



Council for Legal and Judicial Reform

Legal Aid in Cambodia: Practices, Perceptions and Needs

A Study based on a National Survey



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កម្មវិធីសិទ្ធិ និង យុត្តិធម៌ (PRAJ)

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Foreword	i
Acknowledgements	ii
Abbreviations	iii
Figures and Tables	iv
Executive Summary	1
1 INTRODUCTION.....	4
1.1. Activities	4
1.1.1 Background and documentation review	4
1.1.2 Supply Analysis.....	4
1.1.3 Demand Analysis	4
1.2. Survey Management.....	4
2 METHODOLOGY	5
2.1. Study Design	5
2.2. Geographical Scope of Survey	5
2.3. Sampling Criteria	5
2.4. Methods of Data Collection	6
2.4.1 Open House Workshops.....	7
2.4.2 Structured Interviews	7
2.4.3 Focus Group Discussions	7
2.4.4 Interviews with Key Informants.....	8
2.4.5 Documentary Review and Data Collection.....	8
2.5. Data Processing and Analysis	8
2.5.1 Qualitative Data.....	8
2.5.2 Quantitative Data.....	8
2.6. Plenary Stakeholders' Workshops	8
2.7. Survey Limitations	9
3 FINDINGS	10
3.1. Definition, Framework and Legal Provisions	10
3.1.1 Cambodian Instruments.....	10
3.1.2 International Instruments.....	12
3.2. Legal Aid by Location and Organization.....	13
3.2.1 BAKC (Bar Association of the Kingdom of Cambodian)	14
3.2.2 The Lawyers Training Center (LTC)	15
3.2.3 CDP (Cambodian Defenders Project)	15
3.2.4 LAC (Legal Aid of Cambodia)	15
3.2.5 LSCW (Legal Support for Children and Women)	16
3.2.6 CWCC (Cambodian Women's Crisis Center)	16
3.2.7 LICADHO (Cambodian League for the Promotion and Defense of Human Rights)	17
3.2.8 ADHOC (Cambodian Human Rights and Development Association)	17
3.2.9 CLEC (Community Legal Education Center).....	17
3.2.10 Others	17
3.3. Perceptions of Legal Aid.....	18
3.3.1 Target Groups for Legal Aid Services	18
3.3.2 Knowledge and Awareness of Legal Aid.....	19
3.4. Services Required of Legal Aid	22
3.4.1 Ability of Legal Aid Providers to Provide Services.....	25
4 Summary of Key Findings	27
5 Conclusions and Recommendations.....	29
5.1. Budgets and Finances.....	29

5.1.1	Informal National Network	29
5.1.2	Involvement of Business and Trade Associations and the Private Sector	29
5.1.3	Government Funding.....	29
5.2.	Institutions and Infrastructure	29
5.2.1	Alternative Legal Aid Institutions.....	30
5.2.2	Legal Aid Referral Telephone Line	30
5.2.3	Legal Aid Offices	30
5.2.4	Greater NGO Coordination	30
5.2.5	Documentation	31
5.2.6	Existing Institutions.....	31
5.2.7	Creation of a Coordinating Body	31
5.3.	Staffing	32
5.3.1	Training Non-Legal Staff.....	32
5.3.2	Training Legal Staff	32
5.3.3	More Lawyers to Provide More Services.....	32
5.3.4	New Ways of Providing Legal Aid.....	33
5.4.	Spreading Awareness of Legal Aid.....	33
5.4.1	Community and Peer Networks	34
5.4.2	Concerted Communications	34
6	Timeline	35
APPENDICES.....		a
Appendix A:	Sampling Source for Structured Interviews, Key Informant Interviews and Focus Group Discussions	a
Appendix B:	Research Instruments	c
Appendix C:	Sample Profile of Potential Clients	k
Appendix D:	Organizations and Institutes Participating at the Findings Dissemination and Feedback Workshop of August 9, 2006	l
Appendix E:	BAKC Forms for Assigning Volunteer Lawyers	x

FOREWORD

The Royal Government of Cambodia approved an Action Plan for its Legal and Judicial Reform Strategy on April 29, 2005. One of the objectives of the Action Plan is the enhancement of the quality of legal processes and related services in Cambodia, including the provision of high quality legal aid services. This study, including the national survey on which it is based, is a first step towards meeting this objective.

The study was conceived against a background consensus that access to justice is an important right to be enjoyed by everyone irrespective of their socio-economic and political differences.

In Cambodia today despite the Royal Government's efforts to enhance access to justice there are critical gaps in the provision of legal aid services to the poor. To the extent that they are made available, key legal aid resources such as access to legal information, legal literacy and legal services – basic prerequisites for harnessing the services of a legal and judicial system – are largely provided by NGOs (non-governmental organizations). Meanwhile legal aid needs are widespread, and increasingly felt.

This study therefore has urgent and timely information for policy makers, Government and donor agency officials, community leaders, and others. It will help provide direction for effective programming and intervention in the field of legal aid, and ultimately for solutions to legal aid problems that will bring benefits to all Cambodians.

H.E. Sum Manit
Chairman of the Permanent Coordinating Body
of the Council for Legal and Judicial Reform,
Royal Government of Cambodia

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We acknowledge with thanks the support of other Government Ministries and institutions, local and national, as well as other development partners, particularly those who participated in stakeholder meetings to clarify and refine the design of the survey. We wish to thank in particular the many participants in the final stakeholder workshop held at the Sunway Hotel in Phnom Penh on August 9, 2006. Participants' inputs at this workshop were invaluable in shaping the final version of the recommendations of the study.

We thank all those individuals who agreed to be interviewed and whose ideas helped shape the analysis and conclusions of this study with respect to the state of legal aid service provision in Cambodia today. We also appreciate the cooperation of various organizations in providing us with relevant documents, including their annual reports, budgets, strategic plans, and other documents and data.

Our thanks go to USAID (United States Agency for International Development) Cambodia, whose implementing partner EWMI (East-West Management Institute) made financial and technical support for this study a key component of its Program on Rights and Justice (PRAJ). We also thank Indochina Research Ltd (IRL), which developed the survey instruments in consultation with the Project Management Unit (PMU) of CLJR, designed the survey sample, conducted much of the survey fieldwork, and reported back in detail on survey findings.

Last but not least we wish to recognize the efforts of the Survey Management Team, H.E. Suong Leang Hay, Mr Pen Bunchhea, Mr Kong Phallack and Mr Rajan Shah, in ensuring that survey activities were carried out successfully. Thanks are also due to staff of the CLJR PMU and EWMI-PRAJ for providing logistical and technical support in carrying out the survey.

ABBREVIATIONS

ADHOC	Cambodian Human Rights and Development Association
AFESIP	Agir pour les Femmes en Situation Précaire
APLE	Action Pour Les Enfants
BAKC	Bar Association of the Kingdom of Cambodia
CBO	Community Based Organization
CDP	Cambodia Defenders Project
CLC	Criminal Law Clinic
CLEC	Community Legal Education Center
CLEP	Community Legal Education Program
CLJR	Council for Legal and Judicial Reform
CSO	Civil Society Organization
CSR	Corporate Social Responsibility
CWCC	Cambodia Women's Crisis Center
DA	Did not answer
DK	Don't know
EWMI	East-West Management Institute
FGD	Focus Group Discussion
GMAC	Garment Manufacturers Association of Cambodia
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IRL	Indochina Research Ltd
LA	Legal Aid
LAC	Legal Aid of Cambodia
LCO	Lawyers Consultation Office
LICADHO	Cambodian League for the Promotion and Defense of Human Rights
LSCW	Legal Support for Children and Women
LTC	Lawyers Training Center
MoSA	Ministry of Social Affairs
MoWA	Ministry of Women's Affairs
NGO	Non-Government Organization
PCB	Permanent Coordination Body
PILAP	Public Interest Legal Advocacy Project
PMU	Project Management Unit
PRAJ	Program on Rights and Justice
RGC	Royal Government of Cambodia
SMT	Survey Management Team
SOC	State of Cambodia
SPSS	Statistical Package for Social Scientists
TV	Television
UN	United Nations
UNDP	United Nations Development Program
UNTAC	United Nations Transitional Authority in Cambodia
USAID	United States Agency for International Development

FIGURES AND TABLES

Table 1: Regions and Provinces Covered	5
Table 2: Locations of legal aid offices and the number of legal aid lawyers in them.....	14
Figure 1: Potential clients' view of which group legal aid services should target.....	18
Figure 2: Providers' perception of which group of legal aid services should target.....	19
Figure 3: Knowledge of legal aid.....	20
Figure 4: Responses to the question: does legal aid equate to obtaining justice?.....	20
Figure 5: Does legal aid reach its target?	21
Figure 6: Methods by which people learn about legal aid services	21
Figure 7: Top five community problems.....	22
Figure 8: Top five individual problems.....	23
Figure 9: Benefits of legal aid services	24
Figure 10: How people obtain legal aid services	24
Figure 11: How legal aid services should be promoted	25
Figure 12: Problems clients face when obtaining legal aid services.....	25
Figure 13: Main problems facing legal aid providers	26
Figure 14: How legal aid can be incorporated into justice delivery systems.....	26
Figure 15: Suggestions on how to improve legal aid services	27

EXECUTIVE SUMMARY

Under the terms of its Legal and Judicial Strategy Action Plan, the Royal Government of Cambodia is committed to improving the quality of legal processes and related services, including high quality legal aid services. This study is a first step in meeting this commitment.

The aim of this study has been to establish the nature and character of legal aid service in Cambodia, and to assess various perceptions of what legal aid is and what it should be. The findings of the study are intended to inform future decisions taken by Government and NGOs about the measures needed to improve legal aid services.

The study has taken into account the regulatory framework for legal aid in Cambodia. This includes elements of the Cambodian Constitution and the 1993 State of Cambodia Criminal Procedure Law, both of which prescribe the provision of legal aid. It also includes the Law on the Bar, which calls upon the Bar Association to provide legal aid services to those who need it.

The study recognizes that apart from private practitioners contracted by the Bar Association to provide limited legal aid services, as well as the few private practitioners who provide services *pro bono publico* (for the public good, i.e. free of charge), those currently providing legal aid services in Cambodia consist entirely of NGOs.

The survey found that almost one quarter of all licensed lawyers and trainee lawyers are in the full-time employ of legal aid organizations, that is, NGOs specializing in legal aid.

From a client's perspective

The survey showed that while Cambodian citizens have limited knowledge of legal aid and where to get legal aid services, perceptions of legal aid as a concept and a practice are generally favorable.

Potential users or clients of legal aid services emphasized to survey researchers the need for information about legal aid to be made available, particularly through mass media. Current legal aid providers agreed on the need for information on legal aid to be disseminated, but emphasized the value of training courses at the community level.

Of the major legal issues faced by local communities in the areas surveyed, potential clients identified the following: land disputes, domestic violence and other issues relating to human rights violations, and crime generally.

The survey showed that when they obtain referrals to legal aid services most local people do so through local advisors, mainly commune and village authorities. It showed that they often face serious constraints relating to financing, communications and a knowledge of the law. Financial constraints include not having money to travel to and from legal aid providers' offices. Communication problems are usually to do with clients being unable to communicate physically with legal aid professionals, either because they do not know where the legal aid professionals are located or because they do not have access to telephones. Limited knowledge of the law and legal processes is often a practical hindrance in the way of legal aid being effectively provided, with legal aid clients destroying essential evidence, approaching

legal aid lawyers too late, and otherwise hampering timely and effective legal aid interventions.

Issues faced by providers

In survey interviews potential clients and providers both said that legal aid providers lack adequate human resources and do not budget sufficient resources for office equipment (particularly IT-related equipment), salaries, and investigation expenses. Legal aid professionals also noted a lack of needed legal resources such as the texts of current laws. Interview respondents suggested improving legal aid services by promoting greater linkages between clients and local government authorities, and also by improving the formal justice system in terms of capacity, transparency, accountability, fairness and independence. Key stakeholders made recommendations in four areas: budgets and financing, institutions and infrastructure, human resources, and client awareness. Specifically they proposed:

Budgetary & financing

- Creation of an informal national network of representatives of Government institutions, BAKC (Bar Association of the Kingdom of Cambodia), NGOs focusing on legal aid, and donor agencies to discuss challenges and ensure cohesion in legal aid interventions.
- Involvement of business and trade associations, and larger private sector enterprises, in financing specific legal aid initiatives.
- Government allocation of specific budgets for legal aid and the development of legal aid policies, with budget funds channeled through BAKC or some other central coordinating body.

Institutions and Infrastructure

- Development of alternative channels, for example commune or village authorities, social workers, police and court personnel, to work with the justice sector to increase the outreach of legal aid services.
- Dissemination to community and peer networks of knowledge and skills relating to legal aid, so that information about legal aid services is more readily available.
- Creation of (a) an outreach program with the participation of the private sector, including business associations and larger private sector enterprises; (b) a toll-free central legal aid referral phone line for citizens to ask about legal issues and legal aid services; (c) more legal aid offices with more lawyers at the provincial level; and (d) databases, documentation centers and libraries of important laws.
- Implementation by BAKC of a standardized recruitment, placement and M&E process, including a means test and fee structure, so that it can hire and place volunteer lawyers as a way of meeting its mandate and ensuring that poor people get legal aid.
- Development of a Legal Aid Foundation to serve as a conduit for funds and to develop a legal aid infrastructure. Foundation members would include representatives of the justice sector, legal aid NGOs, BAKC, donors and private businesses.

Human resources

- Training on basic rights and legal aid services for social workers and commune and village authorities in areas where legal aid clients are most in need - land law, domestic violence and criminal matters.
- Training for 'points of first contact' such as social workers and commune or village authorities so that they can advise their clients about basic rights and legal aid services.
- Training to improve the skills of legal aid professionals in trial conduct and advocacy, client investigations, and interviewing, especially interviewing trauma victims.
- Removal of the current limit of 50-55 lawyers that can be sworn in by the Bar and enter practice in any one year, so that market-led demands can be met.

- Creation of arrangements for private practitioners to provide legal aid services in urban areas so that scarce legal aid resources can be focused on rural areas.
- Development of (a) a cadre of professional legal assistants able to support legal aid lawyers; and (b) a cadre of community paralegals trained and with adequate resources to serve as ‘first aiders’ for legal problems.
- Inclusion of clinical teaching methodologies in university teaching programs, thus providing some legal aid services to poor people while ensuring that law school graduates are equipped to provide such services.

Client awareness

- Promotion of a concerted, coordinated effort to promote potential clients’ awareness of legal aid via a range of local and national communication media.

1 INTRODUCTION

Strategic objective 4 of the Action Plan to implement the Legal and Judicial Reform Strategy of the Royal Cambodian Government, approved on April 29, 2005, provides for the enhancement of legal processes and related services, including the provision of high quality legal aid services. This study, and the survey on which it is based, have been undertaken as a means of meeting this strategic objective.

The study is conceived as contributing to the broad goal of strengthening existing mechanisms and establishing new, relevant mechanisms for the enhancement of the rights of the individual, the separation of powers and the rule of law in Cambodia. More specifically it is designed to help meet the need for improved access to justice by Cambodia's poor.

The overall objective of the study is to establish the nature and character of legal aid service provision in Cambodia, and to clarify perceptions of legal aid and what it should consist of. Its findings are intended to inform decisions by the Royal Government and by the non-governmental sector, as well as by interested donors and others, on improving legal aid service provision in Cambodia.

1.1. ACTIVITIES

1.1.1 Background and documentation review

A review was done of the historical background of legal aid in Cambodia, and of documentation relating to legal aid in the country.

1.1.2 Supply Analysis

An analysis was done of the supply of legal aid in Cambodia. The analysis reviewed the organizations involved in providing legal aid services in Cambodia, the provinces and other areas being reached and by whom, the nature of legal aid services and how they are provided (e.g. through the use of volunteers, paralegals and/or qualified lawyers), the target populations of legal aid providers, the nature of the funding of legal aid services, and the best ways of improving legal aid services.

1.1.3 Demand Analysis

An analysis was also done of the needs of both legal aid providers and likely legal aid clients. It included an assessment of the possibility of linking government services and other NGO services with existing legal aid services.

1.2. SURVEY MANAGEMENT

The Project Management Unit (PMU) of the Council of Legal and Judicial Reform (CLJR) of the Royal Government of Cambodia oversaw and organized the survey. It was supported by staff of the Program on Rights and Justice (PRAJ) of the East-West Management Institute (EWMI), implementing partner of USAID for human rights and rule of law initiatives in Cambodia. EWMI-PRAJ provided this support under the terms of the Memorandum of Understanding it signed with CLJR in 2005.

The CLJR PMU and EWMI put together a “Survey Management Team”. In consultation with key stakeholders, the Survey Management Team oversaw the development and administration of survey research instruments, survey implementation and data analysis, as well as the writing of this final study report and recommendations. They also assisted with the implementation of projects arising from this process, including training in survey administration.

For the survey itself the Survey Management Team contracted an independent research consulting group, Indochina Research Ltd (IRL), with assistance from EWMI-PRAJ. IRL is a Cambodia-based consultancy familiar with survey research and particularly with techniques of statistical data collection and analysis, and the creation of topic-appropriate research instruments.

2 METHODOLOGY

2.1. STUDY DESIGN

A cross-sectional and descriptive research design was employed that used both qualitative and quantitative approaches to data collection and analysis. Representatives of well-known legal aid providers and other NGOs as well as local government officials constituted the main study group of key stakeholders.

2.2. GEOGRAPHICAL SCOPE OF SURVEY

The survey covered five major regions of the country, from which a total of 16 provinces were selected on the basis of size, available knowledge of local legal aid, and other local characteristics. The following table gives details:

Table 1: Regions and Provinces Covered

Region	Provinces Covered
Planes	Kampong Cham, Svay Rieng
Tonle Sap	Battambang, Siem Reap, Banteay Meanchay, Odor Meanchay, Pursat
Phnom Penh	Phnom Penh, Kandal
Northeast plateau and mountain	Kratie, Ratanakiri, Mondalkiri
Coastal	Koh Kong, Sihanoukville, Kampot, Kep

2.3. SAMPLING CRITERIA

The main respondents in this survey were legal aid providers, clients and potential clients of legal aid services, lawyers, relevant provincial, district and commune leaders, representatives of Government ministries and institutions within the justice sector, representatives of relevant administrative departments, members of the judiciary, court officials, and BAKC officials. To increase the validity and reliability of information obtained from the baseline and needs assessment survey, the selection of sampling units was carried out purposively. In this case, it was decided that the best information would be obtained from clearly identified respondents, who were deemed to be familiar with legal aid service provision, policy and coverage. The selection of sampling units took into account the following factors (see Appendix A for a list of interviewees):

- The perceived coverage of legal aid services
- Geographical and administrative divisions of Cambodia
- Locality of respondents, particularly with respect to both urban and rural clients and potential users of legal aid services.
- Sectors of population
- A clear common definition of poor classes
- Ownership and authenticity

Partially differing questionnaires were submitted to potential clients and legal aid providers (see Appendix B for the questionnaires). The main objectives of the study with respect to both groups were:

- to analyze their perceptions of the formal and informal justice systems
- identify their perception of legal aid
- evaluate their knowledge of the nature and availability of legal aid
- determine their needs and expectations.

Moreover, legal aid providers were also asked about:

- the legal aid situation in their province
- the main problems they face
- their proposals to improve legal aid in Cambodia

Following open house workshops (chapter 2.4.1 below), face-to-face interviews were conducted in each of the five regions in April and May 2006. The total sample size was 650, consisting of 500 potential clients (100 per region) and 150 legal aid providers (20 in Phnom Penh and 10 in each of the other 13 provinces involved).

The sample selection for potential clients was random, stratified by gender and income group (those selected having household incomes of less than \$2,000 per year). The sample selection for legal aid providers was random.

A sample profile of the potential clients is found in Appendix C. Gender distribution is balanced, and reflects the population. The age groups are balanced, with 37% less than 35 years old, reflecting the profile of potential clients with low incomes. Educational levels are low: 40% have never been to school or have not finished primary school, and 52% have a primary school diploma, but have not finished secondary school. The family structure of the respondents shows that 52% of the sample have at least 3 children. Half the sample (mostly males) consists of heads of households; 70% of the sample say that their family owns some land; and 92% of the sample say they own their house. Interviewees describe the dominant authority in the community they live in as: the commune or *sangkat* (89%), the village chief (75%), and the police (63%). 63% of the sample lives in rural areas, 37% in urban or suburban areas.

2.4. METHODS OF DATA COLLECTION

The main methods of data collection were structured interviews, focus group discussions, key informant interviews, and documentary reviews. The use of ‘open house’ workshops (see below) was also helpful in the data collection exercise.

2.4.1 Open House Workshops

The first activity during each survey visit was the holding of an open house workshop with relevant stakeholders. The workshops were held in the period immediately before the survey team arrived in the area concerned. The workshops were organized, hosted and facilitated by the Survey Management Team and the staff of the CLJR PMU.

Those invited to the open house workshops were key persons in the area working in the judicial and legal sector. They included provincial and district government officials, cadastral commissioners, judges, prosecutors, lawyers, paralegals, prison staff, police, NGO representatives, representatives of commune councils and representatives of community groups.

The purpose of the open house workshops was twofold: first, to introduce the survey and its team members to relevant stakeholders and provincial leaders. This served to gain their support. Second, to create an opportunity for the survey team to identify relevant respondents, particularly NGO providing legal aid services.

Open house workshops were held in:

- Phnom Penh (for participants from Phnom Penh, Kampong Cham and Svay Rieng)
- Battambang (for participants from Banteay Meanchay, Battambang and Pursat)
- Siem Reap (for participants from Siem Reap and Odor Meanchay)
- Kratie (for participants from Kratie, Rattanakiri and Mondalkiri)
- Sihanoukville (for participants from Koh Kong, Sihanoukville, Kampot and Kep)

2.4.2 Structured Interviews

These were mainly done by survey researchers with legal aid providers identified prior to or during the open house workshops. Structured interviews were very helpful in clarifying the nature of services provided, the target groups for such services, the staffing arrangements needed to provide such services, etc. Members of the Survey Management Team accompanied researchers during these structured interviews.

2.4.3 Focus Group Discussions

Focus group discussions were carried out with persons from all focus regions of the survey (see Table 1 for a listing of provinces the survey covered) with selected users and potential users of legal aid services, numbering around eight persons per focus group. The discussions were helpful in providing information on needs and gaps in existing services. Focus group discussions with commune councilors gave a clear picture of problems needing to be addressed. Steps were taken to carry out separate focus group discussions with male and female discussants, making it easier to analyze gender variations in legal aid needs.

Participation in the focus group discussions of judges and prosecutors, provincial and district government officials, prison officers, police, and NGO representatives gave the survey the opportunity to arrange individual interviews or further focus groups discussions with a wide range of respondents.

The focus group discussions were conducted by survey researchers with support from the Survey Management Team and staff of the CLJR PMU.

2.4.4 Interviews with Key Informants

So-called key informant interviews were done with relevant provincial leaders, heads of government departments, and policymakers in all provinces that the survey covered (see Appendix A for a sampling source for interviews with key informants) and numbered 150 persons interviewed. These included senior provincial and district officers, judges, prosecutors, senior prison staff and police, cadastral commissioners, and heads of legal aid, advocacy, and other human rights organizations.

Key informant interviews were conducted by members of the Survey Management Team in conjunction with CLJR PMU staff, accompanied by survey researchers.

2.4.5 Documentary Review and Data Collection

Document review work and data collection started before fieldwork surveying began and continued right up to the final analysis and report-writing stage. This enabled the research team to obtain pertinent information on a range of current legal aid practices. Existing legislation and regulatory instruments dealing with legal aid were also examined, with a view to evaluating their gaps and potential uses. Documents reviewed included the annual reports, work plans, budgets and policy documents of organizations providing legal aid services, Government development plans, and a variety of papers on different aspects of legal aid service provision. An independent consultant did the document review for the Survey Management Team.

2.5. DATA PROCESSING AND ANALYSIS

2.5.1 Qualitative Data

Qualitative data was collected from key informant interviews and the document review process. The data were analyzed according to topics or themes developed in accordance with the objectives of the study.

2.5.2 Quantitative Data

The analysis of quantitative data was done using the widely-used predictive analytical software SPSS (Statistical Package for Social Scientists). The data were mainly obtained from legal aid service providers using a semi-structured questionnaire.

2.6. PLENARY STAKEHOLDERS' WORKSHOPS

Three plenary stakeholders' workshops were held during the course of the survey. The first was a meeting of Government, donor and NGO stakeholders in Phnom Penh on February 17, 2006. The meeting was to get inputs and recommendations for improving the design the survey. It was the first time interested government, donor and NGO leaders had met to discuss legal aid services in Cambodia, and participants all agreed on the need for regular legal aid stakeholder meetings in the future.

The meeting was divided into two parts. The first consisted of presentations on the various elements of the survey, including document review, proposed analysis of supply and demand, geographic coverage, and methodology. The second part consisted of participant feedback, including various suggestions about how to improve the survey's terms of reference.

The second stakeholders' workshop was a meeting of Government, donor and NGO stakeholders in Phnom Penh on June 2, 2006. The aim of this meeting was to get comments on the preliminary findings of the survey.

The third stakeholders' workshop was a larger meeting held on August 9, 2006 in Phnom Penh to consider the findings of the survey. Some 150 participants from Government, donor and NGO stakeholders considered the findings and gave their reactions to them. Those attending included officials from the Ministry of Justice, CLJR, RAJP (Royal Academy of Judicial Professions), Ministry of Women's Affairs, provincial and municipal courts, and commune councils. A number of legal aid lawyers and members of national and international NGOs and donor agencies were also in attendance.

The workshop included four key presentations: an introduction to the legal aid survey by Mr. Pen Bunchhea, Deputy Director of the CLJR PMU, a review of existing legal aid laws and provisions by Mr. Kong Phallack, Deputy Head of the CLJR PMU legal reform project team, a presentation on the survey findings by Mr. Tim Smyth, Managing Director of IRL, and a summary of survey recommendations, presented by the PRAJ Access to Justice Advisor, Mr. Rajan Shah. An afternoon session allowed for participant feedback, and involved group discussions on outreach to communities; linkages with institutions that provide legal aid services; and legal aid services to under-covered areas. Suggestions from this session were incorporated into the final study recommendations (see chapter 5, below).

2.7. SURVEY LIMITATIONS

Like all surveys, the survey had its limitations. The participants in the semi-structured interviews with legal aid providers included not just legal aid lawyers but also Government officials and others routinely called on to give legal advice as part of their duties or because they regularly deal with potential legal aid clients. This being the case the findings of the interviews tended to be somewhat general in nature. Focus group discussions and the August 9, 2006, stakeholders' workshop provided more specificity in this field, but perhaps not enough.

Another limitation was that the survey was not tasked to measure the quality of existing legal aid service delivery, though it did address perceptions of this service delivery. Even if it had been tasked to do so, it would have had difficulty in doing so, since existing legal aid providers lack common standards with respect to client care quality, reporting practices and accountability. Given the lack of such standards and of benchmark data, assessments of quality would have been hard to make.

3 FINDINGS

3.1. DEFINITION, FRAMEWORK AND LEGAL PROVISIONS

Definitions of legal aid vary, but it is generally taken to refer to legal services, usually provided by a lawyer free of charge and funded by a government-established authority, to people who cannot afford such services.¹

A number of sources provide or contribute to definitions of legal aid in Cambodia. A synthesis of these sources can be found in the *Resource Guide to Criminal Law of Cambodia*, which defines legal aid as “...the provision of legal services free of charge to those who cannot afford to pay. The central objective of a country's legal aid program is to ensure that all persons, especially those accused of criminal offenses, have equal access to justice through assistance of lawyer.”²

The survey found that there is no comprehensive legal, institutional and policy framework at the national level to guide the provision and regulation of legal aid services. It also noted that there is no statute in Cambodia devoted specifically to the provision of legal aid. Statutory provisions on legal aid and access to justice are largely confined to the 1993 Constitution and the 1995 Law on the Bar Association of the Kingdom of Cambodia (BAKC). Partly in light of this, Government funding and provision is limited to whatever is made available to and by BAKC. To date there has not been any concerted effort to regulate and provide legal aid services.

3.1.1 Cambodian Instruments

3.1.1.1 The 1993 Constitution

Article 31 of the 1993 Constitution of Cambodia recognizes and respects the human rights provided for in the United Nations Charter, the Universal Declaration of Human Rights, and the conventions relating to human rights and to women's and children's rights. The same Article provides that “(e)very Khmer citizen is equal before the law, enjoying the same rights, [and] freedom and fulfilling the same obligations regardless of race, color, sex, language, religious belief, political tendency, birth origin, social status, wealth or other status.”³

According to Article 38 of the 1993 Constitution, every citizen of Cambodia enjoys the right to defense through judicial recourse.⁴ Article 128 states that the judicial power is an independent power which guarantees and upholds impartiality and protects the rights and freedoms of the citizens.⁵ Article 129 states that trials are conducted in the name of Cambodian citizens in accordance with the legal procedures and laws in force.⁶

¹ See, for example: [courts.delaware.gov/How To/court proceedings/](http://courts.delaware.gov/How_To/court_proceedings/), www.tolee.com/html/col438.htm

² Stuart Coghill, *Resource Guide to Criminal Law of Cambodia, Law and Commentary*, (International Human Rights Law Group Cambodian Defender Project, Phnom Penh: 2000) p.155

³ Cambodian Constitution, Article 31. .

⁴ Cambodian Constitution, Article 38

⁵ Cambodian Constitution, Article 128

⁶ Cambodian Constitution, Article 129

3.1.1.2 The 1995 Law on BAKC; BAKC Regulations

The 1995 Law on the Bar Association of the Kingdom of Cambodia (BAKC) and BAKC's Internal Regulations both make provisions for legal aid. Specifically they provide for BAKC's Bar Fund to be used partly for legal aid, and for the president of a court or its chief clerk to make requests for legal aid to the BAKC president.⁷

Article 29 of the Law on the Bar Association provides that “(t)he Bar Fund is derived from dues paid by all members and other contributions. A special account shall be established in this Fund for providing income to lawyers who defend poor people....All lawyers are obligated to defend poor people according to the same procedures and internal rules and in the same manner as the defense of their own clients.”⁸

Article 30 of the Law stipulates a procedure for deciding who is eligible for such legal aid services. “ ‘Poor people’ [it states] are defined as those people who have no property, no income, or who receive insufficient income to support their living. The determination of ‘poverty’ shall be accomplished by the Chief Judge of the Courts [i.e. the chief judge of any given court] and the Chiefs of the Court Clerks [i.e. the chief of clerks in any given court] following an on-site investigation.”⁹

The Internal Regulations of the BAKC provide operational procedures for the above Articles. Article 6 of the Internal Regulations provides that if a person is determined to be eligible for legal aid a Request for Legal Assistance can be forwarded to the President of the BAKC. Within 15 days maximum, the President then gives a BAKC member previously designated as a volunteer the responsibility of providing legal representation and advice to the person in question.¹⁰ Article 7 of the Internal Regulations gives instructions on the volunteer attorney's responsibilities for reporting to BAKC, and remuneration provisions for services rendered.¹¹ Annexed to the Internal Regulations are forms for the above (given in Appendix E below).

3.1.1.3 The 1992 UNTAC Criminal Law

The September 1992 UNTAC Criminal Law assures anyone accused of a misdemeanor or felony the right to the assistance of an attorney or counsel. The Law also gives accused persons the right to have a member of their family represent them, regardless of the level of education of the family member concerned. It also gives foreign attorneys the right to appear in Cambodian courts.¹²

3.1.1.4 The 1993 Criminal Procedure Law of the State of Cambodia

The March 1993 Criminal Procedure Law of the State of Cambodia gives an accused person the right to assistance from a lawyer, and provides for the automatic appointment of a lawyer by the presiding judge in certain types of case where the accused cannot afford one.

⁷ Law on the Bar, 1995, Articles 29 and 30, and BAKC Internal Regulations, Articles 6 and 7.

⁸ Law on the Bar, Article 29

⁹ Law on the Bar, Article 30

¹⁰ BAKC Internal Regulations, Article 6

¹¹ BAKC Internal Regulations, Article 7

¹² UNTAC Criminal Law, Articles 9 and 10

3.1.2 International Instruments

3.1.2.1 The Universal Declaration of Human Rights

The Universal Declaration of Human Rights, adopted and proclaimed by the United Nations General Assembly on December 10, 1948, provides that all are equal before the law and are entitled without discrimination to equal protection before the law (Article 7). The Declaration states that everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal (Article 10). It also states that everyone ‘charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial’ at which she or he ‘has had all the guarantees necessary’ for his or her defense (Article 1).

3.1.2.2 The International Covenant on Civil and Political Rights

The International Covenant on Civil and Political Rights, which the Cambodian Government ratified on May 26, 1992, provides for the availability of no-cost legal representation. Paragraph 3(d) of Article 14 of the Covenant reads:

In the determination of any criminal charge against him [or her], everyone shall be entitled to the following minimum guarantees, in full equality:

....(d) To be tried in his [or her] presence, and to defend himself [or herself] in person or through legal assistance of his [or her] own choosing; to be informed, if he [or she] does not have legal assistance, of his [or her] right; and to have legal assistance assigned to him [or her], in any case where the interests of justice so require and without payment by him [or her] in any such case if he [or she] does not have sufficient means to pay for it.¹³

3.1.2.3 The International Covenant on Economic, Social and Cultural Rights

The International Covenant on Economic, Social and Cultural Rights, which the Cambodian Government ratified on May 26, 1992, provides for legal aid for those seeking court resolutions of issues arising from forced eviction. The Committee on Economic, Social and Cultural Rights established under the terms of the Covenant is mandated to interpret the provisions of the Covenant. In Article 15 of its General Comment no. 7 on forced evictions the Committee has stated that:

(a) appropriate procedural protection and due process are essential aspects of all human rights but are especially pertinent in relation to a matter such as forced evictions which directly invokes a large number of the rights recognized in both the International Covenants on Human Rights. The Committee considers that the procedural protections which should be applied in relation to forced evictions include...(g) provision of legal remedies; and (h) provision, where possible, of legal aid to persons who are in need of it to seek redress from the courts

3.1.2.4 The International Convention Relating to the Status of Refugees

Article 16 of the International Convention relating to the Status of Refugees, which the Cambodian Government ratified on October 15, 1992, requires Cambodia as a state party to the Convention to guarantee a refugee the same treatment in matters relating to court access as a national of Cambodia, ‘including legal assistance’.

3.1.2.5 The Convention on the Rights of the Child

The Convention on the Rights of the Child, which the Cambodian Government ratified on October 15, 1992, requires prompt access to legal assistance for a child who is conflict with the law, particularly when his or her defence has to be prepared and presented. Article 37(d) Convention states that:

¹³ ICCPR, Article 14 (3)d

Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance as well as the right to challenge the legality of deprivation of his or her liberty before a court or other competent, independent and impartial authority and to a prompt decision on any such action.

Article 40, paragraph 2(b) of the Convention states that:

Every child, alleged as or accused of having infringed the penal law has at least the following guarantees:...(ii) to be informed promptly and directly of the charges against him or her, and if appropriate through his or her own parents or legal guardian, and to have legal or other appropriate assistance in the preparation and presentation of his or her defense.

3.1.2.6 Other Legal Instruments of the United Nations

Principle 3 of the United Nations' Basic Principles on the Role of Lawyers, adopted in 1990 in Havana, Cuba, by the 8th UN Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, enshrine legal aid as a principle as follows.

Governments shall ensure the provision of sufficient funding and other resources for legal services to the poor and, as necessary, to other disadvantaged persons. Professional associations of lawyers shall cooperate in the organization and provision of services, facilities and other resources.¹⁴

The Standard Minimum Rules for the Treatment of Prisoners, approved by ECOSOC (The United Nations Economic and Social Council) on July 31, 1957, and May 13, 1977, establish rules applicable to special categories of detainees. The relevant text reads as follows:

Part II: Rules Applicable to Special Categories...C. Prisoners under arrest or awaiting trial ...93. For the purposes of his defense, an untried prisoner shall be allowed to apply for free legal aid where such aid is available, and to receive visits from his legal adviser with a view to his defense and to prepare and hand to him confidential instructions. For these purposes, he shall if he so desires be supplied with writing material. Interviews between the prisoner and his legal adviser may be within sight but not within the hearing of a police or institution official.¹⁵

The Rules for the Protection of Juveniles Deprived of their Liberty, adopted by the UN General Assembly on December 14, 1990, make specific reference to the provision of legal aid to juveniles under arrest or awaiting trial. The relevant section reads:

III. Juveniles under Arrest or Awaiting Trial...18. The conditions under which an untried juvenile is detained should be consistent with the rules set out below, with additional specific provisions as are necessary and appropriate, given the requirements of the presumption of innocence, the duration of the detention and the legal status and circumstances of the juvenile. These provisions would include, but not necessarily be restricted to, the following: (a) Juveniles should have the right of legal counsel and be enabled to apply for free legal aid, where such aid is available, and to communicate regularly with their legal advisers. Privacy and confidentiality shall be ensured for such communications...¹⁶

3.2. LEGAL AID BY LOCATION AND ORGANIZATION

In Cambodia today, the survey confirmed, the main providers of legal aid to poor people are NGOs, the one exception to this being BAKC.

¹⁴ UN Basic Principles on the Role of Lawyers, adopted by the 8th UN Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27/08-7/09/1990

¹⁵ Standard Minimum Rules for the Treatment of Prisoners, approved by the UN Economic and Social Council by its resolution 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977, Part II, Section C, Art. 93.

¹⁶ UN Rules for the Protection of Juveniles Deprived of their Liberty, Adopted by UN General Assembly resolution 45/113 of 14 December 1990, Part III, Article 18

This section provides an overview of legal aid services offered to whom and in which geographic localities. Table 2 shows the location and numbers of legal aid lawyers and the NGOs they work with at the time of the survey. The numbers show both practicing lawyers and members of BAKC in their supervised practice year. It should be noted that legal aid lawyers located in one province may on occasion provide legal aid services to clients in neighboring provinces.

Table 2: Locations of legal aid offices and the number of legal aid lawyers in them¹⁷

Province	Organization										Total
	ADHOC	BAKC	CDP	CLEC	CWCC	LAC	LICADHO	LSCW	PJJ	Other	
Banteay Meanchey					1	1					2
Battambang			3			2					5
Kampong Cham			2								2
Kampong Thom			2				2				4
Kampot							2				2
Kandal						1					1
Koh Kong						1		2			3
Kratie			2								2
Phnom Penh	2	4	20	6	2	12	2	3	3	2	56
Prey Veng								1			1
Ratanakkiri						2					2
Siem Reap			2		1	2			1	1	7
Sihanoukville						2					2
Total	2	4	31	6	4	23	6	6	4	3	89

As of October 25, 2006, BAKC maintains a role of 333 practicing lawyers and 72 trainee lawyers.¹⁸

3.2.1 BAKC (Bar Association of the Kingdom of Cambodia)

The Legal Aid Department of BAKC is designed to play an important role in providing legal assistance. As mentioned above, the Law and Regulations of the Bar provide for its President to assign a colleague within 15 days to provide legal aid if it is requested by a chief judge and chief clerk of a court. The Bar Council is to determine the number of lawyers required for the proper functioning of legal requests.¹⁹

Within the Legal Aid Department of BAKC, a Child Protection Unit operates to provide legal advice and representation services to juveniles in conflict with the law. It has four lawyers in its employ in Phnom Penh.

¹⁷ Source: Annual reports, work plans and other documents of legal aid and human rights NGOs and institutions, and interviews with key informants as well as semi-structured interviews of legal aid providers

¹⁸ Source: BAKC

¹⁹ Internal Regulation of the Bar Association of The Kingdom of Cambodia, Art.6

Recently, BAKC drew on French donor funding to contract 24 private practitioners to provide legal aid services in rural areas at a monthly rate of \$300 per month, inclusive of all the costs associated with the services. These services are limited to providing legal aid clients with legal representation at trial at the rate of five to seven cases per month.

3.2.2 The Lawyers Training Center (LTC)

The BAKC Lawyers Training Center prepares potential new lawyers for the rigors of legal practice by giving law school graduates a ten-month training in practical legal skills. Its Legal Consultation Office draws on USAID funding through EWMI to provide student lawyers with a clinical training program that gives them the opportunity to provide free legal services to needy clients under the supervision of a professional lawyer.²⁰

3.2.3 CDP (Cambodian Defenders Project)

CDP's case intake policy provides for this leading legal aid NGO to provide free legal representation in both criminal and civil cases. The aid is provided to people judged to be poor and/or vulnerable and/or victims of serious human right violations. CDP also permits its lawyers to provide preliminary legal advice to people whose cases they do not eventually accept to work on.

CDP has 31 lawyers, 20 of them in its Phnom Penh office and the rest in its offices in Kratié, Siem Reap, Kampong Thom, Kampong Cham and Battambang. CDP's case intake policy defines poor people as those with an apartment smaller than 4 x 20 meters, a car worth less than \$5000, and an income less than US\$200 per month; or with a house and a small amount of land and an income of less than US\$200 per month; or with a rice field of at least two hectares and income of less than US\$200 per month; or a rice field or plantation in use less than five hectares in size; or with financial means of less than \$500. Vulnerable people are those with cases involving alleged abuse by high ranking government officials or senior officials alleged to be violating citizens' human rights.²¹

CDP's programs include:

- Publications and legal advocacy: commentary and review of proposed bills to be put to the National Assembly; newsletters and other documents for legal education.
- Legal awareness: training for police, military police and commune council members on complaint writing, investigation skills and trial techniques.
- A Women's Resource Center: legal advice and representation for women and children on issues of domestic violence and women's and children's rights.
- A Center against Trafficking: representing victims of trafficking and assisting police officials in investigations of trafficking crimes.
- Human rights litigation: advice and representation services to poor and vulnerable clients who are victims of crimes or accused of criminal acts.

3.2.4 LAC (Legal Aid of Cambodia)

The case intake policy of LAC, another leading legal aid NGO, provides for LAC lawyers to give poor people free legal representation in both criminal and civil cases. LAC may provide

²⁰ Source: LTC/LCO

²¹ CDP, Case Intake Policy, Articles 1, 2 and 4

legal advice or mediation in cases in which it does not represent any party. In criminal cases, LAC lawyers accept felony, misdemeanor, domestic violence, human trafficking and rape cases. For civil cases, LAC lawyers accept divorce, land dispute, contract dispute, and cases involving NGOs. LAC lawyers also accept juvenile cases and labor cases.

LAC defines poor people as those whose disposable income is less than \$100 per month and whose disposable assets are worth less than \$5000. In addition to cases for poor people, LAC also accepts cases involving vulnerable people such as women, children and others suffering from alleged abuse by powerful or wealthy individuals.²² LAC also provides legal education through a street law training program and through educational shows on radio and TV.

LAC has 12 lawyers in its main office in Phnom Penh, and 11 others in Ratanakkiri, Siem Reap, Sihanoukville, Koh Kong, Banteay Meanchey, Battambang and Kandal. Its Phnom Penh office consists of:

- A general lawyers unit.
- A land law unit providing legal advice and representation to communities of at least five families.
- A juvenile litigation project providing legal services to child victims and children in conflict with the law.
- A juvenile unit, with a research unit.
- A labor unit providing legal services to company employees and labor unions.

3.2.5 LSCW (Legal Support for Children and Women)

LSCW aims to prevent human trafficking, exploitation, rape, and discrimination against women and children. It emphasizes the training of women lawyers in case management, legal aid provision, the referral of victims of human rights violations to other NGOs for shelter and psychological care; anti-trafficking training and networking for its mobile team; coordinating with relevant authorities on specific cases, and establishing an interagency protection network; and disseminating labor standards applicable to women and children.²³

LSCW has worked on awareness-raising and, with support from the Ministry of Justice and legal advisors, has produced a publication for potential female and child victims of trafficking entitled *How to Protect Yourself*. In addition, it has organized numerous workshops and seminars in Banteay Meanchey on early marriage, domestic violence, human trafficking and related laws.

LSCW has six lawyers, three in its Phnom Penh office and the rest in its offices in Prey Veng and Koh Kong.

3.2.6 CWCC (Cambodian Women's Crisis Center)

CWCC has a legal assistance program whose objective is to inform women and girls of their rights and legal options; to make them aware of the costs and benefits of legal action by providing them with legal advice and representation; to accompany them to the court; and to work with legal aid associations to create innovative remedies for female victims of human

²² LAC, Case Intake Policy, Articles 1, 2, 4, 10, 11, 13-16 and 23-27.

²³ Source: LSCW website: www.lscw.org

rights violations.²⁴ CWCC's four lawyers provide legal advice and representation at its offices in Bantey Meanchey, Siem Reap and Phnom Penh.

3.2.7 LICADHO (Cambodian League for the Promotion and Defense of Human Rights)

LICADHO provides services directly to vulnerable clients from its main office in Phnom Penh and 12 provincial offices. It is supported by a number of volunteers and up to 450 provincial network members throughout the country. It has six lawyers, two each in Kampong Thom, Kampot and Phnom Penh.

LICADHO aims to help victims gain access to resources for seeking redress and representation; to pursue cases by legal means; and to identify and address human rights violations such as unjust pretrial detention, torture, and inadequate prison standards and health care for prisoners. It ensures legal services for ten to twelve cases per year in identified categories of human rights violation; and is currently exploring ways to expand its legal and other services so as to maximize impact and the quality of its client services.²⁵

3.2.8 ADHOC (Cambodian Human Rights and Development Association)

ADHOC has a prison monitoring program that monitors the situation in prisons throughout the country and provides legal assistance to prisoners.²⁶ It also has an ECCC (Khmer Rouge Tribunal) program which aims to provide ECCC victims and witnesses with legal advice.²⁷ ADHOC's two lawyers are both located at its office in Phnom Penh.

3.2.9 CLEC (Community Legal Education Center)

CLEC has a high-impact legal advocacy project, PILAP (Public Interest Legal Advocacy Project), supported by USAID through EWMI, which aims to use the legal system to assert and protect poor citizens' rights, especially their land rights, and to encourage governmental and private sector transparency and accountability. It is in the process of mainstreaming the PILAP approach in all its other activities. These other activities include a community justice project on workplace relations and the resolution of labor disputes, as well as legal consultancies and training for poor people. Its six lawyers are all based in its office in Phnom Penh.

3.2.10 Others

Various other organizations have staff lawyers who give legal advice and representation to poor and vulnerable people, as well as giving training, undertaking advocacy and doing other law work. Some of these organizations maintain linkages with legal aid providers such as CDP and LAC, enabling the organizations' clients to get follow-up services.

- Action Pour Les Enfants (APLE) employs a lawyer in Phnom Penh to provide legal services to child victims of sexual exploitation.
- AFESIP (Agir pour les Femmes en Situation Précaire) provides legal services to female victims of sexual exploitation and trafficking from an office in Siem Reap, which has a lawyer.

²⁴ CWCC (2004), Global Report, p.9

²⁵ Source: LICADHO website: www.licadho.org

²⁶ ADHOC (March 2005- February 2006), Annual Plan of Activity and Budget Breakdown, p.6

²⁷ *ibid*, p.20

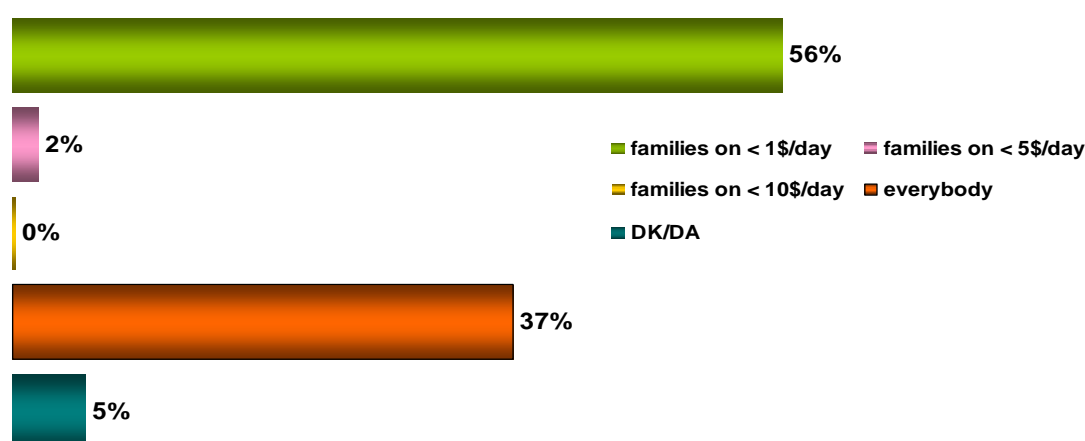
- Friends International has a child rights program, run from offices in Phnom Penh and Siem Reap. The program provides health, education and legal services to street children. A lawyer provides legal services.
- PJJ (Protection of Juvenile Justice) provides legal services to child victims of sexual exploitation and other human rights violations.
- The law firm Lean Chinda provides free legal advice and representation to labor unions, mainly in relation to disputes heard by the labor arbitration council.
- Other private lawyers provide legal aid services on an ad hoc basis, either independently or through NGOs.
- The Faculty of Law and Public Affairs at Pannasastra University's has two legal clinic programs, a Criminal Law Clinic (CLC) and a Community Legal Education Program (CLEP). CLC students are trained in providing client services and get internships with CDP and other legal aid providers. CLEP students provide street law clinics to local communities.²⁸

3.3. PERCEPTIONS OF LEGAL AID

3.3.1 Target Groups for Legal Aid Services

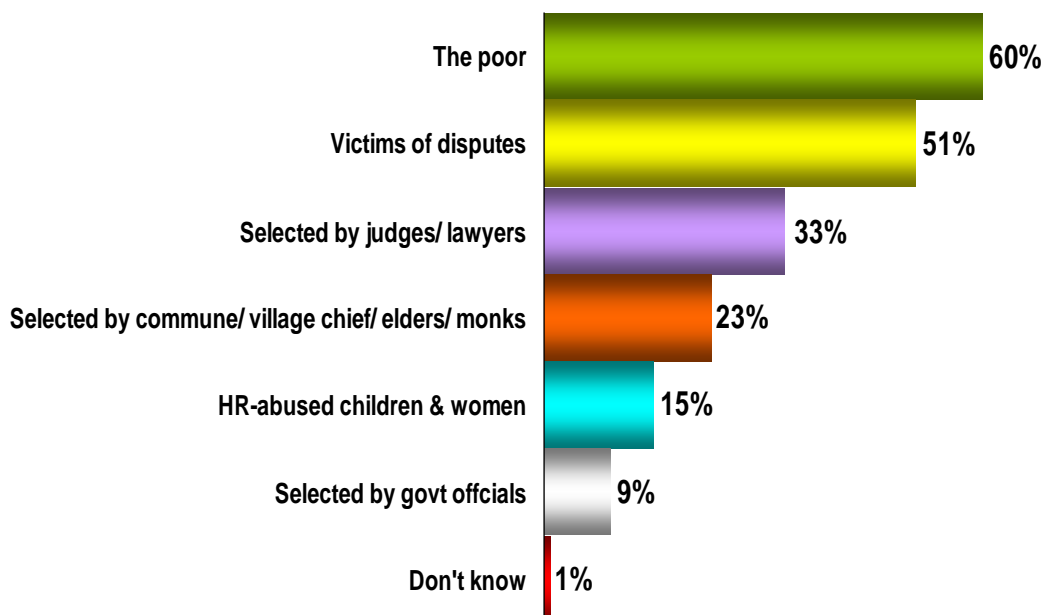
According to the legal aid survey, the majority of the potential legal aid clients interviewed (56% or 280 of the 500 respondents) were of the view that legal aid should be targeted at people in the lowest income bracket (see figure 1 below). Those suggesting that legal aid should be made available to all comers (37% of the interviewees) tended to be more highly educated than the rest of the interview sample. For their part, legal aid providers tended to take the same view as most potential clients, with 60% (or 90 of the 150) of the providers interviewed believing that legal aid services should be provided to poor people (see figure 2).

Figure 1: Potential clients' view of which group legal aid services should target



²⁸ Pannasastra University of Cambodia, Faculty of Law and Public Affairs, Clinical Legal Education Program, <http://www.puc.edu.kh>

Figure 2: Providers' perception of which group of legal aid services should target



3.3.2 Knowledge and Awareness of Legal Aid

Four-fifths of the survey sample (three-quarters in Phnom Penh) had never heard of legal aid. Men knew the term more often than women (24% of the male sample compared to 15% of the female sample), while the more educated were much more likely to be aware of it – 35% of those with at least a secondary diploma had heard of legal aid.

Figure 3 shows that 80% of potential legal aid client respondents had never heard of legal aid before. Whether they heard of legal aid or not, these respondents were asked to provide their understanding of what legal aid services entail. Multiple responses were recorded. Interestingly, the majority of respondents had an approximately correct idea of what legal aid means, with no significant differences with respect to their age, education or province. Moreover as Figure 4 shows, the perception of legal aid tended to be positive, even among those who have never heard of it before, with a majority of respondents believing that in some measure, obtaining legal aid equates to obtaining justice. Furthermore, as Figure 5 indicates, a large portion of potential clients believe that legal aid providers are successful in reaching their intended targets.

Figure 3: Knowledge of legal aid

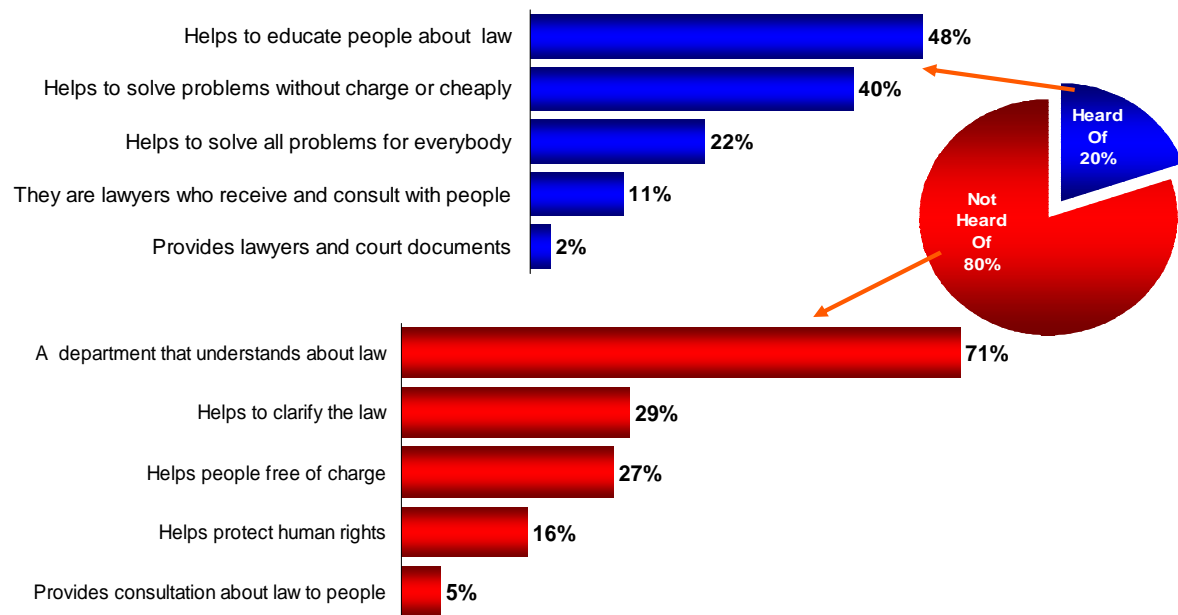


Figure 4: Responses to the question: does legal aid equate to obtaining justice?

1= Strongly disagree, 7=Strongly agree, significance ≥ 5.5

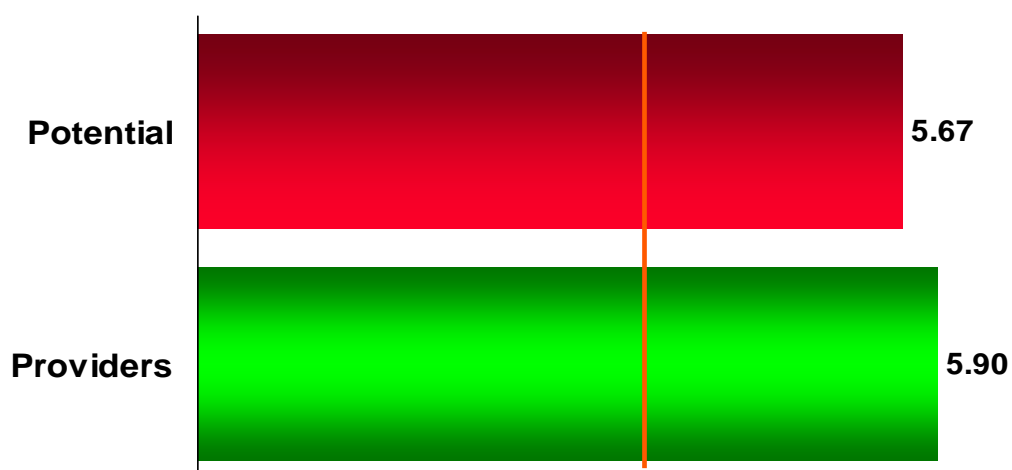
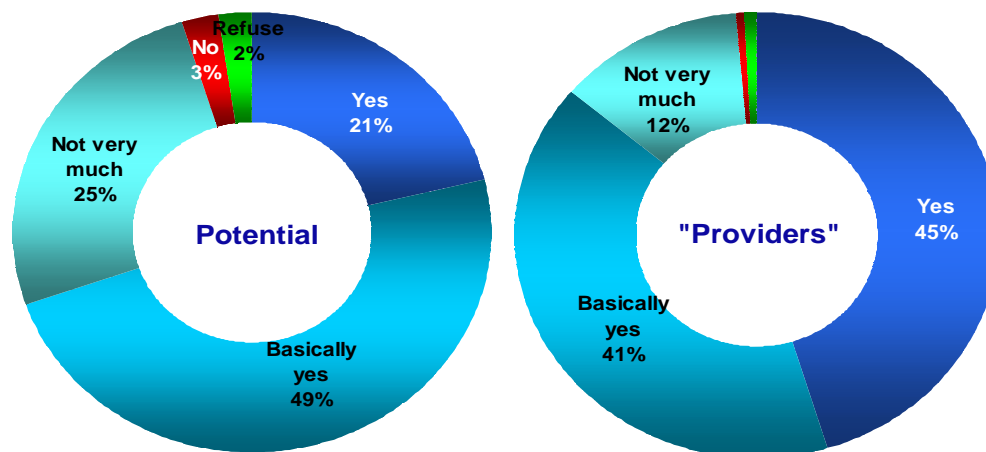
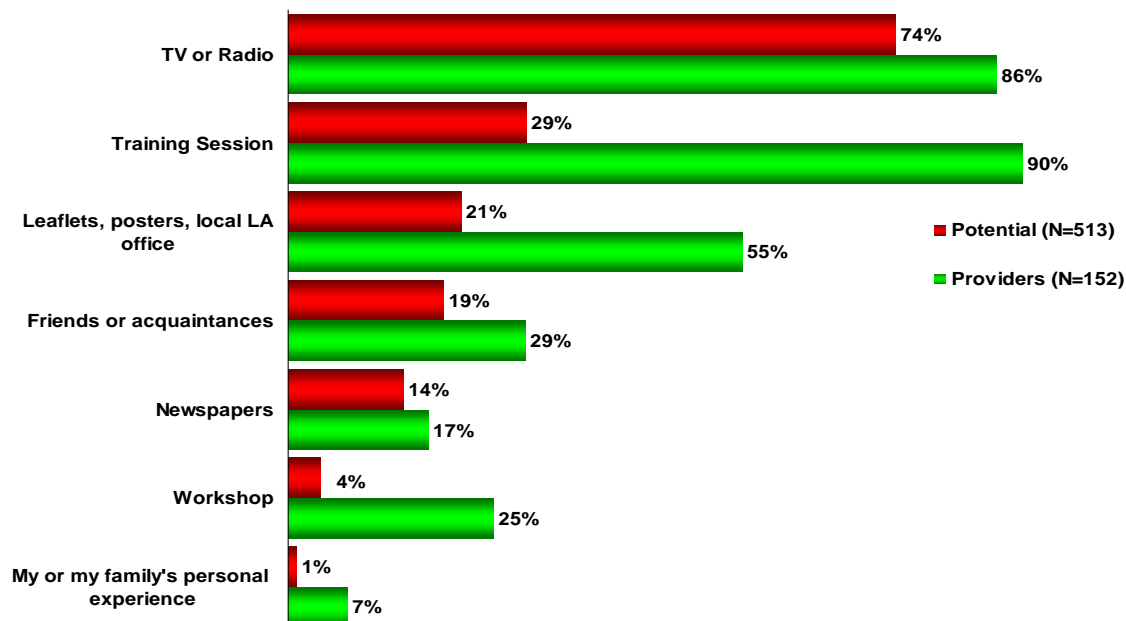


Figure 5: Does legal aid reach its target?



With respect to the way in which people learn about legal aid, Figure 6 shows that the great majority of respondents (74% of the potential clients and 86% of the legal aid providers) receive their information about legal aid through mass media. Legal aid providers tend to believe that information on legal aid is obtained through training sessions, whereas fewer than a third of potential clients hold this view.

Figure 6: Methods by which people learn about legal aid services



3.4. SERVICES REQUIRED OF LEGAL AID

When asked to identify the five principal problems in their communities, potential legal aid clients identified the following: poverty, youth gangs, land disputes, public health and drugs, with poverty being the problem most often identified, and drugs the least. Providers took an arguably more legalistic perspective, identifying land disputes, poverty, youth gangs, drugs and human rights abuses (meaning civil and political rights violations) as their communities' top five problems. Providers identified land disputes as the most pressing problem among the top five, and human rights violations as the least pressing of the five. Figure 7 gives details.

When asked to identify the top five problems for individuals rather than communities, potential clients identified poverty, ill health, land disputes, domestic violence, and corruption, with poverty (90% of respondents) identified as overwhelmingly more important than other problems. By contrast, legal aid providers identified domestic violence as the most important problem faced by individuals – followed by land disputes, poverty, youth gangs, and drugs. Figure 8 gives details.

These responses suggest that legal aid professionals most need to be well equipped in the fields of land rights, civil and political rights and crime, as well as in the law relating to public health and housing.

Figure 7: Top five community problems

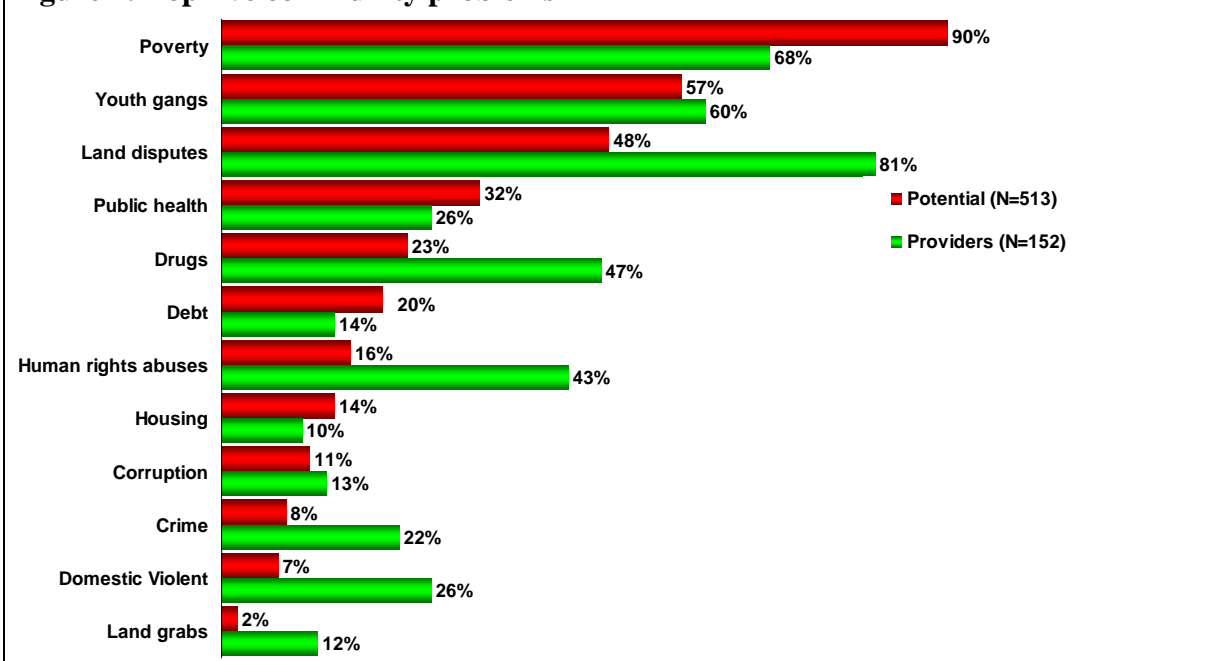
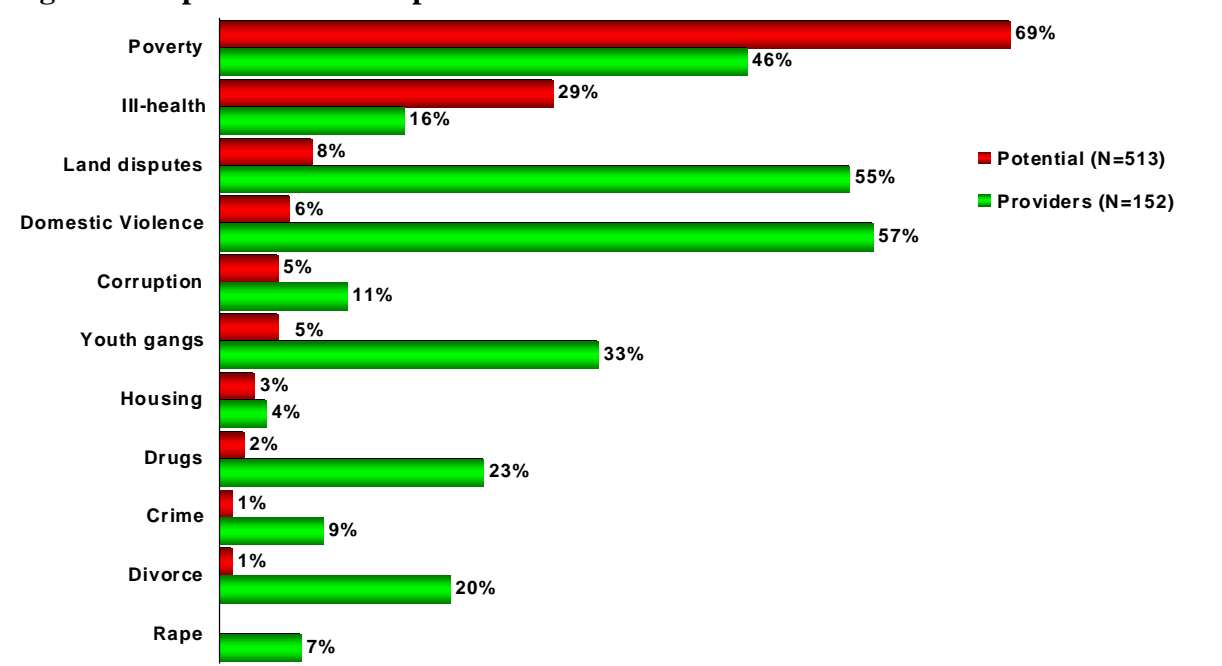


Figure 8: Top five individual problems



The large discrepancy in Figure 8 in the level of importance afforded to domestic violence by potential clients and legal aid providers may be partly explained by the prevailing attitude in Cambodia towards this issue. The 2005 survey *Violence Against Women: A Baseline Study*, done by Indochina Research Ltd and sponsored by EWMI, UNIFEM and GTZ, found widespread acceptance and even justification of domestic violence perpetrated by husbands against their wives, with more than half the respondents saying that such violence was justified.²⁹

Figure 9 outlines the benefits that respondents saw legal aid as providing, with a premium placed on knowledge of the law. Figure 10 gives details of the people and institutions that respondents identified as those that would refer them to legal services.

Confirming the results of previous studies,³⁰ commune authorities were identified as the main point of contact for referral to legal aid services. 81% of the respondents identified local authorities and local leaders including monks and elders as the main points of contact for referrals, and other organizations (both governmental and non-governmental) as the second most important points of contact for referrals.

²⁹ *Violence Against Women: A Baseline Study* (Ministry of Women's Affairs, GTZ, UNIFEM, EWMI: Phnom Penh, 2005)

³⁰ Yrigoyen-Fajardo, Raquel Z., Kong Rady and Phan Sin, *Pathways to Justice, Access to Justice with a Focus on Poor, Women and Indigenous People* (Ministry of Justice and UNDP: Phnom Penh 2005); Ninh, Kim and Roger Henke, *Commune Councils in Cambodia: A National Survey on their Functions and Performances, with a Special Focus on Conflict Resolution* (The Asia Foundation: Phnom Penh, May 2006)

Figure 9: Benefits of legal aid services

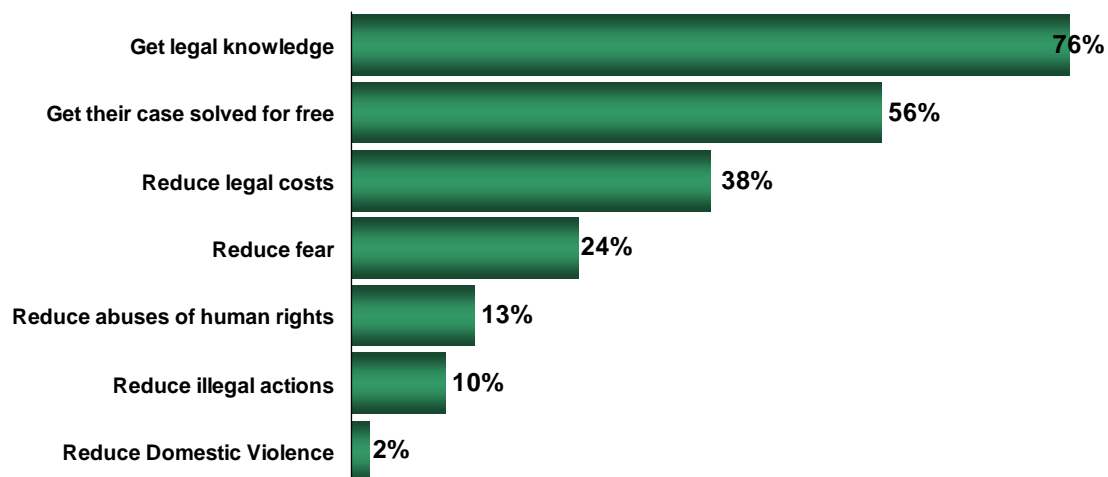
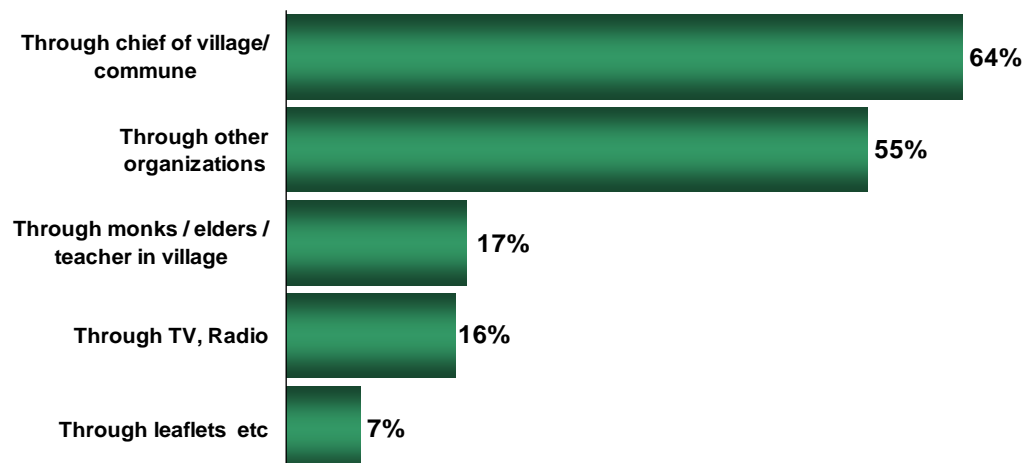
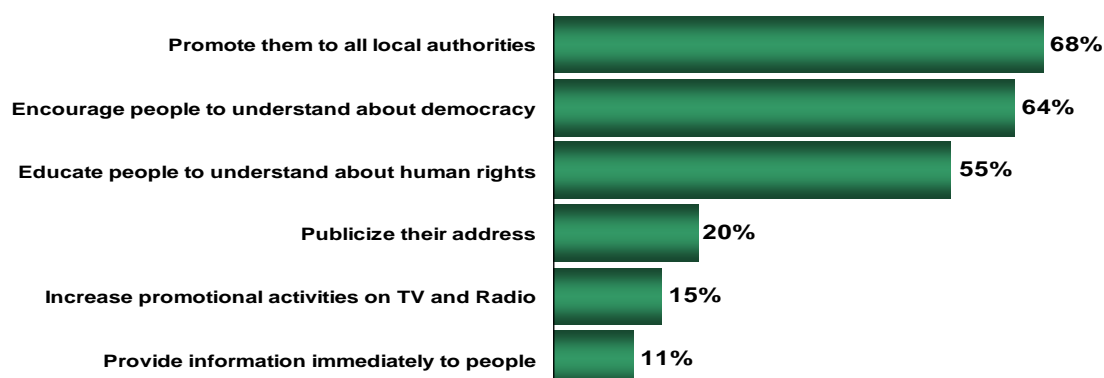


Figure 10: How people obtain legal aid services



It follows that when asked for suggestions as to how legal aid services should be promoted so that potential clients are adequately targeted, respondents identified connecting with local authorities as the most effective method. They also put a premium on education outreach as a potential promotional tool. Figure 11 shows details.

Figure 11: How legal aid services should be promoted

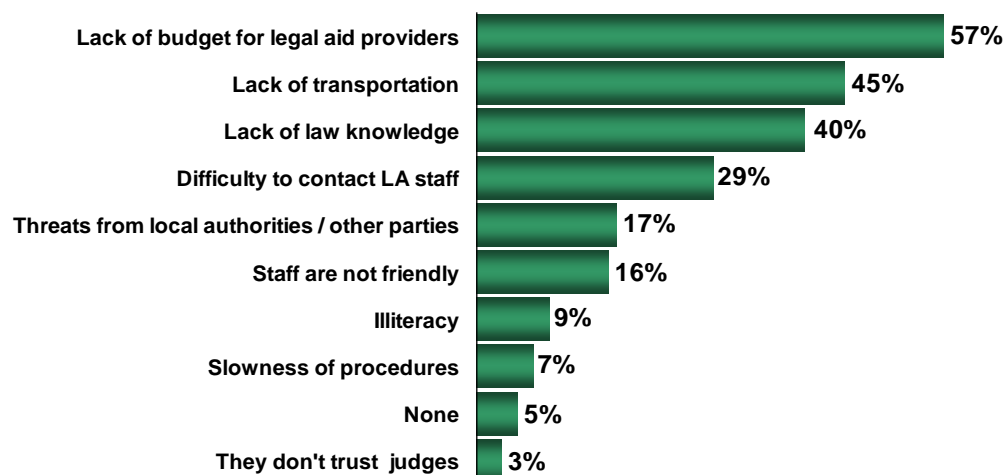


3.4.1 Ability of Legal Aid Providers to Provide Services

The Survey asked about the problems legal aid service clients face when obtaining legal aid services. Respondents cited financial problems as the primary concern, saying that legal aid providers lack the funds to provide adequate services, and that potential clients lack the funds to travel to and from legal aid offices or the courts.

Respondents also claimed that legal aid clients have difficulties contacting legal aid staff, suggesting the need for legal aid providers to improve their client service skills and their telephone services and other access facilities. Respondents in focus group discussions and in interviews with legal aid providers also identified legal aid clients' lack of legal knowledge as an obstacle to effective services, with clients apparently seeking advice or assistance too late or without the requisite forensic evidence. Figure 12 gives details.

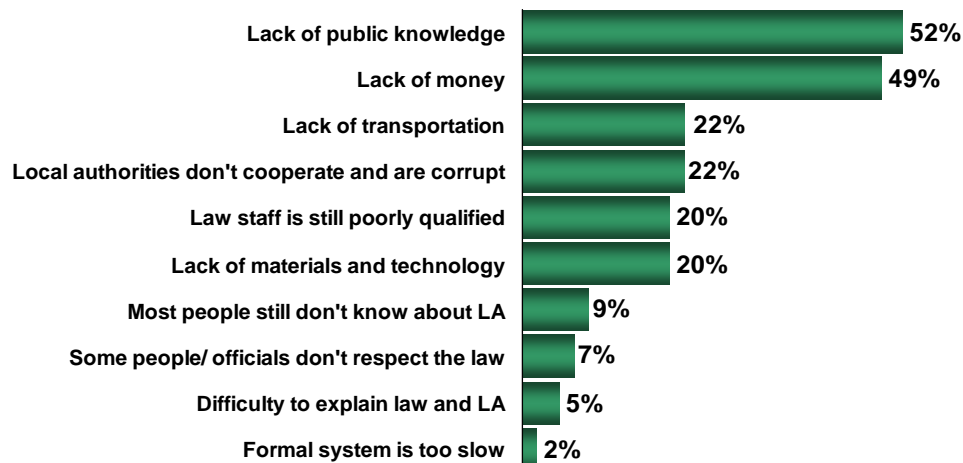
Figure 12: Problems clients face when obtaining legal aid services



To complement these data, the survey also looked into the problems legal aid providers face when providing legal aid services. Among the issues identified were clients' lack of knowledge of the law, and lack of financial resources, especially the money to travel to and from legal aid offices and the courts. Providers' own lack of resources was also identified as an impediment to the provision of services. So too were systemic shortcomings in the formal justice system.

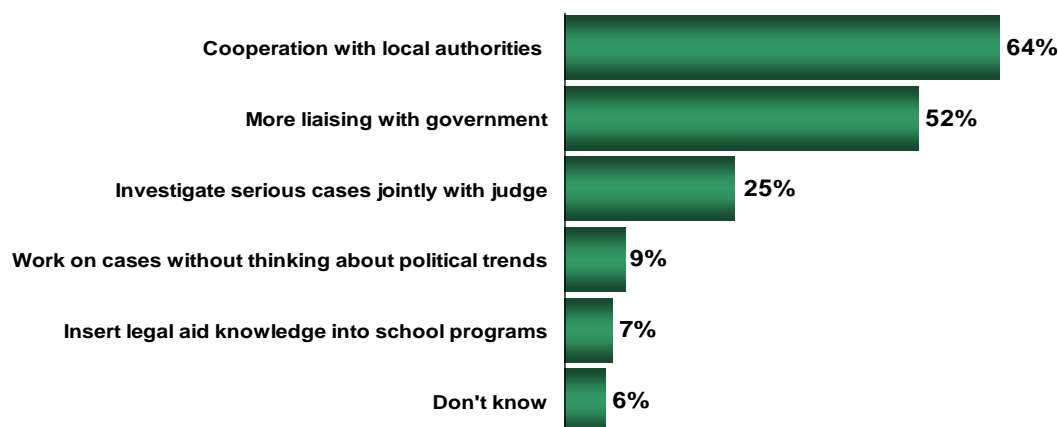
In focus group discussions, legal aid providers identified limited resources including limited IT resources and limited access to relevant legal texts as being obstacles to the proper investigation of client cases, proper advice to clients, and the proper representation of clients in court. Figure 13 gives details.

Figure 13: Main problems facing legal aid providers



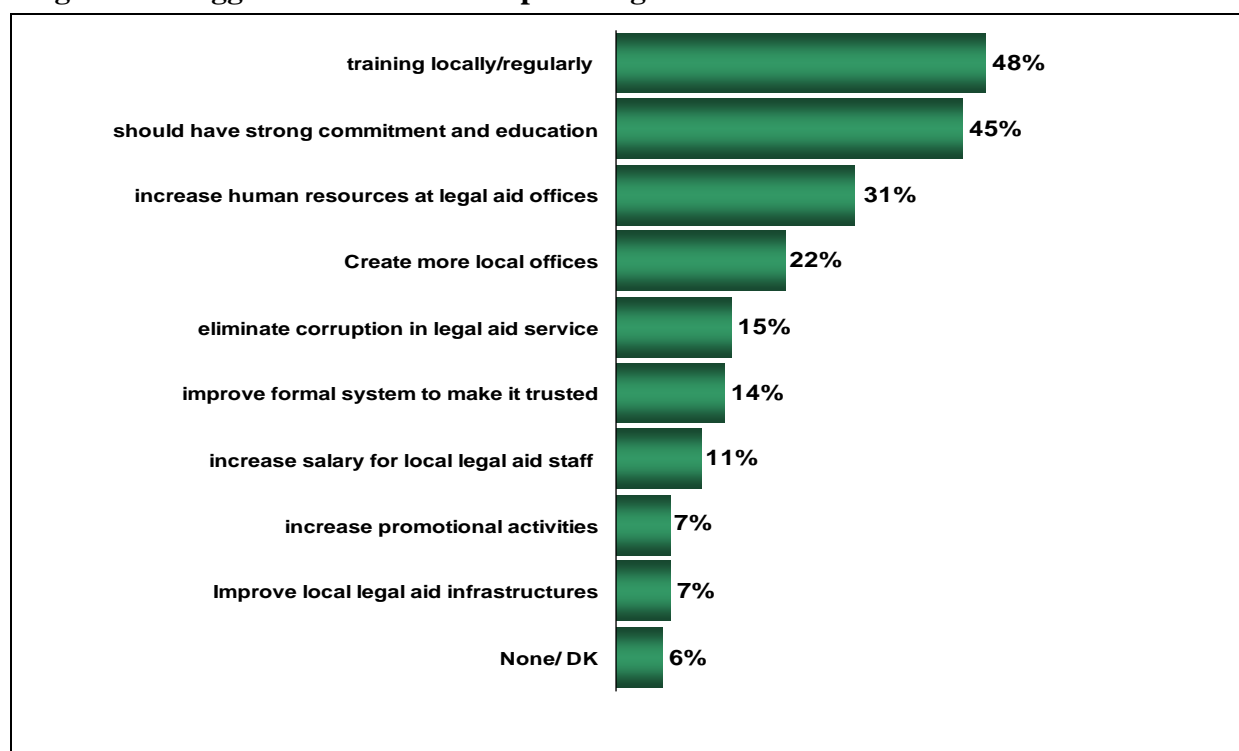
Survey respondents were also asked to suggest effective ways of incorporating legal aid services into the justice system. None of the answers given proposed making legal aid delivery part of the mechanisms of government. Instead a large number proposed improving linkages between legal aid providers and government, particularly local government. It was also suggested that legal aid professionals participate in court investigations. Figure 14 gives details.

Figure 14: How legal aid can be incorporated into justice delivery systems



When asked for suggestions on how to improve legal aid services, respondents placed a premium on training legal aid providers at the local level. Other responses centered on increasing the number of people available to provide legal aid. Figure 15 gives details. In focus groups discussions and individual interviews legal aid professionals complained about large case loads and limited support services, further highlighting the human resource issues faced by existing legal aid NGOs.

Figure 15: Suggestions on how to improve legal aid services



4 SUMMARY OF KEY FINDINGS

- The Cambodian Constitution and the 1993 State of Cambodia Criminal Procedure Law provide for legal aid to be made available.
- Under the law and regulations determining its mandate, BAKC is obliged to provide legal aid services to those who need them.
- Apart from what BAKC is supposed to provide, and the provision of free services by some private practitioners, legal aid services in Cambodia are all provided by NGOs.
- Up to 25% of all licensed lawyers and trainee lawyers are in full-time employment with these legal aid NGOs.
- Nationwide there is limited knowledge of the concept and practice of legal aid and where to get legal aid services, though generally the perception of legal aid is positive.
- Potential legal aid clients see information on legal aid as being made available mainly through mass media; legal aid providers see information on legal aid being made available mainly through community training.
- Potential legal aid clients identified poverty, youth gangs, land disputes, public health and drugs as the main issues their communities face.
- Most people look to commune councils and village authorities as those most likely to give them referrals to legal aid providers.
- Legal aid clients are hindered by limited finances, including money for transport; a limited ability to communicate with legal aid professionals; and limited knowledge of the law.

- Legal aid providers have too few people to provide legal aid services, and too little money for computers and other office equipment, legal aid texts and written resources, and investigation expenses.
- One way to improve legal aid services is to improve links between legal aid providers and government authorities, especially local government authorities, and to improve the quality of the formal justice system.

5 CONCLUSIONS AND RECOMMENDATIONS

The Survey identified four main problems or inadequacies relating to legal aid in Cambodia and its provision. These relate to: (1) budgets and finances, (2) institutions and infrastructure, (3) staffing and human resources, and (4) awareness among intended clients. The following recommendations are meant to be seen as part of an integrated approach to improving legal aid that has short-, medium- and long-term components to it.

5.1. BUDGETS AND FINANCES

Survey respondents repeatedly expressed concerns about the limited funding available for legal aid services and in particular for legal aid services in rural services. A crucial factor in ensuring the long term sustainability of legal aid services is the need to find ways of increasing and diversifying legal aid funding. Currently the funding for legal aid services primarily comes from a small number of donors, with Government contributions limited to funds available through BAKC.

The following recommendations are short- and medium-term interventions.

5.1.1 Informal National Network

In the short term, efforts should be made to broaden the range of donors interested in funding legal aid, by highlighting the present role of legal aid and its potential for the development of a Cambodian society and economy founded on a widely held sense of justice and the rule of law. This could be done by means of establishing an informal donor network and through ad hoc communication initiatives. The informal network could be made up of representatives of donor institutions, NGOs focused on providing legal aid, and BAKC and other relevant government institutions. Network representatives could meet as needed to discuss challenges and ensure cohesion in legal aid interventions. The development of the network could build on the stakeholder meetings and workshops that were part of this Survey.

5.1.2 Involvement of Business and Trade Associations and the Private Sector

An effort could also be made to involve business and trade associations, and larger private sector enterprises, in financing specific legal aid initiatives, especially in their areas of activity. This should use the strategy, communicated by ad hoc initiatives, of showing them how both their image and their business will benefit from such involvement.

5.1.3 Government Funding

Over the medium to long term, the Royal Government of Cambodia should be encouraged to allocate specific budgets to legal aid provision and the development of legal aid policies. Such funding could be channeled through BAKC or a central body to coordinate legal aid.

5.2. INSTITUTIONS AND INFRASTRUCTURE

The Survey has shown that insufficient legal aid services are available at the local level. Ideally, legal aid services should be available through commune and village authorities, provincial offices of the Ministries of Women's Affairs and Social Affairs, the police and the courts. However, the Survey findings show that the resources are not in place for such a construct to have any reality. Moreover there is not as yet a clear plan or 'road map' or any implementing body capable of putting such a construct into effect.

The Survey also found continuing high levels of community mistrust of the formal judicial sector, and to some extent of the informal sector too. One way to deal with this is to develop alternative channels of legal aid services that will function over the medium to long term in conjunction with more formal and established services.

5.2.1 Alternative Legal Aid Institutions

In the short and medium term, other institutions and organizations could be enlisted to provide information and training on legal aid services.

A recommendation of many survey respondents was to equip community and peer networks with knowledge and skills so that information about legal aid services could readily be made available. Such networks could be referral points for potential clients and legal aid service providers. To make such networks more effective, key contact persons could be trained in basic legal issues and provided with basic information about legal aid.

A specific outreach program could include private sector participation and draw on corporate social responsibility (CSR) practices. Business associations could provide information to their members to be passed on to clients and staff. Larger private sector enterprises could be conduits of information to staff, families, business partners and suppliers. Trade associations such as the Garment Manufacturers Association of Cambodia (GMAC), Cambodia's largest employer, maintain business goals for the betterment of their employees and communities, and support for legal aid could fit such goals. Trade unions could also provide their members with information on legal aid and referrals to legal aid services.

5.2.2 Legal Aid Referral Telephone Line

A toll-free central phone Help Line for legal aid referrals would be a useful access point for communities and individuals wanting to know about legal issues and legal aid services. The line could be donated by one of the Telecom companies. The Help Line could be operated by an NGO with staff trained in the provision of legal aid services, perhaps law students, interns or paralegals.

5.2.3 Legal Aid Offices

The Survey highlights the continuing need to create more legal aid offices with better services and more lawyers at the provincial and local level, especially in rural areas. To meet this need, legal aid office resources, lawyers and budgets will have to be enhanced. At the same time legal aid providers with already stretched resources will need to bring more of these resources to bear on rural areas, while developing new methods of providing legal aid services in Phnom Penh and other urban centers in the medium to long term. One such method could be the contracting of private practitioners to provide these services, since nearly all Cambodia's private practitioners are based in Phnom Penh ³¹.

5.2.4 Greater NGO Coordination

In the medium term, more communication and co-operation among NGO providers of legal aid will help ensure that the roles of different NGOs in the same area do not overlap, creating

³¹ According to the BAKC document listing current practicing lawyers.

duplication and waste of resources. Informal networks, some already in existence, could prove helpful in bringing this coordination about.

5.2.5 Documentation

Legal aid providers told surveyors that they could improve their services if relevant documents such as legal texts and laws were readily available. Databases and libraries of important laws could be developed over the medium to long term, and publicly or privately funded legal documentation centers could be created nationally and provincially as a source of information for legal aid professionals and legal students interested in legal aid. The books and data could be made available in physical or electronic forms.

5.2.6 Existing Institutions

The RCG should allocate specific budgets for legal aid provision via various key institutions. One such institution could be BAKC. Many participants in the feedback workshop suggested that the Bar Association be more involved in enabling and providing legal aid services. A specific service could be the production of lists of legal aid lawyers and their placement in relevant public offices. Another could be the setting up of legal resource centers (chapter 5.2.5, above).

As noted earlier (chapter 3.1.1.2), the Law on the Bar gives BAKC the responsibility of ensuring that poor persons are provided legal representation when needed. BAKC Internal Regulations provide for the payment and assignment of volunteer lawyers once prescribed court officials have determined entitlement. Review of the Internal Regulations shows, however, that this arrangement needs amplification and clarification. As it is the determination of who is a poor person is based on unspecified criteria. Furthermore there is no standard schedule for the payment of the volunteer lawyers, nor is their payment based on any measurement of performance or amount of work needed or done. Similarly the reporting form in the annex of the Internal Regulations is minimal and does not provide the BAKC with the means to gather information for planning purposes or for assessing lawyers' quality or efficiency.

A standardized means test, fee structure and means to monitor and evaluate volunteer lawyers' performance should be devised and implemented, with improvements on current practice piloted in the short term and expanded over time.

5.2.7 Creation of a Coordinating Body

The study identified a need for a central coordinating body to fund and develop a national infrastructure for legal aid. A Legal Aid Foundation comparable to legal aid foundations in other countries such as South Africa could meet this need. The Foundation could be managed by a board with representatives of the justice sector, courts, legal aid NGOs, the Bar Council, donors and the private sector. A formal foundation or similar institution could be developed over time from an initial informal network of interested constituencies of the kind described in chapter 5.1.1. The foundation would:

- Ensure involvement and sharing of responsibility by all relevant stakeholders
- Secure greater central Government cooperation in developing legal aid
- Draw in the private sector, perhaps through specific schemes such as the development of a privately-funded lawyer intern program.

5.3. STAFFING

The Survey found a consensus among current providers of legal aid services that they lack resources, personnel and training at the grassroots level. There is seen to be a marked need in the medium to long term to upgrade both the numbers and the skills of professionals in the legal aid field, with concomitant increases in financial resources and budgets.

5.3.1 Training Non-Legal Staff

The survey findings as well as findings of other studies³² indicate that when faced with a dispute or a legal problem a large majority of people in Cambodia turn first to village and commune authorities and the police. This being the case these officials need training on rights, the law and legal aid, focused on specific issues commonly encountered in local communities. In the view of the survey team the optimum arrangements for training would be training courses that are short term – 2 to 3 days – and repeated, and that are done by specialists and by legal aid providers at the local, district and provincial level. Survey feedback sessions suggested that such training could use a paralegal or ‘street law’ format.

A second form of assistance sought locally, especially by victims of crime, is help from local social workers employed by the Ministry of Women’s Affairs and the Ministry of Social Work. Specially tailored training on legal aid concerns for these social workers could also be given by legal aid providers and other specialists. The training could focus on the referral of legal aid clients to legal aid service providers, and on developing links between legal aid providers and government service providers.

5.3.2 Training Legal Staff

Many efforts have been made in Cambodia to improve legal aid lawyers’ skills. Sustained short, medium and long term efforts in this field are still needed. Training should focus on areas where legal aid clients are most in need of assistance, including land law, the law relating to domestic violence and laws relating to criminal matters. It should also focus on upgrading lawyers’ client-related skills – trial and advocacy skills, skills relating to interviewing clients, particularly traumatized victims, and investigations skills.

Training interventions need to be done in a cooperative way so as to not duplicate effort. A continuing legal education program provided by a university or BAKC would be useful for this purpose.

5.3.3 More Lawyers to Provide More Services

Survey respondents, both legal aid providers and potential clients, identified the need for more lawyers to provide legal aid, with some suggesting that there is a need for more than a thousand legal aid lawyers – twelve times the current number. One problem identified by the survey is the annual restriction placed by BAKC on the number of lawyers who can be given final training and then sworn in by the bar to begin practice. The current limit of 50-55 trainees is much too small to meet demand, and needs to be relaxed or removed.

³² Yrigoyen-Fajardo, Raquel Z., Kong Rady and Phan Sin, *Pathways to Justice, Access to Justice with a Focus on Poor, Women and Indigenous People*, Phnom Penh, Cambodia: UNDP and Ministry of Justice, 2005 and Ninh, Kim & Roger Henke, *Commune Councils in Cambodia: A National Survey on the Functions and Performance, with a Special Focus on Conflict Resolution*, Phnom Penh, Cambodia: The Asia Foundation, May 2006

5.3.4 New Ways of Providing Legal Aid

5.3.4.1 Private Practitioners

One way to provide legal aid in a cost-effective way would be to utilize the services of urban private practitioners. Administrative costs would be lower, as legal aid clinics as such would not need to be set up. Costs would be confined to minor administrative costs and fees for private advocates representing cases. During the survey private practitioners, especially those new to the profession, voiced interest in such a program. A first step would be to secure and sustain the modest funding required. A second step would be to train private practitioners in legal issues common to legal aid clients and legal aid client needs, so that they can service a clientele different from their normal one. Training would again focus on land law, domestic violence and crime.

To manage and sustain such an initiative well, a central body would be the ideal arrangement. This central body could administer a means and merits test of potential clients; monitor and evaluate lawyers' conduct; and create and oversee an operational policy and fee structure. Such a program could be piloted short term and expanded over time.

5.3.4.2 Legal Assistants

One way to meet the many unmet demands highlighted by the survey could be the creation of a cadre of professional legal assistants to assist and support legal aid lawyers. These legal assistants could conduct investigations and interview witnesses; do legal research; manage legal files and organize records and documents; and draft legal documents. They would be law school graduates with a concomitant understanding of the law. An on-the-job training program could equip them with skills in client servicing; interviewing and investigation; legal research, reasoning and analysis; legal drafting and writing; and law office management.

5.3.4.3 Community Paralegals

The survey identified a chronic lack of needed legal aid services in rural areas. To help meet this need a medium- to long-term training program could be structured to provide basic relevant skills to selected commune and village representatives and community networks (see chapter 5.4.1). The training would be ongoing, standardized and based on a 'street-law' manual that provides basic legal information and lists legal aid offices and other referral points. The training curriculum would include basic aspects of understanding the law; negotiation and mediation; interviewing; and participatory dispute resolution.

5.3.4.4 University Programs

Pannasastra University's practice of placing law student interns with legal aid providers and providing communities with basic legal knowledge should be reviewed for possible enlargement or replication (see chapter 3.2.10). Lessons should be documented for other, similar programs.

5.4. SPREADING AWARENESS OF LEGAL AID

A basic problem highlighted by the survey is the fact that most ordinary Cambodians, especially those in rural areas, know nothing about their rights and are fearful of the law. More specifically, most survey respondents did not know that legal aid is available, and did not know where to find it.

To remedy this state of the affairs the following initiatives are recommended:

5.4.1 Community and Peer Networks

Community and peer networks could be used to promote awareness of law and legal aid. Participants in the survey's 'open house' workshops envisioned the creation of legal aid networks through local networks identified and assisted by NGOs and legal aid lawyers. The networks would be made up of volunteers who would circulate information and take action as needed. The networks could be based on individuals in districts and communes, villages, workplaces and courts.

5.4.2 Concerted Communications

A coordinated effort could be made to promote awareness of legal aid through a communications strategy that uses a variety of media and communication channels. The focus would be on citizens' rights, the law and legal aid, and on addressing legal aid issues with the help of commune authorities and the police.

For the communication strategy to be effective, it would operate at two levels, locally and in a concerted, planned manner at the provincial and national level. At the local level legal aid organizations would liaise with and train local authorities on rights, the law, and legal aid. Public meetings and other forums would be organized at the village and commune level so that villagers could gain a better understanding of these issues. Legal aid agencies would use books, posters, leaflets and other media, with an emphasis on images rather than texts, especially for semi-literate or illiterate groups. The materials could be planned, designed and produced at the central level then distributed by legal aid organizations locally. These legal aid organizations could cooperate with agencies and organizations working in other sectors such as health, education and women's affairs, thus reducing costs and increasing reach and impact.

Likewise, broadcast media activities would be planned centrally in coordination with local legal aid organizations, integrating grassroots communication with broadcasts by such means as listening and discussion groups. Radio and television broadcasts could be interlinked and could include spot-message advertising and dedicated programs in different formats including 'soap opera' and drama series. Survey respondents emphasized the impact of television, even if it is less accessible than radio in rural areas.

Such a communications strategy would be complex and would need substantial resources.

6 TIMELINE

<i>Intervention</i>	<i>Timeline</i>			<i>Chapter</i>
	<i>Short-Term</i> (6 mo. – 18 mo.)	<i>Medium-Term</i> (18 mo. – 36 mo)	<i>Long-Term</i> (> 36 months)	
<i>Budgetary and Financing</i>				
Informal National Network	X			5.1.1
Involvement of Business/Trade Associations and Private Sector	X	X	X	5.1.2
Government Funding		X	X	5.1.3
<i>Institutions & Infrastructure</i>				
“Alternative” Institutions		X	X	5.2.1
Legal Aid Referral Line	X	X		5.2.2
More and improved legal aid offices	X	X	X	5.2.3
Greater Civil Society Coordination		X		5.2.4
Documentation Access & Dissemination		X	X	5.2.5
Existing Institutions	X	X	X	5.2.6
Development of a Legal Aid Foundation			X	5.2.7
<i>Legal Aid Staffing</i>				
Training of non-legal staff	X	X	X	5.3.1
Training of legal staff	X	X	X	5.3.2
Admittance of more lawyers to practice	X			5.3.3
Private lawyers to provide legal aid	X	X	X	5.3.4.1
Professional legal assistants		X	X	5.3.4.2
Community paralegals (“street law”)		X	X	5.3.4.3
Expand clinical programs at Universities			X	5.3.4.4
<i>Improve awareness of legal aid</i>				
Community and Peer Networks	X	X	X	5.4.1
National and local Communication Campaign	X	X	X	5.4.2

APPENDICES

APPENDIX A: SAMPLING SOURCE FOR STRUCTURED INTERVIEWS, KEY INFORMANT INTERVIEWS AND FOCUS GROUP DISCUSSIONS

No.	Institution	Position
<i>Courts and Dispute Resolution Bodies</i>		
1.	Supreme Court	President or Vice-President, Prosecutor General or Vice-Prosecutor, Judges, Clerks
2.	Appellate Court	President or Vice-President, Prosecutor General or Vice-Prosecutor, Judges, Clerks
3.	Provincial/Municipal Court	President or Vice-President, Judges, Clerks
4.	Labor Arbitration Council	Director, Management, Program officers, arbitrators
<i>Government Authorities and Institutions</i>		
5.	District and Commune Authority	District Governor or Deputy District Governor, Management
6.	District/Commune Police	District Inspector or Vice-Inspector, Chief of Commune or District
7.	Ministry of Commerce	Minister, Secretaries of States, Provincial Officers, etc.
8.	Ministry of Justice	Minister, Secretaries of States, Provincial Officers, etc.
9.	Ministry of Labor and Vocational Training	Minister, Secretaries of States, Provincial Officers, etc.
10.	Ministry of Social Affairs	Minister, Secretaries of States, Provincial Officers, etc.
11.	Ministry of Women Affairs and Veterans	Minister, Secretaries of States, Provincial Officers, etc.
12.	Provincial/District Prisons	Prison Warden, Prisoners (accused and convicted)
13.	Provincial/Municipal Authority	Provincial Governor or Deputy Provincial Governor, Management
14.	Supreme Council of Magistracy	Secretary, Officials
<i>Educational Institutions</i>		
15.	Lawyer Training Center (LTC)/ Legal Consultation Office (LCO)	Director or Vice-Director, Management, students
16.	Pannasastra University (esp. clinical program)	Director, Management, Program officers, students
17.	Royal School of Judges and Prosecutors	Director or Vice-Director, Management
18.	Royal University for Law and Economics (RULE)	Director or Vice-Director, Management
<i>Private Bar</i>		
19.	Bar Association of Kingdom of Cambodia	Director or Vice-Director, Secretary

b | Legal Aid in Cambodia: Practices, Perceptions and Needs
A Study based on a National Survey

		General
20.	Private Practitioners	Lawyers
<i>Civil Society</i>		
21.	ADHOC	Director, Management, Program officers, legal staff
22.	CDP	Director, Management, Program officers, legal staff
23.	CLEC	Director, Management, Program officers, legal staff
24.	CSD	Director, Management, Program officers, legal staff
25.	CWCC	Director, Management, Program officers, legal staff
26.	LAC	Director, Management, Program officers, legal staff
27.	LICADHO	Director, Management, Program officers, legal staff
28.	LSCW	Director, Management, Program officers, legal staff
29.	PJJ	Director, Management, Program officers, legal staff
30.	Other Legal Aid Organizations	Director, Management, Program officers
31.	Other provincially based NGOs/CBOs	Director, Management, Program officers
32.	Other Human Rights NGOs	Director, Management, Program officers
33.	Other Legal Education NGOs	Director, Management, Program officers

Legal Aid in Cambodia: Practices, Perceptions and Needs

A Study based on a National Survey

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APPENDIX B: RESEARCH INSTRUMENTS

Copy of G - EWM LA Clients' Qnaire (revised3M)

PROJECT: EWM (Potential Clients)

INDONESIA RESEARCH (Cambodia) Ltd
#9 Mos Toi Tung Boulevard, P.O. Box 629
Tel: (855) 23 215 184, 023 362 392
Fax: (855) 23 215 190
Phnom Penh, Cambodia

Job No: **MS 420**

Interview No: **1 / 1 / 1 / 1 / 1**

Interviewer Name: **1 / 1 / 1 / 1 / 1**

Interviewer No: **1 / 1 / 1 / 1 / 1**

Date of Interview: **1 / 1 / 2016**

Interview Length: **FF** To **To**

Respondent's Name: **(7)**

Organisation Name: **(8)**

Address: House: **(9)** Street: **(9)** Village/Sangkat: **(9)** Commune: **(9)**

District/Chan: **(9)** Province/City: **(9)** Spot: **(9)**

Telephone Number: **(9)**

N 1 Survey Location

Kampong Cham 3 Banteay Manhear 1 Kratie 10 Koh Kong 9

Sray Rieng 20 Older Manhear 22 Ratanakiri 16 Kampot/Vep 7

Butambang 2 Pursat 15 Mondulakiri 11

Siem Reap 17 Phnom Penh 12 Kampong Thom 18

N 3 Household Income Level

0-20US\$ per month 1 Check Quotas

21-50\$ per month 2 Check Quotas

51-100\$ per month 3 Check Quotas

101-150\$ per month 4 Check Quotas

151-200\$ per month 5 Check Quotas

INTRODUCTION & PROFILING

Good morning/afternoon, my name is I am an interviewer for Indonesia Research an independent research company. We are conducting a study on aspects of justice in Cambodia. The project is sponsored by the Council for Legal and Judicial Reform. Please be assured that any information you provide will be anonymous and no personal information collected will appear in any documents or reports based on this survey.

Profile of the respondent Firstly I would like to find out a little bit about you and your family background....

Q 1 a Where were you born? **(7)**

Q 1 b And where do you live now? **(8)**

Q1a born in Province: **(9)** Commune/Sangkat: **(9)** Village: **(9)**

Q1b live now Province: **(9)** Commune/Sangkat: **(9)** Village: **(9)**

Q 2 If you have children, how many children do you have? **(9)**

Q2 don't have children go to Q3c have children of age and sex: **(10)**

Boys: 0 to 4: **(9)** 5 to 9: **(10)** 10 to 14: **(11)** 15 to 19: **(12)**

Girls: 0 to 4: **(14)** 5 to 9: **(15)** 10 to 14: **(16)** 15 to 19: **(17)**

11/18/2008 1

Copy of G - EWM LA Clients' Qnaire (revised3M)

20 and over: **(13)** 20 and over: **(16)**

GENERAL QUESTIONS

Use of formal & informal justice systems

Q 5 a In Cambodia, there are two ways of accessing justice. One is going to court (judges, police), the other is going to the informal justice system, which can be: arbitration councils, or cadastral commissions, or communal authorities. What in your opinion are the main differences between formal and informal systems? **(8)**

Q 5 b In your opinion, for which cases do people most use each system (max 3 answers)? **(9)**

Formal Informal

Land disputes 1 (9) 1 (16)

Labour disputes 2 (10) 2 (16)

Domestic violence 3 (11) 3 (16)

Inheritance disputes 4 (12) 4 (16)

Divorce, separation, alimony, custody 5 (13) 5 (16)

Criminal cases (other than dr) 6 (14) 6 (16)

Civil cases (debt, loans, commercial conflicts) 7 (15) 7 (16)

Other (specify) 8 (16) 8 (16)

Don't know/don't answer 99 (17) 99 (16)

Q 5 c In your experience, how do you think people rate both systems? **(10)**

Formal Informal

Very satisfactory 1 (17) 1 (16)

Satisfactory 2 (18) 2 (16)

More satisfactory than unsatisfactory 3 (19) 3 (16)

Don't know 4 (20) 4 (16)

More unsatisfactory than satisfactory 5 (21) 5 (16)

Unsatisfactory 6 (22) 6 (16)

Very unsatisfactory 7 (23) 7 (16)

Refuse 99 (24) 99 (16)

11/18/2008 2

Copy of G - EWM LA Clients' Qnaire (revised3M)

Q 3 a Who is the head of your family (in relation to you)? **(10)**

Father 1

Mother 2

Husband 3

Wife 4

Grandfather 5

Grandmother 6

I am 7

Other relative (uncle/aunt, sister/brother) 8

Q 3 b Does your family own any land? **(11)**

Q 3 c Does your family own a house? **(12)**

Yes: 1 Yes: 1

No: 2 No: 2

Refuse: 99 Refuse: 99

Group of reference ... Now I would like to ask you about your community **(13)**

Q 4 a Which of the following best describes your community? **(14)**

Rural commune/sangkat 1

Urban commune/sangkat 2

Minority village/commune/sangkat 3

Other (specify) 4

Q 4 b How many people make up your community? **(15)**

Q 4 c And what is the distance between you and the next: **(16)**

By car: **(17)** hours: **(18)** hours: **(19)** hours: **(20)** hours: **(21)**

By motorcycle: **(22)** hours: **(23)** hours: **(24)** hours: **(25)** hours: **(26)**

On foot: **(27)** hours: **(28)** hours: **(29)** hours: **(30)** hours: **(31)**

Other Specify: **(32)** hours: **(33)** hours: **(34)** hours: **(35)** hours: **(36)**

Q 4 d What kinds of authorities or organisations are there in your community? **(37)**

11/18/2008 3

Copy of G - EWM LA Clients' Qnaire (revised3M)

GENERAL QUESTIONS

Use of formal & informal justice systems

Q 5 a In Cambodia, there are two ways of accessing justice. One is going to court (judges, police), the other is going to the informal justice system, which can be: arbitration councils, or cadastral commissions, or communal authorities. What in your opinion are the main differences between formal and informal systems? **(8)**

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Unsatisfactory 6 (22) 6 (16)

Very unsatisfactory 7 (23) 7 (16)

Refuse 99 (24) 99 (16)

11/18/2008 4

d Legal Aid in Cambodia: Practices, Perceptions and Needs

A Study based on a National Survey

Copy of Q - BMM LA Clerk Qnaire (revised16)	Copy of Q - BMM LA Clerk Qnaire (revised16)																																																																																																																																																																																																																																								
<p>Perceptions and knowledge of both systems</p> <p>Formal system</p> <p>Q 6 Let's now talk about the formal system. I am going to read out some statements that describe certain functions and aspects of such system.</p> <p>Please rate each statement on a scale from 1 to 7, where 1 means "I strongly disagree" with the statement, and 7 means "I strongly agree"</p> <p>Read out Responses, Rate beginning with one marked "1". 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I would like to get your opinion, based on your experience, of how well you think that the justice system in Cambodia presents the elements described on this card</p> <p>Give Respondent "Justice" Cheatsheet, Allow them time to read it then ask:</p> <p>Q 8 I am going to read out each of the 11 statements regarding what a good law should be. Please rate each statement on a scale from 1 to 7. Where 1 means "Strongly disagree that this element is present in the Cambodian Justice System" Where 7 means "Strongly Agree that this element is present in the Cambodian Justice System"</p> <p>Read out Responses, Rate beginning with one marked "1". 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<p>SPECIFIC LEGAL AID QUESTIONS</p> <p>Problem in your community ... <i>Now I would like to ask you about problems or difficulties in your community</i></p> <p>Q 9 a What do you think are the most important problems in your community? <i>Record #14</i></p> <table><tbody><tr><td>Poverty</td><td>1</td><td>(9)</td></tr><tr><td>Land disputes</td><td>2</td><td>(9)</td></tr><tr><td>Companies taking land from villagers</td><td>3</td><td>(7)</td></tr><tr><td>Housing</td><td>4</td><td>(9)</td></tr><tr><td>Public health</td><td>5</td><td>(9)</td></tr><tr><td>Crime</td><td>6</td><td>(9)</td></tr><tr><td>Drugs</td><td>7</td><td>(11)</td></tr><tr><td>Corruption</td><td>8</td><td>(12)</td></tr><tr><td>Human rights abuses</td><td>9</td><td>(12)</td></tr><tr><td>Debt</td><td>10</td><td>(14)</td></tr><tr><td>Youth gangs</td><td>11</td><td>(16)</td></tr><tr><td>Other (specify)</td><td>12</td><td>(8)</td></tr></tbody></table> <p>Q 9 b And which are the most important problems you experience personally? <i>Record #14</i></p> <table><tbody><tr><td>Poverty</td><td>1</td><td>(12)</td></tr><tr><td>Ill health of you and your family</td><td>2</td><td>(18)</td></tr><tr><td>Domestic disputes or violence</td><td>3</td><td>(16)</td></tr><tr><td>Divorce</td><td>4</td><td>(8)</td></tr><tr><td>Land disputes</td><td>5</td><td>(11)</td></tr><tr><td>Housing</td><td>6</td><td>(12)</td></tr><tr><td>Crime</td><td>7</td><td>(12)</td></tr><tr><td>Drugs</td><td>8</td><td>(14)</td></tr><tr><td>Corruption</td><td>9</td><td>(16)</td></tr><tr><td>Youth gangs</td><td>10</td><td>(16)</td></tr><tr><td>Other (specify)</td><td>11</td><td>(12)</td></tr></tbody></table>	Poverty	1	(9)	Land disputes	2	(9)	Companies taking land from villagers	3	(7)	Housing	4	(9)	Public health	5	(9)	Crime	6	(9)	Drugs	7	(11)	Corruption	8	(12)	Human rights abuses	9	(12)	Debt	10	(14)	Youth gangs	11	(16)	Other (specify)	12	(8)	Poverty	1	(12)	Ill health of you and your family	2	(18)	Domestic disputes or violence	3	(16)	Divorce	4	(8)	Land disputes	5	(11)	Housing	6	(12)	Crime	7	(12)	Drugs	8	(14)	Corruption	9	(16)	Youth gangs	10	(16)	Other (specify)	11	(12)	<p>Experience of justice/other means</p> <p>Q 10 a Did you ever go to court/judge? <i>(9)</i></p> <table><tbody><tr><td>Yes</td><td>1</td><td>Continued Q10a</td></tr><tr><td>No</td><td>2</td><td>Stop A-Q10a</td></tr><tr><td>DK</td><td>99</td><td></td></tr></tbody></table> <p>Q 10 b What for? <i>Record #14</i></p> <p><i>multiple answers in interval 1-7</i></p> <table><tbody><tr><td>land disputes</td><td>1</td><td>(16)</td></tr><tr><td>labour disputes</td><td>2</td><td>(16)</td></tr><tr><td>domestic violence</td><td>3</td><td>(10)</td></tr><tr><td>inheritance disputes</td><td>4</td><td>(16)</td></tr><tr><td>divorce, separation, alimony, custody</td><td>5</td><td>(16)</td></tr><tr><td>criminal cases (other than dr)</td><td>6</td><td>(16)</td></tr><tr><td>civil cases (debt, loans, commercial conflicts)</td><td>7</td><td>(16)</td></tr><tr><td>other (specify)</td><td>8</td><td>(16)</td></tr><tr><td>don't know/don't answer</td><td>99</td><td>(1)</td></tr></tbody></table> <p>Q 10 c How was it managed and solved? <i>(1)</i></p> <p>_____ <i>(1)</i></p> <p>_____ <i>(1)</i></p> <p>_____ <i>(1)</i></p>	Yes	1	Continued Q10a	No	2	Stop A-Q10a	DK	99		land disputes	1	(16)	labour disputes	2	(16)	domestic violence	3	(10)	inheritance disputes	4	(16)	divorce, separation, alimony, custody	5	(16)	criminal cases (other than dr)	6	(16)	civil cases (debt, loans, commercial conflicts)	7	(16)	other (specify)	8	(16)	don't know/don't answer	99	(1)			
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Copy of Q - BMM LA Clerk Qnaire (revised10)	Copy of Q - BMM LA Clerk Qnaire (revised10)
<p>Q 12 c How was it managed and solved?</p> <p>Q 12 d Were you happy with the result?</p> <p>Q 12 e If you had any of the problems mentioned in Q12c above and don't go to the authorities, how did you solve them?</p> <p>Experience of legal aid</p> <p>Q 13 a Let's talk now about how people can access justice. Have you ever heard the expression "legal aid"?</p> <p>Q 13 b What do you think "legal aid" could mean?</p> <p>Q 13 c What do you think "legal aid" is?</p> <p>Q 13 d How did you come to know about legal aid? (MULTIPLE ANSWERS)</p> <p>Q 13 e What was the case?</p>	<p>Q 13 f Were you or your family satisfied with your experience of legal aid?</p> <p>Knowledge of legal aid</p> <p>Q 11 a In your opinion, how is easy to receive legal aid in Cambodia?</p> <p>Q 14 b Can you name any agency you know which offers legal aid? DON'T READ ANSWERS</p> <p>Q 14 c Who, in your opinion, are the people whom legal aid agencies are most interested in helping?</p> <p>Q 14 d In your opinion, do legal aid agencies succeed in reaching the people you mentioned?</p>
11/10/2008 13	11/10/2008 14
<p>Copy of Q - BMM LA Clerk Qnaire (revised10)</p> <p>Needs related to legal aid</p> <p>Q 15 a Legal aid is a way of providing free or very cheap legal consultancy and help in courts to people. In your opinion, who should benefit from legal aid?</p> <p>Q 15 b In your opinion, who pays for legal aid services in Cambodia?</p> <p>Q 15 c What is the best way for people to learn about legal aid? (MULTIPLE ANSWERS)</p> <p>Q 15 e What kind of problems can people have when trying to get legal aid services?</p> <p>Expectations</p> <p>Q 16 a Do you agree with this statement: Being assisted by legal aid will help people to obtain justice?</p> <p>Q 16 b Why do you think so?</p> <p>Q 16 c Which kind of problems can people have when using legal aid services?</p>	<p>Demographics</p> <p>Now a few final questions about yourself and your household to help us in our analysis....</p> <p>D 1 What is your marital status?</p> <p>D 2 How Old are You?</p> <p>D 2 a Gender</p> <p>D 3 What is the last grade of formal education you completed?</p> <p>D 4 What is your occupation? Position: Industry:</p> <p>Skill Qualification:</p> <p>D 4 a How many people live at your house? (Include all those sleeping in the dwelling for at least three of the last 12 months including children, adult relatives and domestic servants for whom you have a financial responsibility)</p>
11/10/2008 15	11/10/2008 16

40

Copy of Q - EWM LA Provides Qnaire_EMO (with Demo)

PROJECT: EWM (LA Providers)

INDOCHINA RESEARCH

Indochina Research (Cambodia) Ltd
#9 Moa Tse Tung Boulevard, PO Box 629
Tel: (855) 23 215 184, 023 382 392
Fax: (855) 23 215 180
Phnom Penh, Cambodia

Respondent's Name: _____ (7)
Organization Name: _____ (7)
Address: House _____ Street _____ Village/Sangkat _____ Commune _____
District/Chan _____ Province/City _____ Spic _____ (8)
Telephone Number: _____ (8)

N 1 Survey Location

Kampong Cham	01	Banteay Mancheay	1	Kratie	10	Koh Kong	9
Siem Reap	20	Older Mancheay	22	Ratanakiri	16	Kampong Kep	7
Buttingang	2	Pursat	15	Mondulakiri	11		
Siem Reap	17	Phnom Penh	12	Kampong Som	18		

INTRODUCTION & PROFILING

Good morning/afternoon, my name is _____. I am an interviewer for Indochina Research an independent research company. We are conducting a study on aspects of justice in Cambodia. The project is sponsored by the Council for Legal and Judicial Reform. Please be assured that any information you provide will be anonymous and no personal information collected will appear in any documents or reports based on this survey.

Profile of the respondent and his organization

Firstly I would like to find out a little bit about you and your organization...

Q 1 a Which organization do you work for? _____ (2)

Q 1 b What kind of services are mainly provided by your organization? _____ (2)

_____ (3)

Q 1 c How would you define the expression "legal aid"? _____ (6)

_____ (6)

Q 2 Which ones of the services you mentioned above are related to legal aid? _____ (8)

_____ (10)

Q 3 a Which activities related to legal aid are actually undertaken by your organization in your province? _____ (10)

_____ (14)

11/18/2006

1

Copy of Q - EWM LA Provides Qnaire_EMO (with Demo)

GENERAL QUESTIONS

Use of formal & informal justice systems

Q 5 a In Cambodia, there are two ways of accessing justice. One is going to court (judges, police), the other is going to the informal justice system, which can be: arbitration councils, or cadastral commissions, or communal authorities. What in your opinion are the main differences between formal and informal systems? _____ (8)

_____ (10)

Q 5 b In your opinion, for which cases do people most use each system (max 3 answers)? _____ (8)

_____ (10)

	Formal	Informal
Land disputes	1 (8)	1 (18)
Labour disputes	2 (9)	2 (19)
Domestic violence	3 (10)	3 (20)
Inheritance disputes	4 (10)	4 (21)
Divorce, separation, alimony, custody	5 (13)	5 (22)
Criminal cases (other than dr)	6 (16)	6 (23)
Civil cases (debt, loans, commercial conflicts)	7 (16)	7 (24)
Other (specify)	8 (16)	8 (25)
Don't know/don't answer	99 (17)	99 (26)

Q 5 c In your experience, how do you think people rate both systems? _____ (2) Record 24 even

	Formal	Informal
Very satisfactory	1 (2)	1 (3)
Satisfactory	2 (2)	2 (3)
More satisfactory than unsatisfactory	3 (2)	3 (3)
Don't know	4 (4)	4 (4)
More unsatisfactory than satisfactory	5 (5)	5 (5)
Unsatisfactory	6 (6)	6 (6)
Very unsatisfactory	7 (7)	7 (7)
Refuse	99 (7)	99 (7)

11/18/2006

3

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Q 3 b Who are the targeted groups of these activities?

_____ (19)
_____ (19)
_____ (19)

Q 3 c Are these the people who mostly receive legal aid - from your or other organizations - in your province?

Q 3 d How many people received legal aid - from your or other organizations - in your province in the year 2005, approximately?

Q3c	(19)	Q3d	(19)
Yes	1	10 or less	1
No	2	11 to 25	2
Div/DA	99	26 to 50	3
		more than 50	4
		Div/DA	99

Q 4 a On which basis does your organization decide to intervene in one area?

_____ (19)
_____ (19)
_____ (19)

Q 4 b Apart from your organization, which other organizations/people are providing legal aid services in your province?

Government agencies & officials	1 (21)
Local authorities	2 (24)
Private practitioners	3 (25)
NGOs (specify, please)	4 (26)
	5 (27)
	6 (28)
	7 (29)
Don't know/don't answer	99 (30)

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Perceptions and knowledge of both systems

Formal system

Q 6 Let's now talk about the formal system. I am going to read out some statements that describe certain functions and aspects of such system. Please rate each statement on a scale from 1 to 7, where 1 means "I strongly disagree" with the statement, and 7 means "I strongly agree".

Read out Responses, Rotate beginning with one marked "1". Record 24

	Strongly disagree	Disagree	Somewhat disagree	Neutral/know	Somewhat agree	Agree	Strongly agree
R10 The formal justice system effectively protects the rights of every citizen, regardless of age, gender, race, social status	1	2	3	4	5	6	7 (26)
R12 It effectively controls the abuses of power	1	2	3	4	5	6	7 (26)
R13 It effectively solves conflicts between citizens	1	2	3	4	5	6	7 (26)
R14 For most people, courts are within reasonable distance from where they live	1	2	3	4	5	6	7 (26)
R15 The language spoken in court is understood by most people	1	2	3	4	5	6	7 (26)
R16 Most people understand how the formal justice system works	1	2	3				

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A Study based on a National Survey

i

<p>Copy of Q - BMM LA Provides Qnaire_BM (with Demo)</p> <p>[R1] Offenders usually are rehabilitated or reintegrated to the community..... 1 2 3 4 5 6 7 (9)</p> <p>11/18/2008 5</p>	<p>Copy of Q - BMM LA Provides Qnaire_BM (with Demo)</p> <p>[R1] If one has to access informal justice, she roughly knows in advance how much it will cost..... 1 2 3 4 5 6 7 (9)</p> <p>[R1] One can roughly predict an informal case's outcome from the study of past cases..... 1 2 3 4 5 6 7 (9)</p> <p>[R1] Most people trust arbitration and judicial commissions..... 1 2 3 4 5 6 7 (9)</p> <p>[R1] Most people trust communal authorities and elders..... 1 2 3 4 5 6 7 (9)</p> <p>11/18/2008 6</p>																																																																																																																																														
<p>Copy of Q - BMM LA Provides Qnaire_BM (with Demo)</p> <p>"GOOD LAW"</p> <p><i>I now want to talk about what a good law should be....</i> <i>Listed on this card are descriptions of several elements of a good law as described by people like yourself!</i> <i>I would like to get your opinion, based on your experience, of how well you think that the justice system in Cambodia presents the elements described on this card</i></p> <p>Give Respondent "Justice" Sheet, Allow them time to read it then ask:</p> <p>Q 8 I am going to read out each of the 11 statements regarding what a good law should be. Please rate each statement on a scale from 1 to 7. Where 1 means "Strongly disagree that this element is present in the Cambodian Justice System" Where 7 means "Strongly Agree that this element is present in the Cambodian Justice System" Read out Responses, Rotate beginning with one marked "X". Record 24</p> <table border="1"><thead><tr><th></th><th>Strongly disagree</th><th>Disagree</th><th>Somewhat disagree</th><th>Neutral/neutral</th><th>Somewhat agree</th><th>Agree</th><th>Strongly agree</th></tr></thead><tbody><tr><td>[R1] The laws are written clearly and can be understood by people who need to use them</td><td>1</td><td>2</td><td>3</td><td>4</td><td>5</td><td>6</td><td>7 (9)</td></tr><tr><td>[R2] Information about laws that affect the people is available to those who need it</td><td>1</td><td>2</td><td>3</td><td>4</td><td>5</td><td>6</td><td>7 (9)</td></tr><tr><td>[R3] Equal access is granted to all people regardless of age, gender, race, social status) and no-one is denied access</td><td>1</td><td>2</td><td>3</td><td>4</td><td>5</td><td>6</td><td>7 (9)</td></tr><tr><td>[R4] There are formal / informal legal institutions close to my home where I can go to discuss legal problems</td><td>1</td><td>2</td><td>3</td><td>4</td><td>5</td><td>6</td><td>7 (9)</td></tr><tr><td>[R5] Travelling distance is not a barrier to being able to access the legal system</td><td>1</td><td>2</td><td>3</td><td>4</td><td>5</td><td>6</td><td>7 (9)</td></tr><tr><td>[R6] Similar cases are treated in the same way in terms of process and time taken</td><td>1</td><td>2</td><td>3</td><td>4</td><td>5</td><td>6</td><td>7 (9)</td></tr><tr><td>[R7] The outcomes of similar cases are usually very similar</td><td>1</td><td>2</td><td>3</td><td>4</td><td>5</td><td>6</td><td>7 (11)</td></tr><tr><td>[R8] I think the outcomes of most cases are generally fair</td><td>1</td><td>2</td><td>3</td><td>4</td><td>5</td><td>6</td><td>7 (10)</td></tr><tr><td>[R9] Outcomes of cases are usually enforced in accordance with the decision</td><td>1</td><td>2</td><td>3</td><td>4</td><td>5</td><td>6</td><td>7 (10)</td></tr><tr><td>[R10] Outcomes of cases are usually enforced within a reasonable timeframe</td><td>1</td><td>2</td><td>3</td><td>4</td><td>5</td><td>6</td><td>7 (14)</td></tr><tr><td>[R11] Outcomes of cases are nearly always enforced</td><td>1</td><td>2</td><td>3</td><td>4</td><td>5</td><td>6</td><td>7 (16)</td></tr></tbody></table> <p>Indices:</p> <p>Clarity of Law = 1+2 (% of 14)</p> <p>Accessibility = 3+4+5 (% of 21)</p> <p>Equality / Predictability = 6+7+8 (% of 21)</p> <p>Enforceability = 9+10+11 (% of 21)</p> <p>Overall = (ACL + BA + E/P + SE) / 4</p> <p>11/18/2008 7</p>		Strongly disagree	Disagree	Somewhat disagree	Neutral/neutral	Somewhat agree	Agree	Strongly agree	[R1] The laws are written clearly and can be understood by people who need to use them	1	2	3	4	5	6	7 (9)	[R2] Information about laws that affect the people is available to those who need it	1	2	3	4	5	6	7 (9)	[R3] Equal access is granted to all people regardless of age, gender, race, social status) and no-one is denied access	1	2	3	4	5	6	7 (9)	[R4] There are formal / informal legal institutions close to my home where I can go to discuss legal problems	1	2	3	4	5	6	7 (9)	[R5] Travelling distance is not a barrier to being able to access the legal system	1	2	3	4	5	6	7 (9)	[R6] Similar cases are treated in the same way in terms of process and time taken	1	2	3	4	5	6	7 (9)	[R7] The outcomes of similar cases are usually very similar	1	2	3	4	5	6	7 (11)	[R8] I think the outcomes of most cases are generally fair	1	2	3	4	5	6	7 (10)	[R9] Outcomes of cases are usually enforced in accordance with the decision	1	2	3	4	5	6	7 (10)	[R10] Outcomes of cases are usually enforced within a reasonable timeframe	1	2	3	4	5	6	7 (14)	[R11] Outcomes of cases are nearly always enforced	1	2	3	4	5	6	7 (16)	<p>Copy of Q - BMM LA Provides Qnaire_BM (with Demo)</p> <p>SPECIFIC LEGAL AID QUESTIONS</p> <p><i>Problems in your community</i> ... <i>Now I would like to ask you about problems or difficulties in your community</i></p> <p>Q 9 a What do you think are the most important problems in your community? Record 84</p> <table border="1"><tbody><tr><td>Poverty</td><td>1 (9)</td></tr><tr><td>Land disputes</td><td>2 (9)</td></tr><tr><td>Companies taking land from villagers</td><td>3 (7)</td></tr><tr><td>Housing</td><td>4 (9)</td></tr><tr><td>Public health</td><td>5 (9)</td></tr><tr><td>Crime</td><td>6 (10)</td></tr><tr><td>Drugs</td><td>7 (11)</td></tr><tr><td>Corruption</td><td>8 (12)</td></tr><tr><td>Human rights abuses</td><td>9 (13)</td></tr><tr><td>Debt</td><td>10 (14)</td></tr><tr><td>Youth gangs</td><td>11 (16)</td></tr><tr><td>Other (specify)</td><td>12 (16)</td></tr></tbody></table> <p>Q 9 b And which are the legal problems most people in your community have most often? 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Copy of Q - ERM LA Provides QuesLA_BNO (with Demo)

Legal aid criteria

Q 10 What criteria and procedures are used in your province to determine who qualifies or should benefit from legal aid services? (8)

_____ (01)

_____ (02)

_____ (03)

Q 11 How are legal aid services financed in Cambodia? (8)

_____ (01)

_____ (02)

Q 12 How do legal aid providers promote their services? (8)

_____ (01)

_____ (02)

_____ (03)

People's experience of legal aid and the law

Q 13 a What do most people think the expression "legal aid" means? (8)

_____ (01)

_____ (02)

Q 13 b How do people access legal aid services? (8)

_____ (01)

_____ (02)

Q 13 c What benefits do people receive by obtaining legal aid services? (8)

_____ (01)

_____ (02)

Q 13 d How do people come to know about legal aid? (MULTIPLE ANSWERS) Record 8A

newspapers	1	(01)
TV/ radio	2	(02)
leaflets, posters, local LA office	3	(03)
friends or acquaintances	4	(04)
their or their family's personal experience	5	(05)
training session	6	(06)
workshop	7	(07)
other (specify)	8	(08)

Q 13 e How do people solve their problems, if not by legal aid? (8)

_____ (01)

_____ (02)

Q 14 a In your opinion, how is easy to receive legal aid in Cambodia? Record 2A

Very easy	1	(01)
Easy	2	(02)
Neutral/Difficult	3	(03)
Not easy	4	(04)
Not easy at all	5	(05)

Q 14 b What difficulties do clients face when receiving legal aid services? (8)

_____ (01)

_____ (02)

_____ (03)

Copy of Q - ERM LA Provides QuesLA_BNO (with Demo)

Q 14 c In your opinion, do legal aid agencies succeed in reaching the people they want to target? Record 2A

Yes	1	(01)
Basically yes	2	(02)
Not very much	3	(03)
No	4	(04)
Refuse	5	(05)

Suggestions and recommendations

Q 15 a What are the main problems facing legal aid service providers in their work? (8)

_____ (01)

_____ (02)

Q 15 b How can legal aid services best be integrated into the current government justice service delivery? (8)

_____ (01)

_____ (02)

Q 15 c Which kind of mechanisms or structures can best help new entrants in the legal aid provision field? (8)

_____ (01)

_____ (02)

Q 16 a Do you agree with this statement: Being assisted by legal aid will help people to obtain justice? Record 2A

Strongly agree	1	(01)
Agree	2	(02)
Somewhat agree	3	(03)
Neither agree nor disagree	4	(04)
Somewhat disagree	5	(05)
Disagree	6	(06)
Strongly disagree	7	(07)

Q 16 b Why do you think so? (8)

_____ (01)

_____ (02)

Q 16 c Do you have any other suggestions to improve the legal aid services in Cambodia? (8)

_____ (01)

_____ (02)

11/16/2008
9
11/16/2008
10

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Demographics

Now a few final questions about yourself and your household to help us in our analysis....

D 1 What is your marital status? (8)

Single	1	(01)
Married with children	2	(02)
Married without children	3	(03)
Divorced	4	(04)
Widowed	5	(05)
Refused	99	(99)

D 2 How Old are You? (8)

16 to 19 years	1	(01)
20 to 24 years	2	(02)
25 to 29 years	3	(03)
30 to 34 years	4	(04)
35 to 39 years	5	(05)
40 to 44 years	6	(06)
Over 45 years	7	(07)

D 2 a Gender (8)

Male	1	(01)
Female	2	(02)

D 3 What is the last grade of formal education you completed? (8)

No formal schooling	1	(01)
Some primary	2	(02)
Completed Primary School	3	(03)
Some Secondary School	4	(04)
Completed Secondary School	5	(05)
Technical / Vocational	6	(06)
Somewhat completed Pre-University (A-Level)	7	(07)
Somewhat completed Diploma Degree	8	(08)
University	9	(09)
Post Graduate	10	(10)
Do not know	98	(98)
Refused	99	(99)

D 4 What is your occupation? Position: _____ Industry: _____ (8)

Qualifications

- If retired, previous occupation: _____
- If Self-Employed/Managerial: How many employees responsible for: _____
- If Civil Servant/armed forces: What grade, what rank? _____

Thank Respondent For Co-operation & Close

11/16/2008
11

APPENDIX C: SAMPLE PROFILE OF POTENTIAL CLIENTS

Gender	
Female	50%
Male	50%

Age group	
16 to 24	15%
25 to 34	22%
35 to 44	29%
45+	34%

Education	
No formal schooling	18%
Some primary	22%
Completed Primary School	13%
Some Secondary School	39%
Completed Secondary School	7%
Pre or University	1%

Number of children	
None	19%
1 to 2	30%
3 to 4	33%
Over 4	19%

Household Income pm	
0-50 \$	25%
51-100 \$	25%
101-150 \$	25%
151-200 \$	25%

Head of family	
Father	12%
Mother	4%
Husband	29%
I am	51%
Other relative	4%

Organisations/ authorities in comm.	
Commune/ Sangkat	89%
Police post	63%
Chief of village	75%
District office / khan	13%
RHAC	2%
Provincial Department	4%
Other Organizations	14%

APPENDIX D: ORGANIZATIONS AND INSTITUTES PARTICIPATING AT THE FINDINGS
DISSEMINATION AND FEEDBACK WORKSHOP OF AUGUST 9, 2006

	Institution
ក្រុងភ្នំពេញ (Phnom Penh)	
	តុលាការកំពូល Supreme Court
	សាលាឧទ្ធរណ៍ Appeal Court
	តុលាការក្រុង Municipal Court
	ក្រសួងយុត្តិធម៌ Ministry of Justice (MOJ)
	ក្រសួងកិច្ចការនារី Ministry of Women's Affairs
	ក្រុមប្រឹក្សាឃុំ-សង្កាត់ Commune Council
	ជំនួយផ្នែកច្បាប់នៃ កម្ពុជា Legal Aid of Cambodia (LAC)
	ជំនួយផ្លូវច្បាប់ដល់កុមារ និងស្ត្រី Legal Support for Children and Women (LSCW)
	វិទ្យាស្ថានខ្មែរសម្រាប់លទ្ធិប្រជាធិបតេយ្យ Khmer Institute of Democracy (KID)
	Friends International (FI)
	ក្រុមអ្នកច្បាប់ការពារ សិទ្ធិកម្ពុជា Cambodia Defenders Project (CDP)
	អង្គការប្រឆាំងអំពើហិង្សាក្នុងគ្រួសារ Project Against Domestic Violence (PADV)

	Institution
	អង្គការកម្ពុជាដើម្បីជួយស្ត្រីមានវិបត្តិ Cambodian Women's Crisis Center (CWCC)
	អង្គការអាដហុក ADHOC
	មជ្ឈមណ្ឌលអភិវឌ្ឍន៍សង្គម Center for Social Development (CSD)
	អេកផាត End Children Prostitution Abuse & Trafficking in Cambodia
	អង្គការការពារយុត្តិធម៌កុមារ Protection of Juvenile Justice (PJJ)
	អង្គការប្រឆាំងអំពើហិង្សាលើស្ត្រី និងកុមារកម្ពុជា Violence Against Women and Children in Cambodia (VAWCC)
	អង្គការខ្មែរកម្ពុជាក្រោម KKKHRO
	គណៈមេធាវីនៃព្រះរាជាណាចក្រកម្ពុជា Bar Association of Kingdom of Cambodia
	មជ្ឈមណ្ឌលអប់រំច្បាប់សម្រាប់សហគមន៍ CLEC (Community Legal Education Center)
	ការិយាល័យមេធាវីខ្មែរ Khmer Law Firm
	ក្រុមមេធាវី អាស៊ីប៉ាស៊ីហ្វិកអន្តរជាតិ Asia Pacific International Law Firm
	ក្រុមមេធាវី B.N.G B.N.G Law Firm
	ការិយាល័យមេធាវី លៀន ចិន្តា Lean Chinda Law Firm
	លីកាដូ LICADHO

	Institution
	Cambodia Criminal Justice Assistance Project (CCJAP)
	មូលនិធិអាស៊ី The Asia Foundation (TAF)
	NGO Forum on Cambodia
	Dan Church AID (DCA)
	French Cooperation
	JICA
	Open Society Justice Initiative (OSJI)
	PACT
	UNDP
	UNICEF
	IOM (International Organization for Migration)
	ILO
	European Union
	Avocats Sans Frontières
	Equal Access (EA)
	DANIDA
	GTZ
	World Bank (WB)
	Royal Academy for Judicial Professions (RAJP) រាជបណ្ឌិតសភា វិជ្ជាជីវៈតុលាការ

	Institution
	United State Agency for International Development (USAID)
	ការិយាល័យមេធាវី កម្ពុជាអន្តរជាតិ Cambodia International Law Firm
	ក្រុមប្រឹក្សាកែលម្អនីតិវិធី និងប្រព័ន្ធយុត្តិធម៌ Council for Legal and Judicial Reform
	Indochina Research Ltd (IRL)
ខេត្តកំពង់ចាម (Kampong Cham)	
	តុលាការខេត្ត Kampong Cham Court
	ក្រសួងកិច្ចការនារី Ministry of Women's Affairs
	មន្ទីរការងារ Labor Department
	គណៈកម្មការសុរិយោដី Cadastral Commission
	ក្រុមអ្នកច្បាប់ការពារសិទ្ធិកម្ពុជា CDP
	លីកាដូ LICADHO
	អង្គការអាដហុក ADHOC
	ការិយាល័យមេធាវី តារារិទ្ធ Dararith Lawyers Office
	ការិយាល័យមេធាវី ពិសិ ពិដោរ Pisey Pidor Law Office
ខេត្តស្វាយរៀង (Svay Reang)	

	Institution
	តុលាការខេត្ត Svay Reang Court
	គណកម្មការស៊ុរិយោដី Cadastral Commission
	អង្គការអាដហុក ADHOC
	លីកាដូ LICADHO
	អង្គការខ្មែរកម្ពុជាក្រោម KKKHRO
ខេត្តក្រចេះ (Kratie)	
	តុលាការខេត្ត Kratie Court
	មន្ទីរសង្គមកិច្ច និងអតីតយុទ្ធជន Social and Veteran Affairs Department
	មន្ទីរការងារ Labor Department
	ប៉ូលីសយុត្តិធម៌ខេត្ត Provincial Judicial Police
	គណកម្មការស៊ុរិយោដី Cadastral Commission
	ក្រុមប្រឹក្សាឃុំ-សង្កាត់ Commune Council
	អង្គការ ទទ្រង់ជនទុរគត Vulnerable People's Support
	ការិយាល័យមេធាវី ស៊ុន អ៊ាម Sun Eam Law Firm
ខេត្តរតនគិរី (Ratanakkiri)	
	តុលាការខេត្ត Ratanakkiri Court

	Institution
	មន្ទីរសង្គមកិច្ច និងអតីតយុទ្ធជន Social and Veteran Affairs Department
	មន្ទីរកិច្ចការនារី Women's Affairs Department
	សាលាខេត្ត Provincial Court
	នាយកដ្ឋានប៉ូលីសយុត្តិធម៌ Judicial Police Department
	អាជ្ញាធរ ADHOC
	អង្គការជំនួយផ្នែកច្បាប់នៃកម្ពុជា Legal Aid of Cambodia
ខេត្តមណ្ឌលគីរី (Mondolkiri)	
	តុលាការខេត្ត Mondulkiri Court
	មន្ទីរកិច្ចការនារី Ministry of Women's Affairs
	មន្ទីរសង្គមកិច្ច និងអតីតយុទ្ធជន Social and Veteran Affairs Department
	មន្ទីរការងារ Labor Department
	ក្រុមប្រឹក្សាឃុំ-សង្កាត់ Commune Council
	អាជ្ញាធរ ADHOC
	អង្គការរក្សាការពារ សិទ្ធិមនុស្សនៃកម្ពុជា Vigilance
	អង្គការសិទ្ធិមនុស្ស ដើម្បីតម្លាភាព និងសន្តិភាព Human Rights Organization for Transparency and Peace (HROTP)
ខេត្តសៀមរាប (Siem Reap)	

	Institution
	តុលាការខេត្ត Siem Reap Court
	មន្ទីរកិច្ចការនារី Ministry of Women's Affairs
	មន្ទីរសង្គមកិច្ច និងអតីតយុទ្ធជន Social and Veteran Affairs Department
	មន្ទីរការងារ Labor Department
	ប៉ូលីសយុត្តិធម៌ខេត្ត Provincial Judicial Police
	អង្គការអាដហុក ADHOC
	ក្រុមអ្នកច្បាប់ការពារ សិទ្ធិកម្ពុជា Cambodia Defender Project (CDP)
	អង្គការលីកាដូ LICADHO
	ជំនួយផ្នែកច្បាប់នៃកម្ពុជា LAC
	ព្រះពុទ្ធសាសនាដើម្បីអភិវឌ្ឍន៍ BFD (Buddhism for Development)
	សមាគមសង្គ្រោះ និងស្ថាប័ននីតិសម្បទាយុវនារី AFESIP
	Friends International
	អង្គការការពារយុត្តិធម៌កុមារ Protection of Juvenile Justice (PJJ)
	អង្គការគាំពារកុមារដែលងាយទទួលរងគ្រោះ Vulnerable Children Assistance Organization (VCAO)
	អង្គការទ្រទ្រង់កុមារក្រីក្រកម្ពុជា Cambodia Poor Children Support Organization (CPCSO)

	Institution
	ការិយាល័យមេធាវី បន្ទាយក្តី Banteay Kdey Law Office
ខេត្តឧត្តរមានជ័យ (Oudor Mean Chey)	
	មន្ទីរកិច្ចការនារី Ministry of Women Affairs
	មន្ទីរសង្គមកិច្ច និងអតីតយុទ្ធជន Social and Veteran Affairs Department
	មន្ទីរការងារ Labor Department
	អាដហុក ADHOC
	ព្រះពុទ្ធសាសនាដើម្បីអភិវឌ្ឍន៍ BFD
ក្រុងព្រះសីហនុ (Sihanouk Ville)	
	តុលាការក្រុង Municipal Court
	មន្ទីរកិច្ចការនារី Ministry of Women Affairs
	មន្ទីរការងារ Labor Department
	ប៉ូលីសយុត្តិធម៌ក្រុង Municipal Judicial Police
	ក្រុមប្រឹក្សាឃុំ-សង្កាត់ Commune Council
	អាដហុក ADHOC
	លីកាដូ LICADHO

	Institution
	ជំនួយផ្នែកច្បាប់នៃកម្ពុជា LAC
ខេត្តកំពត (Kampot)	
	តុលាការខេត្ត Kampot Court
	មន្ទីរកិច្ចការនារី Ministry of Women Affairs
	មន្ទីរសង្គមកិច្ច និងអតីតយុទ្ធជន Social and Veteran Affairs Department
	មន្ទីរការងារ Labor Department
	អាដហុក ADHOC
	លីកាដូ LICADHO
ក្រុងកែប (Kep)	
	មន្ទីរកិច្ចការនារី Ministry of Women's Affairs
	មន្ទីរសង្គមកិច្ច និងអតីតយុទ្ធជន Social and Veteran Affairs Department
	មន្ទីរការងារ Labor Department
	គណកម្មការសុរិយោដី Cadastral Commission
ខេត្តកោះកុង (Koh Kong)	
	តុលាការខេត្ត Koh Kong Court
	មន្ទីរកិច្ចការនារី Ministry of Women's Affairs

	Institution
	មន្ទីរសង្គមកិច្ច និងអតីតយុទ្ធជន Social and Veteran Affairs Department
	មន្ទីរការងារ Labor Department
	គណកម្មការសុរិយោដី Cadastral Commission
	លីកាដូ LICADHO
	ជំនួយផ្លូវច្បាប់ដល់កុមារ និងស្ត្រី LSCW
	ជំនួយផ្នែកច្បាប់នៃកម្ពុជា LAC
	ការិយាល័យមេធាវី ស៊ុំ សាម៉េន Sum Samoeun Law Firm
ខេត្តបាត់ដំបង (Battambang)	
	តុលាការខេត្ត Battambang Court
	មន្ទីរកិច្ចការនារី Ministry of Women's Affairs
	មន្ទីរការងារ Labor Department
	ពន្ធនាគារ Prison Department
	អាដហុក ADHOC
	លីកាដូ LICADHO
	ព្រះពុទ្ធសាសនាដើម្បីអភិវឌ្ឍន៍ BFD

	Institution
	ក្រុមអ្នកច្បាប់ការពារសិទ្ធិកម្ពុជា CDP
	ជំនួយផ្នែកច្បាប់នៃកម្ពុជា LAC
	ការិយាល័យមេធាវី ពាយ័ព្យ Northwest Law Office
ខេត្តពោធិ៍សាត់ (Pursat)	
	តុលាការខេត្ត Pursat Court
	មន្ទីរកិច្ចការនារី Ministry of Women's Affairs
	មន្ទីរសង្គមកិច្ច និងអតីតយុទ្ធជន Social and Veteran Affairs Department
	មន្ទីរការងារ Labor Department
	ប៉ូលីសយុត្តិធម៌ខេត្ត Provincial Judicial Police
	លីកាដូ LICADHO
	អាដហុក ADHOC
	សម្ព័ន្ធសិទ្ធិមនុស្ស និងសុខភាពកម្ពុជា CHHRA
	កុមារនៃក្តីសង្ឃឹម Kumar Ney Kdey Sangkheum (KNKS)
	អង្គការព្រហ្មវិហារធម៌ Prom Vihearthor Organization (PVT)
	អង្គការរក្សាការពារសិទ្ធិ មនុស្សនៃកម្ពុជា ប្រចាំខេត្តពោធិ៍សាត់ Human Rights Vigilance of Cambodia Pursat (HRVC Pursat)

	Institution
ខេត្តបន្ទាយមានជ័យ (Banteay Mean Chey)	
	តុលាការខេត្ត Banteay Meanchey Court
	មន្ទីរកិច្ចការនារី Ministry of Women's Affairs
	មន្ទីរសង្គមកិច្ច និងអតីតយុទ្ធជន Social and Veteran Affairs Department
	មន្ទីរការងារ Labor Department
	ប៉ូលីសយុត្តិធម៌ខេត្ត Provincial Judicial Police
	ពន្ធនាគារ Prison Department
	អាដហុក ADHOC
	លីកាដូ LICADHO
	ព្រះពុទ្ធសាសនាដើម្បីអភិវឌ្ឍន៍ BFD
	អង្គការគំនិតថ្មី Kumnit Thmey Organization
	អង្គការកម្ពុជា សង្គ្រោះស្ត្រីមានវិបត្តិ Cambodian Women's Crisis Center (CWCC)

APPENDIX E: BAKC FORMS FOR ASSIGNING VOLUNTEER LAWYERS

Request for Legal Assistance – by Court

Applicant:

Date of Request: _____

Family Name: _____

Given Name: _____

Address: _____

Certification of the President of the Court:

Mr./Ms President of the Court affirms the insufficient resources of Mr./Ms _____

Signature of the President of the Court: _____

Date: _____

or

Certification of Chief Clerk of Court:

Mr./Ms Chief Clerk of the Court affirms the insufficient resources of Mr./Ms _____

Signature of the Chief Clerk of the Court: _____

Date: _____

Designation of the Lawyer:

The President of the Bar Association of the Kingdom of Cambodia assigns _____

to assist Mr./Ms. _____ in a proceeding (*precise nature of the proceeding*) _____ against _____

Certification of the Association:

Date of designation: _____

Complete in three copies (one for the requester, one for the lawyer, one for the Association)

Report of Legal Assistance – by Assigned Volunteer Lawyer

Established by:

--/--/199-

Name of Client	Name of Case	Action	Case Progress
<i>ex: Durand</i>	<i>Durand Dupont</i>	<i>Improper dismissal</i>	<i>2 meetings of 1 hour</i> <i>Summons delivered</i>