigenous peoples. In general most components of the A2J Project were found to be successful, with the CDRC and legal services to women (LAC) the most successful, while the Maisons and legal services to indigenous peoples only found to be partially successful. The majority were evaluated as partially sustainable, except for CDRC which was sustainable. Cost effectiveness ranged from poor (CLEC legal services) to excellent (CDRC). Following is a summary of the challenges faced during the design and creation of the A2J Project.

### B. Design and creation of the Access to Justice Project in Cambodia

The impetus for the A2J Project rose from several processes. First, the 2003 National Legal and Judicial Reform Strategy and the 2005 action plan, and secondly, from a regional UNDP A2J programme (which was launched through an international meeting held in Cambodia in 2005 and which resulted in a two-year research project *Pathways to Justice*). The *Pathways to Justice* Report has been widely referenced and was a substantial and comprehensive review of the technical field. The first A2J Project Document reflected these two processes and placed an emphasis on testing a district level ‘justice of the peace’ concept, to work in conjunction with commune level ADR and village level awareness raising through community conversations, along with an indigenous people’s component – but the detailed activities were still unclear, as were management arrangements. When additional funding was obtained from the Spanish Agency for International Development Cooperation (AECID) in 2007 a more detailed Addendum to the Project Document was developed which laid out the Project as it is viewed today. However, even the addendum was very broad and left a lot of leeway as to how to implement the Project.

Although the government had created the Council on Legal and Judicial Reform (CLJR), and a national strategy, the impetus for this strategy was an initiative of the donors rather than the government, and several studies have questioned the commitment of the RCG to real reform.<sup>16</sup> Although the role of the CLJR is to coordinate the various government ministries on legal and judicial reform, the competing political powerbases and lack of clear roles and lines of authority from Council to line ministries can hamper implementation of projects.

The structure of the A2J Project mimics structures of several other UNDP Projects working on access to justice in other countries (Nepal and Indonesia) whereby a

<sup>16</sup> Council for Legal and Judicial Reform “DEVELOPMENT PARTNER ACTIVITIES IN THE LEGAL AND JUDICIAL REFORM SECTOR.” Supported by JICA, Phnom Penh, Cambodia, March 2009, [http://www.cljr.gov.kh/eng/library/doc/04\\_DPs\\_Activities.En.pdf](http://www.cljr.gov.kh/eng/library/doc/04_DPs_Activities.En.pdf), page 50.

higher level body (the CLJR in Cambodia and for example, the Supreme Court in Nepal) names a National Project Director, and two other ministries (Justice and Interior) have Ministry Focal Points who carry out the work. Although the CLJR National Project Director (and the Project Board) were responsible for approving budgets and activities, there was not a direct line of supervision for either of the ministries so management processes were not clear. The Project Board included CLJR, MOI, MOJ, UNDP and the donor, and met generally on a quarterly basis<sup>17</sup>.

The Project was very large, unclear and complicated – several interviewees thought that the Project was too ambitious, was unrealistic and did not focus enough on national ownership. In the early stages of creating the Project, based upon the *Pathways to Justice* publication, plans to approach legal reform were apparently even more ambitious than just access to justice. But then the expected funding never materialized. In addition there was never a single government entity that was committed to the Project – which was a necessary pre-condition to implementation. There was also little commitment at the highest level of government – another necessity. When it came to implement the Project, UNDP interviewees felt they had attempted to seek resource sharing and even office space, but none of the possible implementing partners seemed interested or committed. The complexity of the Project, as well as the subject matter (training on ADR, as well as promoting rights and attitude changes related to domestic violence), would require a much longer project timeline than three years.

In the Annex to the Project Document (2007) only MOJ is listed on the organizational chart while in practice, there was a co-management system of dual authority from both MOJ and MOI which proved confusing. There was never a clear lead agency assigned. Apparently MOJ was seen as the main body to carry out the fiscal responsibilities of the Project, but as described later this arrangement this never materialized. This unwieldy upper level structure is attributed by many interviewees to be the root of many of the management issues that arose with the Project.

There has been some competition between the various ministries carrying out the project. Both ministries (MOI and MOJ) are under the supervision of one deputy prime minister, while the CLJR is under a different deputy prime minister. Thus agreement had to be sought from several branches of government for the initial approval of the Project (which took many months to approve). It is unclear why the MOI's Legislation Council was tasked with carrying out the Project on MOI's behalf, given that the Project was operational and related to ADR and domestic violence. For MOJ, the General Department of Research and Judicial Development was responsible. The Ministry of Women's Affairs, which had a primary role at the district, commune and village level with the community conversations, was rarely involved at the national level for planning and supervision.

Finally however, now at the end of the Project, there seems to be an increased commitment from some sectors of government, with the MOJ including the Project as one of their priorities for 2011, many positive statements from government counterparts at the 14 January 2010 Project Board meeting and a firm commitment from MOI to start the process of regularizing ADR mechanisms through some form of legislation.

Although the original A2J Project focused primarily on access to justice for the poor, women and indigenous people through ADR mechanisms and community

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<sup>17</sup> This was first titled a Project Executive Board in the early stages of the Project, but then became a Project Board for ADR which was the final decision-making body.

conversations on domestic violence, three other components were added at the request of the Deputy PM's office, to fulfill the short-term priorities of the Action Plan for legal and judicial reform under Strategic Objectives 1 and 3: human rights training database, disseminating judicial decisions and publishing official gazettes. These three components were difficult to integrate with the ADR activities. The next section on specific findings begins with those activities and then moves on to the ADR activities.

### C. Assessment/Impact, Relevance, Effectiveness and Added Value of Project goals (outcome) and objectives (outputs) including components

#### *Access to justice, particularly for the poor, women and indigenous people*

The A2J Project was a complicated, comprehensive multi-level system, designed to pilot several types of interventions in its objective to increase access to justice. This evaluation concludes that in order to promote access to justice for the various beneficiary groups (women, indigenous people and the poor) linking the levels of intervention provides a greater impact (village, commune, district, province and national).

Under the overall objective of “*access to justice, particularly for the poor, women and indigenous people*”, outputs for the Project were very vague and general such as: “ADR at commune and local level”. Indicators (with “target for the year”) were similarly general and imprecise such as: “Women received legal services and advocacy at national level for women’s access to justice”. Thus the evaluators have had great difficulty in determining success, as most objectives were too vague to measure. A more specific formulation with specific, measureable indicators which would show some progress towards the overall objective of access to justice for women, indigenous people and the poor would have been more helpful to measure results of the Project. These should have been linked to reporting, monitoring and evaluation mechanisms.

The first three components of the A2J Project are described in brief below, but were basically discontinued at early stages of the Project. For these three components, the target outputs were not achieved. The main focus of this report lies in the fourth objective – to enhance ADR mechanisms, which are described in the following sections.

### 1. Human Rights Database<sup>18</sup>

This first component of the A2J Project, the Human Rights Training Database is included under the CLJR Action Plan’s Strategic Objective I: protection of individual rights and freedom. The database was established in 2008 and the CLJR stated they are satisfied with it. However, attempts by UNDP and the CLJR to encourage the human rights organizations to enter their information in the database was not successful, though the PMU/CLJR is seeking more financial support to continue this activity and was hopeful it would be carried out in 2010.

<sup>18</sup> See <http://www.cambodiahumanrights.org/>

## 2. Disseminating Judicial Decisions

Strategic Objective III of the CLJR Action Plan: “Provide better access to legal and judicial information” includes the second two components of the A2J Project (disseminating judicial decisions and publishing official gazettes).<sup>19</sup> As per the mid-term review, there was joint funding of this component with the French government, and confusion as to responsibilities. The CLJR stated they were disappointed that funding they were promised for this components never materialized.

## 3. Official Gazettes

According to the mid-term evaluation, UNDP was unable to find an entry point for this component so no activities were undertaken. Interviews indicated there were also some unresolved issues of responsibility between the various funders, as well as the other government institutions involved. A survey of development partner activity in March 2009 shows that France, GTZ, JICA, UNDP and the World Bank are currently working on strategic objective 3.1.3 “Provision of the regular and institutionalized publication of a comprehensive law gazette and a legal information database”. The CLJR stated they were disappointed that funding they were promised for this components never materialized.

## 4. Enhance ADR mechanisms<sup>20</sup> - Project Components

Both the supply (government) and the demand (population) sides continue to be supportive of ADR in Cambodia. While introducing ADR mechanisms is one of seven priorities of the legal and judicial reform process in Cambodia, several studies show continued support for ADR mechanisms at local levels as well.<sup>21</sup> The mechanisms for ADR set up under the A2J Project address many of the previous shortcomings of traditional ‘*somroh somruei*’ or mediation processes because: there are standardized procedures; there are controls to prevent influence, corruption, and bias; mediators are trained in law and ADR techniques; a framework was set up within the local government structure; and there is a secure filing system.<sup>22</sup> There was very strong support from all interviewees (including participants, beneficiaries, local officials and other observers) to continue the presence of district, commune and village level ADR mechanisms to deal with local conflicts. Interviewees indicated these services were faster, less expensive and responded better to local realities than going to the court. Interviewees were able to link the existence of the A2J Project components to increasing access to justice to people in general (especially for poor people, and sometimes also for women and indigenous peoples). The training and the training materials (including the publication of several manuals) were all seen very positively, with only minor suggestions for improvements. The majority of the expected outputs and targets were achieved (see [Appendix A](#) for details). However there was feedback about how to improve the functions and processes of the current pilot project which will be addressed below.

In May 2008, the Organic Law on Administrative Management of the Capital, Provinces, Municipalities, Districts, and Khans (districts in Phnom Penh and Siem Reap) was

<sup>19</sup> According to a survey of development partner activity in March 2009, France, JICA, and the World Bank were working on strategic objective 3.2.2 Collection and printing of existing material on judicial decisions. There were no activities listed in the 2009 A2J workplan.

<sup>20</sup> According to a survey of development partner activity in March 2009, GTZ, ILO, Spain, UNDP, UNICEF and the World Bank were focusing on strategic objective 6.2.1 “Investigate into, build upon and strengthen other alternative and traditional methods of alternative dispute resolution”.

<sup>21</sup> UNDP Pathways to Justice (2005). Ian Ramage, et al (2008) ‘Somroh Somruei and Violence Against Women’, Domrei Research and Consulting, AusAID, IWDA, Banteay Srei, ADHOC: Cambodia: page i.

<sup>22</sup> Controls include: public postings of procedures and mediators, committee functions with advocates for each party and a reporter, posting of no fees accepted, guidelines to reduce undue influence by local authorities and instructions to ensure the voluntary nature of the process – though controls are not 100% effective.

adopted, and is now being implemented under the MOI's National Committee of Decentralization and Deconcentration (NCDD) with support from several development partners. Under this law, as well as the Law on the Administration and Management of the Communes/Sangkats, the MOI is planning to draft a law and/or regulations to formulate ADR processes and procedures.

In interviews for this evaluation, and as confirmed in the handbooks developed through the A2J Project, the MOJ, MOI, and the CLJR all support the continuation of the Project, in particular the ADR mechanisms at the district and commune levels.<sup>23</sup> The Minister of Justice mentioned the Project (including Maisons, CDRCs and CCE components) as the second priority in the Minister's speech to the annual strategic planning meeting on 8 April 2010. The MOI representative stated strong support to continue ADR mechanisms within the context of the Organic Law, in remarks made during the presentation of this evaluation to stakeholders. The CLJR's Director has also made several public statements supporting the A2J Project and the Maisons.

As the overall goal of the Project was to increase access for the poor, women and indigenous people, these cross cutting topics are described below.

As will be more fully explained in the section on each component below, the evaluators assigned a (subjective) value of success to each, based upon interviews with stakeholders, observations in the field and review of documents. The degree of success ranged from partially successful to very successful and are noted in the heading for each section. Success also included the consideration of the implementation of the component: the degree of implementation or how *fully* the component was implemented (based upon objectives in the 2007 Addendum) as well as the quality of implementation or how *well* the component was implemented. Although cost-effectiveness was difficult to determine, an estimation was developed and was also considered as part of the success of each component. See [Appendix I](#) for a summary of findings.

Throughout this section results from various studies conducted by the Project are included (the details of which are mentioned in the introduction). Of particular interest is the recently completed Beneficiary Survey by the Economic Institute of Cambodia (EIC), see summary in [Appendix F](#).<sup>24</sup>

#### **4.1 Legal Advocacy at the National Level – Partially Successful**

As the time of Mid-term Project Assessment, this component was found to be one of the weakest of the A2J Project, with "little in terms of concrete policy change at the national level".<sup>25</sup> Since February 2009 there has been some progress: by the end of the Project six out of twelve of the planned documentations of customary rules were carried out. These six booklets were presented at a national-level launch with many senior level government officials attending in March 2010. However activities to compare these customary rules with Cambodian laws and international human rights norms for advocacy purposes, were never completed. Without specific additional outputs however, it is unlikely that the goal of 'the place of the indigenous authority is appropriately recognized in the national legal system' would be achieved.

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<sup>23</sup> UNDP, Insight Collaborative, MOI, MOJ (2010) Operations Manual for the Maison de la justice, Mediation Handbook, and Operations Manual for Commune Dispute Resolution Committee (CDRC). Phnom Penh: 2010, page i.

<sup>24</sup> After all findings from the EIC survey had been included in this report, the evaluators discovered that in many cases (but it was not possible to determine which ones) a CDRC member or maison staff person was present during the administration of the EIC survey. This raises a profound concern as to the validity of the results of the EIC survey.

<sup>25</sup> Mid-Term Project Assessment (2009): page 18.

One other project output was to review and revise legislation on forestry law, and CLEC has been active in an NGO network working on revisions.<sup>26</sup> There was a visit by some Senators to Mondulhiri and Ratanakiri in 2009, and a visit by some indigenous peoples to the National Assembly. The impact of these visits has not been measured, but ongoing research conducted on the role of CLEC and the Indigenous People's component may provide further information. Other activities carried under the component and organized by CLEC include exchanges between Mondulhiri and Ratanakiri, which were greatly appreciated by participants. CLEC also organized a series of radio and television shows on indigenous people's rights – but the impact of these has not been measured.

LAC conducted two national workshops on women's rights under the Project, the latest was in March entitled "Access to Divorce for Women in Cambodia" held in March 2010. Outputs mentioned in the 2007 Project Document addendum, to clarify legislation on child support, child custody, alimony, division of property in the event of divorce and procedural matters concerning the treatment of the perpetrators of domestic violence, were addressed somewhat in the domestic violence law passed, but these were not specifically addressed by any activities of the A2J Project.

Several other launches at the national level were also held, including for the maison and CDRC operations manuals, the mediation handbook, and the CCE manual. These launches have served to promote and advertise the function of ADR at the various levels, which also increases awareness at the national level of access to justice for the poor, women and indigenous people. Equity Weekly, a weekly news show on politics sponsored by the UNDP will run one short (15 minute) documentary on mediation in Cambodia, also covering the mediation done through the A2J Project.

Due to only partial completion of several of the activities in this component, and the fact that additional follow up is needed in order to make these activities sustainable, this component is evaluated as only partially successful.

#### **4.2 Legal Representation of Women and Indigenous People at the Provincial Level (including Peace Tables)– LAC/CLEC<sup>27</sup>**

The following sections review the provision of legal services by Legal Aid of Cambodia (LAC) in three provinces, and Community Legal Education Center (CLEC)'s legal services and Peace Tables in two provinces. An issue which has affected this provision of legal services, and which was raised by many NGO and interviewees in the legal field, was a problem with a general lack of legal services in the provinces.<sup>28</sup> In order to determine the cost effectiveness of each component, an estimation of the length of time of each

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<sup>26</sup> For example, one piece of legislation that has been under discussion is: 'The sub-decree on procedures of registration of land of indigenous communities'.

<sup>27</sup> A process of documentation of the activities of CLEC is concurrently taking place, so this section may not fully reflect all the activities of this component.

<sup>28</sup> In the past several years, funding for the two primary NGOs providing legal representation in Cambodia's provinces (LAC and the Cambodian Defenders Project (CDP)) has decreased and many provincial offices have closed. The human rights NGO ADHOC has had some lawyers on staff in some provinces but these services also have been insufficient. The Cambodian Bar Association in theory provides legal services but interviewees stated that the only services outside of this Project were expensive private lawyers. While awareness of domestic violence is rising, women, indigenous people and the poor still lack the confidence and the means to face the court on their own. Defendants also often have insufficient legal representation which results in an imbalance which threatens equality of arms before the court.

#### **4.2.1 Very Successful - Legal Representation by Legal Aid of Cambodia (LAC) in three provinces**

Legal services for women at the provincial level were provided by LAC in the three designated provinces (Kampong Speu, Kampong Chhnang and Siem Reap). From 2007 to 2010 a relatively large number of cases was seen (64 in Kampong Speu, 79 in Siem Reap, and 67 in Kampong Chhnang for a total of 210 cases, 112 of which were solved). Of those cases, approximately 33 percent were rape; 32 percent divorce (many of which are due to domestic violence but the exact figures are not available); 9 percent battery with injury (some including defacement); 17 percent were other forms of physical violence against women; and the remainder (nine percent) are other crimes. Over the course of the Project LAC reported 162 consultations (68 in Kompong Chhnang, 40 in Kompong Speu and 54 in Siem Reap).<sup>29</sup>

Beneficiaries interviewed were very happy with the services and had seen the lawyer several times and the legal assistant multiple times. The visits made to the homes of the complainants were much appreciated and the beneficiaries also mentioned they were surprised and happy not to have to pay for these services, for the moral support to visit the court, and that they did not have to pay the court. Other NGOs and local authorities were also very positive about the services provided by LAC, and stated they were worried what would happen to vulnerable women if the service was closed. The EIC Beneficiary Survey found that 89 percent of the beneficiaries thought services by LAC were adequate; 92 percent would return to LAC for help, although six percent of beneficiaries said they had had to pay for services, but it is probable that this was not to LAC staff but to officials.

Although LAC accepted no more cases in March 2010 as the project was closing down, beneficiaries whose cases had still not gone to court had been assured by LAC that a lawyer would help them in the future when their court date came up. This component was seen as very successful due to the high numbers of cases, the lack of other legal services for women complainants, and the positive views by beneficiaries and other partners.

#### **4.2.2 Partially Successful - Legal Representation by CLEC in Two Provinces**

Statistics presented by CLEC in their reports indicate they saw a total of six cases in Monduliri and two cases in Ratanakiri, which is a very low number of cases over the course of the Project. CLEC leadership indicated that they had negotiated to see six cases per year with UNDP, which would have been a total of 18 cases. In addition, CLEC's organizational priority was to take on large public interest cases (they had another program focusing on these larger cases - PILAP, or Public Interest Law Project), rather than the other cases for the A2J Project. Another problem CLEC stated was financial constraints, and a delay in financial reimbursement from UNDP. Interviews at the field level also indicated that other constraints included: difficulty obtaining cases as indigenous people are reticent to go to the courts and prefer to solve problems at the local level; lack of lawyer in the field which tends to result in indigenous people going to the NGOs that have lawyers in place (LAC and ADHOC). Although it would be expected that indigenous people might be less likely to go to lawyers in rural areas than in Khmer areas, and also that land cases could take longer time and be more complicated, the low number of cases received by CLEC still indicate some underlying issues that need further investigation. The ongoing research on the indigenous peoples component may provide further insights.

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<sup>29</sup> LAC was the only organization or institution to report on consultations.

Beneficiaries interviewed indicated that although they had been treated politely and respectfully by the CLEC lawyers, they found them hard to reach, and they were not aware of the progress of their cases. In general beneficiaries were not very pleased with the services, but this could be also related to their distrust of the courts in general. The mid-term assessment noted that the lawyer being located in Phnom Penh rather than in the provinces was a problem. According to the EIC Beneficiary Survey (see summary in [Appendix F](#)), based on a sample size of six persons (out of a total of eight clients), 83 percent felt services were adequate; 67 percent were satisfied; 100 percent thought CLEC services were easily accessible; but only 33 percent felt that the results were fair. In conclusion, the CLEC legal representation services were seen as being partially successful.

#### **4.2.3 Successful - Peace Tables by CLEC in Two Provinces**

Observers and central level staff were very positive about the Peace Tables. The majority of the Peace Tables were related to land. The one Peace Table we observed in Monduliri (which was filmed for television), was viewed positively by the participants. However, there were only men at the table (there were some women present, but they were sitting on the sidelines). Although our interviews were very positive about the Peace Tables, the EIC Beneficiary survey indicated that the Peace Tables participants were the least satisfied amongst the beneficiaries for all components. In the survey, 60 percent of the beneficiaries were satisfied with the result, 100 percent would use it in the future, 60 percent thought there was fair resolution, but only 20 percent felt it met their expectations.

Interviewees felt there was however a lack of support from authorities at the national and provincial level, as well as lack of support from UNDP. They felt that as a result several Peace Tables were cancelled or postponed. This lack of support, also inhibited the acceptance of traditional rules at all levels within Cambodian society.

In conclusion, the Peace Tables were found to be successful.

#### **4.3 Legal Services at the District Level - Maison de la Justice (Maison) – Partially Successful**

A high demand still exists for a dispute resolution system at the district level, and many district deputy governors we interviewed were thankful for the existence of the Maison, as it lightened their workload. The twenty Maisons saw a total of 676 cases between 2007 and 2009, and in 2009 this averaged to two cases per month per Maison (see [Appendix J](#) for the total numbers of cases per year). In the cases when the CDRC was unable to find a solution, the CDRCs preferred to refer to another ADR mechanism at the district level (such as the Maison), rather than having to refer cases directly to the court, or to the district governor. The Maisons' ability to be neutral, and their relationships to CDRCs and local authorities were seen as strengths in the SWOT Analysis.

The original purpose of the Maisons, as described in the original 2006 Project proposal, and by the study on the justice of the peace (2006) was related to a "local court or local legal authority"<sup>30</sup> at the district level. Although the study recommended such a structure, and included several possible forms, the A2J Project Addendum

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<sup>30</sup> UNDP Feasibility study on the establishment of Justice of the Peace, 2006, "There was broad agreement among both villagers and local officials that this new court or local legal authority could hear cases related to minor land disputes, domestic violence, divorce, minor crimes, personal disputes, defamation, debts, and money disputes. This would involve the use of both conciliation/ADR and enforceable judicial rulings and orders." page 6-7

(2007) described the concept of the district level legal service differently: “The Maison serves as a hub for legal information dissemination, ADR expertise, and provides a link between the informal and formal dispute systems”. In addition the Maisons “will carry out the following missions: provide training and/or technical advice to Commune Councils on conciliation and certain legal matters; assess the demand for legal information at the district and commune levels; disseminate necessary legal information to local officials and the public in the district; provide referral services to disputants whose cases cannot be or are not desired to be resolved at local levels”<sup>31</sup>. It is not clear why the Project changed the original plan from a legal authority to the Maison with an ADR and legal information function.

As per the 2006 government *Prakas* on the creation of the Maisons, the MOJ assigned civil servants “with sufficient qualification or expertise” to serve as the chief of the Maison.<sup>32</sup> The majority (17) were appointed from the Ministry of Justice, most often former court clerks, but a few were MOJ Phnom Penh-based staff. Three out of the 20 Maison Chiefs were selected through an outside application process (announcement, application, interview), and stated they did not receive a regular MOJ salary. In many cases, the MOJ appointed staff were far from their homes (several came from Phnom Penh, or sometimes different provinces), and several interviewed stated that due to late payments of salary supplements they were no longer able to afford to stay in their duty stations.

The first assistant was assigned by the provincial governor, “based on recommendations from the district governor, a civil servant currently working in the district”.<sup>33</sup> In several cases, this assistant had been the previously appointed judicial officer in the 1980’s, or had been involved in ADR activities in his previous role (they were all men). The assistant was older and more experienced than the Maison chief in about half of the Maisons. Those experienced assistants stated that in spite of their skill level, it was difficult for them to carry out the tasks of the Maison in the absence of the Maison chief, for example they could not issue letters of invitation for mediation. The Maison assistants felt their titles should be changed to Maison officer, or deputy, so that they could better control the work of the Maison in case the Maison chief was absent. In many cases it was apparent that the first assistant was more active in solving disputes than the other members of the Maison, but sometimes two persons or all three were active. The first and second assistants were both tasked by the district (usually the deputy governor) to carry out other administrative duties when not busy at the Maison office.

In July of 2009 a decision was made to add a second Maison assistant to improve the gender balance in the Maisons. Most of the female staff persons came from inside the district offices (except for one we met, who was hired through a competitive process and chosen from outside the district office). The second assistants were in general very appreciative of the training they had received and were able to explain their role and duties. It appeared that in most cases, the female staff were mainly in charge of administrative duties such as writing invitation letters, reporting and keeping files. In most cases the woman staff member was present at the mediation session, though spoke or intervened less often than the male staff.

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<sup>31</sup> A2J Project Addendum (2007), page 17 – 28, and RCG, MOI and MOJ Prakas No. 85 PR.K.KY MP/06 dated on 20 December 2006: In addition the Maisons “will carry out the following missions: provide training and/or technical advice to Commune Councils on conciliation and certain legal matters; assess the demand for legal information at the district and commune levels; disseminate necessary legal information to local officials and the public in the district; provide referral services to disputants whose cases cannot be or are not desired to be resolved at local levels”.

<sup>32</sup> MOJ, MOI, UNDP (2010) Operations Manual for the Maison de la justice : page 86.

<sup>33</sup> MOJ, MOI, UNDP (2010) Operations Manual for the Maison de la justice : page 86.

Most Maisons were functioning fairly well, though on average mediated fewer cases than most of the CDRCs: in 2009 Maisons saw 2 cases/month, while CDRCs saw 3 cases per month.<sup>34</sup> As noted in the introduction, interviewees at the village, commune and district level preferred going to the Maison rather than the court. In addition, the Maison received cases from communes that did not have CDRCs – in many cases more from these communes than the CDRC communes.

Although most Maisons did mediate disputes, because of the delays in funding for administrative costs, and the high absenteeism of the Maison chiefs, there appeared to be little supervision of the CDRCs and little information dissemination. Although the Maison staff realized they had a role of information dissemination, the way in which this was carried out was inconsistent, and primarily consisted of speaking about the work of the Maison in monthly provincial meetings. There was little outreach to the population, and it was difficult to determine how the brochures and posters were distributed. Several of the Maisons had the Maison poster posted in their offices, but it was rarely outside. We saw few posters in public areas of the district offices. Only a few of the communes visited had posted the poster about the Maison services at the commune office.

Although we were only able to interview a few of the beneficiaries of the Maisons, in general they were moderately satisfied. One beneficiary said that the Maison was close to her house, quickly came to the resolution, and that she was satisfied with the agreement, but unfortunately the other party (her husband) did not comply. Another beneficiary had a repeated problem with a neighbor about a border between their properties and after repeated attempts by the CDRC, the Maison finally was able to reach an agreement that all parties agreed to. This beneficiary was very happy with both services. In another case, both husband and wife were unhappy with the mediation, as they stated they had no problem with each other and were embarrassed to have been called in. On the other hand, the EIC survey was quite positive: 93 percent of the beneficiaries indicated they found it easy to resolve their problem at the Maison 81 percent were satisfied with the results; 83 percent said they thought it was fair; 89 percent said they would return to the Maison for help in the future; 77 percent felt that the Maison staff were very helpful; 99 percent said they were treated with respect; and only 4 percent felt that someone influenced their case.

The Maisons were supposed to assess the demand for legal information, but no information about this was found. Although the Maisons were supposed to act as legal resource centers, and there were some books in the cabinets, most of the cabinets seemed little-used and in some there was no order and books were ill-cared for. In a few cases the legal and other documents had been well-labeled and used and marked with bookmarks. Although in general deputy district governors were aware of the library, it seemed they did not use it.

There seem to be strong ties in some provinces between the MOJ staff in the Maisons and the courts, especially if the staff is re-assigned from the provincial court to the district Maison. However, the communications between the court and the MOJ staff in the districts was not regularized, and in some cases the Maison chief sent a

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<sup>34</sup> We were unable to obtain the statistics of numbers of cases per Maison in order to do a comparative analysis. See Appendix K for total numbers of cases. Only one Maison, Sen Monorom (Mondulkiri), was not working at all. We were not able to meet the Maison chief, nor the deputy governor in spite of repeated attempts. The two assistants said they had received no cases in the last year. There was no information dissemination underway. The reasons why this Maison were not functioning were not clear.

report to the court (several stated they did not know where the reports were sent, suggesting the general administrative offices). Judges we interviewed were only generally aware of the Maison functions. Some judges reported concern that the Maisons and the CDRCs were acting outside of their jurisdictions and were taking cases meant for the courts.

In Kampong Chhnang we were told that the court attended the quarterly coordination meetings held by the Governor (which are part of the Project workplan), but staff in other provinces did not report going to such meetings. MOJ and MOI staff in Phnom Penh sometimes called and attended coordination meetings as well, but these were not held on a regular basis. The knowledge of the various components of the A2J Project was much greater in Kampong Chhnang than the other provinces. This could have been because of its early inclusion in the Project as a first pilot, and could also be influenced by a greater emphasis placed on holding coordination meetings.

There were various tensions between the district offices and the Maison office. If the Maison chief was often absent, the district governor complained about this. Some district governors stated they should be allowed to supervise the Maison chief, as no one was responsible for attendance records. There also remains some tension between the Maison chief (who is appointed by MOJ, usually does not come from the district and is often absent, and who receives a salary supplement of \$150) and with the Maison first assistant (who is appointed by MOI, often lives in the district, is more often present and who may conduct much of the work of the Maison, and receives a salary supplement of \$50). Finally there was conflict over the use of the Project motorcycle; although sometimes it was shared between the staff, more often it was used by the Maison chief, who took it with him even when absent from the office.

As noted in section on program management, it seems there were high expectations of the Maison chiefs, that they were expecting higher salary supplements than were eventually given (\$300 instead of \$150). Given the well-known issues of corruption in the courts, with many opportunities to receive informal payments, these may have been expected as well. During interviews with Maison chiefs (in contrast to assistants and to CDRC members) the bulk of the interview was related to complaints (in notably similar terminology) about the delayed salary incentives, the delayed administrative costs, and the amount received for DSA, before and now. Furthermore, in many cases, it was difficult to get the Maison chiefs to focus on the substantive work of the Maison, in order to evaluate the design and function of the Maison, because they repeatedly returned to complaints about the delayed payments. This focus on complaints, rather than substantive work, has resulted in negative impact to this evaluation, as there was poor commitment shown to the Project.

On 25 February 2010 a *Prakas* was issued by the MOJ, announcing they would open ten new Maisons in Cambodia, eight in khans (districts) in Phnom Penh, one in Prey Veng and one in Kampot. This shows the high commitment from the MOJ to continue with the results of the Project at the district level.<sup>35</sup>

The Maisons de la Justice at the time of this evaluation, are found to be 'partially successful' in concurrence with the (February 2009) mid-term evaluation. The reason given at the mid-term evaluation was that only four had been operating since 2007, while an additional 16 Maisons had only been trained at the end of 2008. Although in general, the Maisons seem to be able to mediate cases, and are

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<sup>35</sup> Although UNDP and the donor stated at the last program board management meeting that they would not be able to support these new Maisons, the MOJ is seeking other funding sources.

apparently following guidelines as stipulated in the ADR and Maison handbook, the final evaluation findings are still not fully successful because of four reasons: a high rate of absenteeism of the Maison chiefs, a relatively low number of cases received, a lack of information dissemination, and a lack of supervision and support to the CDRCs in most communes. Although some of these problems were due to lack of budget for administrative costs (however the CDRCs were also affected by delays in administrative budgets and this did not affect their work to the same degree), another important factor was that the MOJ staff member was assigned from outside the district. This component was evaluated as fairly cost-effective, see [Appendix I](#).

#### **4.4 Strengthening of ADR at the Commune Level - CDRC - Very Successful**

In general, the CDRC component of the A2J project was determined by the evaluators to be very successful and was viewed positively by almost all interviewees. The 56 CDRCs saw a total of 2,652 cases from 2007 – 2009, and in 2009 when all the CDRCs were functioning, that averaged to 3 cases per month per CDRC (see [Appendix J](#) for the total number of cases). Although this is not a large number of cases, all CDRC members have other full-time jobs, so in the context of this function being an additional volunteer duty, this can be considered successful. In most cases, we found CDRC members to be highly committed and enthusiastic about their work. They could usually give concrete examples of mediation they have done. All interviewees stated that the CDRCs were an important asset to increase access to justice and should continue. The SWOT analysis showed very high concurrence with the CDRCs' ability to be neutral and their positive reputation. Support for the CDRCs at the district government level was evident in all interviews with deputy governors who had good understanding of the project. All deputy governors reported that the Maisons and the CDRCs helped their work by taking care of small cases that they used to deal with in the past. The CDRCs remain however in a pilot stage with further training, mentoring and supervision needed, as well as review and refinement of procedures. A major issue is also coordination and relationships to other institutions.

Interviews with the CDRC members were the most refreshing and interesting of all our interviews for this evaluation, as the majority of the interview was spent discussing their work, successes and challenges, and only a very small portion of the time to complain about the past administrative or budgetary problems.

The majority of the beneficiaries were positive about the CDRC dispute resolution mechanism. We observed one case being solved in Battambang where proper procedures were used and the parties were encouraged to come to a decision themselves. Both parties expressed gratitude for the process. Another beneficiary stated that both the CDRC and Maison had helped greatly to solve his case, and avoided influence from a biased commune chief. The EIC Beneficiary survey showed similar results as for the Maisons, but slightly higher positive ratings on all counts: 95 percent of the beneficiaries indicated they found it easy to resolve their problem at the CDRC; 90 percent were satisfied with the results; 91 percent said they thought it was fair; 97 percent said they would return to the CDRC for help in the future; 78 percent felt that the CDRC staff were very helpful; 97 percent said they were treated with respect; and only 2 percent felt that someone influenced their case.

Most CDRCs stated their membership was as indicated in the mediation manual: a commune councilor as chair, women's focal point as deputy, commune police chief or deputy as member, and four other respected village members. In the early stages

of the Project, the four village members were chosen by the authorities, but later on a more democratic system voting in the community was instated. Sometimes the four members were village chiefs (in some cases all four).

Most CDRC interviewees told us that the complainants would look at the photos of the committee and choose who they wanted to represent them. However in only some of the CDRCs were the photos posted in a prominent position, and sometimes they were not available at all. In most cases, the same two or three people mediate most of the cases (the chief, the deputy and a variable third member). The third person was usually one of the members with some sort of government ties, such as another member of the CC, a member of the commune administration, or a village chief. In some cases, if the person lived close by, sometimes the third person was a locally elected member of the CDRC, and occasionally the third member was the police. Since often either the chief or the deputy was a woman, there was often a woman present at the mediations.

Especially when the village members were farmers or others with limited resources, they were less active than the other members. Most interviewees admitted that the elected members from the villages had difficulty attending, because they had no funds for gasoline to reach the commune office, and were also busy making a living so could not afford to leave work and take time to attend. Thus we met only a few of these village-level members during interviews. Many interviewees (including CDRC members and district and commune authorities) spoke of the importance of having village level people on the CDRC, and requested administrative funds to support the village level CDRC members' travel.

In some cases member's pictures were removed from the chart but no methods to choose new members had been decided. One CDRC stated they had brought up this issue at the last meeting of CDRC members, but were still awaiting suggestions from MOI as to whether or not to select new members.

A few of the CDRC offices had the 'What is Mediation' process posted on the wall of the room used for mediation. In the mediation session we observed the CDRC chief requested the parties to read the poster (although one of the parties was barely literate so would not have understood it).

Some CDRC members and observers, and the SWOT analysis felt that some of the CDRC members still lack sufficient skills. There was no system to assess the skills or frequency of mediation of CDRC members. Supervision and mentoring of the CDRCs was inconsistent. One of the CDRC members would often visit the Maison once a month to deliver the monthly report, or sometimes the Maison staff would visit the CDRC. Although the Maison staff said they regularly visited the CDRCs, upon questioning, the CDRCs stated they were not visited frequently, some only once or twice per year, though some more often.

The CDRC members closely cooperate with the Commune Chief, and sometimes the Chief attends mediation sessions. This was usually seen as positive as the commune chief could provide support for difficult cases. However at the beginning of the Project when the commune chiefs were part of the CDRC there were reports of undue influence on the decisions (as had been done traditionally in the commune). Thus to avoid the bias and influence, for the second phase of the Project, commune chiefs were no longer included on the CDRCs so that mediation practices depending upon the parties views could be implemented. Some interviewees requested that the commune chief should not be involved in the work of the CDRC to avoid undue influence.

If cases were not solved, usually after several attempts at mediation, the complainants were informed of their options, to go to the Maison, the court, or when appropriate the district cadastral commission. The referrals were often routed through the commune chief to the district chief or deputy.

Many CDRC members stated they lacked a private space in which to mediate and provide confidentiality to the parties. This was confirmed through our observations, as there was rarely a quiet place to meet, except in the commune chief's office.

Although the CDRC members, local authorities, district level interviewees and most of the beneficiaries were very positive about the CDRC processes, a minority of the beneficiaries were not positive. In some cases, they didn't feel that the CDRC had done anything special for them, rather it was business as usual at the commune office. Some were not happy because they were requested to pay the usual administration fee of 10,000 riel. A few others stated they had offered to pay and it was accepted, a few had offered to pay and it was refused, and the majority said they did not have to pay at all. In one case, the beneficiary complained felt that the members of the CDRC were biased and had ruled in favor of the other party who had ties to the Chief of the Commune. And in one other case of domestic violence the woman complainant stated that no one would take her case because they were only interested in money and she had no money to pay, so her problem of her husband beating her could not be solved. Another weakness was the issue that the CDRCs are not well-known in the communities (as indicated by both the SWOT Analysis and the Beneficiary Survey).

In conclusion, the CDRC component of the A2J Project was found to be one of the most successful, due to high levels of interest and commitment, high sustainability, and high replicability. Cost effectiveness was also excellent.

#### **4.5 Raise Awareness of Fundamental Rights at the Village Level, particularly for women and indigenous peoples<sup>36</sup>**

##### **4.5.1 Community Capacity Enhancement (CCE) - Successful**

The original design of the A2J Project was created to have internal coherence at all levels of society, so that village (demand side – rights seeking), and commune, district and national level (supply side – service delivery) were linked in terms of access to justice. The Community Capacity Engagement (CCE) component dealt with the village level and addressed the first objective of the RCG's strategy for legal and judicial reform: improve the protection of personal rights and freedoms. The evaluation results of this component are successful, although the target outputs were not fully achieved (only 89 villages received training instead of the 112 targeted). The SWOT analysis indicated that strengths included a reduction of domestic violence in the community, good referrals to other organizations, and good information dissemination about domestic violence.

The CCE component was modeled upon an existing process used by UNDP through a general system of 'Community Conversations' and some of the original trainers for the A2J came from a UNDP HIV/AIDS project. The original concept of the community conversations was to train and support village facilitators on topics related to domestic violence, in safe settings where they can build relationships, identify

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<sup>36</sup> The evaluators are following the structure of the 2007 Addendum, which includes several activities for indigenous people under this village-level heading, even though some are activities at the commune level.

community concerns, make decisions and develop plans. The component was run by two (originally three) coordinators, with seven trainers (including a monk and a CDRC member).

Groups of village facilitators (three per village) were given a series of five training sessions (two topics per session), which they then co-taught in their target village every month for ten months. The series of ten topics included: definitions and types of domestic violence; factors that contribute to domestic violence; impact of domestic violence; beliefs and facts about domestic violence; perpetrators of domestic violence; roles and duties of local authorities; domestic violence offenses and related laws; civil registration and its advantages; divorce; and resources available in the community. Although apparently the majority of these sessions included discussions with question and answer periods, in some areas they seem to have been primarily lecture. Three staff members from UNDP (later decreased to two) carried out this component, with the assistance of several of the contracted trainers.

Both beneficiaries and VFs stated they greatly appreciated the training sessions and would like them to continue. They stated that as a result of the training, the incidence of domestic violence had decreased in their communities – many reported now no or only one or two cases, rather than several. Many interviewees stated that the extensive training of the CCE methodology was much better to improve knowledge of domestic violence, than the other shorter trainings done by other organizations on domestic violence. In most cases, the VFs were easily able to recount their knowledge from the past trainings. In the SWOT analysis, a weakness was found in the VFs ability to organize meetings and to fundraise. Since they now have received extensive training, other ways should be found to capitalize on this knowledge and experience.

VFs were generally selected by the village chief or commune chief, and usually included elders and at least two women, often chosen for their some literacy skills. The village women's focal point was usually included as well. In one case, when the focal point was not literate, they assigned a fourth VF to assist the focal point to learn the material. There was usually close coordination with the commune and district women's affairs offices. The VFs seemed for the most part to take pride in their roles, though at times they lacked confidence. In the cases when the VFs were also CDRC members they were much better spoken and very committed. The idea of volunteerism has not been established or taken root, understandably because the focus of daily activities is on earning a living as many people live very close to the poverty level.

Almost all of the beneficiaries and VFs interviewed stated they would join another community conversation. The CCE surveys also indicated that the majority of respondents would choose to join conversations in the future. However in one village we visited, a small impromptu focus group of non-beneficiaries indicated that they were not interested in attending a conversation. Their main reasons were that they had not been involved in domestic violence themselves, and the conversations were only for families currently experiencing domestic violence – in some areas at least, there was a stigma attached to the CCEs.

The method of choosing the CCE beneficiaries was somewhat inconsistent. Although all interviewees stated that there were 30 families selected by themselves, the village chief, commune chief and/or the women's focal points, the percentage of families with a history of domestic violence varied. In the greatest numbers of cases it was 50 percent. In some cases it was 25 out of 30 families. In other cases only 5 out of 25 families. In one case, the VF (also a CDRC member) said she carefully

chose families to attend geographically in the village to make sure that the entire area was covered, and the families with the greatest problems were included. In the cases when it was a majority of families with a history of domestic violence there was a stigma attached the training, and non-beneficiaries were not eager to attend. In Mondulkiri and Ratanakiri the women stated they were very happy to receive the training as they had never been invited to training before.

All interviewees stated that women attended the trainings more than men, and that it was difficult to encourage men to attend, especially those who committed acts of domestic violence. A few former abusers interviewed stated they had felt shy to attend and would respond better if counseling were done on a one-to-one basis. Besides these community conversations, and mediation sessions provided to both parties by the village, commune or district authorities, there was no system of male peer counseling reported.

VFs seem to have served an important role in the community. However, the process has not been fully sustainable, primarily due to structure of the large group meetings, and the lack of availability of funds to pay for food for the large groups. The early design of the CCE component was to have conversations that could continue informally with small groups of people, although the component finally ended up being a highly structured group discussion of thirty sessions (and in a few cases these were lectures rather than discussions) Although the VFs still serve as resources to others in cases of domestic violence, it seems as though they do not see their role as continuing after the training period.

Although each beneficiary was supposed to then talk to three family members or neighbors, this was not carried out in all cases. Other innovative ways could be found to share knowledge obtained by VFs so they can advise their family members or neighbors too. For example, the local authorities could honor them in other ways and ask them to teach at other events. This should be coordinated with the DOWA.

There were some shortcomings to the CCE component. In order to ensure coherence with the overall project goals of access to justice for women and indigenous people, all target areas should have been the same as those selected for Maisons and CDRCs, but they were not. This was caused by a lack of coordination within the Project, as well as problems with the implementation of the CCE component. For example, target areas in the northeast provinces should have been with high percentages of indigenous populations but this did not always occur.

Staff responsible for carrying out the CCE component was not always experts in domestic violence. There may have been some errors in the training sessions resulting in some misconceptions about domestic violence and violence against women. As in the other components, there was quite a bit of staff turnover, and then gaps in supervision and implementation while recruitment and training processes were undertaken.

The grass roots approach of information dissemination at the village level is not usually directly undertaken by UNDP (but rather through government partners). It is not clear why UNDP decided to implement this component themselves, rather than subcontract to one of the many NGO's with experience in awareness-raising, or to work with government partners. Due to the detailed administrative procedures within UNDP, a great deal of staff time was required to schedule the training sessions, pay per diems, etc., which caused delays in implementation.

For those trainings which had occurred the previous years, the VFs stated they no longer conducted any activities. They stated that if they did not have funds for food for trainings, then the project had to stop. Some of the VFs commonly advised women complainants in their communities and others, never. In a few cases there were other NGOs present also monitoring and training on violence against women (Banteay Srei in Siem Reap and in Battambang) but they stated they were able to avoid duplication. In one case the VF was also the Banteay Srei Gender Peace Network (GPN) member.

There are several other organizations, most of which work closely with the Ministry of Women's Affairs, that are also involved in various facets of domestic violence training. But coordination with them was inconsistent. For example, one NGO said they were vaguely aware of the CCE component, but did not know who the VFs were. Some deputy governors attended the CCE training, who were then much more knowledgeable about domestic violence, and then provided better coordination with other organizations and components (such as the CDRC).

There was a baseline survey, and then a follow up survey about domestic violence in the villages where the CCE component was implemented. The survey found that there was an increased awareness of domestic violence; a decrease in the numbers of cases reported by village chiefs; and improved understanding of domestic violence. Due to these findings, as well as the above subjective impressions of a decrease of domestic violence, and the strong interest of both providers and receivers of the community conversations, we conclude that this component has been successful (in spite of target outputs not being achieved). This component was relatively inexpensive: although comprising 23 percent of the total budget, with large numbers of beneficiaries, its cost effectiveness was good (see [Appendix I](#)).

#### **4.5.2 Traditional Authorities - Successful**

Our observations and interviews with the Traditional Authorities were all very positive, with fairly good understanding of dispute resolution principles by participants, strong commitment, strong desire for more training, and positive views by some beneficiaries. Interviewees did not focus on monetary rewards, indicating their strong commitment independent of funding. The EIC Beneficiary Survey indicated that 90 percent of beneficiaries of the Traditional Authorities' services were satisfied with the result, 86 percent thought the services were adequate and 97% would return for help. See [Appendix F](#) for a summary of EIC findings.

Interviews noted however, a lack of support for activities at the district and commune level, by authorities at the provincial and national level which decreased the effectiveness of some activities. The empowerment of Traditional Authorities component consisted of a significant portion of the budget (20 percent) so was evaluated as being only fairly cost effective (see [Appendix I](#) for summary of findings).

#### **4.6 CLJR Database – Not Completed**

Activities were included at the last stage of the Project, to update the CLJR database with various laws and other publications. This component has not yet been implemented.

## D. Cross Cutting Issues

### 1. General ADR Issues<sup>37</sup>

The following section highlights several issues related to ADR (primarily for Maisons, CDRCs and Traditional Authorities) including: ADR methods appreciated; the role and term of ADR; training, monitoring and exchange meetings; training materials; non-response to invitation letters; enforcement of agreements; presence of authorities during mediations; urban versus rural Maisons and CDRCs; the role of police; types of conflicts; referrals and relationships to other institutions; the process of complaints/mediation. In general the ADR training was coordinated by two UNDP staff members, with the assistance of four contracted trainers (one of whom was the Deputy Governor in Phnom Srouich District, Kampong Speu Province), and one former judge, now Secretary of State at the Ministry of Justice who provided legal training to the Maison officers.

#### **ADR methods appreciated**

All interviewees appreciated the application of ADR methods at the commune and district Maison level, including Traditional Authorities.<sup>38</sup> Time and money is saved, the parties are happier with the agreement (win win solution instead of win lose) and harmony is re-established in the community. “The parties can look each other in the eye and even ride on a moto dub together.”<sup>39</sup> Several interviewees suggested that ADR also be applied at the province level.

#### **Role, location and term of ADR**

There seems to be continued confusion as to the role of, and term “ADR” in Cambodia. The SWOT Analysis indicated that the lack of peoples’ understanding of ADR was a threat. Although there is a long tradition of ADR Cambodia, conducted by elders, Buddhist monks and local authorities<sup>40</sup>, the ‘introduction’ of this formalized ADR process was sometimes seen as new and western. Because the roles and approaches of the various ministries and institutions (MOI, MOJ, CLJR, the Royal University of Law and Economics, the Royal School of Judges and Prosecutors) in relation to ADR are still under discussion, the translation of the term ADR needs review. The necessity of a provincial level ADR mechanism was controversial, some supporting and some not. Several suggestions were raised: it should be under the law and human rights office of the Provincial Council, under the Ombudsman’s Office, or created as a separate office for ADR services.

#### **Training, monitoring and exchange meetings**

In general, based upon participants’ comments and competencies, training seemed good.<sup>41</sup> In most interviews, Maison and CDRC members were able to easily explain procedures they used. In all interviews, participants were appreciative of the training, and said they were using it in their work and lives. All interviewees requested more training. Their enthusiasm for more training (especially the CDRC members) was a strong indication of their commitment to continuing their ADR work. More training was suggested for other institutions about the work of the CDRCs and Maisons, such as police and the courts. There are however some questions as to the efficacy of the

<sup>37</sup> This section applies primarily to the Maisons, CDRCs and Traditional Authorities components. Although the CCE component implementers were titled village ‘facilitators’ and some observers noted they carried out the role of dispute resolution, they were not given formal training on ADR and it was not officially part of their duties.

<sup>38</sup> Except for one VF/CDRC member who felt that in case of physical domestic violence, they should be able to tell the man he was wrong to beat his wife – other interviewees did not make this important distinction.

<sup>39</sup> Interview with District Authority, Battambang, March 2010.

<sup>40</sup> See Pathways to Justice, and Luco, Fabienne, “Between the Tiger and the Crocodile”.

<sup>41</sup> We were only able to observe a community conversation and no ADR training, or trainings of VFs.

training in the CCE component, as the CCE survey showed some misunderstandings.

All interviewees who participated in the training were very enthusiastic about the quarterly training meetings, where they could exchange ideas and solve problems together, and learn about other methods in other parts of the country (and this was also pointed out in the SWOT analysis). Although these workshops may have been relatively expensive (versus locally-based training at the district or province level), these meetings were valued highly by participants.

The majority of the district governors, and Maison participants felt the training was adequate. Some participants noted that some of the training was difficult to follow for those with lower literacy skills. Trainers, Maison staff, and deputy district chiefs and CDRC members themselves, all report that there are lapses in understanding of the CDRC – several suggested they understand and retained only 50 percent of what was taught. In general district governors and Maison staff found the training sufficient, while those from CDRCs felt there could be more reinforcement of the training sessions.

### **Training materials**

During the initial training, handouts were provided to participants in the trainings for both ADR at all levels and for the CCE. The handouts have been organized into training manuals which were released during the last months of the ADR: one Mediation Handbook; one Maison, and one CDRC Operations Manual; and for CCE, “Talking about Domestic Violence: A Handbook for Village Facilitators”. However, no materials were provided to the participants in the CCE. There are existing materials related to domestic violence primarily produced by GTZ, UNFPA and other organizations including brochures, flip charts and training manuals which could have been used.

A poster and brochure was produced to advertise the Maisons, which was clear and had numerous pictures which could be used for illiterate complainants. However there were limited numbers of brochures and the distribution of them was not clear. The poster was not seen at the district or commune headquarters. It is not clear why there were no materials made for the CDRC, or the CCE.

### **Non response to invitation letters / Enforcement of agreements**

One problem reported by both the Maisons and the CDRCs was frustration when parties to a conflict did not respond to invitation letters or did not comply with agreements they had signed. In general the CDRC members (perhaps being closer to the communities) were more proactive in following up on cases than the Maisons. In several interviews, the Maison staff would say if one mediation session failed, that the only other recourse is to go to the court, when in fact in an ADR process it would be possible for the parties to return for additional sessions of mediation.

As mentioned by interviewees, as well as in the Lessons Learned workshops, one challenge stated by many CDRCs and most Maisons was their inability to enforce the agreements. In serious cases, Maisons and CDRCs would call upon the district or commune authorities to assist. At the moment there are no direct or recognized links between the courts and the Maisons.

Several CDRC and Maison staff complained that sometimes they were treated impolitely by the complainants. Some suggested, especially Maison staff, that if they

were given greater enforcement powers, then the impoliteness, as well as their success in solving cases, would be greater.

### **Presence of authorities during mediations**

One issue raised by some interviewees was the presence of authorities during mediations. In some cases this was perceived by some Maisons or CDRC members as important to reinforce agreements and show involvement by the authorities, especially in serious cases of domestic violence or some land cases. On the other hand, some thought that this was unnecessary interference and should not be encouraged. In a few cases, the commune chief was a member of the CDRC. In general, the presence of commune or district authorities during mediations poses a risk of interference and lack of bias.

### **Urban versus rural Maisons and CDRCs**

As the intention of this pilot A2J Project, the site selection included a mix of urban and rural Maisons and CDRCs. Although we were unable to obtain statistics on the types or numbers of cases to compare, our general impression was that in urban centers there were more cases related to lending money, and sometimes drug problems. In some cases, the urban CDRCs and Maisons had a larger number of cases than other regions, as the locations were easier to access. More study is needed.

### **The role of police**

At the CDRC level, one policeman is included in the CDRC. The role of the police varied, from note taker (one interviewee) to occasionally attending, to attending in serious cases when police presence was requested by other members such as cases of domestic violence when the abuser would be reminded that future offenses would result in jail terms.<sup>42</sup> Thus attendance varied from frequent to occasional to rare. In all cases, CDRC members stated having the police on the committee was helpful. The police staff was usually either the chief of the commune police post, or the deputy. There were no women police staff noted.

During interviews at the national level, one interviewee noted that some police personnel were dissatisfied with the mediation process, indicating that the roles of the Maisons and the CDRCs were infringing upon the jurisdiction of the police. However, at the local level, the finding was the opposite, with full support as mentioned above.

### **Types of conflicts**

As noted elsewhere, record keeping has been inconsistent and it has been difficult to obtain records and statistics. As per [Appendix J](#), the Maisons received a total of 676 cases between 2007 and 2009, and the CDRCs 2,652. In our interviews, we found that in general the CDRCs saw more conflicts related to domestic violence, divorce, defamation and small land border conflicts, while Maisons and CDRCs in urban centers saw more conflicts related to land disputes and debt. There was a great deal of variation between communes, as some neighboring communes would have markedly different statistics, with for example two out of four communes receiving large numbers of domestic violence cases and the other two having a predominance of land cases. The EIC Beneficiary Survey found that 50 percent of the cases in the Maisons were land cases, 10 percent family conflict, 10 percent divorce, eight percent debt, five percent conflict with neighbors, five percent defamation/insult, three percent domestic violence and eight percent other. The CDRCs dealt with 33

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<sup>42</sup> See further discussion of the mediation in cases of domestic violence described in the section on women.

percent land disputes, 15 percent conflict with neighbors, 14 percent family conflict, 10 percent divorce, 10 percent domestic violence, seven percent defamation/insult, seven percent debt, and four percent other. The Traditional Authorities dealt with family/relative disputes (27 percent), domestic violence (19 percent), defamation/insult (15 percent), disputes with friends/neighbors (12 percent), divorce (eight percent), cattle eating other crops (eight percent), land dispute (eight percent) and fighting (four percent).<sup>43</sup> These distributions were similar to what we were told during interviews, though in general interviewees talked more about domestic violence and divorce more than other conflicts.

### **Referrals and relationships to other institutions**

In most cases, CDRCs and Maisons stated they followed the rules of the handbook and informed conflicting parties of their rights to pursue a case to the various levels above. In some cases, the office would help the complainant(s) write their complaint. In some cases documents were transferred to the court by the Maison or CDRC. It appears that the governor or deputy governor of the district and the commune chief are the primary gateways for any complaint, and are still informed of the status of all conflicts passing through. Several deputy governors told us that now when they received complaints, they would immediately pass them to the Maison, and in most cases they would be solved at that level. If not, the cases were sometimes referred back to them.

One judge interviewed noted that unless there is some sort of law or regulation to regularize the relationship between the courts, the Maisons and the CDRCs, when those cases came to court the documents of previous mediations could not be accepted by the court. Although this view is not shared by all, in any case some sort of formal relationship should be established.

### **Process of complaints/Mediation**

Almost all interviewees were able to correctly explain the procedures of the Maison and CDRC, as well as the basic principles of mediation. As noted in other sections, at the CDRC however, complainants were not always able to choose their mediator as not all CDRC members were available. Almost always at the commune level, and often also at the district level, complainants were not given a copy of the agreement they had signed, and the original was kept in the file cabinet of the office. In most cases we observed that the file cabinet was kept locked as per the mediation handbook procedures.

## **2. Women**

The overall objective of the A2J Project to increase access to justice for women has been achieved through the Project activities. This multi-component project has helped women know and ask for their rights, to reduce their vulnerability to domestic violence, to solve their conflicts at local levels, and to bring their divorce and complaints of gender based violence to the courts. For more information, see Case Studies in [Appendix K](#).

However, the situation of women still remains difficult. A study on the situation of women by the MOWA in 2008 reported that domestic violence remains widespread, and affects 20-25 percent of women, and that “55 percent of women agree with at least one reason justifying a husband’s violence”.<sup>44</sup> The incidence of rape and

<sup>43</sup> This is an indication of case type only; the beneficiary survey was not undertaken using random sampling. Also, the descriptions of the case types in this survey are not totally comparable between CDRC/Maison and the Traditional Authorities, and there seems some overlap between categories.

<sup>44</sup> MOWA Gender Assessment (2008): page 19.

sexual assault is increasing. The report expressed concern that the violence against women is tolerated in society, and perpetuated by poverty, gender inequality and impunity (page 19). Many women do not seek support and have limited options for services if they decide to do so. Although there was a general impression of all interviewees that domestic violence had decreased, there was a lack of statistics (also noted as a problem in the 2008 MOWA study).

Most interviewees were able to articulate the goal of helping the poor, but except for the CCE component, few mentioned the goals related to women, especially in Battambang, Mondulakiri and Ratanakiri. The involvement of the ministry and departments of women's affairs in the Project was not uniform, as some offices were deeply involved, others knew little about the project. The overall goal of improving access to justice for women was not a clear priority of MOJ or the MOI. So, although the end result of the Project and especially the CCE component was to improve the situation of women, the overall goal of the Project related to women were not clearly understood by all stakeholders.

### **Violence against women / domestic violence**

The A2J Project has made significant progress towards increasing access to justice for women, through an increase in women's awareness of their rights related to violence against women and an increased enforcement of the law on domestic violence.<sup>45</sup> Although all interviewees were overwhelmingly positive about the reduction of domestic violence in target communities, statistics were not available, as reporting was not consistent. Interviewees felt that a key factor in reducing domestic violence was the presence of the community conversations as authorities at the district levels noted a difference between target and non-target communes. All interviewees requested the continuation and expansion of the conversations. Both CDRCs and to a lesser extent Maisons have received cases of domestic violence for mediation. Almost all women beneficiaries were happy to have received assistance from the Maison, CDRC or LAC to help resolve their cases.<sup>46</sup>

The majority of interviewees stated there was more support now than in the past from local authorities (village chiefs, commune chiefs and councils, and police) when domestic violence was reported. The village chief still seemed to play a major role in dealing with these problems and many women reported that the responses of village chiefs had improved.<sup>47</sup> In some cases, interviewees still spoke of a lack of response by the police in cases of domestic violence (and in the case of other crimes in the community) and a continuing need to pay the police for their services. At the commune level, the presence of the police on the CDRC was found to be a positive asset to the work of the CDRC as the police could be called in to help reinforce the next steps (detention) in the cases of domestic violence.

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<sup>45</sup> The A2J Project has made significant progress towards a recommendation of the 2008 MOWA study to: "reduce the social acceptance and tolerance of violence against women and stigmatization of women subjected to violence". In the villages where community conversations had taken place, all interviewees, including former abusers reported a greatly reduced incidence of domestic violence and violence against women.

<sup>46</sup> However, in the context of short interviews, especially in public where neighbors or others could hear in spite of efforts made to respect privacy, it was difficult to know the full story. Only one interviewee, noted this tension, a woman VF and CDRC member stated she was not happy with the method of neutral mediation of cases, in reference to domestic violence. She felt that in the cases where the husband had abused the rights of the woman then he should be told so by the village chief or the commune-level committee and the case should not be mediated. See case studies in Appendix L.

<sup>47</sup> Ian Ramage, et al. (2008) 'Somroh Somruel & Violence Against Women', Domrei Research and Consulting, AusAID, IWDA, Banteay Srei, ADHOC: Cambodia, page 4.

Although domestic violence has decreased, it and other forms of gender based violence are still a very sensitive topic in the villages and in Cambodia.<sup>48</sup> Few interviewees at the village level reported rape as occurring, but the commune, district and province women's affairs personnel expressed concern about increasing numbers of rapes. In addition, the largest number of cases of women victims of violence defended by LAC were rape cases (33 percent) while the second largest was divorce (often related to domestic violence – 32 percent).

As noted in previous studies, the role of relatives, neighbors and local authorities needs to be carefully monitored. In the Case Studies in [Appendix K](#), some recalcitrant cases of domestic violence remain difficult to solve, especially in cases when alcohol is involved.

Village, commune and district officials in project areas are now aware of the law, as are many women and men in the communities where CCE's have taken place. Two primary factors were recounted causing the reduction in domestic violence, firstly women's awareness of their rights and their increased ability and courage to raise the issue of domestic violence with the authorities. The second factor is increased awareness of the Law on Domestic Violence by local authorities and by perpetrators or potential perpetrators. Many interviewees noted that repeat perpetrators of domestic violence had learned to stop the abuse, as they were now aware they would be sent to jail if violence continued and were afraid of being sent to jail. Other reasons included loss of income if their wife was injured, or lack of support for children's education. In contrast to the 2005 study on divorce when television coverage of the issue of domestic violence was less, many interviewees noted that the general public was more aware of domestic violence due to increased coverage of the subject on television and through information dissemination through various groups (UNFPA, NGOs and CCE), the MOWA and local authorities.

One serious concern, as also noted in the LAC 2009 report, and reported by many interviewees, is that almost all cases of domestic violence, including those with physical abuse are usually sent first for mediation. At times, even serious cases are attempted to be mediated. There was a tendency for most local authorities and CDRC members to continue to advise husbands, and especially wives, to reconcile.<sup>49</sup> In some cases, the CDRC members said it was their duty to reconcile two times prior to going to allowing the case to be referred elsewhere. In some cases, this reconciliation was against the express wishes of the parties, usually the wife who had been beaten. As noted in the 2005 divorce study, there is no clear legal definition of serious case of domestic violence (requiring prosecution) versus minor case of domestic violence (when reconciliation can be attempted). Interviewees distinguished between serious and minor case of domestic violence, but these descriptions were inconsistent. The issue of reconciliation and mediation of domestic violence needs further study.

Although information was included in the CCE manual<sup>50</sup> and materials exist (from GTZ) about how the woman should go to the court to obtain a protection order (or send a letter with a representative or the authorities), this topic rarely came up, and the concept remains entirely out of reach for most rural women questioned. Firstly

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<sup>48</sup> See Amnesty International (2010) *Breaking the Silence*. We found that there is still confusion about the meaning of the term 'violence against women', as people often interpreted this term as human trafficking or were unclear of the meaning. The more commonly understood term appeared to be domestic, which people often understood also included rape outside the family.

<sup>49</sup> Reasons given included bringing shame on the family, the woman would become a widow, she couldn't make a living, and the children would become orphans and would not be able to go to school.

<sup>50</sup> It is not clear if the topic of protection orders was covered in the CCE training.

they have neither money nor time to do this. Secondly, there is little support for them available and local authorities may often try to solve locally rather than refer to the court. There was poor coordination with other organizations providing services. Other mechanisms (as noted in the domestic violence law should be explored such as empowering the village or commune level women's affairs focal points serve as representatives to bring requests for protection orders to the courts (perhaps with the assistance of the judicial police representative at the MOWA).

The problem of alcohol abuse was noted in almost every interview as either related to, or a cause of domestic violence, and a high incidence was also noted in some previous reports such as the 2009 evaluation report of LAC. Several interviewees spoke of their frustration dealing with this issue, even with the assistance of local authorities and the department of women's affairs. There is a lack of options for the wives who fear becoming a 'widow' if their husbands are sent to jail. Besides counseling the person who was abusing alcohol (usually the husband) and advising him of the economic losses which result, there were few other options. Several interviewees linked issues of poverty and lack of hope in the future with alcohol abuse, noting that these factors are also linked to domestic violence. Most interviewees at the village level were not aware of the existence of services such as shelters, women's organizations or legal aid services, and in any case these were rarely available at the village level outside of the services of the A2J Project and a handful of NGOs (Banteay Srei and Cambodian Women's Crisis Center or CWCC).

### **Divorce**

As noted in the 2009 LAC review, initial sessions to mediate the terms of divorce and alimony cases may be a quicker, more socially acceptable and ultimately more satisfying means of resolving marital conflict than going to the court for the entire process. The CDRC members and Maison staff were aware that by law, divorces could only be mediated at the court, but several interviewees suggested that the details of the alimony, child custody and property division would be more appropriately mediated at the commune level where the mediators were more familiar with the local conditions. In addition, for the large percentage of marriages that are not legally concluded, and thus which cannot be accepted by the court, mediation at the commune or district level may be the most appropriate settlement procedure. However, some observers noted that in the past, when commune authorities mediate divorces, common practice is to provide some of the parties' assets to the authorities.

The incidence of legally concluded versus traditional marriages is not known, though it appears that the large majority of rural villagers have not gone past their traditional marriage to obtain the legal marriage certificate with local authorities.<sup>51</sup> Many CDRCs interviewed noted that these cases of '*état civile*' or non-legally concluded marriages, could not be decided by the courts and they were sent back to the commune level. It is unclear why they referred these cases to the courts, knowing the courts could not adjudicate. But in any case this issue was a major concern of CDRC members and other local authorities and should be examined in any future projects.

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<sup>51</sup> In a household survey of two villages conducted by East West Management Institute (EWMI) in 2009, in one village in Kampong Thom of 260 out of 265 families, only two households had marriage certificates, while 15 had marriage declaration papers (a process to inform authorities about a marriage so they can have the wedding party, make noise, block the road, etc.). See EWMI "Safeguarding Cambodians' Land Rights project" <http://ewmi.org/NewsArticles/NewsCam1209.htm>.

### **Gender mainstreaming**

In general, the participation of women in this Project was limited. All senior Project staff were men at the beginning of the Project, though later on there were more women. All of the senior staff at the central level of MOJ and MOI staff were men, as were all the Maison staff. In July of 2009, to correct some of the imbalance, the Project Board approved the hiring of a second female Maison assistant in each of the 20 Maisons, which improved the presence of almost no females at the district level. At the commune level, there was a greater participation of women, as it was designated that the deputy be the women's affairs representative. In total 30 percent of CDRC members were women. Amongst the three VFs per village, two were supposed to be women, but this was not possible in all cases. Most CDRCs and Maisons reported that they received more complaints from women than men, but during our interviews, this was not consistent. The EIC survey's interviewees were 37 percent men and 63 percent men<sup>52</sup>.

In the evaluation interviews, in general men dominated the discussions. In some cases however, women took a strong role. The women present were several times sent to find beneficiaries rather than participate in discussions. When we asked about roles of people during mediations, women were more often the note takers and less often active mediators. This was also the case during the mediation session we observed, though the woman mediator did speak a few times (while she was taking notes for the agreement).

We conclude that the Project has resulted in improved conditions for women, with increased access to justice and fewer cases of domestic violence in target villages. However, several issues remain which need further exploration including: the issue of domestic violence and alcohol abuse; the mediation of domestic violence and divorce cases; the use of protection orders; and the participation of women as Project staff.

### **3. Indigenous Peoples**

A cross cutting goal of promoting access to justice for indigenous people was included in several sub-components including legal advocacy at the national level, legal representation of indigenous people, and legal services at the district and commune level, raising awareness at the village level. In general the activities for indigenous peoples received high marks as being successful by those individuals involved as well as observers, apparently because so little had been done in the past, and the activities organized by CLEC (Peace Tables, legal training for Traditional Authorities, radio and TV shows, booklets and posters) and by UNDP (six publications on the customary rules of indigenous people and ADR training for Maisons and CDRC) were all well received. As per the 2007 study on traditional legal systems, "indigenous communities overwhelming trust, use and support their customary laws and conflict resolution processes within their communities".<sup>53</sup> The ADR and legal training<sup>54</sup> has served to supplement the customary laws and processes, to ensure greater rights for women and greater neutrality. The various issues related to indigenous people were coordinated at UNDP by one legal specialist and one assistant (for part of the Project period).

<sup>52</sup> EIC was instructed to prioritize interviews with women in accordance with the project's priority target groups. This does not reflect proportions of female to male clients.

<sup>53</sup> Ministry of Justice, Ministry of Interior and UNDP Cambodia. (2007) A case study of indigenous traditional legal systems and conflict resolution in Rattanakiri and Mondulakiri Provinces, Cambodia: Executive Summary.

<sup>54</sup> ADR training was provided by both UNDP and CLEC, while legal training only by CLEC.

The documentation of customary rules studies, in combination with the training in ADR processes, caused a fruitful bridging of the customary rules and increased access to justice, and the result seemed to be well-appreciated by beneficiaries. In addition, the close cooperation of the implementing partner CLEC with the Traditional Authorities through the Peace Tables, and Traditional Authority training led to a highly positive view of the Project by the indigenous people (which could continue in spite of the problems with support from the national level).

The participants in the community conversations were also very positive about the Project, also possibly due to a relatively low rate of NGO intervention in the North western provinces, and greater receptivity to the Project (especially by women victims of domestic violence).

In Mondulakiri and Ratanakiri a large percentage of all beneficiaries were indigenous people, but there were none in the other four target provinces (actual percentages were not available). In the provinces other than those in the northeast, there was no mention of indigenous people as a target group. Although Siem Reap, Battambang and Kampong Speu have some areas with indigenous people, these were not included as target areas. In some of the planning documents, for example, Oral District in Kampong Speu was mentioned, but finally was not chosen as a target district, though it is unclear why not. In addition, although many provinces have (small) populations of indigenous people, the people we questioned were unaware of these populations. None of the interviewees were aware of the indigenous people's component in Battambang, Siem Reap nor Kampong Speu.

There were no indigenous people as staff of the A2J for either UNDP or the government partners although CLEC in Mondulakiri had one Phnong (female) assistant. Most of the senior staff of the Maisons in Mondulakiri were Khmer, not indigenous (all three staff of Sen Monorom and at least the Maison Chief of Koh Neak) and the CDRC chief from Koh Neak who attended the CDRC workshop were also Khmer.

A constraint of this component was the general discrimination against indigenous people in Cambodian society. This was noted in conversation, in attitudes and in behaviours, of many staff and personnel in government and all organizations, and mentioned in some interviews – though not directed towards any of the Project partners. In many cases indigenous peoples tend to continue to live relatively separate lives, with an emphasis on their traditional practice and rules. This is one of the main reasons CLEC found it difficult to obtain clients for legal representation.

In Mondulakiri and Ratanakiri interviewees were clear that the role of the A2J Project was to help indigenous people and the poor. However, in some communes and villages, the selection of target districts and communes was not always focused on indigenous people, as some had large numbers of Khmer, and few indigenous people. In the indigenous areas the CCE component was very well received, with again strong commitment and high interest by VFs and MOWA staff, strong desire for more training, and great appreciation by CCE beneficiaries.

#### **4. The Poor**

Although almost all interviewees were able to articulate the goal of the Project as access to justice for the poor, not all beneficiaries were poor. The Project estimated that all but 18.6 percent of Maison clients were considered within the Project target group (comprised of categories of very poor, poor and lower middle class), all but 8.4% of CDRC clients, all but 7.7% of LAC clients and all of CLEC clients. The EIC

survey interviewees were primarily classified as poor: 38 percent of CDRC and 26 percent of Maison interviewees earned less than 5,000 riel per day, and 32 percent (CDRC) and 22 percent (Maison) earned between 5,000 and 10,000 per day. One hundred percent of CLEC clients and 66 percent of LAC clients earned less than 10,000 per day. Although many beneficiaries we interviewed would be considered poor, several beneficiaries were relatively well-off members of the community. The SWOT analysis indicated that both CDRC and Maison stakeholders felt a weakness was their inability to provide services for the poor. However the SWOT report did not indicate the reasons for this, and this topic did not surface in our interviews.

## **5. Project Management**

Although the findings of this evaluation are that all the components are at least partially successful, the Project has been plagued with management and coordination problems. Much of the evaluation time has been spent with interviewees focused on those problems. Several of these issues are discussed in the introduction on design and creation of the A2J Project. Across the three years of Project implementation, there were various delays due to staff changes, delays in recruitment, delays in funding, delays in endorsement by the country office and delays in the meetings of the Project Board. In this section, other issues are reviewed including early design and management challenges and implementation challenges.

### **Early design and management challenges**

Challenges included delays in implementation, a high rate of UNDP staff turnover, slow recruitment, and delays in funding. There was a lack of national ownership and unclear job descriptions and lines of authority. Support from senior levels of government and UNDP were lacking. There was early confusion about financial arrangements and the plan for the MOJ to nationally execute the Project, resulting in UNDP directly implementing the Project and causing long delays in administrative payments and thus in the Project. There was a lack of monitoring systems, coordination and linkages.

#### **Delays in implementation - high rate of UNDP staff turnover, slow recruitment and delays in funding**

The first UNDP national legal consultant and the first Project Manager stayed with the Project for several years during the first phase of the Project, but thereafter was a great deal of turnover of UNDP staff including financial staff, monitoring and evaluation staff, CCE staff and legal advisors. Staff did not leave exit memos or instructions or organized files, and many files were lost or misplaced. There were often long gaps in staffing as recruitment to replace these staff members was slow. The government complained that UNDP's recruitment processes were not transparent.

#### **Lack of national ownership**

National ownership of the Project has been problematic since the very beginning of the Project, including during the design phase and through its implementation. The lack of national ownership in itself caused a large number of management problems. A political analysis was never undertaken to ensure commitment for all aspects and components of such a project.

#### **Job descriptions and lines of authority unclear**

As noted in the section on design of the Project, lines of authority and management structure were unclear. There was also a lack of job descriptions and confusing and overlapping duties and responsibilities.

#### *Need for capacity-building*

In theory, the entire process of the A2J Project was designed to provide capacity-building, with the national and international legal advisors intended to advise government counterparts on the implementation of activities. Extensive ADR training was provided to national, provincial, district and commune level government and commune council staff. Additional extensive training on domestic violence was provided in the context of the CCE component to all levels of government as well, primarily members of the MOWA. A study tour went to Nepal to review ADR mechanisms (but government counterparts stated that it should have been to a Western country rather than to a developing country).

Besides the ADR training, given the lack of national ownership, little capacity-building was undertaken of the national-level government counterparts, in part because the UNDP staff ended up taking the lead for project implementation rather than government counterparts. In addition due to the impasse over the definition of the requirements suggested by the KPMG audit in January 2008, the MOJ never took on the financial responsibilities of the A2J Project so capacity-building related to finance were not initiated at that time. The Mid-term Assessment again recommended that UNDP provide additional capacity-building and in the 2009 and 2010 several trainings were undertaken related to financial management.

There seemed to be limited experience on the government side in the departments and staff selected to work on the A2J project, resulting in high expectations about benefits of the project. There also seemed to be limited experience on the part of UNDP staff working on government-run projects as well.

#### *Lack of support from senior levels*

As noted previously, this Project lacked support from the highest levels of government, and there was a resultant lack of national ownership. Interviewees felt that there were delays in start-up of the Project, difficulties in early implementation and a lack of coherence between some components (i.e. ADR activities versus the database, gazette and judicial decisions).

In addition, several A2J UNDP and partner staff members stated they felt they did not receive enough support from UNDP senior management. This Project was the first time that UNDP was working with the MOJ, and the Project had a negative image within UNDP as it took a lot of time to deal with the small details of the administration, putting a large burden on the UNDP staff. Most of these difficulties were related to the lack of clear guidelines and lines of authority in the original design of the Project.

#### *Confusion about financial arrangements during initial phases of Project*

An ongoing issue related to national ownership, was as to how the budget would be managed. Although A2J was a joint project of MOJ and MOI, under the CLJR, apparently it was decided that MOJ would be the national executing agency. From review of the Project Board meeting minutes and several interviews, it appears that UNDP had repeatedly asked MOJ to follow the recommendations of a micro-assessment conducted by KPMG in December 2007 (which include “approval of organizational structure of the Finance Dept. and filling of vacant posts, better segregation of duties, training of accounting staff, introducing a proper accounting

system”). It is not clear if and how many of these recommendations were followed, nor when, but it appears that UNDP was not able to approve efforts made by the MOJ. UNDP thus continued to execute the project themselves, which involved many layers of permissions and procedures which caused great delays in project implementation. This impasse and the resultant cumbersome administrative procedures caused a great deal of frustration, heartache and ultimately, frequent staff changes.

#### *Lack of monitoring and evaluation*

The Mid-Term Project Assessment had indicated a lack of monitoring and evaluation, as did the 2009 UNDP report. No systems had ever been set up for monitoring, and the vague outputs and changes in activities also complicated the monitoring process. Reporting on activities such as information dissemination and ADR cases was not clarified and reporting was inconsistent. Although several evaluation processes were initiated in 2009 (in the third and final year of the Project), there was throughout the Project a lack of field monitoring by both UNDP and government counterparts. This was further exacerbated due to the controversy over salary supplements and per diems in late 2009 through 2010, as government counterparts did not agree to travel to the provinces.

#### *Lack of coordination and linkage of components*

UNDP staff were initially not based in the ministry but instead were based at the UNDP office, thus there may have been a lack of coordination from the beginning of the Project. And, in spite of this lack of coordination being recognized at multiple board meetings, the problem was never ameliorated by either ministry or UNDP staff. Project meetings at the Phnom Penh level were initiated in August 2009 and have assisted somewhat in coordination but by this time the Project was already phasing out. In addition, some of the issues were too deeply embedded to solve with only such meetings.

The lack of linkages between components has been one of the greatest shortcomings of the Project. Staff in different components often had little idea what the others were doing. Although it was foreseen that there should be coordination meetings at the province level every three months, these were held inconsistently and in some provinces apparently rarely or never. In provinces where these were held, for example in Kampong Chhnang, there was a much higher knowledge rate about the A2J Project (though this may have also been due to the fact that the Project had been piloted there since 2007). Except some individual CDRC members who were involved in the CCE component, the district governors, the Maisons and the CDRCs knew very little about the CCE component.

#### **Implementation challenges faced**

Implementation challenges included a need for increased relationships between Maisons, CDRCs and courts; differences in communication styles and organizational culture of government and the UNDP; problems with salary incentives and per diems; absenteeism of staff; small issue of payment for services; insufficient and incomplete reporting; problems with the buildings, grounds and materials; and finally a lack of publicity and information dissemination.
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#### *Need for increased relationships between Maisons, CDRCs and courts*

In our interviews with judges, they appreciated that the Maisons and CDRCs could relieve their caseloads of small cases, or solve small cases not appropriate for the

courts. However there were some concerns that the ADR functions would interfere with court cases or that the Maisons or CDRCs were taking cases inappropriately. Some judges were also concerned about the method of referral, a topic which came up in the MOJ annual meeting held in April 2010 – presently, without a clear mandate, law or regulations for the functioning of the Maisons, the judges are obliged to re-start the investigation from the beginning and cannot use the statements gathered by the CDRC or the Maison.

#### *Differences in communication styles and organizational culture*

As noted above, there was a lack of internal coherence in the project, and the staff of the various components did not communicate well with each other. Several interviewees spoke of communication difficulties and a clash of organizational culture. For example, employees of UNDP were used to communicating via Email, while government counterparts preferred phone calls or text messages. UNDP staff felt that government staff treated them and spoke to them impolitely, while government staff felt that they were treated inequitably and unfairly by the UN.

Due to various issues related to national ownership, salary incentives and the overall design of the project as noted above, this project has been plagued by suspicion and mistrust between government and UNDP staff. Some interviewees in the A2J Project described their role as being between a ‘tiger and a crocodile’. The pressure of the government’s high expectations about reimbursements, compared to the lengthy bureaucratic procedures of UNDP led to many tensions.

#### *Problems with salary incentives and daily subsistence allowances (DSA) or per diems for Travel*

Another issue of great distraction to the Project was the issue of salary incentives and DSA payments. Government staff apparently had high expectations about these payments and thus brought the issue up at many meetings, during prior evaluations and during this evaluation. It is not clear why these high expectations existed, as UNDP has many other nationally executed projects and some of them do not provide incentives, and if they do, they are regulated through a general UN agreement.<sup>55</sup> Some of the government staff also made comparisons about the rate of per diems paid to them, and those paid to UNDP staff.

The United Nations Development Assistant Framework (UNDAF)<sup>56</sup> 2006-2010 includes an output to phase out donor-funded salary supplements, and UNDP in general tries to avoid giving such salary incentives. However, supplements were provided to several officials at the ministry level (six at the MOJ and four at the MOI at the rate of \$180 per month to \$165 per month), to the Maison chiefs (\$150 per month), the Maison assistants (\$50 per month). Since the Maison Chiefs were hired from outside the districts in which they were placed, their salary incentives were meant to account for additional costs for travel and living expenses away from their homes. It is not clear why the assistants received incentives, since they were hired locally and in most cases were already working at the district office in various administrative functions (and were not normally receiving incentives for their other work). However, because of the differential in incentives between the Maison chief and the assistants, friction was generated and caused discontent. There were

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<sup>55</sup> One project that is most closely related to the A2J project is the UNDP-supported NCDD/DOLA Project which has been running for almost two decades (previously under UNDP/Carere/Seila), and under which salary supplements have been made for staff at the province and district level, which is also implemented by MOI (these supplements are in general lower than those paid by A2J). Some interviewees made comparisons between the NCDD Project, although there were often misconceptions about the details.

<sup>56</sup> United Nations, UN Development Assistance Framework 2006-2010. Office of the United Nations Resident Coordinator in Cambodia, Phnom Penh, 2006, page 12.

almost no complaints or requests for such supplements at the commune level, as there were no supplements given.

In the last quarter of the Project in 2010, the problem related to salary supplements was exacerbated, as the RGC issued a sub-decree (No. 206 ANUKR.BK<sup>57</sup>) prohibiting salary supplements as of 1 January 2010. Work in the A2J Project, as well as in a multitude of other donor-funded Projects was interrupted as some staff lost their incentives to work. Although government counterparts were informed of this RGC decision, there were still hopes that the supplements would be reinstated, and in interviews, UNDP was often blamed for the lack of payments.

#### *Delays and lack of information about administrative budget and per diem changes*

Several interviewees also complained about UNDP changing rates of per diems over the course of the Project, and the lack of clear communication about the changing rates. Although there were some letters written by UNDP to clarify at least some of the changes, it is not clear how the information was then communicated to those affected. Although all interviewees stated they were happy about the Project and the training they had received, many are upset about what they believe was promised to them as far as budget and incentives. Even if their expectations are unwarranted, the misunderstandings have caused a lot of negative impressions and the blame is put for the most part on UNDP. If salary supplements, administrative costs or travel costs were decreased, they should be informed in writing, at all levels, when the changes happened and why the decisions were made and by whom.

#### *Staff attendance - absenteeism and varying levels of commitment*

At the Phnom Penh level though the two primary MOJ staff and one MOI staff were fully present and engaged with the Project, at the time of this evaluation, all other ministry staff were only occasionally seen by the evaluators and several were never seen. At the Maison level, there was a major problem with absenteeism of the MOJ-appointed staff person (Chief of Maison). In most other cases it appears that the first and second assistants were usually present at the district, though if not busy they were usually assigned to other administrative duties.

#### *Payment for services*

In the SWOT analysis, preliminary Beneficiary Survey and in our interviews, a very small proportion of people, less than five percent mentioned they had to pay for the services of the Maisons, the CDCs or other authorities. Although this should have been 0 percent as per the design and goal of the Project, given the ongoing culture of corruption in Cambodia, especially around the courts and local authorities, this is a surprisingly low percentage of payment. It remains to be seen however if this would be sustainable. In several cases, beneficiaries of services stated they were not asked to pay for services but they knew (as per unspoken rule, or previous experience) that they should offer 10,000 to 20,000 riel (\$2.50 to \$4.00) as a payment for 'paper or pens'. On the other hand, a few beneficiaries and outside observers mentioned beneficiaries were asked to pay 20,000 to 30,000 riel, and at times were even able to bargain down some of these costs. Several of the LAC beneficiaries expressed strong gratitude and great surprise that the LAC staff assisted them to avoid making payments at the courts.

#### *Insufficient and incomplete reporting*

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<sup>57</sup> Sub-Decree No. 206 ANKR.BK dated December 03, 2009 on the Conclusion of Application of Program of Priority Package and Extra Bonuses Based on Achievement of Work.

A major problem with the A2J project was related to the reporting – the lack of it, and its inconsistencies. It has been very difficult to obtain summary statistics for this evaluation, much less breakdowns of different types of conflicts. Clear data collection systems were never set up at the beginning of the Project in order to ensure the receipt of proper statistics (on numbers of women, poor and indigenous peoples for example). Although monthly reports and quarterly reports are submitted by the CDRCs to the Maisons, and by the Maisons to the District Governor and (sometimes) the courts, there were problems obtaining the reports by the MOJ and MOI, and these were only inconsistently received by UNDP. There was not a clear receipt or storage system for reports. The MOJ and MOI had difficulty aggregating the data, and sometimes the correct data was not requested. . Neither the CDRCs nor the Maisons were required to do yearly summary statistics, which inhibited their ability to compare their work by year or to make conclusions or planning.

Case reporting was particularly difficult in the CDRC and Maison reports, as it was not possible to distinguish between current cases, old cases and which cases were solved or referred. There thus has been some confusion with statistics as some continued cases were counted several times from month to month. Although since the beginning the donor, and since at least last year the Project Manager has requested the various reports to include statistics related to the numbers of women, indigenous people and the poor, this has not consistently happened

Another aspect of the work of the various components was to provide informal consultations, especially at the Maison level and by LAC and CLEC. However, neither the Maisons, CDRCs, nor CLEC reported regularly on the numbers of consultations; this was only reported by LAC. We were not able to gather this data in all sites, but some Maisons estimated one or two consultations per month.

#### *Buildings, grounds and materials*

The image of the Maison de la justice is in general quite impressive, with either a repaired or newly-built building with a prominent sign on the building. All Maison offices we visited had new furniture (desks, file cabinets, chairs, bookshelves and whiteboards). The CDRCs also had the same set of materials, less the bookshelves. Much of this furniture still seemed quite new, but was being well used. These materials were all procured by UNDP and seemed out of place amongst the other locally-purchased furniture at the district and commune level. In some cases, some of the modern furniture has been shared amongst the various offices and not used exclusively by the Maison or CDRC. Most of the CDRCs and Maisons visited during the evaluation seemed to be using the furniture and file cabinets, and most were keeping the confidential files in the locked file cabinets. In the January 2010 Project Board Meeting the MOJ mentioned they had been expecting computers to be delivered to the Maison offices, and were disappointed that this promise had not been fulfilled. However it is not clear if these were ever promised or budgeted for.

Almost every Maison chief (and sometimes district chief or deputy also) complained that they had been promised a bathroom to be built, but UNDP had not delivered on this promise. In one case the bathroom was built but they said it could not be used because there was a small piece of tin missing from the roof. In two cases the districts said they had gone ahead and built the bathrooms and were waiting for UNDP to reimburse them. In some cases it was not clear why they needed a bathroom, as there was a bathroom situated next door at the district headquarters. In some cases there was a clear need for a bathroom. UNDP had approved only some of the bathrooms, but it was not clear to us, nor to the districts why some were approved and others not. UNDP staff stated that there was confusion about

procurement procedures and proper documents had not been submitted, but that these issues were not followed up by UNDP.

A few of the Maison chiefs complained that the Maison building was too hot and a fan was needed. At the level of the CDRCs, there was often a lack of space for meetings (including the evaluators') and several CDRC members brought up the need for a space to conduct confidential mediation sessions.

#### Lack of publicity and information dissemination

During our time in-country, the two evaluators spoke to many contacts informally, some in the justice sector, some in human rights, some doing local development. The A2J Project was not well-known: sometimes people knew some vague information and sometimes nothing at all. Even within UNDP the Project was not well communicated, nor within the ministries. Other NGOs, courts and provincial and district authorities also knew very little about the Project. The lowest rated question on the EIC beneficiary Survey was awareness of services, 3.3 on a scale of 5, thus indicating a greater need for information dissemination to potential beneficiaries as well. The SWOT analysis showed information dissemination and sharing of information as some of the greatest weaknesses of the CDRCs and the Maisons.

Although information dissemination was one of the tasks of the Maisons, as noted in that section, it appears that speaking about the work of the Maison at the district monthly meeting or occasional provincial meetings was the main extent of the dissemination. There was no clear system of disseminating the Maison poster or brochure. No brochures or posters were prepared for the CDRC or CCE component.

#### Significant under-expenditures

For various reasons, there were significant under-expenditures of the Project: of the total budget of USD 3,932,599 approximately USD 600,000 will remain unspent, primarily from AECID funds.<sup>58</sup> The reasons for the under-expenditures included premature ending of the project activities that were scheduled to continue until the end of 2010, delayed arrival of funding in 2007, delayed staff appointments for various components (in particular the CCE component) and then a resultant delay in implementation of activities.

## VI. SUMMARY OF FINDINGS

See [Appendix I](#) for a summary of findings which reviews success (achievement of objectives and views of stakeholders), implementation, sustainability, cost-effectiveness, numbers of beneficiaries, total expenditures and percentage of budget. The chart summarizes the evaluators' subjective views on several of these measures, while detailed justifications can be found in the findings sections above.

In many of the interviews with the key stakeholders at local levels, we asked how they rated the various components (Maisons, CDRC, CCE and ADR training they had received). Most of the responses were 'good', though a few were moderate and a few were excellent. When asked to explain, respondents indicated that the services were functioning quite well but that they were still in pilot stage and needed more refinement. In general these insiders felt that the Maisons were functioning better than the CDRCs. The view from the district and commune level was that the

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<sup>58</sup> This amount is estimated by the project management since at the time of this report the final financial report was not finalized.

community conversations were less successful, but those who were involved in the community conversations including VFs, local authorities and women's affairs representatives were very positive about them.

## A. Cost Effectiveness<sup>59</sup>

There was a great deal of variation in the ADR components of the Project in implementation methods and funding levels. Thus any measure of cost-effectiveness is very tentative as many of the components are doing totally different types of activities, with totally different populations. See [Appendix I](#) for a summary of findings, which indicates the various percentages of the total funding applied to each component and a rough estimate of the level of cost-effectiveness.. The estimates were based on the cost per beneficiary, and the type of activity carried out. For example, although legal services were relatively costly per client, the hours spent on one client (61 hours)<sup>60</sup> were much higher than the hours for one mediation (10 hours) average).

On the other hand, although one beneficiary in general probably attended community conversations for an average of 12.5 hours (five sessions out of ten for one family member, for an average of 2.5 hours per session) the beneficiary was only one in a group of thirty so did not have individual attention as in legal cases. Another factor of cost effectiveness is related to the impact of an activity on the greater community. For example, while legal services primarily affected the single client and their family, many people attended the conversations, and there was more discussion both during and after the conversations, more interaction and more impact upon the community as a whole.

Finally for the Peace Tables, although cost-effectiveness was rated as high due to the relatively low expenditure per person, it was extremely difficult to relate that to the actual impact, since there were no measures of the length of time for each Peace Table, how many people were involved, nor the final impact on the community, or on the numbers of community members. As noted above, all these measures of cost effectiveness are very rough estimates and can be interpreted in a number of ways.

Although for legal advocacy at the national level (seven percent of expenditure) we were unable to determine cost effectiveness, for legal representation for women (eight percent of expenditure) cost effectiveness was found to be good, for legal representation for indigenous people (two percent) cost effectiveness was found to be poor, for Peace Tables at the province levels (one percent) cost effectiveness was excellent, for legal services at the district level (25 percent) cost effectiveness was fair, for ADR at the commune level (12 percent) cost effectiveness was excellent, for empowerment of women at the village level (23 percent) cost effectiveness was good, and for empowerment of indigenous people at the village level (20 percent) cost effectiveness was fair.

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<sup>59</sup> This section on cost effectiveness was included at the request of UNDP, although the evaluators note that this detail was not included in the TOR. In addition, a true cost benefit/effectiveness analysis would be an entirely separate process, and would have required the Project to consider this from its creation, which it has not. In addition, cost effectiveness was particularly difficult to consider because there is so much confusion within the Project about beneficiary numbers and actual expenditures. In the absence of full information about the expenditures and total numbers of beneficiaries, these estimates are extremely rough.

<sup>60</sup> LAC determined that on average they met with clients three to four times for three hours each (10 hours); did investigations three times for six hours each (18 hours); made four to five court visits for two hours each (nine hours); and drafted court files for 24 hours: for a total of 61 hours.

## VII. SUSTAINABILITY AND REPLICABILITY

### A. Overall Project Sustainability

The project documents indicate that the A2J Project was meant to be a pilot to test various methods and to introduce ADR processes to Cambodia, and during implementation, especially during initial phases, the Project was not focused on sustainability. This was a shortcoming of the Project, as more emphasis on sustainable results could have achieved greater impacts. For example, in the last months of the Project several manuals were produced, and if these had been produced earlier, the learning of the ADR processes could have been reinforced.

As a large, multi-level project focusing on access to justice for women and indigenous people, the Project is not sustainable as a whole. Many of the components are merely in the beginning stages; some only begun in late 2008 or in 2009. Due to coordination and administrative difficulties, many aspects of the Project were delayed or incomplete. None-the-less, there are several indications of sustainability of particular Project components, which are described in the next section (see findings sections for more detail).

### B. Sustainability of Project Components

#### 1. Legal Advocacy National Level: Needs Follow-up to be Sustainable

The first portion of this component, producing customary rules was completed but more follow up is needed to ensure that the legislators actually integrate some of these rules into legislation. Another specific programme would be needed to follow up on the other legislation related to divorce and domestic violence.

#### 2. Legal Representation at Provincial Level: LAC/CLEC – Not Sustainable (but not expected to be) Peace Tables – Partially Sustainable

Although not sustainable, it would not be expected that the legal services provided by LAC and CLEC be sustainable, as legal services in most countries are paid for by the government. Thus although not sustainable, they are necessary for rule of law, and especially to increase access to justice for vulnerable populations.

Although costs involved with the Peace Tables (transportation, hospitality, supervision and support from CLEC to the participants) are not sustainable, the concept of the Peace Tables could be partially sustainable, as the indigenous people participants were supportive of them, and in some cases, the government or companies involved in various complaints may see a benefit in negotiating rather than continuing the conflict, or going to the courts.

#### 3. Legal Services at District Level (Maisons): Partially Sustainable

Although the Maison assistants were based at the district level, and can continue to take on cases on their own, the Maison chiefs who come from outside the districts may not be able to continue their work without the salary supplements provided by the Project. Thus, the district level mediation services could be sustained if the

district government continues to allocate staff members (even part-time) from other services as they have been doing throughout the length of the Project. Another part of the Project at this level is the supervision of the CDRCs which is also probably not sustainable unless some minimal funds are provided for administrative costs (such as paper supplies, copying and gas for travel to the communes).

#### **4. ADR at Commune Level (CDRC): Sustainable**

The Evaluation found that the CDRC members interviewed in general showed high commitment to continuing the mediation processes they had learned. Three or four of the CDRC members can continue to use these processes without additional funds or support. The elected CDRC members will probably need reimbursement of administrative costs (gasoline for travel) in order to remain involved in the CDRC processes. Local authorities were pleased that their own caseloads of minor conflicts were decreased so will presumably continue to support the processes of the CDRCs. However in order for the process to be fully sustainable, actions planned by the MOI (writing a law on ADR processes, creating CDRCs in all communes and establishing other regulatory frameworks) need to be carried out.

#### **5. Empowerment of Women at the Village Level: Partially Sustainable**

The findings on the sustainability of the community conversations were mixed. On the one hand, the goal of the community conversations, to decrease domestic violence at the village level, was apparently achieved so that the results have been sustainable. Many respondents, especially at the village level spoke fervently about women's rights now being practiced, as women were no longer accepting domestic violence and would now dare ask for divorce if violence continued. However most of the VFs, women's affairs staff and others we interviewed felt that with the end of funding for the village-level meetings, there would be no more meetings and no more large, organized community conversations and thus the information about domestic violence could not easily or completely be passed to new families. Although each participant in the conversations was supposed to tell three other people, this practice seems not to have occurred in many cases, and many of the VFs did not follow up. In some cases however, certain individuals had done an excellent job of disseminating information in their areas and it was apparent that many neighbors and non-participants were also aware of the issues around domestic violence.

#### **6. Empowerment of Indigenous People at Village Level: Partially Sustainable**

In the northeastern provinces, although customary rules were still being used, we observed that Traditional Authorities seem aware that they must make some concessions to mesh their rules with Cambodian laws under the formal legal system. The ADR mechanisms they learned, as well as the legal training received seems to have provided the Traditional Authorities with a practical system they can use while still being able to rely upon their customs. Ultimately, this modified method of dispute resolution would probably be more sustainable than imposing a more formal Cambodian legal system.

## VIII. RECOMMENDATIONS AND LESSONS LEARNED

### A. Human rights Training Database – Officially close

In concurrence with the Mid-Term Assessment, this component should be officially closed.

### B. Disseminating Judicial Decisions – Officially close

In concurrence with the Mid-Term Assessment, this component should be officially closed.

### C. Official Gazettes – Officially close

In concurrence with the Mid-Term Assessment, this component should be officially closed.

### D. ADR Component

#### **PRIORITY RECOMMENDATION – CONTINUE CDRCs**

CDRCs were the most successful and cost-effective amongst the components: to continue them is the primary recommendation of this evaluation

#### **PRIORITY RECOMMENDATION – CREATE ADR TASK FORCE**

The duties of the Task Force (including a international legal advisor) would be to develop regulations for ADR processes (including codes of conduct and ethics); review existing ADR procedures (including in comparison with arbitration processes); review training processes; consider the creation of a national training institute and/or a national association of mediators.

- There are two approaches which could be chosen by sector, or by component. Government and potential donors could consider projects to broaden the scope of the CDRCs or other components in wider geographic areas, using the strategies and lessons learned highlighted below (see section on CDRCs).
- Or, another approach would be to focus on the overall objective of increasing access to justice for women and/or indigenous people by again including all levels of intervention (village to national) in a geographically limited location.

Following are specific recommendations regarding each component.

### 1. Legal Advocacy at the National Level

The goal of the A2J Project to link activities at all levels was predicated on advocacy at the national level, but specific activities and staff were not assigned to carry these out. A great deal can yet be done to follow up on legal advocacy at the national level. However, specific recommendations to complement the A2J Project results to date are as follows:

- ▶ **Provide greater support for activities, and greater coordination from UNDP, MOI, MOJ and MOLand**

National and provincial and local level activities need increased (political) support from UNDP, MOI, MOJ and MOLand

Improve coordination and networking with other stakeholders

Coordination and networking with other stakeholders on women's rights, domestic violence and rights of indigenous people are needed. Continue annual legal seminars on issues of importance such as the domestic violence law, or the complementarities of customary rules and Cambodian laws.

► **Consolidate lessons learned in access to justice with follow up activities including seminars and training on customary rules, review of laws and coordination.**

Conduct seminars and training on customary rules for government officials

Although the documentation of customary rules of five different ethnicities (in six villages) has been launched and distributed to key ministries and departments at the national and provincial levels, in order to ensure an adequate understanding of them for law and policy-makers, so that in the making of new laws the customary rules are respected and supported, seminars and training sessions should be organized.

Consolidate lessons learned about customary rules and their current application alongside ADR methodologies. Improve coordination through a review of A2J Project activities

This should be done in a joint workshop and by providing increased support for national and province-level activities by UNDP, MOI, MOJ and MOLand.

Continue to review and revise legislation on forestry law

As there remain major problems with land use in indigenous areas and a need to protect the human rights of the indigenous people, legislation on forestry law should continue to be reviewed and revised.

Clarify legislation related to divorce, alimony and domestic violence

Many issues were highlighted during the implementation of the A2J Project which highlight the need to clarify legislation related to divorce, alimony and domestic violence.

## **2. Legal Representation for Women and Indigenous People at Province Level**

► **Improve coordination and networking with various stakeholders**

This is needed in order to share common issues and challenges, coordinate services to avoid overlap and ensure coverage in underserved areas, and to ensure that issues at the local levels receive attention at the national level for planning and funding purposes.

► **Continue legal representation of women by LAC in existing and new provinces**

There is a great need for legal services for women, and these services should be continued and expanded.

► **Review legal representation of indigenous people by CLEC**

Due to low caseloads and low priority given to legal representation by CLEC very few cases were accepted. Review the reasons why there were so few cases, and revisit the need for services and/or need for other supplemental approaches to improve legal representation. Other existing NGOs such as ADHOC could also be considered to provide legal representation if it is not possible for CLEC to provide full-time legal services.

► **Continue Peace Tables**

These Peace Tables were found to be very innovative and useful, and should be continued but improvements are needed which include to improve coordination, and to improve national support of local activities (see section below on indigenous people).

### **3. Maisons de La Justice**

► **Continue to provide district level ADR services but review functions of MOJ and MOI staff**

In order to provide monitoring and supervision of commune-level ADR services, as well as a venue for appeal or reinforcement of agreements made at the commune level, a district-level ADR mechanism is recommended. However at this time, the Maisons are not fully functioning. Firstly develop systems to clarify office functions, supervision and monitoring; consider dividing staff functions; provide adequate supervision and coordination; provide adequate budgets; and review processes for legal advice. Secondly revisit the option of creating a judicial body at the district level, and/or consider setting up district level dispute resolution committees.

*Develop systems to clarify office functions, supervision and monitoring of staff and review functions of Maisons*

Include a system for attendance and activity records. Provide better supervision of staff for information dissemination and assessment of legal needs, and request reports of activities. If case numbers are insufficient, establish trial period and clear expectations to determine whether or not to continue presence of staff at Maison level. Conduct review of staff attendance and numbers of cases received by Maisons. After a review of functions, consider if and how MOJ and MOI staff should work together, and the necessity for salary supplements versus the utilization of current district staff already on government payrolls.

*Consider dividing staff functions at the Maison level*

One possibility would be to assign ADR duties under MOI, and duties related to the courts and legal issues supervised by MOJ. However lines of supervision, communication and reporting must be clearly delineated at the start of the project.

*Provide adequate supervision and coordination of mediation services at the commune level*

Government staff should be appointed who are experienced with ADR, to supervise the CDRCs and provide mentoring and advice. Criteria for selection as mentioned in the operations manual such as good social morality and good reputation are

important for mediators and should be regulated by the code of conduct, and a mechanism to enforce the code of conduct.

*Provide adequate travel and administrative budgets*

Small budgets are needed for travel for supervision, investigations and information dissemination.

*Explore the need for legal advice and information*

This role of the Maisons was not adequately explored, as to the demand for legal advice and information. Consider a roving Maison information desk provided once a month at the commune and district level, to give (free) legal advice to the people and to increase trust of the court and Maison services. If the Maison is to be used as a legal resource center, the availability of the center has to be disseminated, especially within the district and commune offices.

**► Reconsider setting up a judicial institution at the district level under MOJ**

As was recommended in the original A2J Project document and the Justice of the Peace study, there are several options for legal services, including a *Sala Lahouc* (small claims courts) or variations of mobile court systems under the jurisdiction of the provincial court. Such a legal service could deal with civil and criminal cases within the jurisdiction of the court which are not appropriate for mediation.

These small claims courts should be staffed by MOJ staff, but if staff are transferred from their homes an assessment should be made if the need for relocation costs which should be made available only if the staff member is present in the duty station. The MOJ-appointed staff could serve as a legal consultant to the mediation processes.

However, administrative staff should be recruited from within the district to assure that staff absenteeism is not a problem. And care must be taken to avoid confusion between the ADR and judicial functions of the Maison through the use of carefully written job descriptions and lines of authority. Current Maison staff could be considered for a supplementary or advisory role so as not to lose institutional memory. These small claims courts should be piloted in existing locations with procedures established including clear job descriptions, recruiting procedures, job qualifications, management and budget procedures and functions clearly described and tested.

**► Consider setting up District Dispute Resolution Committees**

This could be considered as a sub-committee under the jurisdiction of the newly formed District Committees, under the Organic Law, mimicking the structure of the CDRCs. The MOJ staff person could serve as an advisor to this committee and provide legal advice and information.

## 4. CDRCs

**The CDRCs were the most successful and cost-effective amongst the components: to continue them is the primary recommendation of the evaluation**

- ▶ **Continue CDRCs in existing locations, then consider a staged process of expansion of CDRCs country-wide, dependent upon funding**

Create a training of trainers program; provide adequate budgets, mentoring, exchange meetings and continuing education. Consider funding to create a space for confidential mediations. (See additional recommendations in sections below on ADR, women and indigenous people.)

### Continue CDRCs in existing locations

Given the high commitment of existing CDRC members and the fact that they are well accepted by the commune structure, and relied upon, and in order not to lose the momentum of the Project it is recommended to continue the function of the CDRCs directly, by providing only small administrative budgets (\$15-20 per month per CDRC). In order to ensure participation of all members of the CDRC, this should be facilitated by providing adequate travel costs for elected village-level members. Continuing education, supervision and mentoring are still needed as the first phase of the A2J Project was still only a pilot.

### Expand CDRC into all communes of pilot project districts – develop Training of Trainer programme

As the district governments in pilot districts are already familiar with the CDRC concept, to expand the CDRC into all communes in those districts would be relatively easy and cost effective. Once a TOT program is developed, existing government staff and CDRCs can assist in the training of new CDRCs. Outstanding trainers can be selected from currently trained communes. Women and indigenous people should be included as trainers. Mentoring should be provided and a supervision mechanism to ensure that the code of conduct is followed. Reporting mechanisms are needed.

### Consider expanding CDRCs into new districts in pilot provinces

CDRCs should be expanded to more districts using an incremental staged plan to allow for adequate supervision and control. The expansion could be sub-contracted to an existing NGO<sup>61</sup> that currently conduct similar training working closely with MOI staff at province, district and commune level.

Develop new CDRCs in new districts – use same format and use already trained staff to train at district level.

### Consider expanding CDRCs into new provinces

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<sup>61</sup> NGOs working on ADR include CLEC, BfD, ACT, CDRI and a newly forming ADR Association, many of which have ADR manuals (used in the development of the A2J Project manuals and methods). EWMI has published an ADR manual.

As per above, CDRCs could be expanded into new provinces with support provided from an NGO that currently conducts similar training working closely with MOI staff at province, district and commune level.

*Provide administrative budget for CDRCs*

Adequate administrative budget is required to allow for all members, especially the committee members (often poor farmers) chosen from the village level, who do not have the means to travel easily to the commune headquarters. The management of the budget however must be transparent for all members of the committee and between the district, commune and committee members. The budget should include transportation costs (at a clearly set level – though even those who travel less than 10 km on a regular basis should receive some sort of reimbursement), hospitality costs (drinking water) and office costs such as paper, pens and photocopy costs. The budget should be integrated into the commune budget.

*Set up mentoring system for old and new CDRCs*

Although many of the CDRC members felt they were satisfied with their abilities, some were not, and some observers felt that their skills should be improved. Since only training was provided by the A2J Project and not mentoring, a program using skilled mediators should be developed at the national level to mentor CDRC members which should include the physical presence of a skilled mediator at the district level.

*Continue exchange meetings and set up continuing education system*

Although many CDRC members acknowledged that their role was not to decide cases but to help complainants come to a decision, many requested further training on the law. Continuing education on laws and other topics should continue, which should eventually be integrated within government functions to make the service sustainable. Regular meetings of CDRC mediators were much appreciated and provided opportunities to learn from each other and exchange ideas. Funding for provincial and national level meetings with outputs on best practices and lessons learned is also important to allow for exchange of ideas at higher levels and to assist national management structures to understand and supervise the work.

► **Location for Confidential Mediation Needed for CDRCs<sup>62</sup>**

A room is needed for CDRCs to hold meetings and resolve disputes. The present system does not allow for adequate confidentiality of the mediation process. Although it would require a large investment to build a separate room or building to house CDRC mediations, the issue of how to provide privacy and confidentiality for future CDRC mediations should be considered.

<sup>62</sup> In order to cut costs, and to avoid significant expenditures if ADR functions of CDRCs were to be expanded to all 1,621 communes, innovative green, local technologies or housing for refugee populations could be explored.

## 5. Community Conversations

### ► Continue village-level awareness building for women's rights and domestic violence

Link the village level awareness-building to commune and dispute resolution activities, and with greater coordination with other similar projects and services such as the police. Review training materials, the effectiveness of training, methods and beneficiary selection processes. Review the cost-effectiveness of the community conversations and comparative advantage of NGO implementation. Initiate a training of trainers program<sup>63</sup>, and consider specialized approaches for specific audiences (police, youth, perpetrators). Develop longer-term approaches and include a sustainability plan.

Although all participants and observers appreciated the community conversations, the extensive training and multiple sessions (ten two or three-hour sessions with the same group of thirty villagers/families) was quite expensive. It does not appear that to date the UNDP has the comparative advantage to conduct grass roots training such as the CCE component. Thus, although a village level component is recommended, it is recommended that this be done through the MOWA with support from a local NGO with previous ties to the community, and/or experience with domestic violence education. As a stand-alone project one year is not enough time to reinforce the training and processes and to make it sustainable, not to ensure that attitudes have fully changed. To continue work on decreasing domestic violence, it appears that the entire system, of village-level awareness-raising, in conjunction with commune level ADR is needed, as well as with increased support from the local authorities related to law enforcement.

*Expand the community conversations into new villages in existing communes, through the development of a Trainer of Trainers Program – Review Materials*

To solidify the training received by current VFs, select trainers from amongst them for TOT in conjunction with Commune and District level DOWA, with support from existing NGOs such as Banteay Srei or CWCC. Review the training materials from this Project, as well as from the extensive materials developed by GTZ and provide more extensive training to the trainers of trainers and key DOWA staff. Review, revise and supplement materials for CCE trainings, as the CCE evaluation indicated some misconceptions about domestic violence still occur.

*Consider expansion of community conversations into new communes in conjunction with expansion of CDRCs*

In order to link the reduction of domestic violence and ability for women to understand and claim their rights, community conversations should also be expanded to areas where new CDRCs are developed.

*Coordination should be improved*

<sup>63</sup> A manual for training of trainers on domestic violence was published by GTZ in 2005 in the English and Khmer language.

As mentioned above, close coordination is needed with the key players in domestic violence issues such as village chiefs and other local authorities, as well as police. CDRC members, district governors, and local NGOs should be included in some training sessions. Information sharing with other organizations working on similar issues (such as UNFPA, UNICEF, CCJAP, etc) is crucial. The issues of providing per diems, travel costs and meeting costs can be coordinated to avoid jealousy and ensure good participation. Deputy Governors (or whoever in the District office is responsible for the project) should attend at least the first and last community conversations, and training sessions to improve coordination and linkages.

#### Review methods and beneficiary selection of the community conversations

Review the varying methods of the community conversation beneficiary selection, which ranged from 5 percent to 75 percent families with a history of domestic violence. Some VFs also varied the participants in the community conversations to increase coverage in the whole village. Review the disadvantages (negative stigma associated with the training) and the advantages (targeting problem families to directly decrease incidence of domestic violence) of the various methods, and revise them accordingly. Consider specialized methods in indigenous areas and urban versus rural locations.

#### Review CCE materials and VF training capacities

An assessment should be made of the CCE materials, and the capacities of the various village facilitators, to ensure that the information that is being taught is accurate. The SWOT analysis showed a weakness in VFs ability to organize and to facilitate. There was also a lack noted in the possibilities to follow-up to make sure the cases were resolved. These issues should be addressed and the assessment should be done by a gender expert concerning the content on gender and violence against women, as well with expertise on training. Develop materials for the beneficiaries or coordinate with others such as GTZ to use their materials.

#### Consider specialized approaches for domestic violence perpetrators, youth, village chiefs and police

As many participants stated that those who committed domestic violence infrequently participated in the conversations, consider developing a peer to peer program, or other approaches to reach the perpetrators of domestic violence. A recommendation of the MOWA Gender Assessment was that ‘much more attention needs to be paid to male attitudes and behavior’<sup>64</sup> and this finding was reinforced in our interviews. Youth also were mentioned as an important population to reach for future training: firstly to help educate young married couples, and secondly to try to prevent or reduce domestic violence in future generations. Consider including youth in training for VFs for a youth to youth programme. GTZ is currently piloting an extensive toolkit for youth. Village chiefs and police are key players in domestic violence reduction and enforcement of laws related to domestic violence, and they should be included in the training programs.

#### Develop sustainability plan for community conversations

Consider other methods to increase sustainability of the community conversations and domestic violence training. More support is needed from local authorities as indicated by the SWOT Analysis. It also showed that the VFs felt they needed more capacity to fundraise. One possibility would be to provide a fund for small project proposals for continued training sessions, such as are done by the NGO Banteay

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<sup>64</sup> MOWA Gender Assessment (2008): page 5.

Srei in conjunction with MOWA (see format in [Appendix L](#)). Then the local communities can target areas of greatest need. The publication of posters, comic books and brochures could also increase the sustainability and impact.

## 6. Indigenous Peoples

- ▶ **Continue Training for Traditional Authorities, carefully select project sites, and conduct workshops on how to integrate traditional practices and mediation methods**

Similar to findings on CDRCs, the ADR mechanisms now used by the Traditional Authorities serve to help indigenous people better integrate into Khmer society. However, coordination is needed. (See also recommendations about ADR many of which apply to the ADR for Traditional Authorities.)

### Conduct careful site selection.

This needs to be done in order to ensure the inclusion of indigenous peoples in all provinces.

### Conduct workshops on how to integrate traditional practices and mediation methods

Now that ADR mechanisms have been piloted in several indigenous areas, by both the UNDP staff and CLEC experiences have been gained which can now be consolidated through workshops and further study as to how best to implement ADR in indigenous areas. One aspect of this is if, and how the training for Traditional Authorities has related to training of CDRCs .

- ▶ **Promote activities to decrease discrimination and increase the numbers of indigenous people involved in projects.**

Provide training sessions on stereotypes and prejudice reduction for Khmer government officials, IO and NGO staff.

Hire staff who are indigenous people, including providing special courses or entry points to include their views.

## E. Cross cutting issues

### 1. General ADR Issues

- ▶ **ADR processes should be continued through a Task Force on ADR, develop regulations, quality control and review existing procedures**

The duties of the Task Force (including a international legal advisor) would be to develop regulations for ADR processes (including codes of conduct and ethics); review existing ADR procedures (including in comparison with arbitration processes); review training processes; consider the creation of a national training institute and/or a national association of mediators.

#### *Create a Task Force on ADR*

So as not to lose momentum gained from the A2J Project, a Task Force on ADR should be created immediately, including key staff members of the current A2J Project, especially the two MOJ and MOI Project Managers and Focal Points, key UNDP staff persons, a legal advisor and a representative from the MOLand and MOWA. This Task Force and Legal Advisor should also review other specific recommendations made below, and elsewhere in this report.

#### *Regulations on ADR should be developed*

This evaluation strongly supports an ADR mechanism at the district and commune levels (mechanisms for the provincial and village levels were not piloted through A2J except through the Traditional Authorities at the village level in indigenous areas).<sup>65</sup> As suggested by the UNDP Project Manager the law, sub-decree or regulations should clarify: 1) Competency of mediators, i.e. which cases can be mediated and which cases should be referred to courts or other government institutes; 2) Training and code of conduct for mediators (including disciplinary board); 3) The legal value and execution of mediation agreements.

#### *Create National Association of Mediators/ADR quality control*

At the moment, there is neither quality control for the skills of mediators, nor any mechanism for recourse if complainants want to comment on the services of the mediators or the mediation process. One route would be the provincial and district complaint boxes set up under the auspices of the Organic Law on Local Administration. Another process could be a national association of mediators, which could receive complaints and to which one would have to belong, and to participate in a minimum period of training. A national association of ADR trainers could also be employed to ensure quality of ADR training.

#### *Review existing ADR procedures, in coordination with NCDD and other organizations involved in ADR*

Since the NCDD program has also been training Commune Councils on dispute resolution procedures, these two trainings should be reviewed for consistency. A study should be commissioned to examine the two manuals that have been created and determine if one or both should be used and how. A task force should be created including specific personnel who have been involved in each process, at the national, district and commune level to determine the best procedures, structures, staffing etc. Part of this review should include court personnel, who have expressed concern about jurisdictional overlap and how best to refer cases to the court so results of previous mediations can be utilized by the court. Exchange visits with other countries could enhance and improve the development of the project and increase capacity. A review of mediation handbooks and procedures should be planned for in

<sup>65</sup> The question of ADR at the provincial level remains more unclear, as in the present government structure and in the organic law there is an office on 'law and human rights' and an 'ombudsman's office'. So although in principle an ADR mechanism at the provincial level would be advisable, the location of such an office is not clear. ADR at the village level is also recommended, as was done through the CLEC-supported program in Mondulkiri and Ratanakiri.

three years to allow time for the pilot projects to consolidate and other CDRC experience to accumulate.

**► Training programs for ADR services should be reviewed and provided**

These should include a TOT for ADR, training materials and methods for participants with lower literacy skills and specialized training for particular populations. Training programs should be longer and direct mentoring provided. A training institute should be considered. Advice should be sought from the several NGOs that are doing ADR training (ABA, ACT, BfD, CDRI, CLEC, etc.)

*Create TOT for ADR Training*

In order to increase sustainability and to provide adequate monitoring, controls and mentoring, a training of trainers program for the ADR training is needed.

*Lengthen the period of training, and provide even more hands on problem solving sessions*

Although most participants found the training adequate as it was done, some suggestions to improve training, especially for participants with lower literacy levels included longer sessions, more repetition, covering less material in one session and using simpler terms.

*Mentoring and practice needed*

More direct supervision of CDRC members and Maison staff, by trained, experienced mediators who can provide specific direct advice and discuss challenges and how to deal with them is needed for current Maisons and CDRCs. Mentoring should also be built into development of future ADR systems. ADR training needs more than one to two years to be reinforced, at least three years: one year for the initial training period, then one year of frequent mentoring, then the third year of less frequent mentoring.

*Increase training materials and methods for illiterate populations*

Forty four percent of women and 22 percent of men between the ages of 25 and 44 are illiterate, and since many of the community conversation beneficiaries were supposed to be selected based on high rates of poverty and thus had even higher chances of being illiterate, current training methods need to be enhanced and expanded. Feedback from participants indicated that some CDRC members also needed simpler training materials aimed towards lower rates of literacy. Possible strategies they suggested were to make the training longer, and to cover less material in one session. Other recommendations may include producing more visually helpful materials and more materials for people who are semi-literate. Review existing training materials of other organizations.

*Consider providing different types of training for different types of participants*

This could be done with some common training, and some separate training (e.g. for groups of Maison chiefs, deputy governors, Maison assistants and CDRC members). Being careful not to stigmatize, consider providing additional training to the village-elected members of the CDRC. Budget for travel should clearly be designated to the village-elected members of the CDRC for travel. Provide supplementary training on land, violence against women and divorce at different levels, as the Maisons receive a majority of land cases while in general CDRCs receive more cases of domestic

violence. Providing training for CDRC and Commune Council members in domestic violence, to ensure that their understanding of the laws is clear and their roles (and what they can and cannot do) are clearly understood.

#### National Training Institute for ADR

Consider coordinating with a national-level training institute such as the one being discussed by various UN agencies. Other possibilities to house a national training institute for ADR could include the NCDD training unit, CDRI, or an institution created under a national association of mediators. Then processes of ADR training could be refined, and could include a TOT component that could be used for all commune councils and/or CDRCs.

### **► Processes and procedures of ADR at the CDRCs and Maisons should be improved**

As existing CDRCs and Maisons are reviewed and updated and new ones created, the following activities should be carried out: TOT developed; reporting and monitoring systems improved; complaint process set up; and publicity and information dissemination improved. Additional research and study is needed to deal with issues such as enforcement of agreements; presence of local authorities; and the function of rural versus urban ADR services.

#### Monitoring and control of ADR

As mentioned in earlier sections, the A2J Project did not provide adequate monitoring of ADR services. Although the Maisons were supposed to visit the CDRCs regularly, this did not always happen. In addition, although the Maison chief usually had a high degree of education in law, they were not necessarily more skilled in ADR than the CDRC members. A mechanism for adequate monitoring and coaching of newly trained mediators should be established.

#### Process for complaints about ADR

In conjunction with the Organic Law, establish procedures to inform beneficiaries and others to use the district and commune complaint boxes for issues related to Maison and CDRC ADR.

#### Enforcement of agreements/non response to invitation letters

Since mediation is based upon agreement of all parties, this issue of enforcement is difficult. However, as is done in mediation processes in other settings, there could be a clause at the bottom of the agreement that if the agreement is not adhered to, the parties agree to take the case to the court so that they would be some sort of clear next step indicated.

#### Presence of local authorities at mediation should be reviewed

As indicated in the mediation handbook, the local authorities in general should not be present at the mediation sessions. However, most interviewees appreciated the presence of the authorities in certain sessions, when requested, to support the work of the Maisons or the CDRCs and to help reinforce decisions. On the other hand, several interviewees also suggested that local authorities interfered with the process and should not be present. This presence should be discussed and regularized.

#### Reporting should be Improved

Regular reporting is needed, and a clear system to transfer reports from the CDRC to Maison, to the province and MOJ/MOI/UNDP in a timely and consistent manner. A

database should be developed which includes new cases, old cases, carried over cases (and for how long), solved cases, referred cases, returned cases, types of cases, and demographics (gender, age, ethnicity, socio-economic status, etc.). Administrative payments could be linked to the receipt of reports in order to ensure timely delivery, though this system would also have to be carefully monitored.

The current system did not require yearly reports by CDRCs or Maisons, and instead data from quarterly reports was collated at the ministry level. In the future, statistics should be collated at the commune and district level as well, so that each location can review the numbers and types of cases they deal with on a yearly basis so as to better review and plan their work. Reporting on the numbers of consultations (i.e. advice given, rather than a full complaint submitted) would be useful information in the future to determine the actual usage of the offices, and should also include a sign-up sheet for library use.

#### Review different functions of urban versus rural Maisons and CDRCs

As caseloads in rural versus urban centers may be different, specialized training or programs may benefit the specific needs of urban centers. Certain Maisons and CDRCs that are more active can serve as models for those less active. A study should be undertaken as to the difference between urban and rural Maisons and CDRCs to assess the need for additional or different training materials.

#### Publicity and information dissemination needed

If the Project is to continue, more nationwide publicity is needed, for example television coverage of training closings, advertisements for the Maison and CDRC services in localities where they are available. Materials and brochures for individuals at village level are needed.

#### Encourage women to take roles as active mediators

In the majority of cases, women take a less active role in mediations, especially at the Maison level. Find ways to increase women's participation.

## **2. Women**

As discussed in other sections, it is recommended to:

► **Continue legal representation for women by LAC in existing provinces, and consider expansion of legal representation for women to other provinces in conjunction with expansion of CDR.**

► **Conduct research in coordination with other stakeholders on key issues related to domestic violence, divorce, and other related issues**

Review the issue of reconciliation during ADR in cases of domestic violence.

Conduct research and carry out recommendations related to domestic violence and alcohol abuse. Encourage more services to deal with alcohol abuse.

Conduct a study as to the feasibility and equity of mediation of the terms of divorce, alimony and child custody, prior to going to the court for the final decision.

► **Several recommendations made by the 2008 MOWA Gender Assessment were still found to be important to achieve the overall objectives of increasing access to justice for women:**

- Increase the quantity, quality and access to social services for women subject to violence and abuse.
- Strengthen enforcement of laws related to gender-based violence.
- Focus attention on male attitudes and behavior (to supplement and complement the education provided about women's rights).
- Systematize collection of information on violence against women.

### **3. Project Design and Management – Lesson Learned**

► **Lessons learned were related to the design, length, management, reporting of the Project**

Many lessons were learned in the course of the A2J Project. Firstly projects should be developed in close collaboration with the government and other implementing partners, the length of projects should be increased, and in a joint project between different ministries, clear lines of authority and management are needed. Communication and coordination must be institutionalized and followed up. Clear, measureable objectives, outputs and indicators are needed. Capacity-building should be provided. Salary supplements should be carefully considered, in line with government regulations and other donors and clearly communicated. Reporting, monitoring and evaluation should be planned and implemented. Status of buildings and materials needs review. Methods to increase the participation of women and indigenous peoples in projects should be developed.

#### *Develop projects in close collaboration with the government and other implementing partners*

This should include definitive commitment and agreements and a political analysis to ensure that the partners selected to implement the project have the capacity to make decisions, and that there is agreement from top levels of government to support the project. Conduct a financial audit to ensure fiscal controls are in place prior to signing agreements and releasing funds.

#### *Coordination and linkages are essential*

These include: coordination within the components in a multi-level complicated Project such as this; coordination between UNDP and the ministry-based Project staff; between UNDP and government; between other stakeholders with similar projects such as ADR training programs (BfD, CDRI, CLEC), training on violence against women (UNFPA, WVI, etc.); and between various actors at the province level (courts, provincial, district, commune and village government authorities). Regular meetings should be included in the budget as necessary.

Clear, measureable objectives, outputs and indicators should be devised during development of the project, and these should be reviewed for modification during the implementation period

These need to be done for the project as a whole, as well as for any sub-components contracted to other implementing partners. They should be developed in conjunction with the government and other implementing partners. These objectives, outputs and indicators need to be linked to monitoring and evaluation mechanisms.

Job descriptions and criteria should be established, and methods identified to encourage qualified staff to work in distant rural areas

A careful review of the function and capacity of the various components is needed and as is careful assessment of the skills of the potential staff persons. For example, the job qualifications would be different for a legal advisory role and for a mediation role. For example, new law graduates, or new graduates from the Royal School for Judges and Prosecutors could be considered for some positions as they may be more willing to move to distant rural locations early in their careers. Or, locally hired staff who are willing to stay in the district could be provided special compensation or training in order to enhance their capacities.

Length of projects should be increased

Any future projects should be at least three years in length and preferably five years. This applies to all aspects of the project. For example, to develop ADR skills takes a long time so there should be a first phase of training, a second phase of practice and continued training with close supervision and mentoring and a third phase of less supervision. This is also important for legal services, as lawyers reported difficulties in accepting cases for even a two-year project as going to the court often requires a great deal of time.

Set up clear lines of authority in management and administration, and clear job descriptions

These are needed for both government and UNDP staff persons, especially if project components continue under three national institutions. In order to have a successful project, national ownership has to be clarified and clearly agreed upon prior to the its initiation.

Improve communication and budget for staff retreats

Ensure that good communication methods are used. If problems with methods of communication are noted, staff and partner retreats should be scheduled. If for example salary supplements, administrative costs or travel cost amounts are changed, the parties involved should be informed in writing when this happened and why the decision was made and by whom, and this information should be transparently communicated to all parties at all levels.

Provide extensive capacity-building

Structure clear pre-negotiated capacity-building activities into the project, with additional leeway for other activities as needed. Provide training on financial management, programme management and planning, data collection, reporting, analysis of data and statistics, computer use, proposal writing, etc.

Salary supplements are in the process of being phased out, but if necessary, supplements and per diems should be negotiated prior to signing agreements

The UN and the government are attempting to phase out salary supplements, and in general salary supplements are not advisable due to problems with sustainability. However, supplements are common practice in Cambodia, and may be expected and in fact required for government cooperation in projects. In the case that salary supplements are provided, all should be carefully negotiated prior to the start of a project and should be written in agreements prior to signing project documents, to avoid wasted time and frustration during project implementation.

Improve reporting guidelines and require yearly summary reports

This can improve partner's and government's ability to assess progress and plan for the future. Develop a case reporting format, and case database.

Monitoring and evaluation processes should be instated and followed

This includes baseline surveys, better reporting, training and careful follow-through.

Review status of buildings and materials

It was not clear to the evaluators the status of the various buildings (bathrooms) and other materials (computers, etc.) that various partners stated were to be delivered. For future CDRCs purchase locally available furniture rather than imported to assist the local economy and to save money and transport costs.

Continue to explore ways to include a greater proportion of women and indigenous people in the Project.

Since there are few women in higher-level management positions, and very few indigenous people even as village facilitators, this needs to be a priority. For example in one village, as the village women's focal point was not literate, they assigned her to be a VF, but then assigned an additional VF to assist the focal point to learn the material.

## **IX. CONCLUSIONS**

In general, the majority of the various components of the A2J Project can be considered a success, and have resulted in increased access to justice by the poor, women and indigenous people. There has been a reduction of domestic violence at the village level, an increased number of cases conciliated at the commune and district level, actions taken to promote the rights of indigenous people, women and the poor. Most of the outcomes have been achieved.

These successes have not been achieved without struggle however, due to design flaws, lack of ownership by the government and by UNDP, and delays in implementation with a great toll taken out of the personal lives of many of the staff of the Project.

There are many options for continuation after this A2J Pilot Project which have been reviewed in the recommendation section. As interviewees have highlighted many difficulties surmounted in the implementation of the A2J Project, these can hopefully be avoided in any future phases.

## Appendix A

### Progress of the A2J Project (2006-March 2010)

Component	Targeted Output <sup>66</sup>	Achieved	Comments
<b>1. Database on Human Rights Training</b>	Human rights training database completed available for public use	The database system was initiated and trainings were completed. There was no progress for data entry.	Partially achieved
	Database for National Land Dispute Authority available for public use	Lack of agreement and there was no progress for this component	No achievement
<b>2. Court Decisions</b>	Publish and disseminate the Judicial Decisions for public use and information	No agreement and lack of available funds	No achievement
<b>3. Judicial Gazettes</b>	Publish and disseminate the Official Gazettes for public use	No agreement and lack of available funds	No achievement
<b>4. Alternative Dispute Resolution</b>			
<b>4.1. National Advocacy</b>  (objective 1 - 5.1 in the addendum)	Organized TV and Radio Talk shows on indigenous people and customary practices	Organized TV and Radio talk shows and documentaries on indigenous people and their customary practice as part of advocacy for recognition of indigenous people's traditions and rights by CLEC and 14 rebroadcast on TVs and Radios	*
	Studies on ADR, Domestic violence, conflict resolution and customary rules of indigenous people	3 Studies were conducted by international and national consultants and launched.	Target achieved
	# of national workshop organized	LAC organized a national workshop on legal representation for women: Constraints and Lesson Learnt February 2009 and another on domestic violence in March 2010	*
	Gather customary law and practices in 4 villages in Mondulkiri and 8 in Ratanakiri	Customary law and practices written for 6 villages Studies completed and disseminated to judges, lawyers, police, policy makers and students.	Target partially achieved
	# of visits made by the national policy makers to get awareness on cultures	A visit by member of parliament to indigenous village to gain confidence and awareness about the customary and cultures.	*
	# of groups of Traditional Authority from	A group a Traditional Authorities from indigenous	*

	indigenous peoples visit the Phnom Penh based offices of policy makers	communities visited Samdach Heng Samrin, President of National Assembly on 24 December 2009	
	# of exposure visit to foreign countries	Exposure visit to Nepal by project staff from MOJ and MOI	*
		Posters, booklets and T-shirts on indigenous people by CLEC.	
<b>4.2. Legal Aid at Province Level</b>  (Objective 2 - 5.2 in the Addendum)	<b>4.2.1. LAC – Legal Aid</b> # of women’s cases represented in court through support of LAC in 3 provinces	210 Cases received and LAC offered legal representation and support to female victims and 146 people received consultation in three provinces.	* Target achieved
	<b>4.2.2 CLEC – Legal Aid</b> # of cases of indigenous people represented in court through support of CLEC in 2 provinces (18 expected)	8 Cases were represented and supported by CLEC lawyer (6 cases in Mondulkiri and 2 in Ratanakiri)	Target not achieved
	<b>4.2.3 CLEC – Peace Tables</b> # of Peace tables held in 2 provinces to find local solution	12 Peace Tables held in two provinces to deal with local conflicts (6 in Ratanakiri and 6 in Mondulkiri). There were 401 beneficiaries (48 Fs) received benefit from PT.	*
<b>4.3. Maison de la Justice</b> (Objective 3 - 5.3 in the addendum)	20 Maisons established in six provinces <sup>67</sup>	20 maisons were set up in 20 districts, 6 provinces (60 staff)	Target achieved
	# of dispute received	676 cases received	*
	# of dispute resolved	381 cases resolved	*
		Operational Manual for Maison and Mediation Handbook produced and published by MOI, MOJ and UNDP	*
<b>4.4. Commune Dispute Resolution Committee (CDRC)</b> (Objective 4 - 5.4 in the Addendum)	56 CDRCs established in 6 provinces	56 CDRCs were in 56 communes. Each CDRC consists of seven members selected from the commune council, focal women in commune, commune police post, village elders, of whom more than 30 % are women. (approximately 392 members)	Target achieved
	# of disputes received	2652 cases received	*
	# of disputes Resolved	2048 cases were solved	*
		Operational Manual for CDRC and Mediation Handbook produced and published by MOI, MOJ and UNDP	*

<sup>67</sup> The MOJ has recently issued a *Prakas* establishing another ten maisons under the management of MOJ (8 maisons are in Phnom Penh, one maison in Kampot and one maison is in Svay Rieng). These ten maisons are not supported by the A2J.

<b>4.5. Empowerment &amp; Rights Awareness at Village level</b>  <b>Women</b>  (Objective 5 - 5.5.1 in the Addendum)	<b>5.1 Community Capacity Enhancement (CCE)</b>  Community Conversation extended to 112 villages in five provinces	89 villages were set up with the CCE group in 52 communes, 17 districts, 5 provinces. Approximately 30 participants in each session, though husband and wife came to different sessions, so estimated 89 villages x 40 people = 3560	Target not fully achieved
	336 Village facilitators trained (224 female, and 112 men)	272 village facilitators (178 female VFs) in 89 villages trained and be able to offer raising awareness	Target not fully achieved
	Baseline Survey conducted in 55 villages in 5 provinces	Baseline survey conducted in 55 villages in Kg Speu, Kg Chhnang and Siem Reap by InterMedia and Green Goal, Ltd, BL in MKR and RTKR, Mid-Term Review in 5 provinces	Target achieved
		Handbook for CCE books produced and published by MOI, MOJ and UNDP	
<b>4.6. Empowerment &amp; Rights Awareness at Village level</b>  <b>Indigenous Peoples</b>  (Objective 5 - 5.5.2 in the Addendum)	12 Indigenous villages to receive legal awareness (8 in Ratanakiri and 4 in Mondulkiri)	6 modules of legal awareness raising were conducted with followed up after two modules. The 12 villages received legal and ADR trainings from CLEC. 398 indigenous people (169 were females) received first and second modules. Around 65-70 were selected to receive all the 6 modules. Total beneficiaries were 398	Target achieved
	4 trainings at provincial levels in both Ratanakiri and Mondulkiri.	4 trainings on “roles and legal rights of CCs in protecting and securing the indigenous people’s land” were held in Ratanakiri and Mondulkiri reaching 166 participants from district and commune levels.	Target achieved
	2 regional trainings on Indigenous livelihood and traditional rules	1 training was held in Kratie reaching 47 participants (5 Fs) and one training in Ratanakiri reaching 58 participants (7 Fs) from Mondulkiri and Ratanakiri.	50% achieved
		Total beneficiaries is 398+166+47+58=669	
<b>4.7. CLJR website</b>		Consultants hired, work not yet completed	In progress
<b>(5.4.) Project Management</b>		Workshops on financial management, proposal writing, etc. for MOJ and MOI staff	*

\* Targets not designated for these sections so not possible to know if targets achieved.

## Appendix B1



### UNITED NATIONS DEVELOPMENT PROGRAMME JOB DESCRIPTION

#### TERMS OF REFERENCE (TOR)

##### I. Position Information

Job Title: **Short Term Consultant – Final Evaluation of the Access to Justice Project**  
Project: **Access to Justice Project**  
Department: **Democratic Governance Unit, UNDP Cambodia**  
Reports to: **Project Manager and UNDP CO**  
Type of contract: **SSA**  
Application Deadline: **20 December 2009, at 5 p.m. local time**  
Expected duration of Assignment: **Nine consecutive weeks between 1st January and 31st March 2010, starting as soon as possible**

##### 1. Introduction

The Access to Justice Project is a key component of UNDP Cambodia's Development Assistance Framework priority 1: effective participation of citizens, with the planned outputs that Alternative Dispute Resolution (ADR) mechanisms are piloted with local authorities in six provinces and that marginalised groups (poor, women and indigenous peoples) are represented. The Access to Justice Project was established to assist the Royal Government of Cambodia to realise its vision for the justice system in Cambodia to make it more effective, responsive and accessible to the people. In particular, it focuses on priority issues related to land, a primary cause of disputes or conflicts, and domestic violence. It targets the following groups: impoverished communities, women and indigenous people.

The project has been implemented since April 2006 with the support of UNDP core resources and the UNDP democratic governance thematic trust fund (DGTTF). In 2007 the Government of Spain began its support of the project and drawing on lessons learnt and constraints faced in the first year of project implementation, the project document was reformulated.

The project is based on two approaches to justice: remedial and preventive justice. The first approach supports the establishment of dispute resolution mechanisms at the district and commune level which provide mediation/conciliation, termed Maison de la Justice and Commune Dispute Resolution Committees (CDRCs). In order to bridge the gap between the informal and formal justice systems, the project also supports a legal aid unit at the provincial level to assist clients who are unable or unwilling to resolve their disputes in the informal system, provided by Community Legal Education Centre (CLEC) and Legal Aid Cambodia (LAC). The second approach, focusing on preventative justice, consists of legal and human rights awareness training, community conversations and negotiation/discussion in peace tables.

## 1.1 Project aim and components

The aim of the project is *to increase access to justice, particularly for the poor, women and indigenous people*. This has been done through five components:

- 1.1.1 Legal advocacy at the national level
- 1.1.2 Legal representation of women and indigenous peoples at the provincial level
- 1.1.3 Legal services at the district level: establishment of the Maison de la Justice
- 1.1.4 Strengthening of alternative dispute resolution at commune levels
- 1.1.5 Raising awareness of fundamental rights at the village level, particularly for women and indigenous peoples

## 1.2 Progress to date

Progress to date includes:

- 20 Maisons de la Justice established in Kompong Speu, Kompong Chhnang, Siem Reap, Battambang, Rattanakiri and Mondulkiri with three people in each
- 56 CDRCs, which are a dispute resolution mechanism at the commune level, created in same 6 provinces with seven members, of which at least 30 percent should be female
- 267 village facilitators trained and community conversations conducted in 89 villages in Kompong Speu, Kompong Chhnang, Siem Reap, Rattanakiri and Mondulkiri
- Legal awareness and skills in informal disputes resolution held in 12 indigenous villages in Rattanakiri and Mondulkiri
- 12 Peace Tables held in Rattanakiri and Mondulkiri between indigenous elders, local police, provincial governors, provincial judges, non-governmental organisations working with indigenous people in the target areas and the conflicting parties.
- Free legal aid services provided to women and indigenous people in Kampong Chhnang, Kampong Speu, Siem Reap, Rattanakiri and Mondulkiri (at end quarter three 2009 LAC had provided services to 165 women and CLEC had provided services to 16 indigenous people)

For the Maison de la Justice and the commune dispute resolution mechanism, the project has provided five-day training sessions every two months to Maison officers. The training focused on skills in negotiation, mediation, conciliation and basic laws. After acquiring these skills and knowledge, the officers in turn trained the members of the CDRC.

Since the beginning of the project (until end quarter 3 2009), a total of 1,336 cases were submitted to the Maisons, most of which related to land disputes, domestic violence and divorce. Others related to engagement or marriage annulment, insult/defamation, inheritance and civil contracts. 2,245 cases were submitted to CDRCs, most of which related to land disputes, domestic violence and divorce.

The second component has used a methodology called Community Capacity Enhancement (CCE) to conduct training for Village Facilitators who then conduct community conversations in their villages about domestic violence. Series of community conversations on domestic violence have been completed in 77 villages

with the community conversations in the final 12 villages will be finished in the coming four months. This component will be evaluated independently.

The third component related to indigenous people has been working at both national and sub-national level to empower indigenous communities and also to advocate official recognition. The project has provided training to indigenous groups in Rattanakiri and Mondulakiri on laws, human rights, the judicial system and dispute resolution mechanisms. It also brought together different indigenous groups to share with and learn from each other on topics such as dispute resolution mechanisms and protection of their land. Apart from this, the project has documented indigenous customary rules, created forums to discuss issues affecting indigenous communities and raised awareness of indigenous communities, their culture and the issues affecting them at national level, including field trips for and presentation to members of Parliament, judicial actors, law students and public in general through television spots and programmes.

In the first quarter of 2009, UNDP commissioned an independent team to conduct a mid-term review of the entire project. Among the recommendations is the beneficiary survey of the support to indigenous people and Maison and CDRCs services, which is to begin soon.

### **1.3 Key stakeholders**

Key project stakeholders are:

- Project focal points in the Ministry of Justice, Ministry of Interior
- Ministry of Women Affairs at the district level
- Maison staff, CDRC members and judges of the provincial courts
- Local authorities (district, commune and village levels)
- Community Legal Education Centre (CLEC) and Legal Aid Cambodia (LAC) staff
- CCE trainers and village facilitators
- ADR trainers
- Traditional Authorities
- Participants in Peace Tables held in Mondulakiri and Rattanakiri provinces
- Access to Justice project staff

Project beneficiaries will be interviewed by the consulting firm engaged to undertake a Beneficiary Survey in late 2009, and include clients of LAC, CLEC, Maison de la Justice and CDRC as well as recipients of Alternative Dispute Resolution training in 12 villages in Mondulakiri and Rattanakiri provinces. People who have been engaged in community conversations on domestic violence through the CCE component will be interviewed through a specific survey of this component.

## **2. Evaluation objectives**

The overall objective of the evaluation is to assess the extent to which the poor, women and indigenous people have increased access to justice since the beginning of the project term. Specifically, the evaluation intends to achieve the following specific objectives:

- 2.1 To assess the extent to which the project goal (*outcome*) and objectives (*outputs*) have been met

- 2.2 To determine the relevance, effectiveness and added value of each component, in particular regarding the effective use of project resources and whether resources have been appropriately targeted to achieve project objectives
- 2.3 To evaluate the impact, sustainability and replicability of the program and its components
- 2.4 To determine best practice of and lessons learned in the project implementation
- 2.5 To determine the factors that have influenced performance and success of the programme as well as factors that have constrained the programme from achieving its intended outcomes
- 2.6 To provide specific, actionable recommendations, particularly for the design of any future project working on access to justice in Cambodia

A SWOT analysis was completed in October 2009 and a beneficiary survey is planned for early 2010. In addition, a mid-term survey of three of the CCE target provinces has been completed and a mid-term survey for the final two provinces and/or a final survey may be conducted early in 2010. The evaluation will incorporate findings from these surveys and analyses in order to draw comprehensive conclusions and recommendations.

### **3. Scope of work and methodology**

The evaluators will focus on achievements against the alternative dispute resolution (ADR), CCE and indigenous people components as well as the work of LAC and CLEC. Some analysis of achievements against other project components detailed in the project document is also required.

#### **3.1 Evaluation team**

One international and one national consultant will be hired to undertake this work. The international consultant will lead the evaluation and will manage the national consultant. S/he will hold interviews with some key stakeholders, hold focus group discussions and finalise the evaluation report. The national consultant will hold interviews with most of the key stakeholders and will also be responsible for writing some parts of the evaluation report as agreed between the two consultants. The consultants will work together to develop the methodology, questionnaires and question guides as appropriate. Details of the roles and responsibilities of the international and national consultant may be adjusted depending on the specific skills of each person. If so this will be agreed between the consultants and approved by UNDP.

The translator and transportation to project sites will be provided by UNDP. For international consultants based outside of Cambodia a per diem will be paid in addition to the consultancy fee. For international consultants based in Cambodia UNDP will meet the costs of accommodation when the consultant is away from their home base.

#### **3.2 Tasks and responsibilities of the international consultant**

- 3.2.1 Desk review and briefing of consultants (3 days)
- 3.2.2 Develop methodology, interview questionnaires and question guides (2 days)
  - Organise consultations with UNDP and implementing partners to refine the methodology and tools
  - Present the methodology and field work plan to the Ministries of Justice and Interior and project team and adjust following feedback

- Translate questionnaires and question guides if needed
- 3.2.3 Conduct the evaluation in six target provinces (approx one week per province although some provinces will require more time than others)
  - Conduct interviews and focus group discussions with key stakeholders including but not limited to those listed above
  - Ensure adequacy and quality of data collected
- 3.2.4 Analyse results and present to project team (5 days)
  - Analyse data, draw initial conclusions and draft potential recommendations
  - Arrange meeting with project team and Ministry focal points to present results, clarify conclusions and agree on recommendations
- 3.2.5 Prepare and finalise report (4 days)
  - Prepare draft report of the evaluation, detailing methodology, key findings and suggested recommendations
  - Present draft report to project team for comments and clarifications
  - Produce a final evaluation report taking into account inputs provided by the project team
  - Organise a meeting to present the final evaluation findings to project implementers and relevant stakeholders if necessary

### **3.3 Expected outputs**

- 3.3.1 Detailed methodology and field work plan developed
- 3.3.2 Interviews and focus group discussions held with all relevant stakeholders as agreed in methodology
- 3.3.3 Comprehensive evaluation report written on the extent to which the project has achieved its intended goal and objectives, with a special emphasis on the design of any future work on access to justice in Cambodia
- 3.3.4 Meeting to present findings to project staff and Ministry focal points

### **3.4 Implementation arrangements**

Access to Justice staff will work closely with the consultants to facilitate the process including:

- Providing relevant documents related to the project activities for the literature review
- Identifying stakeholders and sources of information
- Organising meetings with stakeholders including Ministry of Justice, Ministry of Interior, CLEC and LAC staff
- Assisting in arranging field visits to the target areas with appropriate groups including formal letters when appropriate
- Identifying key issues that may emerge during the consultancy period and assisting to resolve these wherever possible

The international consultant will report to Bronwen Seal, who will also be the consultants' primary contact point throughout the evaluation.

#### 4. Duration of the evaluation

The final evaluation must be completed by the end of March 2010. It is anticipated to take nine weeks including six weeks of field work in six provinces. The drafted report will be expected by mid March 2010 for the review process. The final evaluation report must be submitted to Bronwen Seal before the end of March.

##### 4.1 Draft timeline

Activity	Number of days International Consultant	Number of days National Consultant	Anticipated dates	Will require assistance from
Desk review and briefing of consultants	3 days	3 days	3 <sup>rd</sup> week of January	Monitoring and Communication Officer
Methodology development	2 days	2 days	3 <sup>rd</sup> week of January	Monitoring and Communication Officer and project team
Conduct evaluation in 6 target provinces	30 days (approximately 5 days per province)	30 days (approximately 5 days per province)	4 <sup>th</sup> week January	Translator, driver
Analyse results and present findings	5 days	4 days	3 <sup>rd</sup> week March	Monitoring and Communication Officer and project team
Prepare final report	4 days	2 days	4 <sup>th</sup> week March	
Total	44 days	41 days		

#### 5. Evaluation target areas

The areas to be visited will include some of the following, in all six target provinces:

- 20 Maisons de Justice in 20 districts in Battambang, Kampong Speu, Kampong Chhnang, Siem Reap, Mondulkiri, and Rattanakiri provinces.
- 56 commune dispute resolution committees (CDRC) in six provinces.
- Village Facilitators and CCE trainers in five provinces.
- 12 indigenous villages receiving legal awareness and skills in informal dispute resolution in two provinces of Rattanakiri and Mondulkiri.
- Free legal aid services being provided to women in Kampong Chhnang, Kampong Speu, Siem Reap and indigenous peoples in Rattanakiri and Mondulkiri provinces in partnership by respectively Legal Aid of Cambodia (LAC) and the Community Legal Education Centre (CLEC).

The consultants will carry out the evaluation over a nine week period between January and March 2010.

#### 6. Selection criteria

- Strong background in programme management

- Experience in conducting evaluations, preferably in the areas of conflict resolution, gender, capacity-building or related areas
- Experience in developing evaluation methodologies and conducting interviews and focus group discussions with translator
- Experience working with local, provincial and national government counterparts in Cambodia or comparable country
- Good understanding of the Cambodian context or experience working in a similar environment; preferably based in Cambodia
- Legal background or previous experience working in legal sector an advantage
- Khmer language skills an asset

## **7. Application procedure**

Applicants are invited to submit their CVs and a statement outlining their experience undertaking similar work and how they meet the selection criteria to name, email. Please direct any enquiries about the ToR to Bronwen Seal at [Bronwen.Seal@undp.org](mailto:Bronwen.Seal@undp.org). Short-listed candidates will be required to submit examples of their written work and a draft methodology.

## Appendix B2



### UNITED NATIONS DEVELOPMENT PROGRAMME JOB DESCRIPTION

#### TERMS OF REFERENCE (TOR)

##### I. Position Information

Job Title: **Short Term Consultant – Final Evaluation of the Access to Justice Project**  
Project: **Access to Justice Project**  
Department: **Democratic Governance Unit, UNDP Cambodia**  
Reports to: **Project Manager and UNDP CO**  
Type of contract: **SSA**  
Application Deadline: **20 December 2009, at 5 p.m. local time**  
Expected duration of Assignment: **Nine consecutive weeks between 1st January and 31st March 2010, starting as soon as possible**

##### 2. Introduction

The Access to Justice Project is a key component of UNDP Cambodia's Development Assistance Framework priority 1: effective participation of citizens, with the planned outputs that Alternative Dispute Resolution (ADR) mechanisms are piloted with local authorities in six provinces and that marginalised groups (poor, women and indigenous peoples) are represented. The Access to Justice Project was established to assist the Royal Government of Cambodia to realise its vision for the justice system in Cambodia to make it more effective, responsive and accessible to the people. In particular, it focuses on priority issues related to land, a primary cause of disputes or conflicts, and domestic violence. It targets the following groups: impoverished communities, women and indigenous people.

The project has been implemented since April 2006 with the support of UNDP core resources and the UNDP democratic governance thematic trust fund (DGTTF). In 2007 the Government of Spain began its support of the project and drawing on lessons learnt and constraints faced in the first year of project implementation, the project document was reformulated.

The project is based on two approaches to justice: remedial and preventive justice. The first approach supports the establishment of dispute resolution mechanisms at the district and commune level which provide mediation/conciliation, termed Maison de la Justice and Commune Dispute Resolution Committees (CDRCs). In order to bridge the gap between the informal and formal justice systems, the project also supports a legal aid unit at the provincial level to assist clients who are unable or unwilling to resolve their disputes in the informal system, provided by Community Legal Education Centre (CLEC) and Legal Aid Cambodia (LAC). The second approach, focusing on preventative justice, consists of legal and human rights awareness training, community conversations and negotiation/discussion in peace tables.

## 1.1 Project aim and components

The aim of the project is *to increase access to justice, particularly for the poor, women and indigenous people*. This has been done through five components:

- 1.1.6 Legal advocacy at the national level
- 1.1.7 Legal representation of women and indigenous peoples at the provincial level
- 1.1.8 Legal services at the district level: establishment of the Maison de la Justice
- 1.1.9 Strengthening of alternative dispute resolution at commune levels
- 1.1.10 Raising awareness of fundamental rights at the village level, particularly for women and indigenous peoples

## 1.2 Progress to date

Progress to date includes:

- 20 Maisons de la Justice established in Kompong Speu, Kompong Chhnang, Siem Reap, Battambang, Rattanakiri and Mondulkiri with three people in each
- 56 CDRCs, which are a dispute resolution mechanism at the commune level, created in same 6 provinces with seven members, of which at least 30 percent should be female
- 267 village facilitators trained and community conversations conducted in 89 villages in Kompong Speu, Kompong Chhnang, Siem Reap, Rattanakiri and Mondulkiri
- Legal awareness and skills in informal disputes resolution held in 12 indigenous villages in Rattanakiri and Mondulkiri
- 12 Peace Tables held in Rattanakiri and Mondulkiri between indigenous elders, local police, provincial governors, provincial judges, non-governmental organisations working with indigenous people in the target areas and the conflicting parties.
- Free legal aid services provided to women and indigenous people in Kampong Chhnang, Kampong Speu, Siem Reap, Rattanakiri and Mondulkiri (at end quarter three 2009 LAC had provided services to 165 women and CLEC had provided services to 16 indigenous people)

For the Maison de la Justice and the commune dispute resolution mechanism, the project has provided five-day training sessions every two months to Maison officers. The training focused on skills in negotiation, mediation, conciliation and basic laws. After acquiring these skills and knowledge, the officers in turn trained the members of the CDRC.

Since the beginning of the project (until end quarter 3 2009), a total of 1,336 cases were submitted to the Maisons, most of which related to land disputes, domestic violence and divorce. Others related to engagement or marriage annulment, insult/defamation, inheritance and civil contracts. 2,245 cases were submitted to CDRCs, most of which related to land disputes, domestic violence and divorce.

The second component has used a methodology called Community Capacity Enhancement (CCE) to conduct training for Village Facilitators who then conduct community conversations in their villages about domestic violence. Series of community conversations on domestic violence have been completed in 77 villages

with the community conversations in the final 12 villages will be finished in the coming four months. This component will be evaluated independently.

The third component related to indigenous people has been working at both national and sub-national level to empower indigenous communities and also to advocate official recognition. The project has provided training to indigenous groups in Rattanakiri and Mondulakiri on laws, human rights, the judicial system and dispute resolution mechanisms. It also brought together different indigenous groups to share with and learn from each other on topics such as dispute resolution mechanisms and protection of their land. Apart from this, the project has documented indigenous customary rules, created forums to discuss issues affecting indigenous communities and raised awareness of indigenous communities, their culture and the issues affecting them at national level, including field trips for and presentation to members of Parliament, judicial actors, law students and public in general through television spots and programmes.

In the first quarter of 2009, UNDP commissioned an independent team to conduct a mid-term review of the entire project. Among the recommendations is the beneficiary survey of the support to indigenous people and Maison and CDRCs services, which is to begin soon.

### **1.3 Key stakeholders**

Key project stakeholders are:

- Project focal points in the Ministry of Justice, Ministry of Interior
- Ministry of Women Affairs at the district level
- Maison staff, CDRC members and judges of the provincial courts
- Local authorities (district, commune and village levels)
- Community Legal Education Centre (CLEC) and Legal Aid Cambodia (LAC) staff
- CCE trainers and village facilitators
- ADR trainers
- Traditional Authorities
- Participants in Peace Tables held in Mondulakiri and Rattanakiri provinces
- Access to Justice project staff

Project beneficiaries will be interviewed by the consulting firm engaged to undertake a Beneficiary Survey in late 2009, and include clients of LAC, CLEC, Maison de la Justice and CDRC as well as recipients of Alternative Dispute Resolution training in 12 villages in Mondulakiri and Rattanakiri provinces. People who have been engaged in community conversations on domestic violence through the CCE component will be interviewed through a specific survey of this component.

## **2. Evaluation objectives**

The overall objective of the evaluation is to assess the extent to which the poor, women and indigenous people have increased access to justice since the beginning of the project term. Specifically, the evaluation intends to achieve the following specific objectives:

- 2.7 To assess the extent to which the project goal (*outcome*) and objectives (*outputs*) have been met

- 2.8 To determine the relevance, effectiveness and added value of each component, in particular regarding the effective use of project resources and whether resources have been appropriately targeted to achieve project objectives
- 2.9 To evaluate the impact, sustainability and replicability of the program and its components
- 2.10 To determine best practice of and lessons learned in the project implementation
- 2.11 To determine the factors that have influenced performance and success of the programme as well as factors that have constrained the programme from achieving its intended outcomes
- 2.12 To provide specific, actionable recommendations, particularly for the design of any future project working on access to justice in Cambodia

A SWOT analysis was completed in October 2009 and a beneficiary survey is planned for early 2010. In addition, a mid-term survey of three of the CCE target provinces has been completed and a mid-term survey for the final two provinces and/or a final survey may be conducted early in 2010. The evaluation will incorporate findings from these surveys and analyses in order to draw comprehensive conclusions and recommendations.

### **3. Scope of work and methodology**

The evaluators will focus on achievements against the alternative dispute resolution (ADR), CCE and indigenous peoples components as well as the work of LAC and CLEC. Some analysis of achievements against other project components detailed in the project document is also required.

#### **3.1 Evaluation team**

One international and one national consultant will be hired to undertake this work. The international consultant will evaluate and manage the national consultant. He or she will hold interviews with some key stakeholders, hold focus group discussions and finalise the evaluation report. The national consultant will hold interviews with most of the key stakeholders and will also be responsible for writing some parts of the evaluation report as agreed between the two consultants. The consultants will work together to develop the methodology, questionnaires and question guides as appropriate. Details of the roles and responsibilities of the international and national consultant may be adjusted depending on the specific skills of each person. If so this will be agreed between the consultants and approved by UNDP.

The translator and transportation to project sites will be provided by UNDP.

#### **3.2 Tasks and responsibilities of the consultants**

- 3.2.1 Desk review and briefing of consultants (3 days)
- 3.2.2 Develop methodology, interview questionnaires and question guides (2 days)
  - Organise consultations with UNDP and implementing partners to refine the methodology and tools
  - Present the methodology and field work plan to the Ministries of Justice and Interior and project team and adjust following feedback
  - Translate questionnaires and question guides if needed
- 3.2.6 Conduct the evaluation in six target provinces (approx one week per province although some provinces will require more time than others)

- Conduct interviews and focus group discussions with key stakeholders including but not limited to those listed above
- Ensure adequacy and quality of data collected

#### 3.2.7 Analyse results and present to project team (5 days)

- Analyse data, draw initial conclusions and draft potential recommendations
- Arrange meeting with project team and Ministry focal points to present results, clarify conclusions and agree on recommendations

#### 3.2.8 Prepare and finalise report (4 days)

- Prepare draft report of the evaluation, detailing methodology, key findings and suggested recommendations
- Present draft report to project team for comments and clarifications
- Produce a final evaluation report taking into account inputs provided by the project team
- Organise a meeting to present the final evaluation findings to project implementers and relevant stakeholders if necessary

### 3.3 Expected outputs

3.3.1 Detailed methodology and field work plan developed

3.3.2 Interviews and focus group discussions held with all relevant stakeholders as agreed in methodology

3.3.3 Comprehensive evaluation report written on the extent to which the project has achieved its intended goal and objectives, with a special emphasis on the design of any future work on access to justice in Cambodia

3.3.4 Meeting to present findings to project staff and Ministry focal points

### 3.4 Implementation arrangements

Access to Justice staff will work closely with the consultants to facilitate the process including:

- Providing relevant documents related to the project activities for the literature review
- Identifying stakeholders and sources of information
- Organising meetings with stakeholders including Ministry of Justice, Ministry of Interior, CLEC and LAC staff
- Assisting in arranging field visits to the target areas with appropriate groups including formal letters when appropriate
- Identifying key issues that may emerge during the consultancy period and assisting to resolve these wherever possible

The consultants' primary contact at UNDP will be Bronwen Seal.

### 4. Duration of the evaluation

The final evaluation must be completed by the end of March 2010. It is anticipated to take nine weeks including six weeks of field work in six provinces. The drafted report

will be expected by mid March 2010 for the review process. The final evaluation report must be submitted to Bronwen Seal before the end of March.

#### 4.1 Draft timeline

Activity	Number of days International Consultant	Number of days National Consultant	Anticipated dates	Will require assistance from
Desk review and briefing of consultants	3 days	3 days	3 <sup>rd</sup> week of January	Monitoring and Communication Officer
Methodology development	2 days	2 days	3 <sup>rd</sup> week of January	Monitoring and Communication Officer and project team
Conduct evaluation in 6 target provinces	30 days (approximately 5 days per province)	30 days (approximately 5 days per province)	4 <sup>th</sup> week January	Translator, driver
Analyse results and present findings	5 days	4 days	3 <sup>rd</sup> week March	Monitoring and Communication Officer and project team
Prepare final report	4 days	2 days	4 <sup>th</sup> week March	
Total	44 days	41 days		

#### 5. Evaluation target areas

The areas to be visited will include some of the following, in all six target provinces:

- 20 Maisons de Justice in 20 districts in Battambang, Kampong Speu, Kampong Chhnang, Siem Reap, Mondulhiri, and Rattanakiri provinces.
- 56 commune dispute resolution committees (CDRC) in six provinces.
- Village Facilitators and CCE trainers in five provinces.
- 12 indigenous villages receiving legal awareness and skills in informal dispute resolution in two provinces of Rattanakiri and Mondulhiri.
- Free legal aid services being provided to women in Kampong Chhnang, Kampong Speu, Siem Reap and indigenous peoples in Rattanakiri and Mondulhiri provinces in partnership by respectively Legal Aid of Cambodia (LAC) and the Community Legal Education Centre (CLEC).

The consultants will carry out the evaluation over a nine week period between January and March 2010.

#### 6. Selection criteria

- Strong background in programme management
- Experience in conducting evaluations, preferably in the areas of conflict resolution, gender, capacity-building or related areas

- Experience in developing evaluation methodologies and conducting interviews and focus group discussions
- Experience working with local, provincial and national government counterparts in Cambodia
- Legal background or previous experience working in legal sector an advantage
- Excellent English language skills and ability to translate when required (translator will be provided)

## **7. Application procedure**

Applicants are invited to submit their CVs and a statement outlining their experience undertaking similar work and how they meet the selection criteria to name, email. Please direct any enquiries about the ToR to Bronwen Seal at [Bronwen.Seal@undp.org](mailto:Bronwen.Seal@undp.org). Short-listed candidates will be required to submit examples of their written work.

## Appendix C

External Final Evaluation -  
Access to Justice Project - 18 March 2010  
GUIDED QUESTIONS FOR MAISON STAFF

1. HISTORY - How long have you been involved in the Maison? Why are you involved in this process? (Talk about the starting points/recruitment process)
2. PLANNING - How is the Maison planned? (Get to know more about the project design, implementation, roles of each member? How is the Maison set up?)
3. IMPLEMENTATION - How is the Maison implemented? Their view about the roles and their involvement, their commitment to this. Who are the leading team members? How is the decision made? How are the authority being defined between Maison chief and assistant? How about in practice? How often is the meeting among the team? Who support/facilitate the meeting session?
4. CAPACITY BUILDING/TRAINING - How is capacity building? Who provided capacity building? Is that sufficient? What training was received/given was it sufficient?
5. CONFLICT RESOLUTION - Are there many conflict coming to you? (Asking issues related to practices: How often do you intervene in dealing with conflict? What kind of conflicts are mostly raised to you/them for support/resolution? How do you/they deal with? Is that successful? Why/why not? Who are the most victims? How active are the Maison members getting involved in this practice? What do you see the practice (positive/ successful)? Are the resolutions by the Maison satisfactory for the conflicting parties? Are there any conflicts that cannot be dealt? Any attitude changes in term conflict understanding? ADR Concept, mutual agreement for settlement? Any conflict increase or decrease? Keep you busy with dealing with conflict? Are there any conflicts that you cannot deal with? If so what do you do/how do you advise the parties? Do you send the case to any other person or government offices yourself?
6. EFFECTIVENESS/RESULTS - How do you see the effectiveness of the project? Any successes/challenges/constraints pertaining the project implementation? How could the effectiveness of activities be strengthened? What are the results of the Maison/overall project?
7. OBJECTIVES Are the objectives being met? – Has life changed for indigenous people, the poor and women? Do they have increased access to justice? Are the overall objectives met through coordination between the various activities of the project (CCE/CDRC/Maison/other)?
8. COOPERATION/COORDINATION - How is the cooperation among the team? Among the other Maison/CDRC/CCE/UNDP/MOI/MOJ/Local authorities? Are the activities coherent and complementary with other civil society (support) activities in the country? What kind of coordination mechanisms exist?
9. GENDER/INDIGENOUS PEOPLES - Are the needs of men and women being integrated in activities in a fair manner? How about indigenous peoples? How relevant are Maison activities for gender issues? Are the rights of women and indigenous peoples respected?

10. RELEVANCE How do you see the importance of the project? Are the activities in line with the current needs? Are there any NGOs or other organizations doing similar work? How does this project relate?
11. MONITORING - How does planning for and monitoring of the overall programme results function? How are the results and milestones of activities monitored? What kind of mechanisms exists to adapt activities to changing contexts? Is monitoring effective? If not, what are the main problems and recommendations? How is gender and conflict sensitivity been integrated into monitoring?
12. RECOMMENDATIONS - What are the main recommendations to enhance the efficiency of Maison's the administrative, procedural, and monitoring instruments?
13. BEST PRACTICES/LESSONS LEARNED - What are the best practices you observed from this Maison?
14. SUSTAINABILITY/REPLICABILITY - Do you think Maison should be continued? Do you think you do differently or the same? Why and how? Are they sustainable? Why/Why not? If so, how? What could make them more sustainable?

External Final Evaluation  
Access to Justice Project - 18 March 2010  
GUIDED QUESTIONS FOR CDRC

1. HISTORY How long have you been involved/ or have known of the CDRC? Why are you involved in this process? (Talk about the starting points/recruitment process)
2. PLANNING - How is the CDRC planned/implemented? (Get to know more about the project design, implementation, roles of each member? How is the CDRC set up?)
3. IMPLEMENTATION - Who are the leading team members? How is the decision made? How often is the meeting among the team? Who support/facilitate the meeting session? How active are the CDRC members getting involved in this practice – are they all equally active?
4. TRAINING AND MONITORING - How is capacity building? Who provided capacity building? Is that sufficient? Need more of something?
5. PRACTICE – CONFLICT RESOLUTION - Are there many conflict coming to you? (Asking issues related to practices: How often do you intervene in dealing with conflict? What kind of conflicts are mostly raised to you/them for support/resolution? How do you/they deal with? Is that successful? Why/why not? Who are the most victims? Any attitude changes in term conflict understanding? ADR Concept, mutual agreement for settlement? Any conflict increase or decrease? Keep you busy with dealing with conflict? CDRC satisfactory for the conflicting parties? Are there any conflicts that you cannot deal with? If so what do you do/how do you advise the parties? Do you send the case to any other person or government offices yourself?)
6. RESULTS/EFFECTIVENESS - What do you see the practice (positive/successful)? Are the resolutions by the effective? How do you see the effectiveness of the project? Any successes/ challenges/ constraints pertaining the project implementation? How could the effectiveness of activities be strengthened? What are the results of the project?
7. OBJECTIVES Are the objectives being met? – Has life changed for indigenous people, the poor and women? Do they have increased access to justice? Are the overall objectives met through coordination between the various activities of the project (CCE/CDRC/Maison/other)?
8. COOPERATION/COORDINATION - How is the cooperation among the team? Among the other Maison/CDRC/CCE/UNDP/MOI/MOJ/Local authorities? Are the activities coherent and complementary with other civil society (support) activities in the country? What kind of coordination mechanisms exist?
9. GENDER/INDIGENOUS PEOPLES - Are the needs of men and women being integrated in activities in a fair manner? How about indigenous peoples? How relevant are activities for gender issues? Are the rights of women and indigenous peoples respected? Are all members literate? What to do to help illiterate members?

10. RELEVANCE How do you see the importance of the project? Are the activities in line with the current needs? Are there any NGOs or other organizations doing similar work? How does this project relate?
11. MONITORING – Is there any monitoring? If so, by whom and how?
12. RECOMMENDATIONS - What are the main recommendations to improve CDRC's - the administrative, procedural, and monitoring?
13. BEST PRACTICES/LESSONS LEARNED - What are the best practices you observed from this CDRC?
14. SUSTAINABILITY/REPLICABILITY - Do you think CDRC should be continued? Do you think you do differently or the same? Why and how? Are they sustainable? Why/Why not? If so, how? What could make them more sustainable?

External Final Evaluation  
Access to Justice Project - 18 March 2010  
GUIDED QUESTIONS FOR VILLAGE FACILITATORS

1. HISTORY - How long have you been involved/ or have known of the village facilitation? How were you selected and by whom? Why are you involved in this process? Is it important to you? How much time do you spend? Do you receive any benefit (money, status, etc.?) (Talk about the starting points/recruitment process)
2. IMPLEMENTATION - How do you facilitate the process? How do you organize and facilitate the meetings? Who are the participants? Who selects the participants and how? What issues had been raised for discussion? How active are women in this process? How do you view as conflict mediator or conflict preventers? How many training sessions do you hold? Do you provide any incentives for participants? Do you visit them in their homes before or after the sessions? Are all members literate? What to do to help illiterate members?
3. CASES DV/GBV - Do you receive any conflicts/cases of DV/GBV directly? If so, how many? Do you intervene yourself, or do you send to someone else? Who else involved? How do you/they deal with? Is that successful? Why/why not? Who are the most victims? How active are the village facilitators getting involved in this practice?
4. TRAINING/RESULTS Is your training in the village successful? Do you see any differences? What was the rate of DV before, and after the project? How do you measure changes? What do you see the practice (positive/successful)? Are the resolutions by the VF satisfactory by the participants? Any attitude changes? Any behaviour changes? Why or why not?
5. MONITORING - Who is your supervisor? How often do you see them? What about monitoring of the participants, do you visit them after the training?
6. EFFECTIVENESS - How do you see the effectiveness of the project? Any successes/challenges/constraints pertaining the project implementation? How is the cooperation among the team? Are the needs of men and women being integrated in activities in a fair manner? How could the effectiveness of activities be strengthened? . How do you view the village facilitation in the village levels? Is it important? Why/why not?
7. RELEVANCE - Are there any NGOs/other organizations working like this? How does your work relate to them? Do you coordinate?
8. BEST PRACTICES/LESSONS LEARNED - What are the best practices you observed from this VF? Any lessons learned?
9. SUSTAINABILITY - If the project ended, why? Do you still continue your information dissemination? Does anyone else do information dissemination?
10. RECOMMENDATIONS - Do you think VF should be continued? Do you think you do differently or the same? Why and how? Any recommendations?

External Final Evaluation  
Access to Justice Project - 18 March 2010  
GUIDED QUESTIONS FOR PEACE TABLES

11. HISTORY How long have you been involved/ or have known of the PT? Why are you involved in this process? (Talk about the starting points/recruitment process)
12. IMPLEMENTATION - How do you facilitate the process? How do you organize and facilitate the meetings? Who are the participants? What issues had been raised for discussion? How active are women in this process? How do you view as conflict mediator or conflict preventers? numbers of men, women? Ages of participants (all older or some younger too?) includes one or more members of village council? Is it good to include the village/commune chief or not? What should selection criteria include for PT/CDRC?
13. LITERACY/INCLUSION Are all members literate? What to do to help illiterate members?
14. OBJECTIVES – Are the objectives of the project met? How can women and indigenous peoples be included?
15. SUPERVISION/MONITORING Should there be advisors to the PT/CDRC? If so, who? Do the PT/CDRC need training? If so, what? How much? How often? Who should do this? what training materials are needed? Do the PT/CDRC need a budget, if so, for what? If money is needed how can it be found?
16. CONFLICT RESOLUTION PROCESS - Are there many issues to discuss? (Asking issues related to practices: How often do you intervene in dealing with issues? What kind of issues are mostly raised to you/them for support/resolution? How do you/they deal with? Is that successful? Why/why not? What do you see the practice (positive/ successful)? Are the resolutions by the PT satisfactory for the conflicting parties? Are there any conflicts that cannot be dealt with? If not what do you do?
17. EFFECTIVENESS/RESULTS How do you see the effectiveness of the project? What are the results? Any successes/challenges/constraints pertaining the project implementation? How is the cooperation among the team? Are the needs of men and women being integrated in activities in a fair manner? How do you view the PT? Is it important? Why/why not? What is ideal PT you think? How could the effectiveness of activities be strengthened?
18. LESSONS LEARNED/BEST PRACTICES - What are the best practices you observed from this PT? Do you think PT should be continued? Do you think you do differently or the same? Why and how?
19. RECOMMENDATION/SUSTAINABILITY - Any recommendations? How can the PT/CDRC best be made sustainable?

External Final Evaluation  
Access to Justice Project - 10 March 2010  
GUIDED QUESTIONS FOR BENEFICIARIES

(Maison, CDRC, ADR, PT, VF/CCE):

1. Have you ever heard of the Maison/CDRC/ADR/PT/VF? Were you involved in this process? How?
2. What are your observations of the ...? What do they do? Is it important? Why/why not?
3. Have they helped you? How have they treated you? Was the process fair? Are you happy with the outcome? If you had another problem like this, would you go to them again?
4. What process do they use to come to agreements? [re you familiar with the principles of ADR Concept, mutual agreement for settlement?]
5. How do you see the effectiveness of the project? Any successes/challenges/constraints pertaining the project implementation? What contribute to the success you observe?
6. Are there any NGOs or other organizations doing similar work? Is the work of the ... the same or different?
7. Have you seen them involved in other situations? In what types of situations have they been involved? Appropriate or not?
8. Do you think the... should be continued? Do you think you would do something differently in the future or the same? Why and how? What are the best practice from this process you observe?

External Final Evaluation  
Access to Justice Project - 18 March 2010  
GUIDED QUESTIONS FOR LOCAL AUTHORITIES-

QUESTIONS FOR GOVERNMENT OFFICIALS

(Maison, CDRC, ADR, PT, VF/CCE):

1. What are the conflict situation in your areas? What are the most conflict related to so far? How are the conflict solved so far? Who did the conflicting parties go for help when they experience conflict? How are the conflict resolved? Successful and satisfactorily or difficult so far?
2. Have you ever heard of the Maison/CDRC/ADR/PT/VF? How did you hear them?
3. What are your observations of the ...? What do they do? Is it important? Why/why not?
4. How active are the projects as your observation? How often do they deal with conflicts so far? How are their cooperation with the team and with you?
5. How do you see the effectiveness of the project? Any successes/challenges/constraints pertaining the project implementation? What contribute to the success you observe?
6. Do you think the design of combined combination of MoJ and MoI work well in the level of maison? Why or why not?
7. Are there any NGOs or other organizations doing similar work? Is the work of the ... the same or different?
9. Do you think the... should be continued? Do you think you would do something differently in the future or the same? Why and how? What are the best practice from this process you observe?
10. Do you think the... should be continued? Do you think you would do something differently in the future or the same? Why and how? What are the best practice from this process you observe?

External Final Evaluation  
Access to Justice Project - 18 March 2010  
GUIDED QUESTIONS FOR ADR TRAINERS-

1. HISTORY - How long have you been involved in the Project? Are you interested in this position? Why/why not? What is your motivation to work in this project? Who are your supervisor? How do you observe your interaction with your supervisor?
2. PLANNING - How is the training planned and developed? (Get to know more about the project design, implementation, roles of each member? How is the training set up?
3. IMPLEMENTATION - How is the trainings offered to the participants? Talk about the process of training, what are the main contents of the training? Who are the trainings deliverers? How are the participants for maison and CDRC chosen so far?
4. CAPACITY BUILDING/TRAINING - How is capacity building to you and trainers? Who provided capacity building? Is that sufficient? Do the project provide capacity building to government staff? Why and why not? How are the plan for exit strategies to build capacity to government officials so that they are able to handle the project?
5. CONFLICT RESOLUTION - Are there many conflict coming to maison and CDRC? (Asking issues related to practices: How often do they intervene in dealing with conflict? What kind of conflicts are mostly raised? Is that successful? Why/why not? Who are the most victims? How active are the Maison members getting involved in this practice? What do you see the practice (positive/successful)? Are the resolutions by the Maison satisfactory for the conflicting parties? Are there any conflicts that cannot be dealt? Any attitude changes in term conflict understanding? ADR Concept, mutual agreement for settlement? Any conflict increase or decrease? Are there any conflicts that you cannot deal with?  
**Mechanism to record the conflict data so far? How?**
6. EFFECTIVENESSRESULTS - How do you see the effectiveness of the project? Any successes/challenges/constraints pertaining the project implementation? How could the effectiveness of activities be strengthened? What are the results of the Maison/overall project?
7. OBJECTIVES Are the objectives being met? – Has life changed for indigenous people, the poor and women? Do they have increased access to justice? Are the overall objectives met through coordination between the various activities of the project (CCE/CDRC/Maison/other)?
8. COOPERATION/COORDINATION - How is the cooperation among the team? Among the other Maison/CDRC/CCE/UNDP/MOI/MOJ/Local authorities? Are the activities coherent and complementary with other civil society (support) activities in the country? What kind of coordination mechanisms exist?
9. GENDER/INDIGENOUS PEOPLES - Are the needs of men and women being integrated in activities in a fair manner? How about indigenous peoples? How relevant are Maison activities for gender issues? Are the rights of women and indigenous peoples respected?

10. RELEVANCE: How do you see the importance of the project? Are the activities in line with the current needs? Are there any NGOs or other organizations doing similar work? How does this project relate?
11. MONITORING - How does planning for and monitoring of the overall programme results function? How are the results and milestones of activities monitored? What kind of mechanisms exists to adapt activities to changing contexts? Is monitoring effective? If not, what are the main problems and recommendations? How is gender and conflict sensitivity been integrated into monitoring?
12. RECOMMENDATIONS - What are the main recommendations to enhance the efficiency of Maison's the administrative, procedural, and monitoring instruments?
13. BEST PRACTICES- What are the best practices you observed from this Maison?
14. SUSTAINABILITY/REPLICABILITY - Do you think Maison/CDRC should be continued? Do you think you do differently or the same? Why and how? Are they sustainable? Why/Why not? If so, how? What could make them more sustainable?

External Final Evaluation -  
Access to Justice Project - 18 March 2010  
GUIDED QUESTIONS FOR NGOs (LAC & CLEC)

1. HISTORY - How long have you been involved in the project? What is your role with this project? How do you like the projects? What is your involvement with the project so far?
2. PLANNING – Why and how is the project established and planned? (Get to know more about the project design, implementation, and monitoring? How is the project set up?
3. IMPLEMENTATION - How is the project implemented? What are the most cases happened in your target areas? Who are the victims? How many cases have they worked so far? Are the cases successfully resolved? What are the processes? Who participated or cooperated with the local authorities? Any recording of the cases?
4. EFFECTIVENESS/RESULTS - How do you see the effectiveness of the project? Any successes/challenges/constraints pertaining the project implementation? How could the effectiveness of activities be strengthened? What are the results of the Maison/overall project?
5. OBJECTIVES Are the objectives being met? – Has life changed for indigenous people, the poor and women? Do they have increased access to justice? Are the overall objectives met through coordination between the various activities of the project?
6. COOPERATION/COORDINATION - How is the cooperation among the team? Among the other Maison/CDRC/CCE/UNDP/MOI/MOJ/Local authorities? Are the activities coherent and complementary with other civil society (support) activities in the country? What kind of coordination mechanisms exist?
7. GENDER/INDIGENOUS PEOPLES - Are the needs of men and women being integrated in activities in a fair manner? How about indigenous peoples? How relevant are activities for gender issues? Are the rights of women and indigenous peoples respected?
8. RELEVANCE How do you see the importance of the project? Are the activities in line with the current needs? Are there any NGOs or other organizations doing similar work? How does this project relate?
9. MONITORING - How does planning for and monitoring of the overall programme results function? How are the results and milestones of activities monitored? What kind of mechanisms exists to adapt activities to changing contexts? Is monitoring effective? If not, what are the main problems and recommendations? How is gender and conflict sensitivity been integrated into monitoring?
10. RECOMMENDATIONS - What are the main recommendations to enhance the efficiency of project's the administrative, procedural, and monitoring instruments?
11. BEST PRACTICES/LESSONS LEARNED- What are the best practices you observed from this project?

12. SUSTAINABILITY/REPLICABILITY - Do you think the project should be continued? Do you think you do differently or the same? Why and how? Are they sustainable? Why/Why not? If so, how? What could make them more sustainable?

## Appendix D

### Summary of Evaluation Target Areas and Groups (Maisons, CDRCs and CCEs)

No	Provinces	District/maison	Communes	CCE Villages
1	Kg Speu	4 maisons with 12 staff (4 females)	16 CDRCs with 112 members	22 villages ( 67 VFs)
2	Kg Chhnang	4 maisons with 12 staff (4 females)	16 CDRCs with 112 members	31 villages (93 VFs)
3	Battambang	2 maisons 6 staff (2 females)	8 CDRCs with 56 members	N/A
4	Siem Reap	6 maisons with 18 staff (6 females)	12 CDRCs with 84 members	24 villages (73 VFs)
5	Mondulkiri	2 maisons with 6 staff (with 2 females)	2 CDRCs with 14 members	5 villages (18 VFs)
6	Ratanakiri	2 maison with 6 staff (with 3 females)	2 CDRCs with 14 members	7 villages ( 21 VFs)
Total	6 (provinces)	20 districts (60 staffs with 20 females)	56 CDRCs (with 392 members)	89 villages (272 VFs; 178 females)

## Appendix E

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## Appendix F

### Summary of Results from Economic Institute of Cambodia Beneficiary Survey<sup>68</sup>

<b>Beneficiaries thought:</b>	<b>CDRC</b>	<b>Maison</b>	<b>TA</b>	<b>PT</b>	<b>LAC</b>	<b>CLEC<sup>69</sup></b>
<i>Number of Interviewees total =women/men</i>	356 =206/132	167 =100/67	26 =16/10	30 =6/24	65 =59/6	6 =2/4
Services were adequate	86%	77%	92%		89%*	83%*
Easy to solve their problem Easily accessible*	94%	92%		100%	97%	80%
Satisfied with results	90%	81%	86%	76%	80%	70%
Thought results were fair	90%	87%		60%	65%	60%
Would return for help / would use in the future	97%	89%	82%	100%	93%	89%
Were treated with respect	98%	96%*			92%	100%
Felt staff were very helpful	78%	77%				
Received much attention from staff/acceptable attention	76%	63%			63%/34%	
Felt someone influenced their case	2%	4%	10%		17%	23%
Met expectations				20%		70%

\*Indicates that exact percentages were not clear, as results were presented only in bar graph format.

<sup>68</sup> For each component, the questions asked were not exactly the same, so some cells are left blank as no question was asked, and some questions were slightly different between components. Please see full survey: Economic Institute of Cambodia. Access to Justice in Cambodia - Beneficiary Perceptions Survey: Benefits, Challenges, and Prospects, April 2010. This chart was based upon information available in draft three of the Beneficiary which was the latest draft available when this report was written.

<sup>69</sup> Note that the numbers of beneficiaries surveyed for CLEC was only 6 (out of a total of 8 clients) thus the sample size is too small to make conclusions based on percentages.

## Appendix H1

### Total Numbers of Interviewees Targeted Person and Non-Targeted person

Total	Female	Male	IP
Interviews – A2J – 2010 – PHNOM PENH			
25	9		
Interviews – A2J – 2010 – KAMPONG SPEU			
35	13		
Interviews – A2J – 2010 – KAMPONG SOM			
13	7		
Interviews – A2J – 2010 – MONDOLKIRI			
48	13		35
Interviews – A2J – 2010 – RATTANAKIRI			
40	14		12
Interviews – A2J – 2010 BATTAMBONG			
54	25		
Interviews – A2J – 2010 SIEM REAP			
60	36		
Interviews – A2J – 2010 KAMPONG CHHANG			
46	15		
<b>321</b>	<b>132</b>		<b>47</b>

No	Interviewees	Amount
1	Maison chiefs and assistants	40
2	CDRC chiefs and members	65
3	District governors and deputy governors	22
4	Womens affairs district chief or deputy	15
5	Village facilitators	26
6	Beneficiaries for all components	80
7	Non-beneficiaries	11
8	Police (but not including with CDRC members)	1
9	NGO staff	30
10	Judges and Clerks	6
11	Project staff and donors in Phnom Penh	25
<b>Total</b>		<b>321</b>

## Appendix H2

Interviewee Statistics Final Evaluation March to May 2010

No.	Date of IV	Province	District	Name	Title	Organization	Gender	IP
<b>INTERVIEWS - A2J - 2010 - PHNOM PENH</b>								
1	25-Feb	Phnom Penh		Ms. Dorine Van Der Keur	International Coordinator	A2J-UNDP	Female	
2	25-Feb	Phnom Penh		Ms. Bronwen Seal	M&E and Communication Offer	A2J-UNDP	Female	
3	26-Feb	Phnom Penh		Mr. Yin Sopheap	Regional Legal Specialist	A2J-UNDP	Male	
4	2-Mar	Phnom Penh		Mr. Heng Path	Specialist, Adolescent	UNICEF-UNDP	Male	
5	3-Mar	Phnom Penh		Mr. Heang Socheat	Governance Cluster Team Leader	UNDP	Male	
6	4-Mar	Phnom Penh		H.E. Suy Mong Leang	National Project Director (A2J)	CLJR	Male	
7	4-Mar	Phnom Penh		Mr. Keo Dyna	Programme Manager	LAC	Male	
8	4-Mar	Phnom Penh		Mr. Max Howlett	Legal Advisor	EWMI	Male	
9	4-Mar	Phnom Penh		H.E. Phov Samphy	General Director	MoJ	Male	
10	5-Mar	Phnom Penh		Mr. Meas Savath	ADR Coordinator	UNDP	Male	
11	5-Mar	Phnom Penh		Mr. Yeng Vireak	Executive Director	CLEC	Male	
12	5-Mar	Phnom Penh		Mr. Eric Lampert	Project Assurance Officer	UNDP	Male	
13	6-Mar	Phnom Penh		Mr. Srun Rachana	CCE Coordinator	A2J-UNDP	Male	
14	8-Mar	Phnom Penh		Mr. Mony Virak	Project Manager (A2J)	MoI	Male	
15	8-Mar	Phnom Penh		Mr. Koy Neam	Programme Officer	TAF-UNDP	Male	
16	8-Mar	Phnom Penh		Mr. Josep Vargas	Country Representative	AECID	Male	
17	14-Mar	Phnom Penh		Ms. Brittis Edelman	Representative	Amnesty International	Female	
18	5-Apr	Phnom Penh		Ms. Billie Slott	Co-Author of 2005 Divorce Study		Female	
19	6-Apr	Phnom Penh		Ms. Sophie Baranes	Acting Representative	UNDP	Female	
20	6-Apr	Phnom Penh		Ms. Scott Leiper	Advisor to NCDD	UNDP	Female	

21	6-Apr	Phnom Penh		Ms. Francizka Boehm	Legal Advisor	GTZ	Female	
22	7-Apr	Phnom Penh		H.E. Phon Bunthal	Project Focal Person	Mol	Male	
23	15-Apr	Telephone		Mr. Livingston Armytage	Former Legal Advisor UNDP		Male	
24	23-Apr	Telephone		Mr. Steve Austermilller	Legal Education Advisor	American Bar Associatioin	Male	
25	4/24/2010	email		Ms. Sara Ferrer Olivella	Programme Advisor	UNDP	Female	
Sub-Total					25			
<b>INTERVIEWS - KAMPONG SPEU PROVINCE</b>								
1	9-Mar	Kampong Speu		Ms. Lav Sothoul	Maison Second Assistant	Maison de la Justice	Female	
2	9-Mar	Kampong Speu	Phnom Srouch	Mr. Chan Chenda	Maison Chief	Maison de la Justice	Male	
3	9-Mar	Kampong Speu	Phnom Srouch	Mr. Han Piseth	Deputy District Governor	Maison de la Justice	Male	
4	9-Mar	Kampong Speu	Phnom Srouch	Ms. Sok Sareoun	Chief of District Women's Affairs	CCE	Female	
5	9-Mar	Kampong Speu	Phnom Srouch	Ms. Hun Khunnay	Staff of District Women's Affairs	CCE	Female	
6	9-Mar	Kampong Speu	Phnom Srouch	Mr. Yim Ban	Maison Assistant	Maison de la Justice	Male	
7	10-Mar	Kampong Speu	Phnom Srouch	Ms. Pay Simly	Village Facilitator	CCE	Female	
8	10-Mar	Kampong Speu	Phnom Srouch	Mr. Neth Vuth	Member of CDRC and Village elder	CDRC	Male	
9	10-Mar	Kampong Speu	Phnom Srouch	Ms. Kim Yoerng	Beneficiary of CDRC	CDRC	Female	
10	12-Mar	Kampong Speu	Phnom Srouch	Mr. Iv Bori	Judge	Provincial Court	Male	
11	12-Mar	Kampong Speu		Mr. Siphon	Clerk	Provincial Court	Male	
12	12-Mar	Kampong Speu		Mr. Bun Thol	Senior Programme Adviser	UNDP	Male	
13	12-Mar	Kampong Speu		Mr. Sok Ra	Local Administration Advisor	UNDP	Male	

14	12-Mar	Kampong Speu		Mr. Houen Chandoeun	Lawyer	LAC	Male	
15	12-Mar	Kampong Speu		Mr. Sung Mon Bunlok	Lawyer Assistant	LAC	Male	
16	12-Mar	Kampong Speu		Mr. Sam Chanthan	Deputy District Governor	Maison de la Justice	Male	
17	12-Mar	Kampong Speu	Barseth	Mr. Soeun Sopheak	Maison Chief	Maison de la Justice	Male	
18	12-Mar	Kampong Speu	Barseth	Ms. Minh Sareth	Chief of District Women's Affairs	CCE	Female	
19	12-Mar	Kampong Speu	Barseth	Ms. Ep Bopha	Maison Assistant	Maison de la Justice	Female	
20	12-Mar	Kampong Speu	Barseth	Mr. Sao Rith	Maison Assistant	Maison de la Justice	Male	
21	13-Mar	Kampong Speu	Barseth	Mr. Sok Thy	Beneficiary of Maison	Maison de la Justice	Female	
22	13-Mar	Kampong Speu	Barseth	Ms. Siec Ngeang	Beneficiary of Maison	Maison de la Justice	Male	
23	13-Mar	Kampong Speu	Barseth	Ms. Saom Kun	Beneficiary of Maison	Maison de la Justice	Female	
24	13-Mar	Kampong Speu	Barseth	2 Women and 1 Man	Village Facilitator Focus Group	CCE	F&M	
25	13-Mar	Kampong Speu	Barseth	Kuy Reurn, Long An, Man Pov (F) and Kang Vill	4 CDRC Members Focus Group	CDRC	Male	
26	13-Mar	Kampong Speu	Barseth	Moerng Koern	Village Facilitator	CCE	Male	
27	13-Mar	Kampong Speu	Barseth	Sin Sao, F	Village Facilitator	CCE	Female	
28	13-Mar	Kampong Speu	Barseth	Mr. Vanna	Beneficiary of CCE	CCE	Male	
29	13-Mar	Kampong Speu	Barseth	Ms. Bun Moth	Beneficiary of CCE	CCE	Female	
30	13-Mar	Kampong Speu	Barseth		Non-Beneficiary Group			
Sub-Total		35	Barseth					

<b>INTERVIEWS - A2J - 2010 - KAMPONG SOM</b>								
1	10-Mar	Kampong Som		CDRC Workshop	(6 people) Focus Group	CDRC		
2	11-Mar	Kampong Som		Chea Samrach	ADR Trainer/Coordinator	UNDP		
3	11-Mar	Kampong Som		CDRC Workshop	(3 people) Focus Group	CDRC		
4	11-Mar	Kampong Som		CDRC Workshop	(3 people) Focus Group	CDRC		
5	11-Mar	Kampong Som		CDRC Workshop attendees				
Sub-Total		13						
<b>INTERVIEWS - A2J - 2010 - MONDOLKIRI</b>								
1	15-Mar	Mondolkiri		Mr. Peng Sambath	Mayor		Male	
2	15-Mar	Mondolkiri	Sen Monorom Town	Mr. Bill Herod	Phunong Center	Phunong Center	Male	
3	16-Mar	Mondolkiri	Sen Monorom Town	Mr. Sreov Sopheap	Non-Beneficiary		Female	IP
4	16-Mar	Mondolkiri	Sen Monorom Town	Peace Table	9 persons		Male	IP
5	16-Mar	Mondolkiri	O'rang	Mr. Lay Sovathara		CLEC	Male	
6	16-Mar	Mondolkiri		Ms. Hy Somaly	CLEC Assistant	CLEC	Female	IP
7	16-Mar	Mondolkiri		Mr. Kimly Peng	Village Elder Group (VDRC)	CLEC	Male	IP
8	16-Mar	Mondolkiri	O'rang	Mr. Trum Blang	Village Elder Group (VDRC)	CLEC	Male	IP
9	16-Mar	Mondolkiri	O'rang	Mr. Srun Chrang	Village Elder Group (VDRC)	CLEC	Male	IP
10	16-Mar	Mondolkiri	O'rang	Ms. Beut Heub	Village Elder Group (VDRC)	CLEC	Female	IP
11	16-Mar	Mondolkiri	O'rang	Mr. Puy Chim	Beneficiary of VDRC	CLEC	Male	IP
12	16-Mar	Mondolkiri	O'rang	Mr. Em Sopheak		CLEC	Male	

13	17-Mar	Mondolkiri		Mr. Hour Narin	VDRC	CLEC	Male	IP
14	17-Mar	Mondolkiri	Sen Monorom Town	Mr. Than Pil	VDRC	CLEC	Male	IP
15	17-Mar	Mondolkiri	Sen Monorom Town	Mr. Chen Vanna	VDRC	CLEC	Male	IP
16	17-Mar	Mondolkiri	Sen Monorom Town	Mr. Bunly In	Interpreter	Phunong Center	Male	IP
17	17-Mar	Mondolkiri	Pich Da	Mr. Neou Piseth	Beneficiary of CLEC		Male	IP
18	17-Mar	Mondolkiri	Pich Da	Ms. Neouv Vanna	Beneficiary of CLEC		Female	IP
19	17-Mar	Mondolkiri	Pich Da	Mr. Trey Chup	Non-beneficiary (Kuranh Bon and parents of Beneficiary)		Male	IP
20	17-Mar	Mondolkiri		Ms. Tres Sreuph	Non-beneficiary (Kuranh Bon and parents of Beneficiary)		Female	IP
21	17-Mar	Mondolkiri		Ms. Ry Heng	Teacher	NGO New Humanity	Female	IP
22	17-Mar	Mondolkiri		Mr. Mao Kim Seng	Maison Chief	Maison de la Justice	Male	
23	18-Mar	Mondolkiri		Mr. Ya Narin	Judge	Provincial Court	Male	IP
24	18-Mar	Mondolkiri		Community Conversation				IP
25	18-Mar	Mondolkiri		Ms. Pyinh	Beneficiary of CCE		Female	IP
26	18-Mar	Mondolkiri	Sen Monorom Town	Ms. Cheap	Beneficiary of CCE		Female	IP
27	18-Mar	Mondolkiri	Sen Monorom Town	Ms. Kek	Beneficiary of CCE		Female	IP
28	18-Mar	Mondolkiri	Sen Monorom Town	Ms. Mop Chenh	Village Facilitator	CCE	Female	IP
29	18-Mar	Mondolkiri	Sen Monorom Town	Mr. Sroic Sron	Village Facilitator	CCE	Male	IP

30	18-Mar	Mondolkiri	Sen Monorom Town	Mr. Noun Sanan	Village Facilitator	CCE	Male	IP
31	18-Mar	Mondolkiri	Sen Monorom Town			NGO Nomad		
32	18-Mar	Mondolkiri		Mr. Chas Veas	Beneficiary of CLEC		Male	IP
33	18-Mar	Mondolkiri	Keo Sei Ma	Ms. Chhem Riya	Maison Assistant	Maison de la Justice	Female	
34	18-Mar	Mondolkiri	Sen Monorom Town	Mr. Heng Sophanna	Maison Assistant	Maison de la Justice	Male	
35	18-Mar	Mondolkiri	Sen Monorom Town	Ms. Chea Siyeth	Chief of Women's Affairs	Provincial Women's Affair	Female	
36	19-Mar	Mondolkiri	Sen Monorom Town	Ms. Chrey Chanry	Deputy Chief of Women's Affairs	Provincial Women's Affair	Female	IP
37	19-Mar	Mondolkiri	Sen Monorom Town	Mr. Cheut Chung	Chief of Commue		Male	
38	19-Mar	Mondolkiri	Keo Sei Ma	Mr. Toun Bunhchion	Member of Commune Coucil		Male	
39	19-Mar	Mondolkiri	Keo Sei Ma	Mr. Vanna Ol	Chief of Village		Male	IP
40	19-Mar	Mondolkiri		Mr. Nyem Sopho		NGO My Village	Male	
Sub-total		48						
<b>INTERVIEWS - A2J - 2010 - RATANAKIRI</b>								
1	16-Mar	Ratanakiri		Mr. IV Ly	Governor		Male	
2	16-Mar	Ratanakiri	Banlung	Mr. Srey Samath	Deputy Governor		Male	
3	16-Mar	Ratanakiri	Banlung	Mr. Rorth Yun	Director Councilor		Male	
4	16-Mar	Ratanakiri	Banlung	Mr. Neth Sarath	Village Facilitator		Male	
5	16-Mar	Ratanakiri	Banlung	Ms. Samrith Sreyrov	CDRC Member	CDRC	Female	
6	16-Mar	Ratanakiri	Banlung	Mr. Vong Phat	CDRC Member	CDRC	Male	

7	16-Mar	Ratanakiri	Banlung	Ms. Tith Vanda	CDRC Member	CDRC	Female	
8	16-Mar	Ratanakiri	Banlung	Ms. Chum Ry	Director	District Women Office	Female	
9	16-Mar	Ratanakiri	Banlung	Ms. He Nimith	Beneficiary of CCE		Female	IP
10	16-Mar	Ratanakiri	Banlung	Ms. Meas Sophea	Provincial Coordinator	CLEC	Female	
11	16-Mar	Ratanakiri		Mr. Marta	Technical Advisor	PD/Cando	Male	
12	17-Mar	Ratanakiri		Mr. Dok Sor	Governor		Male	IP
13	17-Mar	Ratanakiri	O'yadav	Ms. Sam Re	Beneficiary of CCE		Female	IP
14	17-Mar	Ratanakiri	O'yadav	Ms. Sav Chil	Beneficiary of CCE		Female	IP
15	17-Mar	Ratanakiri	O'yadav	Ms. Sol Vang	Beneficiary of CCE		Female	IP
16	17-Mar	Ratanakiri	O'yadav	Ms. Klang Nan	Village Facilitator		Female	IP
17	17-Mar	Ratanakiri	O'yadav	Mr. Sul Lu	Village Facilitator		Male	IP
18	17-Mar	Ratanakiri	O'yadav	Focal Group discussion (5 men)			Male	IP
19	17-Mar	Ratanakiri	O'yadav	Mr. Su	Elder/Traditional Authority		Male	IP
20	17-Mar	Ratanakiri	O'yadav	Mr. Paul Sal	Village Chief		Male	IP
21	17-Mar	Ratanakiri	O'yadav	Mr. Vys Daun	Village Facilitator		Male	
22	17-Mar	Ratanakiri	O'yadav	Ms. Rachom Sreyrov	Village Facilitator		Female	IP
23	17-Mar	Ratanakiri	O'yadav	Mr. Khorng Saroeurn	Deputy Governor		Male	
24	17-Mar	Ratanakiri	O'yadav		Programme Manager	Welt Hunger Hilfe, BMZ		
25	17-Mar	Ratanakiri	Banlung	Mr. Srun Rachana	CCE Coordinator (A2J)	UNDP	Male	
26	18-Mar	Ratanakiri	Banlung	Ms. Emma	Technical Advisor for Gender	PDO	Female	IP
27	18-Mar	Ratanakiri	Banlung	Mr. Mao Sary	Lawyer	LAC	Female	
28	18-Mar	Ratanakiri	Banlung	Ms. Sorn Sokunthea	Assistant to Maison	Maison de la Justice	Female	
29	18-Mar	Ratanakiri	Banlung	Ms. Yem Sokchea	Assistant to Maison	Maison de la Justice	Female	
30	18-Mar	Ratanakiri	Banlung	Ms. Chin Savanna	Beneficiary of Maison		Female	
31	18-Mar	Ratanakiri	Banlung	Focus Group Discussion (4 People)				

32	18-Mar	Ratanakiri	Banlung	Mr. Chan Nalin	Maison Chief	Maison de la Justice	Male	
33	18-Mar	Ratanakiri	Banlung	Mr. Vay Van La	Maison Chief	Maison de la Justice	Male	
Sub-Total		40	O'yadav					
<b>INTERVIEWS - A2J - 2010 - BATTAMBANG</b>								
1	22-Mar	Battambang		Ms. Long Saban	Deputy Chief of CDRC	CDRC	Female	
2	22-Mar	Battambang	Mong Russey	Mr. Van Sokhorn	Chief of CDRC	CDRC	Male	
3	22-Mar	Battambang	Mong Russey	Mr. Yim Chhrea	Beneficiary of CDRC		Male	
4	22-Mar	Battambang	Mong Russey	Mr. Ngoy Heun	Beneficiary of CDRC		Male	
5	22-Mar	Battambang	Mong Russey	Mr. Voir Vuthy	Maison Chief	Maison de la Justice	Male	
6	22-Mar	Battambang	Battambang Town	Mr. Pheng Seng	First Maison Assistant	Maison de la Justice	Male	
7	22-Mar	Battambang	Battambang Town	Ms. Lim Kim Sreng	Second Maison Assistant	Maison de la Justice	Female	
8	22-Mar	Battambang	Battambang Town	Mr. Lach Han	Deputy Governor of Town		Male	
9	22-Mar	Battambang	Battambang Town	Ms. Theorn Mom	Assistant of District Women's Affair		Female	
10	22-Mar	Battambang	Battambang Town	2 women	Admin Manager	Banteay Srei	Female	
12	23-Mar	Battambang	Battambang Town	Mr. Tep Han	Deputy Chief of District		Male	
13	23-Mar	Battambang	Moung Russey	Ms. Yean Than	District Chief of Women's Affairs		Female	
14	23-Mar	Battambang	Moung Russey	Ms. Sat Sovan	(Mother of) Maison Beneficiary		Female	
15	23-Mar	Battambang	Moung Russey	Mr. Daravuth	Maison Chief	Maison de la Justice	Male	
16	23-Mar	Battambang	Moung Russey	Mr. Heang Sophavy	Maison Assistant	Maison de la Justice	Male	
17	23-Mar	Battambang	Moung	Ms. Khet Sambath	Maison Assistant	Maison de la Justice	Female	

			Russey					
18	23-Mar	Battambang	Moung Russey	Ms. Sok San	Non-beneficiary			Female
19	23-Mar	Battambang	Moung Russey	Ms. Tep Tepy	Beneficiary of Maison			Female
20	23-Mar	Battambang	Moung Russey	Mr.. Thean Buntheay	Chief of CDRC	CDRC		Female
21	23-Mar	Battambang	Moung Russey	Ms. Sith Sokha	Deputy Chief of CDRC	CDRC		Male
22	23-Mar	Battambang	Moung Russey	Mr. Eng Sovann	Police Post	CDRC		Female
23	23-Mar	Battambang	Moung Russey	Mr. Sin Yuy	Beneficiary of CDRC			Male
24	23-Mar	Battambang	Moung Russey	Ms. Kerm Siem	Beneficiary of CDRC			Female
25	23-Mar	Battambang	Moung Russey	Mr. XXX	CDRC member and VF	CDRC & CCE		Male
26	23-Mar	Battambang	Moung Russey	Mr. Kruen Preng	Beneficiary			Male
27	23-Mar	Battambang	Moung Russey	Ms. Sengha Rehm	Beneficiary			Female
28	23-Mar	Battambang	Moung Russey	Ms. Pol Sitha	CDRC Member			Female
29	23-Mar	Battambang	Moung Russey	Mr. Sokun Pidor	Lawyer	LAC		Male
30	23-Mar	Battambang	Battambang Town	Mr. Ky Lok	Director	NGO Selataw		Male
31	24-Mar	Battambang	Battambang Town	Mr. Leng Salum	Chief of CDRC	CDRC		Male
32	24-Mar	Battambang	Battambang Town	Ms. Nan Lan	CDRC Member	CDRC		Female
33	24-Mar	Battambang	Battambang Town	Mr. Keat Savath	CDRC Member	CDRC		Male
34	24-Mar	Battambang	Battambang Town	Mr. Phim Chorngdy	CDRC Member	CDRC		Male
35	24-Mar	Battambang	Battambang	Mr. Khlorth Pheap	CDRC Member	CDRC		Male

			Town					
36	24-Mar	Battambang	Battambang Town	Ms. Pov Bantha	Beneficiary of CDRC			Female
37	24-Mar	Battambang	Battambang Town	Ms. Moug Chan	Beneficiary of CDRC			Female
38	24-Mar	Battambang	Battambang Town	Ms. Som Mom	Beneficiary of CDRC			Female
39	24-Mar	Battambang	Battambang Town	Mr. Som Tun	Chief of CDRC	CDRC		Male
40	24-Mar	Battambang	Battambang Town	Ms. Ep Sary	Deputy Chief of CDRC	CDRC		Female
41	24-Mar	Battambang	Battambang Town	Ms. Men Sophanny	Beneficiary of CDRC	CDRC		Female
42	24-Mar	Battambang	Battambang Town	Ms. Y Ena	Administrator	BFD		Female
43	24-Mar	Battambang	Battambang Town	Mr. Pok Socheat	Chief Battambang Town	BFD		Male
44	24-Mar	Battambang	Battambang Town	Mr. Heng Monychenda	Director	BFD		Male
45	24-Mar	Battambang	Battambang Town	Mr. Chan Borin	Programme Director	BFD		Male
46	24-Mar	Battambang	Battambang Town	Ms. Vieth Ratha	Deputy Director of Women's Affairs	Provincial Women's Affair		Female
47	24-Mar	Battambang	Battambang Town	Mr. Lim Vuthy	Beneficiary of Maison&CDRC			Male
48	24-Mar	Battambang	Battambang Town	Ms. Chhun Chan Ty	Beneficiary of CDRC			Female
49	24-Mar	Battambang	Battambang Town	Mr. Tuon Vanna	CDRC Member			Male
50	24-Mar	Battambang	Battambang Town	Mr. Kok Heng	CDRC Member			Male
51	24-Mar	Battambang	Battambang Town	Ms. Yan Theun	CDRC Member			Female
52	24-Mar	Battambang	Battambang Town	Ms. Chea Yun Nhum	Beneficiary of CDRC			Female
53	25-Mar	Battambang	Battambang	Mr. Ith Leur	former governor, and rural development			Male

			Town					
Sub-Total		54						
<b>INTERVIEWS - A2J - 2010 - SIEM REAP</b>								
1	25-Mar	Siem Reap		Mr. Ek Lak	District Deputy Governor			Male
2	25-Mar	Siem Reap	Pouk	Mr. Mith Samath	Maison Assistant	Maison de la Justice		Male
3	25-Mar	Siem Reap	Pouk	Mr. Ek Sitha	Maison Chief	Maison de la Justice		Male
4	25-Mar	Siem Reap	Pouk	Ms. Phin Sovannbopha	Second Maison Assistant	Maison de la Justice		Female
5	25-Mar	Siem Reap	Pouk	Ms. Koy Sakhorn	Village Facilitator	CCE		Female
6	25-Mar	Siem Reap	Pouk	Ms. Saboun	Beneficiary of CCE	CCE		Female
7	25-Mar	Siem Reap	Pouk	Mr. Im Eam	Chief of CDRC	CDRC		Male
8	25-Mar	Siem Reap	Pouk	Ms. Noeun Sin	CDRC Deputy	CDRC		Female
9	26-Mar	Siem Reap	Pouk	Mr. So Platong	District Deputy Governor			Male
10	26-Mar	Siem Reap	Siem Reap Town	Mr. Suth Chea Ream	Maison Chief	Maison de la Justice		Male
11	26-Mar	Siem Reap	Siem Reap Town	Ms. Meak Chourin	Village Facilitator	CCE		Female
12	26-Mar	Siem Reap	Siem Reap Town	Ms. Bopha	Beneficiary of CCE			Female
13	26-Mar	Siem Reap	Siem Reap Town	Ms. Tep Bunchay	Deputy Governor			Female
14	26-Mar	Siem Reap	Prasath Barkorng	Ms. Neth Saran	Deputy Governor	CCE		Female
15	26-Mar	Siem Reap	Prasath Barkorng	Mr. Ngorng Neom	Chief of CDRC	CDRC		Male
16	26-Mar	Siem Reap	Prasath Barkorng	Mr. Neouv Thoun	Beneficiary of CCE			Male
17	26-Mar	Siem Reap	Siem Reap Town	Ms. Chan Ravy	Maison Second Assistant	Maison de la Justice		Female
18	26-Mar	Siem Reap	Prasath Barkorng	Mr. Sun Chess	Maison Chief	Maison de la Justice		Male
19	26-Mar	Siem Reap	Prasath	Mr. But Vibol	Maison First Assistant	Maison de la Justice		Male

			Barkorng					
20	26-Mar	Siem Reap	Prasath Barkorng	Mr. Ky Bunyou	CDRC Member	CDRC	Male	
21	27-Mar	Siem Reap	Prasath Barkorng	Mr. Sophannarith	Maison Assistant	Maison de la Justice	Male	
22	27-Mar	Siem Reap	Svay Leu	Mr. Yem Savorn	CDRC Chief	CDRC	Male	
23	27-Mar	Siem Reap	Svay Leu	Mr. Sok Kosal	CDRC Member	CDRC	Male	
24	27-Mar	Siem Reap	Svay Leu	Mr. Nouy Vuth	Acting SPA	UNDP	Male	
25	27-Mar	Siem Reap	Siem Reap Town	Mr. Som Sao	Deputy Governor		Male	
26	27-Mar	Siem Reap	Sala Leu	Mr. Koh Sophanny	Former Deputy Governor		Male	
27	27-Mar	Siem Reap	Sala Leu	Ms. Lay Sonn	Chief of CDRC	CDRC & CCE	Female	
28	27-Mar	Siem Reap	Sala Leu	Mr. Lay Sarin	Deputy CDRC	CDRC	Male	
29	27-Mar	Siem Reap	Sala Leu	Neighbors of Lay Sonn	Non-beneficiary			
30	28-Mar	Siem Reap	Sala Leu	Ms. Chea Han	Village Facilitator	CCE	Female	
31	28-Mar	Siem Reap	Prasath Barkorng	Ms. Nay Song and her daughters	Beneficiary of CCE		Female	
32	28-Mar	Siem Reap	Prasath Barkorng	Ms. Chhiv Pissey	Village Facilitator	CCE	Female	
33	28-Mar	Siem Reap	Prasath Barkorng	Mr. Veng Lay	Beneficiary of CCE		Male	
34	28-Mar	Siem Reap	Prasath Barkorng	Ms. Sonn Malen	Village Facilitator and CDRC	CDRC & CCE	Female	
35	28-Mar	Siem Reap	Prasath Barkorng	Ms. Leum Bech	Beneficiary of CCE	CCE	Female	
36	28-Mar	Siem Reap	Siem Reap Town	Ms. Kem Phalla	Deputy Chief CDRC	CDRC	Female	
37	28-Mar	Siem Reap	Siem Reap Town	Mr. Long Saroeun	CDRC Member	CDRC	Male	
38	29-Mar	Siem Reap	Siem Reap Town	Mr. So Sun	Deputy Governor		Male	
39	29-Mar	Siem Reap	Banteay Srey	Mr. Hang Hydra	Maison Chief	Maison de la Justice	Male	

40	29-Mar	Siem Reap	Banteay Srey	Mr. Som Sameth	Maison Assistant	Maison de la Justice	Male	
41	29-Mar	Siem Reap	Banteay Srey	Ms. Chan Ry	Maison Assistant	Maison de la Justice	Female	
42	29-Mar	Siem Reap	Banteay Srey	Mr. Chhorn Ky	CDRC Chief	CDRC	Male	
43	29-Mar	Siem Reap	Banteay Srey	Mr. Va Yun	CDRC Deputy Chief	CDRC	Male	
44	29-Mar	Siem Reap	Banteay Srey	Mr. Tim Sem	Village Facilitator	CCE	Male	
45	29-Mar	Siem Reap	Banteay Srey	Mr. Plorng Kay	CDRC Chief	CDRC	Male	
46	29-Mar	Siem Reap	Banteay Srey	Ms. Tip Sophy	CDRC Member	CDRC	Female	
47	29-Mar	Siem Reap	Banteay Srey	Mr. Sam Rek	Beneficiary of CDRC		Male	
48	29-Mar	Siem Reap	Banteay Srey	Ms. Chum Sopha	Legal Assistant	LAC	Female	
49	29-Mar	Siem Reap		Mr. Keo Viriya	Branch Manager	BFD	Male	
50	29-Mar	Siem Reap		Mr. Hang Vuthy	Chief of Decentralization Unit	BFD	Male	
51	29-Mar	Siem Reap		Ms. Ly Phavorn	GBV Office	Banteay Srei	Female	
52	29-Mar	Siem Reap		Mr. Renn Sampot	GBV Coordinator	Banteay Srei	Male	
53	29-Mar	Siem Reap		Ms. Hun Piroth	Beneficiary of LAC		Female	
54	29-Mar	Siem Reap		Mr. Sok Leang	Judge	Provincial Court	Male	
55	29-Mar	Siem Reap		Mr. Pich Saman	Ombudsman Office	One Window Service	Male	
56	30-Mar	Siem Reap		Mr. Bun Seng	Maison Chief	Maison de la Justice	Male	
57	30-Mar	Siem Reap	Soutr Nikom	Mr. La Pitou	Maison Assistant	Maison de la Justice	Male	
58	30-Mar	Siem Reap	Soutr Nikom	Ms. Ngin Mom	Deputy District Chief		Female	
59	30-Mar	Siem Reap	Soutr Nikom	Mr. Hom Lany	Maison Chief	Maison de la Justice	Male	
60	30-Mar	Siem Reap	Svay Leu	Ms. Bung Sophan	Maison Second Assistant	Maison de la Justice	Female	

Sub-Total		60	Soutr Nikom					
<b>INTERVIEWS - A2J - 2010 - KAMPONG CHHANG</b>								
1	31-Mar	Kampong Chhang		Mr. Chhoung Kheurn	Deputy Governor			Male
2	31-Mar	Kampong Chhang	Tuk Phos	Ms. Minh Sarom	District Chief of Women's Affairs	CCE		Female
3	31-Mar	Kampong Chhang	Tuk Phos	Mr. Oung Tho	Village Facilitator	CCE		Male
4	31-Mar	Kampong Chhang	Tuk Phos	Mr. Kim San	Maison Assistant	Maison de la Justice		Male
5	31-Mar	Kampong Chhang	Tuk Phos	Mr. Pheurn	District Councilor			Male
6	31-Mar	Kampong Chhang	Tuk Phos	Ms. Dam Nyn	Beneficiary of CDRC			Female
7	31-Mar	Kampong Chhang	Tuk Phos	Ms. Nou San	Beneficiary of CDRC			Female
8	31-Mar	Kampong Chhang	Tuk Phos	Mr. Kong Rorth	Non-beneficiary			Male
9	31-Mar	Kampong Chhang	Tuk Phos	Mr. Houn Chenda	Maison Chief	Maison de la Justice		Male
10	31-Mar	Kampong Chhang	Tuk Phos	Ms. Chim Chauey	Maison Second Assistant	Maison de la Justice		Female
11	31-Mar	Kampong Chhang	Tuk Phos	Ms. Up Sopath	Beneficiary of Maison			Female
12	31-Mar	Kampong Chhang	Tuk Phos	Ms. Nuon Sitha	Beneficiary of Maison			Female
13	31-Mar	Kampong Chhang	Tuk Phos	Mr. Cham	Beneficiary of CCE			Male
14	31-Mar	Kampong Chhang	Tuk Phos	Ms. Kong Saron	Beneficiary of CCE			Female
15	31-Mar	Kampong Chhang	Tuk Phos	2 Women	Beneficiaires of CCE			Female
16	31-Mar	Kampong Chhang	Tuk Phos	Mr. Peouv Khet	Chief of CDRC	CDRC		Male
17	31-Mar	Kampong Chhang	Tuk Phos	Ms. Peut Hung	Deputy Director Women's Affairs	CCE		Female

		Chhang						
18	31-Mar	Kampong Chhang	Tuk Phos	Mr. Pen Hong	CC Member		Male	
19	31-Mar	Kampong Chhang	Tuk Phos	Mr. Cheam Sareth	Chief of CDRC	CDRC	Male	
20	31-Mar	Kampong Chhang	Tuk Phos	Ms. Chan Sok	Deputy Chief of CDRC	CDRC	Female	
21	31-Mar	Kampong Chhang	Tuk Phos	Mr. Hong Kun	Legal Assistant	LAC	Male	
22	1-Apr	Kampong Chhang	Kampong Leng	Mr. Bun Hor	Maison Chief	Maison de la Justice	Male	
23	1-Apr	Kampong Chhang	Kampong Leng	Mr. Tieng Chantha	Maison Assistant	Maison de la Justice	Male	
24	1-Apr	Kampong Chhang	Kampong Leng	Ms. Nhan Chantra	Maison Assistant	Maison de la Justice	Female	
25	1-Apr	Kampong Chhang	Kampong Leng	Mr. Dy Ourn	CDRC Chief	CDRC	Male	
26	1-Apr	Kampong Chhang	Kampong Leng	Ms. Chorn Phorn	Deputy of CDRC	CDRC	Female	
27	1-Apr	Kampong Chhang	Kampong Leng	Mr. Mon Ely	District Chief		Male	
28	1-Apr	Kampong Chhang	Kampong Leng	Ms. Roues Lan	District Women Affairs		Female	
29	1-Apr	Kampong Chhang	Kampong Leng	Ms. Mong Sareth	Beneficiary of LAC	LAC	Female	
30	1-Apr	Kampong Chhang	Kampong Leng	Mr. Nou Hen	VF	CCE	Male	
31	1-Apr	Kampong Chhang	Kampong Leng	Ms. Nou Hun	VF	CCE	Female	
32	1-Apr	Kampong Chhang	Kampong Leng	Ms. Om Chun	Beneficiary of CDRC		Female	
33	1-Apr	Kampong Chhang	Kampong Leng	Mr. Sim Sen	Beneficiary of CCE		Male	
34	1-Apr	Kampong Chhang	Kampong Leng	Mr. Ou Kimthy	Chief of Commune		Male	
35	1-Apr	Kampong	Kampong	Mr. Aouk Huot	Chief of CDRC	CDRC	Male	

		Chhang	Leng					
36	1-Apr	Kampong Chhang	Kampong Leng	Ms. El Vern	Deputy Chief of CDRC	CDRC	Female	
37	2-Apr	Kampong Chhang	Kampong Leng	Ms. Meas Sothea	Deputy Govenor		Female	
38	2-Apr	Kampong Chhang	Kampong Trolaich	Ms. Ken Chan	Chief of District Women's Affairs	CCE	Female	
39	2-Apr	Kampong Chhang	Kampong Trolaich	Mr. Pan Sophorn	Maison Assistant		Male	
40	2-Apr	Kampong Chhang	Kampong Trolaich	Ms. Sophea	Maison Assistant		Female	
41	2-Apr	Kampong Chhang	Kampong Trolaich	Mr. Chup Nyim	CCE Chief	CCE	Male	
42	2-Apr	Kampong Chhang	Kampong Trolaich	Ms. Hun Nary	Beneficiary of CCE		Female	
43	2-Apr	Kampong Chhang	Kampong Trolaich	Mr. Chim Nat	Beneficiary of CCE		Male	
44	2-Apr	Kampong Chhang	Kampong Trolaich	Ms. Hen Lim	Beneficiary of CCE		Female	
45	2-Apr	Kampong Chhang	Kampong Trolaich	Ms. Meas Ream	Chief of Commune Women's Affairs	CCE	Female	
46	2-Apr	Kampong Chhang	Kampong Trolaich	Mr. Norn Sinan	Chief of CDRC	CDRC	Male	
Sub-Total		46	Kampong Trolaich					

## Appendix I

### Summary of Findings – Access to Justice Project in Cambodia – 2006-2010

Component	Success <sup>70</sup>	Implementation -Degree (Quality)	Sustainability <sup>71</sup>	Cost Effective <sup>72</sup>	No of Direct Beneficiaries <sup>73</sup>	Total Expenditures In USD <sup>74</sup>	% Total Budget <sup>75</sup>	
1. HR Training Database	Not completed	Not	-	-	-	21,665	1%	
2. Disseminate Court Decisions	Not completed	Not	-	-	-	0	0	
3. Judicial Gazette	Not completed	Not	-	-	-	0	0	
4. ADR	4.1. Legal Advocacy National Level	Partially Successful	-Partially (Fair)	Needs follow-up to be sustainable	-	-	219,963	7%
	4.2. Legal Representation at Provincial Level	2.1 LAC – Very Successful	-Fully (Excellent)	Not sustainable	Good (1118)	210 clients	234,879	8%
		2.2 CLEC – Partially Successful	-Partially (Fair)	(but not expected) <sup>76</sup>	Poor (5905)	8 clients	47,242 <sup>77</sup>	2%
		2.3 CLEC – Peace Tables Successful	-Partially (Good)	Partially sustainable	Excellent (86)**	401 beneficiaries	34,338	1%
	4.3. Legal Services at District Level (Maisons)	Partially Successful	-Fully (Fair)	Partially sustainable	Fair (1040)	60 staff 676 clients	765,080	26%
	4.4. ADR at Commune Level (CDRC)	Very Successful	-Fully (Good)	Sustainable	Excellent (123)	392 members 2,652 clients	374,352	13%
	4.5. Empowerment of Women at Village Level	Successful	-Partially (Fair)	Partially sustainable	Good (178)**	272 VF 3560 benefic.	680,907	23%
	4.6. Empowerment of Indigenous Peoples (at village)	Successful	-Fully (Good)	Partially sustainable	Fair (905)**	669 beneficiaries	605,313	20%
4.7. CLJR Website	Not Completed	In Progress	-	-	-	1,303	0%	
<b>Totals</b>						<b>2,985,040</b>	<b>100%</b>	

<sup>70</sup> Rated on a subjective scale by the evaluators, see explanation in text of evaluation, on scale of 5: 1-Not Completed; 2-Limited Success; 3-Partially Successful; 4-Successful; 5-Very Successful. Note that success was extremely difficult to determine, as measurable indicators were never written for the Project. Scale based on achievement of objectives and views of stakeholders.

<sup>71</sup> Rated on a subjective scale by the evaluators, see explanation in text of evaluation, on scale of 5: 1-not sustainable; 2-slightly sustainable; 3-partially sustainable; 4-sustainable; fully sustainable.

<sup>72</sup> Rated on a subjective scale by the evaluators of 5: 1-Poor; 2-Fair; 3-Moderate; 4-Good; 5-Excellent – Note several categories not comparable, one mediation takes much less time than one court case for example, so the legal services would be expected to be more costly. These are very rough estimates, based upon incomplete information.

<sup>73</sup> For several components, especially the indigenous peoples component there is not adequate information available to determine the exact numbers of beneficiaries, these are very rough estimates. Only direct beneficiaries included, as insufficient information to determine indirect beneficiaries. In many cases there would be significant numbers of indirect beneficiaries (noted by \*\*).

<sup>74</sup> Includes overheads, but these costs are estimated by UNDP.

<sup>75</sup> The total budget adds up to 101%, because the percentages are averaged and for example both the CLEC legal representation component and the human rights database are less than 1%.

<sup>76</sup> But not expected to be sustainable: legal aid in most countries is a government-funded program.

<sup>77</sup> This figure and the one below (34,338) are based upon CLEC budget and not their financial report.

## Appendix J

### Total Numbers of Cases in Maisons and CDRCs – 2007 - 2009

	2007	2008	2009	2009 % yr	2009 /month	Total 2007-9	Total
<b>Maison</b>	74	126	476	24/maison /year	2/month	676	34 case/maison
<b>CDRC</b>	176	608	1868	34/maison /year	3/month	2652	48 case/CDRC

## Appendix K

### Case Studies

This appendix provides several case studies to illustrate the types of cases we heard about during this evaluation and to share some best practices. As a baseline, the first case study is a typical case of domestic violence from a 2005 report on domestic violence.<sup>78</sup> With the introduction of the Access to Justice Project with its community conversations and mediation processes, there are now more possibilities for solutions.

#### **1. Case Study “Village Party 10 (Kompong Chhnang)”:**

“A woman who had been married for many years stated that for a long time her husband had beaten her when he was drunk. Sometimes he beats her with a big piece of wood, other times he attacked her with a knife. When her family would try to help her, he would attack them too. The village chief had had many efforts to help. The chief had her husband sign an agreement not to drink and beat his wife, but he continued to beat her. The woman would like to go to court sees it as a remedy that is beyond her reach.

#### **2. Case Study – Village Facilitator and CDRC Member Best Practice**

We visited this VF at her home and interviewed her under her modest two story wooden house with thatched roof. She was also a CDRC member. She spoke easily and with knowledge, confidence and commitment about her work in both roles, although she said she had not completed her education. She said that in her village they did not just invite the same thirty families every time for community conversations, but they chose families from all parts of the village (280 families) as the village was large and they wanted to cover the entire village. They had good cooperation from the village chief, and the department of women’s affairs. They chose a mixture of both families with and without DV, but not too many with DV, in order so a majority could be an example for the other members of the community.

She said she had been chosen by the village chief to do this work, but did not want to continue as she had no time and had to do it all on a volunteer basis and was too busy with her own harvest and trying to make a living. But he kept encouraging her to continue. She had also been doing the work of health worker dissemination for HIV/AIDS and H1N1. She said she had good cooperation with the authorities at the village and commune level and they were able to greatly reduce domestic violence in the village. She was very happy and appreciative of both the conversations and the CDRC work. There were however a few recalcitrant cases, such as the neighbors behind their house. In this case, the husband was very well-educated but he spent a lot of his money on alcohol, and then would cause problems for the wife and beat her and break items in the house. The wife had a good job as a skilled construction worker, and would have had a lot of wealth if the husband did not waste their money. They had tried many times to intervene at the village and commune level, but when the husband was not drinking, he was very educated and was able to convince the authorities that there was no problem. People were reticent to be witnesses. She said that she felt that in fact in cases such as this, that ADR was not useful, because

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<sup>78</sup> Ian Ramage, et al (2008) ‘Somroh Somruei and Violence Against Women’, Domrei Research and Consulting, AusAID, IWDA, Banteay Srei, ADHOC: Cambodia: Page 54.

the husband had committed crimes and beaten his wife and repeatedly broken their property and that he should be arrested.

We then went to interview some beneficiaries. The woman across the street selling coconuts was a participant. She was shy to speak to us, saying she was very ignorant, uneducated and knew nothing and did not know how to speak. She said she had only attended one or two sessions. Then after she relaxed a bit, she was actually very knowledgeable, she knew the various types of domestic violence (physical, psychological, economic and sexual) and was able to clearly explain how she would intervene in the case of domestic violence.

- **Chose VF carefully such as this woman, with clear commitment and a willingness to help others.** Consider finding a way to assist poor women such as this woman to participate, yet still have time to make a living.
- **Increase linkages and networks about difficult-to-solve cases.**
  - ***For example, produce referral cards with phone numbers for NGOs*** at the provincial level, or even other provinces such as Banteay Srey or CWCC, who could provide services for victims of domestic violence.
  - ***Provide more support, training and programs for the MOWA*** to deal with difficult cases.

### **3. Case Study – Lack of Information Sharing and Lessons Learned**

We went to interview three VFs at the home of one of the facilitators. She and her husband, a retired teacher, had a moderately large house, cement downstairs and wooden above, and they offered us coconuts and mangos during our meeting. The three VFs were very positive about the community conversations and the results. The conversations had taken place however the previous year, and they indicated there had not been any follow up due to lack of funds for further meetings. All three of the VFs were able to speak about the principles of the training, and were committed to continuing.

We told them we would like to drop in on some beneficiaries. The VF said the family next door had participated, so we dropped in just after lunch time. This house was much poorer, on the ground and made of thatch. The woman said she agreed to speak to us, and her husband seemed to be asleep on the bed under the house, so we went inside the house. Her husband was a butcher and she sold beef at the market. She said her husband worked late at night so he was asleep now. She said she had attended one or two of the trainings, and they had been helpful. Her husband had never attended. She was quiet and seemed reticent to speak. Her teen aged daughter returned, and as we prepared to leave, the husband stirred, and we realized that the husband was actually drunk, and not just asleep. Both the women seemed very uncomfortable and we apologized and left.

We continued to the house two over, where a small group of women were gathered. They said they had heard about the training, but they did not want to attend, because their families did not have that problem of domestic violence. At first they said there was not a problem of domestic violence, but then they indicated that yes in fact there was a problem, including at the house we had just visited, as the husband was very 'noisy'. They nor their husbands ever dared intervene, because then the drunk husband would cause problems for them. After chatting with them for some time, we came to realize that the older woman there was the mother of the woman beneficiary we had interviewed, and lived next door! One of the other women was her cousin. They denied physical abuse, but stated that the husband was often drunk and spent

the family's money on drinking. The village chief had tried to intervene, but had not had success. Another problem was that the wife did not want to take any action, as she feared to be a widow, and to lose the economic support of her husband. Although all the women said they already knew enough about domestic violence, at the end of the session, the mother asked us what else could be done for this case, as they had tried everything. In other words, she would have been interested in attending the community conversation, and actually were not well-informed about domestic violence, but did not want to attend, to avoid the stigma of participating.

In addition, one talkative woman said there was an attempted robbery the night before, and the robber had run through their land and attempted to hit them with a stick. They showed us the stick, which they had saved for evidence. They were upset though, because they had gone to the village chief, and phoned the police, but no one had yet come to investigate. They were upset about the lack of security and the inability of the local authorities to help them.

Although this was only a short-term assessment with interviews of only some of the parties involved, some lessons can be drawn:

- **Selection of participants for conversation participants need to be done carefully**, in order to avoid a stigma upon the sessions that they are only for 'bad' or families with domestic violence.
- **Some cases, especially when alcohol are involved, are particularly difficult to solve**, especially when the wife prefers to live in the relationship than seek a divorce.
- **There needs to be more social services** for families with domestic violence including counseling, economic support and treatment for alcohol dependency.
- **Supervision of VFs is needed**, as it is not clear why neither the village level women's department representative (also a VF), nor the neighbor of this family was able to intervene to improve the living situation of this family.

## Appendix L

### Sample Proposal Format for CCE Community Conversations Banteay Srei (NGO)

Kingdom of Cambodia  
National Religion King

#### **Proposal for Budget Plan**

To Whom It May Concern:

Through :

Subject :

Date :

*Attachment:*

Objective

Expectation

Budget Plan

N.O	Type of Expense	Amount of People	Cost	Total

Meeting Program

Time	Topic	Methodology	Material	Responsible person