



TIMOR-LESTE

STRENGTHENING THE JUSTICE SYSTEM IN TIMOR-LESTE

(UNDP project no. 00014955)

Justice System Programme

Second quarterly progress report
Issued July 2013



Outreach session in Railaco June 2013

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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 (Organização das Instituições 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

Institutions

Total Expenditure

MoJ - LTC	45,424.54
MoJ - PDO	30,257.00
MoJ - Prison	21,000.00
MoJ - Legal Development	63,676.13
Courts	102,316.00
Donor Requested activities	-
OPG	144,434.33
A2J	83,681.50
Advisory and management	67,265.41
Overheads	23,771.23
Reformulation mission	-
UNDP & CO Charges	234,681.37

TOTAL **816,507.51**

Donor	Total Expenditure	
UNDP - 04000 / 00012	115,392.16	
NORWAY - 30000 / 00187	111,154.79	
PORTUGAL - 30000 / 00199	76,954.22	
SIDA - 30000 / 00555	513,893.80	
UNMIT - 30000 / 11872	(887.46)	**
	TOTAL	
	816,507.51	

* Financial information presented in this report is preliminary based on IPSAS-CDR and KK Transaction details report as of 24 July 2013; Q2 period will be finalized only in August 2013

** The Reversal of last years expenditure made in the different quarter period

OUTCOME 1: SKILLS AND COMPETENCIES OF JUSTICE SECTOR ACTORS ENHANCED

1.1 LTC fully institutionalized with effective management systems and appropriate resources for student and trainers

The fifth magistrates' course commenced, with 39 students (one having dropped out), focusing on constitutional and fundamental rights. Additionally, JSP-supported advisers were preparing a pilot course on family and minors for the private lawyers' course, and one on Ethics and Deontology (especially as related to the Public Prosecution), which will be taught in the 2nd semester of the magistrates course.

Students were exposed to a number of practical examples of the work of government lawyers, including visits to the District Court and participation in law-making workshops.

Legal training for the third course for private lawyers (10 females and 24 males) continued, covering Civil Law and Procedure, while the second course for private lawyers continued with preparations for the final exam and evaluation, covering ethics, Civil Procedure and Civil Law. This group of 34 trainee lawyers (15 females and 19 males) has just completed internship phase (*'estagiario'*) which has been supported by JSP-trainers provided mentoring, training and advice.

The LTC website continues to be developed and should be completed in the near future, further supporting legal education, as it will allow free downloads of all materials provided at the LTC. This will mark a starting point for the LTC to move from simply its core task of delivering training, to becoming an institution of higher learning and reference for the legal profession. By making professional materials available, the LTC website will be supporting professional development of lawyers in Timor-Leste.

Challenges remain in the area of uneven quality of legal education before trainees arrive at the LTC, largely due to the quality of universities from which many graduate overseas. Moreover, since many of them learn at universities outside the Timorese legal or linguistic framework, the process of learning can be slow; it makes it difficult for the LTC to act as a professional training institute as it still needs to provide theory and language training to law graduates. However, the Minister of Justice stated that his goal is that the LTC should become an independent institute of legal learning and supports measures to increase its capacity and status. JSP is working with the Ministry to find ways to achieve this, including strengthening management and teaching skills.

The success of the most recent entrants to the course has made evident the pressure on the trainers. With more classes to teach, and the need to prepare additional events, and materials, the weekly schedule for trainers can be heavy.

Plans to provide more materials for students progressed, with trainers preparing workbooks and materials on criminal procedure. LTC advisers have been working to develop: a manual on civil appeal procedures and notes and commentaries on the Penal Code and the Criminal Procedure Code. The latter was an initiative of the President of the Court of Appeal, to relate cases to the law, to illustrate in practical terms for students and professional lawyers how the law is being interpreted. These commentaries are due to be completed in Q3. These are vital tools because Timor-Leste still lacks sufficient tools to support justice actors. These manuals create a core set of texts to supplement the legislative framework, and help to ensure the legal profession is better equipped to analyse and apply the law.

1.2 LTC curricula customized to requirements of different justice actors

JSP's curriculum development expert was recruited and selected jointly with the LTC. The expert is due to start work in July, and will work with national stakeholders to help to ensure the quality of the teaching methods and sustainability of results. This adviser will work in cooperation with a human resources expert who is also being recruited. In order to ensure that activities to increase the skills of justice actors are properly focused and have sufficient impact, the human resources adviser will assess the needs and gaps in personnel within justice institutions and help to prepare a human resources strategy which reflects the needs in the medium and long-term. The adviser will undertake a full assessment/audit of human resources needs in the justice sector (i.e. the Public Defender's Office, the Legal Training Centre, the Courts, and the Prosecutor General's Office) aligned towards reaching the JSSP's objectives and institutional plans. They will also develop and help institutions to implement a comprehensive human resources plan. The human resources plan will in turn create demands for new subjects or methodologies in the LTC to respond to the needs.

1.3 Skills and competencies of justice actors enhanced

A reference book for the Public Prosecution on the Civil Procedure Code was prepared by a JSP-supported adviser and will be printed with JSP support. This supports improved outcomes by the OPG, by providing a tool for prosecutors to use the Civil Procedure Code, an area in which there is a need for increased capacity development.

A series of workshops were held at the LTC, organized by the Ministry of Justice Department of Legislation. These workshops were targeted at trainees of the LTC, while other institutions involved in the justice sector were invited to participate. This is an initiative supported by UNDP which exposes students to law-making and enables them to understand the process of legislative development as well as the substantive issues discussed at each workshop. These took place in May and June on the following draft laws: the Juvenile Justice Code; Judiciary Support/Legal Aid; Misuse of Drugs; and Mediation. The LTC proposes to hold a workshop for qualified justice actors on Environmental Law, and JSP-supported staff began the development of materials for that workshop.

1.4 National justice institutions have sufficient qualified human resources to deliver effective justice services

The trainees on the first Notaries course complete the last few weeks of their training, having returned from government paid 3 months' work and language study in Portugal. UNDP supported the MoJ to employ a trainer to support them to complete their training and assess their performance. The ten Notaries were evaluated by three different supervisors, if they accumulated an average score above 50% they passed the course. Seven out ten passed, and the remainder are still working within the MoJ but not qualified as notaries.

The Gender Equity Grants programme concluded in June. An internal assessment concluded that better methods for supporting women into and through the justice system were required as the Grants were not able to target effectively those women who needed financial assistance, nor did they impact on the numbers entering the legal profession. This was based on research with the LTC, UNTL and UNPAZ to identify when and why students drop out, and why women in particular are not undertaking careers in the legal profession. Since women enter the LTC at the same proportions as they enter law programmes at University, JSP's analysis concludes that to encourage more female applicants to the LTC requires better outreach and communication with high schools and universities to encourage female students to apply for legal careers. Guided by this research, a plan to focus on women in the law was prepared, involving activities such as a university 'Law Day', materials encouraging women into the justice sector, a methodology to distribute grants/bursaries to assist students and women in particular, studying for a career in the legal profession. These ideas were presented to the Dean of the Law Faculty at UNTL, but no agreement was reached to start these activities. Attempts to coordinate these with UNTL and UNPAZ (the two accredited universities in Timor teaching law) are continuing.

OUTCOME 1 INDICATORS

Progress on indicators of achievement relevant to current period:

<i><u>Indicator</u></i>	Two preparatory courses provided for potential applicants to LTC magistrates' and private lawyers course.
<i><u>Progress</u></i>	One course was completed, the second course is due to take place in the third quarter.
<i><u>Indicator</u></i>	Terms of Reference and performance evaluations exist for all LTC staff.
<i><u>Progress</u></i>	Performance evaluations and terms of reference completed for all JSP-supported advisers, (but not other staff) hence this is partially completed, and remains on-going.
<i><u>Indicator</u></i>	At least 10 Timorese justice professionals undertake a Training of Trainers to qualify to teach at LTC.
<i><u>Progress</u></i>	The Training of Trainers course is not yet finalized by LTC management, hence this remains stalled.

Indicator Human Resources Plan for justice sector prepared and submitted to Council of Coordination for approval.

Progress This activity is for the third quarter.

OUTCOME 2: FORMAL JUSTICE SYSTEM DECENTRALIZED AND CAPACITIES OF DISTRICT COURTS TO ADMINISTER JUSTICE AND PROTECT VULNERABLE GROUPS STRENGTHENED

2.1 Justice institutions in the districts are strengthened and able to process all cases

International judges continue to support the Courts in Dili and all other judicial districts, taking both a mentoring and training role, as well as supporting the courts with line functions. However, there are positive signs that their role is becoming more focused on the complex cases, and that through the mentoring and capacity-building of international colleagues, national judges have increasing confidence and professionalism. They are approached for support via phone, email and in person about civil and criminal matters by national judges.

Judge advisers have also supported the Court of Appeal, in civil appeals hearings, and two cases which were heard in the Audit Chamber relating to the government budget. Not only does this support serve to strengthen the rule of law, but makes government more transparent and accountable, and is an important protection from corruption.

After the mobile justice pilot was concluded at the end of 2012, JSP noted that the initiative was unable to continue without JSP support. Court actors were not authorized to travel outside their duty stations because of the budget implications of per diem claims, thus they did not travel, and in the absence of a sufficient or dedicated budget in all justice institutions, the mobile justice initiative was not sustained.

However, Suai court remained strongly interested in continuing these sessions, and it was agreed that JSP would re-institute support for mobile justice, with a view to developing central support for the budget and planning of mobile justice in the future. This led to one mobile justice session being held in Maliana in the final week of June. A total of 17 cases were scheduled to be heard in a 2.5 day period; 14 cases were resolved, including seven serious criminal cases. Four cases were adjourned until the 3rd quarter, because victims/witnesses and/or perpetrators failed to appear for trial.

With JSP's financial, logistical and coordination support, therefore, the initiative was quickly resumed and proved successful in dealing with a large number of cases in a short period of time. JSP's financial support in particular will remain crucial in continuing this initiative until adequate budget and buy-in from the Court of Appeal is achieved, potentially a long term goal. The mobile justice initiative has a noticeable impact on the courts' ability to deliver results. For example, one aggravated homicide case ran until midnight, when a decision was reached and sentences issued against the three convicted. This is an important indicator: not only are backlog cases dealt with, but it demonstrates that the court actors show a greater commitment to maximizing the time available, so as to avoid further delays to the case. This is further underlined by the fact that mobile sessions usually process the same number of cases in 3 days that the permanent court in Suai processes in 2 weeks (average cases heard per month approx: 36).

2.2 Increased capacity of staff in district courts and decentralized justice institutions to perform their functions

The JSP has supported training for justice sector officials at the Legal Training Centre (LTC) in Dili since the first course in 2005. However, the focus has tended to be on judicial, not administrative, staff who equally want and need training. Additionally, the difficulties of travelling to the capital and of back-stopping staff, limits the ability of most district-based justice officials to attend courses at the LTC. As a result, district-based staff can only attend trainings at the LTC during the judicial holidays when the courts are closed, which further restricts their access to training and development. In order to overcome these restrictions, JSP developed detailed plans with the Courts for the first systematized training program specifically designed for all administrative staff. This major new initiative, supported by system-wide procedural improvements, will involve all administrative staff and is based on a comprehensive needs assessment designed to ensure consistent implementation across all judicial districts. The training will begin in September and will conclude in June 2014. It will target both the 28 experienced, and the 26 trainee clerks and administrators. The UNDP is supporting the trainers to develop materials and to go out to the districts in order to deliver training in situ. This will be a systematic programme that will combine theoretical, practical and on-the-job learning. Expanding the training from Dili out to the districts will allow for greater scheduling flexibility and increased staff participation, while ensuring that the courts continue to function as normal.

The district training is linked to several other measures which will further strengthen the courts and staff performance. The courts will overhaul procedures to ensure the same procedures are used throughout the country, and court forms will be simplified to make them more comprehensible for the recipients. The training will be reinforced by the preparation of a reference manual for staff. Most importantly, the training will support implementation of an electronic case management system scheduled to be introduced before 2014. Trainees and experienced staff will be taught differently, appropriate to their skills, but all will be given extensive training on the case management system. The combination of these activities will result in a more skilled courts administration workforce. This should in turn result in more efficient and faster case processing and improved services for court users.

The Integrated Information Management System (IIMS) has been delayed due, in part, to lack of sufficient skills within the courts, although other justice institutions are already using it. The training described above is closely linked to ensuring that all staff members have the necessary skills and knowledge to use IIMS effectively.

OUTCOME 2 INDICATORS

Progress on indicators of achievement relevant to current period:

<u>Indicator</u>	Coordination mechanisms established and meet in all judicial districts.
<u>Progress</u>	Exists in Suai and in Oecusse, but in Baucau coordination meetings happen only occasionally.
<u>Indicator</u>	500 beneficiaries attend JSP legal awareness sessions of which at least 25% are women.
<u>Progress</u>	Annual total of beneficiaries: 516 comprising 292 men (57%) and 224 women (43%).
<u>Indicator</u>	All justice institutions in all judicial districts using the IIMS.
<u>Progress</u>	Partially achieved. All institutions except the courts are using IIMS. Some details of the software have been reconciled with existing court practices, and other issues. The courts are receiving assistance from JSP to overcome problems, and the Courts have committed to implement by December.
<u>Indicator</u>	All Timorese Court Clerks (30) trained in legal and professional skills
<u>Progress</u>	Ongoing: Assessment finalized; training plan prepared and materials being developed. Training commences in 3 rd Quarter.

OUTCOME 3: PROSECUTION STRENGTHENED TO ENSURE EFFECTIVE DELIVERY OF CRIMINAL JUSTICE

3.1 Prosecution Service capacitated to effectively prosecute and pursue criminal and civil complaints

The Prosecutor General has focused on reducing the case backlog as a priority. In June 2013 the case backlog was 4,900, a reduction from 5,300 cases a year earlier. This has been supported by the international advisers, without whom this marked reduction would not have been possible. To continue the reduction, the PG has instituted a system of monthly quota of 25 cases to be concluded by each prosecutor. International Prosecutors supported the District Public Prosecutors to analyze various complex cases such as those involving corruption, and appeals.

It is intended to organize UNDP-supported trainings, to be carried out by Prosecutors. These trainings will be mainly for PNTL investigators, and also for court officers, for cases involving minors. On April 15th and 16th, the JSP facilitated a two-day training for PNTL officers based in Cova Lima District on the practical application of the Law Against Domestic Violence, increasing their capacity to respond and investigate domestic violence cases. 18 PNTL officers participated in the session in Suai which was led jointly by the head Suai PNTL/VPU officer and the Chief Prosecutor in Suai.

As the UN "Serious Crimes Unit" was closed in this quarter the transfer of all their files and databases took place, with one international prosecutor appointed focal point in the transfer process. This Prosecutor continues to provide key support in the Commission of Inquiry and Serious Crimes cases. The trial of two Serious Crime cases was due to take place, although one was postponed to September 20th due to the impossibility of formation of a collective court. Seven Serious Crime cases were filed. One Col case was filed.

The international Prosecutors also provide technical advice and mentoring to Prosecutors in specific cases, usually restricted now to only the most complex. This is mostly through face-to-face discussions where national Prosecutors request input on an ad hoc basis for cases where they require advice and feedback. As all the international prosecutors have strong relationships with national colleagues and relationships of trust, this mentoring has now become a standard part of the support available to Prosecutors. This is a strong indicator of the capacity of the national prosecutors to effectively deal with the standard criminal cases; however there remains a need for support and training in more complex areas. International Prosecutors also oversee the work of the trainee Prosecutors (*Estagiários*) from the LTC. In Dili, at the moment, there are 9 Prosecutors, and 5 trainees (4 women and 10 men).

The international Justice Clerks continue to provide training to Justice Officers of the Public Prosecution, and provide support and advice to the offices of the Dili District Prosecutor's 25 judicial support staff (12 male; 13 female). Although training and mentoring the national staff remains a core task, their increasing autonomy and capacity means that the international Justice Clerks can now look at more institutional capacity development by ensuring that quality control mechanisms are put into place.

In early June they began preparation of statistical reports on the Dili Prosecution office in order to better understand the productivity of the officers of justice. This was the first time such a report was produced, and has enabled the District Prosecutor to identify causes of low productivity and to encourage responsible staff to increase the productivity. This focus on results indicates the strengthening management capacity in the OPG, and the impact of having a functioning IIMS which can easily generate such data. Unfortunately, the IIMS was not fully useable throughout the quarter due to a problem with the server in the OPG. UNDP has offered assistance; however, there are ongoing weaknesses within the OPG's IT unit which may cause these problems to recur. UNDP is recruiting a senior adviser in the 3rd Quarter to address these issues and prepare a sustainability plan for 2014.

International Justice Clerks have been supporting the private offices of OPG and the Deputy PG, to increase the professionalism and extent of the administrative support for them. This has involved helping improve internal processes and capacity development for 2 Justice Clerks and 2 Justice Administrators in the form of training and overseeing their functions in these offices. Dili District Prosecutor's office now has two officers in charge – one justice officer and 1 justice administrator who have undergone various training activities provided by UNDP-supported international Justice Clerks. Organization of the general archive of the Dili District Prosecutor is ongoing, while training and capacity-building of a Justice Clerk and administrative staff for the development of this service is being carried out. This has resulted in a very significant advance in the understanding of how and why files should be organized according to certain consistent and quality standards. Seized objects (evidence) are now being arranged and catalogued in a systematic way, which was not previously the case. The Prosecutor General has expressed his satisfaction with the improvement in the administration in Dili District, and has approved the request made by the experts to travel to other districts in order to assess how the service conducts proceedings, as well as to initiate the organization of the general files of all prosecutors.

Like all justice institutions, the Prosecutors' Office has been lacking in sufficient trained administrative staff to properly support the prosecution function. A major step forward has occurred as a competition to fill over 50 vacancies, began. International Justices Clerks helped coordinate the selection of 50 candidates for the 3rd Course for Justice Clerks of the Public Prosecution that will begin in September. The initial selection tests for candidates to the course have been completed. The written tests were set in June, and interviews will take place in July. According to regulations, candidates undergo both the written test and an interview, and their final score is the average of the two. Given that 1,027 candidates underwent the written test, the selection team comprises two national and two international Justice Clerks.

The recruitment is continuing and all the recruits will be subject to a full training programme in September. The duration as established by Law is for 18 months. By the order of the Prosecutor-General, one UNDP expert will support the practical phase of this training, which will begin in March 2014.

OUTCOME 3 INDICATORS OF ACHIEVEMENT

Progress on indicators of achievement relevant to current period:

Indicator Prosecution clerks function in all judicial districts without requiring supervision of international advisers.

Progress In progress. The national clerks work without daily supervision, and the international advisers are focusing on training for special tasks or for establishing more robust systems and processes.

Indicator 10% reduction in proportion of cases archived.

Progress Data is not currently available on this, but JSP advisers suggest that the quota of 25 cases to be cleared by each prosecutor may lead to increased archiving (at least of historical cases).

Indicator Develop and implement OPG Human Resources Strategy, leading to less dependence on international advisers

Progress Not yet prepared; to be undertaken by Human Resources Assessor in third quarter.

OUTCOME 4: CORRECTIONS SERVICES STRENGTHENED TO UPHOLD PUBLIC SAFETY AND SECURITY AND MEET INTERNATIONAL MINIMUM STANDARDS FOR THE TREATMENT OF PRISONERS

4.1 Corrections Service has strong institutional capacity to safeguard prisoners' rights

During the 2nd quarter the Reinsertion Adviser continued to support the Ministry of Justice regarding the structure and planning for the requalification process for all prison guards, so as to ensure that all are trained and tested. While it had been planned to institute the training for all guards in 2013, the Minister of Justice decided that before the requalification course, all guards should be involved in physical training. Hence, the training for the requalification course will commence in the 4th Quarter of 2013 for half the guards, and in 2014 Q1 for the remainder.

The MoJ is awaiting the response from development partners for support in order to develop the software for the prisoner management software which would support the reintegration process (enabling background reports etc. to be stored and accessed as necessary). Currently, no financial support has been pledged by any partner. The JSP reintegration Adviser has supported conceptualization of the content of this.

A national IT officer has been transferred from the MoJ IT Unit to DNSPRS. This marks a key milestone, as the training of IT staff by UNDP advisers has now resulted in handover of responsibility of DNSPRS IT issues within the DNSPRS line management, without international involvement.

4.2 Inmates have access to legal advice, and psychological and social support

The prisons psychologist, a lawyer and social workers within the Prisons have been supported to develop their skills and working methods by the JSP-supported Reinsertion Advisor. However, the remaining three reinsertion support staff are awaiting the Civil Service Commission's recruitment processes. The psychologist and the lawyer began work in the month of May. The Reinsertion Adviser has been mentoring the psychologist as to the tasks to be performed, standard procedures within prisons, preparing court reports and devising reinsertion plans. However, pending the promulgation and implementation of the Law on Sentence Execution, the work of the officers will be limited. This has the advantage of allowing them time to learn certain basic skills, establish working methods and understand the legal and social context.

OUTCOME 4 INDICATORS

<u>Indicator</u>	Inmates have access to 15 hours a week of educational or rehabilitative activities.
<u>Progress</u>	On-going.
<u>Indicator</u>	SOPs for Prison Guards, and Manual for inmates completed.
<u>Progress</u>	Partially achieved: SOPs are being revised and will be integrated into a Manual.
<u>Indicator</u>	100% of inmates requesting it receive legal aid and assistance.
<u>Progress</u>	In progress. Although, after lengthy discussions in 2012, the PDO stalled on the signing of the MoU between his office and DNSPRS on this issue, the Prisons legal adviser is now available to assist prisoners and liaise with the PDO as needed.
<u>Indicator</u>	MoU's signed with other Ministries or NGOs to provide legal, health and welfare support to inmates.
<u>Progress</u>	Completed. DNSPRS has MoU's with various institutions (hospital, ministry of health, education, NGOs, etc.), which are revised, updated and expanded as needed.

OUTCOME 5: ENHANCED ACCESS TO JUSTICE FOR ALL AND IMPROVED PUBLIC CONFIDENCE IN JUSTICE INSTITUTIONS

5.1 Free legal advice available to all who need it

UNDP supports three international Public Defenders in the Public Defender's Office (PDO), one of whom additionally performs the role of Inspector of the PDO. The international Public Defenders main roles consist of; supporting the PDO with complex cases through the performance of line functions, advising the Public Defender General on policy matters, and providing guidance and monitoring to trainee private lawyers and defenders from the LTC. During the second quarter of 2013, their role expanded to include teaching classes in the magistrates and public defenders courses in the LTC, alongside other international justice actors. They are teaching alternately throughout the year so as to ensure that all of the course content is delivered. This is particularly beneficial for the trainees in the LTC, as the Public Defenders can provide them with information and examples from experience, and provide them with insight into the career of a Public Defender.

The international Public Defenders provided technical assistance in the publication of 2 regulations related to the work of the PDO, namely *Deliberação* n. 02/CSDP/2013 and *Deliberação* n. 03/CSDP/2013. The first of these regulates the manner in which international Public Defenders provide assistance to the national PDO. The second establishes an internal affairs inspection service within the Public Defender's Office in Timor-Leste. This is a particularly importance mechanism for the future of the institution, in that it allows for regular inspection of the work of the PDO, which assists in imposing a high standard of care to the public.

The international Public Defenders continued to provide monitoring and guidance to trainees from the LTC undertaking the practical phase of their traineeships. They continued to strengthen the recognition by other institutions in the justice system of the importance of the mission of the PDO, in providing access to the justice for the poor and vulnerable in society. They additionally continued to provide a range of advisory services to the PDO.

5.2 Legal and regulatory framework for legal advice and assistance is implemented

UNDP participated in a Ministry of Justice-sponsored public discussion on the Legal Aid Law, and met with key partners to discuss the necessary steps to ensure the law is developed fully. In the absence of an agreed policy, the PDO remains the recognised provider of legal advice and assistance, but is limited both in terms of numbers and capacity. The Minister has stated a preference for paralegals to be given a greater role. UNDP will develop proposals to support the Ministry in the policy development in the third quarter.

5.3 Increased awareness of the role and functioning of the formal justice sector

During Q2, the A2J team supported a total of 10 outreach sessions, reaching vulnerable rural-based populations, increasing their knowledge of the formal justice system, key laws, and their rights and responsibilities.

Eight of these sessions were general outreach sessions at which 252 men (57%) and 193 women (43%) attended. These were held in coordination with a variety of justice sector actors (PNTL's Vulnerable Persons Units, Prosecutors and Public Defenders) and civil society organisations (AMKV, PRADET, AIFela, FPWO, HLT and FFSO). The sessions were held in 5 Districts, including Dili, Oecusse, Aileu, Liquisa, and Ermera.

Based on previous experience where average attendance of female beneficiaries has commonly been under 25%, achieving 43% female beneficiaries on the year represents a significant improvement. JSP continues to strive to reach those members of the community who are most excluded, and can most benefit from increased awareness of their rights and legal measures to protect them. JSP is gathering evidence as to how and to what extent beneficiaries have increased their knowledge and awareness as a result, and this will be reported in the Q3 report.

In addition to general community outreach, 2 school outreach sessions were held in Cova Lima District. These sessions are designed to increase student's knowledge of the functioning of the formal justice system and institutions and the Law against Domestic Violence, with interactive activities and a question and answer session. Presenters adapt techniques to the audience. The 2 sessions reached 50 students: 10 male (20%) and 40 female (80%). This is particularly important because the target age group is older high school students and research has shown, that girls at this age are especially vulnerable to sexual exploitation and coercion both in an out of the school environment. Highlighting issues relating to gender, rights and the LADV can have an impact both on immediate beneficiaries, but also on families and friends to whom the message is spread.

This brings the overall 2013 numbers to 200 students, including 68 young men (34%) and 132 young women (66%).

In addition to JSP-organises events, JSP advisers actively participated in outreach sessions run by partner CSOs and workshops. In April and May, two outreach sessions were held in Suai: in Zumalai and in Suco Salele, Tilomar – reaching 120 people (60 male, 60 female) with information on the Law Against Domestic Violence and children's rights. In May, the JSP assisted the organization of a workshop on gender based crimes, organized by ALFeLa in Suai. 34 participants from local CSOs, local government, suco leaders, community members attended the session which included presentations by the Suai Court Judge Administrator and the Deputy District PNTL Commander.

The Oecussi district officer continues to assist the local Community Radio Station, RCAL, in designing, arranging and broadcasting access to justice announcements. Each episode reaches thousands of vulnerable rural citizens with key information regarding the formal justice system and their rights and responsibilities. They are now routinely broadcast (Programa Dalan ba Justisa – Road to Justice programme). 11 programmes were broadcast in Q2, including Public Defenders advising on free legal

assistance; the Law Against Domestic Violence; Prisoner's rights to legal assistance, and a question and answer session with justice officials on land issues. Baucau and Suai radio stations remained non-functional.

Support to Planning Secretariat & DPCM

A new planning and monitoring mechanism was launched in early Q2 by the Ministry of Finance and Prime Minister's Office: Development Policy Coordination Mechanism (DPCM). The DPCM is designed to ensure coordination and effective implementation of the Government's Strategic Development Plan. There are four key sectors – Infrastructure, Finance, Social and Governance/Decentralization – each of which includes multiple sub-sectors. The Planning Secretariat was assigned as Chair for the Governance Sector, simultaneously representing the Justice Sub-Sector. UNDP JSP is providing technical and planning assistance to the Planning Secretariat. This assistance was crucial in ensuring the timely start-up of the DPCM which entailed establishing matrices with baselines and targets, in coordination with 8 separate government institutions and the UN Country Team. As a result of this assistance, the Governance Chair was the only Sector which managed to complete the matrices as required in time for the Development Partners Meeting held in June. Focus of support has now shifted to technical assistance in fully equipping the Planning Secretariat with the necessary resources and developing a strategy to facilitate quarterly meetings for each of the 3 Governance sub-sectors, quarterly meetings for the Governance Sector, and contribution to the annual DPCM meetings.

5.4 Key elements of the legal framework developed and implemented

UNDP continued to support a Land Law adviser who provided advice to the Ministry of Justice on the draft Land Law Package. While the public consultation had concluded in the first quarter, there was a public event to present the final versions of the Laws, explaining how and why the comments from the consultation had been incorporated. The event attracted participation of about 50 people on behalf of civil society and donors. Additionally, a series of meetings and workshops with various members of the informal group on gender and land law issues took place, to ensure that gender was appropriately mainstreamed. The impact of this on the law was significant, and led to the Secretary of State for Equality (SEPI) thanking the Minister for the excellent cooperation.

The Laws were also presented at a workshop with the Ministry of Social Solidarity (MSS) in June, with the participation of about 20 staffs of this department, as MSS will play an important role in resettling those who are displaced due to registration of disputed land claims or expropriation for government projects. The Land Law was drafted in Tetun and Portuguese, and an annotated version of the laws was presented to the Council of Ministers. This discussion resulted in the approval of the Special Regime for Defining Ownership of Real Estate and the Property Fund, with minor changes. It was further agreed to translate the current version of the Law on Expropriation into Tetun and continue its discussion soon. The Adviser began the translation of the draft Law on Expropriation into Tetun, and once complete, this will be re-presented to the Council.

Another activity was the support given to experts from ADB regarding the standardization of procedures regulating the environmental licensing procedures under the current draft Law on Expropriation, particularly with regard to the social impact of the projects. This activity is awaiting further development

from ADB, but the inclusion of strong regulation in this area will help strengthen the rights of vulnerable people and ensure that the effects of Land Expropriation are mitigated.

Additionally, the advisers supported the Ministry in its responsibilities for Administration of Lands. This included: legal advice to the Minister and senior management (including the Secretary of State Land and Properties) and supporting and reviewing the work of staff in the National Directorate of Land, Property and Cadastral Services.

The Minister determined that the Cadastral/Land registration system which has been stalled for many months should be implemented by an external company due to lack of capacity in the Civil Service. Hence, the legal adviser supported the Ministry of Justice to procure an expert to write the terms of reference to launch a public tender for the project. However, there appear to be some risks in this process that will cause difficulties in the implementation. The decision to send the matter to tender was taken without any internal consultation, which may lead to a rejection of the solution by officials in the National Directorate of Land, Property and Cadastral Services, as happened in the past. This decision was based on the promise during the discussion in state budget that the MoJ would collect data on over 10,000 parcels in 2013. This promise was arbitrary and was not realistic. Hence, there is a risk that if the formalization of land rights is not done carefully, in order not to break the traditional structures of management of land and where the State is unable to intervene effectively, this could be a source of future conflict.

In view of the evident need for further, focused support in this area and the strategic importance of land issues, UNDP has agreed to support a Land Administration Expert to join the MoJ in the 3rd Quarter. The Land Law adviser was also deeply involved in supporting the MoJ to ensure donor coordination in this sector, by ensuring other development partners were fully conversant with the MoJ policy positions.

The JSP has continued to support the Ministry of Justice to review and develop the draft Customary Justice Law, which was prepared in 2012, with a view to reviewing the policy and content. A series of policy discussion have taken place, with the intention of enhancing an open policy development process.

OUTCOME 5 INDICATORS

<i><u>Indicator</u></i>	All Public Defenders' performance evaluated, and professional development plans agreed
<i><u>Progress</u></i>	Stalled: the Inspector was not active in this quarter.
<i><u>Indicator</u></i>	At least 300 students benefit from awareness-raising sessions on the justice system.
<i><u>Progress</u></i>	Partially achieved.
<i><u>Indicator</u></i>	Government issues public policy to support draft laws on Land Law, Legal Aid, Mediation and Customary Justice.

Progress

Ongoing. The Land Law policy has been supported. Consultation processes for other laws when have started, but no policy is yet in place.

Indicator

Mediation by PDs is transparent, consistent and regulated

Progress

No activities commenced as yet.

CHALLENGES AND ISSUES

After the slow start in Q1, the period of this report shows an increased pace of activity, especially in the area of outreach, and legislative development. The Ministry has an ambitious programme of laws to prepare in this and coming years, many of which are essential to ensuring stability and legal completeness. UNDP supports a number of these processes, but the pressure to complete and pass legislation can mitigate against sufficient and meaningful consultation or even policy development. JSP continues to strive to counsel these slower processes as a means of better law making. The Land Law process demonstrates the political and practical dividends of taking such an approach. The Customary Justice Law, which has been placed 'on hold' for some years but is now a priority for the Ministry is another key law which requires full and thorough policy development and consultation.

The arrival of a new Prosecutor General led to some management and personnel re-arrangements, the impact of which were felt immediately. First, the decision to impose quota on case completions has impacted on the backlog, but the danger is that cases are simply archived in order to meet the quota. Moreover, the rule applies equally to national and international prosecutors, making it difficult for the international advisers to spend as much time as before on mentoring and training. UNDP will be discussing this in more detail with the OPG in coming months.

The increased confidence and maturity of national actors is leading to a move away from following closely, or adopting the legal frameworks and approaches adopted in other civil law/Lusophone countries, to further refining and adapting the framework to the needs of Timor-Leste. This includes initial policy discussions regarding potential changes to the way judges are recruited, and also development of stronger links with countries in the region with different legal traditions, such as Singapore.

The issue of Timorisation and the pace of reduction of reliance on international advisers is still an issue which is very much alive. After numerous discussions with national counterparts it is clear that there is a strong awareness of the need to plan the Timorisation process but there is anxiety that doing so too quickly will place the gains made at risk. It will take a long time to build national expertise in the most complex areas of work, such as public and private international law (which will be required due to the increasing economic activity in the natural resources sector). Hence, UNDP's plan to contract a Human Resources Expert in Q3 and Q4 to prepare an assessment of needs and human resources strategy for the sector will be an essential plank in the future planning towards achieving the JSSP.