

Civil Society Day, 19 March 2019 Cambodiana Hotel

Guideline for the Breakout Session 6: on Goal No. 16 of SDGs on Peace, Justice, and Strong Institution Time: 13:30-14:40

1. Background of Topic

In September 2015, the UN General Assembly adopted the 2030 Agenda for Sustainable Development (2030 Agenda). This contained 17 UN Sustainable Development Goals (SDGs), intended to drive action in critically important areas to the year 2030. These goals have been broken down into 169 targets and 232 indicators. They build on the momentum of the earlier Millennium Development Goals (MDGs) in reducing extreme poverty, and are intended to reflect a people-centred approach to development by governments and civil society across the globe. Participation in the 2030 Agenda is voluntary and actions are implemented by individual countries.

Localization of SDGs is well integrated in Cambodia, from setting goals and targets to determining how they are implemented and using indicators to measure and monitor progress. In addition to the 17 global SDGs, Cambodia have adopted an additional goal and three targets on unexploded ordnance (UXO) and unfinished business from the MDGs. Led by the Ministry of Planning, the localized SDGs integrated into national plans in 2018.

Promoting the **Peace, Justice, and Strong Institution is one of the SDG (goal #16)**. Our discussion today will be looking into the key progresses and challenges that Cambodia has faced following the localization of SDGs. Some recommendations/suggestions will also be provided at the end of this paper.

There have seen some good moves that should be considered. The Royal Government of Cambodia made key efforts to improve legal and judicial system. Some necessary legal frameworks were introduced in order to enhance the competent, independence and impartiality of judiciary which are crucial for strengthening the rule of law. At the same time, Major laws, including the Penal Code, Criminal Procedure Code, the Civil Procedure Code, and Civil Code, and other laws and regulations related to political, economic, social and cultural sectors were promulgated to contribute to the realization of human rights and fundamental freedom.

There are some positive efforts in improving the legal and regulatory framework on fighting against corruption. The National Anti-Corruption Council and anticorruption unit set up strategy and policy in fighting against corruption or the Strategic Plan in fighting against corruption.

The public revenues from taxes collection have been gradually increased. Improvement in corporate registries and strategies of revenue collection is a milestone achievement. Besides, the General Department of Taxation undertakes reforms including auditing of businesses, online registration and declaration platform and increasing numbers of Govt. staff etc. The government has been implementing the Public Financial Management Reform Program in order to provide better and effective public financial management in the Government institution. In order to bring public services closes to the people, the government has implemented decentralization and deconcentration (D&D) reform through the National Program for Democratic Development at the Sub-national level.

The “One Window Service” administration is the new appreciate reform. As the result, we observe the existent of consultation forum, technical meeting and dialogue at sub-national level. At sub-national level, the Implementation of Social Accountability Framework (ISAF) has been a significant progress that citizens can participate to improve quality of public services at commune, health center and primary schools.

However, there some challenges that hinder the Royal Government of Cambodia (RGC) from promoting peaceful and inclusive societies, providing access to justice for all and building effective and inclusive institution at all levels which include:

- According to the laws, all persons should enjoy rights to fair trial, equal before the law without any discrimination because of their social and political statuses. In practice, many Cambodian people still express their concerns on fair trial right, right to be treated equally before the law and the equality of accessing to justice. Some enforcement of some laws for instances; the Law on Peaceful Demonstration had been paused in 2017-2018, Law on Association and Non-Governmental Organization (LANGO), the Trade Union Law are remaining some challenges. Some provisions of those law can be implied for the restriction without the due reasons in justifying with the principles of just, fair and reasonable.
- There is a concern about the independence of judicial system and enforcement of the laws politically motivated due to the victims’ political status. The realization and understanding of laws and its procedures of enforcement are remaining very limited among the public. The lack of public awareness to realize the objectives of the enacted laws causing people see the enforcement of the laws in difference pictures.
- It is criticized that the juridical system is used to oppress the freedom expression and as a result a number of land, environmental and human right defenders/activists were arrested and put on pre-trial detention.
- Means of dissemination of laws and regulations from national to sub-nation level is still the big challenge. There are reports and cases documentation from different locations of inconsistency exercising of the law and executive regulations by the competent authorities of law and regulation at sub-national level. The interpretation of the laws and regulations by authorities are remaining the problem.
- Quality of service delivery of civil servants needs to be systematically addressed. There are documentations of poor services delivered by public servants including: rude manners, lack of knowledge, bureaucracy and ineffectiveness, unreasonable delay, political discrimination etc.
- The interpretation of the laws such as judges and prosecutors is generally based on national laws, both in the case proceeding and decision makings without considering the substances of the jurisprudence of international human rights laws which Cambodia has ratified.
- At commune and Sangkat level, the report shows existence of unreasonable delay of documents issuance or verification for long period of time without notification and feedback to applicants.
- The implementation of the Anti-corruption law required a lot of efforts, resources and participation from all stakeholders in in order to ensure the law is more effective and in transparent manner. For instance, asset declaration requirement is in confidential. Those who committed corruption are not accountable before the law. As the result, the publics, including CSOs, are reluctant to report corruption allegation to the Anti-Corruption Unit (ACU). The tolerance towards corruption makers is the big issue.

Despite there are challenges and good practices, some recommendations are also raised in order to improve this area including:

- The Royal Government of Government (RGC) should ensure that no one in Cambodia is left behind to enjoy their rights and freedoms without discrimination regardless of race, color, sex, language, religious belief, political tendency, birth origin, social status, wealth or other statuses.

- The RGC should establish effective mechanism (s) to provide better access to justice without any discrimination, access to legal educations and judicial information, and including the strengthening legal aid services for the poor and vulnerable, especially for children and women.
- The some more instructions of the legislations should be made to avoid the gaps of ambiguous interpretation of the laws. The power of the law should be above the individual's directions.
- -The government should ensure that the list of court fee is publicly displayed in Khmer in all courts and that any additional fees that court clerks may legitimately charge are also verified and publicly available.
- The government should engage public participation in fighting against corruption, and confidential reporting system, and effective mechanism in handing complaints against corruption
- The government should adopt the Law on the Protection of Reporting Person and on the Protection of Witness, Expert and Victim and the Law on Access to Information.
- Improves the implementation of standard of ethics and discipline of public servants to gain the truth. Giving more truth to taxpayers.