

# Legal Aid of Cambodia

## Annual Report 2003



**From January 01 to December 31, 2003**

**Novib Project No. KAM-501584-0000674  
Project Name: Legal Aid of Cambodia Core Project**



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## 1. INTRODUCTION

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### 1.1 Internal Organization

Legal Aid of Cambodia (LAC) is a non-profit, non-governmental organization, has its main office in the heart of Phnom Penh and eight branch offices in the municipal and provinces. The head office has various units, including the General Lawyers, Land Law Unit, Juvenile Litigation Project Unit, Juvenile Unit and Labor Unit. In 2003 LAC's total number of staff in December 2003 was 67.

LAC is administered by a four-member Cambodian Management Team composed of Director, Legal Vice-Director, Administrative Vice-Director and Financial Officer. The Advisory Board is made up of four experts from the international community and three Cambodians to advise the Management Team on important issues.

2003, is the first-year of the funding agreement (2003-2006) and strategic four-year plan with the principal donor Novib and half year of the Royal Netherlands Embassy in Bangkok.

### 1.2 Activities and priorities

In 2003, LAC also formed special program focus on land ownership, fishery project and children's issues. As a result, LAC lawyers spend more time on civil matters (land, labor and family law) and legal representation of women and children who are victims of sexual offences, human trafficking and labor violations.

In 2003, the Juvenile Unit submitted a long-term project proposal (2003-2005) to the Save the Children Norway and got approval from the Save the Children Norway based in Oslo. The project aimed to provide proper legal protection to child victims of abuses and exploitation and children accused of offenses through the justice system. In order to achieve this, the Juvenile Unit also provided legal advice to police, commune council members, chief of villages and people on Cambodian laws and the international instruments related to children. The project ensured the access of victim children and children in conflict with the law to the service needed and to develop a model of qualitative legal services at local levels and strengthening the efficiency of Cambodia legal justice system. This phase emphasis on developing experiences in relation to the legal justice provision from commune to provincial levels and use the experiences for advocacy at ministries and parliament levels. The experiences will be shared with multi-lateral and bilateral agencies and NGOs network.

The Land Unit also got funding support to a pilot project for 9 months period from Oxfam-GB started from January to September 2004. The objective is to assess the needs of legal representation in fisheries communities involved in fishing disputes with power, influential business concerns and provide legal representation/assistance for fisheries communities involved in fishing disputes. The LAC's Land Unit also got funding support from GTZ for the pilot project in Kampong Speu province covered a period from 08 July 2003 to 30 January 2004. The project aims to help people in land dispute to be aware about the work of the cadastral commission, lead people lodge complaints, explain people to be aware of procedure of all levels of the cadastral commission, provide legal aid to people. The Land Unit also sent one of its lawyer and one legal assistant to investigate and provide legal representation the cases in Ratanak Kiri and Mondul Kiri provinces.

The Juvenile Litigation Project (JLP) still focused on both the victims and the accused. JLP not only promoted and protected the children's rights in court, but also educated those children to behave as good people, and to know their rights and obligations. The JLP also worked in advocating to find solution outside the court in order to get some compensation to the victims.

The Labor Unit still expanded its efforts from representing garment factory workers to represent also employees in tourism, hospitals, universities, construction, hotels and teacher associations. In addition, Labor Unit trained employees, workers and union leaders to understand the Cambodian Labor Code and advocate for workers' rights.

### **1.3 Important Event**

#### ***LAC Election***

According to the valid Statute and the Internal Regulation of Legal Aid of Cambodia, the new LAC Management Team was elected on June 30, 2003. The LAC's Election Committee that recognized and established by the Internal Regulation prepared the MT election in LAC Phnom Penh Head Office. The election is opened only to LAC's staff and to three position including Director position, Legal Vice-Director and Administrative Vice-Director. As stated in the Statute, the Finance Officer who is also member of the MT is not elected through the election. All LAC's staff from the eight municipal and provincial offices and Phnom Penh office participated in this election process and observed by the LAC's Legal Consultant, Miss Heidi Litchteveld. As results of the election, the Director position went to Mr. Chhoeun Sokha, the previous director; the Legal Vice-Director went to Mr. Ouk Vandeth, previous legal vice-director and the Administrative Vice-Director went to Mr. Meas Samnang, former Head of the Juvenile Unit of Legal Aid of Cambodia.

## **2. ORGANIZATIONAL DEVELOPMENT**

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### **2.1 Progress to plan**

#### **2.1.1 Introduction**

On the level of organizational and human resource development, the general goal for 2003 was to improve the overall administration and to develop the capacities of all LAC personnel in order to strengthen the organization. In the operational plan 2003, the following performance indicators were identified:

- Providing legal advice and legal representation in court by qualified lawyers and at least one-third of the clients are women;
- Capacity building of the Management Team;
- Completion of the revised Statutes and Internal Regulations;
- A wide variety of LAC personnel will develop their capacities and perform their jobs with greater effectiveness.

In 2003 LAC still made considerable progress in the field of organizational development, but did not manage to achieve all goals. The activities, output and results are described below. At the end of this chapter we will analyze the results and constraints.

#### **2.1.2 Advisory Board**

##### ***Management Team***

In July 2003 the LAC's Advisory Board and the Management Team with participation from donors, Mr. Ton Meijers from Novib and Ms Bonnie Horbach and Mr. Stephane Rousseau from Netherlands Embassy Bangkok met to discuss important issues as recommendations raised by the donor, the Royal Netherlands Embassy in Bangkok. Five recommendations from the Embassy were raised as following: a. Check and balances b. Advocacy c. Strengthening the financial system d. Logical framework and e. Revision of the internal regulations. The meeting also put in discussion the

following points: 1. Evaluation 2. Recent Legal and Judicial Development in Cambodia 3. Possible role of LAC in the Khmer Rouge tribunal 4. Quality and Impact of legal aid . Funding policy and 6. Mutual expectations of MT and Board.

### ***Advisory Board***

In plenary discussion on Check and Balances, the Board and the MT agreed with the establishment of a maximum two-term and two-year term for the three elected MT positions (director, legal vice-director and administrative vice-director) and a hand-over of the current director within one year, but this decision needs to be approved by LAC's staff, which was done consequently.

The Board and the MT agree that the director and legal vice-director should be licensed lawyers, administrative vice-director and financial officer can be non-lawyer.

In response to the issue of improving check and balances the MT and the Board agreed to find new local Board members along with statement in the financial agreement made between Novib and the Legal Aid of Cambodia that further localization of the Advisory Board is welcomed, preferably someone with financial expertise.

### ***Advocacy***

Pertaining to the advocacy issue the Board agrees with the recommendation as long as it is directly related to the law practice and not copying human rights NGO-work. The embassy recommended that the MT should list current advocacy activities and drafts an advocacy plan with assistance from advocacy expert (PACT).

### ***Audit***

To the strengthening of the financial system raised by the Netherlands Embassy, the Board and the MT agree and supported but both express their concerns over the additional costs of a more detailed audit and doubt whether a treasurer for the Board can be found on a voluntary basis. The Netherlands Embassy asked other LAC donors to contribute to the audit costs.

### ***Internal Regulation***

In drawing the Logical Framework, the MT agreed to seek training on the use of Logframe and drafted a logical framework with assistance from external advisor. After discussing the MT agreed in revising the Internal Regulation and the Statute but the MT would like to receive technical assistance in the revising process.

### ***Evaluation***

To the evaluation, the Board wanted to be more involve in future evaluation including drafting ToR, selecting evaluators and briefing. The MT promised to involve the Board in the next evaluations. Donors also suggested LAC to prepare the evaluation by presenting the monitoring and evaluation results to evaluators.

Pertaining to the funding policy LAC wished the donor to contribute to core costs aims to have a core funding system. Focusing on mutual expectations between the MT and the Board, the MT should provide more information to the Board such as quarterly narrative and financial report to the Board and the MT would like the Board provides advice and react quickly on request for advice.

## **2.1.3 Management Development**

### ***New Consultant***

According to the operational plan, in 2003 LAC has submitted a renewed application to ICCO for the recruitment of a management advisor. The ICCO has approved and committed to give one management advisor to help the MT. As deadline for application on September 30, 2003 LAC

received 28 applications including PACT and VBNK. 8 applicants were selected short list. Through the interview, at first PACT Cambodia was selected by the Selection Committee consisted of MT members, a consultant and one representative from ICCO who were asked to help in interviewing but due to the high cost and over the budget supported by ICCO, the selection committee decided to select VBNK, second priority after PCAT as LAC's advisor.

In strengthening and assisting the Management Team, especially to help administration, one Management Consultant was provided and supported by ICCO. Miss Marlou Pijnappel is selected in Holland by ICCO as Junior Management Assistant and will work and support on management and leadership, Fundraising Policy and Proposal Development, Strategic and Operational Planning, Monitoring and Evaluation, Gender policy, Advocacy and Media.

Tasks for the management advisor will be 1/ Management and Leadership: provide training to MT on leadership skills and staff supervision. Discuss with MT how to improve decision-making structure/check and balances. 2/ Planning: train MT how to develop planning process with staff participation. Train MT on basic principles of Logical Framework such as Indicators, Objectives, Means of verification and Assumption. In this stage the advisor also guide the MT in drafting a Logical Framework, which will entail a clear definition of the organization's mission, objectives activities, expected results and indicators for success. Train financial Officer on financial planning and budgeting. 3/ Fund raising and Proposal writing: train the MT on proposal writing. Discuss strength and weakness of current funding situation. Advise the MT on developing on fund raising policy to increase sustainability. 4/ Monitoring and Evaluation: train the MT on M & E of project/activities. Review current M & E system and provide suggestions for improvement. 5/ Advise to the International management assistant.

The 5-day training course on effective management skill was launched by VBNK organization starting from February 24-28, 2003. There were 16 participants from ten different local organizations. LAC has sent five staff members including one MT member, two Head of Units, one recently appointed as Head of provincial office and one future Head of provincial office to attend the training, that was conducted by two Cambodian trainers from VBNK, to improve their manager's roles and responsibilities within the organization and to learn to use tools to make their work output more effective.

After the Management Team elections in June 2003, the "newly elected" Management Team has made a customized training plan to upgrade its skills by participating in training courses on proposal development, financial management and planning, monitoring and evaluation at VBNK. The Management Team also continued to have weekly meetings to coordinate activities and discuss ongoing issues. In 2003 the Management Team members are still continuing their English classes. The Financial Officer also continued his accounting class.

#### **2.1.4 Statute and Internal Regulations**

Conform the operational plan 2003, the Statutes and Internal Regulation were drafted and submitted to the Advisory Board for approval. The Internal Regulations were discussed in the monthly lawyer's meeting and was adopted by LAC staff on April 30, 2003. The recommendations from the Advisory Board and some additional suggestions from the external evaluators and donors were integrated and consisted of more than 162 articles. Conforming to Novib's comments raised in the cooperation agreement, seems satisfied LAC's staff that Novib welcome to the further localization of the Advisory Board. To the term of the Management Team, LAC's staff suggested in the monthly meeting before

the adoption that the term should be for 3 years because term for 2-year is not enough time for the new elected MT to fulfill their work to develop LAC in providing legal services to the poor.

### **2.1.5 Assisting Committees**

In strengthening the organization and capacity building of management and staff and as stated in the operational plan 2003, LAC has established three staff assisting committees including Finance Committee, Human Resource Development Committee and Planning Committee. Clear description of the roles and responsibilities of these staff committees is integrated in the LAC's Internal Regulation. Later on the Gender Committee is set up to oversee internal gender issues and monitor gender equality in the organization.

#### **2.1.5.1 Planning Committee**

As indicated in the four-year strategic plan (2003-2006), the planning committee of Legal Aid of Cambodia met among its members and discussed around the case intake policy and the implementation of the planning activities. In 2003, the committee decided to integrate into the operational plan that LAC increases in accepting civil cases up to 40% and criminal cases 60% and women and children's cases are prioritized. The committee also monitored on the activities (Project Achievement) and evaluated the capacity and activities of staff, especially lawyers. The committee chaired by Mr. Ouk Vandeth, the Legal Vice-Director. He can be contacted at tel. (855) 23 215 274 or (855) 12 859 691. Email: [laclegal@bigpond.com.kh](mailto:laclegal@bigpond.com.kh).

#### **2.1.5.2 Finance Committee**

As defined in the LAC's Internal Regulation, the Finance Committee in which the Finance Officer of LAC is the chairman met among its members and discussed about the finance policy of LAC. The committee also followed up and analyzed the financial policy and submitted their recommendations on balance of using budget to the LAC's Management Team. This committee is chaired by Mr. Kim Horhan, the Financial Officer. He can be contacted at tel. (855) 23 215 274 or (855) 12 882 943. Email: [lacfinance@bigpond.com.kh](mailto:lacfinance@bigpond.com.kh).

#### **2.1.5.3 Gender Committee**

As stated in the Operational Plan 2003 and after the Gender Committee was set up in early 2003 consisted of three females and two males staff, the committee has made recommendations on the issues related to gender that need to be implemented in LAC's Internal Regulation, case intake policy and Annual Operational Plan. The Gender committee is chaired by Mrs. Poeng Yokhiap, the Phnom Penh General Lawyer. She can be contacted at tel. (855) 23 215 274 or (855) 12 823 745. Email: [lacland@bigpond.com.kh](mailto:lacland@bigpond.com.kh).

The Gender Committee cooperated with the Human Resource Development Committee of LAC and Gender and Development for Cambodia (GAD/C) has conducted two separate training courses on Mainstreaming Gender Principles and Policy for LAC's staff. The trainings were conducted from May 20-23, 2003 and another one from 23 to 26 June 2003 in Sihanouk Ville. The training aimed to raise awareness on gender issues/concepts among LAC's staff so that they will be able to draft a gender policy and mainstream gender concepts into LAC's strategy planning. 32 participants (8 women, 24 men), mainly Management Team members and lawyers participated in the first training session. Other 42 participants (16 women, 26 men) including legal assistants, investigators, admin. vice-director, finance assistants, office assistants, translator, receptionists, driver, cleaner and security guards have participated in the second training. Both training courses were conducted by Cambodian professional trainers from Gender and Development for Cambodia organization (GAD/C). Many specific topics

were raised, particularly the principles and concepts of gender and mainstreaming gender into program work including project identification, project design stage, project implementation stage and monitoring and evaluation stage.

Activity	Expected results	Actual results	Obstacles
Training course on Gender	All LAC staff will obtain intermediate level gender awareness and will be able to draft a gender policy for the organization which mainstreams gender principles into all aspects of its work.	All participants indicated in a questionnaire that the course met their expectations and was satisfactory. During the brainstorm session, many indicated that the course changed their attitude and ideas about gender.	Limited use of participatory training methods.

All LAC's staff indicated that the training course on gender had a high impact, since it changed their attitudes towards roles of men and women in society.

#### **2.1.5.4 Human Resource Development**

The Human Resources Development Committee (HRD Committee) of LAC was responsible for implementing the Capacity Building Program. This Committee consists of three staff members, and is chaired by Mr. Meas Samnang, the Administrative Vice-Director. He can be contacted at tel. (855) 23 215 274 or (855) 12 889 466. Email: [lacadmin@bigpond.com.kh](mailto:lacadmin@bigpond.com.kh).

LAC is operating its activities through its human resources, including the management team, lawyers, legal assistants, financial assistants, investigators, receptionists and security guards. These people have worked on many different issues. In its aim to provide high-quality legal services to the poor, LAC has set up the Capacity Building Program in order to improve the understanding and to strengthen the knowledge, capacity and skills of LAC's staff. LAC received US\$ 40,000.00 from the Soros Foundation for the training program to be carried out in 2002-2003. In 2003, LAC finished the training activities supported by the Foundation are as follow: Effective Management Skills, staff training on Gender, training on Advocacy, training on Logical framework and training on Legal Skills for experienced Lawyers.

In addition, the HRD Committee feels it is important to provide further training to the staff members on the different Assistance Committees in LAC, including Finance Committee, Planning Committee, HRD Committee and Gender Committee, so they will be better equipped to assist and advise the Management Team.

The HRD Committee used the results of this meeting to draft a new capacity building plan for the year 2004 and at the time of writing, this was granted.

Furthermore, in January 2003 LAC submitted a funding proposal to ICCO to provide technical assistance in order to support the Cambodian Management Team. After identifying the specific needs of the Management Team, ICCO agreed to provide technical assistance by providing an expatriate

Management Assistant who will provide on-the-job training and advice to the Management Team regarding strategic and operational planning, monitoring and evaluation, fundraising and program integration. The Management Assistant will work in cooperation with a Senior External Management Consultant, who will provide a specific training program to the Management Team during several days per month.

## **A. Legal Training**

### ***- Staff Training Course on Gender***

Two separate training courses on Mainstreaming Gender Principles and Policy for LAC's staff were conducted on May 20-23, 2003 and another one from 23 to 26 June 2003 in Sihanouk Ville. The training aimed to raise awareness on gender issues/concepts among LAC's staff so that they will be able to draft a gender policy and mainstream gender concepts into LAC's strategy planning.

### ***- Training Course on Advocacy***

A 2-day training course on advocacy was conducted from July 1-2, 2003 at Community Legal Education Center (CLEC). The training was facilitated by Cambodian and international trainers from Pact Cambodia and attended by 45 participants, including Management Team members, lawyers, legal assistants and investigators of LAC. Topics presented during the training included advocacy understanding, advocacy process, advocacy overview, the lobbyist as a broker, power and legitimacy of advocate, advocacy principles and advocacy strategy and planning. Methodologies used in facilitating were brainstorming, plenary and small group discussion, and lecturing through LCD machine. In October 2003 a one-day follow-up session will be organized to fill in gaps based on results of practice and give recommendations.

### ***- Training Course on Legal Skills for experienced lawyers***

A 2-day training course on legal skills for experience lawyers was conducted from August 29-30, 2003 at Community Legal Education Center (CLEC). The training was facilitated by Cambodian and international trainers from CLEC and attended by 23 participants who are LAC's lawyers. Topics presented during the training included presentation on IRAC legal analysis method, issue spotting with defining legal issues and the rule of law. On the other hand, Legal conclusion has also raised with combing to the application of law to the facts. On the second day, the training was focused on the discussion and questions and answers. Even the session in class is finished, but four follow up sessions are continued as part of the training.

### ***Bachelor Degree in the Faculty of Law***

Three staff members were able to enlarge their legal knowledge by studying for a bachelor degree at the Faculty of Law in Phnom Penh. These three staff including Mr. Am Sokha, legal assistant from Land Law Unit, Mr. Miech Samoan, lawyer from Land Law Unit, Mr. Ken Bunchan, investigator from Svay Rieng province.

## **B-Administrative and Organizational Training**

### ***- Training Course on Logical Framework***

On August 5-6, 2003, LAC sent 9 staff members, including Management Team members and Heads of Units to attend a 2-day training course at VBNK on the Logical Framework. The purpose of the training is to provide a group of LAC Management Team members and Head of Units with knowledge of Logical Framework, so that they are familiar with it and can use the logframe when they draft project proposals or review LAC's mission objectives. The training was conducted by Cambodian professional trainers from VBNK.

### ***- Training Course on Financial Skill through computer system***

From December 2-4, 2003 the Financial Section of Legal Aid of Cambodia conducted training on

Financial Skills through computer system to all eight receptionists and an investigator. The training was held in Sihanouk Ville and focused on strengthening capacity of receptionists in the eight provinces in financial management. The discussion is also focused on correction and avoiding mistakes and gaps in financial control system in the eight provincial offices.

Administrative staff received tailor-made training to perform their jobs with greater effectiveness and to improve organizational work:

- All Management Team members received trainings course on English, report writing skills, financial management and office skills.
- Five staff including Heads of Units and Heads of provincial offices received English Training.
- Twenty-four staff including legal assistants, investigators, receptionists and security guards received training on job conflict resolution, office skills and English course.
- One of the Heads of Unit and one legal assistant (Mr. Ea Sopheap, lawyer and Miss Min Tithmlis, legal assistant) from the Land Unit are sent to participate in the training course on Proposal Development at VBNK Organization.

### **C-Training Worldwide**

In addition some staff and Management Team members were able to enlarge their skills by attending trainings, seminars and conferences abroad:

- Two LAC's Management Team members, Mr. Chhoeun Sokha, the Director and Mr. Ouk Vandeth, the Legal Vice-Director went to Hanoi, Vietnam to attend the Regional Legal Aid Conference organized by Novib.

#### **2.1.6 Staff Change**

##### **- *Leaving staff members:***

- Mr. Ouk Kimleng, legal assistant to the Juvenile Litigation Project passed the Bar exam and left LAC to study at the lawyer's Training School.
- Mrs. Heidi Litchteveld, former Legal Consultant to the Legal Vice-Director, finished her 2-year contract with LAC and will return to her work at the lawyers for lawyers in the Netherlands.
- Mss. Chea Sokha, the financial assistant passed the Full Bright Scholarship and left LAC to study in the University of Buffalo, United States.
- Mss. Heng You Leng, legal assistant to the Land Unit who just promoted passed a Scholarship and left LAC to study in the US.

##### **- *Newly recruited staff:***

- Miss. Vann Theany was recruited as financial assistant and replaced Miss Chea Sokha position.
- Miss Se Vichka was recruited as financial assistant.
- Mr Yin Lim Y was recruited to work as investigator Kompong Cham office.
- Miss Sorn Sony was recruited to work as lawyer in the Land Unit and responsible for the project supported by Oxfam-GB on fishery cases.

##### **- *Staff rotations/internal promotions:***

- Mr. Ken Bunchan, former investigator at Svay Rieng Provincial Office, moved to the Juvenile Unit at the Phnom Penh Head Office as legal assistant.
- Mr. Hor Chheng Orn, former investigator at Kandal Provincial Office, moved to the Land Unit at Phnom Penh Head Office as legal assistant.
- Mr. Kuch Soeurn, office assistant moved to LAC Kandal office as investigator
- Mrs. Poeung Youk Hiep, former administrative vice-director, moved to the General Lawyer office.

- Mr. Meas Samnang, former Head of the Juvenile Unit is elected as the Administrative Vice-Director and replaced Mr. Poeung Yokhiep's position.
- Mr. Mon Keo Sivin from Kompong Cham Office moved to the General Lawyer in Phnom Penh office.
- Mr. Seng Rithy, former LAC translator, was promoted to work as a legal assistant to the Land Unit.

### **2.1.7 Newsletter**

LAC still working launching newsletter regularly. We have received many positive reactions on the newsletter from readers as well as suggestions to improve layout and presentation. In 2003 contributions to the newsletter is different from 2002 that now almost exclusively came from the head and got involve from the provincial staff more in writing articles.

### **2.1.8 Analysis of Results**

As can be seen above LAC made considerable improvements on organizational development but there continues to be room for further improvement.

In 2003 LAC welcomed members on its Advisory Board and all participants concluded that the annual meeting between the Advisory Board and Management Team in July 2003 was fruitful. But one of the domestic Board members, Dr. Lao Mong Hay has already resigned from the LAC's Board.

The Management Team worked on building its capacities by participating in various training courses. The proposal for recruiting a management consultant was submitted and approved by ICCO. After the Management Team elections in June 2003, the newly elected Management Team started continuing its capacity building program.

As for development of its human resources, in 2003 LAC remains using some budget from the Soros Foundation. At the same time LAC continued to develop a capacity building plan for 2004, to receive considerable funding from the Soros Foundation in providing legal and administrative training courses for all staff. LAC recognizes that capacity building of its staff is the key option to improve the performance of the organization and will therefore continue to seek training possibilities for its staff.

The newsletter and new website already updated and better inform staff, donors, international and local organizations as well as individuals working in the field of legal aid and human rights about LAC's activities and legislative developments. LAC will continue to improve the quality of these sources of information.

## **3. FINANCIAL SECTION**

The year 2003 brought no significant changes with regard to funding policy and financial management, but LAC followed the following recommendations from the financial auditor, including:

- The organization, in case of tax exemption of expatriate staff should ensure that complete document as approved by the Government/Tax Department could be shown as evidence.
- The organization ensures that all advances given to all levels of staff should be supported by relevant documents and record in the books.
- A cash advance schedule should be established and maintain to control and monitor cash advances made to staff.
- In case of the employment contract, the organization should include the specific amount of the basic allowances and thereafter updated with changes in the term of employment.
- To properly monitor the fixed assets, a regular physical count and verification is performed at least once a year by the organization and the result should compare with the fixed assets

register and any discrepancies should be reconciled and investigate immediately. The results of the investigation and reconciliation should be documented in the account sheets.

- The fixed assets register should be reviewed and approved by finance officer and administrative officer as evidence of the monitoring of fixed assets including updating immediately any change of the movement and conditions of the fixed assets.
- The management should take steps to ensure that all transactions are reviewed for completeness and accuracy
- A detailed monthly budget for each year should be prepared for each project and for the Organization's expenditure. The budget should be final and hard copy should be signed as evidence of approval by Organization's management. The budget figures should be entered in the Quick Book system at the start of the year. Monthly reports should be printed from Quick Book showing actual against budget variances. These should be reviewed by Organization's management and any significant variances investigate and action taken where required.

LAC remains continues having two core funders: NOVIB and the Royal Netherlands Embassy in Bangkok. In addition LAC remains having a number of project donors. LAC does not receive funds from local organizations or the government. The organization does not have own income because our legal aid services are free of charge.

### Overview of income in 2003

Project	Proposed budget	Donors	Approved budget
Core project	USD 356,861.00	NOVIB	USD 139,581.00
		Netherlands Embassy	USD 100,000
Juvenile Unit	USD 27,346.00	Save the Children Norway	USD 27,346.00
Land Law Unit	USD 92,659.02	The Asia Foundation	USD 35,000.00
		Finland Embassy	USD 51,927.20
		Oxfam GB	USD 20,000.00
		GTZ	USD 6,342.40
Juvenile Litigation Project	USD 17,377.25	European Union through DanChurchAid	USD 17,377.25
	USD 23,839.00	CIDA	USD 23,839.00
Labor Unit	USD 20,268.00	ACILS	USD 20,268.00

There were no significant variances between planned and actual expenditures. Small variances are explained in the budget comparison (Appendix II). The costs of the Advisory Board/Management Team meeting in July 2003 were covered by core funding, not by additional funds.

At the end of the year 2003 we had an accumulated surplus of USD 59,525.00 in the core budget, due to remaining funds from previous years and income from contributions to administrative costs by project donors. Both core donors signed the contract to continue funding LAC for the next period. Novib pledged to financially support LAC for another four years as in the contract. At this moment the Netherlands Embassy has already committed to provide funding in the 2 years.

## **4. ACTIVITIES**

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### **4.1 Progress to plan**

#### **4.1.1 Introduction**

Year 2003 was the first year of LAC's four-year agreement with Novib and was the first of two year and a half with the Royal Netherlands Embassy. The general objective formulated in the operational plan 2003 was to provide legal representation to poor Cambodians in criminal as well as in civil cases and to strive to ensure that due process of law is followed to the greatest extent possible. Conformed and indicated in the Operational Plan 2003. LAC aims to have 60% criminal cases and 40% civil cases. As implemented in 2003 LAC increased the number of civil cases up to 40% of the total, to limit the caseload of the lawyers and put more emphasis on the quality of the work, to implement a new case intake policy. The activities, output and results are described below.

#### **4.1.2 Core Legal Work**

LAC continued to provide legal services to the poor in criminal and civil cases in Phnom Penh and eight provinces where LAC has its branch offices, including Svay Rieng, Kandal, Sihanoukville, Siem Reap, Battambang, Koh Kong, Kratie and Kompong Cham.

In addition, the lawyers from the specialized units [Land Unit, Labor Unit and Juvenile Litigation Project] provided legal aid in their field of service throughout the country.

LAC additionally did some casework in two other provinces: Prey Veng and Kompong Chhnang. On request by the President of Prey Veng Provincial Court, three lawyers and one investigator from LAC's general lawyers unit provided legal representation to accused in 27 felony cases. Additional funding was generously provided by UN-COHCHR. LAC tried to encourage the court to respect legal procedures with regards to detention and fair trial. As a result in two cases the suspects were released and in several cases the sentence was reduced because of mitigating circumstances. However, in some cases the Court applied the new Law on Aggravating Circumstances, which resulted in high sentences. For instance, an 18-year old boy was sentenced to 15 years imprisonment for attempted rape.

In Kompong Chhnang the legal vice-director successfully handled 9 cases, several of which were complaints of poor people against government officials, like military police, district chief and the forestry chief. In other cases clients who could not pay back a loan were arrested and charged with a criminal offense. After discussion with the court they were finally released.

#### **4.1.3 Criminal / Civil Cases**

In its Four-Year Strategic Plan 2003-2006, LAC aims to have 60% criminal and 40% civil cases at the end of the four years in its aim to achieve a more balanced mix of criminal and civil cases. Therefore, in 2003 LAC increased the number of civil cases to 40% of the total caseload since the first year of the four-year strategic plan. To increase the civil caseload LAC's general lawyers, especially those working in the provincial offices, need to handle more civil cases, such as small land disputes, labor conflicts, family cases and forestry and fishery matters and less criminal cases. LAC aimed to shift emphasis from mainly criminal defense of adult men to do more civil cases and more cases on behalf of women and children. We did fully achieve this goal in 2003. In 2003, 59.52% (2,122) of the total number of open and closed cases (3,565) was criminal cases and 40.48% (1,443) was civil cases. Included in this figure are the 562 cases LAC handled outside the court, all being civil cases (labor and land cases). LAC will maintain this policy for a while but we wish to increase the civil cases up to 50% in the next three years.

### ***Training***

With financial support from the Soros Foundation, LAC organized a three-day training course for LAC's experienced lawyers on legal skills at the CLEC with four following up sessions after the training is finished. Furthermore, LAC also provided short legal presentation during the monthly lawyers meeting at LAC's head office and all LAC's lawyers attended the permanent legal education program set up by the Cambodian Bar Association.

#### **4.1.4 Limited Caseload**

According to the implementation of the operational plan 2003 LAC achieved the goals in increasing the civil cases based on

- The LAC's current case intake policy, we only accepted criminal cases when the accused is arrested and held in pretrial detention. In felony cases we only accepted to represent the accused when the judge appoints the lawyer before the first hearing according to article 76 SOC Law. This led to a decrease in criminal defense cases.
- LAC's provincial lawyers informed NGOs that usually refer cases to LAC, local authorities, newly established labor unions and the court about LAC's services in civil cases.
- We increased in small land and labor cases in the provinces due to the adoption of the new land law in 2001, the establishment of a new procedure to solve land disputes through the district, provincial and national land dispute committees and the creation of labor unions in the provinces;
- We increased in the need for legal aid in domestic violence cases once the Law on Domestic Violence, which is currently under discussion in the National Assembly, is adopted because it introduces a new procedure for women to obtain a protection order from the court. LAC participated in a series of radio programs by NGO Banteay Srei to give legal education on domestic violence, so LAC is known as a provider of legal aid in this new field.

#### **4.1.5 Case Intake Policy**

After the Board meeting in 2002, LAC started to revise its case intake policy with input from all lawyers and specialized units. In 2003 this case intake policy was finalized by the LAC's Planning Committee and adopted. Once again, LAC still disseminated to relevant NGOs to explain and discuss the LAC's case intake policy. The case intake policy was also disseminated to all provincial courts.

The case intake policy has no more changes from 2002 and contains both clarifications and changes to LAC's prior policies. On an organizational level, LAC has clearly and specifically defined the criteria for representation for the two broad groups of potential clients eligible for representation: the poor, and organizations or individuals with legal disputes arising from human rights work. Some of the more important changes, LAC's General Lawyers Unit will now only represent criminal cases in which the accused remains in pre-trial detention, and will accept court references only where the court has adhered to Article 76 SOC Law. This restriction does not apply to NGO employees accused of an offense or to vulnerable persons (women, children, and persons who have been abused by powerful or wealthy people) who are victim of a crime. Furthermore, the General Lawyers Unit has specified the category of clients eligible for civil representation. For example, in divorce cases LAC will represent the party who has no control over the marital property or has lost the right to control this property. The General Lawyers Unit will only represent clients in small land disputes, referring larger land disputes to LAC's Land Unit. Each individual unit [Juvenile Litigation Project, Land Unit, and the Labor Unit] has devised their own policy.

#### **4.1.6 Advocacy and legal reform**

In conforming to the Annual Operational Plan 2003 and recommendations from the donors, LAC has participated in the advocacy activities. Even advocacy seems new for LAC but we have changed some of our strategies to reach that goal. As indicated in the Four-Year Plan (2003-2006), in the first year LAC aimed to increase the number of civil cases to 20% of the total caseload. Another 20% increase will be realized in the next three years. Increasing civil caseload LAC's general lawyers those who working in the provincial offices and in Phnom Penh have tried their best to work in participating in judicial reforming. The Juvenile Litigation Unit worked in advocating so as to find solution outside the court in order to get some compensation to the victims. From the year 2003-2005, the Juvenile Unit with its lawyers launched its pilot project called Protecting Children in the Cambodian Justice System in Battambang province. The Unit closely cooperated with the Ministry of Justice, the Ministry of Interior, LAC's lawyers in the eight provinces and the Juvenile Litigation Project. Their work focused on advocacy work by training all police personnel, commune councils, chief of villages, concerned Government agencies, villagers, and NGOs about the Cambodian laws pertaining to children and the Convention on the Rights of the Child. The principal aim is to set up a Mediation System to the pity crimes and misdemeanors by not sending through the justice system in Battambang province as provincial level and will be raised in the national levels in the year 2005. On the other hand, in relating to the issues of children, the Legal Vice-Director, the Heads of the LAC's JU and LAC's JLP met with CDP, Cambodian Bar Association, Licadho and Adhoc discussing on strategies to have the Law on the Aggravating Circumstances amendment. The Land Unit and the Labor Unit implemented their projects in linking to the advocacy work by lobbying key people from the government ministries, National Assembly and the UN agencies along with negotiation and mediation outside the courts. Also in the context of judicial reform, the Legal Vice-Director has stressed out the recent legal and judicial development in Cambodia especially adoption of the new land law, civil and criminal procedure as well as some sub-decrees. The LAC's Legal Vice-Director also joined his work with council for legal and judicial reform of the council of ministers. There are some movements to work on the Fishery Law, civil society asked for a public survey before drafting the law and urging the National Assembly to adopt the Law on Domestic Violence but the Law on the Aggravating Circumstances on Felonies was adopted without public consultation. Regarding the topic of possible roles in the Khmer Rouge Tribunal, as requested by Task Force LAC could provide information on Khmer Rouge tribunal to the public and give orientation to the international staff of the tribunal on Cambodian laws. The LAC's director joined Comfrel as Board of Director and played his roles actively in before, during and after the National Election in advocating for free and fair election.

#### **4.1.7 Legal aid in Ratanakiri and Mondul Kiri**

Lawyers in the Land Unit have traveled to Ratanakiri and Mondul Kiri in providing legal aid to the poor who had land disputes. In late December 2003 the Land Unit in cooperation with ADHOC, has sent one lawyer and one legal assistant to both provinces in order to investigate and to receive signatures from clients. This mission is supported by the Finland Embassy and Oxfam-GB.

### **5. ACTIVITIES OF THE UNITS**

This chapter describes the activities of the specialized Units of LAC. Even though these units have separate funding and do not receive funding from the core budget, their work is crucial to the success and impact of LAC. Their specific activities are contributing to a wider understanding of the lawyers from the general lawyers unit and the lawyers in the provincial offices of the various

issues that face Cambodian's poor. The units work closely with some of the provincial offices, depending on where their projects are being held.

### **5.1 The Juvenile Litigation Project (JLP)**

The Juvenile Litigation Project (JLP) commits itself to serve the best interests of children as the main objective especially providing proper legal representation to children in an effort to decrease pre-trial detention, obtain appropriate punishment or acquittal for accused clients and appropriate compensation for clients who are victims. JLP has four lawyers and two legal assistants supervised by Attorney Huon Chundy. The Juvenile Litigation Project was supported by CIDA from January-July and by DanChurchAid from August-December 2003. The six staff members work under the supervision of the Management Team (MT) of LAC. The eight LAC branch offices help collect cases for JLP and keep JLP informed of everything relating to their work. JLP worked along side with LAC branch offices and with other relevant NGOs to ensure access to legal aid for youth as stated in the objectives.

#### **Activities**

##### ***Caseload***

In the whole year of 2003, the JLP handled a total number of 267 cases. 153 were closed during the year, 115 are still open. In these cases the JLP represented 334 children, more than twice as high as expected in the operational plan. To the beneficiaries of the project, JLP represented both victims and accused, all of which were under the age of 18. To the total number of 334 clients, 26% are female victims, 4% female accused, 5% male victims and 65% are male accused.

##### ***Description of activities***

To the advocacy issue, the JLP has participated in meeting and seminar aiming to perform advocacy pertaining to children concerns such as seminar on child rape and trafficking, provide recommendation on the minimum standard and management of child care center. Participated in the Radio panel discussion on child rape and trafficking for Banteay Srei's and VAW Radio talk show. JLP lawyers made a concentrated effort to insist that judges order appropriate compensation for victims and appropriate punishments for defendants. Some results are evident in the fact that 64% of the victims represented by JLP's lawyers, received appropriate compensation, and 74% of the defendants, in cases where JLP represented the accused, received appropriate punishments. Unfortunately the rest of the victims received too little or no compensation and their aggressors were punished too leniently or too severely. JLP hopes to see changes in its efficacy and the Cambodian justice system that will allow a higher percentage of cases to be fairly adjudicated. Project also focused on increasing the number of victim's clients, especially girls victimized by sexual assault, rather than defendant-clientele focus.

##### ***Professional Practice Change***

JLP has noticed a change in the court's practice concerning the pre-trial release. We can understand clearly by observing the increasing of percentage of bail motions granted before and now. Based on this last result, we got more than 50% granted out of the motions filed, which is much higher than previous years when hardly 50% out of the motions filed were granted. Same notice on this point, the duration of detention shows much decrease. This means judges are tending to obey pre-trial detentions time limits more often than before. As known, the detaining

duration used to be over the legal time limit from 3 months to a year, but now this starts to cut down to 3 months maximum. Sometimes the courts called JLP's lawyers to file a bail motions since the first day of the detention.

JLP also notices that the percentage of appropriate punishment/acquittal as well as appropriate compensation, are much higher (over planned). The project planned based on the result of year before and the actual result is much higher than what we expected, so this means the justice starts to exist even not much.

JLP has personally noticed that in some cases, court clerks have been contacting LAC lawyers directly to represent the child when a child is accused of committing a crime or is a victim of a crime. Although this is not yet a standard procedure, JLP lawyers are pleased about the improved communication between court clerks and lawyers. In addition, the amount of cases appointed by the court is higher than before. These express also the improvement of LAC's relationship with the courts.

### **Achievements**

JLP works alongside prosecutors, police, and with the cooperation of other NGOs and local authorities to conduct investigations and research. Most of the rape victims are from remote districts. They are poor and uneducated, lack awareness of their rights as well as access to legal aid. JLP observes that most issues in Cambodia are settled outside of court. This usually means that victims and defendants pay bribes and fines directly to police or government officials without getting legal aid or advice. JLP has been collaborating with other human rights NGOs/IOs, as well as the police in some instances, to get these cases, before the parties settle, and proceed with them in accordance with the law. JLP's staff traveled all over the country, even to very remote districts, in order to collect information from interviews with local authorities and witnesses, documents, and other relevant evidence. Sometimes cases required that JLP returned two or more times to homes of victims and other relevant areas to conduct investigations. Without many of JLP's investigations there would not have been enough evidence to bring cases to trial.

### **Obstacles**

The problems that JLP faces are problems that affect Cambodia in general. Some of those problems are particularly relevant to JLP's ability to achieve success such as corruption, lack of education, police torture or forced confession and the non-existence of special juvenile correctional facilities and courts.

### ***Corruption***

Corruption in Cambodia becomes normal practice. The proofs are difficult to find. Corruption some time is made by judges and court clerks. It is almost impossible to know, as a lawyer, when and if you have gotten a fair trial. If both parties are extremely poor then most lawyers assume no bribe has been paid. In these cases (most of LAC's cases) if the assumption is that no bribe has been paid then lawyer hopes that the judge has really listened to his client's case and deliberated the issues intelligently and responsibly. Most of the clerks, especially at Phnom Penh court asked money from the LAC's clients if they want the trial speedily. LAC's lawyer always advised them not to pay any money to those clerks even a penny and assured that LAC's lawyers will absolutely try to encourage the speeding up of the trial process.

### ***Lack of Education***

Judges are still uneducated and lack of basic respect and/or knowledge of human rights and justice. The flaws in the judiciary system create many victims, the most vulnerable groups being those with no access to bribe money or political power, which compromises JLP's entire clientele. Recently an amendment to UNTAC Law Article 68 on mitigating circumstances was passed. The new amendment states that when a judge has a felony case on his/her hands he/she need not consider any mitigating circumstances when deciding the case; this includes age, self-defense, mental capacity etc.

### ***No Special Juvenile Correctional facilities and Courts***

Children are detained with adult detainees all over Cambodia except in Phnom Penh, and subjected to other forms of physical and psychological violence by adults. Prey Sor in Phnom Penh is a great improvement, but children are still housed with adult women. In addition, Cambodia is still lacking of juvenile detention centers in the rest of its provinces and it is lacking of a juvenile court system. There are no judges specially trained on the laws of children and no judges particularly sensitive to the needs of children. Juvenile victims are often mocked and mistreated in the courtrooms. Young female victims of rape and sex trafficking are especially subject to this kind of mistreatment. They are forced to listen to defendants accused of raping them state that they are liars, in addition to having to retell the incident of rape in front a courtroom full of adults.

### ***Convention on the Rights of the Child***

Some court officials think the Convention on the Rights of the Child (CRC) is not Cambodian law, they generally feel that it is too vague and theoretical and that UNTAC laws sufficiently protect the rights of children (e.g., Article 14 and 68). CRC may be somewhat vague but JLP continuously raises CRC issues during trial because there are enough issues covered in CRC that are not covered in the average Cambodian courtroom to make it relevant.

### ***Police Torture and Forced Confessions***

Entirely too often confessions are forced out of children. They are tortured and threatened into confessing or accusing or testifying to things that they would not have otherwise. This causes two problems, 1. Lawyers must spend court time trying to prove that the confession was forced and that his or her client is not guilty, and 2. Claiming police torture becomes almost a routine statement that each client makes. Unfortunately, very often this may be true, but the possibility that the defendant is lying also becomes relevant.

### **Main lessons learned**

JLP focused on performing all of their functions with care and responsibility, not only the function of litigator. JLP lawyer have learned that actively filing bail motions is an effective way to put pressure on the courts, since 60.5% of the bail motions was granted.

## **5.2 The Juvenile Unit (JU)**

With support from Save the Children Norway (SCN) in 2003, the Juvenile Unit continued to implement its project named "Promotion of the UN Convention of the Rights of the Child". Objective of the project was: Children who are victim of any kind of abuses and exploitation and children accused of committing offences in the eight provinces where LAC maintains its

permanent offices receive proper legal protection and assistance from judges, prosecutors, police, lawyers, military police, prison officials and relevant NGOs. The LAC Juvenile Unit (LAC-JU) manages the project.

The JU promotes awareness among local government staff, people and children about the availability of legal justice provision and builds trust between children and (local) government staff through the proper legal justice provision at commune level and in court proceeding in the province.

From 1998 to 2003, there were two phases;

- a study phase to understand the condition of child victims and children in conflict with the laws related to real performance in the Justice and Interior systems of Cambodia, International and Cambodia laws, regulations and guidelines and compared to the UN Convention on the Rights of The Child and
- a second phase to build the capacity of LAC-JU to be able to work with Justice and Interior Systems.

LAC and SCN are building a long-term partnership cooperation project from 2003 to 2005. This Cooperation project places emphasis on developing experiences in relation to legal justice provision from commune to provincial levels and use the experiences for advocacy at ministries and parliament levels. The experiences will also be shared with multi-lateral and bilateral agencies and NGO network.

Currently, the Juvenile Unit is composed of four staff who are responsible of running the project activities. Three are permanent staff from LAC, and one representative from Ministry of Justice, Mr. Touch Chiva.

The Juvenile Unit not only got funding support from its donor but also received strengthening capacity building from its donor such as attending the training on Monitoring and Evaluation, Leadership, Preparatory Internal Evaluation, Monitor changes in Children's life, Quarterly Update, Child Rights and Press law and Village Safe Net.

## **Activities**

### ***Caseload***

41 cases of child offenders and victims were received proper legal procedures by investigating and participating in the trial and access to safe place. This was more than double the amount of cases that we anticipated. 23 cases were investigated, including 10 raped victims, 2 offenders of rape, 4 murders and robbery, 3 assault and battery cases, 1 murder, and 1 breach of trust. 18 cases were opened trial. These including 8 raped victims, 1 trafficker, 1 indecent assault, 3 offenders of rape, 3 thieveries and 2-drug using. 20 cases of child offenders and /or child victims receive proper legal procedures and access to safe place. Victim children and children in conflict with the law will be sent or coordinated to the rehabilitation centers through relevant government ministries and NGOs.

### ***Description of activities***

The JU investigates and gathers cases from child offenders/victim cases when receiving complaint from child offenders /victims. The records and other document were proved to the court so as to benefit to them during the trial. They were provided the legal consultation in the stage of arrest in police custody.

The JU provides legal advice on protecting the rights of children in the Cambodian justice system at a day-and-a-half training session to police, commune council members, village chief and people. This training is key to the work of the JU. Police officials and commune council members lack knowledge about the proper treatment of juveniles. Children have to be protected (according to the Law and the Convention of the Rights of the Child) and treated differently then the adult offenders/victims. The training attempts to change attitudes, in order for police officials to help the children if they are in trouble. The focus of this training is on 13 districts in Battambang Province.

In 2003, the JU focused on building a relationship with the local villagers and government staff. The trainers aim to develop trust with the local people and villagers so that these people will give the JU more information.

Monitoring visits are conducted two months after the training was provided to research if the attitudes have really changed. If this is not the case, there is another meeting with some key people and an action plan is drafted to improve the situation.

During their training sessions, the JU gathers evidence, and explains which organizations or people can help juveniles in trouble. Sometimes small crimes can be solved in the commune council or by the local police, and will the cases not reach court, but this is only acceptable if the rights of the children are respected.

The JU is gathering evidence and documenting good practices and children's cases at the moment and plans to publish these cases at the end of 2004 during a large feedback workshop in the province. This way, good practices can be shared to other provincial officials of the Justice and Interior Ministries.

### **Achievements**

In implementing its activities, the Juvenile Unit established a strong cooperation with the Ministry of Justice (MoJ) and the Ministry of Interior (MoI). The MoJ has sent one representative to join the project part time. In coordinating providing legal advice to the police personnel in 13 districts of Battambang province, Battambang Police Commissioner has sent one representative who is Chief of Battambang Department Against Trafficking in Women and Children to coordinate all training in the 13 districts. The LAC-JU has built network with Battambang provincial Protecting Children Rights Committee.

#### *Distribution of the Handbook*

743 copies of the 'Legal Rights of Cambodian children' book, the handbook 'Protection of the rights of the child in the Cambodian justice system' and the comparative study 'Cambodian Law and the Convention of the Rights of the Child' were copied and used in providing legal advice. Many posters were distributed on children's rights issues as well.

#### *Police training*

477 policeofficers from 7 districts level in BTB ( Kom Rieng, Phnom Proeuk, Sang Ke, Ratanak

Mondul, Battambang, Bavel and Moung Russey) were provided legal advice in a one day and half meeting on Protecting the Right of Children in the Cambodian Justice System.

240 Commune council members, Village Chiefs, Teachers, and people from three communes in Battambang Province (from Kea and Robos Mongkul commune in Moung Russey district and Omal Commune in BTB district) were provided with legal advice for one day and half meeting (but some people only attended a half day meeting) on the protecting the rights of children in the Cambodian justice system.

#### *Education materials*

5m x 6m of plastic tent, 10 tables and education materials are inaugurated and provided to children in prison in BTB Province for the rehabilitation and education program.

### **Obstacles**

#### *Long waiting time at the MoI*

LAC-JU has no major changes or adjustment in year 2003, but it had few activities that did not achieve as plan. JU team didn't publish the bulletin for the entire year because we didn't get permission from the Ministry of Information.

Also, one training remained for Sampov Loun, due to the lack of money. The budget for this training is allocated in 2004 and we hope that this training and the rest of the trainings will be done in year 2004.

### **Plans for the year 2004**

The JU is going to issue a bulletin on children in conflict with the law and child victims, for the purpose of the raising awareness about: gaps in the law, failure to adhere to procedural requirements and the lack of the law implementation of the court officials, police, military police and relevant ministries so as to take consideration and change their acts. These bulletins will be printed and widely disseminated to NGOs, Donors, UNICEF, Cambodian Bar Association, UNCOHCHR, Court officers, Police, Military Police and relevant Ministries through one and half day meeting with police, JU's staff and LAC's staff.

This activity was already planned for 2003, but the Ministry of Information did not issue their approval in time. Therefore the bulletin could not be published.

### **5.3 The Land Law Unit (LLU)**

During 2003, the land law Unit had 9 staff members including one legal consultant and was financially funded by Finland Embassy, Oxfam GB, The Asia Foundation and GTZ.

The primary objective of the Land Law Unit is to provide quality legal representation to the largest number of poor Cambodians possible whose lands are being seized by the wealthy and powerful. In 2003, the Land Unit continued in providing legal services to the poor who are involved in land, fishery disputes and to forest communities whose subsistence is threatened by illegal logging. The Unit also provided legal advice, education, advocacy, negotiation, legal representation in court, and provided legal assistance in the new land dispute resolution procedure before the Cadastral Commission.

The Land Law Unit concentrates on *major* land cases, those cases involving multiple poor families against powerful opponents, in which a significant amount of land is at issue. LAC's General Lawyer's Unit usually handles minor land cases in which one family is disputing a land matter with another family both of "equal power". The Land Unit, however, is always available to provide advice or assistance in such cases.

The second objective is to provide input, commentary or recommendations on proposed/draft laws related to land issues. The Land Law Unit lawyers and legal assistants have participated in such consultations with representatives of the Ministry of Land Management as well as with other like-minded representatives of civil society. The aim of this objective is to encourage the Ministry and the Cadastral Commission to become more transparent and inclusive in all its dealings. It is only through this type of public accountability that the people of Cambodia will have trust in the equity of the 2001 Land Law. Furthermore, it is essential that local NGOs and civil society are included in the formation of draft laws, which reflect the policy, and direction of the Cambodian government in land-related issues.

The third and final objective of the Land Law Unit is to provide training on land rights, land law and land policy, to better prepare villagers and communities to assist in advocacy work related to land issues in Cambodia. Our staff provided training on the 2001 Land Law, the new title registration procedures and the functions of the cadastral commissions

### **Activities and achievements**

#### ***Caseload***

During 2003, LAC the Land Law Unit including lawyers from provincial offices handled a total of 381 land cases, 198 cases were opened and 183 were closed. LAC won 110 land cases and lost 73 cases.

At the end of 2003, there were 77 major land cases that were ongoing the Land Law Unit represent 9219 families, assuming that there are 5.2 people per family in Cambodia (using 1998 census figures). In minor land cases the Land Law Unit represented 479,38 people, (92 families). It can be estimated that about 52% percent of the family members are female (According to Who's Who 2003, female make up 52% of the Cambodian population.

#### ***Highway number one***

The NGO Forum and LAC jointly assisted ninety-nine families in three groups who were being displaced by the work. During this time, LAC, NGO Forum, ADB, IRC, Mekong Watch and JICA made a field trip together to discuss compensation with one of the three groups in Steng Slot, Prey Veng. ADB clearly told the IRC officials that in accordance with ADB policies, the government must provide the occupants of the land, whether or not they had land title certificates, with equivalent land, even if that requires purchasing and filling roadside land. ADB was adamant that the new land be free from flooding and protect the small businesses of the people. Most of this case work was conducted by nine people, including two lawyers from LAC Land Unit/Phnom Penh and two other LAC lawyers and one investigator from LAC Kompong Cham Office.

#### ***Pilot project in Kampong Speu***

One of our lawyers and one legal assistant started work on a pilot project in Kompong Speu funded by GTZ. The purpose of the pilot project is to help people in land dispute to be aware about the roles and responsibility of the cadastral commission. And the objective is to lead people lodge complaints, explain to people to be aware of procedure of all levels of the cadastral commission and suggest and provide legal aid to people. In the period of the pilot project, we have led the people to refer their complaints to district cadastral commission in Kampong Speu province for 336 families and other 97 families have referred to Thpong district cadastral commission but have been refused to accept by chief the cadastral commission.

At O'sampeay area, lots of people wanted to complain against the Governor of Thpong district and chief of the cadastral commission in Thpong district. We brought representatives of people to refer 97 complaints from 5 villages in order to have the chief of the cadastral commission inspect at that time but all complaints have been refused to accept by chief of the cadastral commission in Thpong district where people complained against him

#### ***Ratanakkiri-Province***

Further, the Land Law Unit commenced on more investigation and field works in Ratanakkiri, in the hopes of providing additional legal services to the indigenous villagers who are rapidly losing land in deceptive land deals. In September, three members of the Land Unit went to Ratanakkiri and visited several districts and numerous villages where there were land disputes reported, and many local NGOs in an attempt to get more information on the situation and then to prepare a concrete plan for future activity in that province. At the moment, we are exploring the possibility of additional funding so that LAC Land Law Unit can maintain one lawyer and one legal assistant in Ratanakkiri on a full-time basis. LAC Land Unit is also working in cooperation with the Community Legal Education Center (CLEC), which is to provide training in this province and we have recently drafted a Memorandum of Understanding between our Land Unit and Adhoc Ratanakkiri for future cooperation and collaborative efforts.

#### ***Highlighted case: Landgrabbing in Ratanakkiri***

From October 2003 through March 2004, the Land Unit staff continued to work on its many important cases, including a highly controversial case in the province of Ratanakkiri. One of LAC Land Law Unit's important, although qualified; successes during this time involved this peculiarly sinister case of land grabbing in Ratanakari province. Nuon Phea, the military general of the region, conspired with local authorities to seize over 1200 hectares of land occupied by three hill tribe villages located along Route 19, near the Vietnamese border. Conspiring with trusted local officials, the general assured the villagers that the government intended to plant profitable crops benefiting the people. Taking advantage of the fact that the villagers were illiterate, the general then convinced the villagers to thumbprint documents ceding their land. Further, in some cases, these thumb-printed documents were completely fraudulent, with thumbprints being obtained from children of villagers or from people who were not even living in the villages involved. Rather than receiving the new crops promised or any monetary compensation, the villagers received only one kilogram of salt, and a notice of eviction. Shocked by news that they had sold their land without compensation, the villagers complained to the Ratanakkiri Provincial Court to recover their land. These villagers were assisted by Ea Sopheap, the head of the Land Unit at LAC, who worked closely with the UN, the Asia Foundation, ADHOC and NTFP. Yet despite the fatal flaws in the land transfer, including the improper identity of the owners, the use of deception and the procurement of thumbprints from village children, the court awarded the land to the general. Soon

thereafter, the appeal court dismissed the case for lack of evidence. Given the heavy influence of power and corruption of this case, LAC appealed to King Sihanouk, convincing him to intervene on behalf of the villagers. Together with Prime Minister Hun Sen, the King ordered the government to purchase the land from the general and return it to the original owners. The general negotiated a price of \$35,000. The status of the payment by the government to the general is not known; what is known is that Nuon Phea was transferred from his division in Ratanakkiri and now holds a high position in the Ministry of Defense. LAC filed an appeal in the appellant court in Phnom Penh on behalf of the villagers to get their land back.

### **Cooperation with ADHOC**

LAC joined the project with ADHOC and worked with cadastral commission in Kompong Speu Province with 21 cases. LAC and ADHOC lodged statistics of these cases and met with Mr. PHOK SAM EN, chief of the cadastral commission in Kampong Speu province in order to check with the existing cases of the cadastral commission. The discussion of transaction to be collaborated has been accepted in cooperation with LAC and ADHOC at all the times by chief of the provincial cadastral commission.

### **Training**

From January to July 2003, all Land Unit lawyers attended a workshop about land dispute resolution organized by Oxfam GB at Sihanouk Ville from February 18-20th. In addition, the head of the unit, Ea Sopheap, received management skills training at VBNK from February 24-28th. Legal assistants Min Tith Malis and Heng Youleng attended training on resettlement issues organized by the NGO Forum from February 28-March 2nd.

All LAC Land Unit staff attended training on gender mainstreaming and development organized by LAC in Sihanouk Ville from June 23-27th, and all Land Unit staff attended advocacy training conducted by PACT at CLEC from July 2-4th. Further, staff attended additional gender training conducted by Oxfam GB and participated in a workshop on Judicial Reform provided by CDP and Danish Legal Representatives.

From August through September, the head of our unit, Mr. Ea Sopheap, participated in a two day workshop organized by VBNK on log frame development. From September 19-20, all the lawyers in the Land Unit attended a seminar on Legal Analysis conducted by the Community Legal Education Center. On September 22, Ea Sopheap attended training on the cadastral commissions sponsored by EWTMI at GAD.

In September, legal assistant Heng Youleng left LAC to attend the University of Michigan as a research assistant, and Seng Rethy joined our staff as a new legal assistant.

### **Obstacles**

The Land Law Unit experiences some difficulties when implementing the land law. The most difficult cases involve the military. Many militants involved in land grabbing and are difficult to reason with. In general where it has been possible to make headway in dealing with land seizures by the military it has been because of Mrs. Yim Simene, a Land Law Unit lawyer who had been able to establish working relationships with certain officers. Even with her best efforts, though, in general it has been possible to retrieve only part of the land seized.

A reoccurring challenge has been the development of effective methods to be used with a consistently corrupt and inept judiciary and how to develop a balance of power between disputants where there is an imbalance in power, i.e., the poor versus the influential. The Land Law Unit lawyers and legal assistants are attempting to obtain a fair resolution within a system, judicial and administrative, that is relatively corrupt and tainted by outside influences. LAC has learned to appeal to high government officials in the relevant ministries to intervene and support our clients' position when confronted with unjust judicial findings.

Negotiating and litigating land disputes have been on-going challenge for the Land Law Unit. It is expected that with the implementation of the Cadastral Commission at the district, provincial and national levels will present an entire new set of challenges for staff. LAC Land Unit has been working in cooperation with GTZ, the East-West Management Institute, as well as the Ministry of Land Management and with other organizations in preparation of the formation and operation of the commissions on all three levels.

One constraint that was encountered during this project cycle was a lack of lawyer resources. As our caseload and jurisdiction expands, we require additional legal support, both lawyers and legal assistants, to cope with case increases.

Another constant challenge is to assess the great number of cases at a virtual standstill. This is generally the result of the great resistance by opposing party's result in little to no headway or movement in some cases despite LAC's best efforts. The influence of such influential opponents may also often be the cause for languid procedures in the courts despite our best efforts to speed up the process.

In addition, many cases are finally resolved after threats, bribes to officials or inadequate compensation to clients, which results in clients withdrawing their complaints. For example, in one case, the director of a rubber plantation evicted people from land where they had lived and worked for twenty years. Some families accepted money as compensation because of threats and are no longer clients of LAC.

One final challenge that LAC Land Unit has faced throughout the past project cycle and will continue to address is the issue of indigenous people's land rights. Although indigenous people only comprise approximately one percent of the total population in Cambodia, in the provinces of Ratanakkiri and Mondulkiri, they comprise a majority of the population. They are extremely vulnerable to land swindles and other illegal means for outsiders to obtain their communal properties. Although there is a portion of the 2001 Land Law that addresses the rights of indigenous people regarding land, a sub-decree is required to fully implement the protective mechanisms required in the 2001 law. This sub-decree has not yet been drafted and the lack of this specific mechanism presents a great challenge to LAC lawyers and others concerned with protecting indigenous land rights.

## **Lessons Learned**

LAC the Land Law Unit has encountered many cases over the previous project cycles, which have resulted in some valuable lessons. These lessons and resulting program adjustments can be summarized as follows:

-In some cases, we must combine judicial action with petitions to the appropriate governmental entities to seek remedy. This requires our lawyers to rely on their past experiences in order to determine how far the judiciary may go in terms of providing remedies and when it is appropriate to seek governmental intervention.

-LAC lawyers and legal assistants have learned that the most effective means of advocating a land dispute case involves the active participation and cooperation of the affected families. From the very beginning, villagers must be asked to designate family representatives and those representatives must be willing to assist LAC lawyers and legal assistants. Active participation and "ownership" of efforts towards resolution of land dispute cases is essential for a successful outcome.

-LAC lawyers have an obligation to keep all clients informed as to the status of their cases. This is an on-going obligation and requires organization and monitoring of lawyers' cases. LAC is committed to improving its case management system to overcome this weakness in our current operations.

In the future, it is anticipated that new cases will be assigned by the head of the unit to lawyers and legal assistants by geographical breakdown, to maximize travel and time resources. At present, there is no such geographical distribution of cases to lawyers and this has resulted in ineffective time management and travel expenses.

Finally, LAC Land Law Unit has learned the importance of strengthening communication between lawyers and legal assistants within the unit, thereby improving capacity and "team management" techniques. Although it is difficult to pull the entire staff together on a regular basis because of individual lawyers and legal assistants' heavy case loads and travel requirements, the Land Law Unit is committed to having regular, mandatory, monthly staff meetings. The head of the unit is also committed to conduct regular reviews and evaluations of the other lawyers and legal assistants' case files.

The LAC Land Law Unit firmly believes that all of the lessons learned during this past project cycle and relevant program adjustments will result in a better organized, efficient and responsive land law unit which maximizes its resources for legal representation in land dispute cases.

## **5.4 The Labor Unit (LU)**

The Labor Unit of LAC is composed of three staff including one lawyer, one legal assistant and an investigator. The Labor Unit in 2003 continued and expanded its activities with support from ACILS. The Unit also assisted the workers to file complaints with the Government concerning ministries and the court and also represented workers unions.

## **Activities**

### ***Caseload***

In 2003, the Labor Unit closed 31 cases, 5 in court and 25 outside the court by negotiation and mediation. In the closed cases the total number of clients represented amounts to 2,006 (1,372 women, 634 men). On 31 December 2003 the Labor Unit had 12 ongoing cases which 6 cases are in court representing 18 clients (12 women and 6 men) and 6 cases are outside the court representing 300 clients (220 women and 80 men).

### ***Description of activities***

The Labor Unit of Legal Aid of Cambodia provides legal consultation to unions and workers regarding all aspects of their employment, with focus on educating workers of their rights. The Labor Unit frequently mediates disputes between union and/or workers and their employers and has played a prominent role in achieving settlements between striking workers and their employers.

When workers are faced with a labor conflict, they are often referred to the Labor Unit by their labor unions or labor federations. They also learn about the Labor Unit through word of mouth. When clients come to Labor Unit wanting to lodge a complaint against their employer, the staff first interviews the workers. In some cases, the staff interviews local authorities, factory managers and government representatives. The staff goes to the factories, NGOs, international organizations, the Cambodian Labor Organization, International Labor Organization and Union headquarters to conduct these interviews.

Before a case goes to court, the parties must attend conciliation at the Ministry of Social Affairs. Although the workers represent themselves at such conciliation, the Labor Unit helps the workers to develop a strategy before they enter the conciliation. If the conciliation is unsuccessful, the Labor Unit then represents the workers in court. To prepare for trial, the staff collects additional evidence, prepares the relevant court documents, and attends pre-trial conferences with the judge and the opposing party.

### **Achievements**

Primarily, in 2003 the Labor Unit has served Cambodian workers who are involved in labor disputes and has helped them lodge complaints to the Ministry of Social Affairs and Labor, the Ministry of Women's Affairs, the Council of Ministers and the Court.

In addition, the Labor Unit, with cooperation from and supported by ACILS, has participated in pushing the establishment of the Tourism Union. The Tourism Union is supported by ACILS and LAC.

One of the achievements is that the prosecutor of Phnom Penh Court decided to issue the 'Order for file without process' following up the defamation, which the factories filed against the union leader in order to harass the union.

The Unit successfully resolved cases of paying fair wages to the employees. Also the Unit was successful in representing Mr. Chea Vichea, President of Free Trade Union of Workers of the Kingdom of Cambodia in the re-trial of the case where he was assaulted by the security chief at

Vinstar Garment Factory during his distributing leaflets inviting workers to the Labor Day demonstration. The security chief was convicted of the offence and was sentenced to 2 months in prison and paid 1 million Riels as compensation. Mr. Chea Vichea is a highly respected labor union / human rights activist and it was a shock to the labor unit that he was murdered in January 2004 on the streets of Phnom Penh, in what was allegedly a politically motivated murder.

In 2003, Gold Fame and Seng Heng factory reinstated union leaders and union activists that were fired.

Also, Colexsim Company, after intervention from LAC, decided to pay 30% of workers' salary to the workers if the company did not have a job order for a small amount of time.

### ***Organisation of Union Candidate Forum***

One of the important events that the staff of the LAC's Labor Unit attended was the Union Candidate Forum that was held by the 33 workers Unions from the Garment, Tourism and the Education Sectors on July 06, 2003. LAC cooperated with ACILS in the organization of this forum, which was attended by 4000 workers. The forum invited three parties such as Cambodian People Party (CPP), Sam Rainsy Party, and Funcinpec Party, to join and answer the workers' questions, but Cambodian People Party (CPP) did not participate the forum. An example of the questions that the workers' representative asked the political representatives was:

1. If factories violated the Labor Law and Freedom of Association, for instance by firing union leaders, what would your party do if your party wins the National Election?
2. If your party wins, would you like to improve the Free Industry Area Law to provide the right to form unions to workers in the Free Trade Zones? And to amend the Civil Service Law (Law in 1994) in order to provide rights to government officials to form union?
3. Would you like to increase workers' wage to 80\$ per month and cut working hours from 48 hours to 44 hours a week, if your parties win?

The answers from the political parties representatives of Funcinpec Party, and the Sam Rainsy Party, were essentially, yes, yes, yes and yes. The Forum closed with the two representatives repeating their vows to stand by the workers, fight corruption wherever they found it, and work for improved living conditions for workers. After the August 2003 National Elections, the workers met again with the political representatives and the latter promised to take these issues into consideration in their negotiations with the CCP party.

### ***Workers from main hotels do not accept policy on service charge***

In 2003, the hotels of Phnom Penh formed unions to protect their workers' rights. These unions filed a Service Charge complaint in June 2003. The recently formed unions at the Raffles Le Royal (Phnom Penh), Intercontinental Hotel (Phnom Penh), Cambodiana (Phnom Penh), Sunaway Hotel (Phnom Penh), Sofitel Royal Angkor (Siem Reap), and the Grand Hotel d'Angkor (Siem Reap) are in the process of working with LAC and ACILS to file a complaint with either the courts or the Arbitration Council regarding these hotels' consistent violation of the Labor Law. Hotels in Cambodia that charge customers a service charge, are required to divide the entire amount of the collected charge among the staff members. The above-mentioned hotels, whilst collecting a 10% service charge from their customers, only pass on a small percentage of that amount to their staff members. On 29<sup>th</sup> August, the Arbitration Council (independent ILO Council, verdicts are not

binding, but of high quality) has issued a verdict regarding a claim from the Union of the Cambodiana hotel, ordering the employer to pay each worker \$50 compensation for the absence of service charge. At the end of 2003, the service charge complaint ended in great strikes by all the unions and the case will continue to draw a lot of attention in 2004.

***Highlighted case: Fainting workers***

Great Lancelot International Co, Ltd is located in Phnom Penh. Fainting workers have been a reoccurring problem in this factory. On 12 June 2003, 171 workers fainted in the garment factory. Officials from the Ministry of Labor went to investigate this problem after a request from the Labor Unit. After the investigation, the Ministry of Labor asked the factory to improve labor conditions in the garment factory. The Ministry asked the factory to recruit one more doctor, to clean the factory everyday, and to provide fresh water to workers. The factory agreed with the improvements that Ministry of Labor proposed. Many factories agree to all of the suggestions that Ministry of Labor proposes, but in practice they never follow through with their promises. LAC's Labor Unit will continue to observe labor conditions in this factory. If the factory violates their promise, LAC's Labor Unit will ask workers to file a complaint with the Ministry of Labor and ask the Ministry to fine the factory.

**Training**

An example of a training that attended by Mrs. Chinda was held in November 2003, it was a four-days-national workshop, organized by ILO at Sihanoukville. This important seminar was particularly prepared for trade union leaders. Last year, the similar workshop was held to make them be aware of international standard works and procedures to file complaints with the ILO Committee on Freedom of Association in case that Cambodia government failed to implement the convention that ratified with ILO. As a result, trade unions clearly more understood about the national and international labor law, and they started to send their reports about trade union rights violations to that committee. In addition, during that time, two caseloads were submitted. So this second workshop was to evaluate and strengthen union leaders' capacity to deal with the problem. The recent establishment of arbitration council and its process demand more training to trade unions so as they can participate actively in the finding of justice. Through this workshop, the participants can write reports to ILO Committee on Freedom of Association, complaining about trade union freedom abuses, aim at improving the labor conditions. Furthermore, trade unions are able to use international labor standards to negotiate and advocate with their employers.

**Strategy of Work**

The Labor Unit of LAC provided legal consultation to unions and workers regarding all aspects of their employment, with focus on educating workers of their rights. The Unit frequently mediates disputes between unions and/or workers and their employers and has played a prominent role in achieving settlements between striking workers and their employers. In some cases the staff interviewed the local authorities, factories managers, and government representatives. The interviews were conducted with the factories, NGOs, International Organization, The Cambodian Labor Organization, International Labor Organization and the Union Headquarter. Before the cases send to the court the parties attended a conciliation meeting at the Ministry of Social Affairs. If the meeting is unsuccessful, the Labor Unit then represented the workers in court.

While most cases still concern workers in garment factories, in the year 2003 the Labor Unit still expanded its efforts to represent employees in the tourism sector, hospitals, Association of

teachers, and universities as well as construction workers. A special focus was set this year is the same as last year in assisting the Sex Workers Union, representing its members in labor disputes and in advocacy to prevent abuse of power by police officials.

The Labor Unit closely cooperates with the ILO, the U.S. Embassy, Cambodian courts, National and International NGOs, Concerned Government ministries, Commission on Public Health, Social Work, Labor and Women Affairs of the National Assembly, UNCOHCHR, Garment Manufacture Association in Cambodia, Union Federations and Cambodian Independent Teacher Association (CITA).

### **Obstacles**

However, the LAC's Labor Unit also learned that there were some difficulties in implementing the Labor Law and the project because of the workers' conditions. Many are impoverished, uneducated and lack awareness on their rights and ability to get legal services.

The attitude of some factory owners and security guards is not cooperative. Also, some officials from the Ministry of Social Affairs did not want to cooperate with the LAC's Labor Unit and did not want to defend the interests of the workers.

One of the obstacles we faced was that the factories' lawyers always persuaded the factory managers to fire the unions. Garment factories still violated the Labor law and some of them are simply unaware of labor law. In 2003 we found that some factories including Tong Ga factory, Top Cloths, INSM, Splendid Chance, Wing Tai, Khbal Koh and Terratex factory violated the labor law of the Kingdom of Cambodia

The second obstacle that the Labor Unit faces is that when workers form unions, they are often fired. When the factory owners or administrators discover that a worker has been elected as a president or representative of a union, they routinely declare that they have found a problem with the worker, no matter how insignificant, and fire the union worker. Subsequently they do not pay the compensation required by the Labor Law.

Another obstacle to the work of the Labor Unit is that the lawyer of the garment factories always try to persuade the factory managers to destroy the workers' union.

The final obstacle that the Labor Unit faces is the judges' ignorance of the Labor Code because it is a relatively new law, only four years old.

### **Strengthening citizen's on their labor rights**

The Labor Unit project is very important for ordinary citizens like workers. Without the opportunity to have a lawyer from LAC represent them, the workers would be largely defenseless against injustices perpetrated by labor inspectors or other administrative and judicial authorities. With the assistance of the LAC Labor Unit, individuals and groups of workers who have been victims of illegal labor violations have access to justice, such as compensation or reinstatement. The process of resolving labor disputes can have a positive educative and empowering affect on individuals, communities and other groups such as unions. Individuals involved in this process become more aware of worker's rights and, with the assistance of the LAC Labor Lawyer, gain

enhanced confidence in the legal system and the use of the legal process to resolve disputes. NGO partners involved in labor disputes also benefit from the experience of working with the Labor Unit because they become better prepared to deal with future labor disputes. We hope that international organizations/NGOs and other relevant authorities will continue working with LAC to control and monitor the implementation of Cambodian Law, particularly in the area of Labor Law.

### **5.5 Analysis of results**

Although the goal of increasing the amount of civil cases up to 40% of the caseload has been fully achieved as stated in the Four-Year Operational Plan 2003 since the first year, we now have a more balanced mix of criminal and civil cases than before. Drawing on lessons learnt, LAC adjusted the objective for the next three years to a more realistic mix of 50% criminal and 50% civil cases. LAC accomplished a modest reduction in the caseload of the lawyers but realizes it will be a continuing matter of concern. As for the new case intake policy, we trust it will contribute to increased quality of our legal services and a more effective cooperation with other NGOs.

#### **Beneficiaries**

The total number of direct beneficiaries of LAC's work (including cases inside and outside the court) is 54,494 people, including 27,792 women, 23,596 men and 356 children. This means 51% of the direct beneficiaries, the clients of LAC, are women. This percentage corresponds exactly with the percentage of women in the total Cambodian population. The Labor Unit has many female clients since LAC's labor unit mainly represents garment workers, the majority being women. It is estimated that at least 51% of the clients of the Land Unit are women as the Land Unit represents a large number of families. From the clients of the JLP, 26% are female victims of sex crimes. Since the general lawyers in Phnom Penh and the provincial offices do criminal defense work and also increased in doing civil cases as stated in the Annual Operational Plan 2003, but the majority of their clients are men. In comparison to the number of the year 2002, the number of female clients in the year 2003 is increased by 5%.

## **6. Lessons learnt**

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As mentioned before a comprehensive evaluation was carried out in 2003, revealing a number of fields where work is still required. The most important recommendations were:

In the area of organizational development

- Further strengthen strategic and operational management skills of the Management Team
- Deepen levels of staff participation
- Further need for program integration
- Improve mechanism of checks and balances in the organization
- Increase gender awareness and sensitivity
- Continue the discussion on LAC's identity

In the area of activities

- Continue developing an overall advocacy and lobbying strategy
- Continue increasing LAC's role in promoting legal and judicial reform
- Seek beneficiaries' participation in designing strategies
- Strengthen the role and increase the impact of LAC's provincial offices
- Seek new ways for cooperation with other NGOs

Other lessons learnt from LAC's experiences in 2003 are:

- To be realistic in setting goals and objectives

- Staff participation in developing plans and strategies is still essential, LAC already had an annual staff planning workshop
- Gender is not only focused on women's rights but deals with roles of women and men in society: therefore LAC already set up a gender committee comprised of female and male staff

To the context of the quality and impact of legal aid, LAC has statistics on the numbers of cases and clients we dealt, but up to now there are no exact data on the overall needs for legal aid in Cambodia. After the discussion the MT decided that LAC continue with the client satisfaction survey and work out the checklist for fair trial especially in drafting the process of advocacy plan, MT considers suggestions on jurisprudence and complaint procedure with Supreme Council of Magistrate.

## **7. SUPPORT BY DONORS**

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LAC highly appreciates the financial and technical support given by its donors. Thanks to this support LAC is able to continue its important work for Cambodia's poor. We particularly appreciate efforts from donors to establish links with other relevant organizations in-and outside of Cambodia to share experiences and develop best practices and would welcome more opportunities to do so, for instance by exchanging staff and conducting study visits with other organizations.

We also welcome feedback on the report and will be glad to answer further questions or supply more information on request.

## LAC CLIENT SURVEY

In conforming to the Annual Operation Plan 2003, LAC developed Client Survey to measure satisfaction of the people on professional practice of LAC lawyers and to find out what priority needs of the clients. LAC conducted the survey to find out the client satisfaction and compiled questionnaires. The questionnaires were sent to each office. The clients filled their opinions. The questionnaires are gathered and analyzed. Bellow is what clients' opinion are raised:

The questionnaires were made on the total of 189 clients in which 144 (76%) are males and 45 women (24%) are females from age 18-25 (31%); 26-39 (38%) and 40 (31%). The information shown as the following:

- |  |                             |   |                                  |
|--|-----------------------------|---|----------------------------------|
| <b>1. Types of cases</b>                       | : Accused 174 (67%)         | <b>2. Place</b>                                       | : Provincial court 174 (90%)     |
|  | : Victims 18 (9%)           |   | : Phnom Penh court 18 (10%)      |
|  | : Contract 6 (3%)           |   |                                  |
|  | : Land 19 (10%)             |   |                                  |
|  | : Divorce 18 (9%)           |   |                                  |
| <b>3. Inside or Outside</b>                    | : In court 204 (94%)        | <b>4. Types of cases need lawyer:</b>                 | : Consultation 60 (27%)          |
|  | : Outside court 12 (6%)     |   | : Represent. 138 (64%)           |
|  |                             |   | : Reconcil. 18 (9%)              |
| <b>5. Concerns on cases</b>                    | : Very concern 66 (34%)     | <b>6. Attention of lawyers:</b>                       | : Very attention 66 (35%)        |
|  | : Concern 96 (50%)          |   | : Attention 120 (63%)            |
|  | : Not concern 30 (16%)      |   | : Not attention 4 (2%)           |
| <b>7. Did lawyer as for money?</b>             | No: 189 (100%)              |   |                                  |
| <b>8. Fee charge in the future:</b>            | Use LAC service 84 (44%)    | <b>9. Satisfy lawyer or not:</b>                      | : Very sat. 66 (34%)             |
|  | : No use 54 (28%)           |   | : Satisfied 120 (63%)            |
|  | : Depend on fee 54 (28%)    |   | : Not sat 3%                     |
| <b>10. Trust in lawyers</b>                    | : Very trust 72 (37%)       | <b>11. Why not trust or no satisfy on LAC lawyer?</b> |                                  |
|  | : Trust 114 (59%)           |   | : Satisfied 96 (86%)             |
|  | : Not trust 4%              |   | : Not clear 15 (14%)             |
| <b>12. Need more legal services:</b>           | Need more 168 (90%)         | <b>13. Cases expectation</b>                          | : Win 120 (63%)                  |
|  | : No need 18 (18%)          |   | : Lost 5 (3%)                    |
|  |                             |   | : Don't know 64 (34%)            |
| <b>14. Trust on judges:</b>                    | Very trust 19 (9%)          | <b>15. Need judicial reform:</b>                      | : Reform 120 (59%)               |
|  | : Trust 118 (57%)           |   | : Not reform 5 (3%)              |
|  | : Not trust 72 (34%)        |   | : Don't know 78 (38%)            |
| <b>16. What LAC can do in judicial reform?</b> |                             | <b>17. Suggestion to LAC</b>                          |                                  |
|  | : Advocacy 29 (42%)         |   | : Advocacy 27 (40%)              |
|  | : Disseminate 7 (10%)       |   | : Disseminate 11 (16%)           |
|  | : Rule of law 18 (25%)      |   | : Arbitration 2 (4%)             |
|  | : Respect the rule 11 (15%) |   | : Provide long services 21 (31%) |
|  | : Not know 3 (4%)           |   | : law enforcement 6 (9%)         |
|  | : Role of State 1 (1%)      |   |                                  |