

**Final Evaluation of the Project on**

# **Improved Protection for Children in Conflict with the Law**

**FIRST DRAFT FOR COMMENTS**

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## ***List of Abbreviation***

C/S	Commune/Sangkat
CCWC	Commune Committee for Women and Children
CDP	Commune Development Plan
CIP	Commune Investment Plan
CSF	Commune Sangkat Fund
DIW	District Integrated Workshop
DoE	District Office of Education
DoWA	District Office of Women Affaires
EFA	Education for All
ESP	Education Strategic Plan
FGDs	Focus Group Discussion
HCMCs	Health Center Management Committee
IP3	Three Year Implementation Plan
MEF	Ministry of Economy and Finance
MEYS	Ministry of Education, Youth and Sport
MFI	Micro-Finance Institutions
NCDD	The National Committee for Sub-National Democratic Development
NGOCRC	NGO Committee for the Rights of the Child
NGOs	Non-Governmental Organization
NLCS	National League of Commune/Sangkat
OD	Health Operating District
PBC	Planning and Budgeting Committee
RGC	Royal Government of Cambodia
SNDD	Sub-National Democratic Development
SSC	School Support Committee
TAs	Temporary Agreements
UNCRC	UN Convention on the Rights of the Child
VHSGs	Village Help Support Group
WCCC	Women and Children Consultative Committee
WOMEN	Women Organization for Modern Economy and Nursing

## ***Executive Summary***

The project Improved Protection for Children in Conflict with the Law (hereafter referred to as the CICL project) is funded by a grant from the European Commission and Save the Children Norway. It has been implemented by its local partner, Legal Aid of Cambodia from January 2011 to December 2013, in Banteay Meanchey (BMC) and Siem Reap (SR) provinces. The overall objective of this project is to contribute to the development of a child-friendly justice process and to strengthen the implementation of child rights through national and international laws in Cambodia. The specific objective is to improve child protection for CICL in the justice system in Cambodia.

The stated objective of the final evaluation is to evaluate the project achievements against the approved plan after three years of implementation to draw lessons learned and make recommendations for improvement for future designs. The specific objectives include the assessment of (i) the efficiency and effectiveness of the project, (ii) the direct management by LAC and support by SCI, (iii) the intended and unintended Impact of the project, using Save the Children's Theory of Change, and (iv) the relevance of the project model for a potential next phase of the program and develop key recommendations. The methodology used in the final evaluation included desk review and field work in the two target provinces, BMC and SR, using quantitative and qualitative methods. The respondents include (i) final beneficiaries, including CICL and the communities, and (ii) relevant state actors at all level, including the central, provincial, districts and commune level, (iii) partner NGOs, and (iv) relevant LAC and SCI staff. Focus Group Discussion (FGDs), semi-structured interviews and key informant interviews (KII) were used with different types of respondents.

The study used the five standard criteria to assess the project: relevance, effectiveness, impacts, efficiency, and sustainability. The key findings from each criteria are as follows:

### **Key finding 1: Relevance**

The project is found to be relevant to the problems/local needs because it seeks to address of poor prison condition, abuse on CICL in custody, improper implementation by local police in dealing with CICL etc. The project is also relevant to the ongoing policy/institutional development of the Government, including the drafting of the Juvenile Justice Law, decentralization, justice sector reform and improvement of services provided by social workers. However, the number of CICL cases in the targeted areas were reported to have decreased over the last three years, which require better assessment of the rationale for case selection.

### **Key finding 2: Effectiveness**

The effectiveness of the project is measured based on the outputs achieved by the project: legal representation services were provided according to plans; the training and awareness raising events and the number of participants have been implemented according to plan; and all the planned trainings and coordination with prison authorities in both provinces have been implemented. However, the number of children diverted is less than 40% of the planned targets; the radio talk shows have had limited outreach and impact.

### **Key finding 3: Impacts**

It has been appreciated by all key stakeholders involved that the project is the only provider of legal assistance directly to CICL and that it has worked directly with sub-national and local actors. Through its contribution to the Pillar Meeting and various capacity building for key law enforcement officials, sub-national authority, and social workers have contributed to better coordination among key law enforcement agencies. The project, based on its experiences on the ground, and through good relationship that LAC has built with Government stakeholders, has also contributed to more effective advocacy for policy and institutional changes. However, the impacts of the projects have been constrained by the still-weak

(although improving) institutional capacity, coordination, and, more importantly, low incentives faced by key stakeholders from the Government side. Structural constraints that exist both in the Government and within the community also makes the translation from awareness to actual implementation/ engagement in addressing the issues of CICL.

#### **Key finding 4: Efficiency**

The project encountered late funding flows, the national election, and flooding which lead to some delay of some activities. The staff also have to play multi-roles that are raised as heavy workload for them. There is only one technical support from one Save the Children staff for two provinces. However, these constraints have been effectively overcome by both SCI and LAC during the implementation.

#### **Key finding 5: Sustainability**

The project helps provide CICL in prison with skills for the lives outside and build sub-national officials capacity and system; The pillar meeting is more likely to continue if there is enough commitment from the Ministry of Justice and with more operational budget to support the event; the diversion practice is more likely to sustain if supported by proper legal/policy framework. However, prison meetings are unlikely to continue if there is no support.

The evaluation provides recommendations on three areas: (i) to improve its relevance, effectiveness and efficiency, the project should provide better rationale for main site selection based on frequency of CICL cases; identify and find ways to address structural constraints faced by community engagement; assess if improved awareness has led to better referrals, and consider the possibility of establishing or supporting centers for CICL.

To enhance its impact and sustainability, the project should better connect with provincial WCCC; consider the issues of incentives of the actors involved when designing capacity building activities; continue and expand pillar meeting model and help better channel information from the Pillar Meeting down to the commune level and up to the national level.

In relation to advocacy, the project should find ways to formalize/institutionalize LAC's existing network with Government to increase effectiveness of its advocacy, better understand the implications of post-2013 election reform agenda at the Ministry of Justice and Council of Ministers; connect with NCDD-S; jointly advocate for fiscal transfer to commune police, jointly advocate for better horizontal accountability between commune council and police and jointly advocate for increased involvement of Social Affairs, especially at district level.

## 1. Introduction

### 1.1 Project Background

The project was made possible through a grant from the European Commission and Save the Children Norway. It is being implemented by its local partner, Legal Aid of Cambodia from January 2011 to December 2013, in Banteay Meanchey (BMC) and Siem Reap (SR) provinces. The overall objective of this project is to contribute to the development of a child-friendly justice process and to strengthen the implementation of child rights through national and international laws in Cambodia. The specific objective is to improve child protection for CICL in the justice system in Cambodia. The total budget is USD 77,199, or Euro 59,385.

The project identified four Key Result Areas, with performance being measured through the following indicators:

- Increased numbers of CICL have access to proper legal assistance;
- Decrease in the number of children who are subject to violence in the formal justice system;
- Increased cooperation among key stakeholders including local police and prison officials, judicial officers and local governmental officials to improve awareness and responsibility for child protection and juvenile justice;
- Improved laws and policies on child protection and juvenile justice, and stronger political commitment to reduce violations of child rights; and
- A strengthened justice system with improved capacity and focus on child protection and juvenile justice, including the provision of an alternative to the formal justice system for CICL.

The project's Result Areas and Activities were guided by a Baseline Study in 2011<sup>1</sup> which sets the baseline indicators against which the project achievements will be measured. The baseline also recommended the following strategies:

- Training for judicial police and court officers to increase their understanding of the law and alternatives to criminal punishment. Children who are at risk of coming into conflict with the law should be identified and given proper family support services to attach them to school, increase family income, and develop their vocational skills to increase job opportunities.
- Urgent action needs to be taken to deal with issues regarding high numbers of people per cell, mixing children with adults in the same cell, and the quality and quantity of food, medicine and counselling services in prison. Allow accused children to attend vocational training and other educational opportunities related to life-skills, for example, communication skills, anger management and conflict resolution, both for children in prison and those in the community who are at risk.
- Capacity building for judicial police, prison officers and courts to increase their knowledge of current relevant laws, including child rights, the Code of Criminal Procedure, prison management and the draft Law on Juvenile Justice, but also on sharing best practice, skills to work with children and appropriate attitudes that nurture the development of CICL. This includes action to eliminate corruption in the prison system, improving family visits and well planned reintegration programs.
- The Ministry of Interior (MoI) and MoJ increase their monitoring and take action with relevant officers who violate the provision of laws and/or abuse children, for example, beating, terrifying, torturing, forcing them to admit to crimes, changing the age of children and asking for bribes. The number of lawyers stationed at each court should be increased, and courts should be encouraged to implement the law appropriately, with the provision of a lawyer. MoJ needs to ensure that a child-friendly court system is in place, and a separate juvenile court is needed.

Following the strategies, eleven activities were designed for the project.

1. Provide free legal services to CICL at all stages of justice system,
2. Provide awareness raising on child rights to judicial police, lawyers, court officers and local authority,

3. Coordinate and support the functioning of Juvenile Justice Working Group (JJWG) meeting, referred to as 'Pillar Meeting,'
4. Educate CICL in prison on child rights and life skills,
5. Support the meeting between prisons officers and other relevant stakeholders working with CICL in the prison,
6. Coordinate and support the meeting of CCWC and WCCC
7. Pilot diversion of CICL from justice system in the target communes/sangkats
8. Run radio talk-show,
9. Conduct law awareness raising to people in the community,
10. Collect situation of CICL in the prison, and
11. Publish bulletins on children and relevant laws

## 1.2. Evaluation Objectives

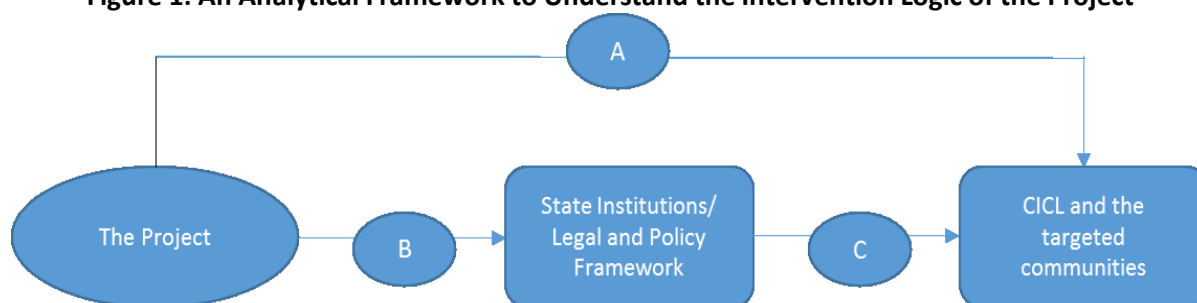
The stated objective of the final evaluation is to evaluate the project achievements against the approved plan after three years of implementation to draw lessons learned and make recommendations for improvement for future designs. The specific objectives include:

- Assess the efficiency and effectiveness of the project, reviewing achievements against planned objectives and outputs,
- Assess the direct management of the project activities by LAC and the indirect management and technical support role by SCI, including analysis of levels of understanding and capacity, challenges and lessons learnt,
- Assess the intended and unintended Impact of the project, using Save the Children's Theory of Change (see below), and
- Assess the relevance of the project model for a potential next phase of the program and develop key recommendations

## 1.3. Analytical Framework

In evaluating the project, the following points are proposed as a guiding analytical framework. First, the evaluation divides the project interventions into two complementary components: (i) assist and raise awareness of the intended beneficiaries (i.e., the CICL) and community members, and (ii) contribute to capacity, institutional and policy development for justice sector, with a focus on CICL. The two components, the evaluation will show, need to be understood together in order to assess the overall impacts of the project. The following diagram summarizes the logic of the project interventions.

**Figure 1: An Analytical Framework to Understand the Intervention Logic of the Project**



Second, the study uses the five standard evaluation criteria to assess the project. They are: relevance, efficiency, effectiveness, impacts, and sustainability.<sup>1</sup>

- The relevance is assessed by the extent to which the project is relevant to the local needs and to the building of the justice sector as mentioned earlier,

<sup>1</sup>Please see Cruz (2013) for the Mid Term Evaluation of the CICL Project in which the five evaluation criteria was used.



- The assessment of the effectiveness is done by comparing the activity-by-activity outputs achieved against the baseline indicators,
- Efficiency focuses mainly on the internal management and operation of the project, including the direct management by the LAC and the indirect support from the SCI,
- Per the ToR, the study look beyond objective and output level changes brought about as a result of the project and consider the Impact of the project. In particular, SC considers the Impact of its work in terms of the Theory of Change, which focuses on the roles of the projects in being the voice for changes, the innovator, partner and its ability to achieve results at scale.
- The project’s sustainability concerns whether what the project has done and achieved will continue and last after the project period.

## 1.4. Methodology

The methodology used in the final evaluation included desk review and field work in the two target provinces, Banteay Meanchey and Siem Reap using quantitative and qualitative methods. For the interviews with children and youth, the Evaluation team had ensured that SC’s Practice Standards for Children’s Participation were followed during consultations.

Reflecting the analytical framework presented earlier, the respondents are categorized into (i) final beneficiaries, including CICL and the communities, and (ii) relevant state actors at all level, including the central, provincial, districts and commune level, (iii) partner NGOs, and (iv) relevant LAC and SCI staff. Focus Group Discussion (FGDs), semi-structured interviews and key informant interviews (KII) were used for different types of respondents. Please see Table 1 below.

**Table 1: List of Respondents and Data Collection Methods**

Respondents	Number	Methods
National officials (MoJ, MoSAVY, NCDD)	3	KII
Provincial officials	12	KII
District officials	21	KII
Commune Police	7	Semi-structure interview
Commune officials	8	Semi-structure interview
CICL in prisons	25	Semi-structure interview
Village chief/deputy	3	Semi-structure interview
Community members	130	FGDs
Diverted/released children	14	Semi-structure interview
SCI staff	3	KII
LAC staff	7	KII

Different sets of fieldwork tools were developed for different types of respondents.<sup>2</sup> Various rounds of discussions were carried out between the SCI, the LAC and research team in order to finalize the fieldwork tools.

## 2. Relevance

The project relevance is assessed based on whether the project activities respond to (i) local needs, (ii) the ongoing and expected policy and institutional development of the Government.

<sup>2</sup> The fieldwork tools are provided to SCI for future reference.

## 2.1. Relevance to Local Needs

Recent studies show some concerns relating to prison overcrowding (including in Bantey Meanchey and Siem Reap), over-reliance on criminal procedures in dealing with CICL, children in custody being subjected to assault and abuse, judicial police failing to inform a child's parents/care givers when a child is arrested, and virtual unavailability of legal assistance for CICL from poor households.<sup>3</sup> The evaluation found that although there are many NGOs working to help children, not many of them provide support/services to CICL. Based on field interviews, prior to the time the project was implemented, relevant government officials, especially those at local level, found it difficult to address CICL cases. The project in that sense has helped address that difficulty. However, as the next section will show, the legal support given by the project is still too limited compared to the needs.

However, based on FGD with people, there are not many offenses occurred in the targeted/piloted communities. Among the 130 community people interviewed, the frequent offenses that were raised by villagers as committed by CICL were stealing and drug abuse. However, according to the interviewees' perception, the frequency of these offenses has been decreased over time. This could not be verified since the evaluation team could not obtain the latest police records.

While the key informants interviewed highly appreciate the CICL project, this evaluation cannot make any claim on the extent to which the project has contributed to the perceived decrease of these offences. While the project might have some roles (e.g. through its awareness raising not just on CICL but other safety and law related topics to both local authorities and the communities), other external factors including migration, youth employment, the ongoing work with the police (especially through the implementation of the Village and Commune Safety Policy) need to be considered.

## 2.2. Relevance to Policy and Institutional Development

First, in addition to being relevant to the United Nations Convention on the Rights of the Child (UNCRC) which is used as a basis for looking at changes in attitudes and handling of CICL within the police, court and prison system, the project is also relevant to the drafting and finalization of the Juvenile Justice Law, the process which has been led by MOJ in collaboration with MoSAVY. In the development of the Draft Law, LAC staff, in particular its Child Justice Program Manager who has been working in child justice area for more than 14 years, has had close cooperation with both ministries and played a vital role as a resource person by taking part in providing legal advice and pushing the draft law to be adopted quicker. Additionally, LAC also brought the concept of diversion for petty offences and misdemeanors and has this concept implemented in the target provinces, districts and communes/*sangkats*.

Second, the project complement directly to ongoing institutional reforms within the key implementing agencies. For the local police and commune/ district councils, based on field interviews, the project's training well complements other legal trainings that they have received from their departments, except that in the latter, there is no strong focus on child rights and CICL. Second, by engaging with CCWC and WCCC, the project contributes to the ongoing decentralization reforms and the Government's intention to promote the roles of SNA in women and childrens' issues.<sup>4</sup> Decentralization reform also includes the promotion of social accountability<sup>5</sup> through citizens' voice, an area to which the project has contributed through its community awareness raising activities.

For the MoJ, the project helps support the "Meeting of Relevant Stakeholders in Criminal Justice Sector," known simply as the 'Pillar Meeting.' The Ministry of Justice established the Pillar Meeting nationwide in

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<sup>3</sup> Please see LICADHO (2010). For more analysis on the baseline on the CICL situation, please see LAC (2011)

<sup>4</sup> Please see NCDD (2007) on the legal status of the CCWC.

<sup>5</sup> For more information about the Social Accountability, please refer to NCDD (2013)

2009 but there was little focus on children. However, in August 2013 the general prosecutor issued a directive to strengthen the pillar meeting and put a strong emphasis on child justice and child rights in its agenda.<sup>6</sup> The CICL project helped strengthen the Pillar Meeting by making it function and focus discussions on both general justice issues and on the CICL issues.

For MoSAVY, the project not only contribute to its engagement in the drafting of the Juvenile Justice Law, but also its ongoing efforts to strengthen its roles to promote alternative care for children and, at the sub-national level, youth rehabilitation back into the communities.

### 3. Effectiveness

The effectiveness of the project is assessed along the four result areas. For each one, in addition to comparing the baseline indicators with the achieved outputs (as provided by LAC), the report also provides relevant assessment results based on the field interviews.

#### 3.1. Legal Representation for CICL

**Table 2: Legal Representation for CICL (Target, Outputs and Relevant Fieldwork Assessment)**

Target (3 Years)	Outputs (Jan 2011-2013)	Relevant Fieldwork Assessment
216 children receive free legal aid from LAC lawyers in SRP and BMC	223 of children received free legal aid from LAC lawyer in SRP and BMC of which 205 cases were closed and 18 cases are pending.	<ul style="list-style-type: none"> <li>• CICL in prisons and all key stakeholders highly appreciate the legal assistance of the project</li> <li>• In some cases, the legal assistance has led to reduced severity of the sentences on CICL</li> </ul>
72 radio talk shows on juvenile justices are produced	88 radio talk shows on juvenile justice were produced.	<ul style="list-style-type: none"> <li>• Only less than 15% of local people reported having listened to the show</li> </ul>
3,000 posters and 3,000 flyers on topics related to access to legal services and the Juvenile Justice Law are printed and disseminated	11,700 posters, flyers, and IEC materials were printed.	<ul style="list-style-type: none"> <li>• Local authority and some villages reported having seen the bulletins, but suggested they should have more pictures than words.</li> </ul>
Two provincial juvenile justice working groups established to address child rights violations and support increased referrals to legal aid services	15 Juvenile Justice Working Group meetings were conducted.	<ul style="list-style-type: none"> <li>• The Pillar Meeting has been highly appreciated by all key stakeholders.</li> </ul>
100 court officers, judicial police, DoSAVY, DoWA, DOE, OD and CSO participate in midterm evaluation	Mid-term evaluation was done in 2012 with 65 government officials as key informants.	<ul style="list-style-type: none"> <li>• For final evaluation conducted in late November and early December 2013, there were 103 key informants (interviewed as key informant and semi-structure interviews) and 130 community people conducted as FGDs.</li> </ul>

<sup>6</sup> Please see MOJ (2009; MOJ (2013)

The Pillar Meeting takes place every three months. It is chaired by a prosecutor and participated by judges, other line departments, districts and some target communes. Asked if they ever joined the meeting, however, only few of WCCC and CCWC members responded they used to join. The fact that most of them did not join the meeting was not because they are not interested but because the number of participants is limited to be invited to the meeting. However, both who join and those who do not join the meeting raised the important of the meeting that:

- It is the forum to 'bright out' the truth (open forum)
- Know better the responsibility of relevant people/institutions
- Be able to raise question to prosecutor and other participants

For commune and district police who join the meeting also raised the usefulness of the meeting that it can solve problems of CICL and they can also raise any challenges of legal implementation.

### 3.2. Children Diversion

**Table 3: Children Diversion (Target, Outputs and Relevant Fieldwork Assessment)**

Target (3 Years)	Outputs (Jan 2011-2013)	Relevant Fieldwork Assessment
1,200 police, prosecutors, judges, local authorities and community based organizations trained on the concept of diversion, and the draft Law on Juvenile Justice	1,258 participants from different sectors trained on the concept of diversion and the draft law on juvenile justice.	<ul style="list-style-type: none"> <li>• Most officials interviewed, while not clearly understanding the concepts of diversion, said children should not be sent to court for non-serious offenses.</li> </ul>
All LAC cases of CICL involved in petty crimes and non-serious offences are advocated for diversion before police, prosecutors and judges	All LAC cases involved in petty crimes and non-serious offenses are advocated for diversion.	<ul style="list-style-type: none"> <li>• LAC is said to advocate for diversion before police, prosecutors and judges.</li> </ul>
Four CCWCs strengthened with support from two DCWC	Four CCWCs were established in four communes and function with support from DCWCs.	<ul style="list-style-type: none"> <li>• Among the 16 CCWC and WCCC and the 20 district and commune police interviewed, they responded that they received awareness-raising from LAC which includes child rights and diversion.</li> </ul>
120 CICL are diverted from the formal justice system by CCWCs and DCWCs in target districts	45 CICLs were diverted which is equal to 37,5% of the target expected.	<ul style="list-style-type: none"> <li>• Interviews with CCWC, WCCC, and commune and district police indicated that there were not many offenses committed by children. This may be the reasons why there were not many children diverted as the target expected.</li> </ul>
6,000 villagers in the four target communes received information on the concept of diversion	81 awareness-raising activities were conducted with 5,135 villagers. This is equals to 85,6% of the target expected.	<ul style="list-style-type: none"> <li>• A majority of villagers interviewed, while not clearly understand the concepts of diversion, said children should not be sent to court for non-serious offenses.</li> </ul>
One national workshop for sharing lessons learned and challenges at the end of the project	One National Workshop was conducted in Siem Reap on December 18-19, 2013.	<ul style="list-style-type: none"> <li>• A national workshop was held in December 2013 to share lessons learnt and preliminary findings from the final evaluation.</li> </ul>

As raised by CCWC and WCCC members, LAC's support has helped strengthen CCWC and WCCC meetings. The following table provides additional information on the LAC support.

**Table 4: LAC's Support toward CCWC and WCCC**

<b>LAC's support</b>	<b>#</b>
Provide Snack	15
Provide transportation fee	15
Provide training (on child rights, protecting children from violence, child exploitation, diversion, gambling...)	12
Conduct the district meeting every three months and case conference	8
Involve in law awareness-raising in the villages	8
Provide materials (pen, paper...)	7
CCWC/WCCC are able to mobilize resources to help poor people/vulnerable people	7
Provide legal assistance for CHILDREN IN CONFLICT WITH THE LAW	4
Strengthen CCWC meeting (reporting, raising issues, case conference, taking action, follow-up)	3

Not only that the support helps strengthen CCWC and WCCC meeting but it also improves the collaboration and support between CCWC and WCCC themselves through below actions:

**Table 5: Cooperation between CCWC and WCCC**

<b>Cooperation between CCWC and WCCC</b>	<b>#</b>
Cooperate with WCCC members through case conference and raise the issues related to children and women in the meeting every three month	10
Join internal WCCC meeting	8
WCCC members provide material supports such as rice, fish source to vulnerable children/people	5
WCCC members give advice to CCWC when needed	5

The interviewed CCWC and WCCC were also asked if attitude has been changed after the knowledge is received and they all agreed that the attitude is changed not only for themselves but also others on the following:

**Table 6: Changes of Attitude/Way of Working**

<b>Changes of attitude/ways of working</b>	<b>#</b>
Police, citizens, and local authority aware of legal aspect (DV, violence against children) and more active	14
Strengthening capacity of WCCC/CCWC members (braver, more confident, gender focus) and ensure regular meeting	13
CCWC meeting includes CICL issues in the agenda, case conference, reporting..)	7
Improve coordination with other institution (village chief, CWCC, LAC, other police ...)	6
Police respects human rights and CICL's rights	5
Openness of CICL information (local authorities report CICL cases and seek advice and support)	5
Reduce informal fee of police	4
Police follow legal procedures more appropriately	4
Citizens are aware of legal aspect(DV, violence against children)	3
Citizens not abuse/violate CICL's right and used diversion process	3

Commune and district police also agreed that their attitude is changed and their treatment toward CICL has also been improved as shown below:

**Table 7: Police's treatment toward CICL (Based on Interview with Police)**

<b>Police's treatment toward children in conflict with the law</b>	<b>#</b>
Inform parents of children in conflict with the law	20
Inform CICL of the reason why he or she was arrested at time of arrest	19
Inform the CICL of their rights	20
There was somebody else present besides police when CICL were questioned	19
Informed children in conflict with the law about lawyer assistance opportunity	20

However, when CICLs in prison were asked about their treatment by the police, to some extent, the treatment has not been improved yet.

**Table 8: Police's treatment toward CICL (Based on Interview with CICL)**

<b>Police's treatment toward children in conflict with the law</b>	<b>Yes</b>	<b>No</b>
	<b>#</b>	<b>#</b>
When police arrested you, did your parent know about that?	13	12
Did police tell you about reason they arrested you?	18	7
Did police tell you about child rights?	0	25
When police asked you, did anybody else sit nearby?	1	24

From community perspectives, they expressed their good intention/no discrimination with CICL diverted. The three main responses mostly raised by the community people are (1) provide opportunity to children to change their behavior (56%), (2) children should not be detained (28%) and (3) they do not discriminate against diverted children.

**Table 9: Local People's Perception about Children Diverted**

<b>What do you think about children diverted into the community?</b>	<b>Total</b>	
	<b>#</b>	<b>%</b>
Provide opportunity to children to change their behavior	73	56%
Children should not be detained	37	28%
Do not have discrimination against diverted children	22	17%
Children can go to school	21	16%
Both victim's and CICL's family still maintain their relations	7	5%
Children get protection from their parents	6	5%
It provides chance for parents to solve the problem	4	3%
It allows parents and authority to solve the problem at the community level	4	3%
It gives parents' chance to educate their child	3	2%

However, if compared between children diverted and children released from prison, although majority of them do not discriminate, some community people still have some discrimination against CICL released from prison.

**Table 10: Local People's Perception about Children Released from Prison**

<b>What do you think about children released from prison?</b>	<b>Total</b>	
	<b>#</b>	<b>%</b>
No discrimination	73	56%
Encourage that child and educate her/him	55	42%
Discriminate against CICL released from prison	27	21%
Provide opportunity to children to change their behavior	24	18%
Educate other people not to discriminate the child	23	18%
Be more careful with CHILDREN IN CONFLICT WITH THE LAW	4	3%

### 3.3. Violence against Children in Custody

**Table 11: Violence against Children in Custody (Target, Outputs and Fieldwork Assessment)**

Target (3 Years)	Outputs (Jan 2011-2012)	Relevant Fieldwork Assessment
60 prison staff are trained on prison rules and regulations and the rights of CICL	58 prison staff and other government officials were trained on prison rules and regulations and the rights of CICL.	<ul style="list-style-type: none"> <li>The interviews with one head of prison staff and one prison staff found the training helpful as their knowledge of prison rules, regulation and the rights of CICL is more strengthened and could be applied properly into practice.</li> </ul>
90 children in prison are educated on human rights and legal issues, and procedures related to judicial police, prosecutors, investigating judges and trial judges	65 sessions with 505 children in prison were conducted on human rights and legal issues, and procedures related to judicial police, prosecutors, investigating judges and trial judges.	<ul style="list-style-type: none"> <li>Among the 25 CICLs in prison interviewed in BMC, SR, Kampong Cham and Kampong Thom,<sup>7</sup> 14 of them said they used to participate in monthly meeting organized by LAC. From this meeting, what they learnt include: CICL related laws, types of crimes and their level of punishment, rights during police custody, detention and pre-trial detention, and life skills.</li> </ul>
Every alternate month, coordinated meetings were held between civil society groups and Prison Committees to improve prison conditions for CICL and strengthen adherence to existing prison and regulations	21 sessions were conducted with 129 participants from health, education, social affairs and other NGOs.	<ul style="list-style-type: none"> <li>The interviews with prison officers and other members who used to join in the meeting found the meeting useful. They can raise the issues that they faced in the prison to other participants for help for instance, the prison physical condition and other necessity needs. Not only that they can raise the issues but they can also benefit from LAC's presentation on laws and child related rights which help them to have better understanding and performance.</li> </ul>

### 3.4. Monitoring System

**Table 12: Monitoring System (Target, Outputs and Fieldwork Assessment)**

Target (3 Years)	Outputs (Jan 2011-2012)	Relevant Fieldwork Assessment
All children in SRP and BMC prisons are met on a monthly basis to monitor adherence to existing laws and potential child rights violations	505 children in prison met on a monthly basis (65 sessions in total).	<ul style="list-style-type: none"> <li>19 CICL in prison in BMC and SR were interviewed. 14 of which responded they used to join the monthly meeting and what they learned from the meeting included CICL related laws, types of crimes and their level of punishment, rights during police custody, detention and pre-trial detention, and life skills.</li> </ul>

<sup>7</sup> For the project, only the prisons in Siem Reap and BMC were targeted. However, in the evaluation, prisons in Kampong Cham and Kampong Thom were also selected to get additional information. The selection was the result of the discussion with LAC and SCI.

Quarterly meetings with all children in prison in the seven remaining LAC branch areas to collect data to monitor adherence to existing laws and potential child rights violations	19 quarterly meetings were held with children in other prisons under LAC branch areas.	6 CICTL in prison in Kampong Thom and Kampong Cham were interviewed. However, none of them reported that they joined the meeting.
850 copies of quarterly Bulletin disseminated	15, 600 copies of printing bulletins were printed and distributed.	The bulletin is about children and the law. It also illustrated the successful case studies and lessons to learn from.
Six meetings per year with NGO Child Justice Working Group to coordinate advocacy efforts with civil society in Cambodia	15 meetings with NGO Child Justice Working Group were conducted.	The meetings were not conducted regularly due to budget constraints.

#### 4. Impacts

While the effectiveness of the project can be understood in terms of the specific outputs produced (as just discussed), its impact should be measured based on the extent to which it has contributed to its overall objective which is *'to contribute to the development of a child-friendly justice process and to strengthen the implementation of child's rights through national and international laws in Cambodia.'* Informed by the Theory of Change, and reflecting the Analytical Framework, the evaluation looks at the project's impact in two areas: (i) its assistance and awareness raising for CICTL and the communities, and (ii) its contribution to the policy and institutional building.

##### 4.1. Assisting the CICTL and the communities

As indicated earlier, the project has provided legal services and other assistance to the CICTL, from investigation to prisons and to reintegration period. For instance, among the 25 CICTL in prisons interviewed, 11 reported having received lawyers from LAC and the other six said LAC were helping them to get lawyers provided by the court to represent them. The fact that the project has worked directly and regularly with CICTL has been appreciated by all key stakeholders interviewed, especially given that LAC is among the very few NGOs who provide such services.<sup>8</sup>

The legal aid provided to the CICTL cases have led to better legal treatment for the children. For instance, through the services, more evidence have been produced which in turn helped inform the judge in his/her decision making. The notion that CICTL should be treated not as perpetrators but as victims has led to more understanding from the judges, and in some cases has helped reduce the period/severity of the sentences. Material assistance provided to children in prisons has also improved their living conditions.<sup>9</sup>

The meeting and awareness raising for children in prisons has helped improve their understanding about their rights, which allows them to protect themselves against abuses (although some cases of abuses were still reported). The fact that the children are better informed about their rights have also discouraged prison officials from committing abuse, fearing legal consequences from their action.

The awareness raising done for the communities have not only raised the awareness about CICTL but also other issues such as drugs, domestic violence, etc. With better understanding about child rights and, to a lesser extent, diversion, people have also started to appreciate what the LAC project has done for CICTL, rather than accusing the project of 'helping thieves.'

<sup>8</sup> In Siem Reap, while it was said that there is another NGO providing legal service, the service is only provided to children who are victim but not to CICTL.

<sup>9</sup> Those supports include soap, some money for parents' travel to visit the children, etc.



During community awareness raising, the CICAL project has informed people not just about its legal services for CICAL but also other issues such as gender based violence. This has not only made people better understand about various laws but also available services from NGOs, which in turn, can potentially improve community engagement in referral.

**Limitations:** Despite the contributions, a number of limitations were identified: (i) the unmet needs for more legal aid for CICAL is still large, especially when there are only few actors (state or NGOs) providing such services; (ii) there are other areas of needs that have had no support, especially, the provision of center services designed specifically for CICAL; and (iii) while the awareness for the community is appreciated, the community's actual engagement in the law enforcement in the case of CICAL (e.g. reporting, intervening when there is abuse from the police on CICAL) is hard to assess. For instance, while some community members interviewed reported unacceptable behaviors by the police when dealing with CICAL, there seems to be not much they can do to challenge the behaviors.

## 4.2. Contribution to Policy and Institutional Development

By providing legal services for CICAL, the project has helped address the key constraint in the current justice system: virtually complete unavailability of lawyers to represent CICAL. However, beyond that, the project has also helped strengthen the justice system in other less direct ways, as discussed below.

### Building Capacity of Sub-national Officials

As already discussed in the previous section, more awareness among relevant state actors has been achieved as a result of the project training. This suggests that the project has contributed directly to the capacity building of law enforcement officials at sub-national level, i.e. from province to the commune levels. When local police or military police officials are better aware of the due procedures on how to deal with a CICAL case, they are also aware about what constitutes abuse and the implications for them if they do abuse the rights of children in conflict with the law. However, the incentive to improve depends not just on the awareness but also the actual enforcement (i.e. sanctions) mechanisms in place.

With more awareness, the project has also brought CICAL and other children-related issues into the agenda of sub-national authorities, such as through the meeting of the CCWC and WCCC. The focus on 'diversion' in the training activities for SNA officials is a relevant initiative, as far as the benefits of CICAL are concerned.

**Limitations:** These include: (i) the project has not systematically interacted with provincial WCCC, which leaves a gap in the 'vertical linkages' between the project and the state system; (ii) despite the increased awareness, the limited financial resource, weak reporting and oversight mechanisms used by local police (in particular) have produced little incentives for them to actually implement the laws relating to CICAL. The quantitative data presented earlier provides evidence on this; (iii) the diversion, while good in concept, in practice, there is yet the needed legal and institutional support for its implementation, i.e. Juvenile Justice Law, social services supposedly to be provided by MoSAVY; and (iv) MoSAVY is a key actor in dealing with CICAL cases, including diversion and reintegration. However, the Ministry is so weak in term of human and financial resources, that it is unlikely that capacity building/awareness raising will lead to actual responses by this agency to the CICAL needs.

### Improving Coordination among Law Enforcement Officials

Through the quarterly Pillar Meeting, the project has played a role as a catalyst to make a state mechanism work. Pillar Meeting has led to better coordination between the prosecutors and lower level law enforcement officials. The Meeting has done two important things to improve the justice system: (i) it is a forum in which law enforcement officers get to learn about legal procedures for dealing with CICAL, and (ii) through face-to-face discussion of the problems on the ground, the forum forces law enforcement officials

to comply with legal provisions so as to avoid being blamed in public (i.e. not good for face saving culture) or being warned for possible legal consequences for abusing their roles as justice police. The fact that the Meeting is presided over by the Prosecutor has been very helpful as it put pressures on other law enforcement officers to better behave. From the close interaction with the various key state actors and NGOs, LAC has better learnt their needs and thus better targeted their supports.

**Limitations:** Almost all key stakeholders interviewed appreciated the meeting but raised that the time allowed is still short, while there are many topics to be raised, disseminated and discussed. Other limitations raised include: (i) the transfer of knowledge to the commune levels based on what is discussed in the Pillar Meeting has been uneven; (ii) the Pillar Meeting is not yet a real decision making mechanism and, sometimes, requires presence of people from the higher level (i.e. ministerial level) to sit in to really urge people of the same ranks at the provincial level to actually talk to each other; (iii) some problems, such as the lack of centers to where CICL can be referred, can only be solved when there are enough resources. The limited resources of MOSAVY means that funding from donor and NGOs will be needed to solve such problems in the short and medium term; and (iv) the coordination between the Pillar Meeting mechanism and the provincial WCCC and governors (who chair the WCCC) stills need clarification, although in practice, key line department officials who sit in the provincial WCCC also attend the Pillar Meeting

### **Advocacy for Policy Changes at the National Level**

With its established relationship with MOJ, LAC has been able to advocate for expansion of good practices such as the Pillar Meeting in Prey Veng and Svay Reang. Because of its direct involvement and experience on the ground, what LAC advocates for is based on practical reality which makes the advocacy work particularly effective. Plus, the lessons learnt from the current diversion program can be used as an experience for pushing for the implementation of the expected Juvenile Justice Law.

**Limitations:** The current advocacy has more room for improvement: (i) as with advocacy at the national level, LAC has so far been successful, but mainly through informal relationship that it has developed with certain individual policymakers at the MOJ and MOSAVY. There seems to be less of systematic/strategic aspects to the current advocacy works that LAC has done; (ii) it is obvious that LAC has worked closely with the sub-national administrative system, i.e. WCCC and CCWC. The roles of these SNA actors will be even more important when implementing the expected Juvenile Justice Law. However, at the national level, LAC has had limited interaction with the 'parents' of the SNA, namely, the MOI/NCDD; and (iii) MoSAVY is a key actor in the CICL and a lot advocacy needs to be done in relation to social services. However, it seems that advocacy within/through MOSAVY especially for clearer legal framework and allocated resources, even for small but necessary spending items such as per diem and travel allowance, have been slow.

## **5. Efficiency**

In each province (i.e. BMC and SR), the project is implemented with four LAC staff members and one intern. The LAC staff members, especially the project manager, play multi tasks including overall project management, coordination with relevant government officials, provision of legal assistance to CICL, visiting CICL in prisons and contributing to the bulletins. Staff members raised the problems of heavy workload, but also indicated that they can handle the tasks, and appreciate the learning opportunities that come from their technical work and interactions with other stakeholders.

For both provinces, SCI has provided one program assistant to provide technical support (e.g. providing feedback on training manuals prepared by LAC, commenting on the actual performance of the LAC). In the interview, the coordinator expressed confidence in how she has handled the work and the relationship with the LAC staff.

The interviewed LAC staff also expressed overall satisfaction on their interaction with the SCI and the support they have received from the latter. The main point for improvement raised by LAC was that Save the Children should provide more capacity building for LAC staff both on legal knowledge, project implementation and coordination, etc.

Despite the good support, the project implementation (especially in BMC) suffered from small delays in 2013 due to the national election and the flooding, which in turn led to less time commitment from government stakeholders (i.e. they were too busy with the election campaign).

From efficiency perspective, the CILC project also gained synergy with other projects implemented by LAC. LAC has other justice related projects through which LAC has built good relationship with relevant stakeholders, the impact of which has positively contributed to the partnership building effort of the CILC project. For instance, although the CILC project does not have formal connection with the provincial WCCC, it has managed to access this governmental entity through another LAC project which focuses on gender-based violence issues.

## **6. Sustainability**

The key sustainability issues include those relevant to (i) the final beneficiaries, here including the CILCs and the public at large, and (ii) the implementing state agencies and the policy the project seeks to support.

The project's supports for children in detention and those released after their serving in prison especially in building their literacy and livelihood skill would have helped at least some of them to sustain life outside crime, while their knowledge about relevant legal consequences of their actions would have incentivized them not to recommit crimes. However, poverty and low prospect for decent employments for the children and discrimination they might face after being released might put pressure on them. This is however beyond the scope of the project.

The project's real prospect for sustainability comes from its close and positive partnership with key state actors. Through LAC's activities to raise awareness on child rights and other laws and its activities to support the meeting of CCWC, CCWC acknowledged that their capacity has been strengthened not only about laws or child related knowledge, but also their management skill, confidence, finding solutions to the problems and cooperation among members. This capacity, as raised by them, would enable them to maintain and lead their internal meeting regularly. However, there are also some concerns raised by CCWC that although they can maintain the meeting, they would not have allowance to be provided to other CCWC members who come to join the meeting except the budget for snack if LAC ends its support. Besides, they would try to mobilize other resources from other NGOs or allocate more CCWC budget to operate the meeting.

Similarly, WCCC also appreciate what they gained from LAC support in deed helps build their capacity and ability to run their internal meeting. WCCC also express similar concern like CCWC does. They further added that although they can maintain their internal WCCC meeting, it is unlikely that they can hold the quarterly district meetings regularly when LAC support is ended because there is no transportation fee, no presentation on laws, to support and incentivize participants.

Given its proven usefulness as appreciated by key stakeholders at the SNA level, the Pillar Meeting that the project has been instrumental in making it operational is more likely to continue if the current commitment from the MOJ continues, and complements by operational budget to cover budget relating to travel allowance and per diem for participants. The Prison Committee meeting may still take place as there are other NGOs also involved besides LAC. However, if there is no other NGOs, it might not be sustained. The monthly meeting in the prison between LAC and CILC, however, is unlikely to sustain without the

project support, unless of course, other NGOs/partners step in and be equipped with similar coordination and networking experience as LAC has shown.

The diversion practice would be implemented when the Juvenile Justice Law is adopted and comes into force. Under the Law, the diversion concept is expected to be put into implementation and those who were reluctant to apply the concept, although some already implemented it, would have a clearer legal basis to follow. However, the challenges then arise as there would be a lot of support/services needed to be provided to CICL. MoSAVVY, who will have to play very important roles in the implementation diversion, is currently under-resourced, a challenge which, given the current national budget allocation, is unlikely to improve in the near future. However, the current project is sustainable in the sense that, through its piloting of the diversion, it has produced most needed practical experience which will inform other interested partners.

## **7. Conclusions and Recommendations**

Overall, the result of the evaluation on the project is positive for all the five assessment criteria. However, the needs relating to CICL in Cambodia is too vast, while the policy and institutional development within the State system is still slow and at an early stage. Given all these challenges, the final outputs of a small project such as the CICL are seen as small compared to the challenges. However, the project needs to be assessed not in term of final outputs alone, but also the process by which it has taken in working with other actors and being the agent of change. Within its limited scope, the evaluation also identifies a number of specific recommendations for its consideration for future engagement. They are presented in the following.

### **7.1. On the Project's Relevance, Effectiveness and Efficiency**

- As indicated earlier, the project is highly relevant for various reasons. One area for improvement however is its selected targeted areas. One of the selection criteria for the selection should be the prevalence of the CICL.
- While continuing to focus on community awareness raising, it should also seek to identify the structural constraints that prevent people from raising their voices and engaging with law enforcement officers. Should such constraints persist, the translation of community awareness to community engagement is going to be difficult.
- One of the practical benefits of the awareness raising is that it make people better aware of LAC services, not just on CICL but others as well. However, it is not sure if such awareness has led to better referral. It is not sure if LAC has interest in looking into this community engagement in referral services.
- One of the most common requests raised by interviewees is for LAC to consider running or assisting a center (i.e. like a rehabilitation center) which is operated specifically for CICL. Such centers, regardless of the roles of LAC in their operations, are most in need given that, currently, there are no centers that have operated to accommodate CICL in the country.<sup>10</sup>

### **7.2. On the Project's Impacts and Sustainability**

To improve its contribution to the building of the capacity of and coordination among relevant SNA officials, especially those engaged in law enforcement works,

- The project should better connect with the WCCC at the provincial level, so that its vertical connection with the key state actors at the sub-national level is complete.

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<sup>10</sup> It is learnt from the interview with LAC that, currently, Damnok Tek NGOs in Poipet has tested accepting CICL. However, more information is needed as how this has worked.

- As with law enforcement officials at local level, awareness raising and capacity building should be accompanied by appropriate incentives, both carrot (budget) and stick (oversight and reporting mechanism).
  - However, it is not sure if this is within the scope of the project. Should the project wish to consider this point, one possibility is to have commune councils play oversight roles over the police on law enforcement matters. However, the current institutional fragmentation which starts right at the central level between the national police on the one side and the sub-national administration on the other might make such 'horizontal' oversight difficult to achieve.
- The Pillar Meeting model should be continued and if possible expanded to other areas. However, it is not sure how realistic it is to expect provinces that do not have LAC's CICL to keep the Pillar Meeting functioning and integrating CICL topics into their discussions.
- There should be mechanisms to bring key messages from the Pillar Meeting to law enforcement officials at the commune level, given that, currently, only district levels who attend and police from the target communes. One possible solution is to include key messages from the Pillar Meeting in the training run by LAC for commune level officials.
- Documentation should be systematically done to bring the issues which were not possible to be solved at the Pillar Meeting and advocate for their solutions with the national level. See below for advocacy part.

### 7.3. On Advocacy

To further improve its advocacy roles, the following recommendations are of relevance:

- For future advocacy, LAC should build on its current strength and find ways to go beyond the current informal ways of advocating to a more strategic method. Related to this, LAC should also systematically use its rich experiences from the ground to enhance the credibility/ effectiveness of its advocacy work with the Government.
- The recent reshuffle of the Council for Judicial Reform from the Council of Minister to MOJ and other post-2013 election justice reform initiated by MOJ should be further explored and opportunities identified for CICL justice reforms.
- Given the expectation that LAC will continue working with SNA, LAC should find ways to better connect with the MOI/NCDD, whose responsibility includes devising legal and policy framework for SNA, including WCCC and CCWC.
- On the police, one specific area that LAC can focus on advocating for is to have more decentralized fiscal transfer, even small operating budget, for commune police to spend on a monthly basis (current, they are not allocated budget but only in-kind transfer in form of gasoline), and to clarify the 'horizontal relationship' relationship between the commune police and commune councils/chiefs.
- As with MoSAVY, it is not realistic to expect that more budget from the Government will be allocated to this Ministry any time soon. However, some small budget increase to cover travel allowance for the line department staff to conduct field visits for children's reintegration, can help improve the effectiveness of social workers positioned at district level.

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