# Cambodia Criminal Justice Assistance Project – Phase 3

## Criminal Justice Advisory Group First Mission Report

3 December 2007

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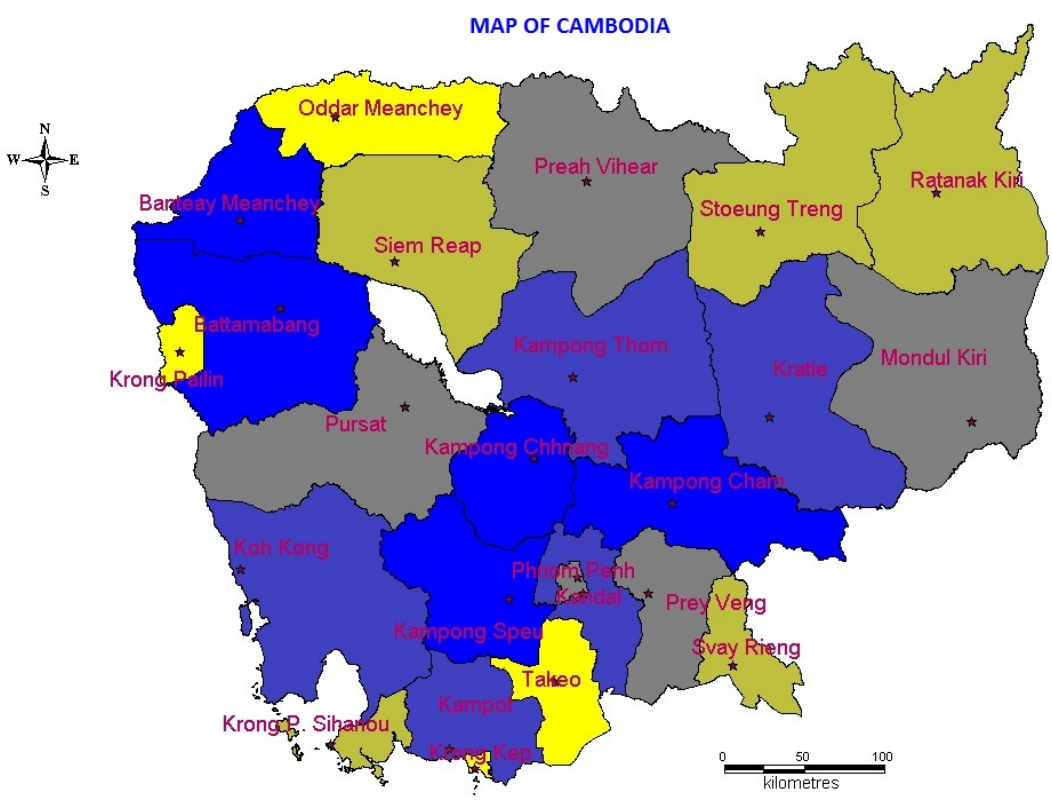
## Abbreviations

| | |
|---|---|
| **AFP** | Australian Federal Police |
| **AusAID** | Australian Agency for International Development |
| **CCJAG** | Cambodia Criminal Justice Advisory Group |
| **CCJAP** | Cambodia Criminal Justice Assistance Project |
| **CLJR** | Council for Legal & Judicial Reform |
| **CNP** | Cambodia National Police |
| **CPCS** | Crime Prevention & Community Safety |
| **D&D** | Deconcentration & Decentralisation |
| **Danida** | Danish International Development Agency |
| **FSF** | Flexible Support Fund |
| **GOA** | Government of Australia |
| **LJRS** | Legal & Judicial Reform Strategy |
| **M&E** | Monitoring and Evaluation |
| **MDG** | Millennium Development Goals |
| **MOI** | Ministry of Interior |
| **MOJ** | Ministry of Justice |
| **NMB** | National Management Board |
| **O&M** | Operations and Maintenance |
| **PAR** | Public Administration Reform |
| **PCP** | Police-Courts-Prisons |
| **PMU** | Project Management Unit (supporting the CLJR) |
| **RGC** | Royal Government of Cambodia |
| **TWGLJR** | Technical Working Group on Legal & Judicial Reform |

## Map showing project location



## Basic project data

| | |
|---|---|
| **Country**: | Cambodia |
| **Activity Name**: | Cambodia Criminal Justice Assistance Project |
| **Program:** | Bilateral |
| **Location of Activity**: | National level, Kandal province and other provinces to be decided as implementation progresses |
| **Counterpart Agencies**: | Ministry of Interior, Ministry of Justice, Council for Judicial & Legal Reform |
| **Managing Contractor**: | Global Justice Solutions |

**Key Dates**:

| | |
|---|---|
| Mobilisation | 5 February 2007 |
| Implementation | 1 July 2007 |
| Revised Strategic Framework | May 2007 |
| 1st Annual Plan | June 2007 |
| 1st CCJAG review | Oct-Nov 2007 |

**Approved Cost of Activity as per Subsidiary Arrangement**

| | |
|---|---|
| Government of Australia | AUD $ 30 million |
| Royal Government of Cambodia | AUD $ 4.2 million |
| Danida | AUD $ 1 million |

*(the latter two amounts are approximate conversions from the respective currencies)*

## Acknowledgement and disclaimer

The CCJAG would like to thank all those consulted for giving their valuable time, advice and background information. Special thanks is also extended to AusAID staff in Phnom Penh and Canberra who managed the logistical arrangements that allowed the mission to proceed smoothly.

This report only reflects the views of the CCJAG. It does not necessarily reflect the views of the Government of Australia, the Royal Government of Cambodia or any of the agencies or people consulted during the mission.

# Executive summary

The Cambodia Criminal Justice Assistance Project Phase 3 (CCJAP 3) began preparatory activities on 5 February 2007 and commenced full implementation on 1 July 2007. Phase 1 had run from April 1997 to March 2002, and Phase 2 from May 2002 to May 2007. Phase 3 is due to be completed in January 2012. The project takes an integrated approach to the criminal justice system and works with both the Ministry of Interior and Ministry of Justice as well as the Project Management Unit (PMU) which supports the Council for Legal and Judicial Reform. Integration in Phase 3 is underpinned by a focus on juveniles and other vulnerable groups in the system.

The initial Cambodia Criminal Justice Advisory Group (CCJAG) in country visit from 22 October to 1 November 2007 was largely a familiarisation visit and allowed a broad range of stakeholders to be consulted. CCJAG was asked to:

- advise on the progress, quality and management arrangements of CCJAP 3;
- assess the effectiveness of CCJAP 3's cooperation and harmonisation with development partners in the criminal justice sector; and
- advise on future strategies to strengthen the focus and impact of CCJAP 3.

**Overall findings**

The transition from Phase 2 to Phase 3 was smooth and this was greatly appreciated by counterparts. Good progress appears to have been made in Phases 1 and 2 so there is a sound basis on which to build efforts. However, achievements in earlier phases were not always clearly set out and in this phase the project needs to be clearer about where and how progress is being made. The criminal justice sector is a difficult one that is often ignored by donors in Cambodia, but is fundamental to the rule of law and social stability.

However, CCJAG noted 3 key issues that need to be addressed urgently if project progress is not to be undermined in the longer term. These are:

1. *Operation of the Flexible Support Fund (FSF)* – this fund and its management was confusing or opaque to many stakeholders and the project needs to communicate more clearly and transparently about its operations. The demarcation between activities supported to enhance Annual Plan outputs and grants to NGOs and other groups to broaden impact needs to be clearer. There needs to be a much stronger alignment with the project objectives and purpose, and the FSF application procedures need to be reformed accordingly to avoid dissipation of effort and wasted expenditure.
2. *Component integration* – the systemic approach of the project is good and needs to be pursued. Greater use could be made of the PMU in strengthening integration across the system, and more mechanisms such as the police-courts-prisons meetings need to be found to improve sustainability. This needs to be matched by mechanisms in the CCJAP team to promote integration between components.
3. *Team integration* – the co-location of advisers and project officers with their counterparts is a positive move and has had a good impact already. However, this entails a management risk of team fragmentation. CCJAP needs to promote both formal and informal team meetings to promote team morale and motivation, and to

supplement these with cultural and language training given the new cohort of international advisers unfamiliar with Cambodia.

**Specific findings**

CCJAP 3 will expand activities to a number of provinces and this has the potential to broaden project impact. However, there is a risk that the move could dilute efforts if not managed well and this risk needs to be taken into account. In particular the project needs to define the essential elements for success in rolling out activities and how these link together as a system. This should be the basis of the roll out strategy.

Component progress has been satisfactory given that only just over one quarter of the annual plan period has passed. Specific issues noted are:

- *Component 1 Legal and Judicial Reform* – good working relationships have been developed with the PMU and it has the potential to play a strong role in addressing systemic issues across the criminal justice system. The project should support this and develop more mechanisms to promote integration.
- *Component 2 Crime Prevention and Community Safety* – activities here provide a good link between national policy and community level impact of better ways to deal with crime. In Phase 3 the project intends to integrate activities into the national Decentralisation and Deconcentration (D&D) system and this will contribute to donor alignment and sustainability. However, the system entails some risks and these will need to be managed.
- *Component 3 Cambodia National Police* – good working relationships have been developed so it is vital that the changeover to a new Police Adviser is managed smoothly and sustains momentum. The project needs to work with other donors to support the development of underpinning legislation for the police so that all other donors have a clearer framework for assistance.
- *Component 4 Ministry of Justice and the courts* – the focus is on a 'model court' with improvements to court administration and case management. Activities address some key areas of delay and bottlenecks in the courts so should have a positive effect. The key elements of the model need to be clearly articulated before expansion to new provinces and consideration should also be given to future support to the judicial and legal dimensions of case management.
- *Component 5 Corrections* – good progress was made in this area in Phase 2 and there are already signs of impact more broadly. Two serious risks threaten longer term impact: overcrowding in prisons and the poor reach of rehabilitation efforts. The project needs to develop strategies to address these issues and to lobby for greater focus on them by counterparts.
- *Component 6Project management* – management systems are generally good though there needs to be more regular and fuller communication given the geographic spread of the team and the proposed expansion to new provinces. The three key issues noted in the previous section will need to be addressed, and planning will need to be more explicit about the operating environment and the management of risks and constraints. The working relationship with AusAID needs to be improved.

**Cross cutting issues**
Cross cutting issues are dealt with superficially and poorly integrated into project activities, planning and monitoring. Gender is not well understood and needs to be more evident in activities. Two gender adviser inputs will take place in November 2007 and these will need to give a higher profile to gender in the project.

The anti-corruption strategy is a good one, focused on institutional safeguards, but as yet is not really integrated into activities. It is a positive achievement that the project has put this issue on the agenda. HIV-AIDS prevention is not included in the Annual Plan at all, yet is an important issue in Components 2 and 5, and impacts on Component 3. Planning of future activities needs to take this into account.

The principles underlying the project's monitoring and evaluation plan and framework are sound, but it appears there was little involvement from the team and counterparts in their preparation. The use of various methods to collect data is good, though the use of surveys to assess attitudes could be reconsidered. The number of indicators needs to be reduced, with a greater focus on project impact and outcomes.

The capital works program will focus on refurbishment and renovation rather than new building, which should provide value for money. Greater technical support is needed in the first year to ensure that the necessary design elements are in place before works begin. Counterpart agencies provide little or no funding or staffing for operations and maintenance, undermining prospects for sustainability. The project needs to develop a strategy to deal with this.

**Sectoral integration**
The systemic approach of CCJAP is a good model and increases opportunities for collaboration with other donors, NGOs and civil groups. Support to the PMU will help to promote cooperation. Collaboration with Danida and UNICEF has been good, as are linkages with local and international NGOs. The project needs to promote greater involvement by these parties to deepen impact, especially as the project expands to new locations. CCJAP should also monitor progress on cooperation and coordination in the sector.

**Conclusion**
Given the early stage of implementation, performance of the project has been satisfactory. There has been a smooth transition between phases and there are sound working relationships on which strong cooperation can be built. Three key issues have been noted for urgent attention and a number of other areas could be improved. Preparation of the Annual Plan 2008-09 will need to be more explicit about the operating environment, risks and management strategies.

A summary of recommendations is set out in Annex 3.

# 1. INTRODUCTION

## 1.1 Background

The Cambodia Criminal Justice Assistance Project Phase 3 (CCJAP 3) began preparatory activities on 5 February 2007 and commenced full implementation on 1 July 2007. Phase 1 had run from April 1997 to March 2002, and Phase 2 from May 2002 to May 2007. All three phases have adopted a systemic approach that links the key agencies in the criminal justice system: police, courts and prisons. In Phase 2 there was a stronger focus on vertical integration with activities down to community level, and this has been strengthened in Phase 3 with activities linking all levels from community safety through to national policy and strategy preparation. Phase 3 will work towards closer alignment with new and existing Royal Government of Cambodia (RGC) strategies and plans.

As in previous phases, the project works with both the Ministry of Interior and Ministry of Justice, and in Phase 3 is also working with the Project Management Unit (PMU) which acts as secretariat to the national Council for Legal and Judicial Reform. Cooperation and funding support from the Royal Danish Government, which commenced in Phase 2, has been strengthened in Phase 3, setting up a mechanism that has the potential to attract funds from other donors as well.

Phase 3 will adopt a strong focus on addressing the needs of juveniles and other vulnerable groups in the criminal justice system as a theme to reinforce the integration of efforts across the system.

## 1.2 Purpose and method of review

This mission was the first in country visit of the Cambodia Criminal Justice Advisory Group (CCJAG), with an emphasis on becoming familiar with the project, the work of other donors and organisations in the sector and the current state of the sector in general. A large number of visits to partner agencies, provinces, donors and non-government organisations (NGOs) has provided a broad and valuable overview to the CCJAG. However, given the preliminary nature of the visit the advisers[1] have only had a limited opportunity to analyse specific issues in depth.

The purpose of the first mission was:

- To advise on the progress, quality and management arrangements of CCJAP 3;
- To assess the effectiveness of CCJAP 3's cooperation and harmonisation with development partners in the criminal justice sector; and
- To advise on future strategies to strengthen the focus and impact of CCJAP 3.

## 1.3 Overall assessment

The project is in too early a stage of implementation and the initial CCJAG mission was too broad to give a detailed assessment of quality and impact. However, milestones have generally been achieved on time and counterparts are satisfied with progress. Given the

[1] Andrew Cornish (Team Leader and M&E Adviser), Sandi Peisley (Policing Adviser) and Janet Ashby (Community Development Adviser).

new management structure of a National Management Board (NMB), the introduction of the Flexible Support Fund (FSF), a change of lead company in the management consortium, new international advisers and a revised role for the Project Manager, teething problems were to be expected. Counterparts commented very favourably on the smooth transition from Phase 2 to Phase 3 and noted that there were far fewer problems than there were in the shift from Phases 1 to 2. The interim preparatory activities from February to June 2007 no doubt helped to make the changeover easier and this is a valuable example for other projects with similar transitions and for any future phases of CCJAP.

There are many good lessons to build on from Phase 2 and some important progress was made in what remains a very difficult sector. Development of the model court and model prison have moved forward, and the establishment of the formal police-courts-prisons meetings was a major initiative. Neither the Activity Completion Report nor the Independent Completion Report from Phase 2 does full justice to the progress and achievements to date, and the same can be said of the Annual Plan 2007-08. In future annual plans the project stakeholders need to more clearly articulate CCJAP's achievements and lessons in order to show the changes taking place.

Criminal justice, and the justice system more generally, is a sector in Cambodia that attracts a good deal of criticism from foreign governments and non-government organisations (NGOs). That criticism is too rarely matched by concrete support to improve the system. Yet the sector is fundamental to the rule of law in Cambodia and to the long term social and political stability of the country and the region. Constructive support to counterparts, acknowledgement of the difficult circumstances and pressures under which they work while pushing for change, and clear delineation of progress are important to motivating reform in this sector. Over the past decade or so CCJAP has made very positive progress in this field, but needs to be clearer about its achievements and to contextualise them in local conditions.

# 2. KEY ISSUES TO BE ADDRESSED

While a number of issues discussed later in this report can be addressed progressively over the remaining three quarters of the first annual plan period, the CCJAG noted three key issues that need to be addressed as a matter of urgency before they develop into chronic problems that impede the progress of the project. These are the operation of the Flexible Support Fund, the integration of project components and the integration of the project advisory team.

## 2.1 Flexible Support Fund (FSF)

The FSF was intended to be a supplementary source of funding for emerging issues and additional partners in line with priorities set in each annual plan. However, given that the project does not have a five-year work plan but a more flexible approach using a Strategic Framework that sets the parameters for annual planning, the rationale for the FSF is not self evident, especially given the size of the fund. It is highly unusual in project management for major new issues to emerge so rapidly that they cannot be dealt with in flexible or rolling annual plans. Indeed, there is a risk that using such a fund in this way might undermine a more considered and inclusive approach to annual planning. Further, the inclusion of a grants mechanism for NGOs and civil groups within the FSF gives it a hybrid nature that does not sit easily with a single management mechanism.

The FSF is managed by the NMB which meets every six months and a sub-committee with more limited approval powers meeting in the quarterly intervals. NMB members are happy with this arrangement and with the functioning of the FSF to date. They feel they have a stronger ownership of project activities as a result.

Guidelines have been prepared, but these focus much more on the grants function of the FSF with far too little attention given to alignment with, and reinforcement of, the annual plan. The guidelines have been insufficiently widely distributed among stakeholders. An English version is posted on the CCJAP website, but not in a publicly available page of the site.

Most interviewees found the FSF and its procedures confusing and less than transparent, including management of the proposal list which goes to AusAID Post before submission to the NMB. CCJAP Advisers and Project Officers assist agencies with proposal preparation but are at times bewildered by the outcomes of applications and thus unable to communicate reasons for rejection or delay back to their counterparts. The NMB does not explain the reasons for its decisions to stakeholders nor provide advice on how proposals can be improved in order to be endorsed in future.

The operation of the FSF currently does not form a good basis for learning lessons nor for building on earlier successes. Changing this is important if the fund is to provide some coherence and direction to support the project overall.

The proposal form currently used for submission to the NMB is thoroughly inadequate for assessing how well a proposal conforms to the current annual plan, component objectives or the project's purpose. There is no provision to explain how cross cutting issues and integrating themes will be addressed, nor are details required of monitoring and evaluation arrangements. No explanation is required as to how a proposal builds on past CCJAP efforts or those of other agencies working in the sector. Start and finish dates for activities are not included and no one is named as being responsible for ensuring outputs are achieved. Budgets are presented separately to activities, making cross checking of budget estimates difficult.

Payments for approved activities are made in cash to individuals in counterpart agencies, irrespective of the amount involved, because counterpart agencies say they do not have bank accounts and it is too difficult to set them up. Acquittals are done on the basis of receipts which to date have always precisely matched the cash payments advanced, a somewhat unusual accounting phenomenon. In a project – and Australian aid program – that puts a strong emphasis on anti-corruption efforts, these arrangements do not inspire confidence.

Many of the proposals to date have been for relatively small amounts of money and minor activities. If this trend continues management of the FSF could present a significant administrative burden over time but also make it very difficult to keep FSF activities clearly focused on the project objectives and purpose. Some approved proposals have simply been for equipment purchases. These should not be included under such a fund except when

supporting a new activity, and would be better managed under the annual plan's operating budget.

To date, NGOs and other external partners have not been well integrated into the process. The FSF has mainly been focused on counterpart agencies, which is logical given its intended role of supporting the annual plan, but those other partners also have important contributions to make and project impact will be diminished if they are not adequately incorporated. The NMB needs to be closely involved in the decision making about funds going to other partners because it will help NMB members to increase their awareness of the range of work taking place in the sector and thereby advise the PMU and other agencies how such work can be better coordinated with government efforts.

The competitive nature of FSF funding proposals raises an unnecessary risk of conflicts between counterpart agencies in the longer term and this needs to be carefully managed. While notional allocations by component and agency in money terms are set out in the guidelines, it is not clear how the NMB applies these, nor how CCJAP staff take them into account in proposal preparation.

*Recommendations*

- Consideration should be given to:
  - (i) focusing the FSF solely on activities that pilot new ideas or address emerging issues in a way that reinforces the annual plan's aims;
  - (ii) reducing the budget allocated to it and putting greater emphasis on better and more participatory annual planning with funds committed to fixed activities; and
  - (iii) setting up a separate small grants fund for NGOs, civil groups and communities, but also managed by the NMB.
- The FSF proposal form needs to be substantially revised to ensure greater focus on component objectives and the project purpose, to build on lessons learned and to identify risks and constraints. Detailed timeframes need to be included, and budgets clearly linked to activity items. Monitoring indicators for both output and impact need to be included, with follow up on the latter included in the project's M&E Framework. Cross cutting issues need to be more clearly addressed and applicants need to be specific about how they will be incorporated into activities. A checklist showing alignment with key project criteria should be included and accompanied by numeric scoring against each criterion. All stakeholders should be promptly informed of the evaluation of their proposal, including the rationale for the NMB's decision, the score against each criteria and any other reasons for delay or rejection.
- The criteria and proposal assessment process should include incentives for building on good practice and models from earlier CCJAP activities or the work of others in the sector.
- CCJAP should support a series of workshops for counterparts and key stakeholders on proposal preparation, the selection process and both narrative and financial reporting.
- CCJAP should undertake an urgent assessment of the obstacles to agencies setting up bank accounts and how these can be addressed. Consultation with the Ministry of Economics & Finance, provincial Treasuries and other donors should be part of this assessment.

- The FSF guidelines should be revised in both English and Khmer to reflect any new arrangements and be widely distributed to partners as well as posted on a publicly accessible page of the CCJAP website.

## 2.2 Component Integration

CCJAP supports systemic change in the criminal justice system, integrating activities with police, courts and prisons as well as linking national policy and strategy development with community level activities in crime prevention and safety. This strategy is a sound one and fully conforms to the approach outlined on p. 46 of the 2006 White Paper on the Australian Government's Overseas Aid Program, *Australian Aid: Promoting Growth and Stability*. This is a far more effective approach than focusing on individual agencies or only parts of the system. However, the risk in such an approach is that project efforts might be spread too thinly, thereby reducing impact.

The CCJAP Annual Plan 2007-08 adopts a stronger systemic focus by emphasising activities involving juveniles and other vulnerable groups in the criminal justice system. However, both 'juveniles' and 'vulnerable groups' are poorly defined. The former could include child offenders, child victims and even street children who are sometimes rounded up by police. The latter group might include victims of sexual assault or domestic violence, the very poor, those at high risk of being crime victims, disabled and illiterate people, but in both cases the Annual Plan and project activities to date have not been specific about the target groups nor the rationale for engagement with them. CCJAP needs to be much clearer about these issues and to include them in criteria for selection of activities under the FSF. Specific linkages to the project's gender strategy also need to be made.

CCJAP's emphasis on the 'flow of justice' concept linking agencies in the criminal justice system is a useful one and needs to be strengthened. A major achievement from Phase 2 which has been continued in Phase 3 is the facilitation of police-courts-prisons (PCP) meetings in Kandal province which bring together senior staff from each agency to discuss and resolve problems. It is important that these agencies can meet in confidential and frank discussion as many of the problems in the system arise from poor coordination between them. The Ministry of Justice is strongly supportive of these meetings and sees the potential for them to substantially reduce court waiting times, pre-trial detention and delays in prisoner release at end of sentence. It is also keen to replicate them in other provinces and CCJAP should support this. Some recent problems have arisen with these meetings in Kandal due to changes in counterpart personnel, and the project needs to look at how such problems can be addressed so that the approach becomes more sustainable. CCJAP also needs to identify and develop other mechanisms like this to promote system integration and sustainability in a way that complements initiatives in individual agencies. This includes mechanisms linking community level activities to national policy making.

Unfortunately, the admirable initiative of the PCP meetings has not been matched to date by a similar integrating mechanism in the CCJAP team. If the project's systemic approach is to be successful, there is an urgent need for the team to meet, discuss and coordinate their activities in a strategic way, otherwise there is a risk that the project in the longer term could fragment into a series of small individual agency sub-projects. The Project Manager needs to ensure that regular technical meetings are held to focus specifically on systemic issues and initiatives in order to strengthen the system wide approach. The Capacity

Building & Aid Effectiveness Adviser should also play a lead role in guiding these meetings and link the outcomes back to his work with the PMU, which oversees coordination of government efforts across the legal and justice systems. It is important that the outcomes of these meetings are recorded and distributed so that a learning process is built up over time.

Participation by project staff in the Technical Working Group on Legal and Judicial Reform (TWGLJR) has been an important factor in building the systemic approach. The use of sub-groups to deal with specific technical issues which then feed back to policy makers and donors on the TWGLJR has been a very successful strategy and should be continued. CCJAP staff need to use the TWGLJR to actively promote any initiatives that improve systemic integration and to publicise these more widely to donors.

*Recommendations*

- CCJAP should continue its systemic approach to the criminal justice system involving all key agencies, and continue to support the 'flow of justice' concept as a tool to achieve this.
- The terms 'juveniles' and 'vulnerable groups' need to be more precisely defined in cooperation with partners in order for greater clarity in activities.
- The project should continue to support PCP meetings and to examine how these can be replicated elsewhere.
- CCJAP technical staff should meet regularly to discuss integrating issues and record minutes of these meetings to develop a strategic narrative that will help to clarify the key elements of the project's approach. The Project Manager and the Capacity Building & Aid Effectiveness Adviser should take primary responsibility for this.
- CCJAP should continue support to the TWGLJR and particularly its sub groups, with a focus on feeding policy and strategic recommendations back to TWGLJR members.

## 2.3 Team integration

The co-location of CCJAP advisers in the offices of their immediate counterparts is a very positive approach, and has certainly contributed to the development of excellent working relationships in a short period of time. The fact that both international and national staff are able to make informal visits to counterparts on a regular basis is a laudable achievement and the benefits of this far outweigh the alternative of having the advisory team all located in a single project office.

However, co-location does present management challenges. Advisers are split between the Ministry of Interior (MOI), the Ministry of Justice (MOJ) and the PMU, all located in different areas of central Phnom Penh. The large MOI compound also militates against easy interaction between advisers in different departments and agencies there. While the CCJAP team holds regular meetings, these tend to focus on administrative matters and management directives. There is a clear need for these to be matched by technical meetings that discuss project progress and broader issues, and fully involve both international and national staff in discussions. This will become increasingly important as the project progresses and becomes more complex. In both types of meeting, minutes or notes should be circulated very soon afterwards to provide an ongoing narrative of team interaction.

Working in a stressful and difficult sector means that there also needs to be regular social interaction between all team members in order to sustain team cohesion and good working

relationships. Such occasions also provide an opportunity to sympathetically listen to staff frustrations or problems when outside the work environment, and again this will become more important as the project proceeds and activity levels increase.

While there has been good continuity with many of the national staff, most of the international staff are new to the project and to Cambodia. There is a real value in putting more emphasis on cultural and language training for team members, not only because it improves working relationships within the team and with counterparts, but also because it often motivates a longer term staff involvement in the project. Such training should not be seen as a one-off activity, but something that needs to be regularly refreshed during the course of the project. All staff should be involved, and where appropriate, counterparts as well. There are several organisations in Cambodia which can provide such training.

*Recommendations*

- The Project Manager should ensure that there are regular team meetings to discuss component specific technical issues separately from administrative issues so that all technical staff keep up to date on progress. Minutes of these meetings should be distributed and posted on the CCJAP website.
- The Project Manager should ensure that there are regular opportunities for social engagements for all CCJAP staff in order to maintain team morale and cohesion, especially as the geographic focus of the project expands.
- CCJAP should support regular cultural awareness training and language learning for all team members in order to promote cohesion and motivation.

# 3. DESCRIPTION OF PROJECT PERFORMANCE

## 3.1 General issues

Apart from the urgent issues discussed above, the project management systems and overall performance appears to have been good given the limited duration of activities to date. All CCJAP staff appear enthusiastic and committed, and good working relationships with counterparts and key stakeholders are already evident.

A major change in Phase 3 is the plan for geographic roll out of activities. At this stage, new locations have not been agreed but project staff are making visits to a number of provinces and assessing their potential for partnership in activities against a standard set of criteria. While a roll out has the potential to greatly increase project impact, there is also a risk that rapid or poorly planned expansion will simply dilute efforts and lessen impact in the longer term. This risk will have to be closely managed.

It is also important to clearly define what is being rolled out. CCJAP staff and counterparts need to specify the essential elements of the project model or strategy that are needed for activities to succeed and then to ensure local commitment to those elements in each new location. It may be that some elements can be rolled out independently in a phased manner, but a close watch then needs to be kept on the issue of component integration.

*Recommendations*

- CCJAP should prepare a detailed roll out strategy and timeframe, including how the risk of dilution of impact will be managed. It would be useful to look at lessons from Phase 1 in regard to this.
- CCJAP technical staff and counterparts need to specify the key elements of the model or strategy to be replicated and the internal logic that binds those elements. This needs to be presented to potential partner provinces as a clear package that has evident benefits for participants.

## 3.2 Assessment of individual components

### 3.2.1 Component 1: Legal and Judicial Reform

Engagement of the PMU has been very good and working relationships are already strong despite the relatively short time that has elapsed in Phase 3. This provides a good basis for further collaboration. PMU members have a clear overview of the sector and CCJAP 3's potential contribution to it. Given this, the PMU is ideally suited to take a stronger role in looking at cross cutting issues and integrating mechanisms both within the project and in the project's links to the rest of the sector. CCJAP staff, especially the Adviser and Project Officer working directly with the PMU, need to push for more activities along these lines. MOJ is already a keen advocate of the PCP meetings, and the PMU should be encouraged to more actively promote these as one integrating management mechanism.

*Recommendations*

- Project staff working with the PMU should give more emphasis to supporting the capacity of the PMU to monitor and analyse cross cutting issues and sectoral integration.
- CCJAP and PMU staff need to give attention to the institutional sustainability of PCP meetings as one practical way to support integration across criminal justice agencies, but also focus on developing other mechanisms to accomplish this.

### 3.2.2 Component 2: Crime Prevention, Community Safety and Justice

The new strategy to integrate activities under this component into the Decentralisation and Deconcentration (D&D) system is consistent with RGC policy and the *National Strategic Development Plan 2006-10*. It is thus a potentially strong contribution to donor-RGC alignment and should promote sustainability.

This component is supported for replication and greater cooperation by a wide range of stakeholders, including NGOs and other donors. It is important that CCJAP builds on this goodwill. However, the successful implementation in Kandal province has been built on relatively intense contributions by both project staff and committed local partners so it is important that any extension or replication of activities is not so ambitious as to impair quality or impact.

The D&D system begins with planning at community level and ideas for funding will have been vetted very thoroughly by a local government process at commune and district levels before funding is approved. The process works on a slow timeframe and it is important that CCJAP participates at key entry points. The D&D system has given gender and peace and security issues a low priority in planning to date, so the project needs to have a clear

strategy to address this. Under the current FSF arrangements, priorities are set by a high level NMB and have focused at national level. There is therefore a high risk that local initiatives under the D&D system, in which communities, officials and project staff have invested a lot of time and effort, will not be prioritised by the NMB or will be approved so slowly that they will have lost momentum. CCJAP and NMB staff need to set out a clear strategy to avoid this happening.

A further risk in the roll out of activities under this component using the D&D structure is that local NGOs will be excluded from participation. This is an ongoing problem in the D&D system, and again CCJAP and NMB staff need to ensure there are mechanisms that prevent this from occurring.

*Recommendations*

- Efforts to integrate activities under this component into the D&D system should be continued, but allowance needs to be made in FSF procedures to take account of the slower processes and different parties involved.
- Once the D&D priorities have been set (usually around late November each year), the NMB needs to ensure that FSF funds are readily available for approved activities.
- CCJAP should develop a clear strategy for ensuring the inclusion of local NGOs and community groups in implementing project activities approved through the D&D system.

### 3.2.3 Component 3: Police

The co-location of the Police Adviser and Police Project Officer with the senior executive of the Cambodia National Police (CNP) is integral to the success of activities and to the longer term impact of CCJAP 3. Progress on all core activities of this component has been slow, but this is partly due to the difficulties of accessing funds through the FSF and partly due to the initial Project Officer having his employment contract cancelled. It is very important for this component that the transition from the current Police Adviser to his replacement proceeds smoothly and with a handover period in order to maintain relationships and momentum.

The current Police Adviser was contracted through the Australian Federal Police, and while there are some benefits in this (see Annex 4), it would be more cost effective to source an Adviser through the managing contractor. It would be beneficial if the Adviser had strong experience in community policing in order to help strengthen the links between this component and Component 2.

Strategic policing issues have already made good advances with the commencement of planning for the CNP Strategic Plan. A meeting of 20 senior officers prepared a Vision, Mission and Values statement and that has now been submitted to the Commissioner General for approval. The meeting was unprecedented for the sector and is a major achievement at so early a stage.

The compilation of the Strategic Plan is closely linked to the wider project focus on executive development and participating Senior Officers will undergo training on strategic planning to assist finalisation of the CNP Strategic Plan. A Human Resource Specialist is due in country later this year to examine synergies across the justice sector for the development of executive training modules and work with the CNP will be an important element of this. Particular care should be taken that the police officers involved are aware that CCJAP 3 has

limited funding to support implementation of the Strategic Plan. This will avoid unrealistic expectations and alert officers to opportunities to engage other donors.

No crime scene investigation or crime scene preservation training has been undertaken in 2007 due to funding not being allocated from the FSF. This needs to be addressed if skills are to be sustained. A short term Forensic Adviser is due in country at the end of November 2007, when all forensic training modules will be reassessed.

In regards to national training, the focus of CNP has been the re-branding and refurbishment of the Police Academy, and assistance has been requested in undertaking a SWOT analysis and a training needs analysis for the institution.

At present there is no legislation underpinning the CNP or setting out its roles and responsibilities. Progress towards a National Cambodia Police Act is fundamental to improving the transparency and accountability of policing and for providing a clearer framework for RGC, donor and other support. CCJAP should strongly support this process.

This component was one area in which the CCJAG was able to explore issues in greater depth, and a more detailed appraisal is set out in Annex 4.

*Recommendations*

- The revised penal code and procedures will necessitate a re-working of the guidelines and training materials that have already been developed with CCJAP support. Realistically, this will take a lot of time and good cooperation between stakeholders. CCJAP needs to acknowledge this in planning and assess what impact it might have on the pace and breadth of the proposed project roll-out.
- The handover to the replacement Police Adviser needs to take place in a timely manner and the new Adviser should be engaged for at least a 2-year period in order to build effective working relationships.
- Consideration should be given to engaging the Police Adviser through the managing contractor, with an emphasis on someone with strong community policing skills.
- The job description and terms of reference for the Police Adviser and Police Project Officer should be amended to include support for progress towards underpinning legislation for the CNP.

### 3.2.4 Component 4: Ministry of Justice and the Courts

The focus on a 'model court' is a good strategy but some elements of this are still under development. The key replicable elements of the model and the logic that links them are not yet clearly defined and stakeholders should work together to do this.

The finalisation of the new Criminal Procedures Code represents an opportunity for the project to support its implementation and for preparation of supportive systems, guidelines and forms. Technical advice being provided in these areas is both timely and appropriate. However, as noted in the previous section, this might impact on project roll-out plans and this needs to be considered.

There is some risk that the project focus on court management and administrative systems will not be matched by attention to the legal and judicial elements of case management. At

this stage and given the need to support the new Code, this is not a prime concern. However, CCJAP needs to think about legal and judicial support as the project progresses.

It is clear that all Cambodian courts have insufficient staff, equipment and funding, even in the case of the well supported model court in Kandal province. CCJAP therefore needs to closely consider sustainability of the current model in light of those constraints when planning activities and support. In a related issue, while MOJ is supportive of the model court and wants to build stronger links between courts and other agencies in the criminal justice system, but is often unable to take the lead in using lessons from the project and applying them in new locations due to the overlapping mandates of other agencies. CCJAP needs to look at how to negotiate this and develop appropriate strategies. For example, MOJ officials are very supportive of monthly PCP meetings but have not yet been able to replicate them outside Kandal province. It is important to build on successes such as this and any obstacles to doing so need to be clearly identified and addressed.

While improvements to court systems are important in themselves, they need to be matched by dissemination of information about those systems to everyone coming into contact with the courts and to communities more generally. CCJAP and stakeholders need to consider effective ways to do this. Several stakeholders noted the risk that CCJAP efforts to revise court-related materials could duplicate the efforts of other projects, so broad consultation is important. While this might slow activities to some extent, it is important to avoid wasted resources in the longer term.

*Recommendations*

- Project staff should work with key stakeholders to cooperatively define the essential and replicable elements of the model court and the logic that links them. This would be both a capacity building exercise and a means to focusing activities as the project expands to new locations.
- Consideration should be given to providing some technical assistance on the legal and judicial dimensions of case management as the project develops to balance the current focus on administrative and management systems.
- CCJAP staff need to give stronger emphasis to issues of sustainability and impact, both in project activities and in dealings with the MOJ. More active engagement with legal and judicial training institutions to publicise the model being developed and greater project involvement in study visits from other provinces to the Kandal court would be some activities that could contribute to this.
- More emphasis needs to be given to activities disseminating information about court systems and procedures. Court staff, local government staff, NGOs and civil groups could be used to widen impact.
- The revisions of court processes and forms required to support the new Criminal Procedures Code have the potential to slow implementation of activities and CCJAP staff need to take this into account when planning activities and the project roll-out to new provinces.

### 3.2.5 Component 5: Corrections

Very positive progress has been made in this area over the course of the previous two phases and there are some indications of project impact, with one of three new prisons planned by the government in the coming year using the Kandal prison as a design model.

Corrections staff in Kandal and at national level were very supportive of the monthly PCP meetings and it is important to build on this support.

Prison management generally cooperates well with NGOs when those organisations focus on vocational education and prisoner welfare, but less so where they focus on legal and human rights issues. While not ideal, this is a good basis on which to build stronger partnerships and CCJAP can play a positive role in this.

While prisons generally, and in Kandal specifically, have a reasonably good system for segregating prisoners on the basis of risk of violence, there is often poor segregation of women and juveniles from the rest of the population and poor attention to their specific needs. This is often an issue of limited resources rather than a lack of interest on the part of prison staff.

There are two serious risks to project impact in this component and CCJAP will need to develop strategies to address them. First, overcrowding in prisons is a major and rapidly escalating problem that threatens the security and health of both prisoners and prison staff. Given the demographic structure of Cambodia, this problem is likely to become extremely serious in the coming 10 to 15 years. There is an urgent need to explore and promote options other than incarceration, and to find solutions to the problems of extended detention of remand populations and slow release of prisoners on completion of their sentences. Both these issues require a cooperative solution between police, courts and prisons.

Second, rehabilitation only reaches a small proportion of prisoners overall (estimated at 10% nationally by the General Department of Prisons). Many prisoners spend extended time in their cells with nothing to do and no opportunity to gain skills that can be used on release. This exacerbates the risk of recidivism and in turn more overcrowding. There is a need to expand rehabilitation activities and perhaps support more specific targetting, but CCJAP will only have limited resources to support this.

*Recommendations*

- Given some positive successes in this component area over the past phases, CCJAP needs to sustain momentum by building on those successes wherever practicable.
- CCJAP should provide more technical support to improve the segregation of women and juvenile prisoners with a focus on low cost management innovations.
- CCJAP should work closely with counterparts and key stakeholders to develop some policy and strategic options for dealing with the overcrowding problem. A projection study on prison population trends for the next decade could be supported to highlight the issue to government and other partners.
- CCJAP should explore options with counterparts for improving the reach of rehabilitation activities and for better targetting of those activities to specific prisoner groups.

### 3.2.6 Component 6: Project Coordination and Management

The smooth transition from Phase 2 to Phase 3, and the co-location of Advisers and Project Officers in counterpart agencies resulting in close working relationships have been positive

management outcomes and have placed the project on a sound footing. The project's management systems are generally clear and its Operations Manual is available to all staff and accessible on the project's website. The website is cleanly designed, easy to navigate and well maintained, but its potential as a communication and promotion medium could be exploited much more.

As already discussed in Section 2 above, CCJAG sees three major management challenges that need to be addressed as a matter of urgency if they are not to impair project management in the longer term. Addressing these will require close cooperation within the CCJAP team and between the team and their counterparts. However, the motivation and capacity to meet these challenges appears to be there.

Apart from concerns about the FSF, stakeholders generally expressed satisfaction with the openness and cooperation of the CCJAP team and the sharing of work plans. However, donor and NGO stakeholders in particular said they needed more information about the progress and current state of CCJAP's work. The project has drafted a Communications Strategy and this needs to be finalised, taking into account any changes adopted as a result of recommendations in this report. However, the more important task is to monitor that the strategy is being implemented and that stakeholders are kept informed of the progress made and the opportunities that CCJAP offers. The project website could be more informative on these issues.

A stronger learning process needs to be built into the project, with a particular focus on integration in the criminal justice sector, linking lessons learned at local level with top level strategy and policy development, and linkages between CCJAP and other donor and NGO support. Again, the project website could act as a useful repository of information and a networking site for those interested in the sector. The project's Communications Officer could take responsibility for this task.

A disappointing element in project management for CCJAG was the unsatisfactory working relationship between the Project Manager and the AusAID Post. It appears that personality differences and a series of small but unresolved protocol matters have unnecessarily resulted in a less than desirable level of cooperation and information sharing. The removal of the Project Director role that was present in the earlier phases has further complicated the process, as the Project Manager cannot deal with AusAID on company contractual issues. Both parties need to agree on clear meeting and reporting protocols to ensure that this does not affect project management or progress in future. A clear focus needs to be kept on project objectives and how these are best achieved.

CCJAP 3 appears to take a more centralised approach to decision making than in the previous phases, slowing some activities and reducing the autonomy of counterparts and staff. The ability of Advisers to make quick small decisions relating to their area of work has been diminished. Much of this is due to the fact that so much funding, even for key activities, is made through the FSF.

The project's Annual Plan 2007-08 contains a risk matrix in Annex F, but there is no strategic discussion of risks on pp. 49-50 of the text. The risk matrix does not distinguish between risks (manageable events) and operating constraints (ongoing parameters that are unlikely

to change). CCJAP needs to make a clear distinction between risks and constraints, and these should be discussed in the body of annual plans with clear management strategies set out. Each new annual plan should provide an overview of changes in risk management over the preceding years and any changes in perceptions of operating constraints.

*Recommendations*

- The project's website could be improved by the addition of more information on project activities and publicly available data of use to a wide range of stakeholders. It could also provide a portal for links to others working in the sector and assist in mapping donor and NGO involvement in the sector. The Communications Officer could be given the task of making such improvements.
- The Project Manager, managing contractor and AusAID Post should agree a set of protocols for cooperation, with records kept of meetings.
- Annual Plans need to have stronger strategic discussions of risks and constraints, including an overview of progress and change in these areas over time.

## 3.3 Cross cutting issues

### 3.3.1 Gender

This important cross cutting issue is currently a weak element in project planning, activities and monitoring. Discussion of gender in the Annual Plan and other documents does not make a clear distinction between *representation* (numbers of women and men involved) and *participation* (roles played and degree of involvement by women and men). There is also confusion between the terms 'sex' and 'gender' despite the explanation of these terms in *Gender equality in Australia's aid program – why and how* (AusAID, March 2007). This gave CCJAG cause for concern that the concept of gender is not clearly understood by the CCJAP team, a necessary first step to its mainstreaming into activities. Currently gender issues are not mainstreamed into the project components, FSF activity proposals or the M&E Plan, and generally the issue is dealt with superficially.

Inputs by two gender advisers (national and international) were planned for August 2007, but have been delayed to November. While it is important that the planned inputs addresses the above issues, it is also important that they are linked to specific awareness raising and capacity building in the project team and counterpart agencies.

The Ministry of Women's Affairs has primary responsibility for gender mainstreaming under the RGC's *National Strategic Development Plan 2006-2010* but does not appear to have been engaged as a stakeholder by CCJAP. All ministries and key departments were due to prepare gender strategies by late 2006 (though many have not done so), but team members appeared unaware of the status of gender strategies in their counterpart agencies. This is important in planning how CCJAP might support those strategies during its lifetime.

*Recommendations*

- Gender needs to be operationalised and mainstreamed into project activities, planning, monitoring and evaluation more clearly. The use of terminology needs to be more precise.
- CCJAP should include gender training for staff and relevant counterparts over the course of the project.

- The project should consider a four-dimensional approach to gender that focuses on: (i) roles – participation in activities, especially in key line functions as well as in the areas of planning and management, capacity building and confidence building; (ii) access – to services, information and knowledge; (iii) resources – rights to own and dispose of property; and (iv) relationships – addressing inequalities of power and differential treatment under the law.
- CCJAP team members need to be more aware of the gender strategies in counterpart agencies and how CCJAP 3 might support them.
- The above issues should be included in the terms of reference for the short term gender advisers.

### 3.3.2 Anti-corruption

The strategy and methodology proposed in this area is sound and appropriate, particularly the emphasis on systems and opportunities rather than the behaviour of individuals. It is encouraging that the strategy was endorsed by the NMB. The main challenge will be translating this into practical activities in a very difficult environment. It is important that counterpart agencies are engaged in a transparent and supportive way, and that activities are conducted within those agencies in a participatory and collaborative manner.

At this stage it does not appear that the anti-corruption strategy is fully integrated into project components or management systems, except in the case of the capital works program. A clear strategy for this needs to be developed, and as noted in Section 2 of this report, urgent attention needs to be given to improving money transfer and acquittal procedures in the FSF.

In order to progress the strategy, will and commitment at the highest level of government will be necessary. The difficulty of this in Cambodia is significant but there is a strong international focus on the issue and constructive suggestions for ways forward. It is beyond the capacity of CCJAP 3 to influence progress at this higher level, but changes in the operating environment need to be considered in developing project strategies and clearly discussed in annual plans.

*Recommendations*

- CCJAP should build on partner agency endorsement of the anti-corruption strategy and carry out the steps in that strategy, which work within those agencies and focus on systems.
- CCJAP needs to mainstream anti-corruption measures into activities, management systems and the operation of the FSF, and should consider increased technical inputs in this early stage to ensure that is done effectively.
- Annual plans should include detailed discussions of high level progress on anti-corruption measures and changes in the operating environment as well as specific issues and mainstreaming proposals within the project itself.

### 3.3.3 HIV-AIDS prevention

HIV-AIDS prevention is an important element in Australia's aid program and an issue that should be built into activities wherever feasible. There is no discussion of this in CCJAP's Annual Plan 2007-08. The most relevant areas of the project for addressing this issue are in

Component 5 (Corrections), where prisoner health is a key concern, and Component 2 (Crime Prevention, Community Safety & Justice), where community understanding needs to be improved and the risks involved in sexual assaults addressed. There is also potential for the issue to be included in training for police under Component 3, especially where they are dealing with victims of assaults, the handling of blood and preservation of evidence.

*Recommendation*

- CCJAP needs to include a strategy for HIV-AIDS prevention in annual plans, and to incorporate it into relevant project activities.

### 3.3.4 Monitoring and evaluation

A draft M&E Framework has been prepared and an M&E Plan for 2007-08 developed. The general principles set out in the Framework are good, as is the use of differing methods to collect both qualitative and quantitative data. While the project team is given responsibility for data collection and analysis, the M&E approach appears to have been derived from general good practice principles rather than the expressed management needs of stakeholders, reducing the likelihood of ownership. It is very important that M&E is a shared and meaningful management tool for all key stakeholders, and not seen as just an additional reporting requirement.

The M&E Plan focuses almost exclusively on data collection and reporting but says little about analysis and, in particular, how CCJAP will build local capacity in this area. The attempt to link M&E to an internal logic of the project is good, but is not matched by a similar emphasis on internal logic in the project's Annual Plan, suggesting that the two were not developed in close coordination.

The measurement of cross cutting issues including gender and anti-corruption is dealt with only briefly and not mainstreamed into the components. Reference to 'gender disaggregated data' suggests that the concept of gender is not clearly understood.

Community perceptions are to be assessed through surveys. While this is a cost effective approach, there is doubt about the efficacy of this mode for capturing attitudes and beliefs. Advertising companies and political parties have shifted to more targetted approaches to tracking community attitudes and CCJAP could profit from more innovation here.

An important potential source of data not included in the M&E Plan is the reports on activities funded under the FSF. Including a stronger M&E requirement in FSF proposals and using the resulting data would be both cost efficient and help to build local M&E capacity.
Many of the indicators in the M&E Plan are focused on immediate outputs rather than impact. The large number of indicators also increases the risk of data collection being seen as an onerous task rather than a useful management tool.

*Recommendations*

- The M&E Plan needs to discuss the process for data analysis and how this will be linked to capacity building for counterparts and other stakeholders. There also needs to be a section dealing with how the M&E process will be embedded and sustained in counterpart agencies once CCJAP 3 ends.

- Impact indicators need to be added to the proposal form for FSF funding and reported on at activity completion to add another dimension to monitoring data and build local capacity. This is a capacity building issue, getting counterparts to think about what precisely activities are trying to achieve.
- The number of indicators in the M&E Plan needs to be reduced and to have a stronger focus on key impact indicators. The CCJAP team and counterparts need to think about the major things they are trying to achieve, then identify the most telling indicators. The short term M&E Adviser should facilitate this process but not replace it. For example, measuring the length of pre-trial detentions of juveniles, the numbers of prisoners released on time, waiting times in the court system, proportion of case files needing revision and the number of provinces holding regular PCP meetings would not require a great effort in data collection, but would tell an important story about project impact.
- Cross cutting issues need to be mainstreamed into the component indicators, again focusing on the key changes that are expected to result from project support.
- The project should consider other methods for assessing community attitudes and perceptions, especially using focus groups and trusted connector interviews. While these can be more time consuming the quality of data is generally stronger. In some cases this could be contracted out to partner NGOs or local consulting firms, which would also build capacity.
- In order to increase team and counterpart focus on key issues for monitoring, CCJAP should consider adding regular 'most significant change' reporting in each component, on cross cutting issues, and for integration across the system. This would assist in demonstrating perceived impact and re-adjusting priorities over the life of the project.

### 3.3.5 Capital works program

The two new national staff employed to work in this field are well qualified and motivated. They have good expertise and experience in construction design and management but are less confident about their ability to prepare the forms and specifications required prior to construction works commencing, especially for meeting AusAID requirements. There needs to be stronger international technical support in the early stage of the project to address this.

Project impact in terms of replicating and sustaining the model court and model prison designs could be increased by greater involvement of project staff in providing advice to counterpart agencies and provincial governments. While this is often constrained by the prevalence of land swap deals in the construction of public facilities, the project needs to consider ways it can negotiate entry into planning meetings in order to influence designs.

It is clear that courts, police stations and prisons do not make budget allocations for the operations and maintenance (O&M) of facilities, and only in a few cases do they employ O&M staff. It is important for sustainability of the capital works program that CCJAP give close attention to this issue.

*Recommendations*

- Stronger international advisory support needs to be given to national staff in the first year or so of the project to ensure that forms and specifications are prepared to an appropriate standard and to build longer term capacity. CCJAP should consider increasing or moving support to 3 months of inputs in the first year.

- Project planning needs to consider ways to increase the influence of the project on design and construction of courts and prisons more generally, tracking construction plans in the relevant agencies and offering the expertise of project staff in an advisory capacity.
- CCJAP should include long term O&M plans in any capital works activities. It could consider making support conditional on counterpart agencies allocating funds for O&M and training O&M staff. However, provision of maintenance equipment has had mixed success in other projects.

# 4. SECTORAL INTEGRATION

The systemic approach of CCJAP is widely appreciated and supported by counterpart agencies and stakeholders more generally. It provides a good model and increases opportunities for collaboration with other donors, NGOs and civil groups. NGOs also see CCJAP as a good channel for lessons learned at the local level to reach the top levels of the criminal justice agencies that are responsible for strategy and policy. Support to the PMU and TWGLJR will be very important in deepening CCJAP's impact across the system and in promoting cooperation.

Donors expressed a great deal of interest in learning more about how the FSF works. While supportive of the participation and ownership aims, they are also concerned that it could result in opportunities for duplicate funding for the same work. There is a strong need for transparency and pro-active dissemination of what has been funded, including through the TWGLJR.

There has been good cooperation with Danida since Phase 2 and there is potential to increase the level and depth of engagement in Phase 3 using collaboration with Danida's Human Rights, Democratisation and Good Governance Programme 2006-10. Coordination with UNICEF has also been positive, and CCJAP needs to look at possible synergies with its activities and those of UNICEF when planning its roll out to new provinces. Local and international NGOs have expressed a strong desire to work with CCJAP, and there is potential for the project to promote better cooperation between NGOs and government agencies to address issues such as sexual and domestic violence and poor treatment of prisoners.

Cooperation with other donors and organisations in the sector is an important way to broaden and deepen CCJAP's impact and influence, and the project needs to regularly monitor its progress in this area.

*Recommendations*

- CCJAP should include possible synergies with the work of other donors and NGOs when planning its roll out and selecting provinces for expanded activities.
- CCJAP's support to the PMU should focus on integrated management and system wide approaches, and build the PMU's capacity to run the TWGLJR and sub groups.
- Donor and NGO cooperation should be included as an output in the M&E Plan each year.

# 5. CONCLUSION

Given the early stage of implementation of CCJAP 3 and the various changes to staffing, management and funding arrangements that have taken place since Phase 2, the overall performance of the project has been satisfactory. There has been a smooth transition between phases and there are sound working relationships on which strong cooperation can be built.

However, CCJAG notes three key issues that need to be addressed urgently in order that future progress is not slowed or undermined. These are reform of the FSF operations, improvement in component integration and stronger team integration. It is important that priority is given to addressing these issues before the project rolls out activities to new locations.

This report also advises improvements to a number of other areas in project management and implementation which can be addressed progressively in the remaining three quarters under the current annual plan. Preparation of the Annual Plan 2008-09 will need to take these issues into account and to provide more detail on how the project will address them.

A summary of recommendations is set out in Annex 3.

# ANNEX 1: Itinerary and list of people consulted

*n.b. in addition to the listed meetings the team met individually and in groups with CCJAP team members over the course of the visit to hold supplementary discussions and interviews.*

| Date and location | People consulted |
|---|---|
| *Monday 22 October 2007* | |
| AusAID office, Phnom Penh | Ms Kathryn Elliott, 2nd Secretary<br>Dr Ros Chhay, Senior Program Officer (m) |
| Australian Federal Police, Australian embassy, Phnom Penh | Mr Phil Hunter, Counsellor (Police Liaison)<br>Det. Sup. Con Coutsolitis (m), CCJAP Police Adviser |
| CCJAP office, Ministry of Justice, Phnom Penh | Mr Larry Proud, Project Manager; Mr Stephen Moore, CPCS Adviser; Mr Ian McPhee, MOJ & Courts Adviser; Det. Sup. Con Coutsolitis (m), Police Adviser; Mr Eam Yuth, Finance & Administration Manager; Mr Ky Bunnal, Prison Health PO; Mr Lam Kunboth, Prison Management PO; Mr Chor Siek Veng, LJR PO; Mr Yan Sokha, MOJ & Courts PO; Mr Heng Jolie, CPCS PO; Mr Huot Veng Chan, CPCS PO; Mr Chan Vathana, FSF Manager; Mr Don Bowser, Anti-corruption Adviser; Ms Chrea Dalya, CPCS PO; Ms Sao Samsak, Communications Officer, Ms Cherly Clay, Corrections Adviser; Mr Nou Arun, Capital Works PO; Mr Sath Vuthy, Capital Works PO |
| *Tuesday 23 October 2007* | |
| National Management Board, Ministry of Interior | HE Mr Prum Sokha, Chairman<br>Gen. Nuon Bhopal (m), Deputy Chair |
| Battambang provincial office (AC only) | HE Mr Prach Chann, Governor |
| Battambang provincial court (AC only) | Mr Mr Neal Non, President |
| Battambang provincial police HQ (AC only) | Gen. Korng Sakhorn (m), Commissioner |
| Battambang provincial prison (AC only) | Mr Korng Saren, Chief |
| Kandal provincial police HQ (SP only) | Col. Tom Vey (m), Deputy Commissioner |
| *Wednesday 24 October 2007* | |
| ADHOC, Battambang province (AC only) | Ms Thang Thany, Program Officer, IWDA Project<br>Ms Lek, Project Officer |
| World Vision, Battambang (AC only) | Mr Reth Phuong Pegna, Child Protection Officer, Child Wise<br>Mr Koy Saran, Battambang Operations Officer<br>Mr Eng Hok, Child Protection Project Officer<br>Ms Nari, Deputy Operations Manager |
| Police Academy of Cambodia, Phnom Penh (SP only) | Brig. Gen. Svay Chanda (m), Director of Institute of IT and Foreign Languages |
| Department of Technical and Scientific Police, MOI (SP only) | Maj. Gen.Van Ratha (m), Director<br>Lt. Col. Tith Bunna (m), Office Chief of General Scientific Examination<br>Lt. Col. Chhun Chan Sokha (m), Office Chief of Firearms and Explosive Examination<br>Lt. Col. Sa Vanthum (m), Office Chief of Administration |
| *Thursday 25 October 2007* | |
| Kandal provincial court | Mr Khiev Sameth, President<br>Mr Hout Vuthy, Prosecutor |
| Kandal provincial prison | Mr Moung Sam Ath, Chief<br>Mr Chan Than, Deputy Chief<br>Mr Hu Nimul, Deputy Chief |
| Kandal provincial office | HE Mr Ou Sam Oeun, Deputy Governor<br>Mr Ruy Chhunly, Chief of Cabinet<br>Mr Nov Peng Chandara, Chief of Provincial Office of Local Administration |

| | |
|---|---|
| General Department of Prisons, MOI | HE Mr Heng Hak, Director General<br>Mr Kuy Bun Sorn, Deputy Director General<br>Mr Thom Kheng, Deputy Director General |
| *Friday 26 October 2007* | |
| PMU, Phnom Penh | HE Mr Suy Mong Leang, Director<br>HE Mr Pen Bun Chhea, Deputy Director<br>HE Mr Suong Leang Hai, Deputy Director |
| Ministry of Justice, Phnom Penh | HE Ith Rady, Under Secretary of State |
| AusAID office, Phnom Penh – teleconference | Mr Alan McCagh, Global Justice Solutions |
| Banteay Srei [NGO], Phnom Penh (AC, JA only) | Ms Chhoeun Thavy, Director<br>Ms Katie Richmond, Cambodia Programs Manager, IWDA |
| *Monday 29 October 2007* | |
| UNICEF, Phnom Penh | Ms Lesley Miller, Chief of Child Protection<br>Ms Ana Janet Sunga, Child Protection Specialist (Legal) |
| East West Management Institute, Phnom Penh | Mr Herbert Bowman, Chief of Party<br>Mr Rajan Shah, Access to Justice Adviser<br>Ms Stephanie Garvey, Democracy Officer & Program Coordinator, USAID<br>Mr Rethy Seng, Project Management Specialist (Rule of Law), USAID |
| Danida, Phnom Penh | Mr Michael Engquist, Governance Consultant |
| *Tuesday 30 October 2007* | |
| Court of Appeal, MOJ | Mr You Bunleng, President<br>Mr Ty Neng, Deputy President |
| District CPCS committee, Ponhea Leu district, Kandal province (AC, JA only) | Mr Srei Suong, Chair<br>Mr Bouk Ly, Deputy Chair |
| Office of the Deputy Commissioner, Cambodia National Police (SP only) | Lt. Gen. Neth Savoeun (m), Deputy Commissioner General<br>Lt. Gen. Mao Chandara (m), Deputy Commissioner General<br>Brig. Gen. Kirht Chantharith (m), Chief of Staff |
| *Wednesday 31 October 2007* | |
| AusAID office, Phnom Penh – informal debriefing | Mr Peter Lindenmayer, 1st Secretary<br>Ms Kathryn Elliott, 2nd Secretary |
| CCJAP office, MOI – team debriefing | Mr Larry Proud, Project Manager; Mr Stephen Moore, CPCS Adviser; Mr Ian McPhee, MOJ & Courts Adviser; Det. Sup. Con Coutsolitis (m), Police Adviser; Mr Eam Yuth, Finance & Administration Manager; Mr Ky Bunnal, Prison Health PO; Mr Lam Kunboth, Prison Management PO; Mr Chor Siek Veng, LJR PO; Mr Yan Sokha, MOJ & Courts PO; Mr Heng Jolie, CPCS PO; Mr Huot Veng Chan, CPCS PO; Mr Chan Vathana, FSF Manager; Mr Don Bowser, Anti-corruption Adviser; Ms Chrea Dalya, CPCS PO; Ms Sao Samsak, Communications Officer, Ms Cherly Clay, Corrections Adviser; Mr Nou Arun, Capital Works PO; Mr Sath Vuthy, Capital Works PO |
| *Thursday 1 November 2007* | |
| Ministry of Interior – formal debriefing | HE Ms Margaret Adamson, Australian Ambassador<br>HE Mr Prum Sokha, Chairman NMB<br>HE Mr Suy Mong Leang, Director PMU<br>HE Mr Ith Rady, Under Secretary of State, MOJ<br>HE Lt. Gen. Mao Chandara (m), Deputy Commissioner General, CNP<br>HE Lt. Gen. Heng Hak (m), Director General, Department of Prisons<br>Gen. Nuon Bhopal (m), Deputy Chair NMB |
| Phnom Penh – informal debriefing and discussion | Mr Ben Schultz, Capacity Building & Aid Effectiveness Adviser, CCJAP |
| Danish Institute for Human Rights, Danida office, Phnom Penh | Mr Tomas Martin, Programme Manager<br>Mr Michael Engquist, Governance Consultant, Danida |

# ANNEX 2: Aide Memoire

**DRAFT AIDE MEMOIRE**
Cambodia Criminal Justice Advisory Group (CCJAG) – First Mission
31 October 2007

## 1. Disclaimer and acknowledgement

The findings in this Aide Memoire are those of the CCJAG only. They do not necessarily reflect the views of the Australian Government, the Royal Government of Cambodia (RGC) or other partners in this project.

The CCJAG members would like to thank all staff in AusAID, the Ministry of Interior, the Ministry of Justice, the Cambodia Criminal Justice Assistance Project Phase III (CCJAP III) team and all other agencies consulted for their kind and valuable assistance in providing information, analysis and logistical support.

## 2. Background

CCJAP III began on 5 February 2007 with a 5-month preparatory period and commenced full implementation on 1 July 2007. This followed Phase I which operated from April 1997 to March 2002, and Phase II which ran from May 2002 to May 2007. All three phases have adopted a systemic approach that links key agencies in the criminal justice system.

Phase I focused on the development of new systems, training support and infrastructure at provincial level in 5 provinces. In Phase II, provincial support narrowed to focus on Kandal province, but extended activities to both national level in the Ministry of Interior and Ministry of Justice, and to community level in Kandal through crime prevention and community safety initiatives. This phase also introduced financial support from the Royal Danish Government.

Phase III continues the national and community linkages developed in Phase II and plans to expand its geographic reach to other provinces. This phase adopts a stronger focus on addressing the needs of juveniles and other vulnerable groups in the criminal justice system. Financial support and cooperation from the Royal Danish Government has been continued.

## 3. Nature and purpose of the first mission

This first mission was largely a familiarisation visit for the CCJAG. A large number of initial visits to partner agencies, provinces, donors and non-government organisations (NGOs) has provided a broad and valuable overview but also limited the capacity to analyse specific issues in depth.

The purpose of the first mission was:

- To advise on the progress, quality and management arrangements of CCJAP III.
- To assess the effectiveness of CCJAP III's cooperation and harmonisation with development partners in the criminal justice sector.
- To advise on future strategies to strengthen the focus and impact of CCJAP III.

## 4. Principal findings

### *4.1 Progress and strategic direction*

Overall CCJAP III has progressed on schedule and despite several changes among the international advisers the transition from Phase II to Phase III has gone smoothly. Excellent

cooperation and support from RGC counterparts at national and provincial level has ensured that the momentum of activities has been sustained despite changes in project personnel and in the management and funding arrangements.

The systemic approach linking key institutions in the criminal justice system continues to be worthwhile despite the risk of spreading project resources too thinly across the sector. Some very positive initiatives, such as the police-courts-prisons meetings in Kandal province, have helped to build system wide processes, but there is a need for further strengthening in this area. The new cooperation with the Project Management Unit (PMU) of the Committee for Legal and Judicial Reform in Phase III has the potential to help achieve this.

The focus on juveniles and other vulnerable groups also has the potential to reinforce a systemic approach, but needs a clearer definition of these target groups and more specific activities if it is to achieve that end.

### *4.2 Management and funding arrangements*

A significant change has been the introduction of a high level National Management Board (NMB) to increase the management of project activities by RGC partners, and the use of the Flexible Support Fund (FSF) as a mechanism to address emerging and supplementary issues in a timely way. The NMB has been welcomed by partner agencies and has increased local ownership of project activities. Its six-monthly meetings have been supplemented by quarterly sub-committee meetings and these also have been welcomed by national partners. However, there is some concern at provincial level and among NGOs that the NMB is too strongly focused on national level assistance and giving insufficient attention to vertical linkages in the system. This needs to be addressed if CCJAP III is to have both depth and breadth of impact.

While the FSF has been welcomed as an innovative and potentially useful funding mechanism, after two funding rounds there is still significant confusion among partners and potential fund applicants of the FSF's purpose and guidelines. A large guidelines document has been produced and needs to be more widely disseminated, but a user friendly digest of key points in Khmer would also be helpful. Familiarisation workshops to increase understanding of the FSF among a wider range of partners and potential applicants need to be held as soon as possible. The project should also consider re-structuring the FSF to demarcate windows of funding for provincial level partners and the NGO and civil sector in order to allow more strategic funding.

There is a high risk that operation of the FSF could undermine the direction and impact of CCJAP III if activities are not more closely linked to component objectives and the project purpose. The FSF application form needs to be substantially revised to address this risk. Feedback to both successful and unsuccessful applicants needs to be prompt, explain the rationale for the decision and indicate how future applications could be improved.

There is also a need to ensure that applicants demonstrate that they are learning from and building on past achievements, and that target groups and cross cutting issues are being mainstreamed into proposed activities.

### *4.3 Component progress*

*Component 1: Legal and Judicial Reform Strategy Implementation Support* – progress here has been good and a strong working relationship with the PMU has developed quickly. This

has the potential to increase the systemic impact of CCJAP III and to improve sectoral coordination.

*Component 2: Crime Prevention and Community Safety* – this component is vital for strengthening linkages from village to provincial levels and for feeding practical lessons back into national policy making. Vocational and recreational activities have received strong community support and local police involvement, but the causal link to crime prevention needs to be more clearly articulated. Proposed alignment with the RGC's Deconcentration and Decentralisation system should strengthen the vertical linkages and enhance sustainability.

*Component 3: Cambodia National Police (CNP)* – co-location of the Police Adviser with the CNP senior executive is an integral part of the project's success. The replacement of the Police Adviser must be seamless and timely. Good progress has been made in preparations for the CNP Strategic Plan, with a Vision, Mission and Values statement completed and awaiting the Commissioner General's approval. Solid links have been made between the strategic planning process and executive capacity development. Training at the sub-national level should be needs based and the project should ensure that trainees are applying the skills learnt. The provision of crime scene kits and other equipment should be accompanied by a plan for continued maintenance of that equipment.

*Component 4: Ministry of Justice and the Courts* – the model court approach is good but some elements of the model still need to be developed and strengthened. Project partners need to define the key replicable elements of the model and the logic that links them. While improvements are being made to court processes, this needs to be balanced by increased community awareness of the court system and better responsiveness to target groups.

*Component 5: Corrections* – very good progress was made in this area in Kandal province in the previous phase and there is some evidence of impact in other locations. CCJAP III needs to build on this success. However, chronic overcrowding in prisons and the likelihood that this will rapidly increase in the coming decade, as well as the poor reach of rehabilitation efforts, present significant challenges. Project stakeholders need to develop clear strategies to address these.

*Component 6: Project Management* – co-location of national and international advisers in specific partner agencies has had a very positive impact on working relationships, but presents a management challenge in team cohesion that needs to be regularly attended to. There needs to be a greater emphasis in project management on developing strategies for sustainability, mainstreaming cross cutting issues and articulating and reinforcing the integrating logic of the project components. Planning needs to clearly delineate lessons, risks and operating constraints.

### *4.4 Cross cutting issues*

Overall, cross cutting issues are poorly integrated into the project and need to be more clearly mainstreamed into activities.

*Gender* – there is a limited understanding of this concept and a strong need to develop practical ways to include gender issues in activities, evaluation, management and funding arrangements.

*Anti-corruption* – the methodology of building system safeguards rather than targetting individuals is a positive one and partner agencies should be congratulated for their willingness to address this very difficult issue. However, there needs to be sustained support from the highest levels in order for the strategy to progress.

*Capital works* – the project has some very good past achievements in this field. To sustain impact, more support needs to be given to current preparatory work and greater emphasis placed on operations and maintenance funding.

*Monitoring and evaluation* – the principles expressed in the project's Monitoring Framework are good, but there needs to be greater partner and team participation in developing the approach and contents. The current level of detail raises the risk that data collection will be seen as onerous. Indicators need to be more focused on project impact. The proposed use of diverse data collection methods will enrich the quality of information.

### *4.5 Sectoral cooperation*

The criminal justice sector is a difficult but vital arena for promoting the rule of law, yet has received limited support from the international community. Current development partners involved in the sector need to more clearly demonstrate the progress being made if support is to increase, and CCJAP III can play an important role in this.

Links with other international partners and the NGO sector continue to be good and productive, but there needs to be a stronger focus in this phase on coordinated sectoral impact and this needs to be more clearly expressed in plans and strategies. The Technical Working Group on Legal and Judicial Reform is working well and the formation of sub-groups to deal with specific technical issues is a positive advance. CCJAP III needs to help ensure that these sub-groups feed back practical recommendations to policy makers in the Technical Working Group and to track the progress of such recommendations.

Cooperation with the PMU represents a major opportunity for CCJAP III to contribute to sectoral integration and harmonisation and the depth and appropriateness of technical support to the PMU needs to be regularly reviewed. CCJAP III can also contribute to sectoral cooperation by greater communication of its achievements and activities, as well as opportunities for sectoral partners under the FSF.

### *4.6 Project scope and replication*

The proposed geographic expansion of CCJAP III needs to be carefully considered and managed. While clear criteria are being used to identify and assess provinces for roll out, more attention needs to be given to the essential elements of the project that can and need to be replicated to achieve the project's objectives and purpose.

Project partners should delineate the essential elements of the CCJAP approach, its constituent models and the logic that ties them together. Some initial moves have been made towards this but the process needs to be more participatory and to focus on presenting an integrated package to potential partners.

Given that many aspects of the CCJAP approach are still being developed, and the risk of resources, effort and impact being diluted with rapid geographic expansion, CCJAP III should consider a modest and phased roll out of activities with a stronger focus on component integration and strategies for sustainability.

## 5. Method

Within a framework determined by AusAID, the CCJAG reviewed a range of project documents and held discussions with AusAID staff, RGC counterpart staff at national level and in Kandal province, potential counterparts in Battambang province, members of the CCJAP III project team, and key donors and NGOs.

The duration of the first mission in country was from Monday 22 October to Thursday 1 November 2007.

## 6. CCJAG members

Members included on the first mission were:

- Andrew Cornish, Team Leader and M&E Adviser.
- Sandi Peisley, Policing Adviser
- Janet Ashby, Community Development Adviser (Friday 26 October to Thursday 1 November 2007)

From 22 to 26 October 2007 the team was accompanied by Andy Isbister, Program Officer, Cambodia Section, AusAID Canberra.

# ANNEX 3: Summary of Recommendations

**Flexible Support Fund**

- Consideration should be given to:
  (iv) focusing the FSF solely on activities that pilot new ideas or address emerging issues in a way that reinforces the annual plan's aims;
  (v) reducing the budget allocated to it and putting greater emphasis on better and more participatory annual planning with funds committed to fixed activities; and
  (vi) setting up a separate small grants fund for NGOs, civil groups and communities, but also managed by the NMB.
- The FSF proposal form needs to be substantially revised to ensure greater focus on component objectives and the project purpose, to build on lessons learned and to identify risks and constraints. Detailed timeframes need to be included, and budgets clearly linked to activity items. Monitoring indicators for both output and impact need to be included, with follow up on the latter included in the project's M&E Framework. Cross cutting issues need to be more clearly addressed and applicants need to be specific about how they will be incorporated into activities. A checklist showing alignment with key project criteria should be included and accompanied by numeric scoring against each criterion. All stakeholders should be promptly informed of the evaluation of their proposal, including the rationale for the NMB's decision, the score against each criteria and any other reasons for delay or rejection.
- The criteria and proposal assessment process should include incentives for building on good practice and models from earlier CCJAP activities or the work of others in the sector.
- CCJAP should support a series of workshops for counterparts and key stakeholders on proposal preparation, the selection process and both narrative and financial reporting.
- CCJAP should undertake an urgent assessment of the obstacles to agencies setting up bank accounts and how these can be addressed. Consultation with the Ministry of Economics & Finance, and with provincial Treasuries should be part of this assessment.
- The FSF guidelines should be revised in both English and Khmer to reflect any new arrangements and be widely distributed to partners as well as posted on a publicly accessible page of the CCJAP website.

**Component integration**

- CCJAP should continue its systemic approach to the criminal justice system involving all key agencies, and continue to support the 'flow of justice' concept as a tool to achieve this.
- The terms 'juveniles' and 'vulnerable groups' need to be more precisely defined in cooperation with partners in order for greater clarity in activities.
- The project should continue to support PCP meetings and to examine how these can be replicated elsewhere.
- CCJAP technical staff should meet regularly to discuss integrating issues and record minutes of these meetings to develop a strategic narrative that will help to clarify the key elements of the project's approach. The Project Manager and the Capacity Building & Aid Effectiveness Adviser should take primary responsibility for this.

- CCJAP should continue support to the TWGLJR and particularly its sub groups, with a focus on feeding policy and strategic recommendations back to TWGLJR members.

**Team integration**

- The Project Manager should ensure that there are regular team meetings to discuss component specific technical issues separately from administrative issues so that all technical staff keep up to date on progress. Minutes of these meetings should be distributed and posted on the CCJAP website.
- The Project Manager should ensure that there are regular opportunities for social engagements for all CCJAP staff in order to maintain team morale and cohesion, especially as the geographic focus of the project expands.
- CCJAP should support regular cultural awareness training and language learning for all team members in order to promote cohesion and motivation.

**Component 1**

- Project staff working with the PMU should give more emphasis to supporting the capacity of the PMU to monitor and analyse cross cutting issues and sectoral integration.
- CCJAP and PMU staff need to give attention to the institutional sustainability of PCP meetings as one practical way to support integration across criminal justice agencies, but also focus on developing other mechanisms to accomplish this.

**Component 2**

- Efforts to integrate activities under this component into the D&D system should be continued, but allowance needs to be made in FSF procedures to take account of the slower processes and different parties involved.
- Once the D&D priorities have been set (usually around late November each year), the NMB needs to ensure that FSF funds are readily available for approved activities.
- CCJAP should develop a clear strategy for ensuring the inclusion of local NGOs and community groups in implementing project activities approved through the D&D system.

**Component 3**

- The revised penal code and procedures will necessitate a re-working of the guidelines and training materials that have already been developed with CCJAP support. Realistically, this will take a lot of time and good cooperation between stakeholders. CCJAP needs to acknowledge this in planning and assess what impact it might have on the pace and breadth of the proposed project roll-out.
- The handover to the replacement Police Adviser needs to take place in a timely manner and the new Adviser should be engaged for at least a 2-year period in order to build effective working relationships.
- Consideration should be given to engaging the Police Adviser through the managing contractor, with an emphasis on someone with strong community policing skills.
- The job description and terms of reference for the Police Adviser and Police Project Officer should be amended to include support for progress towards underpinning legislation for the CNP.

**Component 4**

- Project staff should work with key stakeholders to cooperatively define the essential and replicable elements of the model court and the logic that links them. This would be both

a capacity building exercise and a means to focusing activities as the project expands to new locations.

- Consideration should be given to providing some technical assistance on the legal and judicial dimensions of case management as the project develops to balance the current focus on administrative and management systems.
- CCJAP staff need to give stronger emphasis to issues of sustainability and impact, both in project activities and in dealings with the MOJ. More active engagement with legal and judicial training institutions to publicise the model being developed and greater project involvement in study visits from other provinces to the Kandal court would be some activities that could contribute to this.
- More emphasis needs to be given to activities disseminating information about court systems and procedures. Court staff, local government staff, NGOs and civil groups could be used to widen impact.
- The revisions of court processes and forms required to support the new Criminal Procedures Code have the potential to slow implementation of activities and CCJAP staff need to take this into account when planning activities and the project roll-out to new provinces.

**Component 5**

- Given some positive successes in this component area over the past phases, CCJAP needs to sustain momentum by building on those successes wherever practicable.
- CCJAP should provide more technical support to improve the segregation of women and juvenile prisoners with a focus on low cost management innovations.
- CCJAP should work closely with counterparts and key stakeholders to develop some policy and strategic options for dealing with the overcrowding problem. A projection study on prison population trends for the next decade could be supported to highlight the issue to government and other partners.
- CCJAP should explore options with counterparts for improving the reach of rehabilitation activities and for better targetting of those activities to specific prisoner groups.

**Component 6**

- The project's website could be improved by the addition of more information on project activities and publicly available data of use to a wide range of stakeholders. It could also provide a portal for links to others working in the sector and assist in mapping donor and NGO involvement in the sector. The Communications Officer could be given the task of making such improvements.
- The Project Manager, managing contractor and AusAID Post should agree a set of protocols for cooperation, with records kept of meetings.
- Annual Plans need to have stronger strategic discussions of risks and constraints, including an overview of progress and change in these areas over time.

**Gender**

- Gender needs to be operationalised and mainstreamed into project activities, planning, monitoring and evaluation more clearly. The use of terminology needs to be more precise.
- CCJAP should include gender training for staff and relevant counterparts over the course of the project.

- The project should consider a four-dimensional approach to gender that focuses on: (i) roles – participation in activities, especially in key line functions as well as in the areas of planning and management, capacity building and confidence building; (ii) access – to services, information and knowledge; (iii) resources – rights to own and dispose of property; and (iv) relationships – addressing inequalities of power and differential treatment under the law.
- CCJAP team members need to be more aware of the gender strategies in counterpart agencies and how CCJAP 3 might support them.
- The above issues should be included in the terms of reference for the short term gender advisers.

**Anti-corruption**

- CCJAP should build on partner agency endorsement of the anti-corruption strategy and carry out the steps in that strategy, which work within those agencies and focus on systems.
- CCJAP needs to mainstream anti-corruption measures into activities, management systems and the operation of the FSF, and should consider increased technical inputs in this early stage to ensure that is done effectively.
- Annual plans should include detailed discussions of high level progress on anti-corruption measures and changes in the operating environment as well as specific issues and mainstreaming proposals within the project itself.

**HIV-AIDS prevention**

- CCJAP needs to include a strategy for HIV-AIDS prevention in annual plans, and to incorporate it into relevant project activities.

**Monitoring and evaluation**

- The M&E Plan needs to discuss the process for data analysis and how this will be linked to capacity building for counterparts and other stakeholders. There also needs to be a section dealing with how the M&E process will be embedded and sustained in counterpart agencies once CCJAP 3 ends.
- Impact indicators need to be added to the proposal form for FSF funding and reported on at activity completion to add another dimension to monitoring data and build local capacity. This is a capacity building issue, getting counterparts to think about what precisely activities are trying to achieve.
- The number of indicators in the M&E Plan needs to be reduced and to have a stronger focus on key impact indicators. The CCJAP team and counterparts need to think about the major things they are trying to achieve, then identify the most telling indicators. The short term M&E Adviser should facilitate this process but not replace it. For example, measuring the length of pre-trial detentions of juveniles, the numbers of prisoners released on time, waiting times in the court system, proportion of case files needing revision and the number of provinces holding regular PCP meetings would not require a great effort in data collection, but would tell an important story about project impact.
- Cross cutting issues need to be mainstreamed into the component indicators, again focusing on the key changes that are expected to result from project support.
- The project should consider other methods for assessing community attitudes and perceptions, especially using focus groups and trusted connector interviews. While these can be more time consuming the quality of data is generally stronger. In some cases this

could be contracted out to partner NGOs or local consulting firms, which would also build capacity.

- In order to increase team and counterpart focus on key issues for monitoring, CCJAP should consider adding regular 'most significant change' reporting in each component, on cross cutting issues, and for integration across the system. This would assist in demonstrating perceived impact and re-adjusting priorities over the life of the project.

**Capital works**

- Stronger international advisory support needs to be given to national staff in the first year or so of the project to ensure that forms and specifications are prepared to an appropriate standard and to build longer term capacity. CCJAP should consider increasing or moving support to 3 months of inputs in the first year.
- Project planning needs to consider ways to increase the influence of the project on design and construction of courts and prisons more generally, tracking construction plans in the relevant agencies and offering the expertise of project staff in an advisory capacity.
- CCJAP should include long term O&M plans in any capital works activities. It could consider making support conditional on counterpart agencies allocating funds for O&M and training O&M staff. However, provision of maintenance equipment has had mixed success in other projects.

**Sectoral integration**

- CCJAP should include possible synergies with the work of other donors and NGOs when planning its roll out and selecting provinces for expanded activities.
- CCJAP's support to the PMU should focus on integrated management and system wide approaches, and build the PMU's capacity to run the TWGLJR and sub groups.
- Donor and NGO cooperation should be included as an output in the M&E Plan each year.

# ANNEX 4: Police Specialist supplementary report

**Background**

The CCJAP Police Advisor commenced in country on 9 February 2007, however the Annual Plan and the review of the Strategic Plan for CCJAP III was not finalised and implemented until 1 July 2007. This gap between deployment and clarity on role and expectation was a frustration to the Advisor, however created an opportunity for him to focus on relationship building with the Cambodian National Police (CNP), the relevant Cambodian Ministries, other stakeholders, NGO's and partners.

Progress on all core areas of the policing component has been slow; this is partly as a result of his inability to access funds through the Flexible Support Fund, and partly due to the initial locally employed Project Officer having his employment contract cancelled.

**Strategic Policing issues**

The development of the Strategic Plan for the CNP has now gained traction. A strategic planning expert has been engaged as a short term advisor and meetings have been undertaken between the Commissioner General, senior CNP, the Police Advisor and the short term advisor. The Commissioner General has leant his full support to the project and has identified 20 Senior Officers to participate in the process of design and implementation. From this group of 20 a 12 person working group has been identified. This group has met on a number of occasions, and in workshops facilitated by both Advisors, has arrived at a Vision, Mission and Values statement for the CNP. This statement is currently with the Commissioner General for his approval.

The next step in the process also impacts on the second core area of focus for the Police Advisor – Executive Capacity Development. In order to commence the strategic planning process training for the identified working group on strategic planning has been organised through a local NGO. The training is due to commence in late November and is being provided in modules, with the final module being the actual preparation of the strategic plan. It is envisaged that the plan will be completed in draft form by late January 2008.

Part of the strategic planning process will involve the working group undertaking an external client survey. This survey is designed to seek identification from the community of both vulnerable groups and the type of policing service the community would like to see delivered. The working group will be guided by both Advisors and has already been briefed regarding the need for the plan to focus on vulnerable groups and juvenile justice. In the lead up to designing the Strategic Plan the working group will also survey within the CNP to identify what the needs of the CNP are in order to progress into the future. Community policing does not appear at this point to be a focus, however it is envisaged that community policing will clearly be identified through both the external and internal surveys. Although in a position to influence, it is important that this process, and the content derived from the process, is seen as one designed and arrived at by the CNP, and not as one imposed by internationals.

Anti corruption has not been identified as a specific focus of the strategic plan, however the values statement lists amongst others: Honesty, Integrity, Just and Fair, and Transparent and Responsible" as key values. The issues of anti corruption were not raised with the Commissioner General at the time as they were seen as being too sensitive and a barrier to the project of strategic planning progressing.

Whilst there is some basic understanding of the community policing philosophy by senior CNP the level of understanding is superficial. Some senior members have undertaken international study tours where community policing has formed part of the tour; however, no initiatives have been transferred back to the CNP. The Japanese Koban model for policing has had some influence in Phnom Penh and is reflected in a number of small Police Posts. On face value it appears that this influence was limited to the building/financing of the posts themselves. All endeavours by the Police Specialist to obtain information/detail from senior CNP regarding contributions to policing by other donors, and in particular Japan have been unsuccessful.

**Executive Capacity Development**

Medium term executive capacity development for the CNP is targeted to be non Police specific, and to have an integrated approach to Executive Development across the justice sector. To this end, Global Justice has employed a Human Resource Management consultant who has been tasked with Executive Development across all CCJAP III components. This specialist is yet to arrive in country.

The medium to long term focus for police specific executive development lies within the group of senior officers identified to undertake the strategic planning for the CNP. Attendance at other executive development courses will be determined following feedback through the strategic planning process. As previously stated these officers have been handpicked by the Commissioner General – providing an incentive for them to commit to the process and also indicative of his support for the individuals to be instrumental in moving the CNP forward. The Police advisor has scheduled a meeting with the Royal Melbourne Institute of Technology based in Vietnam to identify suitable courses at the executive level. The potential to design in-country executive development courses exists. Courses such as operations planning focusing on command and control in emergency situations could be considered. Language barriers with senior officers of CNP would prevent them obtaining full benefit from attending courses conducted in purely English speaking countries.

**Crime Scene Investigation capacity and skills at sub-national level**

The Crime Prevention and Community Safety team have supported the establishment of processes and practices to assist with victim management, particularly victims of sexual and domestic assault. The team has brokered relationships between the CNP at the District level and the NGO Social Services of Cambodia. The focus of this partnership is through consultation to identify a referral pathway for victims of sexual assault and domestic violence. Social Services of Cambodia are in the process of establishing a Women's Shelter and have been included in the working group to reassess the content of training for sexual assault investigators, five CNP policewomen trained as sexual assault investigators also form part of the working group.

No provincial training has been undertaken by CP&CS this year; however a number of workshops have been conducted with Provincial Deconcentration and Decentralisation Facilitators.

These workshops have focused on commune planning and in particular planning for security, including the need to strengthen links between the Police and the community.

On face value there does not appear to be a national approach to CPCS at senior levels within the MOI.

Crime scene investigation training was last undertaken under CCJAP II, there has been no forensic/crime scene training this year although a proposal was put forward by the CNP to undertake three training courses in the Provinces utilising the Scientific trainers trained under the "train the trainer" program. The proposal was put forward however was removed from the FSF agenda prior to the meeting of the sub-committee. At this time the decision was taken to await the arrival of the short term Forensic Advisor who is due in country on 21 November 2007 at which time the training modules are to be reassessed. There has been no Forensics Advisor in country since May.

There is the potential for initiatives such as the formation of a Sexual Assault or Domestic Violence Unit/s to be progressed at a Provincial or District level through CP&CS. These Units, with a focus on women and children, would require discrete facilities within the Police Headquarters/Stations and those CNP deployed to the Unit/s receive specific training and support. With National support, facilitated by the Police Advisor, these facilities could initially be established in Kandal and if successful be replicated throughout the Provinces.

**Training systems review and reform**

The focus of the CNP in the training area appears to have been the re-badging and refurbishment of the Police Academy and gaining accreditation for their Bachelor and Masters degrees. As such this core area of focus has not been progressed. However, the Deputy of the Police Academy when interviewed 24 October by CCJAG indicated that he would appreciate the assistance of the Police Specialist in the undertaking of a full training needs analysis. He also expressed some different/unusual views on his desire to firstly conduct a SWOT analysis. There was however no sense of immediacy associated with this request and further negotiation between the Police Advisor and the Police Academy will be required. A training needs analysis for the CNP would require an extensive and long term commitment by CCJAP III and could not be undertaken before the CNP Strategic Plan was both approved and adopted. Even with a Strategic Plan in place, without a full structural review, any training needs analysis would not necessarily reflect the training required within the many differing and fractured components of the CNP.

**Assess and provide recommendations on future Australian Government engagement in the policing sector in Cambodia**

It has become very apparent that across the justice sector over the life of CCJAP, Police have received the least assistance both in terms of capacity development and resources. It is also the institution that has undergone the least in terms of reform. The Police have also recognised this and I believe this has been detrimental to the relationships between police and the courts and police and prisons. If anything, CNP hold the view that resources initially identified for the Police have been syphoned off and provided to the other two components.

There is a lot that could be done for the CNP, given the political will and senior CNP Executive will and commitment. The potential for a stand alone policing component focusing on capacity development exists, however any commitment to such a program would have to be long term (longer than CCJAP III life cycle) and may be cost prohibitive and drain policing resources from any participating country. Such a policing component could however focus specifically on community policing and provide the emphasis needed to advance sound crime prevention initiatives which could impact on the themes of youth justice and vulnerable groups. The strategic placement of a senior officer within the Executive of the CNP should remain and be the central point for influencing policies and procedures which facilitate the implementation of crime prevention and community safety initiatives. The issues surrounding whether such a stand alone component should focus specifically on one

Province to provide a model that could then be replicated across the country would need to be fully scoped.

In any case, such a stand alone component whilst perhaps able to influence the CNP at the operational level, would have little to no impact at the strategic level. The focus of such a component would be capacity development and not organisational reform.