



2015 Timor-Leste & Development Partners Meeting (TLDPM)

Legislative Harmonisation and Judiciary Reform

Presentation by H.E. the Minister of State, Coordinator for State
Administration Affairs and Justice
and Minister of State Administration

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"2015 TLDPM – Consolidating Institutions, Transitioning Towards Resilience"

Legislative Harmonisation and Judiciary Reform



building the path to a functional and efficient justice system

Government's Strategic Priority

- Harmonise Timor-Leste's legislation
- Strengthen the Judiciary Independence and resources



Key areas underpinning the judiciary reform

- Legislative incoherence
- Justice sector productivity and efficiency
- Citizens' lack of access to the formal Justice system and unawareness of rights and duties

Legislative Harmonisation and Judiciary Reform



Legislative harmonization challenges

- Coherent, less bureaucratic, more flexible and with simplified concepts legal framework
- Rethinking the current legislative framework in accordance with the political and social demands

The way forward

- Consistent and coherent legal framework
- Contents of the laws justified by local conditions and not mirrored to dogmatic concepts set in distant realities
- Cut with purely European-inspired procedures
- Increasingly transparent governance model, ensuring effective access to justice for all citizens.
- Development of the legal Tetum

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Substantive legislative
reform



Structural reform



Procedural reform

Setting up a new legal framework in line with regional
and international standards.

Enhancing relations between the specific bodies and
institutions in the judicial system.

Prompt access to justice and easy exercise of the rights
and interests of citizens and legal entities

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Constitutional Principles of the Judicial System

- Principle of the rule of law;
- Due process of Law;
- Separation of powers between the Executive, Legislative and the Judiciary;
- Independence of the Judiciary;
- Democratic principle;
- Protection of citizen's fundamental rights;
- Ensuring equal access to justice;
- Prompt and efficient Judicial procedures;
- Prevention of abuse and corruption;

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Achievements

2011	establishment of the Chamber of Accounts within the Appeals Court (Law 9/2011), training of auditors and judges and institutional capacitation	EU Justice Program operated by Camões Institute/Portugal	European Union
2011	establishment of the <i>Ombudsman</i> service (Decree-Law 25/2011, of 6 June), HR training and institutional capacitation	UNDP Democratic Governance Program	UNDP, Office of the High Commissioner for Human Rights (OHCHR), Irish Aid, New Zealand Aid, Swedish Agency (SIDA)
2009	establishment of the Anti-Corruption Commission (CAC - Law 8/2009), HR training and institutional capacitation	UNDP support to Anti-Corruption Initiatives in Timor-Leste	UNDP

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Challenges identified in the judicial system

- Slow procedures and inaccessibility of justice
- Overloaded courts with minor cases
- Cases' mismanagement
- Poor coordination between the courts and the ministry of justice
- Obsolete equipment and poor infrastructures
- Lack of skilled human resources
- Lack of a continuous education system for judges, public prosecutors and staff of the judiciary and the public prosecution

The way forward

- Expansion of the judicial system to the Municipalities (Judges, Prosecutors, Public Defenders, Public Notaries, and Public Registrars)
- Introduction and expansion of institutionalized alternative means of dispute resolution (mediation, conciliation)
- Introduction of the school program "Justice goes to School" all across the territory

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Areas for Government and Development Partners (DP) collaboration

- Support to the reform of the Judiciary Sector
- Support to the training and continuous formation of the justice and judiciary professionals (Magistrates, Judges, Public Defenders, Notaries, Public Registrars, Court Clerks, Private Lawyers)
- Support to the Civil Public Registry
- Support to the Lands and Properties sector
- Support to the development and training of the Scientific Investigation and Criminal Police (PCIC)
- Increased Access to the Formal Justice Sector by the citizens



TLPDM 2015

Obrigadu barak!