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Legal Aid Services in Cambodia

Report of a Survey among Legal Aid Providers

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Cambodian Human Rights Action Committee (CHRAC)

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Contents

Acronyms

1. Introduction

2. Findings

2.1. Data on available legal aid services

2.1.1. Number of legal aid lawyers and geographical reach

2.1.2. Caseload per legal aid provider

2.1.3. Thematic focus and specialization of legal aid providers

2.2. Opinions on challenges and the future of legal aid in Cambodia

3. Conclusion

4. Annex

Factsheets of legal aid providers

Acronyms of legal aid providers

| | |
|---------|---|
| ADHOC | Cambodian Human Rights and Development Association |
| BAKC | Bar Association of the Kingdom of Cambodia |
| ASF | Avocats Sans Frontières France |
| CDP | Cambodian Defenders Project |
| CHRAC | Cambodian Human Rights Action Committee |
| CLEC | Community Legal Education Center |
| CWCC | Cambodian Women Crisis Center |
| IBJ | International Bridges to Justice |
| LAC | Legal Aid of Cambodia |
| LAD | Legal Aid Department (of the BAKC) |
| LICADHO | Cambodian for the Promotion and Defense of Human Rights |
| LSCW | Legal Support for Children and Women |
| PJJ | Protection of Juvenile Justice |

1. Introduction

The Khmer Rouge regime and many more years of civil war had devastated Cambodia's judiciary. With the arrival of the United Nations Transitional Authority (UNTAC) at the beginning of the 1990s, the country began to rebuild an independent judicial system with significant international assistance. The main objective since then has been to cultivate a rule of law in Cambodia. As a consequence, a new complex set of laws and institutions were created. Many of these new reforms were difficult to understand, and the new institutions have remained largely inaccessible for the general Cambodian population. Thus, lawyers are required to maneuver their clients, victims of rights violations and defendants alike, through the new legal and judicial landscape. Since Cambodia is a low-income developing country, a large number of clients are not able to afford the costs of legal counsel and instead rely on legal aid services. Given the lack of resources and weak state capacities, only a few legal aid services exist, with many operating outside the scope of government funding, mostly through NGOs, to satisfy the most urgent needs.

The fundamental right to effective legal defense is enshrined in Article 38 of the Constitution. In addition, Article 300 of the Code of Criminal Procedure provides that the accused shall appear in person during hearings at court and may be assisted by a lawyer of their choice or request to have a lawyer appointed for them. Even more, Article 301 states that the assistance of a lawyer is compulsory where a trial involves a felony charge, or where the accused is a minor. If in either of these circumstances the accused has not selected a lawyer, a lawyer must be appointed upon the initiative of the court president. These provisions demonstrate clearly the legal requirements for the provision of legal aid services.

As at 2010, little empirical information exists about the available capacity in legal aid services in Cambodia and their overall performance. The most recent study mapping the needs, capacities and practices of legal aid in Cambodia was published in 2006 by the Council for Legal and Judicial Reform (CLJR) with the support of USAID. The survey found that there was "no comprehensive legal, institutional and policy framework at the

national level to guide the provision and regulation of legal aid services”.¹ Since then, the government and international donors are in discussion, in the framework of their general legal and judicial reform activities, of developing and formulating a legal aid policy for Cambodia.

This paper aims at informing these discussions about an integrated and inclusive legal aid framework through the following objectives: (1) updating the numbers of available (full-time) legal aid lawyers in Cambodia, since it is assumed that there have been changes since the 2006 survey; (2) identifying the presence of legal aid lawyers outside the capital in the provinces and corresponding regional gaps in the provision of services; (3) providing an indication about the capacity of these legal aid providers (i.e. the number of cases they are dealing with); and (4) identifying the thematic specialization of existing legal aid providers (i.e. whether they focus on general legal aid or on specific target groups). In addition, the question was asked at the end of each interview about the respondents’ opinion on what needs to be done to improve the situation of legal aid services in Cambodia. Fact sheets in annex summarize key features of each interviewed legal aid providers.

This study was initiated by the Cambodian Human Rights Action Committee (CHRAC), a coalition of 23 Cambodian NGOs working in the fields of human rights, rule of law and democracy. A number of CHRAC member organizations are active in the provision of legal aid services, including the Cambodian Defenders Project (CDP), Legal Aid of Cambodia (LAC), the Cambodian Women Crisis Center (CWCC), the Protection of Juvenile Justice (PJJ), and the Cambodian Human Rights and Development Association (ADHOC).

The micro-survey was conducted by the CHRAC Secretariat over the time period from August to October 2010. The project was limited in scope and depth, since no additional resources were available for this purpose. Overall, 12 interviews took place with key representatives of existing legal aid providers, including the Bar Association of the Kingdom of Cambodia (BAKC). The following report presents the findings. All results are based on information given by the respective organizations during the interviews. Thus, CHRAC cannot guarantee the accuracy of these statements.

¹ Council for Legal and Judicial Reform, ‘*Legal Aid in Cambodia. Practices, Perceptions and Needs*’, A study based on a national survey, Phnom Penh, December 2006, p. 10. [hereinafter referred to as the 2006 Legal Aid Survey]

2. Findings

The interviews were structured around 10 guiding questions (see: guiding questionnaire in the Annex). Most questions aimed at collecting data about the capacities of each legal aid provider. However, the last question provided respondents with the opportunity to express general opinions about current challenges and actions that need to be taken to improve legal aid services in future. Therefore, the analysis of the interviews is divided into two sections: one looking at the data in relation to available legal aid services, and another providing an overview about the various opinions raised in relation to future improvements in legal aid in Cambodia.

2.1. Data on available legal aid services

The degree of systematic data collection and the compilation of relevant case information vary greatly among legal aid organizations. Few organizations have a centralized case management system which makes it difficult to produce specific data at short notice. Thus, this study had to limit early the scope of collected data to allow for some form of comparison between the providers. These challenges need to be taken into account when reading the findings of this paper.

2.1.1. Number of legal aid lawyers and geographical reach

In Cambodia in 2010, the main providers of legal aid to economically disadvantaged people are NGOs, the one exception to this being the BAKC. This survey thereby generally confirms the findings of the 2006 Legal Aid Survey. However, there is one significant change that has occurred during the past four years: the capacities of the BAKC have increased, though not to an extent to which it would have substantially altered the balance with NGO legal aid services.

The 2006 Legal Aid Survey provided an overview of the numbers and location of legal aid lawyers.² This study provides an update of this overview showing the number of practicing legal aid lawyers in Phnom Penh and the provinces (see Table 1). In most cases the presence

² See Legal Aid Survey 2006, p. 14.

of a lawyer in a province equals the existence of a provincial office of the respective organization. It should be noted that legal aid lawyers located in one province may on occasion provide legal aid services to clients in neighboring provinces. In addition, a number of NGOs had to close provincial offices and provide services to particular regions increasingly from their headquarters in Phnom Penh. However, these ‘mobile legal aid services’ and their geographical reach could not be assessed by this paper – often due to a lack of available information in these legal aid organizations. Finally, new approaches to legal aid, such as through public interest law firms like the Samreth Law Group, were not considered for the purpose of this paper.

The most significant change in comparison with the situation in 2006 is the addition of a new French-funded provincial legal aid scheme administered by Avocats Sans Frontières (ASF) France in collaboration with the BAKC and the expansion of capacities within the BAKC's Legal Aid Department (LAD).

In partnership with the BAKC, ASF France supports the establishment of a legal aid scheme for the most vulnerable populations covering all provincial courts. The first program had been developed between 2006 and 2008 with support by the European Union. The second phase, supported by the Agence Française de Développement (AFD), has re-started in March 2010 in order to further consolidate the scheme. The primary aim of the program is to help Cambodian lawyers to establish a presence in all the provinces where a court is in activity. In total, 22 lawyers (included two in Battambang and two in Siem Reap), selected jointly by the BAKC and ASF, are part of the program. These lawyers are provided with a monthly indemnity of about 400 USD for which the lawyers are contractually required to follow at least 3 cases (if larger criminal cases) or 10 cases (if they are average penal and civil cases) per month. The rest of time, lawyers develop an activity towards private clients. The principle of this system is to support a mix business model – legal aid and private practice – in order to encourage lawyers to remain in the provinces by developing a sustainable activity. That is, these lawyers are not working full-time on legal aid, and it can therefore be assumed that their caseload is generally lower than that of full-time legal aid lawyers. Thus, one should carefully differentiate the overall number of available legal aid lawyers as presented in the table with regard to their full- or part-time work on legal aid. Otherwise, the table may give a misleading impression of the actual available capacities.

Table 1 Number and Location of Legal Aid Lawyers (as of Aug/Sep 2010)

| Organization | | | | | | | | | | | | |
|---------------------|--------------|-------------------|------------------|------------|-------------|-------------|------------|------------|----------------|-------------|------------|--------------|
| Province | ADHOC | ASF/BAKC** | BAKC/LAD* | CDP | CLEC | CWCC | IBJ | LAC | LICADHO | LSCW | PJJ | TOTAL |
| Banteay Meanchey | | 1 | | | | 1 | | 1 | | | | 3 |
| Battambang | | 2 | | 1 | | | | 2 | | | | 5 |
| Kampong Cham | | 1 | | | | | | 1 | | | | 2 |
| Kampong Chhnang | | 1 | | | | | | | | | | 1 |
| Kampong Speu | | 1 | | | | | | | | | | 1 |
| Kampong Thom | | 1 | | | | | | | | | | 1 |
| Kampot | | 1 | | | | | | | | | | 1 |
| Kandal | | 1 | | | | | | 4 | | | | 5 |
| Koh Kong | | 1 | | | | | | | | 1 | | 2 |
| Kratie | | 1 | | | | | | | | | | 1 |
| Mondulkiri | | 1 | | | | | | | | | | 1 |
| Phnom Penh | 2 | - | 15 | 19 | 6 | 2 | 3 | 17 | 5 | 5 | 4 | 78 |
| Preah Vihear | | 1 | | | | | | | | | | 1 |
| Prey Veng | | 1 | | | | | 1 | | | | | 2 |
| Pursat | | 1 | | | | | 1 | | | | | 2 |
| Ratanakkiri | | 1 | | | | | | 1 | | | | 2 |
| Siem Reap | | 2 | | 2 | | 1 | | 1 | | | | 6 |
| Preah Sihanouk | | 1 | | | | | | | | | | 1 |
| Stung Treng | | 1 | | | | | | | | | | 1 |
| Svay Rieng | | 1 | | | | | | | | | | 1 |
| Takeo | | 1 | | | | | 1 | | | | | 2 |
| TOTAL | 2 | 22 | 15 | 22 | 6 | 4 | 6 | 27 | 5 | 6 | 4 | 119 |

* According to information by the BACK, only 8 out of these 15 lawyers work full-time on legal aid.

** The ASF-supported scheme provides one *non-full time* lawyer per each provincial court, with the exception of Battambang and Siem Reap which have each 2 lawyers.

Apart from this partnership with ASF France, the BAKC was able to increase the capacities of its Legal Aid Department (LAD). Established in 1998, the LAD was only revived again in 2008 when it began increasing the number of lawyers working for the Department first to 9 and in 2010 to 15 lawyers. The LAD is funded by an annual Government contribution of 100 million Riel and additional external US-funding through the East-West Management Institute (EWMI). The latter also includes funding which allows every year 6 recent graduate lawyers to engage in legal aid work. The BAKC informed that only roughly half of its lawyers in the LAD work full-time on legal aid cases. The Cambodian Government contributes a further 100 million Riel per year to the Ministry of Women Affairs used to provide legal aid services within its work. Taking these two contributions together, the Government contributes 200 million Riel per year to legal aid (less than 50,000 USD).

When comparing the updated 2010 table with the information contained in the overview provided in the 2006 survey, one can identify a number of similarities and differences:

- (1) NGOs carry still the bulk of legal aid services in Cambodia;
- (2) The overall number of available legal aid lawyers increased (however, Cambodia's population also increased by an estimated one million in between 2006 and 2010, from around 13 to more than 14 million people);
- (3) The most significant changes relate to the increase of capacity of the BAKC, in particular through the addition of the new ASF-administered provincial scheme and the expansion of the LAD;
- (4) The vast majority of the increase in numbers was achieved through the addition of part-time legal aid lawyers. The number of full-time legal aid lawyers remained more or less stable compared to 2006;
- (5) NGO capacities remained somewhat stable compared to 2006. CDP and LAC still dominate by and large the legal aid field – though they switched positions with LAC now being the largest legal aid provider in Cambodia;
- (6) The capacities of mid-sized legal aid NGOs remained more or less stable. One new actor appeared in that category: International Bridges to Justice (IBJ);
- (7) With regard to geographical coverage, the ASF scheme was able to cover provinces that had previously seen no permanent legal aid lawyer. However, at the same time the number of full-time legal aid lawyers in the provinces, mostly from NGOs,

generally decreased: In 2006, 37 out of 89 full-time legal aid lawyers were permanently based in the provinces (= 42 percent), whereas in 2010 only 23 out of 90 worked in Cambodia's provinces (= 26 percent). The extent to which this ratio is counterbalanced through the introduction of the part-time ASF-administered legal aid scheme is difficult to measure.

The above mentioned findings suggest a number of preliminary conclusions. First, the capacities of legal aid services administered by or in collaboration with the BAKC increased considerably: full-time capacities at the LAD more than doubled and significant part-time capacities were added, in particular through the ASF-administered provincial legal aid scheme. The latter also assisted to some extent in filling certain geographical gaps in the availability of these services. However, some of these advances in geographical coverage were somewhat adversely affected by the decline in provincial presence of legal aid NGOs.

Second, though NGO capacities appear at first view somewhat stable compared to the level in 2006, a closer look reveals that a notable decrease occurred compared to the higher levels that existed in 2008 and 2009. Some examples may help to illustrate this decrease by looking at individual legal aid NGOs: CDP (2008: 31 lawyers => 2010: 22 lawyers); LAC (2009: 43 lawyers => 2010: 27 lawyers); and PJJ (2008: 8 lawyers => 2010: 4 lawyers).

Third, as a consequence of the above mentioned funding problems, a number of legal aid NGOs had to either close expensive provincial offices during the past two years or recall their lawyers from the provinces, for instance CDP (Kampong Cham, Kratie, Kampong Thom), LAC (Sihanoukville, Koh Kong, Kampong Speu), LSCW (Kampot, Prey Veng) and PJJ (Battambang, Banteay Meanchey, Siem Reap). Thus, the overall provincial presence of legal aid NGOs decreased, and more work is now done by lawyers who are based in Phnom Penh and travel to the provinces to provide services in selected regions. A notable exception to this trend is the opening of new provincial offices through the newcomer IBJ.

2.1.2. Caseload per legal aid provider

The greatest challenge occurred in relation to gathering specific data in relation to the annual caseload of legal aid providers. Few organizations have a centralized or computerized case

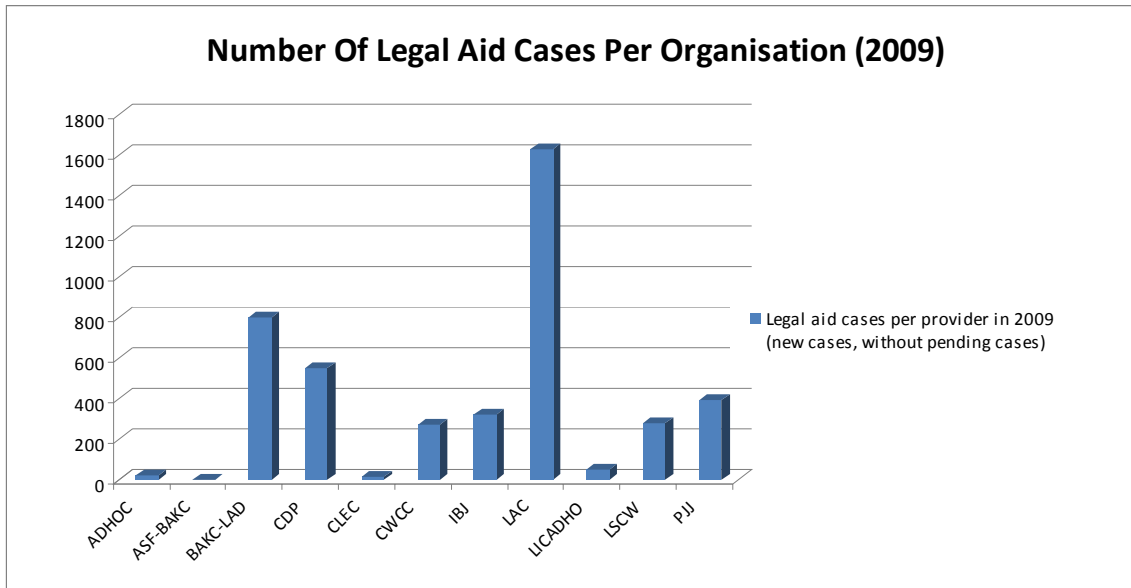
management system which makes it difficult to call for specific data at short notice. In addition, not all organizations gather the same kind of data (i.e. open cases from previous year, new cases per year, cases that went to trial, closed cases) or look at the same time period (i.e. annual basis) which makes any comparative overview difficult. Some organizations had no specific data at hand and provided therefore only estimations of their annual number of cases. Thus, the comparison presented in this paper should only be taken as an *indication* of the annual capacities of legal aid providers.

Furthermore, legal aid providers have different strategies and approaches. Some only focus on very high-profile cases (CLEC, LICADHO); others engage in smaller cases involving vulnerable groups (PJJ, LSCW); some are first and foremost human rights organizations and have only a small legal aid program in addition to their other activities (ADHOC, LICADHO, CWCC); others specialize on cases with defendants (IBJ); and others work primarily on the bases of court referrals (ASF-BACK, BAKC-LAD). Thus, a comparison of the case load is difficult, and the number of cases does not necessarily reflect the amount of work, i.e. CLEC mentioned that none of their cases has less than 50 clients. This needs to be taken into account when looking at the number of legal aid cases per organization (table 2).

Table 2. Number of legal aid cases per organization in 2009
(new cases per year, without pending cases)

| | |
|------------------|--------------|
| ADHOC | 24 |
| ASF-BAKC* | N/A |
| BAKC-LAD | 802 |
| CDP | 553 |
| CLEC | 13 |
| CWCC | 270 |
| IBJ | 320 |
| LAC | 1,628 |
| LICADHO | 52 |
| LSCW | 279 |
| PJJ | 393 |

* In 2009 not in operation, average from 2006 to 2008 around 720 to 1,200 cases.

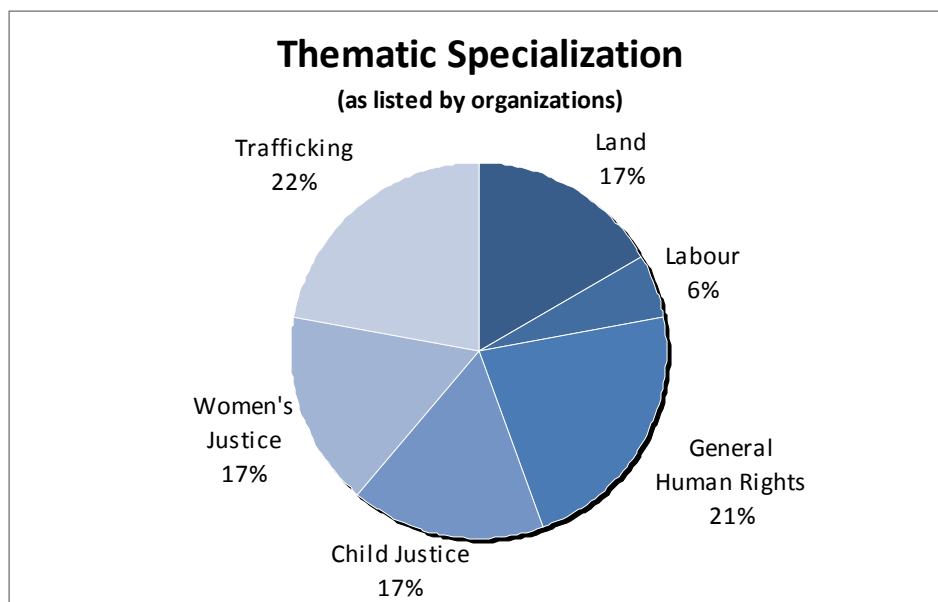


2.1.3. Thematic focus and specialization of legal aid providers

Most legal aid providers (around 70 percent) continued to focus on criminal cases, with civil cases having a lower priority (around 30 percent). The interviews with legal aid providers have revealed another trend: as at 2010, there is overall less capacity available for general legal aid services compared to the information in 2006. On the other hand, more capacities exist for specialized legal aid services, in particular for women, children and victims of trafficking, rape and sexual exploitation (see graph). Though there existed a number of specialized legal aid providers already in 2006 (i.e. CWCC, PJJ, LSCW), this trend was reinforced by new specialized programs of existing general legal aid providers, such as LAC and CDP. Only one legal aid provider, IBJ, mentioned a specialization on defendants. A number of NGOs explained this trend by the fact that many donor calls of recent years have seen fewer general ‘access to justice’ slots and an increased focus on vulnerable groups, such as women, children and victims of trafficking and rape. As a consequence, general legal aid organizations readjusted their activities towards these specialized programs in order to maintain their capacities.

Although this development seemed to have improved the legal aid services for certain vulnerable groups, which is a great achievement, it also appears to leave a great gap in the availability of general legal aid services. Legal aid organizations report how they have to turn down numerous requests for assistance from poor people who come to their offices.

More urgent demands, in particular in relation to large scale land and eviction cases, seem to have been met by a number of specialized ad hoc-grants to represent those affected populations (i.e. LAC, CLEC).



2.2. Opinions on challenges and the future of legal aid in Cambodia

The last question of the interview referred to the opinions of respondents about the future of legal aid in Cambodia. The question was: “What do you think needs to be done in future to improve the situation of legal aid services in Cambodia?” In their response, most respondents addressed first the current challenges, before making recommendations for future reform.

(a) Current challenges for the provision of legal aid

The following provides a list of the prominent challenges to the effective provision of legal aid in Cambodia today, as stated during the interviews:

Low level of awareness among the general population: most people don’t know about their rights and are not aware of how to access legal aid services; general lack of trust in courts among the population;

State of judiciary: little awareness among judicial officials about duties and responsibilities; insufficient investigation of a case often requires lawyers to conduct their own investigations (and few lawyers have investigative budgets, with the exception of lawyers in human rights organizations which can rely on their own investigative units); little awareness about gender-based crimes; insufficient independence of the Bar;

Corruption in the judiciary and among law enforcement officials: a lot of time is spent by lawyers on communicating with court clerks to convince them of not taking (extra) money for receiving a complaint or for taking a matter to trial (or for speeding up a case);

Lack of capacity and lawyers: almost all organizations report that they cannot deal with all the matters that they receive; the demand outpaces the available capacities; lack of lawyers (often linked to restrictive admission policies by the Bar); difficulties in keeping qualified lawyers in the provinces; great lack of general legal aid services in Cambodia (the three largest providers are LAC, BAKC-LAD, CDP, and the new re-started ASF scheme);

Effectiveness in the provision of legal aid: in particular human rights organizations raise concerns over the effectiveness and quality of legal aid lawyers; lawyers are not always fully prepared, and many don't visit or inform their clients prior to hearings or in jail (though often this is due to limited resources); information management among legal aid providers not always efficient; lack of applying lawyers' ethics properly;

Lack of sufficient and sustainable funding: almost all legal aid providers referred to funding as a main challenge; mostly short-term funding (often only one year) for a long-term need in legal aid (many cases take longer than one year); generally lower salaries in the legal aid field; high turn-over of staff is a challenge (private practice offers generally better conditions); formal requirements in many donor proposals (staff costs/core funding/activities) do not correspond to the service character of legal aid.

(b) Effectiveness of legal aid: Need for more evaluation and monitoring

In particular human rights organizations, which refer investigated cases to legal aid organizations, reported a mixed assessment about the quality of legal aid lawyers. In general, the interviews revealed a lack of knowledge about performance and impact of these services. Thus, a number of respondents identified a need for more monitoring of legal aid services, including on client satisfaction. Methods that increase evaluation of legal aid services must be balanced so it does not provide more work for the already over-burdened legal aid providers. A number of existing legal aid providers has monitoring systems in place. This would need to be extended to other actors, such as NGOs without monitoring, private lawyers engaging in legal aid or the BAKC. There needs to be a more direct link to the beneficiaries of legal aid services. Overall, the need for monitoring underlines the challenge of increasing the quantity of available legal aid lawyers, while at the same time maintaining a level of quality and ethics in the provision of these services.

(c) Increasing capacities and resources for legal aid

Most respondents felt that there is a great gap in legal aid capacities and that demands in Phnom Penh and the provinces far outpace the available resources. The ratio of lawyer per inhabitant is still comparatively low in Cambodia, and most of the existing and potential legal aid capacities are concentrated in urban areas or in private practice. Some also referred to the low capacity of the Lawyer Training Center (LTC) and BAKC to increase the overall number of lawyers – only around 50 lawyers are annually accepted, roughly ten times less than the annual number of graduates from Cambodian law schools. One respondent lamented the fact that many law graduates “end up becoming tuk-tuk drivers” – a huge missed potential. Therefore, an overwhelming number of respondents suggested making more use of young law graduates, for instance in the form of para-legal services or early exposure to legal aid through legal internships and lawyer training. Young lawyers need practice which corresponds with the needs for services in communities. In addition, legal aid does not only entail representation in court, but it also involves legal advice, witness preparation, complaint filing and other tasks. Much of this could be done by young law graduates who would be familiarized at the same time with various legal aid tasks. Exposure to the work in the communities is also important (“Bring young law students to Ratanakirri!”). It was

suggested that such schemes could be set up in collaboration with law schools in Cambodia. For such an approach to be successful, legal aid should be included into the curricula of legal education and lawyers training. This would be recommendable not only at the Lawyer Training Center, but already in universities.

All legal aid providers agreed that the current funding level for legal aid services is greatly insufficient, and that the present funding structure for legal aid services in Cambodia is not sustainable. Most funding comes at the moment from international donors – the Royal Government of Cambodia is contributing merely around 50,000 USD per year. Thus, there was a general agreement among respondents that the Government’s contribution would need to increase substantially in future to make the provision of legal aid more sustainable. This could be done, for instance, through a fixed allocation from the national budget or new legislation specifically for legal aid. However, most were of the opinion that this process would take some time and that the Government’s share would only increase gradually. Some suggested the creation of an (independent) legal aid fund which could pool Government and donor funding for legal aid. Such funding mechanism could have specific policies for funding legal aid services which could somewhat rectify the problems linked to international donor funding (“Legal aid is not a project, it’s a long-term service!”). For an interim period, respondents recommended for donors to consider extending the funding period for legal aid services to at least three years.

Finally, most respondents recognized the need to explore new ways in delivering legal aid in order to cover the vast needs in Cambodia. The use of recent graduates is one such proposed approach. Others raised the issue of combining private practice with some legal aid work. A few public interest law firms, such as the Samreth Law Group, already provide successful examples. The BAKC in particular seemed to be interested to involve more of its lawyers, most of them working in private practice, in legal aid work, such as through new regulations of the profession. According to respondents, this would however require to increase the level of monitoring and to strictly apply the code of ethics.

(d) Legal aid as a tool for change!?

Many respondents saw in legal aid not just a right of poor and vulnerable populations, but also a chance to promote positive change in Cambodia's court system. Often legal aid lawyers are the only 'outsiders' in provincial courts and provide a much needed external control element in the legal proceedings. Only lawyers can advocate and improve the situation in the courts from *within* the judicial system. Some of the legal aid NGOs have recognized that they will service their clients' interests best, if they assist in gradually improving the performance of the courts, in particular in the provinces. As a consequence, organizations like LAC or IBJ have begun to have regular meetings and roundtable discussions with court and law enforcement officials (judges, prosecutors, clerks, police etc.) at the provincial level to discuss, on an informal basis, problems and misconduct. Respondents involved in such exchanges generally report positive experiences.

Finally, many legal aid lawyers, in particular those working for extended periods of time in the provinces, feel sometimes quite alone in their role having little exchange with peers. In addition, many respondents, most of which are senior officials in their organizations, saw a need for further empowerment of lawyers – in particular if they are to play a role promoting positive change in Cambodia's judiciary. Taking the need for dialogue and empowerment into account, a number of respondents suggested to improve the cooperation among lawyers and to allow for a regular exchange of experiences among legal aid lawyers. It was noted that some of this had been tried in a limited way before, but more facilitation was desired.

3. Conclusion

This paper provided a brief assessment of the current legal aid sector in Cambodia. It confirmed many of the findings of the 2006 survey indicating that progress in the legal aid field takes time, but also that more decisive action is needed to improve the current situation. Without a functioning legal aid system, Cambodia's courts will remain largely inaccessible to those who need the assistance of a legal counsel most – the country's poor and vulnerable populations. The interviews with senior staff of legal aid providers revealed more convergence in opinion among key stakeholders than disagreement. Thus, any reform and

the future development of Cambodia's legal aid sector could draw on the general support from existing actors. In addition, many respondents pointed to a number of best practices in other countries, in particular from South-East Asia, giving evidence to the fact that much could be learned from other regional experiences. Overall, no one-size-fits-all model for the future of legal aid in Cambodia emerged from the discussions with respondents. Instead, it was stressed that there is a need to combine creatively existing structures with new approaches to the delivery of legal aid services to those in need.

Fact Sheet – Cambodian Human Rights and Development Association (ADHOC)

Office Location: #3, Street 158, Oukghna Troeung Kang, Sangkat Boeung Raing, Khan Daun Penh, Phnom Penh.

Contact: Tel: 855-23 990 544, Email: adhoc@forum.org.kh, Website: www.adhoc-chra.org

Total Number of Lawyers:

2 lawyers working in headquarter office and representing legal aid cases.

Total Number of Legal Aid cases represented yearly:

2007: 29 cases;

2008: 42 cases;

2009: 24 cases;

Number of Legal Aid cases managed per lawyer:

Around 10 to 15 legal aid cases managed per year, per lawyer;

Location of Regional Offices:

ADHOC has provincial office in: Bantay Meanchey; Battambang; Siem Reap; Pursat, Kampong Thom, Kampong Cham, Kampong Speu, Kampong Chhnang, Sihanoukville, Kampot, Svay Rieng, Prey Veng, Uddor Meanchey, Kandal, Takeo, Preah Vihear, Strung Treng, Rattanakiri, Mondulkiri, and Kratie (provincial offices but without lawyers)

Focus of Legal Aid Services by Province:

The majority of cases are from provinces where ADHOC has a provincial office.

Thematic specialization:

ADHOC is a primarily human rights organisation with inhouse legal capacity;

Serious human rights violations cases that are investigated and intervened by ADHOC offices;

Those cases can involve: domestic violence, rape, human/sexual trafficking, divorce, physical assault, killing/extra-judicial killing, intimidation, and land cases (that result in criminal cases)

Sources of support and funding:

EWMI /TAF, Novib, Dikonia, Danida, DCA

Changes in funding situation from the year 2007-2010:

The funding situation has been quite stable from year to year since the ADHOC's legal aid component is incorporated within the overall project interventions funded by its donors.

Fact Sheet - Advocats Sans Frontieres France (ASF)

Office Location: #71, Sangkat Chroy Changva, Phnom Penh (ASF Cambodia's Office)

Contact: Tel/Fax: 855-23 722 051, Email: asf.cambo@hotmail.com

Total Number of Lawyers:

22 lawyers in the provinces, in accordance with the number of provincial courts

Total Number of Legal Aid cases represented yearly:

Average legal aid cases represented from 2006 to 2008 around 720 to 1,200 cases

Number of Legal Aid cases managed per lawyer:

Each lawyer is expected to take at least 3 larger (criminal) cases or 10 smaller (criminal and civil) cases per month.

Location of Regional Offices:

22 lawyers in the provinces, with 2 lawyers in Siem Reap and 2 lawyers in Battambang

Focus of Legal Aid Services by Province: N/A

Thematic specialization:

Primarily criminal cases, all of which are transferred by the provincial courts and a smaller number of civil cases.

Sources of support and funding:

The scheme is funded by Agence Francaise du Development (AFD) and administered by ASF France (almost 3 years)

Changes in funding situation from the year 2007-2010:

There is a new scheme since March 2010 with funding through AFD

Fact Sheet – BAKC: Legal Aid Department (LAD)

Office Location: # 1011Eo, Street 180 (Red Cross), Phnom Penh

Contact: Tel: 855-23 220 237, Email: info@bakc.org.kh, Website: www.bakc.org.kh

Total Number of Lawyers:

15 lawyers (8 full-time lawyers and 7 part-time lawyers);

Total Number of Legal Aid cases represented yearly:

2009: 802 new cases (closed 308 cases);

2010 (by November): 806 new cases (closed 375 cases);

Number of Legal Aid cases managed per lawyer: N/A

Location of Regional Offices: N/A

Focus of Legal Aid Services by Province:

Throughout the country upon the cases referrals and requests;

Thematic specialization:

General legal aid cases but mostly criminal cases;

Sources of support and funding:

East-West Management Institute (EWMI);

Royal Government of Cambodia (approximately 100 million Riel/25,000 USD per year);

Changes in funding situation from the year 2007-2010:

Not that much

Fact Sheet – Cambodian Defenders Project (CDP)

Office Location: # 80F, Street 265, Sangkat Toeuk Laak III, Khan Tuolkork, Phnom Penh

Contact: Tel: 855-23 880 907, Email: cdp@cdpcambodia.org, Website: www.cdpcambodia.org

Total Number of Lawyers:

22 lawyers;

Battambang Office (1 lawyer), Siem Reap office (2 lawyers), and Phnom Penh office (19 lawyers, including Director and Chief of Technical Assistance);

Total Number of Legal Aid cases represented yearly:

2007: 888 new cases;

2008: 687 new cases;

2009: 553 new cases;

Number of Legal Aid cases managed per lawyer:

On average: 30-50 new cases per lawyer in addition to the pending cases;

Location of Regional Offices:

Battambang and Siem Reap (2010);

Other offices that had just been closed located in: Kampong Cham, Kratie, Kampong Thom

Focus of Legal Aid Services by Province:

Throughout the country but need to be fall within its in-take case policy;

Clients who come to CDP or clients referred by any other organizations and individual;

Thematic specialization:

Both criminal and civil cases for the poor and vulnerable person or group;

Cases related to the violations to the right to counsel such as: unlawful arrest or illegal detention;

Rape (for both defendant and victim; however, it should be first comes, first serves),

Victims of Violence (HIV/AIDS), acid attack;

Domestic violence (particularly against women);

Human/sexual trafficking against women and children;

Gender-based Violence under the Khmer Rouge Regime and victims of torture

Land dispute related to land rights;

Other criminal cases and other serious human rights violation cases;

Sources of support and funding:

Forum Syd, EMMI, DCA, Danida, European Union (EU)

Changes in funding situation from the year 2007-2010:

The funding has been declined since 2009 to approximately 35% of the overall budget.

Fact Sheet - Community Legal Education Center (CLEC)

Office Location: # 54, Street 306, Sangkat Boeung Kengkang I, Khan Chamkarmorn, Phnom Penh

Contact: Tel/Fax: 855-23 211 723, Email: admin@clec.org.kh, Website: www.clec.org.kh

Total Number of Lawyers: CLEC employed 6 lawyers (2010), all are based in Phnom Penh

Total Number of Legal Aid cases represented yearly:

The focus is on high profile cases, with an emphasis on land disputes.

On average, CLEC handles 9 cases per year, each involving more than 50 families.

CLEC also acts as defence counsel on approximately 4-5 cases per year, with a focus on land rights activists.

Number of Legal Aid cases managed per lawyer:

Each lawyer handles 4 cases per year; however lawyers mostly work in teams on larger cases.

There are two lawyers who work exclusively on labour issues which involve representing union activists and providing general legal counsel.

A lawyer will typically dedicate 40-50% of their time into legal consultations, including field studies, fact-finding missions and drafting legal memoranda.

Location of Regional Offices:

CLEC does not have specific provincial offices staffed with lawyers, however legal staff are regularly sent from Phnom Penh to the provinces where required.

There are 2 CLEC quasi-offices in Monduliri and Rattanakiri where project staff remains since 2007, but no legal staff.

Focus of Legal Aid Services by Province:

CLEC focuses on the priority provinces of Monduliri and Rattanakiri.

There is no specific focus on other regional areas; however this is determined by cases.

Previous legal activities of the CLEC have covered a range of regions including: Koh Kong, Phnom Penh, Kratie, Banteay Meanchey, Oddar Mencheay and Preah Vihear.

Thematic specialization:

Public interest cases (often large cases with dozens or hundreds of families) with a focus on land cases;

Counsel for defendants in criminal cases, with a focus on land rights activists;

Legal consultations, in particular where CLEC cannot offer full-fledge legal representation;

Labour law cases;

A limited number of cases in relation to indigenous minorities on an individual basis.

Sources of support and funding:

"Legal Empowerment Programme" (includes legal aid services and receives funding from Oxfam/Novib, EED, ICCO, TAF/USAID)

Fact Sheet - Cambodian Women Crisis Center (CWCC)

Office Location: #42F, Street 488, Sangkat Phsar Deoum Thkov, Khan Chamkarmorn, Phnom Penh

Contact: Tel/Fax: 855-23 987 158, Email: cwccpnp@cwcc.org.kh, Website: www.cwcc.org.kh

Total Number of Lawyers: As at 2010, CWCC employed 4 lawyers, and 4 other legal staff.

Total Number of Legal Aid cases represented yearly:

2010: 123 cases filed (Jan to Jun); 86 cases went to trial; overall 412 pending cases

2009: 270 cases filed (Jan to Dec); 169 cases went to trial

2008: 164 cases went to trial

2007: 133 cases went to trial

Number of Legal Aid cases managed per lawyer:

Each lawyer handles in average 50 cases per year.

Location of Regional Offices:

CWCC has offices with lawyers in:

- Phnom Penh (2 lawyers)
- Banteay Meanchey (1 lawyer)
- Siem Reap (1 lawyer)

Focus of Legal Aid Services by Province:

CWCC provides legal aid services to Phnom Penh (including Kandal); Banteay Meanchey (covering also Battambang and Pailin); Siem Reap (covering also Oddar Meanchey).

CWCC also provides legal services for a limited number of overseas cases.

Thematic specialization:

CWCC represents only women but of all ages. The thematic specializations are:

- civil and criminal cases (primarily victims, but a small number of female defendants)
- domestic violence
- rape
- trafficking (sex and labour) and sexual exploitation

Sources of support and funding:

DanChurchAid; Terres des Hommes / Netherlands; UNICEF
(all contribute to legal representation activities)

Fact Sheet – International Bridges to Justice (IBJ)

Office Location: # 41, Street 488, Sangkat Phsar Deoum Thkov, Khan Chamkarmorn, Phnom Penh

Contact: Tel: 855-23 987 313, Email: ibj_vandeth@online.com.kh, Website: www.ibj.org

Total Number of Lawyers: As at 2010, IBJ employed 6 lawyers.

Total Number of Legal Aid cases represented yearly:

IBJ was localized in 2008 as an independent NGO and has represented since then and until August 2010 more than 900 cases (no annual number available). On average, these are about 300 cases per year.

2009: around 320 new cases

Number of Legal Aid cases managed per lawyer:

The organization estimates that each lawyer handles around 150 cases per year.

Location of Regional Offices:

IBJ has offices in:

- Phnom Penh office (also covering Kandal and Kampong Speu)
- Takeo office (also covering Takeo and Kampot); [1 lawyer]
- Pursat office (also covering Pursat and Kampong Chhnang); [1 lawyer]
- Prey Veng office (also covering Prey Veng and Svay Rieng); [1 lawyer]

Focus of Legal Aid Services by Province:

The focus of legal aid services is on those provinces with a regional office.

Thematic specialization:

Focus on (1) criminal cases, and (2) accused persons (difference to many other legal aid organizations who seem to focus more on victims of human rights violations)

Representation of poor and vulnerable defendants with a focus on high profile criminal cases

Training in legal awareness to judicial officers, prosecutors and lawyers generally.

Sources of support and funding:

WISE and EuropeAID

Additional support from IBJ Headquarters in Geneva, if necessary

Fact Sheet – Legal Aid of Cambodia (LAC)

Office Location: #51, Street 608, Sangkat Boeung Kak II, Khan Tuolkok, Phnom Penh

Contact: Tel: 855-23 883 914/833 924, Email: lac@lac.org.kh, Website: www.lac.org.kh

Total Number of Lawyers: As at 2010, LAC employed 27 lawyers, with 51 non-lawyer staff.

Total Number of Legal Aid cases represented yearly:

2009: 1,628 new cases

2008: 1,251 new cases

2007: 1,481 new cases

Number of Legal Aid cases managed per lawyer:

The organization's policy is that each lawyer handles on average 45 cases per year (3-4 cases per month/ per lawyer).

Location of Regional Offices:

As at August 2010, LAC has offices in:

- o Kandal (Model Court); Kampong Cham (covering Prey Veng and Kampong Thom); Battambang; Banteay Meanchey; Rattanakiri; Siem Reap

Focus of Legal Aid Services by Province:

The focus of legal aid services is in the areas above.

Thematic specialization:

General Legal Aid services

Women's Justice Program

Child Justice Program

Land Law Program

Khmer Rouge Tribunal Project

Sources of support and funding:

General Legal Aid Program: East-West Management Institute (EWMI); significant gap after Novib stopped funding in 2009 (closure of three offices and loss of 13 lawyers)

KRT Program: German Development Service (DED-Cambodia)

Women's Justice Program: CCJAP, GTZ, and AusAID

Child Justice Program: UNICEF, Save the Children Norway, EveryChild and others

Land Law Program (for high-level cases): East-West Management Institute (EWMI)

**Fact Sheet – Cambodian League for the Promotion and Defense of Human Rights
(LICADHO)**

Office Location: #16, Street 99, Sangkat Boeung Trabek, Khan Chamkarmorn, Phnom Penh.

Contact: Tel/Fax: 855-23 727 102, Email: contact@licadho-cambodia.org,

Website: www.licadho-cambodia.org

Total Number of Lawyers: As at 2010, LICADHO employed 5 lawyers.

Total Number of Legal Aid cases represented yearly:

LICADHO deals with approximately 40-50 cases per year:

2010 (until August): 22 cases

2009: 52 cases

2008: 38 cases

2007: 36 cases

Number of Legal Aid cases managed per lawyer:

LICADHO employs an internal policy to ensure lawyers do not handle more than 15-20 cases per year, per lawyer.

Location of Regional Offices:

LICADHO has provincial offices in: Bantay Meanchey; Battambang; Siem Reap; Pursat, Kampong Thom, Kampong Cham, Kampong Speu, Kampong Chhnang, Sihanoukville, Kampot, Svay Rieng (provincial offices but without lawyers)

Focus of Legal Aid Services by Province:

The majority of cases are from provinces where LICADHO has a regional office.

Thematic specialization:

LICADHO is a primarily human rights organisation with inhouse legal capacity

There is a focus on defending victims of human rights violations specifically in the areas:

- Land issues
- General Human Rights
- Rape
- Domestic Violence
- Trafficking

LICADHO only engages in criminal cases (no civil cases) and often high-profile cases that other NGOs do not want to take

Sources of support and funding:

Lawyers are funded primarily by the Asia Foundation (TAF)

Fact Sheet – Legal Support for Children and Women (LSCW)

Office Location: #132E-F, Street 135, Phasar Doeum Thkov, Chamkarmorn, Phnom Penh.

Contact: Tel/Fax: (855) 23 220 626, Email: info@lscw.org, Website: www.lscw.org

Total Number of Lawyers: As at 2010, LSCW employed 6 lawyers.

Total Number of Legal Aid cases represented yearly:

LSCW represented more than 300 cases in 2010

Number of Legal Aid cases managed per lawyer:

It is estimated that each lawyer handles 100 cases per year.

Location of Regional Offices:

LSCW has offices in:

- Phnom Penh office (5 lawyers)
- Koh Kong (1 lawyer)
- Kampong Cham

Focus of Legal Aid Services by Province:

The focus of legal aid services is concentrated in Kandal, Kampong Speu, Takeo, Kampot, Kampong Thom, Kampong Cham, Prey Veng, Koh Kong.

Thematic specialization:

Representation of women and children (juveniles under the age of 15) with:

- Focus on divorce for civil cases.
- Focus on rape, trafficking, domestic violence and physical assault in relation to criminal cases.

Sources of support and funding:

East-West Management Institute (EWMI)

Coalition to Address Sexual Exploitation of Children in Cambodia (COSECAM)

Cambodia Criminal Justice Assistance Project (CCJAP)

The Asia Foundation (TAF)

Changes in funding situation from the year 2007-2010:

The funding situation has steadily declined for legal aid between 2007-2010.

Fact Sheet – Protection of Juvenile Justice (PJJ)

Office Location: #36, Street 99, Sangkat Boeung Trabek, Khan Chamkarmorn, Phnom Penh

Contact: Tel/Fax: 855-23 726 446, Email: pjjcambodia@clickmail.com.kh, Website: www.pjj.org.kh

Total Number of Lawyers: As at 2010, PJJ employed 4 lawyers (including the Director).

Total Number of Legal Aid cases represented yearly:

Annual average of approximately 200 cases for 2007/2008.

393 cases for 2009.

Number of Legal Aid cases managed per lawyer:

It is estimated that in 2007-2008, each lawyer handed 60 cases per year. This has markedly decreased to 18-19 cases per year in 2010 because of funding constraints.

Location of Regional Offices:

No provincial offices anymore in 2010

PJJ had previously (2007-2009) offices in: Battambang, Banteay Meanchey, Rattanakiri, Siem Reap

Focus of Legal Aid Services by Province:

The focus of legal aid services is now in Phnom Penh, with only a few cases outside of the headquarter office.

Thematic specialization:

Juveniles (under 18 years of age)

Represent both victims and accused persons

Majority of cases are rape related

Sources of support and funding:

UNICEF (funding until December 2010), SKN (until end 2010), KOIS

Changes in funding situation from the year 2007-2010:

From 2007-2009, good level of funding from EU, SKN, KIA, Anesvad, KOIS and UNICEF.

In 2010, there are only 2 major donors left which represents a 80% decrease in funding.