



Timor-Leste

**STRENGTHENING THE JUSTICE SYSTEM IN TIMOR-LESTE
(UNDP project no. 00014955)
Justice System Programme**

**2012 Annual report
Issued in January 2013**



A victim of domestic violence gives evidence before a Judge at Maliana Mobile Justice Session, 22 November 2012.

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ACRONYMS

A2J	Access to Justice
AWP	Annual Work Plan
CMS	Case Management System
CoA	Court of Appeal
CoC	Council of Coordination
CoM	Council of Ministers
CPLP	Community of Portuguese Language Countries
DNAJL	MoJ National Directorate of Legislation and Drafting
DNDHC	MoJ National Directorate of Human Rights and Citizenship
DNRN	MoJ National Directorate of Registry and Notary
DNSPRS	MoJ National Directorate of Prisons' Service and Social Reintegration
FDCH	Human Capital Development Fund
FUP	Foundation of Portuguese Universities
ICNA	Independent Comprehensive Needs Assessment
JSP	Justice System Programme
JSSP	Justice Sector Strategic Plan
LTC	Legal Training Center
MoJ	Ministry of Justice
NP	National Parliament
OPG	Office of the Prosecutor General
OISC	Organisation of High Regulatory Institutions of Portuguese-speaking countries (Organizaçao das Instituicoes Supremas de Controlo)
PDO	Public Defenders' Office
PIC	Criminal Investigation Police
PNTL	National Police of Timor-Leste
RDTL	Democratic Republic of Timor-Leste
SCJ	Superior Council of the Judiciary
SCP	Superior Council of the Prosecution
SCPD	Superior Council of Public Defenders
UNDP	United Nations Development Programme
UNPOL	United Nations Police
UNTL	National University of Timor-Leste
UPR	Universal Periodic Review

FINANCIAL REPORT 2012 *

Outcomes	Programme Activities	Total Expenditure
Outcome 1	Prof. Skill Development (LTC)	182,913.35
Outcome 2	Supp. to Decentralization	546,725.69
Outcome 3	Support to Prosecution Services	592,767.25
Outcome 4	Support to Correction Service (Prison)	142,045.22
Outcome 5	Access to Justice	932,312.81
Outcome 6	JSP Management	673,372.58
TOTAL		<u>3,070,136.90</u>

Institutions Level	Total Expenditure	
MoJ - LTC	182,913.35	
MoJ - PDO	163,445.91	
MoJ - Prison	142,045.22	
MoJ - Legal Development	372,650.20	
Courts	524,485.69	
Chamber of Audit	22,240.00	
OPG	592,767.25	
A2J	396,216.71	
PNTL	-	
Programme costs	276,963.03	
Operation support costs	138,569.09	
Other Administrative charges	257,840.46	
TOTAL		<u>3,070,136.90</u>

Donor	Total Expenditure	
UNDP - 04000 / 00012	266,150.00	
BCPR - 04160 / 00012	500,000.00	
BCPR - 26920 / 00182	480,000.00	
NORWAY - 30000 / 00187	503,224.21	
PORTUGAL - 30000 / 00199	67,746.92	
SIDA - 30000 / 00555	74,432.31	
OHCHR - 30000 / 00559	194,638.35	
UNMIT - 30000 / 11872	983,945.11	
TOTAL		<u>3,070,136.90</u>

* Financial information presented in this report is preliminary based on IPSAS Transaction Detail Report 15 Jan. 2013, FY 2012 will be closed only in April 2013

II. REPORT ON PROGRESS BY OUTCOMES

OUTCOME 1: Skills and competencies of justice sector actors enhanced

1.1 LTC is fully institutionalized and LTC premises fully equipped for optimal working conditions

The UNDP Justice System Programme (JSP) provided strategic guidance and advisory support to the implementation of the 2012 Legal Training Centre (LTC) Pedagogic Plan as well as technical expertise to the LTC Board on IT-related matters.

With the JSP support, a pool of international lecturers and professors was also deployed on a full time basis to the LTC. These advisers have, in the absence of sufficient skilled national staff been providing teaching on a variety of legal topics for the trainees, and for Continuing Professional Development courses. The shortage of qualified human resources in Timor justice sector severely restricts the pool of potential Timorese lecturers. Attempts continue to increase the pool, and to find innovative ways to increase the subjects, and numbers of hours taught by Timorese lecturers. Presently, Timorese lecturers teach Tetun, and a Timorese Judge teaches legal Tetun once a week.

With JSP's assistance, generally physical infrastructure and working conditions in the LTC have been enhanced and supported as necessary in order to enable the Centre to effectively and efficiently undertake its pedagogical activities.

Other institutional strengthening measures supported by JSP include establishing a process for reviewing training materials; establishing a joint evaluation mechanism for staff, and developing a coordination mechanism between national and international organizations working with the LTC.

The JSP provided technical and advisory assistance for the formulation and implementation of the 2012 Pedagogic Plan (a list of courses and participants is at Annex A) which included a wide range of courses for various professional skills for the justice sector (e.g. prosecutors, judges, translators, and notaries). In most cases, the training takes a number of months, and includes a supervised practical element.

As a result of these training courses the number of qualified justice actors will be increased as each group completes its practical training and is duly qualified or sworn in to its professional role. The increase in qualified justice actors has an exponential effect on the ability of justice institutions to function effectively, since each professional cadre is so small. Moreover, the enhanced skills of trainees attending professional development training increases the capacity of the justice sector to function in accordance with the Rule of Law.

Information Technology:

The JSP conducted an assessment to determine the necessary IT equipment for the Language Laboratory and classrooms. Unfortunately, the expected budget allocation for the LTC to

implement the Language Laboratory did not materialize, hence the Language Laboratory has been suspended pending a budget from the Ministry of Justice.

Additionally, JSP introduced the Student Management System, software to strengthen the systematic collection and retention by the LTC of information such as students' history and profile, course contents, examination results etc. was introduced. All relevant staff were trained in its use and application, and properly used, this system will provide a simple solution to the management of the student and course data in the LTC, and strengthen the LTC's ability to function as an effective institution.

1.2 Reference and pedagogical materials is available through the creation of the LTC library

While many students typically do not have a home environment conducive to quiet study, especially female students with domestic responsibilities, the library's potential as a study centre has not been maximized. In order to address this, the JSP has advised the LTC management to introduce one afternoon a week when students are required to work in the library. This recommendation was implemented in November. It is too early to assess its impact, although it is hoped that this will encourage personal study by the students. The library continues to require well-designed interventions to make it an optimal learning environment, and the development of the library has been identified as a necessary area for activity in 2013.

The JSP also introduced the LTC Library Management System to catalogue and manage all the reference materials within the centre. The Library Management System was established to support the management of existing resource materials and procurement of new ones. Unfortunately, following the departure of the JSP-funded national advisor, the library has lacked a suitably qualified librarian. LTC was unable to recruit this position due to lack of allocated budget, and as a consequence, problems have arisen relating to cataloguing and maintaining and developing systems. A recruitment process through the civil service has now commenced for a national librarian who should be in place in the first quarter of 2013.

1.3 LTC scope of action is expanded to new areas to cover needs of the justice sector

JSP-funded LTC lecturers provided support for the preparation of relevant pedagogical materials with the aim of further systematizing and institutionalizing the content of the training at the LTC. These include:

- “Land Law”
- “Brief Notes on Criminal Law”
- “Code of Criminal procedure – Structure”
- “Implementation costs and penalties”
- “Adoption”
- “The protection of minors”
- “Parental responsibility”

A number of international organizations and donors including UN Women, UNICEF, USAID and Japan Aid have been involved in developing stand-alone training activities to expand the subject offered to justice actors. JSP established a mechanism to coordinate these

activities so that they can be better structured and absorbed into the mainstream curricula. This process is ongoing.

1.4 Skills and competencies of existing judicial actors are improved through further education

The LTC has been providing continuous professional development courses for justice actors, for which JSP has provided advisory and technical assistance for the formulation and implementation of the following:

- An intensive course for private lawyers;
- An intensive course for criminal investigation police;
- An intensive course for forensic laboratory technicians,
- An intensive course for auditors from the Audit Court.
- An intensive Portuguese language course for Experts of the Laboratory of Forensic Science and Auditors of the Audit Court;
- Regular lectures on the Law against Domestic Violence among different justice actors (judges, prosecutors and public defenders).

In order to assess impact of these capacity development interventions, the JSP has supported the LTC management in also improving a joint evaluation mechanism for all LTC staff. This is deemed an essential quality-control and management tool for the Centre and is expected to be operational and used in 2013.

1.5 LTC Implement a gender equality policy and increase the focus on Human Rights mainstreaming

With the aim of increasing the number of female justice actors, by reducing the drop-out rate of female trainees, the JSP formulated and implemented a grant mechanism for female students. Currently, 17 LTC trainees benefit from this grant. This grant has also helped counteract the social and cultural pressures on women to give up their careers in favour of family responsibilities.

Relevant gender and human rights mainstreaming in LTC training materials and programmes have also been developed in cooperation with UN Women and UNICEF. This process has involved an assessment of current teaching methods and materials, the local legal and social context, and the time available within the curriculum to address these essential issues. It is expected that the new training materials will then be included in the courses delivered in 2013, with the approval of the Pedagogical Board. This intervention will help to ensure training courses and materials are aligned with and emphasize national and international human rights standards.

1.6 Strategic partnerships for training and certifications established with universities and legal training centers

As mentioned above partnerships for training have been developed with UN Women and UNICEF.

In addition, with JSP support, the LTC and UNTL (National University of Timor-Leste) have developed a strategic and reciprocal partnership where the UNTL provides Tetum teachers to the LTC and the LTC provides teachers of criminal procedure and civil procedure to UNTL. This arrangement has resulted in enhanced coordination and cooperation between the above mentioned institutions.

1.7 Assistance provided in the development of a human resources plan for the LTC

The LTC is currently heavily dependent on international assistance, mainly provided by the JSP. With the aim of facilitating a “nationalization” of the Centre and ensure sustainability of capacity development interventions, the JSP has been advising the LTC leadership on possible ways to plan for the reduction of reliance on international advisers. The nationalization of the LTC is also in line with the interventions highlighted in the Justice Sector Strategic Plan. It is expected that national trainers will come from students successfully completing LTC courses in general. In order to ensure they have the necessary training skills, a special training of trainers’ course has been scheduled for 2013.

Indicators under Outcome I and relevant during the period under consideration:

- The LTC re-design plans are finalized and construction of extra space and internet connections.
- **Achieved**
- All identified management and library software is installed and used, including access for all students to the library database.
- **Partly Achieved.** Software has been installed but further familiarization is required in order that students and staff use it.
- Reference manuals in Land and Property, Juvenile provisions, and Public Law are drafted approved and printed.
- **Ongoing.** Reference materials on Land Law and on juveniles have been prepared and are in use at the LTC. Other guides are pending.
- LTC Pedagogical Plan designed and approved, including further education programs and extension of protocols and new protocols of cooperation.
- Partly Achieved. Pedagogical Plan approved, and includes FE programs.
- 50 beneficiaries in the Female Grants Programme and 7 months female awareness campaign in TV, radio and journals carried out.
- **Partly Achieved.** There are 17 beneficiaries (i.e. every applicant who met the criteria) of the Female Grants Programme, all of whom remain within the programme.
- As part as the nationalization process, at least 45% increase of Timorese lecturers by Dec 2012.
- **Stalled.** Timorese trainers at the LTC focus on language issues, and do not teach substantive subjects, but steps are in hand to correct this in 2013.

OUTCOME 2: Formal justice system decentralized and capacities of all District Courts to administer justice and protect vulnerable groups

2.1: Technical needs of the district national actors are supported

The JSP Access to Justice (A2J) teams assisted all justice institutions in de-concentrating their services to the districts through sector coordination mechanisms, translation support, IT assistance, office support, thus enabling the effective administration of the formal justice mechanisms in remote regions and improving access to justice in the districts.

IT Units have been established in all the institutions (OPG, Courts, Public Defenders and MoJ), staff have been recruited and have been undergoing training supported by the JSP. The JSP IT advisers delivered technical assistance for the development of the IT Units through support, advice and on-the-job training.

More specifically, the capacities of IT officers working in the Courts were strengthened as a result of a training on *Programming Logic*, which was designed to support IT officers to “think like computers”, and to better understand the logic involved in all basic programming languages and software. It has been assessed that following intensive capacity development interventions, the Court’s IT Unit has registered significant improvements and its staff is now able to promptly address risks and challenges with limited international technical guidance. With JSP technical support, the Court’s IT Unit has also developed a CPLP (Community of Portuguese Language Countries) conference website for the Courts in support to the CPLP conference which took place in Timor-Leste in October 2012.

The above capacity development interventions have also contributed to strengthening IT officers’ capacities to maintain the Integrated Information Management System (IIMS) which has now been deployed in all justice institutions, at the central and district levels, with JSP support.

In partnership with Justice Facility/AUSAid, JSP has ensured that the clerks from the Courts, OPG and OPD have been trained in the IIMS. The Court clerks identified several features that need to be changed before the full usage of the system. Those improvements have been discussed and approved by the Chief of Justice. The JSP IT advisers have been liaising with IT Managers together with the developing company, to properly manage those changes. The improvements are being finalized, so that the Courts systems can be fully operational in Dili and Districts by the 1st Quarter of 2013.

The JSP-supported IT advisers have been supporting the institutions; IT units and the developing company on the Integration of all the systems across the sector, namely Automatic Data Exchange (ADE) module that will ultimately connect and integrate the institutions systems, enabling proper case flow and sharing of information between involved institutions. The ADE module has been finalized, and has been presented to authorities, including the Minister of Justice and President of the Court of Appeal who were very positive about the positive impact of a system which would allow institutions to communicate and send cases to each other; they agreed to the integrated system being deployed. However, a policy decision is required as to what information should and will be shared between each of the institutions involved (PNTL, OPG, Courts, P. Defenders and Prisons). It has been requested and agreed to include this topic in the agenda of the next CoC.

The consequence of the IT-related interventions is an increasing ability of all institutions to work efficiently, and systematically.

Last but not least, with the aim of enhancing citizens' confidence in the formal justice system, the district A2J offices of the JSP have been supporting translation services in the district Courts proceedings for citizens who did not speak either national official languages (Tetum or Portuguese) used in the Court. However, language and translation services remain an important need which cannot be properly and systematically addressed because of JSP budget constraints.

2.2 Institutionalized presence of justice services at district level is supported by international presence in order to ensure district courts efficiency

As part of the support provided by the JSP, the fulltime deployment of international judges, prosecutors and public defenders has enabled the district institutions to address complex cases. At the same time, these international actors have also increased their mentoring and advisory roles in order to “transfer their skills” to their national counterparts and ensure sustainability of capacity development interventions. In this regard, during 2012, the international justice actors, financially supported by JSP, were deployed at different times to different judicial districts to perform both line and mentoring functions. Each judicial district outside Dili has the full-time support of an international judge. By contrast, the Prosecution has reduced the number of international prosecutors in the districts as the national capacity has increased. Hence, there is now one full-time international prosecutor in Suai, but none deployed in Baucau or Oecusse. The two international Public Defenders are both based in Dili.

It is important to note that the assistance of the JSP-funded international actors has also been crucial for the effective and efficient administration of justice considering lack of qualified national justice actors in Timor-Leste as yet. And, since serious cases require a panel of three judges, without the international judges supplementing their national counterparts in the districts these cases could have not been processed.

With the aim of supporting the national justice institutions in implementing their decentralization strategies, the JSP has also assisted the Planning Secretariat with the collection and finalization of data mapping of the justice sector across the country. Once complete, it will be presented as an interactive visual map of Timor's sector. A preliminary data map has been produced but due to lack of strong and systematic pre-existing data the map remains only semi-complete. Attempts to finalise the data gathering are on-going and it is expected that the map will be online in the first quarter of 2013.

2.3 Improved and harmonized logistical and administrative support to the justice institutions at the district and central levels

Coordination mechanisms among district justice institutions have also improved with JSP support. JSP A2J district teams have in fact facilitated regular meetings among justice sector actors, which has proven most effective in Suai district, thus contributing to improved communication and cooperation among district justice officers. Within this context, JSP A2J teams have also engaged with relevant development partners, like AusAID, to determine the administrative needs of district justice institutions in ensuring implementation of mobile justice initiatives which have been piloted with JSP support since 2010.

2.4 Quality of service delivery at central and district levels ensure through monitoring and evaluation

With the technical JSP expertise, the IIMS is being deployed to all district justice institutions. The IIMS will be a key tool to systematize case and provide justice sector actors with efficient access to case information. This, in turn, will result in improved consistency, coordination, and knowledge of case data among justice actors across the sector.

The JSP IT Unit has also been supporting the Planning Secretariat on the use of the Planning Secretariat Management System, which aims to properly manage and monitor the activities, goals and results described within the Justice Strategic Plan. This system has a great potential to assist the Ministry of Justice to improve its planning, budgeting and operational efficiency. Although the users have been trained and the system used and updated for a year, the staffing problems at the Planning Secretariat means it has not properly updated the activities and milestones in the system, which makes the planning and policy decisions not so effective and efficient, since it relies on paper reports.

Indicators under Outcome II and relevant during the period under consideration:

- All recruitment processes uphold ethical and operational standards
- **Fully Achieved** for all recruitments involving UNDP.

- IT units functioning and established in all justice institutions .
- **Fully Achieved.** All institutions have functioning IT units.

- 15 Chamber of Audit court trainees successfully pass 1st training phase; New 10 trainees recruited
- **Not achieved.** Another international donor has agreed a project with national institutions to take primary responsibility for establishing the Court of Audit and training staff.

- Budget entitlement training conducted for all state entities.
- **Not Achieved**

- 4 judicial districts are fully staffed and functional; at least 1 more judicial districts open justice institutions offices.
- **Partially Achieved.** All the four current judicial districts are functioning and fully staffed. The OPG has opened new district offices, although no new judicial districts has been designated (i.e. cases are still sent to one of the current four districts).

- All justice clerks trained in the use of CMS in the districts.
- **Fully Achieved**

- Evaluation of service delivery guidelines drafted and shared with Planning Secretariat
- **Not Achieved**

OUTCOME 3: Prosecution Service strengthened to ensure effective delivery of criminal justice

3.1 Support to the implementation of the prosecution strategy

In 2012, the Prosecutor General Office (OPG) further decentralized its services to three new districts: new prosecution offices were opened in: Maliana, and Ermera. A third which is due in Viqueque has been stalled.

The establishment of these additional offices has been possible through JSP assistance in the recruitment of international prosecutors who have been performing not only line functions but also mentoring and training of their national counterparts. More specifically, JSP-funded international prosecutors have been furthering knowledge of their national counterparts on the investigation of specific crimes (e.g. homicide, corruption, abuse of power), the preparation of complex indictments, and assistance in complex trials, including trial preparation and actual trial conduct. This support has contributed to the national efforts of: a) ensuring national prosecutors' skills improve rapidly; b) diminishing the need of international advisors; and c) reducing case backlogs in the OPG.

In support to the implementation of the prosecution strategy, the JSP also undertook relevant capacity development interventions for prosecution clerks in both Dili and district-based PGO offices, which resulted in significant improvement in clerks' functional abilities. More specifically, these interventions have enhanced clerks' knowledge and skills to take statements from suspects, witnesses and victims and accurately register their declarations without requiring supervision by a prosecutor. This development, in turn, has been translated into more time available to prosecutors to pursue other duties and cases since they do not have to direct or conduct these sessions themselves.

3.2: Measures to reduce prosecution backlog implemented

As reported above, strengthened capacities of prosecution clerks have contributed to a diminished supervision by prosecutors who, in turn, have been able to focus more effectively in investigation of cases. This has been also contributing to the national efforts of reducing case backlogs both at central and district levels.

As a result of intensive capacity development training programmes, all prosecutor clerks are now capable to effectively use the Integrated Information Management System. Furthermore, the clerks were able to identify new features and improvements to the current system, which have been reported through JSP IT Unit to the development company, with the aim of improving performance and tailoring the IT software to the needs of the OPG.

In order to strengthen cooperation and coordination between the prosecution clerks and the IT specialists supporting the IIMS, the JSP, together with AusAID, supported training and team-building activities. This will ensure improved understanding of, and responsiveness to, the needs of the prosecutors' office in the development of the IIMS.

3.3: Strengthened working relationship between prosecution and police, especially at the district level

An important element of the IIMS is that the linkage between the Prosecution and the Police has begun to improve as the IIMS is already in place in both institutions which enables them to promote accuracy, transparency and accountability in the reporting of information from PNTL to the OPG.

Additionally, the A2J team facilitated training and planning activities between police and prosecution as part of the groundwork for each mobile justice session. As part of the planning of each session, Prosecutors met Police to explain the key investigative points they required from PNTL both in respect of the specific cases to be heard at the mobile session, and generally. This improved the skills of the PNTL and allowed cases to be better prepared and presented.

During the year, all district JSP A2J teams provided support to coordination mechanism among national justice actors. Coordination meetings involving all justice actors in Suai are now regular; less frequent in Baucau and in Oecussi have proven more challenging to guarantee on a regular basis. This contributed to improved coordination, which has in turn led to a more efficient and effective administration of justice. While initially the A2J teams were actively involved in these meetings, their support has gradually decreased, over the course of 2012, and they have now become self-sustaining in Suai and Baucau as the national institutions assume ownership.

In view of the presidential and parliamentary elections which took place in March and July respectively, the JSP A2J teams also made use of the above mentioned coordination mechanisms to strengthen justice actors' knowledge and skills regarding electoral crimes. Following the electoral calendar, the coordination mechanisms were also explored as venues to also raise awareness of justice actors about sensitive and relevant issues such as crimes of domestic violence.

3.4 Support provided for Commission of Inquiry pending cases

With JSP technical and advisory support, 372 serious crimes have been investigated since 2007. It is expected that around 61 cases will be pending in 2013. This backlog of cases is due to the difficulty in undertaking special investigations requiring specialized instruments, skills and techniques, and also witness issues.

Progress on Indicators:

- All CoI cases completed
- **Partly achieved.**

- All prosecutor clerks trained on the use of the Case Management System
- **Fully Achieved.**

- 4 trainers in criminal investigation related matters.
Stalled.

- Statistics from CMS are reliable and available.
- **Partly Achieved.** The statistics are reliable but, are not yet available except in the

Prosecutor General's Annual Report.

- 6 workshops between OPG and PNTL conducted
- **Partially completed:** One training session for PNTL investigation unit relating to investigation techniques and coordination with OPG was held. At least three further training sessions were held as adjuncts to mobile justice session. More workshops proved to be impossible to organize due to a refusal by the institutions to engage in these activities during the extended election period, and the unavailability of prosecutors to deliver such workshops.

OUTCOME 4: Capacity of Corrections Services strengthened to uphold public safety and security and meet international minimum standards for the treatment of prisoners

4.1: Strategic Plan for corrections implemented and Prison Services capacities improved

The JSP-funded reinsertion advisor has been providing guidance and support to the Correction Department (DNSPRS) of the Ministry of Justice. Currently there are 198 prison guards working in Timor's two prisons in Becora, and Gleno, with some also deployed to the headquarters at DNSPRS. Of these, 120 have participated in training in 2012. These trainings were organized and facilitated by DNSPRS with the active support of the JSP-adviser. A three-day training programme was also conducted with the aim of strengthening the knowledge and capacity of prison guards, held at the LTC and in the Prisons facilities.

The subjects covered in training were:

- Penal Code Introduction;
- Anger Management;
- Social Reintegration: introduction about the concept and work;
- Mental Illness: how to identify and work with mental illness in the prison system;
- Security and control in the prison system;
- Prison Guards Statute: presentation and dissemination;
- Women and juvenile: rights and duties, and how to work with women and
- Youth in the prison system.

This training was delivered largely by Timorese staff from various Ministries (e.g. health, equality etc.) and forms the baseline for a full 6-week re-qualification course for all prison guards to be developed in 2013. The increased knowledge of these issues enables DNSPRS to comply with international standards on treatment of prisoners.

The IT system for Prisons, developed with JSP support, (Inmate Management System) has been used in both Becora and Gleno prisons. This system allows the Prison's Administration office at the MoJ to more easily extract information and thereby helps improve prison management.

The JSP adviser has also been involved in the formulation of relevant Standard Operating Procedures (SOPs) aiming at improving effectiveness of prisons' management and procedures. As a result of the JSP support, the draft of the Criminal Sentencing Act was reviewed by the Correction Services, in conjunction with the Department of Legislation of the Ministry of Justice. Furthermore, the JSP-funded adviser provided detailed technical advice on the preparation of a Ministerial Decree regulating the use and specification of the uniform of Prison Guards. The decree determined the number, type, use and acquisition of the uniforms. The uniform had been a major complaint of Prison Guards, who had been wearing the same uniforms for over two years. The Decree therefore has improved discipline, morale and professionalism of prison guards.

4.2 Improved security infrastructure in all prisons

JSP provided technical and financial assistance to the Ministry of Justice in designing plans for the rehabilitation of the prison in Suai, according to international standards for the treatment of prisons. The Minister approved in principle the request for a budget allocation for this in 2013, but until Parliament approves the Ministry budget, this is not finalised.

4.3 Social reintegration initiatives for inmates

The JSP provided advisory support to the Ministry of Justice in the finalization of the Strategic Plan for Reintegration Services. Assistance was also provided to the prison services in the implementation of a social reinsertion programme to ensure released prisoners are monitored as necessary to protect public safety. To facilitate this and prison management generally, JSP in cooperation with AusAID, supported the establishment of a computerized database which provides information on the backgrounds of detainees. The Inmate Management System is fully implemented and being used in Becora and Gleno prisons, and at the Prison's Administration office in the MoJ to generate reports and information-mining. Another module for the system has been requested by the MoJ, which will encompass a broader scope of information, to support also the Social Reintegration of the Prisoners. However, this additional module awaits funding.

The training programmes on for prisons staff have included components relating to domestic violence. As training on domestic violence for inmates was undertaken by SEPOFI JSP did not duplicate this training in 2012.

The JSP-supported adviser has actively supported the development of an MoU between the Ministry of Justice and the Ministry of Social Solidarity as part of the formulation of a family visits programme in the prisons. The programme started in September, and by the end of the 2012, all prisoners received visits. DNSPRS also signed MoUs with Caritas Australia to equip a prison shop and teach prisoners how to run it, and with PDHJ to provide inmate support. An MoU with OPD regarding legal advice to prisoners remains under discussion, but has been stalled for some months

4.4 : Inmates with access to health, sanitation, recreation and legal advice

With JSP support, a partnership between the Correction Services and the National Hospital was established so that psychiatric care can be offered to all inmates presently requiring such care. Furthermore, in the framework of this partnership, the Ministry of Health has deployed four nurses in the Becora and Gleno prisons in order to ensure swift access to primary healthcare by all inmates.

With the aim of ensuring the right to legal aid is upheld for inmates, the JSP also supported the establishment of a coordination mechanism between the Prison Services and the Public Defenders' Office. This mechanism includes four main interventions, namely: outreach sessions in prisons by public defenders; production of information materials for prisoners; training for prison guards on rights to legal aid for prisoners; and regular legal aid sessions to inmates.

4.5: Quality of Correction Services ensured through monitoring and evaluation

The Prison Integrated Information Management System has been established in both Becora and Gleno prisons with JSP technical and financial support. Furthermore, a computerized database for prison guards which contains all pertinent professional and personal information to ensure accountability has also been formulated.

Indicators under outcome under IV and relevant during the period under consideration:

Progress on Indicators:

- All Prison personnel trained in the LTC
- **Partly achieved:** 120 prison guards have been trained.

- Number of Protocols established between Corrections Services and other institutions, especially with OPD.
- **Partly Achieved.** MoUs agreed with MSS, Caritas Australia and PDHJ. The OPD

- 50% of inmates benefit from Family Visit Program
- **Fully Achieved:** the program commenced in September and all prisoners have benefited from it.

- 4 trainings conducted on domestic violence for inmates
- **Not Achieved** to avoid duplication with other activities by national institutions.

OUTCOME 5: Enhanced access to justice for all and improved public confidence in justice institutions

5.1 OPD supported to fulfill its mandate and develop a national legal aid policy

The Public Defender's Office (OPD) has the mandate to implement a national policy to ensure citizens who are eligible and require the assistance of a public defender are able to receive assistance. To further this, the OPD is also mandated to conduct interventions to increase citizens access to justice. The JSP A2J teams have regularly engaged with the PD's offices at the central and district levels to support relevant legal awareness campaigns.

The A2J team has also provided support and assistance to the OPD to negotiate and draft a cooperation agreement with the Correction services (as detailed under Outcome 4) with the aim of providing the right to legal assistances for all inmates. In this regard, the A2J team in Dili successfully supported the OPD in conducting a training session for all prison guards from Becora, working to enhance access to legal representation for inmates by ensuring guards are aware of prisoners' rights, and their own duties in this respect. The public defender trainer provided general information on the justice system, background on the basic principles of the Penal Code, detailed information the role of the OPD, and the right of prisoners to legal assistance. Copies of the Penal Code and Criminal Procedure Code were shared with the 30 participants who attended the session. The half-day training session formed part of a three-day course at the LTC.

PD's have to balance the demands of representing clients, providing legal assistance and undertaking outreach, leading to practical limitations on the number of outreach activities they can undertake. The A2J team has supported an initiative to involve LTC students (those studying to become Public Defenders and Private Lawyers) in conducting information sessions for prisoners (and guards) in Becora and Gleno prisons.

Finally, the A2J team supported the OPD in designing a comprehensive communication strategy to increase awareness among the general population of their right to access a Public Defender. A draft strategy document which includes outreach, publications, media and website design to improve public knowledge and usage of the OPD has been completed and awaits approval by the PDG.

5.2 Legal literacy and awareness for rights holders and duty bearers

To increase citizens' legal literacy, and knowledge of their rights A2J teams focused on the production and distribution of printed outreach materials relating to rights and duties, dissemination of other legal materials, and supporting legal outreach / socialization sessions. These interventions contributed to the implementation of the national outreach campaign undertaken by the Ministry of Justice at the national and district levels. Furthermore, the JSP interventions were aligned to the ones mentioned in the Justice Sector Strategic Plan and aiming at enhancing awareness and understanding about the functioning of the justice system and legal framework among citizens.

Printed Outreach Materials

In support of the training for correction service staff and prison guards to improve knowledge of prisoners' rights to legal assistance the A2J team developed and distributed brochures relating to prisoners rights to access legal advice. Feedback from correction service staff and guards on the content was used to improve the brochure. The brochure was distributed to all inmates in both Becora and Gleno Prisons complementing OPD socialization sessions, in addition to the A2J team's outreach sessions across the country.

A brochure for the general public was developed and printed explaining the right to free legal assistance from Public Defenders, and how to access legal assistance in general. It is expected that this brochure will increase citizen's awareness of, and demand for, the service of Public Defenders.

A third brochure on domestic violence for citizens improved on a previous version designed and distributed by A2J teams in 2011. The old brochure was revised and incorporated additional input from various CSOs working on domestic violence issues and UN colleagues. The revised version effectively conveys the message of what domestic violence is using culturally relevant description and terminology, detailing nature of the crime, and what can be done/where to turn when it occurs. The brochure aims to increase the understanding of the general population, of the content of the Law Against Domestic Violence.

Additionally, all A2J teams continued disseminating legal information materials and A2J brochures across the country to key government representatives. In particular, targets continue to include PNTL officers – specifically with copies of the Penal Code, the Law Against Domestic Violence, the Criminal Procedure Code (resulting in PNTL officers often getting their first copies of these laws). Likewise, A2J teams continue to update materials in the small legal resource centers established in District OPD offices, ensuring citizens (and PDs) have access to legal resources.

Socialization Sessions

A2J teams continued to support national institutions in conducting outreach sessions across the country, effectively reaching hundreds of citizens face-to-face with crucial legal information and increasing awareness of their rights.

The A2J team worked closely with MoJ on outreach activities held during 2012 including: legal dissemination in Maubisse (February) and Mehara (May); and a two-day seminar and debating competition for SMA students in Suai in commemoration of international day for victims of torture (June). Over 200 people attended the Maubisse session. TVTL also attended and broadcast a story on the event on the evening news bulletin, thus reaching an estimated audience of more than 100,000 people. The event in Suai reached an audience of over 100 senior high students, more than 20 local university students and school teachers with comprehensive information about human rights and Timor-Leste's ratification of the Convention Against Torture.

In Baucau, the A2J built on previous successful coordination/training sessions between the OPG and PNTL and supported coordination between them dedicated to improving coordination on investigations and prosecutions under the Laws against Domestic Violence. As a result of these sessions, both prosecutors and police officers have enhanced their knowledge of investigation requirements and of the law itself. Furthermore, the A2J team supported a joint outreach session of the Provedoria for Human Rights (PDHJ) and the Public Defender in Bauro Suco, Lautém District regarding citizens rights and rights to access

public defenders. The session was attended by 35 people (14 women), and provided citizens with crucial legal knowledge and awareness-raising.

The Suai A2J team supported monthly coordination meetings of all district justice actors (Courts, OPD, OPG, PNTL and relevant CSOs) with the aim of strengthening cooperation among all actors. A socialization session was held at which the PNTL VPU attended Maucatar pre-secondary school, Cova Lima District which focused on ensuring participants are aware of the content and implications of the Law Against Domestic Violence (LADV) and Witness Protection Law.

In Oecussi, the A2J team meaningfully engaged with the community radio station, RCAL, to reach out to citizens about key legal information. Radio programmes on the role and function of the OPD and private lawyers and a programme on domestic violence were broadcast. In addition to the engagement with radio stations, the Oecussi A2J team also facilitated regular coordination mechanisms among district justice actors.

In Dili, an agreement with Timor-Leste Media Development Centre (TLMDC) for nationwide radio programming proved impossible to reach with TLMDC overly busy on other projects. However, the JSP established an agreement with Radio Akademica (Community radio from UNTL) to design a training module for journalism students, and design and broadcast radio programmes on youth and justice, in addition to programming relating to the role and function of justice sector institutions and actors. JSP supported with a training for radio staff on the basic tenets of the justice system, identifying potential interviewees, and facilitating their attendance for radio interviews. Although four radio programmes were planned, only two could be broadcast, due to the difficulties the participants faced in engaging with justice actors. JSP continues to support this activity in 2013.

The A2J team in Dili designed, coordinated and administered a collaborative 2-day training session for the staff of the National Directorate of Citizenship and Human Rights in the MoJ. The training involved cooperation with two sections in UNMIT: the UNMIT training section provided a detailed course on “soft skills”, such as time management, priority management, and good work habits and UNMIT Human Rights and Transitional Justice Section provided a detailed history and overview of the international human rights system and key treaties. The skills and knowledge acquired will greatly assist them in understanding and performing their important role in disseminating information on key human rights treaties.

In cooperation with Justice Facility, 4 mobile justice sessions were facilitated in Suai, while 2 sessions were held in Baucau.

A meeting of Judges in Dili February 4th, 2012 was organized to consider the mobile justice activities for 2012-13 and work out to common rules of conducting sessions in all judicial districts. As a result the President of CoA issued Instruction №5/2012 on 13 June 2012. JSP was only able to proceed once the instruction was issued, and this, together with the presidential and parliamentary elections made it impossible due to reach the target of 10 sessions in 2012.

The impact of the sessions is two-fold. First, long-delayed cases have been resolved and the parties involved have received justice. Second, the profile of the formal justice system continues to be raised, with each session announced in advance and the session open to the public. When time is available, each session is followed by a question and answer session

with the justice actors which is another opportunity for citizens to understand their rights and the legal system. Given the demonstrated success of mobile justice sessions, Justice Facility and JSP continue to work together with the Court of Appeal to ensure mobile justice becomes institutionalized, including the necessary budget allocation, and thereby become nationally sustainable in 2013 with limited external support.

5.2.1 Support the development of the legal framework related to land and property

JSP provides support to the Land and Property Department of the MoJ including supporting an international land law adviser, responsible for drafting land related legislation as well as managing all the process of approval of legislation. The adviser is also responsible for coordinating land related activities with donors and take part in the elaboration of work plans. In the absence of suitably qualified Timorese counterpart to whom the position can be handed over it was agreed with the Minister that a lawyer from the Department of Legislative Drafting would be assigned to be trained and mentored by the international adviser.

Following a request of the previous Minister of Justice, the JSP supported the development of a Backup and disaster Recovery Plan for the Lands Management IT System. This plan has the twofold objective of assuring security to the current data in the case of a disaster, as well improving the responsiveness and reestablishment of the IT systems in the case of an emergency.

At the beginning of 2012, the USAID-funded project *Ita Nia Rai* was the entity responsible for issuing land registry certificates. Although the MoJ agreed to absorb the project staff and methods, in fact, the organizational challenges caused by the end of the USAID support to the project remain. Despite the JSP adviser's active support in discussions to overcome these hurdles, they remain and this has had a significant negative impact during 2012 in the issuing of land registry certificates.

At the beginning of 2012 the National Parliament started to debate land related legislation, which had been approved by the Council of Ministers in 2010 ("The Special Regime for the Determination of Ownership of Immovable Property"; "the Expropriation Law" and "the Law for the Immovable Property Fund" known collectively as "the land law package"). The international land law advisor for MoJ, was deeply involved in this debate, giving technical assistance to the representatives of MoJ during all the debates. The land law package was then vetoed by the President, and required the legislative process to be re-started after the elections.

Following the parliamentary elections and the establishment of the new Government, the National Directorate for Land and Property was re-designated as to the Secretary of State of Lands and Properties (SSLP). The JSP-funded Land and Property Adviser continued supporting the SSLP, providing technical input on the preparation of the 2012-2017 Plan for the National Directorate of Land, Property and Cadastral Services, and the "100 days of Governing Plan" for the Ministry of Justice of the V Government of Timor-Leste.

The land law package vetoed by the President, was revised. At the suggestion and support of JSP, a widespread consultation exercise was initiated, in order to disseminate the latest draft law. The consultation involved dissemination of a detailed report about the changes in the previous drafts, and explanations of the key articles in the draft legislation was and both old and new drafts were translated into Tetun. A workshop to launch the consultation was held

in November, and attended by around 50 stakeholders, including civil society, academics and donors. JSP also supported preparation of outreach material in Tetun to be distributed to each Suco Chief to enhance their awareness of the consultation process. After the period of consultation a final draft will be prepared in spring 2013, and sent to Council of Ministers to be approved.

5.3 Synergies between formal justice institutions and traditional/customary local institutions strengthened

In order to further promote women's rights and support the justice system in addressing cases of domestic violence, the JSP undertook a twofold approach aiming at 1) conducting a literature review on traditional justice and domestic violence in Timor-Leste and 2) implementing an income generation scheme for victims of domestic violence to empower them and break the circle of violence.

The literature review has been completed and translated into Portuguese and Tetum. The review analyzed the barriers faced by female victims of domestic violence in Timor-Leste and the local-level dynamics which impact women's access to justice regarding both formal and informal systems of justice. The paper identified major gaps in the literature; recognized the need for more reliable data on the role of and power relations between various local administrators of justice; the nature of dispute trajectories across Timor-Leste; the central barriers impacting on women's access to justice; local definitions and concepts of domestic violence; the nature and effects of social pressure; and the reasons motivating a victim and their family to approach either formal or informal authorities.

With actors in both the formal and informal justice system at times working to prevent cases of domestic violence being processed formally, women attempting to access the formal justice system face serious barriers. This literature review concludes that it is the concept of and attitude toward violence against women, the idea that domestic violence is a normal occurrence and private matter and general ignorance of the domestic legal framework, which need to be challenged, both in the formal and informal realm.

As mentioned above, in addition to the literature review, the JSP also supported a pilot economic empowerment scheme using a social business model for female domestic violence survivors. Implemented in partnership with the NGO Empreza Diák, the project aimed at testing whether social business models can be used to economically empower female victims of domestic violence and assist them in escaping situations of abuse. As a result of this project, the following observations were made:

- Providing business training and economic empowerment support to survivors of DV while they are institutionalized (and not only after they are reintegrated) is a key step to guarantee their successful reintegration.
- Reintegration schemes should focus on providing women survivors of DV with coaching and support on how to improve employability and how to look for a job. Additionally, networks to support the linkage between women that leave the shelters and the work place market must be developed.
- One-off interventions and occasional trainings on general business management are not helping women survivors of DV to build better lives for themselves and their children. Additionally, these interventions do not assist service providers to support the institutionalized women in this process. It is essential to design and deliver tailor-made and practical trainings adapted to the women's level of capacity and personal experiences and focus on follow-up coaching and support.

- Before providing financial support to individual woman it is important to do a basic assessment of the women's background (existing skills, capacity, family circumstances, plan for the future) and of the business/activity to be pursued (product viability, market, potential clients). Additionally, it is crucial to invest in follow-up business mentoring and coaching for women who wish to start a small business to enable them to successfully stand on their own.
- One-off interviews and questionnaires only provide limited data and information as women struggle to share information in such circumstances.

Indicators under Outcome V and relevant during the period under consideration:

- 10 mobile justice initiatives with JSP support;
- **Partially Completed.** Only 6 sessions were held, due to the elections period suspending activity and awaiting the President of the Court of Appeal issuing the necessary instructions to the district courts.
- All Annual work plans for 2013 are drafted.
- **Completed.**
- 8 Land regulations approved and implemented;
- **Not achieved.** No land regulations were approved due to change of Minister and Government.
- At least 90% of land certificates have been issued by Dec 2012;
- No statistics available on this.
- 15 Laboratory technicians and 3 Forensic specialists recruited and trained.
- **Not achieved.**
- 24 Human rights-based radio programmes through Train of Trainers;
- **Achieved.** Over 30 rights-based programmes were aired in Oecusse, Baucau, and Los Palos.
- 1 Justice Dialogue Forums
- **Not Achieved.** This was dependent on the finalisation of the Research into Domestic Violence which was only completed at the end of 2012.
- Community leaders trained on the interface between formal and traditional justice systems in 4 districts.
- **Not achieved** due to lack of legal framework.
- Increase of legal outreach sessions in the districts by 40%
- **Fully Achieved.**
- 42 Students attend Mobile justice sessions.
- **Not achieved:** the opportunity to attend a mobile justice session in Suai was offered to law students in Dili, with expense and travel supported by JSP. Unfortunately, none took up the offer due to requests for increased DSA payments for their participation.

III. CHALLENGES AND ISSUES

2012 was a watershed year for Timor-Leste. The Fourth Constitutional Government completed its full term, and, after free and fair elections, the Fifth Constitutional Government headed by Prime Minister Xanana Gusmao was sworn in on 8 August. The generally peaceful elections paved the way for the withdrawal of the UN Mission in Timor-Leste (UNMIT) in December.

The Programme of the Fifth Constitutional Government reiterated the Government's commitment to inter alia strengthening the national human resources in the justice sector, increasing justice actors in the districts of Timor, and improving access to justice. These priorities confirm the continuing relevance of the JSP and its alignment with national priorities.

The Parliamentary and Presidential elections had an impact on the justice sector, as a significant portion of the year was absorbed in political campaigning. Due to the extended periods of campaigning for both elections, the pace of decision-making was affected as Ministers were busy with political activities. Some government outreach programmes were entirely suspended, and mobile court sessions could not take place for a large part of the year.

The work of the Ministry of Justice was also disrupted by the suspension and then prosecution of the former Minister of Justice. For some months, the Prime Minister was Acting Minister of Justice, with the Vice-Minister responsible for most day-to-day tasks. Only after the new Government was sworn in was a new Minister of Justice appointed.

These events inevitably impacted on some of JSP's planned activities, as national actors' priorities shifted. Yet the Program continued to deliver the agreed 2012 Annual Work Plan as agreed with the justice institutions, and successfully completed a number of important milestones. There was marked reduction in the number of capital projects and equipment purchases by the JSP. This reflects the growing strength of national institutions, which are now sufficiently well equipped and funded to supply and maintain their own. JSP's support continued to emphasise a strong and effective human resource capacity as the most important element of strengthening the justice institutions. At the same time, the access to justice output, focused on activities to respond to the demand-side of justice included mobile justice sessions, legal advice and outreach sessions in districts, and increasing public awareness of the role of the justice institutions.

In August, justice institutions across the country were closed for the majority of the month for "judicial holidays", meaning little institutional work was completed during this time. Some training was undertaken, but many justice actors were not present in their duty station or in the country.

Key legislation relating to civil registries and Land Law, having failed to pass in the last Parliament must now start the approval process again, which will significantly delay their implementation dates.

JSP

The new Project Manager started her assignment in September and engaged with all national justice institutions in the implementation of the 2012 Annual Work Plan and the formulation of the 2013 Annual Work Plan. However, budget constraints are expected to impact on the ongoing support to the strengthening of the justice system in 2013.

The closure of UNMIT in the 4th quarter and the concomitant reduction in infrastructure support available to travel to districts has negatively affected JSP and the justice sector in the districts, especially Oecussi, which has special transport challenges.

Annex A – List of Courses at Legal Training Centre

Ongoing Courses:

- II training programme for private lawyers (started in 2011 and to be completed in 2013); 15 male and 14 female
- III training programme for private lawyers is ongoing and is expected to be completed in 2014; 10 female, 27 male.
- I training programme for notaries (started in 2011 and expected to be completed in March 2013). 9 male and 2 female
- IV training programme for magistrates and public defenders (started in 2011 and expected to be completed in May 2014). 11 male and 4 female
- I training programme for translators (started in 2011 and completed in May 2012). 9 male and 6 female
- I training programme for auditors (started in January 2012 and completed in March 2012). 9 male and 1 female
- II training programme for legal advisors (started in 2011 and completed in July 2012) 8 male and 6 female
- I training programme for justice clerks (started in 2011 and completed in 2012) 23 male and 7 female
- Various Complementary courses for lawyers and magistrates.

Courses commencing 2013:

- IV course for 45 private lawyers (teaching expected to start in July).
- II training programme for justice clerks (date not known).
- VI course for 45 magistrate and public defenders (the selection process is due to start in June).
- V training programme for magistrate and public defenders expected to start in January 2013. This course will be completed in 2015
- I Pedagogic course for national lecturers (date to be confirmed).
- II course for notaries (the selection process is due to start to start in June).
- Various Complementary courses for lawyers and magistrates.

