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**Justice System Programme  
(UNDP project no. 00014955; no. 00088880)**

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*Annual Report  
(January to December 2014)*



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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 (for the Justice Sector)
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
DPCM	Development Policy Coordination Mechanism
FDCH	Human Capital Development Fund
FUP	Foundation of Portuguese Universities
ICNA	Independent Comprehensive Needs Assessment
IIMS	Integrated Information Management System
JSP	Justice System Programme
JSSP	Justice Sector Strategic Plan
LTC	Legal Training Centre
MoJ	Ministry of Justice
NP	National Parliament
OPD	Office of the Public Defender
OPG	Office of the Prosecutor General
OISC	Organisation of High Regulatory Institutions of Portuguese-speaking countries (Organizaçao das Instituiçoes Supremas de Controlo)
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
UNTL	National University of Timor-Leste
UPR	Universal Periodic Review

## OVERVIEW

The new Justice System Programme (JSP Phase IV) was launched in January 2014. At the same time, JSP Phase III was extended until 31 December 2014 to enable utilization of Norwegian funds as per the Agreement of 2012. The project activities ran in parallel and are integrated in this report. In addition to the launching of the new programme, several key events unfolded in the justice sector over the course of the year.

In early 2014, the then President of the Court of Appeal resigned unexpectedly. The new President, Dr. Guillermino da Silva was inaugurated in March 2014, and some time was taken to reaffirm the JSP work plan with the new leadership and make slight adjustments as needed.

Towards the end of the year, political events caused uncertainties in the justice sector, severely affecting the implementation of the JSP. Three Resolutions were passed by National Parliament (1) and the Council of Ministers (2) in October 2014, which had implications for the judiciary, other justice sector institutions and international support to the sector, including the multi-donor funded UNDP support under the Justice System Programme - JSP (2014-2018). The Parliamentary Resolution of 24 October, called on the Government to undertake an Audit in the Justice Sector. The First Government Resolution on 24 October called for the immediate termination of contracts of all international judicial personnel and advisers in the Courts, the Prosecutor's Office (OPG), the Office of the Public Defender (OPD), the Anti-Corruption Commission (CAC) and the Legal Training Centre (LTC). The Second Government Resolution instructed the Immigration Service, on the basis of the cancellation of their employment contracts, the work permits and special stay visas of five international judges and three advisors (two in the OPG and one Police Officer in the CAC) to be revoked. These resolutions had implications for the judiciary and other justice sector institutions as well as international support to the sector, particularly the multi-donor funded UNDP support under the Justice System Programme - JSP (2014-2018) (The details are captured in the Challenges and Management strategies section of the report).

In the face of these major issues, the JSP made good progress over the year. Some of the key achievements are highlighted below:

- Access to justice increased significantly in 2014 with the nationwide launch of the mobile justice programme in July 2014. The mobile courts project was initially successfully piloted in Suai Judicial District, and expanded this year to all 13 districts across the country with court sessions now being held on a regular basis. This brought a significant increase in the number of cases heard outside of the judicial districts capitals, contributing not only to clearing case backlogs, but also to bringing justice closer to the people and increasing awareness of and engagement with the formal justice system.
- Consistent progress was made in realizing the 'Timorisation' goals of filling all justice sector professional positions with qualified nationals through continuing intensive training in the LTC as well as complementary programmes in the institutions. In 2014, of a total of 97 students, 72 graduated from the LTC and began work. Furthermore, a Training of Trainers programme was conducted in 2014, which paves the way to replacing international trainers in the LTC in the very near future.
- A nascent culture of evidence based policy-making in the justice sector was strengthened through a number of important data collection initiatives including a Human Resources needs assessment, an assessment on the current state of development of the Public Defender's Office, a review of the Monitoring and Evaluation framework of the JSP and the Justice Sector Strategic Plan (JSSP), and a Perception Survey on Access to Justice in Suai.
- Outreach to the grassroots and most marginalized communities increased through interventions on many fronts, in addition to the mobile courts initiative mentioned above. Greater engagement with NGOs active in the justice and human rights area resulted in reaching a significant part of the community in Suai, particularly on raising awareness of the formal justice system and domestic violence issues. Moreover, JSP support to legal awareness raising and

socialization sessions held by the Ministry of Justice's National Directorate for Human Rights and Citizenship (DNDHC) was intensified, reaching 963 over the year, which included 660 males and 303 females.

However, due to the political developments regarding the justice sector mentioned above, there were very limited activities in the fourth quarter. At the end of the year, the focus was on managing the negative impact of the October 2014 Resolutions on the JSP and chart a way forward in close consultation with national and international partners. As such, resource mobilisation efforts were temporarily put on hold, while an interim three-month work plan was agreed upon for January to March 2015. Groundwork was laid for a comprehensive review and realignment/ reformulation mission scheduled for early 2015 to inform the future direction of the JSP.

## PROGRESS BY OUTPUT

### OUTPUT 1: COORDINATION, MANAGEMENT AND STRATEGIC PLANNING CAPACITIES OF JUSTICE INSTITUTIONS ENHANCED FOR MORE EFFECTIVE AND EFFICIENT FORMULATION AND IMPLEMENTATION OF LAWS, PLANS AND OVERALL ADMINISTRATION OF JUSTICE

Progress against Indicators	
Indicators	Progress Jan - Dec 2014
1. Frequency of COC and DPCM Justice sub-group meetings	1 COC meeting held during the year 4 governance sub-sector meetings held regarding creating the new DPCM matrix which was presented to the DPCM meeting held in July 2014
2. # of justice sector institutions with gender disaggregated M&E systems in place	M&E assessment conducted resulting in technical recommendations to strengthen M&E systems  All justice sector institutions (MoJ, PGO, OPD, Police, prisons, courts and PDHJ) are utilizing the IIMS system, however, with varying quality and regularity, and inter-institutional data sharing not yet been initiated.
3. # of justice sector policies, plans and laws informed by research, data analysis and public consultations inclusive of women groups and vulnerable groups	Customary justice law desk review done, concept note presented and discussed with Minister, consultation process done in Suai, Baucau and Oecussi.

Activity Results:

***Result 1.1 Management and coordination capacities of justice sector institutions strengthened with systematic use of data for evidence based and gender-sensitive planning and budgeting***

***Result 1.2 – Justice Sector capacities improved for more inclusive and evidence-based policy and law making processes***

***Result 1.3 – Increased capacities for monitoring and oversight of justice sector institutions including more public access to information on justice sector progress***

#### IIMS and IT

The IT Master Plan for the Justice Sector was approved by the Council of Coordination (CoC) in July 2014. The plan, designed by an inter-sectoral working group supported by the JSP-supported Integrated Information Management System (IIMS) team, outlines the needs of the sector in areas of IT infrastructure, training, human resources, and maintenance, for the next five years. The document also puts in place mechanisms to ensure coordination and proper budgeting within all justice sector institutions. A budget for the IIMS support for 2015 was developed in coordination with the MoJ Finance Directorate and submitted to the Ministry of Finance. However, funding for the IIMS within the State budget has not been secured for the year 2015. While all institutions have raised concerns over support and maintenance of the system, network and application in the year 2015, no concrete way forward has been determined and international support to the system maintenance is being phased out in early 2015.

In terms of utilization of the IIMS, overall there has been good progress over the past year. There is a better awareness now within the institutions regarding maintenance and backups of the existing systems and by the end of the year IT and human resources capacity and level of utilization had increased compared to previous years. Below is brief description of the status of IIMS utilization for each institution supported under the JSP.

- The *Office of the Prosecutor General (OPG)*
  - The IIMS (Case Management System application) is utilized throughout the country routinely and used as a management tool. The OPG system functions well despite limited levels of in-house ICT technical support.
  - As planned, backup routines were regularly undertaken. The process is now ready to be taken over by the national experts.
- *Courts*
  - As a result of problems with the original data entry of the “legacy cases”<sup>1</sup>, these cases were all deleted and then re-entered through the support of additional JSP-recruited staff.
  - The IIMS was implemented in Baucau court in March 2014 as a first stage of a rollout in all district courts. Currently, the application is being fully used in Baucau and Dili. The next phase of the system rollout is expected to cover Suai and Oecussi. There are still some issues that depend on software maintenance and upgrading such as production of consistent reports. However, these issues should not prevent the system from being further implemented in the districts. International experts, supported by the JSP, undertook the training of all national clerks, including on-the-job training in each District Court, contributing to increased capacity.
- The *Office of the Public Defender (OPD)*
  - The OPD IIMS application (‘Client Management System’) is being utilized to manage the client files in all districts. However, the system still needs to be further fine-tuned in order to be more functional, for example in the area of report generation.
  - The Case Management System is being used only in Oecussi and Dili. District servers are available at two other locations: Suai and Bacau. These servers are not being used as there is no network connectivity in these districts and neither are there expert human resources available to maintain these servers. The OPD’s Action Plan for 2015 addresses this major concern. This problem is expected to be resolved in 2015, as the process has already started.
  - Backups are being taken regularly however a process has to be put in place to validate the backup by restoring it and confirming that the process works.
  - The users, such as clerks, still need to receive additional training on using the application.
- *Provedoria dos Direitos Humanos e Justica (PDHJ/Ombudsman)*
  - PDHJ was also a beneficiary of the IIMS maintenance contract in 2014. After being assisted for the maintenance, the PDHJ was able to put the system back to full usage. This happened after a long period of inactivity. Manuals and trainings were provided and the system was put back into a stable status.
- The *Prisons*
  - Currently the use of the IIMS system is limited. The software is not able to manage some of the data that the Prisons Directorate now collects on inmates. Hence, the functionality of the system is very basic at this point. It is therefore recommended to upgrade the software in order to enable it to manage all the required data. However, no budget has been allocated by the Ministry of Justice for this task.

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<sup>1</sup>Cases entered into the records of the institutions prior to the date the application became operational



- There is no connectivity between the two prison facilities in Gleno and Becora. They cannot exchange information and data. At this point, the IIMS is only used as a registry management and administration tool.
- As per the assessments conducted by the maintenance company (xFact), users need to receive more training on using the application especially the new incoming users.
- The *Police* (PNTL)
  - The IIMS' Incident Management component and Investigations Management component are being utilized in all thirteen administrative districts. The Warrant and Criminal History applications can only be utilized after the administrative capacity in PNTL headquarters is further strengthened.
  - PNTL brought all servers to Dili in 2014. Users from the districts connect either via Fiber or 3G to the Dili servers to access the application. Currently, the rate of application availability to the users is 99% once they try to access the system.
  - PNTL started trainings on the new Patrol and Traffic modules. Now, the users are able to utilize these modules to manage/capture patrol findings and traffic accidents.
  - PNTL has the highest usage of the system as compared to other institutions.
  - As reflection of strong and intensive adoption of the system, the PNTL, with the support from the Timor-Leste Police Development Programme (TLPDP), will likely expand the system.

The Ministry of Justice, the Courts, the OPG and the Police have all recruited national IT personnel to maintain the system and network. As per the assessment by the maintenance company conducted in December 2014, the national staff members have the capacity to keep the system running, however further capacity development to perform assessments to identify deficiencies, and keep the systems and the IT infrastructure operational are still needed.

The Statistical Data Center (SDC) for the justice sector, which will operate in the Ministry of Justice, is still on hold due to the Courts' delay in fully deploying its system. In order for the Statistical Data Center to become functional, all of the justice institutions need to be fully integrated. Similarly, the IIMS is not able to send data electronically across institutions until Automated Data Exchange (ADE) is installed and operational.

Two assessment missions were conducted in October and December 2014 by xFact – the company contracted to provide maintenance support. This assessment was performed by inspecting the various systems, their configurations, storage and networks, as well as interviewing the personnel who manage the systems in day-to-day operations. This includes examining the use of the applications by talking to actual users and the heads of the institutions that are the primary stakeholders of the applications.

While there are still some challenges in its implementation, the potential of the IIMS for coordination and monitoring of the justice sector was illustrated during the visit of the justice sector delegation from Sao Tome and Principe. The Minister of Justice, Prosecutor General and Chief Justice of Sao Tome and Principe visited Timor-Leste from 23 to 28 February 2014 for a study trip to gather information about the IIMS. UNDP advisers and project staff were deeply involved in providing technical and logistical support to the host institutions. Advisers within institutions together with national staff members demonstrated the IIMS in practice for the mission. The delegation was impressed with the potential for data collection, efficiency and management capacity of the system, and requested Timor-Leste's support in exploring the possibility of implementing a similar project in Sao Tome and Principe. An agreement of cooperation for the justice sector has been signed between Republic of Timor-Leste and Sao Tome and Principe and an assessment mission for the case management system of Sao Tome and Principe is planned to take place in 2015.

#### Monitoring and Evaluation (M&E) capacity strengthened:

With the support of an international M&E expert, an assessment of the JSP Results and Resources Framework, indicators, data sources and data management processes, data quality, and staff capacity

was conducted. During August/September, the expert supported the strategic review of the national Justice Sector Strategic Plan (JSSP) and reporting exercise conducted by the MoJ's Planning Secretariat, focusing on strengthening the results chains of the JSSP and introducing high level indicators at the outcome and impact levels. This process was based on available IIMS data identified during the initial mapping of the current M&E landscape and practices in the Justice Sector.

To ensure final validation and full local ownership of JSSP's revised results chains and related indicators, a series of discussions were held with relevant officials at all levels of the Ministry and other institutions.

As part of the M&E assessment two workshops were organized to introduce key Results-Based Management (RBM) notions and apply them to the JSSP. The workshops included identification of high level indicators and suitable targets with IIMS as a data source. The links between the results framework of the UNDP JSP and the JSSP were also discussed. A list of technical recommendations was drawn up to be submitted to the Minister of Justice and the CoC. The submission of the recommendations has not been made yet.

#### DPCM and coordination

Progress was also seen in the efforts to coordinate support to the justice sector, within the government as well as with development partners. In preparation for the Development Policy Coordination Mechanism (DPCM) meeting, four "Governance and Institutional Development" sector meetings were organized by the Ministry of Justice to discuss the process for completion of the DPCM results matrix. All ministries and secretariats within the sector, along with a number of key development partners participated. JSP provided support to organize and compile the Sector matrix, particularly the justice sub-sector matrix, ensuring it was in line with the National DPCM Secretariat's requirements. The finalized version of the Governance and Institutional Development sector matrix was presented at the Timor-Leste Development Partners Meeting at the end of July 2014.

#### Inclusive and evidence-based policy and law making processes strengthened

The Customary Justice expert, who started working during September 2014, supported the drafting of the Customary Justice Law. Background documents containing the relevant legal framework, and analysing experiences from other countries which have recognized traditional justice systems, were produced. After consultations within the MoJ, a concept note outlining the main issues to be included in the law was prepared and discussed within the MoJ and approved by the Minister. Several public consultation meetings were organized in the districts of Suai, Oecussi and Baucau and the feedback received was integrated in the concept note. As of December 2014 the draft of the Law is pending approval by the Ministry to share with other key institutions in the justice sector for further discussion.

#### Social reinsertion programme strengthened

Significant progress was made over the course of the year in the area of social reinsertion in developing the institutional and human resource capacity as well as structural changes.

A key achievement was the establishment of mechanisms, procedures and instruments to facilitate building partnerships between the Social Reinsertion and Criminological Department, DNSPRS and government and non-governmental organisations to improve and expand social reinsertion services, particularly in the areas of training, health and social assistance. In 2014, five Memorandums of Understanding (MoUs) were signed with non-governmental organizations (NGOs) to provide training and awareness programmes for inmates in the areas of drug and alcohol abuse, and health/sexual transmittable diseases, gender-based violence (GBV) and domestic violence (DV), and conflict resolution. In 2014, 230 inmates participated in these programmes. With support from JSP, the social reinsertion team assisted the NGOs in reviewing training materials, monitoring and providing technical feedback on training sessions, and selecting inmates to participate in specific trainings according to their profile and needs.

Furthermore, the Social Reinsertion Department, with support from the Social Reinsertion Advisor, developed a manual for inmates, aimed at providing accurate and accessible information on inmates' rights and obligations, as established in the Sentence Execution Law. This manual – available in Tetum, Portuguese, English and Indonesian – was distributed to all inmates in January, and is being provided to all new inmates as they enter.

In another important development in the area of corrections, the General Rules for the Prisons has been drafted, and it is awaiting review from MoJ. In addition, the Organic Structure of the General Directorate for Prisons' Services and Social Reinsertion was produced and approved by the Minister. A Manual for Social Reinsertion was also produced with all the procedures to be adopted by the Reinsertion Services. Further, a 132-hour Training Course for Prison Guards was designed and approved by the Minister. This training was given to all 196 prison guards currently working and will also be conducted for those hired in the future. The training lasted for eight months, during which trainees had the opportunity to learn about the Penal Execution Law and the Prison Guards Regulations. The blueprint design and the Bill of Quantities for the youth centre that will lodge young people in conflict with law from the age of 16 to 21, was approved as well as the plan for a health center for inmates with mental problems.

In September 2014, a project on alternative sentencing, suspended sentencing and access to justice was initiated. The Social Reinsertion Team (comprising a psychologist, two social workers, and a lawyer of the DNSPRS) is being trained to support this project. Another project being set up is creation of Farming Centres which will serve as decentralized (i.e. established in the districts) low security prisons, to contribute to the building of the vocational skills of inmates by training them in farming techniques.

The JSP supported advisor also provided technical inputs to the design of a number of infrastructure projects included in the DNSPRS's 2012-2017 plan. These projects aim at meeting the demand for space, increased decentralisation of services and the individualization of sentences. The projects also include refurbishment of the Suai prison, and the establishment of a detention facility in Suai.

## OUTPUT 2: CAPACITY OF JUSTICE SECTOR STRENGTHENED AND EXPANDED TO PROVIDE QUALITY SERVICES AND UPHOLD THE RULE OF LAW

<b>Progress against indicators</b>	
<b>Indicators</b>	<b>Progress Jan – Dec 2014</b>
1. # of national judges, prosecutors and public defenders (by sex)	33 national prosecutors including 11 currently interning 30 Public Defenders including 10 currently interning 34 judges including 12 currently interning  ( 24 women, 73 men)
2. Implementation rate of Human Resources Development Plan	An assessment of the human resource needs of the Prosecution Service, Public Defender's Office and Legal Training Centre was conducted – draft organisational charts and human resource plans have been produced for discussion. The Courts did not participate as they had already developed a human resources plan as part of their State Budget 2015 proposal.

3. # of qualified national trainers at LTC	12 national trainers attended the trainings. However the trainings were not completed by end of 2014
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#### Activity Results

***Result 2.1 – Justice Sector staffed with qualified national human resources with the necessary competencies, ethics, skills and knowledge to perform their functions***

***Result 2.2 – Technical, management and pedagogical skills of the Legal Training Centre strengthened for the delivery of high quality legal education including language improvement strategies***

***Result 2.3 – “Timorisation” of LTC with capacities enhanced to become an Institute of Advanced Legal Studies capable of ensuring continuous professional development***

#### Human Resources Assessment

An assessment of the human resource needs of the Courts, Prosecution Service, Public Defender’s Office and Legal Training Centre (LTC) started during the third quarter, with the arrival of the Human Resources Adviser. During September 2014, consultations were held with relevant stakeholders and in-depth review and analysis of mandates, strategic plans and relevant legislation were conducted. Detailed organizational charts were drafted to collect accurate information on the number of staff and to map organizational reporting relationships as a first step towards identifying HR needs. The future implementation of the HR strategies and costed HR plans are expected to better enable the institutions to deliver their mandates and to achieve the government goals set out in the JSSP.

The objectives of the consultancy are to produce individualized human resource strategies and fully-costed human resources (HR) plans for the four justice sector institutions. These institutions are the Courts, Public Prosecution Service, the Public Defender’s Office and the LTC. However, the Courts having developed a human resources plan for consideration in the development of their budget proposal in September 2014, did not participate in the project.

None of the institutions had organizational charts depicting the existing institutional structures. In an effort to discuss human resource management issues and to more accurately cost HR plans, the charts of existing and proposed structures were developed. While costed HR plans have been developed for each institution, two general recommendations are made for all institutions; organizational charts to be position based and depict both incumbent and vacant positions, and a review needs to be undertaken of all legislation applicable to human resource management in the justice sector.

#### Training for justice professionals

Over the course of the year, progress was made in several areas to build the human resource capacity of the justice sector and progress towards ‘Timorisation’ through training, mentoring and other capacity development interventions.

The number of national qualified professionals staffing the justice sector increased over the year with new graduates completing courses at the LTC. A cadre of 14 justice professionals graduated from the Fourth Magistrates’ Course and 12 judges (five female, seven male), 11 prosecutors (one female, ten male) and ten public defenders (two female, eight male) graduated from the Fifth Magistrates’ Course.

Five trainee judges (three women and two men) completed their internship phase and were inaugurated as judges in May 2014. 12 trainees completed the second level of internship – six in Dili, three in Baucau and three in Suai. International judges provided line function support as well as advisory and mentoring for national judges in each of the district courts (in Baucau only since September) up until the government and parliamentary resolutions of October 2014, which did not permit line function support

by international justice personnel. One extra judge was placed in the Dili District Court in order to focus on providing advice and mentoring in civil law cases, including in the administrative and fiscal fields.

Furthermore, the Second Course for Notaries and Registrars (ten male and five female) at the LTC began in February 2014 and will be completed in 2016.

A course on Administrative Law for justice clerks within the Public Defender's Office was developed and held during the second quarter of the year at the LTC. Two groups of clerks participated, totalling 31 participants (eight female), and ten trainee public defenders.

Efforts were also made to strengthen the institutional capacity of the LTC. The Senior Pedagogical Expert, whose main role was to improve the planning and management capacity of the LTC, came on board in July 2014. The LTC, with his support, developed drafts of the LTC internal regulation and the center's work plan for 2015. Both documents are pending approval.

A judge was recruited to support the LTC group of lecturers in September and to review training materials. However, he had to leave the country due to the government resolutions of October 2014.

As part of the efforts to establish a group of national trainers at the LTC - the practical phase of LTC's First Training of Trainers programme - one training session was conducted in 2014. Nine out of the selected 13 trainees - senior justice professionals from justice institutions, academia, NGOs and private lawyers - attended the week-long workshop by an international trainer. The participants developed the materials and concepts for delivering training to their colleagues.

The Fourth Lawyers' Course at the (LTC) concluded in November 2014. 32 out of the 34 participants passed the course. Another course started in November 2014, with 28 participants and will conclude in 2016.

Additional materials for Constitutional Law classes were developed and a number of evaluations completed. A specialized Ethics and Deontology workshop was held in July, focusing on the magistrates' career. JSP supported the workshop by printing several training materials produced by the lecturers including the *Direito Pocsessual Civil*, *Direito Penal* and *Processo Penal*.

### *Courts*

In addition to trainings which have been held by the LTC, an extensive training and capacity development initiative for all court clerks from the four district courts were concluded. This was an eight-month programme, which benefitted a total of 57 people - 29 permanent staff and 28 trainees.

### *Office of the Prosecutor General (OPG)*

The Prosecution reduced the number of international prosecutors undertaking line functions in 2014. There were three (compared to five in 2013) who supported both capacity development and line functions as prosecutors, while two became part of an advisory cabinet of the OPG, focusing on developing specialist skills such as children's law and civil litigation on behalf of the state. They focused more on capacity development and strategic advice to the OPG.

During the year one international prosecutor was tasked to support the Deputy Prosecutor General to develop skills in managing investigations into corruption cases and another international adviser provided support to the OPG in undertaking Litigation on behalf of the state. The two international prosecution clerks continued to support the practical phase of 46 trainee clerks, and helped to prepare a Training Programme for the Third Course for Justices' Clerks of the Public Prosecution.

During the month of June, JSP supported district prosecution offices in Suai and Maliana to carry out training sessions with local investigation officers within PNTL. The trainings were delivered jointly by the district Prosecutors and Australian members of the TLPDP (Timor-Leste Police Development Programme). The focus of the trainings was quality control of investigations and investigating GBV

crimes, amongst others. The aim is to not only increase the capacities of PNTL investigative officers with ongoing education opportunities, but also to improve coordination and relations between the Prosecution and the police force. A total of 55 officers (82% male) attended these training sessions. The main feedback received in post training surveys which were distributed by UNDP, was that the trainings were useful and beneficial to the day-to-day work of the officers but that it would be more beneficial to carry out the trainings over a number of days, rather than a one-day training. It is planned to continue these sessions, based on the demand from the Prosecution and PNTL. JSP commenced the recruitment of an international prosecution adviser to provide strategic and advisory support to the Prosecutor General and the OPG – however he was on board only from September to November 2014 due to the October resolutions which ended his stay.

It is evident that in the area of prosecution, the capacity building efforts have been paying off. The 2013 annual report of the OPG presented to Parliament shows a significant reduction in pending cases across due to the introduction of performance targets for Prosecutors. The majority of DV cases and serious offences against physical integrity are forwarded to the relevant court and handled within a month. However some areas require more targeted capacity development assistance, for example in relation to handling economic crimes, corruption, and embezzlement.

#### *Office of the Public Defender (OPD)*

In 2013, the Office of the Public Defender benefited from three international Public Defender Advisers from Brazil who were responsible for supporting line functions; capacity development of public defenders, teaching at the LTC, and supporting the public defender trainees. However, as the Memorandum of Understanding (MOU) with Brazil expired in December 2013 and was only renewed in August 2014, there was no more international line function support to OPD during the year. However, UNDP recruited a Public Defender Adviser who provided advisory and training support from April until the end of 2014.

With support from the LTC and the international OPD Advisor, a programme was conducted for ten clerks working in the OPD to complete basic training courses. The course covered subjects such as the judicial system and professional ethics. Furthermore, the OPD adviser supported mentoring and training, as well as assessments of the ten public defender trainees placed at the PDO for their practical phase.

The trainings are based on needs identified in the assessment of the PDO which was concluded in July 2014. The document includes analysis of the PDO's structure, staffing, procedures and training needs and provides recommendations for the PDO, the Ministry of Justice, and UNDP support to the institution.

#### *National Directorate of Prisons' Services and Social Reintegration (DNSPRS)*

A 40-hours training on the Sentence Execution Law, delivered by MoJ's National Directorate of Legislation and Drafting (DNAJL) and prepared with support from DNSPRS and the JSP-supported advisor, was offered to all prison guards from June to August 2014. The training aimed at preparing the prison guards for their written requalification tests, held from 9 to 15 September. The requalification process is an internal selection (including physical, health, and theoretical exams; in addition to performance assessments from 2012 onwards, and certificates of formal education) as provided by the Statute of Prison Guards (Decree-Law 10/2012).

196 prison guards passed the requalification process thus improving the treatment of inmates and security in Timor-Leste's detention facilities.

In addition, a Working Group was formed to lead the implementation of the Sentence Execution Law (published in June 2014). Weekly workshops were held, focusing on the provisions regarding parole and alternative sentences, from September to December 2014. This activity facilitated discussion of the law and its implementation.

The OPD Advisor also provided intensive training on preparation of technical reports/ official opinions for the Social Reinsertion Team. This included a five day workshop around the procedures for report preparation for commutation of sentences, pardon and reduction of sentences. 30 technical reports were submitted to the President's office following the workshop. This is particularly significant as it is the first time that such a process is being conducted by the Social Reinsertion Department rather than the Prison Director. This change means that these reports now additionally include legal concerns, psychological profiles, socioeconomic aspects and an assessment of community and family prospective support, as reflected in the Sentence Execution Law and the DNSPRS Organic Structure instead of solely looking at inmates' behaviour while serving their sentence, which was the case earlier. The team is now able to independently prepare technical reports.

The Social Reinsertion Team, with support from the international advisor, also began preparing official opinions required by the courts in order to assess cases of inmates with mental disabilities, in order to assess the possibility of release. This process is now one of the main services provided by DNSPRS.

#### *Other trainings*

A workshop on Communication and Public Information offered to media focal points from both the Public Prosecution Services and the Public Defenders' Office was held by JSP with support from UNDP Media and Communications Unit in September. Twelve people participated. During the workshop, five photographic cameras were donated to facilitate the work of focal points, especially in the districts outside of the capital Dili. It is expected that stories and pictures will be used to feed the institutions' websites and newsletters, and trainees will receive follow-up mentoring.

### OUTPUT 3: IMPROVED ACCESS TO JUSTICE AND DISPUTE RESOLUTION MECHANISMS FOR ALL WITH A FOCUS ON WOMEN AND MORE VULNERABLE POPULATIONS

<b>Progress against indicators</b>	
<b>Indicators</b>	<b>Progress Jan – Dec 2014</b>
1. # of women, GBV sufferers and rural citizens receiving PDO/free legal aid service outside Dili	Legal clinics concept and implementation plan developed, but plans to open a pilot clinic in Suai was put on hold
2. Citizens' awareness of formal legal system and free legal aid services	5280 participants attended JSP supported legal outreach and socialization sessions, implemented by DNDHC and partner NGOs. Over 53% of males and 47% of females of those who completed pre and post tests showed an increased awareness and understanding of the topics discussed.
3. # of cases resolved through mobile courts	345 cases were heard at mobile court sessions in 2014

#### Activity Results

***Result 3.1 - National legal aid framework and scheme established and increased availability of free legal assistance and access to justice***

***Result 3.2 – Alternative dispute resolution mechanisms improved with priority focus on land, property and family disputes and interface between formal and informal justice enhanced***

#### *Legal Aid*

Based on the plan developed by the Ministry of Justice and JSP to establish legal aid clinics in Timor-Leste, a team of two international experts on legal aid developed a concept note and detailed

implementation plan in the third quarter of the year. The objective of the legal clinics is to increase awareness of services and referral pathways in the rural districts, in particular those where there are severe limitations in the services which are available. The clinic would be staffed by two legal professionals and one administrative officer. The first clinic was planned to be launched in the middle of December 2014, however, following the political developments in October and November 2014, this activity was put on hold until further discussion.

### Mobile Courts

One of the areas that showed significant progress, and was implemented throughout the year, despite the political issues mentioned above, was the mobile courts initiative. The mobile courts initiative, which began as a pilot initiative in 2010, was officially launched nationwide in July 2014, by the President of the Court of Appeal. Since then, mobile courts have been held regularly in all four Judicial Districts, with support from JSP.

During the year, a total of 62 mobile sessions were held, with 362 cases heard, including singular and collective cases. The range of cases includes civil as well as criminal cases, with a large number of GBV and DV cases (please refer to Table 01).

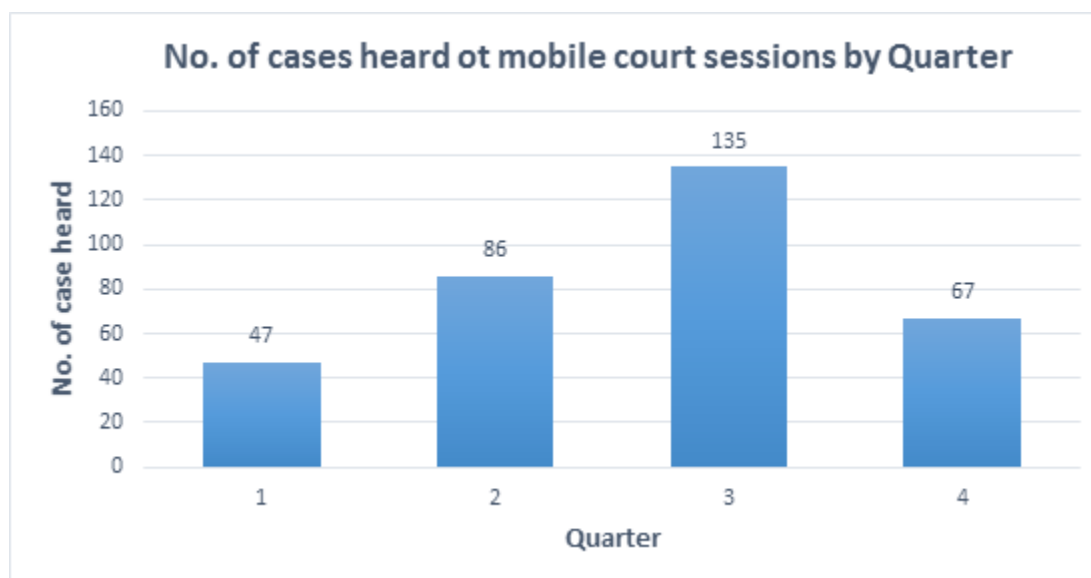
**Table 01**

District	No: of mobile sessions 2014	No: cases	GBV/DV cases
Dili	40 Sessions	73 cases	45
Baucau	10 Sessions	90 cases	61
Suai	12 Sessions	199 cases	97
Oecussi*	-	-	-
<b>TOTAL</b>	<b>62 sessions</b>	<b>362 cases</b>	<b>203 cases</b>

*\*No information available as at date of report*

In addition to bringing justice closer to the people, with project support, the mobile court sessions have also been an opportunity to raise awareness among the community on the formal justice system. The participants of the sessions, judges, prosecutors, and public defenders as well as project staff have provided information to the public on the justice and legal system in the country. Furthermore, community members often attend and observe the court sessions which increase visibility and awareness at the community level.

**Graph: 01**





### Awareness and Outreach

During the course of the year, JSP provided logistical and financial support to the National Directorate of Citizenship and Human Rights (DNDHC) within the Ministry of Justice, in their implementation of legal awareness raising and socialization sessions in the rural districts. The topics discussed at each session were similar, including; land disputes, the Law Against Domestic Violence, the Witness Protection Law and Notaries. There was a high attendance rate at each of the sessions, with participation from the Director of DNDHC, the Director of Notaries and a representative of the Vice Minister of Justice, alongside representatives of District and sub-district Administration in Covalima and Maliana Districts. The total number of participants who attended DNDHC legal outreach sessions, supported by JSP in 2014 was 963 (69% male and 31% female).

The initial schedule of activities included in the proposal submitted to the JSP by DNDHC for support to legal awareness raising and socialization sessions for 2014 was completed in the third quarter. However, a final session focusing more specifically on the target group of high school students was held on 24 October 2014. 108 high school students attended this session held in Dili.

Quarter 1: Jan-Mar 2014 Outreach and awareness raising sessions supported									
No	Location	Date	Topic	Target Group	Male attendees	Female attendees	Total	Pre/ Post	Implementing partners
1.	UNPAZ, Dili	5/2	Rights and obligations A2J, DV	University students	65% (102)	35% (54)	156	65% Increase	DNDHC, Vice Minister Justice
2.	Pasabe, Oecusse	11/3	Human Rights, DV	Local community	79% (38)	21% (10)	48	n/a	DNDHC, Vice Minister Justice
3.	Nitibe, Oecusse	14/3	Rights and Obligations, A2J, DV	Local community	78% (95)	22% (27)	122	n/a	DNDHC, Vice Minister Justice
4	LTC, Dili	24/10	Children's Rights	Senior high school students	57% (64)	43% (44)	108	n/a	DNDHC  Commissioner of Children's Rights
	<b>Total</b>				<b>299</b>	<b>135</b>	<b>434</b>		

### OUTPUT 4: COORDINATION, CO-OPERATION AND INTEGRATED SYSTEMS BETWEEN JUSTICE, POLICE, COMMUNITIES AND CORRECTIONS SUPPORTED IN A "PILOT, SCALE-UP ACCESS TO JUSTICE" DISTRICT MODEL.

Progress against indicators	
Indicators	Progress Jan - Dec 2014
# of agreed actions implemented by justice institutions in pilot district	Access to Justice Survey completed in December 2014; report includes recommendations for actions in pilot district
Number of GBV cases reported to police and referred to prosecution in pilot district	Reported to police in 2014: 75 cases Referred to prosecution in 2014: 68 cases

## Activity Results

***Result 4.1: Reduced criminal justice delays through improved case management and pre-trial procedural mechanisms between police, prosecution, public defense and courts***

***Result 4.2 Service delivery improved for court users and communities at large to enable access to justice and increased confidence in the justice sector***

***Result 4.3 – Pilot Model evaluated and evidence based policy recommendations formulated for possible scaling up/replication***

### Access to Justice Survey in Suai

In 2014, important baseline data on access to justice in Suai, JSP's pilot district was collected through conducting a survey. With support from an international consultant, the survey was conducted in November/December 2014 in Suai by a contracted survey company. 1200 respondents were surveyed.

The key findings of the survey are:

1. **Preference for adat (traditional justice), but recognition that violent crimes should be resolved through the formal justice system:** Respondents reported that adat is more convenient than the tribunal/court (for example it is easier to have access to, more affordable, and faster). There is awareness, however, that violent crimes should be resolved through the formal justice system.
2. **Strong perception of law and order in Suai, but low presence of police:** 96.0% of all respondents always or usually felt safe walking in their community during the day; 93.1% always or usually felt safe walking in their communities during the night.
3. **General knowledge of the formal justice system, except legal aid:** Almost everyone (99.2%) had heard of the PNTL, and most respondents had heard of the tribunal (87.3%). In contrast, only 17.8% of the respondents were aware that they could get a lawyer free of cost.
4. **Favourable perception of the formal justice system, except that it is costly:** Almost everyone, regardless of gender, age, education level, and location, thought they would be helped, respected, and treated fairly by the PNTL, lawyer, and tribunal.
5. **Little, though positive, interaction with the formal justice system:** Only 15.5 % of the respondents had ever been to PNTL for a problem of their own since independence. However, of those who have accessed the formal justice system, most reported they were treated with respect.
6. **Existence of support for victims of domestic violence, but service under-used:** Of the 593 female respondents in the survey, only 16 (2.7%) reported that they have gone to the PNTL to report a case of domestic violence and only 5 (0.8%) brought the case to court.

The key recommendations are:

1. **Improving Access to Justice** through for example further strengthening and increasing mobile courts in Suai.
2. **Improving Access to Justice Specific to Violence against Women (VaW)** such as holding monthly meetings between the stakeholders in the process.
3. **Protecting the Rights of the Accused** through for example, encouraging the presence of lawyers, or individuals trained with basic legal skills, to counsel individuals who are arrested and detained at the police.

4. **Supporting Duty Bearers** through measures to protect their safety and through such interventions as increasing investigation training for the PNTL, and allowing the OPG to assist in investigations.

#### Increased engagement with civil society

Following the distribution of Micro-Grants to three NGOs, namely; Psychological Recovery and Development in East Timor (PRADET), Hametin Lia Tatoli (HLT; meaning “Strengthen the Message”) and Ba Futuru (“For Future”), there has been a huge increase in the implementation of access to justice activities in Suai Judicial District.

PRADET are carrying out a ‘Personal Development Course’ at the suco level with small groups. These courses include a range of topics including conflict and anger management and coping strategies, emotion and communication, gender equality and GBV, drug and alcohol dependency amongst others. These courses are delivered over a two week period, in an interactive way, with extensive follow up and monitoring and evaluation incorporated throughout. Initially a needs assessment and consultations were carried out in the three target sub-districts of Covalima district, namely Tilomar, Maukatar and Zumalai. During the months of July to September, extensive needs assessments were carried out in all of the target sucos. Follow-up activities, including focus group discussions and a Training of Trainers (ToTs) were carried out with participants who completed this course in 2013. During 2014, a total of 59 community members benefitted from these extensive trainings (61% male, and 39% female), with approximately 75% showing a marked increase in understanding of the topics discussed. Extensive monitoring and evaluation is being undertaken by PRADET, with much positive feedback. This project will be completed in the second quarter of 2015.

HLT are focused on carrying out training workshops on GBV, DV and the Law Against Domestic Violence in particular with all final year high school students in the District of Covalima. From July to December, they reached a total of 673 students, 56% of whom were female, and 44% male. Based on pre and post tests and one-on-one interviews with participants, approximately 97% showed an increased understanding of the topics discussed. With five senior high schools in the District, it is intended to reach all final year high school students by the end of the grant in May of 2015. This is a pivotal age to reach young people before they leave high school and when they are making decisions for the future in relation to family etc.

Ba Futuru is focusing on two different types of activities, both aimed at reducing DV at the community level. Firstly they have been carrying out theatre performances in market places in local communities around Suai Judicial District. These theatre performances focus on the prevention of domestic violence and present the audience members with alternative anger management and conflict resolution strategies. Ba Futuru carried out ten theatre performances in the districts of Covalima, Manufahi, Bobonaro and Ainaro. Approximately 3,540 people attended these theatre performances and very positive feedback was gathered in post-performance interviews and pre- and post-tests. Overall, approximately 131 audience members were interviewed and completed pre- and post-tests at the theatre performances. Some key results include; before the performance 68% said that they knew about the Law Against Domestic Violence, and 6% could explain it, whereas after the performance 100% said they knew about it, while 76% could explain it; before the performance only 22% could list conflict prevention strategies, whereas after the performance, 99% could list these strategies; before the performance 22% could list somewhere that they would go to receive assistance for GBV, whereas afterwards, 83% could list at least two places to go for help.

Additionally, Ba Futuru, in collaboration with UNDP signed an MoU with the National Prison’s Directorate within the Ministry of Justice to carry out comprehensive training workshops with perpetrators of DV and GBV. The aim of these training sessions is to provide the perpetrators with skills in anger management, conflict resolution, information on the law and human rights etc. These training sessions began in the final quarter. Three sessions were carried out, reaching 45 male perpetrators of DV and/or GBV crimes. Positive feedback has been gathered, and all sessions have been closely monitored by both Ba Futuru and the DNSPRS Social Reinsertion team. The final training sessions will be carried out in the first quarter of 2015, and lessons learned and best practices established based on

the results and feedback. The ultimate aim would be to continue this project but to tailor it to perpetrators of DV and GBV crimes who had been sentenced to suspended sentences, rather than those in prison. The initial phase of this project will be completed at the end of the first quarter of 2015.

Overall, as regards to the numbers of participants reached through the various JSP initiatives to support access to justice and socialization in the districts, approximately 5,280 people were reached or participated during 2014. This is a huge increase on previous years. The trainings are also tailored to different target groups, thus people from a larger variety of backgrounds are receiving information which is tailored to their needs. The change in modality has been extremely successful with positive results and feedback recorded from all activities. This initiative will be continued in 2015.

JSP, at the request of the Office of the Prosecutor General continued to support trainings between the Prosecution Office and the PNTL. These sessions were supported in collaboration with the Australian Timor-Leste Police Development Programme (TLPDP). These trainings were intended mainly for investigative officers and focused primarily on the investigation of GBV crimes, quality control in investigations, the Law Against Domestic Violence, the Penal Code and Penal Process Code. A total of four sessions were supported in 2014, reaching a total of 97 PNTL officers. These trainings help to increase access to justice through a well-trained police force who are fully trained on how to deal with investigations. More extensive research will be carried out in order to evaluate the effectiveness of the trainings compared to districts where officers did not receive training.

## CHALLENGES AND MANAGEMENT STRATEGY

The main challenge faced by JSP was in the fourth quarter of the year due to political events that unfolded regarding the justice sector. Three Resolutions were passed by National Parliament (1) and the Council of Ministers (2) in October 2014, which had implications for the judiciary, other justice sector institutions and international support to the sector, including the multi-donor funded UNDP support under the Justice System Programme - JSP (2014-2018). The Parliamentary Resolution of 24 October, called on the Government to undertake an Audit in the Justice Sector. The First Government Resolution on 24 October, called for the immediate termination of contracts of all international judicial personnel and advisers in the Courts, the Prosecutor's Office (OPG), the Office of the Public Defender (OPD), the Anti-Corruption Commission (CAC), and the Legal Training Centre (LTC) and the Second Government Resolution instructing the Immigration Service that, on the basis of the cancellation of their employment contracts, the work permits and special stay visas of five international judges and three advisors (two in the OPG and one Police Officer in the CAC) were revoked.

Following the publication of the Resolutions, the Ministry of Justice notified the suspension of its contracts with international advisers in the Legal Training Centre (LTC) who immediately ceased work pending further notice. However the President of the Court of Appeal issued a directive instructing the international judges to continue their duties. The Prosecutor General took a similar position and international prosecutors were expected to continue work, though no formal communication was issued.

Some of the fundamental ways that the Resolutions impacted on JSP implementation are highlighted below:

- The departure of international advisers in the courts and prosecution halted activities under the JSP that were undertaken by the respective individuals including line functions in courts and prosecution, and on-the-job training provided by the advisers, as well training programmes conducted by international advisers at the LTC.
- The mobile justice sessions continued, however some logistical challenges were faced in reassigning cases that were previously handled by international judges (e.g. in Suai) and handling complicated criminal cases, where international expertise is part of the support provided.

- Decision-making and oversight of the JSP is affected as the Council of Coordination was not convening with its complete composition, during this period.
- Following the departure of the JSP Chief Technical Advisor (CTA) in August 2014, the UNDP Country Office conducted a recruitment process for the replacement. However, following the resolutions, recruitment of full time JSP CTA was suspended, pending decisions on the future direction of the JSP. Two interim JSP CTAs were brought on board consecutively to fill the gap from August to December 2014, which ensured that the JSP project management could be undertaken without interruption but posed some challenges for continuity.
- The size of JSP's Project Management Unit (PMU), comprising staff who were contracted either directly by UNDP or under Letters of Agreement (LOAs), was reduced. Based on a needs assessment, only the most essential positions were retained – curtailing the number of staff in the PMU from 21 to 11 within a few weeks, impacting on staff morale and implementation of activities.
- Funding from international partners, in some cases, was earmarked for specific inputs and actions, which needed to be revisited. Furthermore, follow up on several project proposals with the international partners for resource mobilization had to be put on hold. As a result, no new funding avenues were identified for 2015.
- In response to this situation, in consultation with the national and international partners, UNDP conducted a review of the JSP and an assessment of the impact of the resolutions on the JSP. Following the assessment, two immediate actions were agreed upon; firstly, to develop an interim work plan covering January-March 2015 to ensure that the JSP activities can continue with minimum disruption; and secondly, to conduct a comprehensive review, identify emerging priorities and needs in the evolving context and realign/ refocus JSP support through a reformulation process.

#### Other challenges faced by JSP:

- Despite the approval of a joint IT Master Plan for the justice institutions, the incipient data sharing culture by institutions is still to be consolidated. The process to secure funding for IT and the IIMS in the State budget 2015 was not successful and remains to be explored further.
- With the expansion of Mobile Justice to cover 13 districts in Timor-Leste, issues regarding coordination for mobile justice sessions amongst the relevant justice institutions has posed challenges in planning and budgeting for scheduled sessions (on average every fortnight). It is planned that JSP will support convening Steering Committee meetings to discuss progress and challenges in rolling out the mobile justice sessions, involving all of the justice actors, to enhance coordination and planning.
- The process of finalizing the agreements with the NGOs faced some delays due to the time taken to approve the agreement template. It was intended that the Agreements would have been signed by both parties by the first week in June, but this was delayed until the third week, which resulted in a delayed start of the projects and the late disbursement of the first tranche of funds. Therefore, JSP agreed on a no-cost extension until the first quarter of 2015.

**FINAL FINANCIAL REPORT \***

**Project : 00088880 - New JSP**

<b>Outputs</b>	<b>Programme Activities</b>	<b>Total Expenditure</b>
	1.1.PLANNING	101,321
Output 1	1.2.POLICY & LAW	-
	1.3.OVERSIGHT	562,621
	<b>Sub Total - Output 1</b>	<b>663,942</b>
	2.1.TRAINING	427,518
Output 2	2.2.LEGAL TRAINING CENTRE	(300) **
	2.3.TIMORISATION LTC	-
	<b>Sub Total - Output 2</b>	<b>427,218</b>
	3.1.LEGAL AID	293,275
Output 3	3.2.ALTERNATIVE DISPUTE RESOLUTION	-
	<b>Sub Total - Output 3</b>	<b>293,275</b>
	4.1.CRIMINAL JUSTICE	214,109
Output 4	4.2.ACCESS TO JUSTICE	308
	4.3.PILOT MODEL	90,749
	<b>Sub Total - Output 4</b>	<b>305,165</b>
	MANAGEMENT	42,187
Output 5	GMS	74,007
	<b>Sub Total - Management</b>	<b>116,194</b>
	<b>T O T A L</b>	<b>1,805,795</b>

<b>DONOR (Fund Code)</b>	<b>Total Expenditure</b>
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UNDP TRAC (00012 / 04000)	121,951
SCALLING UP FUND (00012 / 04000)	254,830
JAPAN (00141 / 30000)	338,165
BCPR (00012 / 04160)	239,156
BCPR (00182 / 26920)	249,266
AUSTRALIA DFAT (11854 / 30000)	602,427
<b>T O T A L</b>	<b>1,805,795</b>

**Project : 00014955 - JSP**

<b>Outputs</b>	<b>Programme Activities</b>	<b>Total Expenditure</b>
Output 1	PROFESSIONAL SKILLS DEVELOPMENT	514,042
Output 2	SUPPORT TO DECENTRALIZATION	194,834
Output 3	SUPPORT TO PROSECUTION SERVICES	138,356
Output 4	SUPPORT TO CORRECTION SERVICES	84,000
Output 5	ACCESS TO JUSTICE	568,261
Output 6	MANAGEMENT	238,121
	GMS	121,633
<b>T O T A L</b>		<b>1,859,248</b>

<b>DONOR (Fund Code)</b>	<b>Total Expenditure</b>
NORWAY (00187 / 30000)	1,635,462
PORTUGAL (00199 / 30000)	223,994
UNMIT (11872 / 30000)	(209) **
<b>T O T A L</b>	<b>1,859,248</b>

\* Financial information presented on this report based on IPSAS CDR and AAA reports as of 2 April 2015.

\*\* Funds returned from the last year expenses.



United Nations  
Development Programme



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**United Nations Development Programme  
Justice System Programme  
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**[www.tl.undp.org/JSP](http://www.tl.undp.org/JSP)**