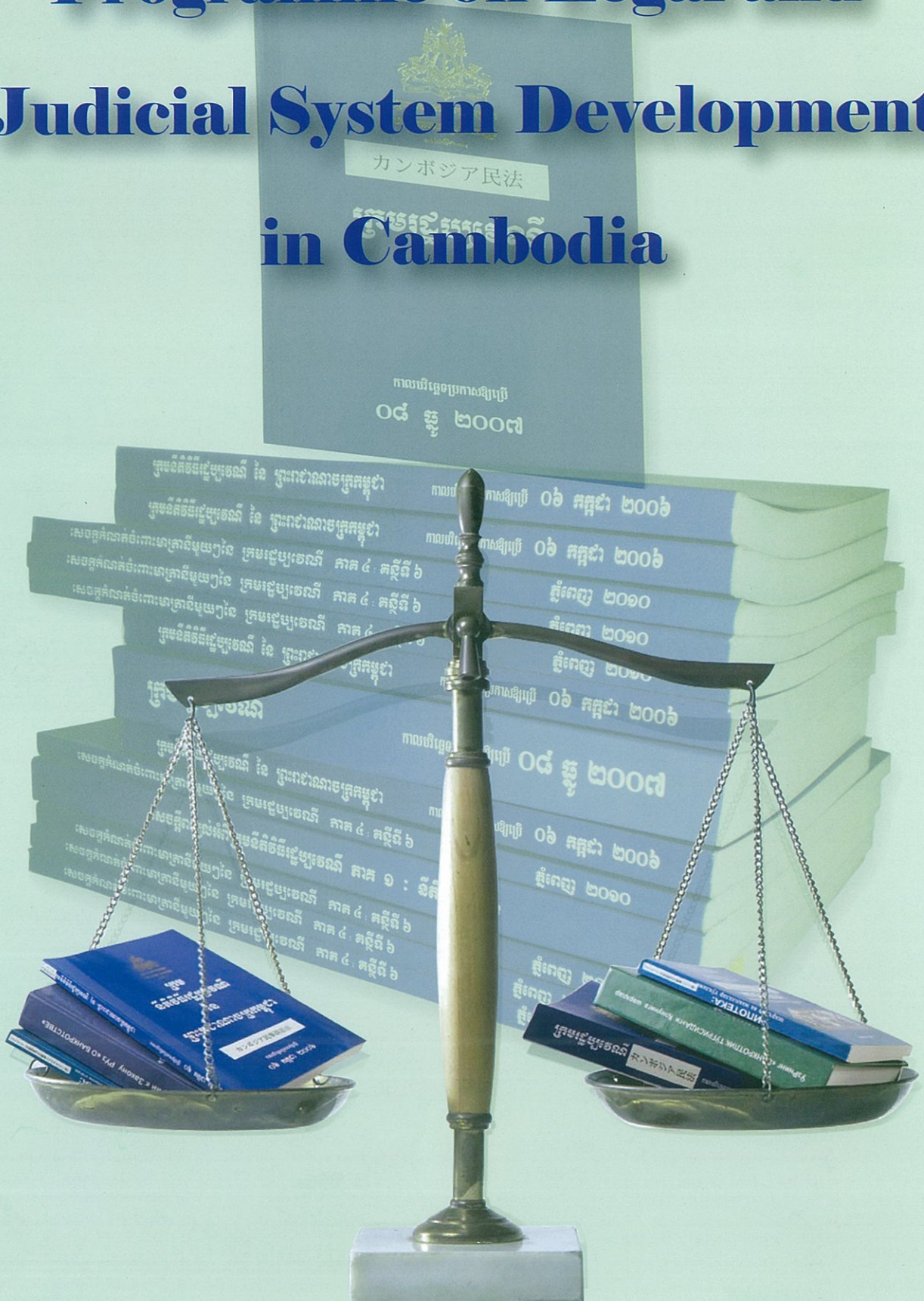


# Programme on Legal and Judicial System Development in Cambodia





# Programme on Legal and Judicial System Development in Cambodia

## 1. Status Quo and Challenges of Legal and Judicial Sector in Cambodia

### Background of Legal and Judicial Reform in Cambodia

- **French Colonial Period to 1975 (before Pol Pot regime):** Legal System strongly influenced by France  
Basic Laws on Civil Matters (Civil Code and Code of Civil Procedure of 1920)
- **From 1975 to 1979 (During Pol Pot Regime):**  
- Legal and Judicial Systems as well as the Social Infrastructure were abolished and destroyed  
- Intellectuals including most of the Legal Practitioners were persecuted and killed (The numbers of Legal Practitioners who had remained in the country after the Pol Pot Regime is said to be only 6).

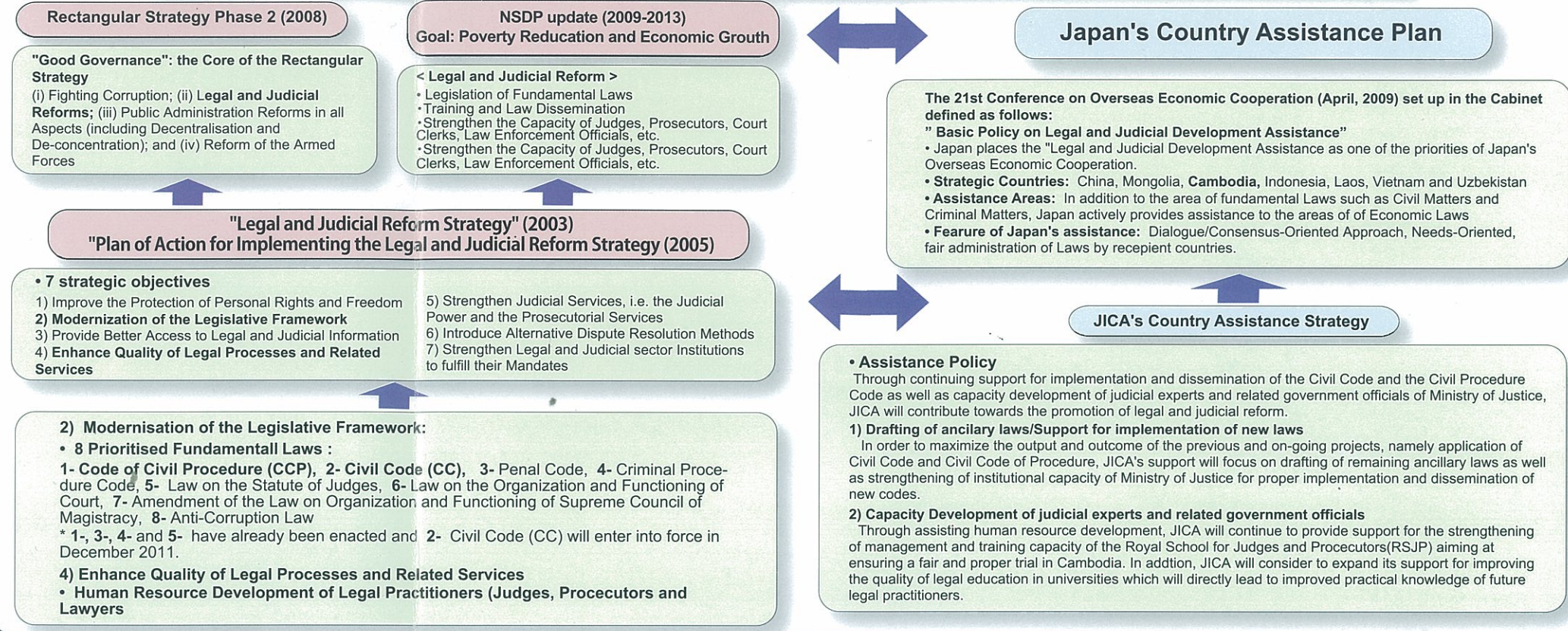
### < Perfect Vacuum of Legal and Judicial System >

- **Since 1979 to 1991: Civil War and Socialism**  
Delay in Development of Legal and Judicial System
- **Since 1991 to 1993: UNTAC Period**  
Totally depended on Assistance from Foreign Countries
- **After 1993: Free Market Economy, Multiparty Democracy**  
"Absence of Law" → The necessity of Laws and Legal Systems

### Main Challenges in Legal and Judicial Sector in Cambodia

- 1) Development of Fundamental Laws
- 2) Human Resource Development of Legal Practitioners
- 3) Improvement of Access to Court, Access to Justice
- 4) Effectiveness of the Court Judgement
- 5) Anti-Corruption, Promotion of Good Governance
- 6) Establishment of Proper Legal Systems for Human Rights and Economic Development

## 2. The Policy of the Royal Government of Cambodia and the Strategy of the Government of Japan

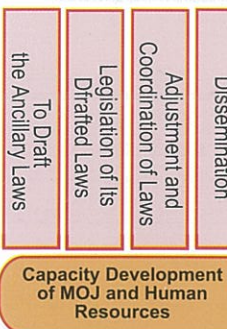


## 3. JICA's Previous and On-going Cooperation

### Legal and Judicial Development

- 1999. 3 - 2003. 3 **Legal and Judicial Development Project (Phase1)**  
Training for Legal Practitioners, Drafting of CC and CCP
- 2004. 3 - 2008. 3 **Legal and Judicial Development Project (Phase2)**  
Legislating of CC and CCP, Drafting of Ancillary Laws, Development of Textbooks and Commentary
- 2008. 4 - 2012. 3 **Legal and Judicial Development Project (Phase3)**  
Improving the practices of MOJ, Drafting of remaining Ancillary Laws, Dissemination of the Codes

### Chart of the projects



### Outputs of the Previous and On-going Projects

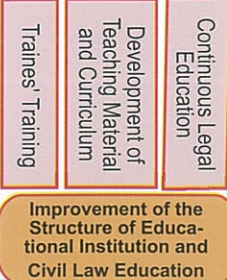
- [ Drafted Laws and Regulations ]**  
- Civil Code,  
- Code of Civil Procedure,  
- Law on Application of the Civil Code,  
- Law on the Procedure of Litigation Relating to Personal Status,  
- Law on Non-Litigation Civil Procedure,  
- Inter-ministerial Prakas on Immovable Registration, etc.  
**[ Publication ]**  
CC, CCP, Commentary and Textbook of CC/CCP etc.

By March, 2012

**Project Purpose:**  
The Ministry of Justice is able to take necessary measures to implement the Civil Code and the Code of Civil Procedure appropriately.

### Training Judges and Prosecutors

- 2005.11 - 2008. 3 **The Project for the Improvement of the Training on Civil Matters at the Royal School for Judges and Prosecutors (RSJP) of the Royal Academy for Judicial Professions (RAJP) (RSJP Project)**  
Revision of the Curriculum, Development of Teaching Materials, Trainers' Training
- 2008. 4 - 2012. 3 **RSJP Project (Phase2)**  
Revision of Materials, Trainers' Training (including Prospective Trainers), Continuous Legal Education (CLE), School Management



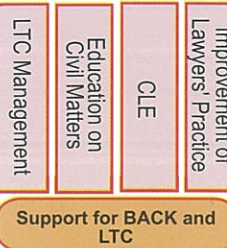
- [ Number of graduated judges and prosecutors during Japan's support ]**  
235 (as of January 2011)  
**[ Outputs ]**  
Curriculum, Practical Manuals (Procedure of First Instance, Procedure of Attachment of Immovable Property, Auction Procedure of Immovable Property etc.), Q&A on CC and CCP etc.

By June 2010

**Project Purpose:**  
BAKC (the Bar Association) and LTC (Lawyers Training Center) provide qualified training for the development of qualified lawyers

### Strengthening the Bar Association

- 2001. 7 - 2002. 7 **Projects collaborating with Japan Federation of Bar Associations (JFBA)**
- 2002. 9 - 2005. 8 **Projects collaborating with JFBA**  
Establishment of Lawyers' Training Center (LTC), Supporting Legal Aid Activities
- 2007. 6 - 2010. 6 **Legal and Judicial Cooperation Project with the Bar Association of the Kingdom of Cambodia (BAKC)**  
Strengthening of the Management of LTC, Education on Civil Matters, CLE



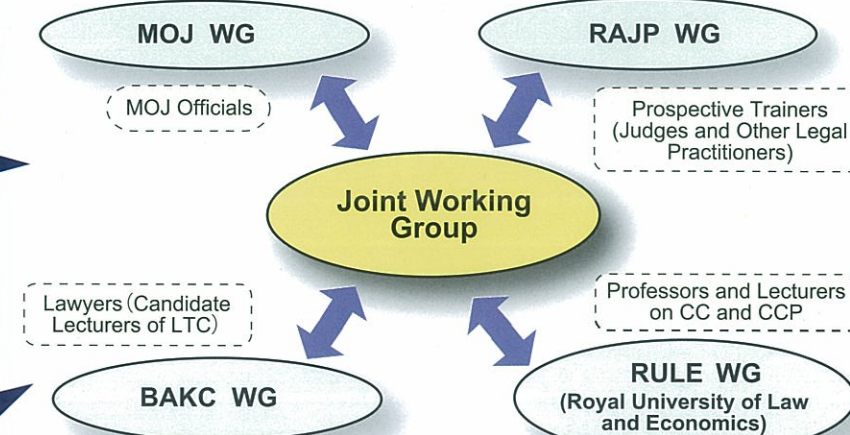
- [ Number of graduated students during Japan's support ]**  
359 (as of January 2011)  
**[ Outputs ]**  
Lawyers' Handbook, Guidebook on Ultimate Facts of CC, etc.

## 4. New Project Starting in April 2012

**After April 2011**  
Integrating all related activities into one Project focusing on Capacity Development of the Legal Professionals aiming at proper implementation and dissemination of the CC and the CCP.

**Overall Goal :**  
New and existing laws and regulations including the CC and the CCP are drafted, amended and implemented independently and continuously.

### [ Structure of the Working Group (WG) Activities (tentative) ]



WG members will be selected from MOJ, RAJP, BAKC and RULE. The project will focus on the activities to deepen understanding of the CC and the CCP among legal professionals for development of legal theory of Cambodia and for better implementation of the CC and the CCP.

**[ Activities for MOJ Capacity Development for better implementation of CC and CCP ]**





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