



JUSTICE FACILITY
A Bilateral Co-operation between the
Governments of Timor-Leste and Australia
2008-2013



Australian Government
AusAID

Performance Management Framework
ANNUAL REPORT - 2009

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**Planning, Monitoring and Evaluation
Specialists**

Suite 5, 88-96 Bunda St
Canberra, ACT 2600
Australia

Tel +61 2 6230 4544
Fax +61 2 6230 4744
www.edgroup.com.au

Table of Contents

Table of Contents.....	2
1. Summary of Findings.....	4
Relevance	4
Effectiveness	7
Efficiency.....	17
Sustainability.....	20
2. Conclusions and Recommendations	23
Annex 1 – PMF Background, Objectives & Methodology	25
Annex 2 – Supporting Tables & Diagrams.....	27
Annex 3 - Case studies.....	34
Annex 4 - Table of modalities	39
Annex 5 - Immediate outcomes progress summary.....	40
Annex 6 - Activity group progress summary.....	49

List of Acronyms

AATL	Asosiasaun Avogados de Timor Leste (Lawyer Professional Association)
AAGW	Annual Activity Group Workplan
AusAID	Australian Agency for International Development
CJI	Core Justice Institution
CSO	Civil Society Organisation
DAC	Development Assistance Committee (OECD)
DG	Director General, Ministry of Justice
ETJSSF	East Timor Justice Sector Support Facility
FMG	Facility Management Group
FOM	Facility Operations Manual
GoTL	Government of Timor Leste
HQ	Head Quarters
ICNA	Independent Comprehensive Needs Assessment
LTC	Legal Training Center
M&E	Monitoring and Evaluation
MoF	Ministry of Finance
MoJ	Ministry of Justice
NGO	Non-governmental Organisation
OPG	Office of the Prosecutor General
PDO	Public Defenders' Office
PMF	Performance Management Framework
PSCDP	Public Sector Capacity Development Program
TLDP	Timor Leste Police Development Program
UNDP	United Nations Development Program
VAW	Violence against women

1. Summary of Findings

Key findings resulting from the analysis phase of the PMF process are summarised below under the four Development Assistance Committee (DAC) criteria of **Relevance, Efficiency, Effectiveness and Sustainability**. Boxes, tables and figures presented in the annexes illustrate the points made below. Because this is the first evaluation, it does describe events going back to the start of the Facility, but is mainly focused on progress in the 2009 calendar year.

Relevance

The Facility agreed to assess relevance against three key considerations, namely:

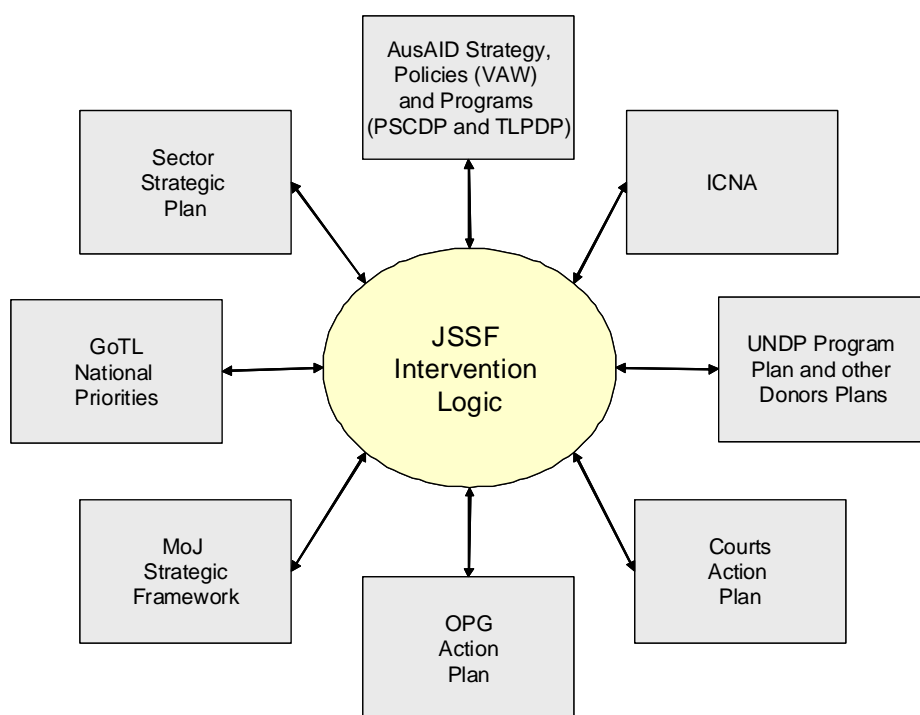
- i. Alignment of activities with JSSF mandate (as defined by the Goal, Objective and Component Objectives in the JSSF Head Contract);
- ii. Alignment of JSSF activities with GoTL Plans and Priorities; and
- iii. Alignment with AusAID 2009-14 Country Strategy.

1. Alignment of activities with JSSF Mandate

The Goal, Objectives and Component Objectives of the Facility – as articulated in the JSSF Design and Head Contract - remain broadly relevant. However, these objectives (and their relevance) have been augmented during the 9 month inception phase of the Facility (and ongoing) through a much deeper analysis of the operating context and Government agenda, as illustrated by the range of **situational analyses** listed in Table 7 (see Annex 2).

Building on this improved situational understanding, the Facility has also sought to align itself with key stakeholder reference documents (refer to Figure 1 below) - which in most instances were not in existence at the time of the Design and development of the Head Contract. The policy reference framework is necessarily an evolving and self-reinforcing one (many of the GoTL reference documents have been developed from scratch with Facility support), and Facility planning/implementation has been adjusted accordingly to maintain relevance.

Figure 1: ETJSSF Policy Reference Framework



2. Alignment of JSSF activities with GoTL Plans and Priorities

The GoTL did not have a strategic plan or coherent policy framework in place at the inception of the Facility, making relevance of JSSF assistance difficult to objectively assess. The Facility quickly set about assisting the Government of Timor-Leste to prepare the State of the Sector Report for Justice as part of the State of the Nation Report, and the Ministry to develop the Strategic Framework of Reference. These were completed in 2008, and along with annual action plans developed by the Courts and OPG with the assistance of Facility advisers, formed the basis of the Facility's work plans for supporting institutions in 2008 and 2009.

More significantly, perhaps, the Minister agreed to the Facility's recommendation to support the development of a Sector Strategic Plan, and launched the process through a national workshop in April 2009. This is now nearing completion but the draft has provided the Facility, institutions and other partners a sound platform for planning and alignment, especially for institutional support. It informed both the Independent Comprehensive Needs Assessment of the Justice Sector conducted in August 2009 for the UN Security Council and the GoTL's response to this report at the Security Council. Importantly it has established, in the eyes of the Government and international partners, the relevance of the Facility and Australian assistance to the justice sector, a major achievement given the initial resistance to the Facility.

As indicated above, the JSSF planning framework (refer to Figure 3, in Annex 2) is now clearly mapped to the stated outcomes in the MoJ Sector Strategic Plan, ensuring Facility assistance remains highly relevant. It is now well understood by the team and forms the

basis of a detailed performance management framework. Counterparts still find this complicated, but feel that it reflects their priorities.

Relevance to **institutional needs** has been established through the Senior Management Advisers, the Facility's intensive support to institutional planning and budgeting processes, and increasingly sound relationships with the institution heads. Of special note has been the shift in approach to supporting the OPG, following the change in PG in April 2009. At the PG's request, and in response to significant problems in the administrative functions, the Facility has taken a far more interventionist role, and in doing so helped address corruption and increase resources available to prosecutions, especially in districts. This approach was relevant for the circumstances, and will be adjusted as the institution, with the Facility's support, recruits staff and builds systems of transparency and accountability. Central to this intervention has been the case management project – which is a joint exercise with UNDP and was approved by the PG to provide a system which allows work of the institution to be recorded, allocated, tracked and reported on – all fundamental to transparency, accountability and efficiency (refer Case Study 3 – Annex 3). This was particularly relevant as the international community was using the number of cases pending in the OPG as the main benchmark of sector performance, and yet it could not be reliably measured or analysed. While not in the Facility's original scope, this was included, and, because of the success so far, is being extended in 2010 to include other justice institutions.

Until recently, following adviser performance assessment discussions, **the Courts** had requested that support from the Facility be provided at the level of the Judge Administrator of the Dili District Court, who had delegated responsibility for many administrative functions of the Courts. This is now shifting to the Court of Appeal as the Chief Justice takes back this responsibility and engages more with the Facility and UNDP to support deconcentration and the development of administrative capacity in the Courts. This is likely in 2010 to lead to a change in the type of skills required by the Senior Management Adviser to the Courts.

The Facility's commitment to help institutions improve transparency and reduce **vulnerability to corruption** has intensified in 2009, especially through procurement and logistics support but effective disciplinary action and prosecution are still lacking. Support to this area is planned to intensify further in 2010, through a) support to the MoJ's Inspection and Audit Office, b) a specialist corruption unit in OPG, c) recruiting and training more procurement, logistics and finance staff in all institutions, including the Courts and d) support for a leadership and management program. Candid conversations on all topics, including corruption, are now common within the sector, as a result of the strategic planning process and the trust of the counterparts in the Facility team. These are likely to become more specific as further action is taken in 2010.

For **civil society support**, the situation at the start of the Facility and the Facility design itself was far less defined, with well over 100 CSOs of all sizes and levels of capacity working in justice across the country but with few resources and little co-ordination. The Facility undertook extensive consultation and capacity development to improve co-ordination and determine the approach and priorities to recommend to the Facility Management Group. This was valuable in building relationships and trust, and for bridging the gap between Government and civil society. Surveys also established training needs and

justice issues of importance to civil society. The community survey conducted with the Asia Foundation of over 1300 Timorese citizens provided a current picture of citizen perceptions, as well as showing change over time since the last survey in 2004 (refer Case Study 4, Annex 3). The Facility presented a number of situational analyses and reports but a breakthrough came in April when the AusAID thematic areas in Canberra were requested for input by post and provided excellent links to their policies on violence against women and civil society development, which were consistent with the ideas of the Facility team and added valuable definition. An approach was agreed very soon after, accepted by the FMG, incorporated into allocation of funds and selection for the grants scheme, and is now being implemented through the announcement of grants in December and other activities (eg in Suai – see below).

Central to the Facility's approach in supporting State and non-State justice actors, has been a commitment to increase the availability of and public understanding and confidence in **services to districts**. The Suai program is the most obvious initiative but is supported by extensive activities in other districts in the Courts, OPG, PDO and through grants approved for civil society (see Table 4 below). To date, there has been a necessary focus on supporting the basic obligations of institutions (plans, budgets, basic infrastructure) but in 2010, the Facility intends to focus its support to corporate management functions more on how they deliver services to district operations.

3. Alignment with AusAID 2009-14 Country Strategy

While implementing the design, the Facility has faced challenges in establishing relevance to AusAID's recently completed Country Assistance Strategy. The Country Assistance Strategy was available for the first time in September 2009 but made no specific mention of justice. In response the Facility revised the planning framework to demonstrate how the Facility straddled the PSCDP program, which had a clear alignment with improved governance, and the TLPDP program, which focused on safer communities. This ambiguity has created uncertainty as to AusAID's commitment to the Facility and is in contrast to the GoTTL national priority process (see below) which has elevated justice in successive years from part of the Security Sector (2008) to priority 7 (2009) to priority 4 (2010). While the uncertainty has been mitigated in 2009 by sound communication between the incoming First Secretary and the Facility Manager, it continues to distract the Facility and partners from having a "clear run" at implementation and focusing more constructively on sector development issues.

Effectiveness

The PMF logic suggests that analysis of progress on outputs and immediate outcomes under different activity groups (Table 9 in Annex 2) will inform progress towards the Facility's intermediate outcomes.

Outcome 1 - Improved sector coordination on planning and priority setting

The overwhelming consensus from institutions, donors and civil society was that sector co-ordination on planning and priority setting has improved significantly, both in absolute terms and in comparison with other sectors. The sector leaders, and the Minister in particular, deserve credit for this improvement. The important contribution the Facility has

made to this achievement, through the sector strategic planning process (see case study), the National Priority process (see Text Box 1 below) and through the constructive roles of Facility advisers and the team leader, has also been widely recognised.

Text Box 1: Support to GoTL National Priorities Process

In 2009 justice was included in the National Priorities (NP) as a separate area in National Priority number 7 (NP7): 'Access to Justice'. The NP process is organised through the NP secretariat in the Ministry of Finance and sets annual goals and targets across the different Sectors. The following three overall Goals were set by the Justice Sector for 2009:

- 'Strengthen the Justice System';
- 'Bring Justice to the Citizens'; and
- 'Promote Private Sector Development'.

For each of these goals a number of targets were set.

Following its nomination by the Minister of Justice as lead-assistant, with USAID as co-lead assistant, the Justice Facility supported the Director General (DG) in meeting the responsibilities of the NP focal point for NP7 in the following ways:

- **Reporting:** Assisting the DG's Office in gathering information (where needed), compiling and translating (Tetum/English) quarterly reports on the progress of the targets. The reports, once approved by the DG, are provided to the NP Secretariat and NP 7 Working Group.
- **Coordination with the NP Secretariat:** Assisting with some contact and communication between the DG and the NP Secretariat.
- **Quarterly Meetings:** Assisting to set agendas, provide translations of materials, and encourage the regular holding of these meeting.
- **Setting the Priorities:** In addition to the role of the Justice Facility as lead assistant, individual advisors have also provided some support to formulating the annual National Priorities, as directed by their counterparts.

The sector strategic planning process has been commented on as a model which brought together all stakeholders in a genuinely participatory process, supported by high quality strategic advice and drafting. It was felt to have had a major impact in generating open dialogue, improving relationships and bringing national and internationals working in the sector together behind a common approach, led by Timorese. It also reinforced the point made by many nationals that the Justice system was still in its development phase – and should not be judged as if it is a mature system, understood by the population, staffed by experienced and equipped professionals, and operating in a peaceful and stable society. The Facility has been described as an “engine for change” for the sector strategic planning process, and its contribution has been reported as instrumental to the fact that there had been more change in the justice sector in the last year than most other sectors in Timor-Leste.

The plan is expected to be endorsed by the Council of Co-ordination and submitted by the Minister to the Council of Ministers. It has been referred to already as the basis of the Government's budget and its response at the UN Security Council to the Independent Comprehensive Needs Assessment (ICNA), by the ICNA itself, and in a number of donor programs, including the Facility and the UNDP.

Donor co-ordination in the justice sector is now in the hands of the sovereign Government, with the technical support of the Facility and other partners. Sustainable improvement requires the sector to establish a planning secretariat staffed by Timorese to

support the CoC with the implementation and monitoring of the sector strategic plan, and other co-ordination tasks. Having helped create the plan, the Facility should now focus on helping to create the capacity in the secretariat to communicate, implement and (with the UNDP's proposed support) monitor the plan. An important part of this during 2010 will be ensuring the plan cascades into institution and directorate plans, and civil society activities.

Outcome 2 - Improved corporate management systems and procedures of selected institutions

At the start of the Facility all institutions had limited if any plans, budgets were low and they were not linked to plans. As a result the extra personnel trained by the Legal Training Center (LTC) and provided by the UN, Portugal and Brazil did not have the basic resources to be effective. The Facility has been effective so far in three ways:

- i. it has supported the development of plans for the institutions, and is building internal capacity for this task, linked them to budgets, and thereby equipped institutions to convince the Council of Ministers and Parliament to increase justice budgets significantly (see Table 1 below);
- ii. in consultation with the institutions, it has directly funded equipment, supported infrastructure development in various ways (see below), and intervened in logistics where requested, to provide basic resources to actors;
- iii. it has intervened where requested, to improve procurement practices and ensure that the extra funding is properly directed to needs.

Table 1: Budgets of the Justice Sector Institutions

Budgets of the Justice Sector Institutions				
Institutions	2006-07	2008	2009	2010
MoJ	4,644,000	9,791,000	12,784,000	10,894,000
Courts	1,304,000	2,131,000	2,214,000	2,577,000
OPG	526,000	2,248,000	3,469,000	2,550,000
Total	6,875,000	14,718,000	19,336,000	16,021,000
Variation (%)		+114,1 %	+31.4%	-17.1%

Source: Report on Principle Achievements of Justice Sector (2007-8), Minister of Justice, November 2009; National Budget 2010 (reduction due entirely to reduction in capital for infrastructure development which was provided in 2009)

While it has taken some time to establish an agreed planning base itself (see below – efficiency), the Facility has now gained some momentum and produced some effective results within institutions. In **procurement**, the Facility has intervened in the OPG under the direction of the PG, funding an independent internal audit and then moving into line roles to implement its findings and recruit and train new staff to take over these functions and perform them properly. This has been an effective strategy and contributes more broadly to the fight against corruption by ensuring the OPG has the credibility and the resources to investigate and prosecute cases. The focus on the OPG took resources from the Courts making the Facility less effective in supporting the Courts. In the MoJ, the adviser and her counterpart have made a significant contribution to increasing and executing budgets and improving documentation for capital projects but have only recently been requested to support procurement and have identified this as a priority for greater attention in 2010.

Assuming the full support of counterparts, a reasonable expectation given counterparts comments, the Facility will place a stronger focus on building procurement capacity in 2010. This will reduce the vulnerability of institutions to corruption (and help increase public confidence), it will increase value for money (especially in infrastructure projects where funding for 2010 has been reduced), and it will ensure resources support deconcentration and improved levels of service.

The Facility has been effective in building some aspects of **human resource management capacity** in institutions but not to the degree expected by senior counterparts or the team itself. The Facility has developed organisation structures and position descriptions for the OPG and Courts; the MoJ already had this capacity. A sector wide Human Resources Working Group has been established and has met weekly to develop procedures. It has so far produced procedures for recruitment, selection and appointment (see Text Box 2 below). The Facility also played a key leadership role in Thematic Area 3 – human resource

development – in the strategic planning process, and on approaches to training in the sector.

Text Box 2: The Justice HR Group

HR Policy and Procedures have been identified as a common need across the sector. The HR Group was established in June 2009 with the purpose of developing a HR Manual for the agencies in the Justice Sector to enable the consistent implementation of relevant laws, decrees and good management practice. The HR Group has been convened with representation from each of the Justice Institutions: the Courts, Office of the Prosecutor General and Ministry Of Justice.

Objectives were set at the first meeting and were agreed to:

- Work together to develop our knowledge of HR Management in Timor Leste
- Develop policies and procedures to support agency operations
- Complete a HR Manual that is “owned” by each agency and clarifies tasks and duties for HR practitioners

The group provides an opportunity for networking with professionals in same field, and to learn and solve problems together. It meets on a weekly basis, at the Justice Sector Facility training room. The facility supports the group with:

- Provide background theory and advice on best practice in HR functions
- Facilitate discussions on policy and procedure to fit Agency needs
- Invite others to meetings, as requested by the group including speakers from the Civil Service Commission, and the INAP
- Provide assistance with translation, where required
- Provide support for implementation, if requested by senior management

The group has met regularly and progress is slow and steady since HR practitioners have varying levels of HR knowledge and experience. As with all networking and learning groups, numbers at each meeting can vary, but all members agree the group is valuable and continue to commit to working through each of the policies and procedures required to complete the Justice Sector HR Manual.

Slower progress in this area has been in part caused by a lack of counterparts to work with and the turnover of Facility HR advisers and their Timorese assistant. The OPG and Courts have not yet established stable HR Units, whereas the MoJ is relatively independent, at least at a procedural level, and can now develop skills in policy and planning. Delays in establishing Units in the OPG and Courts have been attributed to uncertainty in the transition to the Civil Service Commission, delays in passing key legislation (eg Officials of Justice Statute) and a lack of base HR capacity in the institutions (‘chicken and egg’ dilemma). The OPG’s situation is also due in large part to the continuing overhaul of that institution following the change in leadership. It is clear that the building of capacity in this area is as much about improving management and leadership performance as it is about developing procedures and transferring technical skills.

The Facility is intending to accelerate progress in developing human resource management capacity in 2010 by engaging two HR Officers (one locally and one as a volunteer or AYAD) to help the OPG and Courts recruit and train administrative staff and to bring them to a reasonable starting point. This will allow the HR Adviser, who is contracted for 2 years, in partnership with the MoJ, to remain focused on procedures and systems in the sector and deliver a comprehensive program on leadership and management development, based on existing INAP material and, in some cases, overseas placements.

The Council of Co-ordination decided to abandon the CERTO case database in early 2009 after advice from both the Facility and UNDP. It had failed primarily because institutions were not adequately involved in its development. The Facility has been effective in addressing the need for an effective **case management system** and is progressing well, in co-operation with UNDP, in developing a system for the OPG. Portugal had offered to support the Courts but this has not eventuated so the Facility has now offered to extend its support to the police, Courts and PDO, allowing institutions to move forward in a co-ordinated way.

More generally, 2010 will see a gradual shift from creating basic institutional capacity to building individual capacity to sustain this.

Outcome 3 - Reduced corruption within the justice system

The Facility's primary contribution to date to reducing corruption has been in improving capacity for planning, budgeting, procurement and financial management in both institutions *and* civil society organisations. Public confidence in the State relies in part on the effectiveness of the justice sector institutions to address instances of corruption, and to do that credibly, they must be free of corruption themselves.

- ♦ In the institutions, Senior Management Advisers, the Finance Adviser in the OPG, and the HR Adviser, have been actively involved in building transparency and promoting due process, in a line capacity at many times in OPG and in close partnership with counterparts in Courts and MoJ. The Facility has also helped reform the administration of court fees (see Text Box 3 below), introducing greater accountability, increasing revenue collected and redrafting the court fees statute to make it more relevant to Timor-Leste. The focus on this outcome will continue, with a stronger focus on procurement in 2010, to help protect the credibility of the sector.
- ♦ In the CSOs, specific training on governance and management has been provided to 90 organisations from various sectors, along with mentoring and occasional requests for intervention. 90% of participating NGOs in districts and Dili assessed the quality of training as 'very good' – particularly the board/governance training – with 80% requesting further training/mentoring support from the Facility. This has resulted in a noticeable change in CSO behaviour, with Boards restructuring and much clearer delineation in governance responsibilities. In 2010, financial management training will be provided, generally to all CSOs, but in more detail to grant recipients.

Text Box 3: Court Fees Management System

Prior to the intervention of the Facility Adviser, the Courts had no system of managing fees and penalties received by the courts. The law had been copied from the Portuguese law and specified fees for civil cases which were too high for the Timorese public. Judges exercised their discretion, but it still put the court out of the financial reach of all but the rich. The Adviser has helped to redraft the law to suit the Timorese situation, improve access to the court and revise the processes of collection and administration so that fees are returned properly to Government revenue. He has worked closely with all district courts across Timor-Leste to ensure a common approach. This has avoided the possibility of corruption, streamlined the process and made it easier for the public to use.

While building management capacity reduces vulnerability, it does not eliminate corruption. The Facility has helped identify instances of corruption which now need to be investigated and responded to either through civil service discipline processes or judicial prosecution. The Facility can only work in this area with the full authority and ongoing support of GoTL and AusAID. Progress made to date will only be maintained if there is a sustained commitment to openness and action to remove staff who intimidate others, destabilise the institutions and threaten their integrity. The OPG is establishing a specialist corruption investigation and prosecution unit. The Facility has no mandate to provide operational support but is assisting in providing corporate services support and identifying suitable external sources of specialist training and assistance which will make the unit effective. The Facility is also offering similar support to the Inspection and Audit Office within the MoJ.

The Facility's assistance to delivering the leadership and management program in 2010 will include training on disciplinary processes as well as encouraging a stronger professional commitment to civil service ethics and a rejection of corrupt forms of behaviour.

Outcome 4 - Improved availability of prosecution, legal representation, courts and victim support services in districts

Table 2: Number of cases completed

Completed cases	OPG		Courts	
	Dili	Districts	Dili	Districts
2006	n/a	401	181	125
2007	1,018	812	444	380
2008	1,635	640	438	434
2009*	2,671	832	307	345

Source: OPG Inspector General and Courts Senior Management Adviser

*until September 2009

Services to districts have increased since 2006, but have now levelled out in the Courts. The withdrawal of 6 Timorese judges from courts to attend training in Portugal – and

delays in mobilising international judges and court clerks - has halted progress temporarily. Despite the increase, productivity (output per judicial actor) remains low, and pending cases continue to grow.

However, for the first time in 2009, the Courts, OPG and PDO had functioning offices in districts. The Facility has contributed to improved availability of services in districts *indirectly* by helping to increase budgets and emphasising deconcentration in planning, and *directly* by assisting with infrastructure provision (see Table 3 below), equipment for the OPG and PDO, and providing advisory support to the district courts (about 25% of the Court Adviser's time has been spent in districts). More needs to be done. The establishment of the Suai Office and proposed mobile court and legal aid clinic activities (refer Case Study 2, Annex 3), the grants program (see Figure 2 in Annex 2) and recruitment to the Courts are intended to help. Productivity needs to be addressed through improving logistic support, introducing the new case management system in late 2010 and improving discipline through the leadership and management program.

Table 3: ETJSSF Contribution to Sector Infrastructure projects

JSSF Contribution to Sector Infrastructure projects			
Districts	OPG	Courts	MoJ
Dili	<ul style="list-style-type: none"> • <i>OPG HQ</i> 	<ul style="list-style-type: none"> • Renovation of District Court • <i>Residence for Chief Justice</i> 	<ul style="list-style-type: none"> • <i>Renovation of MoJ HQ</i> • <i>PDO Office</i> • <i>Construction of offices for Registry and Notary</i> • <i>Extension of LTC</i>
Baucau	<ul style="list-style-type: none"> • 3 Prosecutor Houses 	<ul style="list-style-type: none"> • Renovation of District Court • 2 Judge Houses rehabilitated 	<ul style="list-style-type: none"> • <i>PDO Office and Housing</i> • <i>District Offices for Registry and Notary</i>
Oecusse	<ul style="list-style-type: none"> • 2 Prosecutor Houses 	<ul style="list-style-type: none"> • Renovation of District Court • 1 Judge House rehabilitated 	<ul style="list-style-type: none"> • <i>PDO Office and Housing</i> • <i>District Offices for Registry and Notary</i>
Suai	<ul style="list-style-type: none"> • 2 Prosecutor Houses 	<ul style="list-style-type: none"> • Renovation of District Court • 3 Judge Houses rehabilitated 	<ul style="list-style-type: none"> • <i>PDO Office and Housing</i> • <i>District Offices for Registry and Notary</i>
<u>Legend:</u>	<ul style="list-style-type: none"> - <i>Support to tender process</i> - <i>Funding of equipment</i> - Supervision of construction contract - Management of tendering and construction process 		

Outcome 5 - Increased public understanding of human rights and confidence in prosecution, legal representation, courts and victim support services

Progress towards this outcome will need to be measured over a longer time period (3-5 years), or in specific geographical target areas. The Facility has now established the foundation to measure it in the community survey (see Case Study 4, Annex 3) and will complement this with monitoring of grants.

The establishment of the Suai component of access to Justice program is the only direct example so far of the Facility's contribution to increasing public understanding of and confidence in legal services (refer Case Study 2, Annex 3). The importance of verbal information has been reinforced by the Suai Steering Committee and by community leaders, who see it as the only trusted form. As such, the Facility has focused its support on preparing material for radio (through JSMP) and facilitating direct contact with communities by district judicial actors themselves. The first of a weekly series of community radio programs on justice, produced by the Facility's Suai Office, was broadcast on 9 December. The launch of the various grants in December also helped raise public awareness of justice issues.

The Facility is also in the process of developing - with UNDP, UNMIT, Asia Foundation and the MoJ Directorate of Human Rights and Citizenship - a more strategic and effective program of dissemination and training on human rights and justice issues. The program will take advantage of the respective agency and national CSO networks, with implementation being supported by the Facility and Asia Foundation. A workshop has been scheduled for late January.

Outcome 6 - Reduced violence against women

Despite having the responsible adviser seconded to the Vice Prime Minister's Office from early 2009, the Facility has continued to contribute to achievement of this outcome through 1) consultation on what was lacking in current policy and 2) by establishing a sound network for co-operation and implementation, the women's network (see Text Box 4 below).

Text Box 4: The Women's Network Group

The Women's Network Group is an informal group consisting of National and International NGO to discuss issues arising out of their work in addressing violence against women and children. Examples of NGO who have attended/contributed to date include Pradet, JSMP, Forum TM, Women's and Children's Justice Unit, AATL, Fokupers, ASF, Rede Feto, Plan International, Ba Futuru, Salele Safe House, Bacau Safe House and UNFPA. Examples of issues discussed include working with men, working in the districts, funding, government and donor support, coordination of services between NGO's and identifying both gaps and duplications in service.

The Justice Facility contributes to the network as lead coordinator in bringing the groups together, contributing information available to them and ensuring outcomes of meetings are subsequently shared with partners and potential interest parties. While the meetings currently take place at the Justice Facility's office, it is planned to rotate these meetings in districts, ensuring wider participation (e.g. District group meetings are scheduled to commence Feb and March 2010 in Suai and Bacau). Some relevant donors will also been invited to participate in 2010 meetings, and presentations of meetings' outcomes will be made to Government, District Administrations, Suco Councils, village and sub village leaders.

The major lesson drawn to date is the value of the network in disseminating information and ensuring greater consistency, coherence and coordination of services provided by NGOS in districts. Further participation with district groups needs to be enhanced to ensure greater cooperation and identify any gaps in service.

While acknowledged as severe, precise measurement of instances of VAW will only be possible once reporting and data collection systems are improved. This requires policy authority across institutions, funding and training. The first step in providing the legal and policy framework - the domestic violence bill, drafted with support from the UNFPA and UNIFEM, has passed through the Government but is still being debated in the Parliament. The second step is the gender justice policy which the Facility has drafted. This draft will be circulated to the relevant institution heads in December. It provides criteria for safe houses as well covering a range of other important policy needs.

Given how widespread the problem is, the first round of Facility grants prioritised support to victims: PRADET's grant to develop the forensic protocol for reporting sexual crimes, treating victims of sexual violence and preserving evidence; the funding to JSMP's Victim Support Services provides for victim advocacy; and support for various Safe Houses, most notably the Uma Mahon Salele which has become a model. That said, other grants have also focused on prevention and education which holds the key to longer term progress. Within all grants, the Facility is integrating two consistent strategies, through structured training, manuals and ongoing monitoring and mentoring:

- i. establishment of safe places in communities, and
- ii. training of men to reduce violence against women.

Table 4 below present the repartition of grants allocated so far, per category and geographical areas. Further grants will be released in 2010 (refer Text Box 5 below).

Table 4: Repartition of ETJSSF Grants

Table 1a - Small Grants - \$A40,000 & less				
Category	No. Proposals Received	No. Proposals Forwarded to Panel	No. Proposals Recommended by Panel	No. Proposals Approved by Facility Manager*
Reducing VAW	11	8	6	6
Public education on justice	21	8	3	3
Suai Access to Justice Program	15	5	3	3
TOTAL	47	21	12	12

** Subject to negotiation of budget and approach and attendance of training on finance and M&E.*

Table 1b - Large Grants – Above \$A40,000				
Category	No. Proposals Received	No. Proposals Forwarded to Panel	No. Proposals Recommended by Panel	No. Proposals Approved by FMG
Reducing VAW	8	3	3	3*
Public education on justice	4	4	3	3*
Suai Access to Justice Program	9	1	1	1
AATL and private	3	1	1	1

lawyers				
TOTAL	24	9	8	8

** Note – Two of the large grants were only approved to receive one year funding and report on results before being considered for further funding.*

Text Box 5: ETJSSF Grants Management System

The Grants Mechanism was established in January 2009 with the purpose of assisting Civil Society Organisations (CSOs) and non-government organisations (NGOs) both in the districts and at the national level. Through the Grant Mechanism the Justice Facility has provided board, governance and management training to NGO's and CSO's. The objective of these trainings has been to:

- capture the current governance and management systems of CSOs and provide ideas for improvement. CSO participation in the training is a prerequisite for eligibility to apply for funding from the Justice Facility;
- provide guidance and procedures to support CSOs operations; and
- learn from experience in relation to the board and governance for their institution.

The Grants Mechanism activities thus far have been as follows:

- call for proposals through advertisements in local newspapers and via email lists;
- assisting CSOs to prepare proposals prior to submission to the Justice Facility;
- receiving proposals and dividing the proposals into large and small grants categories;
- proposals assessed by independent evaluator, the Grants Officer and the CSO Advisor;
- proposals recommended for panel selection;
- conditional approval by the Facility Manager for small grants proposals and recommended to the FMG for the large grants proposals;
- FMG meeting approves large grants proposals; and
- final approval signed by the Justice Facility Manager and CSOs.

Currently the small grants proposals have been conditionally approved by the selection Panel and the large grants proposals have been approved by the FMG. Further training in financial and fundraising management will be provided to all CSOs in 2010. In 2010, specific financial training will be provided to the recipients of funding (with the assistance of the Administration and Finance Manager).

Efficiency

1. Modes of Assistance

The matrix in Annex 4 shows the different **modes of assistance** used for each activity group. While the Facility has channeled its support through different modalities since its inception, it has to date relied predominantly on international advisers to support the targeted institutions and civil society organizations (see Table 5 below and discussion under Sustainability).

Table 5: ETJSSF Modes of Assistance

ETJSSF Mode of Assistance	AUD 2008/9	%
International Advisers	2,488,726.62	78.7%
National Advisers	415,446.03	13.1%

Direct Procurement	84,343.70	2.67%
Visits & Study Tours	64,390.35	2.04%
Output based contracts*	45,965.46	1.45%
Research	24,730.48	0.78%
Workshops and Symposia	6,414.46	0.20%
Grants*	0	0%
Total	5,636,646.13	100.00%

* Scheduled to commence in 2010

In addition to TA, infrastructure and equipment has been funded and/or supported for the PDO in districts, OPG headquarters in Dili and, to a small extent recently, at the Court in Suai. Study tours and visits have also been organized and funded for both the MoJ and the Courts. The Facility has committed to a policy position of engaging no more international advisers and is therefore committing itself to new modes of assistance and avenues to channel its support in the years to come, consistent with the finding of the latest ANAO Audit Report (see Text Box 6 below). Output-based contracts, grants and recruitment of Timorese staff to assist institutions will sharply increase in 2010.

Text Box 6: Extract of ANAO Audit Report

In the Pacific and Timor Leste, where Australian aid forms a major component of the resources available for development, an appropriate balance needs to be struck between provision of technical assistance and other forms of aid to support delivery of government services. Based on available data concerning use of technical assistance, aid program reviews, and the perceptions of AusAID staff in program delivery areas, the ANAO found that AusAID has not yet achieved the objective of using technical assistance more strategically and effectively in the region. *(Extract of the ANAO Audit report of AusAID's Management of the Expanding Australian Aid Program, 2009)*

2. Recruitment, Retention and Replacement of Facility Advisory Team

The nature and role of TA makes it crucial to have the right individuals in place, both from a technical and personality perspective, in order to establish sound relationships with counterparts, a condition for effective capacity development. Table 10 of Annex 2 presents the **Facility advisory team** mobilized since the start of the Facility. Of a total of 23 advisers, 7 advisers have finished their input, 1 has been discontinued and 2 have resigned and been replaced by someone else. The discontinuation of the Senior Management Adviser in the MoJ in late 2008, and the redistribution of duties between the Executive Co-ordination Adviser (recruited at the same time) and the then Finance Adviser (now working as the Senior Management Adviser) showed the responsiveness of the Facility and contributed to the improvements in sector co-ordination and support to the Ministry. The turn-over in the HR Adviser position, on the other hand, has slowed progress in this area. With the exception of the courts where emerging counterpart needs might require a change of adviser, the Facility advisory team should remain stable in 2010.

3. Financial Management

The overview of the Facility **budget expenditure** up to November 2009 below demonstrates a balance of expenditure between the three key institutions supported to date.

Table 6: JSSF Budget expenditure (AUD up to November 2009)

JSSF Budget expenditure (AUD up to November 2009)				
#	Activity	Imprest	Operational	Total
1.1	Support to Sector	152,294.81	143,995.86	296,290.67
1.2	Support to Ministry of Justice	61,920.67	735,671.45	797,592.12
1.3	Support to OPG	292,661.22	443,872.12	736,533.33
1.4	Support to Courts	114,660.12	456,526.04	571,186.15
2.1	Suai component of access to Justice program	44,255.92	201,757.32	246,013.24
2.2	Civil Society organisational development	18,779.70	270,113.39	288,893.09
2.3	Addressing violence against women	16,206.57	208,775.43	224,982.00
Total		700,779.00	2,460,711.60	3,161,490.60

Notes/Assumptions:

1. Management staff not included
2. Imprest expenditure only to Oct 09 (Nov 09 not finalised at the time of calculation).

Expenditure is less substantial for Component 2 due to the late start of the grants implementation (in 2010). The relatively small expenditure for Activity Group 1.1 (Support to Sector), demonstrates real efficiency given the widely recognized and demonstrable facility achievements around sector planning and coordination. Total imprest expenditure has been far less than operational expenditure: the imprest account only came into operation in December 2008 due to delays in establishing the FMG. While programmed expenditure is at 95% of pro-rata budget, imprest for institutional development is at 39% and for access to justice is 5%, both well under pro-rata. Both categories are expected to increase much faster in 2010 due to start of the grants implementation and case management system expenditure in 2010.

4. Planning, Monitoring and Reporting

The considerable time and effort invested in the development of the Facility **planning, monitoring and reporting** system has been identified by partners as both a strength and weakness of the Facility. The 2009 Annual Plan was not formally approved by AusAID until June 2009 and soon after by FMG in July; the PMF was finalized in November 2009. The operational context in Timor-Leste was a contributing factor, with a leadership change in the OPG, but the delays resulted primarily from a lack of consensus on planning issues between the Facility and AusAID caused by:

- i. a lack of clarity of feedback from AusAID on the the level of detail required in Facility planning and reporting, including an initial direction from AusAID (later reversed) to detail work plans to a task level, rather than an output/outcome level;
- ii. a lack of clarity in feedback on access to justice programming, belatedly resolved through consultation with the thematic group in Canberra;
- iii. a requirement to revise the planning framework in line with the new AusAID country strategy;
- iv. evolving M&E thinking within AusAID; and
- v. the turnover of senior AusAID staff at post during the period (three First Secretaries (including one interim), and the Senior Justice Adviser).

Nevertheless the Facility planning process has now resulted in a robust structure widely shared, agreed and understood. As a result, the design of the M&E framework (i.e. the PMF), is now deemed appropriate to fulfill its reporting and learning functions. The approved PMF now defines a more efficient reporting framework, allowing future discussions between AusAID and the facility management team to be more focused on the development issues and challenges the Facility faces.

Sustainability

The Facility has first focused on stabilizing institutions before building sustainability – helping the leaders of institution to ‘ensure the ship is seaworthy before trying to sail’. In the case of the OPG this has required a radical intervention; in the Courts a more steady approach, and in the MoJ a solid partnership with the Minister, the DG and the Director of Finance and Administration. In both the OPG and Courts, there was a shortage of reliable counterparts to work with, so the Facility first had to focus on recruitment, as well as helping perform the functions in the interim.

The funding of justice sector institutions (as it is currently figured) is now at sustainable levels. However, access to justice remains low. Civil society continues to provide a large share of services but many of the communities are still not reached. The sector plan envisages expansion, in locations and judicial and support staff, in private lawyers and through mobile legal clinics and mobile courts. More funds are needed for training and buildings to implement this plan. Productivity must also improve, through improved case management, communication and staff accountability.

The sector has recognised the role of civil society in both the supply and demand sides of justice and the need for CSOs and private lawyers to have a sustainable future. The FMG allocated half of the Facility Management Fund (i.e. A\$5m) to civil society activities, funded largely through grants, with funds divided further between different priorities. However, before these funds were made available, the Facility developed and delivered training in governance and management and made this a pre-requisite for grant applications. CSOs were also encouraged to pool resources, network and restrict their work to their core interests. This has helped stabilise the organisations and give them a better chance of attracting funding and implementing projects more successfully. The Facility also insisted that applicants had a Board operating in Timor-Leste and placed an emphasis in grant assessment on utilising existing Timorese assets and on value for money, both of which favoured qualified local CSOs.

The Facility is intended to be a catalyst for change – setting off a sequence of actions aimed at creating independence. In the second half of 2009, current capacity (more accurately independence) levels were defined by advisers for each outcome. Targets were suggested for 2009, 2010 and 2013, the end of the Facility’s term. Targets will be presented in the 2010 Annual Plan for discussion with partners. These will allow all partners to gauge the intended impact of the Facility on capacity/independence in its target areas. But it does not provide an **exit strategy**. The sector strategic plan and the “plan for timorisation” which is intended to flow from it sets this timetable, assuming donors remain committed to support this. The exit of the Facility may depend on a range of issues which will need to be discussed between the bilateral partners.

Capacity must be developed with the 6 intermediate outcomes (see Figure 3 below) in mind, and especially the last 3:

- ♦ Increased availability of services
- ♦ Improved public understanding and confidence in justice services, and
- ♦ Reduced violence against women

While technical assistance has been the main modality to date for the Facility (see efficiency section above), it has been aimed at helping institutions and CSOs to establish a base of good governance and management so they can increase resources for service delivery, especially in districts. In 2009, the majority of infrastructure and equipment necessary for the current districts to be operational was procured and recurrent budgets are now sufficient to supply daily needs, provided they are spent properly. OPG, Courts and MoJ are also now funding a number of international staff from their budgets. Additional staffing needs have been factored into budgets but, because of delays in recruitment, these funds are underspent. Recruitment and training is now the key to institutional sustainability, hence the increased focus of the Facility on this in 2010.

In 2009, a policy decision was taken to restrict the number of international advisers in the Facility to the current number. This directs the Facility to use other forms of assistance. A key example was the provision of procurement support to the PDO to allow them to open district services – without the transport and equipment, no amount of technical assistance was going to improve services. In 2010, with the commencement of the grants and Suai program activities, and the recruitment of more Timorese into administrative roles in the institutions, the spending of the Facility will shift dramatically from advisory inputs to activities which are closer to the people and bring resources directly into communities.

Sustainability of these activities will depend on Timorese ownership, encouraged through a stronger oversight role in the MoJ (planning secretariat and Human Rights and Citizenship Directorate) and the Suai Steering Committee. It will also depend on the continuing availability of funding, if not from donor Governments (who will look to exit as development priorities change) then from private institutions and GoTL itself. While increasing funds available in the short term, the Facility is also preparing both Government and CSOs for the withdrawal of donor funds in the medium term by:

- ♦ developing the capacity of the Ministry of Justice so the grants scheme can become integrated into the MoJ and receive GoTL funds as well as donor funds;

- ♦ providing training and support to CSOs in fund-raising in 2010 to expand their sources of income and reduce their reliance on traditional donors; and
- ♦ promoting greater use of volunteers to reduce costs of delivery of CSO services.

2. Conclusions and Recommendations

Main achievements in 2009

As expected, during the first 18 months of the Facility implementation, a lot of effort has been placed on establishing sound relationships with counterparts (key institutions, individuals and civil society organizations), understanding their needs and constraints and identifying opportunities for collaboration and support from the Facility. Nonetheless, some substantial results have been achieved. The Facility main achievements in 2009 can be summarized as follow:

- Facilitation and coordination of a participatory approach to discuss, define and draft the sector strategic planning process, resulting in a draft Sector Strategic Plan ready for approval;
- Improvements in the definition of institutional budgets for OPG, MoJ and Courts;
- Support provided to Courts, OPG and PDO services in districts resulting in increased capacity to process cases processed, and better infrastructure, equipment and logistics;
- Ongoing development of the OPG – organisational, professional, case management
- Establishment of the Suai Access to Justice Program;
- Training of 90 civil service organisations in governance and management, including the Church;
- Design and implementation of a grants mechanism resulting in the selection of recipients for *Servisu ba Justisa* Grants; and
- Drafting of a national policy on “gender justice” or “improving access to justice for women”.

Areas for improvement in 2010

Key areas where further attention is needed are as follows:

- **Human resource management**

The Facility has suffered from the turnover of HR advisers and other hindering factors such as CSC and delays in statutes. As a result more support is needed in OPG and Courts, especially in recruitment, and across the sector on leadership, management and discipline and has been proposed and approved by the FMG.

- **Procurement and logistics**

While budget systems and processes have improved significantly, less improvements have been made on the procurement and logistics areas. Capacity needs to be built in all institutions to ensure districts have access to appropriate supplies and manage it with transparency and efficiency. Additional resources have been recommended and approved by the FMG.

- **Violence against women**

The Domestic Violence Bill is still with Parliament and the national gender justice policy is delayed because of secondment of adviser. It is now on track but needing a lot of attention. An additional staff member has been proposed and approved by the FMG.

- **Communication**

Firstly, with counterparts, more regular communication on Facility support is deemed beneficial and a monthly meeting has been initiated with the DG and planning secretariat, with minutes going to the FMG.

Secondly, with AusAID, a closer engagement on the future of the Facility. While the Facility has a clear responsibility for delivering against effectiveness and sustainability, it can only maintain relevance to AusAID if there is this level of engagement, and it can only maintain efficiency if decision referred to AusAID are taken in a reasonable timeframe.

Opportunities for building on success in 2010

Other areas have been identified as opportunity for development and would benefit from the Facility support in 2010.

- **Sector Strategic Plan Monitoring**

Given the predominant and successful role of the Facility in defining and drafting the Sector Strategic Plan, the Facility should continue to support the Planning Secretariat in establishing a robust monitoring system that ensures follow-up, accountability and transparency in the plan implementation. The participatory approach that has characterised the support of the Facility to the planning process should be continued.

- **Case management**

Because of the success so far of the Facility in managing the development of the new OPG case management system, it has been proposed to the FMG that all institutions should be considered for such support. The Minister has called a special meeting in late January to determine the approach. Although developed with the assistance of others, the system must be designed to fit Timor-Leste law and procedures, be able to be operated and maintained by Timorese, and safe for unauthorised access to information.

- **Suai**

Given the structure now set up, there are opportunities to work with other donors and GoTL to pursue a range of initiatives to improve access to justice in this area, including mobile legal clinics and mobile courts, a diversion program for non-violent offences and training of men to reduce violence against women.

Annex 1 – PMF Background, Objectives & Methodology

1. Background and objectives

This report presents the findings and analysis of ETJSSF Performance Management Framework (PMF) for the year 2009. As it is the first PMF report, some of the findings reflect the Facility achievements since its inception.

The objective of the Performance Management Framework is to monitor and report on the achievements of results and the management performance of ETJSSF.

2. Methodology

The report follows the methodology of the final PMF version which results from iterative exchanges between AusAID Post, AusAID HQ, and the ETJSSF Management team. A special acknowledgement has to be made to Graham Rady (AusAID Asia Programs Quality and Development Adviser) for his precious help in developing the PMF.

The analysis was made possible thanks to an ongoing data collection and reporting effort in-country carried out by the ETJSSF Team, as defined in the PMF. In addition, it builds upon a series of interviews and discussions held in Dili and facilitated by the Facility M&E Adviser (Laurent de Schoutheete) during a two weeks mission in-country. These consultations involved the following stakeholders:

Name	Position
Counterparts	
Dr. Claudio Ximenes	Chief Justice
Dr. Ana Pessoa	Prosecutor General
Dr. Crisogno Neto	Director General, Ministry of Justice
Dr. Ponciano Leite	Director, Directorate Administration and Finance – Ministry of Justice
JSSF team	
Carlos Barbosa	Senior Management Adviser - Courts
Michael Johnson	Senior Management Adviser - OPG
Cristina Pinto	Senior Management Adviser – MoJ
Camilla Wee Lita De Reis	Planning Facilitator Liaison Officer

Erika Mieser Sanio Goncalves	HR Adviser Liaison Officer
Antonio Da Conceicao	Executive Coordination Adviser
Joana Amora	Finance Adviser
Sophia Cason Umbelina Belo	Access to Justice, Policy and Program Adviser Grants Officer
Chris Sahin	Senior Management Adviser – Grants and Civil Society
Jose Marcal Lydia Do Carmo	Suai Activity Manager Suai Activity Officer
Others	
Dr. Silas Everett	Country Representative, The Asia Foundation
Dr. Maria Del Mar Bermudez	Senior Justice Adviser, UNDP Justice System Program

Following these consultations, the analysis and writing of the report was carried out by the M&E Adviser, the Facility Manager and the Australian Project Manager. Most advisers also contributed to the drafting of the Annexes. Validation workshops were organised with the ETJSSF Advisory team as well as AusAID staff in Dili to discuss the report's main messages.

Annex 2 – Supporting Tables & Diagrams

Table 7: List of ETJSSF Situational Analyses (up to December 2009)

#	Activity	Assessment
1.1	Support to Sector	<ul style="list-style-type: none"> GoTL State of Justice Sector AusAID State of Justice Sector Justice Sector Assessment 2009 Map of the Justice Sector 2008 (Internal) HR Sector Situational Assessment Finance Sector Situational Assessment (under completion) Law and Justice Perception Survey 2008 Justice for Children Situational Assessment 2008 Traditional/Local Justice Systems Situational Assessment 2008
1.2	Support to Ministry of Justice	<ul style="list-style-type: none"> MoJ Situational Assessment 2008 Report on the Principle Achievement of the IV Constitutional Government in the Justice Sector
1.3	Support to OPG	<ul style="list-style-type: none"> OPG contribution to Justice Sector Assessment 2009 Mapping of the OPG Case Workflow 2009
1.4	Support to Courts	<ul style="list-style-type: none"> Status of the Courts Report 2008 Status of the Courts Report 2009
2.1	Suai component of access to Justice program	<ul style="list-style-type: none"> Situational Assessment of Justice Issue in Suai / Covalima Feasibility Report for the Suai Integrated Justice Pilot
2.2	Civil Society organisational development	<ul style="list-style-type: none"> Justice CSO Training Needs Surveys Justice CSO Issues Surveys
2.3	Addressing violence against women	<ul style="list-style-type: none"> Approach to Access to Justice (incorporating AusAID Violence Against Women report)

Table 8: List of JSSF activities discontinued (up to December 2009)

Activity Discontinued	Reasons	Timing	Comments
Support to links between civil society, Government and Parliament (previous Activity)	Agreement with AusAID to limit scope as part of defining Access to Justice Component approach. Decision that support to Parliament was better provided through other programs.	February 2009	Links between Government and civil society are being strengthened through the grants program and the Suai Access to Justice Program which integrates State and non-State participants.
Program of institutional support to Public	AusAID policy of restricting expenditure on international	August 2009	UNDP engaged adviser; JF proceeded with procurement

Defenders Office	TAs		of equipment and transport to allow district offices to open.
Victimisation survey – violence against women	No longer required – ample information from reports, including AusAID's VAW report for Timor-Leste, and from women's network	August 2009	Improved data will come from grant activities
Assistance with juvenile justice legislation and follow on activities	1. Minister's direction that support would continue to be sought from UNICEF 2. AusAID's direction to limit scope of engagement in this area	September 2009	Communicated to UNICEF who are continuing support but this has led to delays in legislation.
Support to establishment of Inspection Unit in MoJ	Inspector not recruited; Unit not established	September 2009	May reconsider support in 2010 if requested.
Gender responsive budgeting	UNIFEM have this as a core program and are better placed to deliver	October 2009	Will co-ordinate with UNIFEM as necessary.
Access to information (Activity Group) – including strategic plan for MoJ, support to media and other activities	UNDP and TAF are better placed to provide this support and have allocated expertise. JF do not have specific advisory expertise in this area, but will contribute through the grants system and the CSO partner network	October 2009	This co-ordinated approach is likely to be more effective and make the most of each partner's comparative advantage. UNDP and TAF expertise will help enhance quality of content and capacity within MoJ, while JF will help improve dissemination through the grant program and Suai Access to Justice Program.

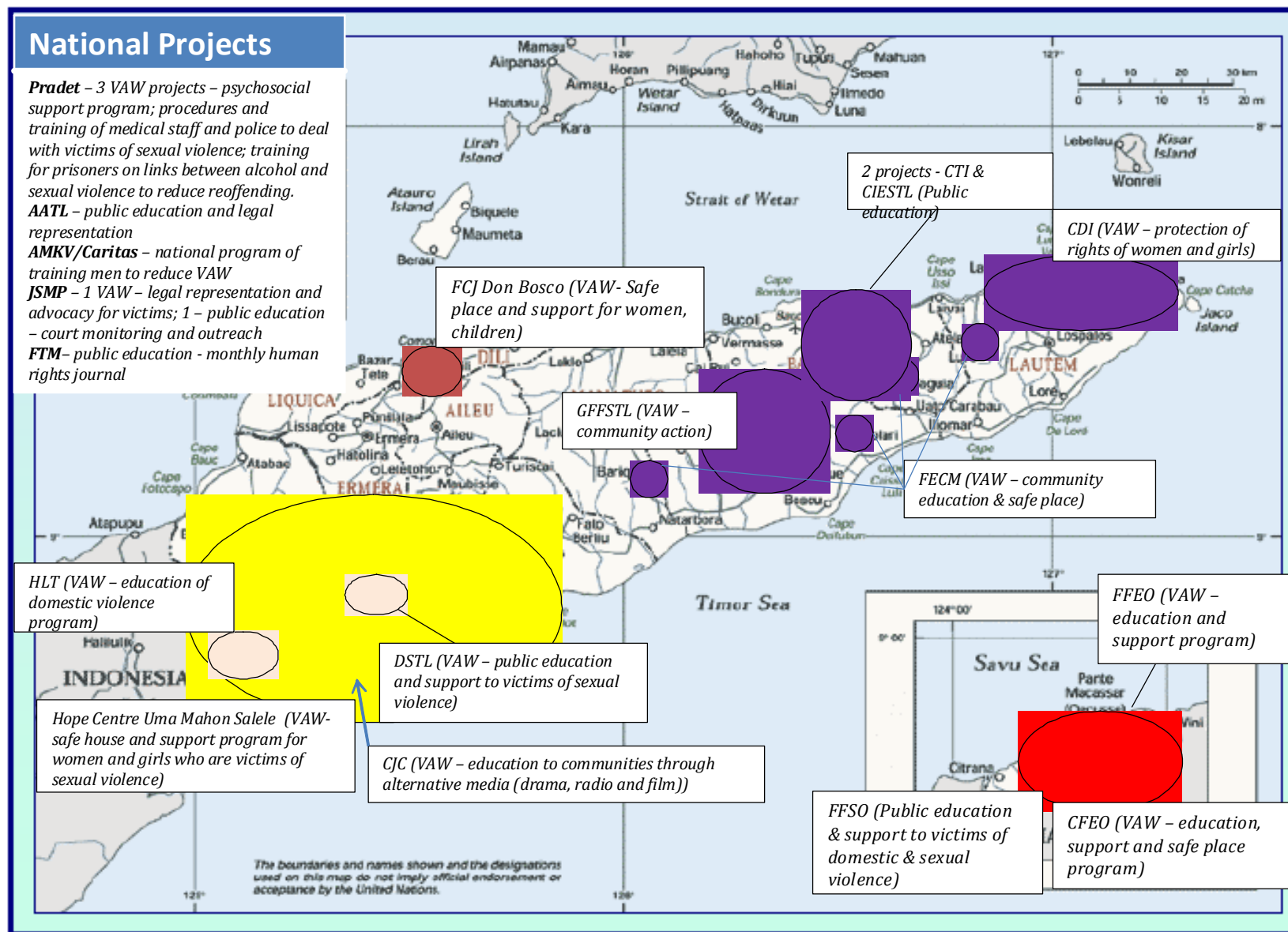
Note – the Civil Registration Adviser position was approved only for a period of 4 months (Sept-Dec 09) to give the MoJ time to identify alternative funding and will not be funded by the Facility after that date.

Table 9: Links between ETJSSF Activity Groups and Intermediate Outcomes

Activity groups / Outcomes		Sector coordination	Corporate management systems	Reduced corruption	Availability of services in districts	Public understanding of services	Reduced Violence against women
1.1	Support to Sector						
1.2	Support to Ministry of Justice						
1.3	Support to OPG						

1.4	Support to Courts						
2.1	Suai component of access to Justice program						
2.2	Civil Society organisational development						
2.3	Addressing violence against women						

Figure 2: Distribution of *Servisu ba Justisa* (Working towards Justice) Grants across Timor-Leste



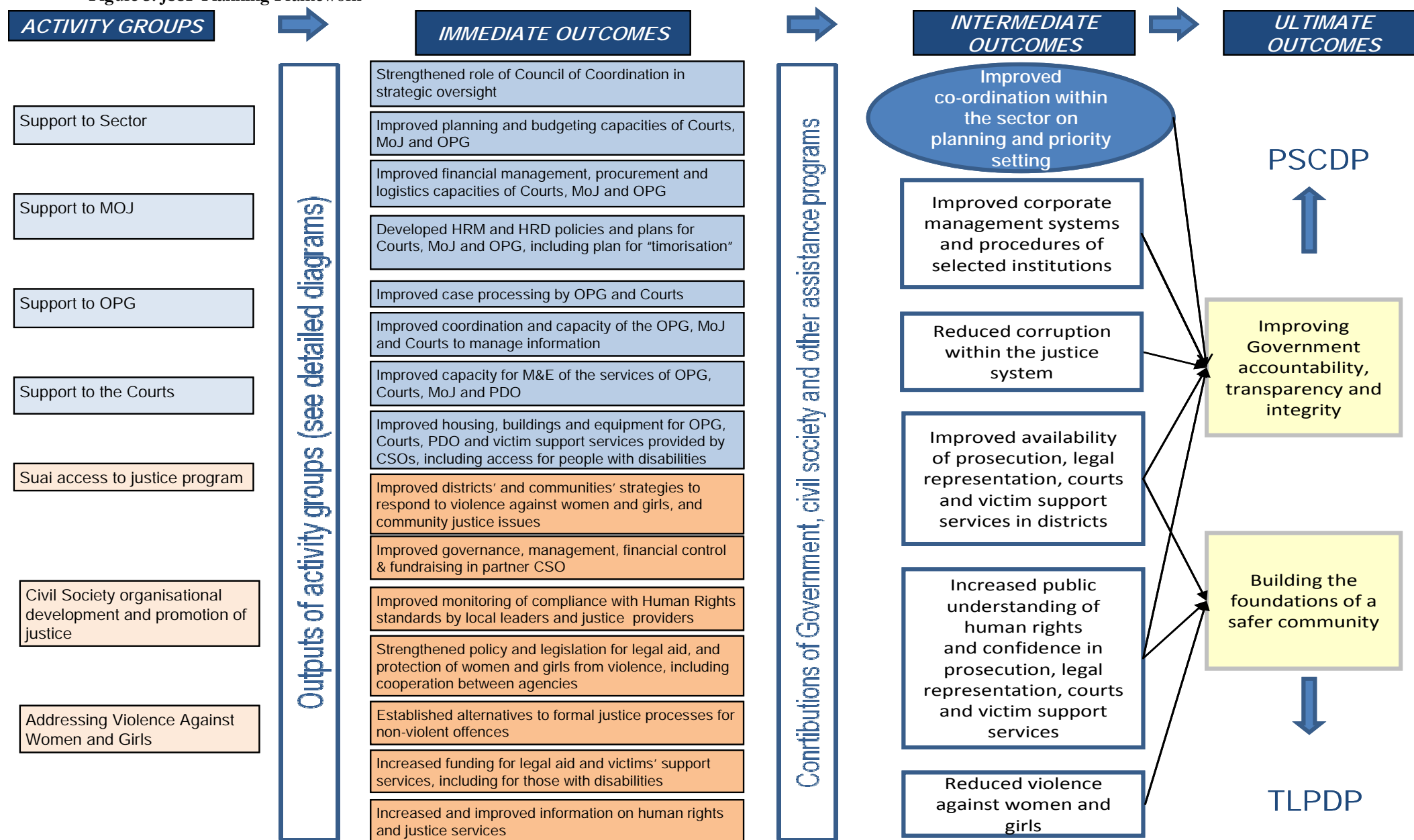
Taken from: www.discoverdili.com/dilimap.html

Table 10: List of Advisers on the JSSF (June 2008 - December 2009)

Advisers on the JSSF (June 2008 - December 2009)			
Role/Function	Name	Dates	Status
Senior Adviser Courts	Carlos Barbosa	2 years until 1st June 2010	
Civil Society Strengthening	Milena Pires	2 years until 24th February 2010	Seconded from JSSF to the Office of the VPM from April 2009
Adviser - Access to Justice Policy and Programs	Sophia Cason	1 year to 18th October 2010	
Civil Society Project Officer	Umbelina Belo	1 year to 15th March 2010	
Planning Facilitator – DIHR Young Professional	Camilla Wee	2 years until 30th June 2010	
SWAP M&E – DIHR	Bent Vase	ST inputs to Nov 09	Role in supporting Strategic Plan completed. Alternative approach to M&E agreed.
Senior Adviser - MoJ	James Baker	24 March 2008 to 30 November 2008	Discontinued at the request of the Minister
Finance & Budget Execution Adviser	Christina Pinto	2 years until 30th June 2010	
Senior Adviser - Grants & Civil Society	Chris Sahin	3 years until 11th January 2011	
Senior Advisor - OPG	Michael Johnson	2 years until 31st September 2010	
Facility Manager	Craig Ewers	2 years until 21st February 2010	
Finance Manager	Ghatot Kersoharjo	2 years until 24th February 2010	
Human Resources Management Adviser 1	Lenita Florindo	7 months to end 2008	Role required continuous presence in TL which Lenita was unable to do
Human Resources Management Adviser 2	Jane Curran	25 April 2009 - 30 October 2009	Resigned for personal reasons
Human Resources Management Adviser 3	Erika Mieser	2 years to 14th November 2011	
Executive Coordinator - MOJ	Antonio Da Conceicao	2 years until 30th November 2010	
Finance and Budget Adviser	Joana Amora	1 year until 31st May 2010	
HRM Activity Officer	Sanio Goncalves	1 year to 9th November 2010	
Suai Pilot Activity Manager	Jose Marcal	1 year to 14th May 2010	
Suai Pilot Activity Officer	Lidia Do Carmo	1 year to 5th July 2010	

Sector Planning Activity Officer	Maria Dos Reis	6th July - 5th April 2010	
Customary Justice Baseline Survey Manager	Jen Laakso	ST Inputs to June 09	Activity Complete
Juvenile Justice Specialist	Cyndi Banks	ST Inputs to November 08	JSSF discontinued assistance to Juvenile Justice

Figure 3: JSSF Planning Framework



Annex 3 - Case studies

Case Study 1 – The Justice Sector Strategic Plan

Initial situation

The Council of Coordination (CoC) is the primary mechanism for Justice sector coordination in Timor-Leste. Its members (Minister of Justice as chair, President of the Court of Appeal, Prosecutor General and Public Defender) typically meet a few times a year on particular relevant issues. However, sector coordination is mainly undertaken on an ad hoc, rather than a systematic, basis. Strengthened coordination through formal and systematic planning is necessary to enable the institutions to synchronise their development as part of a sector and achieve smoother operation at the points where the respective functions interlink.

JSSF contribution

The Facility has provided substantial support to the process of developing a Sector Strategic Plan, much of which has been channelled through the Planning Secretariat. The Secretariat was led by the Director General (MoJ) and attended by the National Facilitator, UNDP, and Justice Facility personnel. It provided the overall management, logistics and methodology for workshops, as well as drafting and coordination with CoC members. By decision of the CoC, the Strategic Plan was developed through a participatory process with five workshops held in the period of April to July 2009. Technical professionals from justice institutions, civil society representatives and international advisors participated in the workshops which took them through the steps of a) determining the present state, b) identifying the challenges c) proposing initiatives and d) verifying a rudimentary implementation matrix (Goals, Objectives and Core Activities). The Strategic Plan draft, which was handed over to the Minister of Justice by the Director General on 4/11/2009, was the result of the consolidated input from the workshops and two rounds of comments from the respective CoC institutions. Upon approval, further support to the establishment of a National Planning Secretariat, tasked with facilitating implementation of the Strategic Plan, is anticipated.

Resulting situation

Currently, the Minister is conducting a final review ahead of putting the Strategic Plan forward for approval at the CoC, expected within December 2009. Government has already used the draft Goals to communicate to the UN Security Council how the sector is addressing recommendations made by the Independent Comprehensive Needs Assessment. Overall, the positive effects for sector coordination of the Strategic Plan can be summarised in three key points: Firstly, the workshops succeeded in bringing justice professionals together for important discussions on the current state and future direction of justice in Timor-Leste. Secondly, the Strategic Plan now provides a common reference for sector leaders to coordinate priorities, structured by the five thematic areas (Institutional Development, Legal reform and framework, Human Resource Development, Infrastructure and IT, and Access to Justice). Thirdly, the Strategic Plan is an instrument for a range of planning purposes including; annual institutional planning, support for regular meetings of the CoC, implementation of projects (Strategic Plan Matrix), M & E, and donor coordination.

Lessons Learned

Many operational level professionals have welcomed the opportunity to engage in planning process. Workshops are an effective mechanism for this purpose and experience has shown that the clearer the method, the better the quality of input tends to be. Both workshop and drafting processes have shown that 'less' is often 'more': concise, straightforward, and oral - rather than extensive written - communication is preferred. The ongoing review of the draft has highlighted the importance of communication between sector leaders and technical professionals. Finally, it is worth noting the time and resources required for bi- and tri-lingual translations, and that time-frames need to account for this as well as availability of key actors. These are lessons which may be remembered for any support provided to implementation and the review of the Strategic Plan at regular intervals.

Case Study 2 - Suai : No longer out of sight

Initial situation

Districts outside of Dili had not been served by the justice system, and the Suai judicial district, in the minds of many we spoke to, presented itself as the area with the largest gap between demand (the need for justice) and supply (the availability of services). Its people had suffered grave injustices during the Indonesian occupation, in the 1999 transition (where up to 200 people were murdered in what has become known as "Black Tuesday") and from the 2006 internal crisis. On top of this residual trauma, there was compelling evidence of sexual violence, trafficking and inter-generational cycles of abuse. Communities had limited access to any services because of remoteness and extreme poverty. The Court processed very few cases, and neither the OPG or PDO had offices in Suai. The District Administration was not engaged in justice issues, leaving only the police and civil society organisations active, but with few resources and little co-ordination.

JSSF contribution

The Justice Facility proposed the idea of an integrated district pilot as part of generating a greater focus on the districts, and on Suai in particular. Two reports were prepared – one by the Civil Society Strengthening Specialist; the other by the Senior Management Adviser MoJ – and were accepted as a basis for engaging. The Facility first won the support of the Judge Administrator of Suai and the District Administrator, and then requested the Prosecutor, Public Defender, Police Commander, Private Lawyers, Church, Victim Referral Network and Youth Representatives to form a Steering Committee to oversee the pilot, identify priorities, develop a work plan and then commence activities, which would be supported by the Facility. A special allocation of A\$1.25m for Suai activities was approved and announced by the Minister of Justice in July, who also instructed that it was no longer to be treated as a pilot but as an approved program of her Ministry. The Committee, supported by the Facility, which established an office in Suai in August with staff drawn from the Suai area, met every month in Suai and then in Salele, where chefe de sucos, Ministry officials and donor representatives working in Suai were invited. Seven community justice priorities were agreed. Subsequent meetings developed a work plan and recommended activities. Four grants for activities to be implemented by CSOs were announced by the Minister of Justice in Suai on 4 December, and activities such as mobile justice clinics and mobile courts, weekly community radio program on justice, diversion for non-violent offences and training of men to reduce violence against women and girls have either commenced or are proposed for 2010.

Resulting situation

The Facility has initiated a decision making forum – the Steering Committee - which brings together State and non-State actors, in a co-operative spirit to address the justice priorities in their district. The Steering Committee, chaired either by the Judge or Deputy District Administrator, now meets monthly. The Committee has approved a work plan which identifies a range of activities to improve public understanding and confidence and increase availability of justice services. In parallel, the Facility has provided direct support: support for equipment, logistics and housing, so that the OPG and PDO were able to open their offices to the public and so that the Courts could hear more cases, ongoing support for the Safe House at Salele, and funding for community activities (above). Through training on governance and management delivered in Suai to CSOs from all sectors and local government, the Facility is developing capacity in Suai to manage projects funded by the grant programs, other donors, and eventually GoTL. Finally, there is now attention on the needs of the people in Suai, and on 4 December, the Facility brought together in Suai for the first time, the representatives of all justice institutions, key partners, the media and CSOs.

Lessons Learned

It may be too early to learn lessons; results will tell. One lesson so far is that deconcentration initiatives like this are usually championed by the beneficiaries, those in the districts, with people in Dili getting fully behind them once they realise the local commitment is in place. Now that momentum and expectations have been created, everyone needs to support the program. Facility advisers will certainly be spending more time working in Suai in 2010 to support colleagues there.

Case Study 3 – The OPG General Case Management Project

Initial situation

The Office of the Prosecutor General (OPG) has the mandate to investigate and prosecute all crimes committed in the territory of the Democratic Republic of Timor-Leste. The Office currently operates offices in four districts serving a population of approximately one million. It has a backlog of files in excess of five thousand cases in various stages from the reporting stage to the trial stage and the OPG is not able to locate many of the physical files due to poor management procedures in the past and periodic social disorder. A new Prosecutor General was inaugurated in March of 2009 and requested the Facility to provide her office with a professional case management system that could track cases through the criminal procedure process and improve the professionalism and case processing time within her prosecution service. The essential challenges in meeting her request were: the absence of technical expertise in T-L for automated systems development, the absence of standardized procedures within her office, the absence of Information Technology staff in the OPG, the poor condition of the communications platform (hardware and networking) within the justice sector of T-L and the lack of project management capacity within the OPG staff. An added complication was the lack of donor coordination on issues of IT support to the Justice Sector institutions.

JSSF contribution

The Facility responded to the Prosecutor General by organizing a project management Plan in August of 2009 to provide the requested system within eight months. The Plan addressed the technical shortcomings of the environment by retaining (with a partial donation) the services of a US based development firm with extensive experience in justice systems. It solved the standardization process by organizing a mapping process in compliance with the Criminal Procedure Code for review and approval of the PG. The Plan contemplated the recruitment and training of national staff to whom the necessary skills of systems maintenance and management could be transferred. The Plan also directed the reorganization of the 2009 OPG budget to permit the procurement of dramatic hardware and software upgrades for the four district offices. The Facility staff (OPG Senior Management Advisor, Finance Advisor, Program Officer, and Human Resource Advisor) provided the project management support throughout the development of the Plan and its implementation. The Facility Management team organized the financial support from AusAID enabling the delivery of the technical services required. It also, and most significantly facilitated the donor coordination that brought UNDP into the project as a productive partner.

Resulting situation

The Plan is progressing on schedule approaching the end of 2009 with the exception of recruitment of the national IT staff, which has been delayed. To compensate, current IT help-desk staff have been utilized to support the process until the appropriate recruitment can occur. The Facility Finance Advisor has completed all required national budgetary re-appropriations and procurement. The Facility Management Team has coordinated the donor partners, retained the technical experts on contract and obtained the commitment of funding from AusAID. The project planning has progressed through a phased approach. The development of the software application, beta version has commenced as of December 1. Installation and training will begin in early March 2010.

Lessons Learned

The lesson to be learned is simply that the Facility can address substantial project management initiatives in support of the sector and its institutions precisely because of the range of experts on staff or available as consultants. The successful implementation of a case management system in the OPG could serve as a model for similar support from the Facility to the Courts, the Public Defenders, Corrections and the Judicial Police (when established). It is a model that coordinates national resources where available with international assistance where required.

Case Study 4 – Community Survey

Initial situation

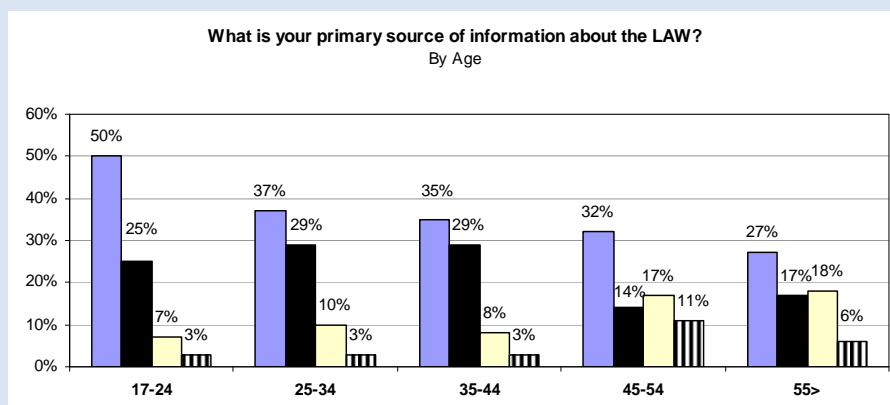
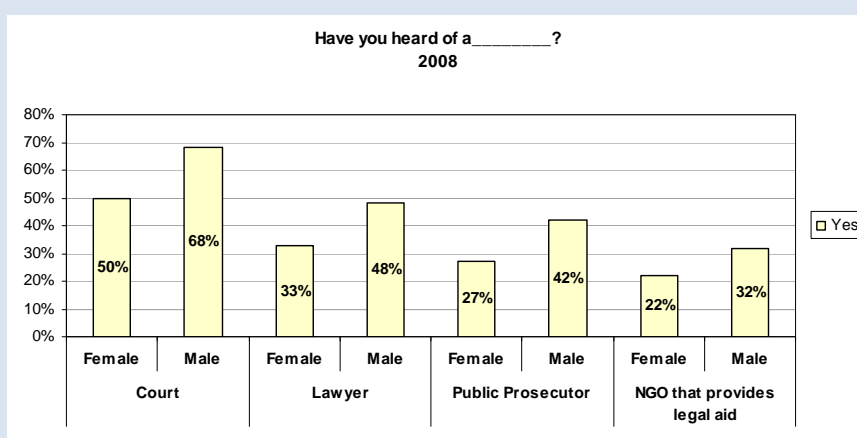
As part of the initial team, a specialist in community justice in Timor-Leste was engaged to advise on local justice and develop a survey instrument which provided a baseline measurement of community perceptions about justice. The Asia Foundation had completed a similar survey in 2004, and it was negotiated with them that, by pooling resources, the methodology could be refined and another survey could be undertaken in late 2008. This had the advantage of measuring change over time since 2004, including the impact of the 2006 crisis.

JSSF contribution

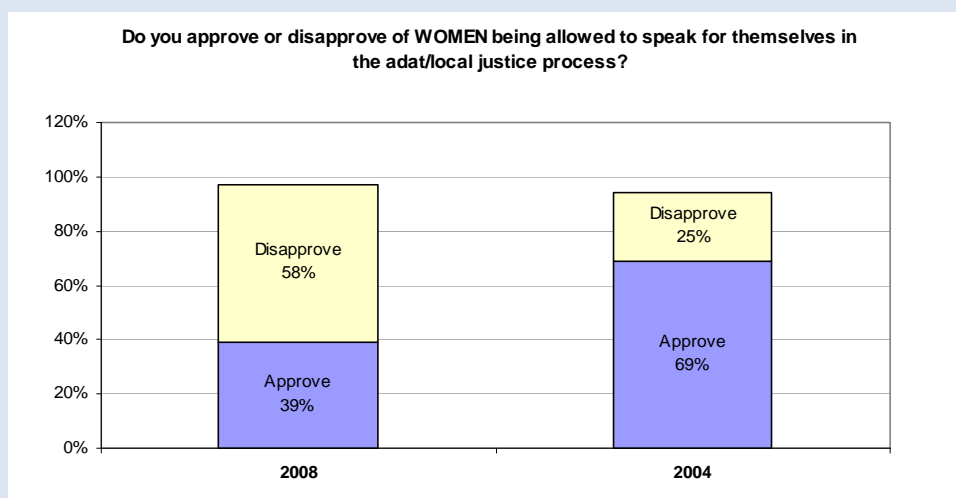
The Facility played an active part in funding the survey, developing the questions – all advisers contributed – with the specialist adviser testing the questionnaire with communities in Covalima, and recruiting and training law students in administering the survey. A Timorese research organization was engaged, under the supervision of TAF and JF advisers, and together with the involvement of law students, proved to be a highly successful arrangement, both in terms of efficiency and capacity development.

Resulting situation

The survey covered 1300 participants across Timor-Leste. Data tables were presented to focus groups of Timorese justice officials, CSO representatives and community leaders for their interpretation. These tables covered various themes and presented change between 2004 and 2008. The report was released in July 2009 in English and Tetun. It is already guiding policy on information dissemination (see below). It is now a baseline for assessing change in public understanding and confidence and has provided useful (but disturbing) data on the worsening situation in terms of access to justice for women, especially in cases of violence (see examples below).



Case Study 4 – Community Survey (Cont'd)



The data also suggest that attitudes condoning domestic violence have worsened over the last five years. Specifically, while the percentage of Timorese who believe “a man has a right to hit his wife if she misbehaves” has stayed roughly the same since 2004 (21 percent in 2008 vs. 19 percent in 2004), the percentage of those indicating that they disapprove of the practice appears to have fallen sharply. In 2004, when respondents were asked if a man has the right to hit his wife if she misbehaves, 75 percent firmly disapproved of such action. In 2008 only 34 percent of Timorese believe that “a man has no right to hit his wife” and 44 percent think that it depends on each case individually. It should be noted that the latter answer option was not offered to respondents in 2004, which may have affected the results. Regardless, the current percentage of Timorese (34%) who believe that without exception, a man has no right to hit his wife, remains quite low. Also of interest is that more women (24%) than men (18%) think that a man has a right to hit his wife if she misbehaves.

Lessons Learned



Lessons were learnt from the approach and from the results:

- i. **Approach** - demonstrated the value of partners with a common interest creating a better result by working together. The use of a Timorese research organisation and law students for administering the survey was reported to help develop capacity and a greater sense of commitment to community in the law students. The use of Timorese focal groups to provide their interpretation of the data added significant value to the analysis. Finally the involvement of the representatives of the MoJ and OPG throughout the survey process has ensured their commitment to the results as a basis for policy decision making.
- ii. **Results** – demonstrated that people prefer verbal information through radio and TV, indicating that the concentration by the sector and donors on written material to date needs to be rethought. Attitudes on violence against women were more severe than expected and had worsened since 2004, indicating the urgent need to address this problem. Public understanding of formal justice services is low, yet people said they would use them if they were available, making a case for education, deconcentration and mobile services to reach people in remote areas.




Annex 4 - Table of modalities

Activity Group	LT International Advisers	ST International Advisers	National Advisers	AYAD / Young Professional	National Activity Liaison Officers	Output based contracts*	Donations	Infrastructure	Grants*	Direct Procurement Support	Research	Professional Development/ Tertiary Education	Visits & Study Tours	Working Groups	Workshops and Symposia	Training
1.1 Support to Sector	0.2	3	1	1	1	Community Survey					Community Survey			Technical Secretariat Sector HR Working Group	Sector Strategic Planning Workshop	Strategic Planning Concepts
1.2 Support to MoJ	1	1								PDO District Office			Macau (Finance) South Australia (Prison) Portugal (Case Management)		IOJT Conference on Judicial Training	Procurement Training
1.3 Support to OPG	2				2	Case Management System	Case Management System	Prosecution Housing		OPG HQ		Assistance with University fees (4)		IT Coordination Group		English for HR and IT Staff English for Prosecutors
1.4 Support to Courts	1												Portugal Brasil Macau			
2.1 Suai Access to Justice Program					2					Support to Suai Court				Steering Committee		
2.2 CSO Organisation Development and Promotion of Justice	1	2			1									Donor and CSO Network	AATL workshops and annual conference	Governance and Management Training for CSOs JSMP Training in Radio communication (Indonesia)
2.3 Violence against women	1													Women Network		
Total AUD	2,125,742	362,985	365,393		50,053	45,965		31,474		84,344	24,730		64,390		6,414	
Total %	67.24%	11.48%	11.56%	0.00%	1.58%	1.45%	0.00%	1.00%	0.00%	2.67%	0.78%	0.00%	2.04%	0.00%	0.20%	0.00%

Annex 5 - Immediate outcomes progress summary

Immediate Outcomes	Outputs summary	Progress towards achievement of Outcomes	On target ¹	Implications for 2010
Strengthened role of Council of Coordination's in strategic oversight	CoC Secretariat support	<p>The Facility has been credited with having a pivotal role in strengthening the role of the CoC, reducing the dependence on UNDP thereby opening up space for other partners and ideas, and supporting the Minister and PG to assume greater sector leadership roles.</p> <p>The Facility has provided the Secretariat, led by the DG, and has assisted the DG's staff in supporting the National Priorities process. The Facility has prepared a structure and position descriptions for a nationally staffed Secretariat, including secondees from the OPG and Courts, but this has not yet been agreed.</p> <p>The Sector Strategic Plan is viewed as an excellent document which resulted from a highly participatory process. The process helped develop capacity and encouraged a new openness in discussing challenges in the sector. The August draft was referenced heavily by the Independent Comprehensive Needs Assessment (ICNA) and formed the basis of the GoTL's response to the ICNA before the UN Security Council. A final version, incorporating CoC comments, has been submitted to the Minister who intends to discuss it with the CoC and submit it to the CoM by the end of the year.</p> <p>The perceptions survey was completed in partnership with The Asia Foundation as proposed. It provides valuable baseline information for M&E and as a catalyst for policy discussions.</p>		<p>Support establishment of Secretariat. This will require MoJ to establish and recruit staff to fill positions.</p> <p>Establish the processes to manage the implementation of the Sector Strategic Plan, including the Access to Justice Dialogue Forum.</p> <p>Ensure survey results are incorporated into proposed fact-based dialogues on justice.</p>
	Sector Strategic plan			
	Law and justice perceptions survey			
Improved planning and budgeting capacities of Courts, MoJ and OPG	Situational assessment (Finance)	<p>Planning and budgeting capacities of institutions have increased with intensive support of Facility advisers but, as expected, capacities of individuals need to be developed further through technical and management development.</p> <p>The situational assessment has been completed for the OPG and Courts and will be completed for MoJ by mid-December.</p> <p>Planning and budgeting functions have been supported as planned with intensive</p>		Continue support to all institutions but through a more definitive capacity development program, which incorporates both technical skills transfer
	Planning and Budgeting Functions			
	Annual Plan and Budget			
	Strategic/ Medium Term			

¹ Code: -

	On target – effective and on time - as defined in 2009 Annual Plan – no need for adjustment		Generally effective and on track but not at stage expected in some outputs – need adjustment		Not effective – not achieving intended outcome – need for reassessment of approach
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Immediate Outcomes	Outputs summary	Progress towards achievement of Outcomes	On target ¹	Implications for 2010
	Plans	<p>adviser assistance. The MoJ has increased its capacity in this area; in OPG the Facility intervened at the request of the PG to rebuild the planning and budgeting functions following an independent internal audit identified corruption and has been successful in stemming corruption and increasing resources now going to support service delivery; as a result of the necessity to support the OPG in-line, the Facility has not been able to support the Courts as proposed, the Courts have not recruited staff as expected to perform these functions, so the level of capacity remains limited to processing essential needs. The existing Courts Finance Officer is very competent but more staff are needed for processing and higher level administrative staff are needed to relieve judges of planning and oversight responsibilities which they continue to fulfil.</p> <p>Annual plans and budgets for the MoJ, OPG and Courts have been prepared with the assistance of Facility advisers, leading to significant increases in budgets.</p> <p>Strategic/medium term plans were developed for the MoJ – the Strategic Reference Framework and OPG, but have been superseded by the Sector Strategic Plan. Institution heads have agreed to revisit the need for a 3-5 year plan after the Sector Strategic Plan is endorsed.</p>		and leadership/management development.
Improved financial management, procurement and logistics capacities of Courts, MoJ and OPG	Financial delegation in CJI	<p>Financial management, procurement and logistics capacities of the institutions have improved but not at a rate to match the increased budgets, hence institutions are not yet converting the additional resources efficiently to support service delivery. The Facility has introduced greater transparency, which has highlighted problems, but sustainable systems of accountability will take some time to establish.</p> <p>Financial delegation and the procurement manual have not progressed into CJIs because of a lack of expected progress in MoF. The Facility adviser has drafted a manual but has been requested not to proceed by MoF advisers.</p> <p>Finance and Procurement Units all remain undeveloped and at risk of inefficiency and corruption, without direct oversight by Facility advisers. The Facility has intervened in the OPG, and has played a key role in supporting procurement in the Courts, but has only had limited involvement in MoJ procurement until recently, due to that function being centralised in the Minister's Cabinet. The recent request from the Minister for the Facility and Director of Administration and Finance to help improve procurement practice, and training and advice provided by them within the MoJ, is now reducing risk and imposing greater discipline on tender processes. The Facility now implements the PG's instructions on procurement, logistics and finance directly, and is helping to recruit new staff for these</p>		<p>Priority will be given to this outcome in 2010.</p> <p>Additional Facility resources not required, although extra person provided in Courts (see HR may be able to support procurement).</p> <p>Impediments need to be addressed with MoF on procurement and on Ministry of Works on capital projects. Reduced capital budgets in 2010 will require greater</p>
	Procurement Manual			
	Finance and Procurement Units			
	Annual Procurement Plan			
	MoJ policy and funding mechanisms for CSO			
	Documentation for Capital & Development Projects			

Immediate Outcomes	Outputs summary	Progress towards achievement of Outcomes	On target ¹	Implications for 2010
		<p>functions, but staff who previously performed these functions still remain in the OPG and resist improvements. Organisation structures and position descriptions for finance, procurement and logistics functions have been prepared by the Facility and approved for the OPG and Courts, but, as expected, recruitment has not yet been finalised.</p> <p>Annual procurement plans were prepared in all institutions with the support of the Facility advisers, and have been updated where necessary (eg in OPG where irregularities were corrected freeing up funds for IT infrastructure and supplies for district offices).</p> <p>Documentation has been improved and supported by Facility advisers but ongoing problems in procurement and supervision of capital projects involving the Ministry of Works and MoF are causing high costs and poor quality results. This problem has been highlighted by the Facility's experience in the OPG where the PG has instructed the Facility to manage construction internally without the intervention of MoF and Ministry of Works. Costs are considerably lower and quality considerably higher, despite a lack of co-operation by staff in those Ministries.</p>		<p>scrutiny on costs and project supervision, and the OPG experience is expected to provide lessons for other institutions.</p> <p>Heads of institutions, with the full support of the Facility, will be asked to support a stronger focus on procurement practice in the sector, as a way of getting resources to the districts and reducing the risk of corruption.</p>
Improved coordination and capacity of the OPG, MoJ and Courts to manage information	Civil legislation and procedures	<p>These activities were supported, at the request of the Minister, through a 4 month engagement of a specialist adviser. The suite of legislation and procedures required to support citizen, business and land registration has now been developed, with co-ordination by the Facility adviser and is linked to the implementation of the Civil Code and Civil Procedures Code; the working group is meeting regularly, and will be joined in December by the adviser for the new IFC business registration project, which the Facility helped to introduce to the Ministry. Birth registrations continue to increase with training delivered in 8 target districts, although this was interrupted by suco elections in October.</p>		Nil. Activity not continued into 2010.
	Registration Technical Working Group			
	Training on birth registration			
Improved capacity for M&E of the services of OPG, Courts, MoJ and PDO	Regular reports against AAP and budgets	<p>Monitoring and evaluation capacities need to be built on a sound planning base, which has now been developed through the sector strategic plan and annual action plans. The Facility has supported the sector to report against National Priority targets, and institutions have contributed reporting to this process. The National Priority Secretariat in the MoF has referred other sector working groups to follow the example set in the Justice Sector. The MoJ prepares regular reports against AAP and budgets: in addition the MoJ prepared an evaluation in January 2009 and the Minister, with substantial assistance from Facility advisers, prepared in November 2009 a report on the achievements of the current Government since it commenced its term in 2007. Neither the OPG or Courts are required</p>		<p>Continue to develop performance measures from the sector strategic plan and work with all institutions to report against them.</p> <p>Support recruitment and development of functions</p>

Immediate Outcomes	Outputs summary	Progress towards achievement of Outcomes	On target ¹	Implications for 2010
		to prepare reports, so there is little incentive for them to develop this capacity. Internal reports have been prepared by Facility advisers but recruitment is needed in both institutions before capacity can be developed.		in OPG and Courts.
Developed HRM and HRD policies and plans for Courts, MoJ and OPG, including plan for "timorisation"	Situational assessment for (HR)	<p>Thematic area 3 of the sector strategic plan targeted human resource management and development in the sector and specified goals, objectives and strategies, including a plan for Timorisation. The Facility was instrumental in emphasising this focus and stimulating discussion about HR issues through the Thematic area 3 working group, through the Situational Assessment (accepted by counterparts in October), and through the actual drafting of the sector plan. While the Facility has designed organisation structures and position descriptions for the OPG and Courts, and supported the MoJ who were more independent, implementation in the OPG and Courts has been slow. The OPG is replacing staff found to be unsuitable and the Courts are recruiting staff to these functions for the first time. Both institutions have been frustrated by delays in the passing of a Statute on Justice Officials – which establishes a unique career regime for clerks in OPG, Courts and PDO – and confusion in responsibilities existing in the transition to the new Civil Service Commission. A HR working group, consisting of HR staff in the OPG and MoJ (Courts staff attended at first but were called back because of staff shortages in the Courts), was convened by the Facility and has met every week since July to develop HRM manuals in a participatory way and build capacity of HR staff at the same time. Procedures for recruitment, selection and appointment have now been finalised, leave and attendance procedures are now being developed, and performance evaluation procedures will follow. It was expected that the Civil Service Commission would release a service-wide manual but this has not happened, but procedures prepared by the Facility are consistent with CSC guidelines. These provide a checklist for staff and for further monitoring through improved supervision and inspection. A draft induction package has been developed and is being refined with the HR working group so it can be available for new recruits. Capacity development plans and workforce planning are scheduled for 2010 and will be informed by the strategic plan, especially the Justice Map defining the spread of justice services, as well as by needs of each institution.</p> <p><i>While progress has been made towards this outcome, and the situational assessment has established an agreed way forward with counterparts, it has suffered from delayed mobilisation of the previous adviser and her subsequent resignation after six months. It is critical to capacity development and to the implementation of the sector strategic plan, and</i></p>		<p>Greater priority will be provided to this activity in 2010.</p> <p>OPG and Courts will be supported with dedicated HR Officers, funded and managed by the Facility to support recruitment, induction and orientation of new national staff. The HR Adviser will focus on developing procedures, capacity development plans and workforce plans consistent with the direction established in the sector strategic plan and by institution heads.</p>
	HRM manuals			
	Monitoring mechanisms			
	Information and induction package			
	Capacity development strategy developed for sector			
	Training delivered to CJI advisers and staff on capacity development			
	Organization structure and position descriptions			
	HR units			
	Workforce Planning			
	Staff performance assessment process			

Immediate Outcomes	Outputs summary	Progress towards achievement of Outcomes	On target ¹	Implications for 2010
		<i>will be resourced more adequately in 2010.</i>		
Improved housing, buildings and equipment for OPG, Courts, PDO and victim support services provided by CSOs, including access for people with disabilities	Transport and equipment for Districts PDO	Transport and equipment was procured by the Facility for the PDO to enable them to open district offices and begin providing free legal services to citizens in districts and was handed over at a ceremony in Suai on 4 December. The Facility supported the development of sector infrastructure in all districts to varying degrees (see Table in Annex 1), from support to tender documentation through to complete project management (OPG housing). The Facility prepared the proposals for the Salele Safe house which resulted in the UN building the security fence and AusAID providing a grant which enabled the building of another programs facility. Grants have now been recommended which will provide funding for further support for victim support services in 2010.		Continue infrastructure support; implement grants as proposed.
	District infrastructure for OPG, Courts, MoJ and PDO			
	Activities funded through grants			
Improved case processing by OPG and Courts	Bilingual case registration and management system for Courts and OPG (and Police)	There has been marked improvement in the case processing of the Courts and OPG (see Table XXX) based on greater presence in the districts and the efforts of those working in the system, including the Facility advisers. However, without a case management system and enough trained court administrators and clerks and logistics support, the institutions remain handicapped and unable to keep up with current demand. If efforts of the Facility and others to increase demand in future are successful, this will put further pressure on institutions. A Case management project was designed, approved and commenced in OPG and has now reported on the first stage (mapping and standardisation of manual processes). The project has shown excellent co-operation with the UNDP and MoJ who are supporting the information and communication infrastructure platform for the project. It is on target for implementation in 2010. With the agreement of the Commander PNTL it also proposes to provide a solution for the Police, although this is dependent on co-ordination with UNPOL and TLPDP (Australia). The Minister of Justice had secured an agreement with Portugal to provide technical experts to examine the Courts needs, but the experts have not been provided. The Facility and UNDP has offered assistance, through current advisers, in undertaking the process standardisation and mapping stage, but this has not proceeded pending the proposed visit of the Portuguese experts. The Court Clerk Training Program was developed by the LTC with the input and advice of the Facility Courts adviser, and to a lesser extent, the HR Adviser. The Courts have reported that the Facility Adviser has made a significant contribution in the mentoring and co-ordination of court administrators and court clerks , leading to improved case processing in the Courts (see Table XXX).		There is an opportunity to extend support to have greater impact. The Facility could leverage its expertise and success in case management, combined with its partnership with UNDP and MoJ on information and communications infrastructure, to extend the focus to the Courts, PDO and Prisons, thereby ensuring the whole flow of justice is served by a case management system. This would avoid complications in co-ordination. There is also scope to
	Court Clerk Training Program			
	Mentoring, training and co-ordination of court administrators and clerks			

Immediate Outcomes	Outputs summary	Progress towards achievement of Outcomes	On target ¹	Implications for 2010
				build on the strong relationship with the OPG and civil society to support diversion of non-violent offences and thereby reduce the OPG and Courts criminal case load by at least 40% ² .
Improved districts' and communities' strategies to respond to violence against women and girls, and community justice issues	Situational analysis (Integrated Pilot in Suai)	The Situational Analysis for Suai was prepared in 2008 (see case study). MoJ and CoC agreed to the pilot, the Steering Committee was formed and has met monthly since November 2008. UNDP, Asia Foundation and GTZ representatives joined the Steering Committee meeting in Salele in March 2008 and co-operation with other donors has continued at a local level since the Facility office in Suai was established in August 2009. Both UNDP and Asia Foundation have agreed to move to more formal co-operative and co-funding agreements as Facility grants are implemented in 2010. A work plan was developed through extensive consultation with Steering Committee members and chefe de sucos and included the Fatin Segura (safe place) concept which is central to the Facility's approach to reduce violence against women. The Office has supported the Courts with emergency assistance, the PDO with procurement and the OPG with the prosecutor housing project. The office was formally opened, the Suai Access to Program launched and grants for the Suai area were announced by the Minister of Justice on 4 December in the presence of the Chief Justice, AusAID, UNMIT, UNDP representatives, steering committee members and members of the public. The first of regular weekly one hour radio programs on justice, prepared by the Facility, was broadcast by Suai Community Radio on 8 December.		The workplan for 2010 will reflect the agreed activities, including community radio, the 4 grants, diversion for non-violent offenders, and mobile courts and legal clinics. Advisers based in Dili will be rostered to spend more time in Suai to support the team there.
	CoC/ MOJ Agreement to Integrated Pilot			
	Co-operation with other donors			
	Steering Committee in Suai			
	Workplan for Pilot, including Fatin Segura concept			
	Facility Office in Suai			
Increased funding for legal aid and victims' support services, including for those with disabilities	Activities funded through JFF	The selection process for grants has been completed and all recommendations are expected to be endorsed by FMG on 15 December. The results are shown in Annex 1. The grants program has taken longer than expected to commence because of delays in securing AusAID approval on priorities (see section on Efficiency) and competing demands for time of selection panel members. The grants program makes A\$5m in additional funding available to projects which address Facility priorities (see section on		Need to refine the budgets of grants approved (avoiding duplication with other donors) and incorporate Facility requirements, such as
	Selection of proposals for grants			
	Recruitment and coordination of joint funding			
	ST Support to AATL			

² Estimate represents a consensus view of prosecutors consulted, the Facility Adviser, the Inspector General and the EU Consultant, who formerly worked in the OPG.

Immediate Outcomes	Outputs summary	Progress towards achievement of Outcomes	On target ¹	Implications for 2010
		<p>Relevance). Partners have welcomed the role of the Facility in helping them secure funding from other donors, as well as networking to ensure CSOs work together effectively to maximise resources. In addition the Facility, with other partners (Caritas, Asia Foundation) has funded a small number of activities from its training budget where they have contributed to overall sector capacity (eg radio communication training for JSMP; train-the-trainers and curriculum development for AMKV – men against violence) as well as assisting with expenses when organisations like Living Memory Project or CDI have used the Facility training room. Short term support has also been provided to AATL pending development of their strategic plan which will provide the basis for further funding. Support to AATL to date has been in close co-operation with Advocats sans Frontieres, who finished programs in mid 2009, and Asia Foundation, who support AATL and their member organisations (LBHs). There have been a number of co-funded activities, including a member education forum, the legal aid policy forum and the National Congress include a register of members.</p> <p><i>Delays in progress towards this outcome are addressed elsewhere in this report. While anxious about the time taken, stakeholders have also complimented the Facility on the approach taken – with investment upfront in strategy development and training for partners and transparent and tough selection processes.</i></p>		Fatin Segura (safe place) concept, training for men to reduce VAW, training in Facility M&E and finance requirements (Jan-Feb 2010).
Improved monitoring of compliance with Human Rights standards by local leaders and other justice providers	Activities funded through JFF	Not expected to progress until 2010.		The 2010 Annual Plan will need to show how the extensive implementation network established through grants will be supported with technical advice (from the Facility, other donors and MoJ) and how grants and other activities contribute to these outcomes.
Increased and improved information on human rights and justice services				
Established alternatives to formal justice processes for non-violent offences				
Improved governance, management, financial control & fundraising in partner CSO	Training CSO Strategic Plan for AATL Workshops and meetings for CSO, Donors and GoTL	At the request of AusAID and partners, the Facility has provided training, advice and networking to CSOs across all sectors rather than focus only on the justice sector. This has been necessary in the absence of a strong and trusted NGO peak body; despite extensive support FONGTIL fails to provide the necessary service and support to its		Review support for CSOs outside of justice to focus more on current and potential grant recipients.

Immediate Outcomes	Outputs summary	Progress towards achievement of Outcomes	On target ¹	Implications for 2010
	Advice provided to CSOs & AusAID on proposal preparation	<p>members. The broader reach has meant that the Facility has been more effective in influencing CSO governance across various sectors but less effective in deepening knowledge in the sector. Partners have commented on noticeable improvements in governance and management of CSOs since the Facility started. A number of CSOs have restructured their Boards and made decisions specifically because of the training and mentoring provided by the Facility. This is creating a platform for grants and a sound base for sustainability (see Sustainability section).</p> <p>Training on governance and management, supported by manuals and train the trainer guides, has been provided now to 169 participants representing 90 organisations (including local government) in Dili and the districts of Baucau, Suai, Lautem, Viqueque and Covalima (total of 53 participants across 32 organisations in districts). 90% of participating NGOs in districts and Dili assessed the quality of training as 'very good' – particularly the board/governance training – with 80% requesting further training/mentoring support from the Facility. This has resulted in a noticeable change in CSO behaviour, with Boards restructuring and much clearer delineation in governance responsibilities. Manuals have now been prepared for financial control and fundraising, which will be delivered in 2010.</p> <p>AATL strategic planning progress to date has been slow, due to the rescheduling of committee meetings at the request of AATL. AATL have recently held successful Board elections, identified key priorities and rescheduled strategic planning to early 2010.</p> <p><i>Although financial control and fundraising training are behind schedule, this is because the Facility has been effective across a broader number of organisations and focused more time on ensuring governance and management improvements are sustained by organisations following training.</i></p>		<p>Continue to extend training to districts.</p> <p>Conduct financial management and fundraising modules.</p> <p>Support grant recipients with intensive mentoring.</p> <p>Continue current approach to working with AATL with Asia Foundation.</p>
Strengthened policy and legislation for legal aid and protection of women and girls against violence, including cooperation between agencies	<p>Domestic violence law and implementation plan</p> <p>Gender justice policy (including Safe House criteria)</p>	<p>While Government has committed to policy and legislation to protect women and girls from violence, this has been slow in being realised. The Domestic Violence Law has been stalled in Parliament for most of 2009: this has been supported by UNFPA and UNIFEM. The role of the Facility was intended to start to support implementation once the law was passed. Part of this was to develop a gender justice policy, which the Facility proposed and which the Minister included as a National Priority target in 2009. Work on developing the policy was delayed because of the secondment of the Facility's adviser to the Vice Prime Minister's Office in May. The Facility was allowed to replace the adviser in October and, following consultations with relevant agencies, women networks, CSOs and</p>		<p>Continue working on policy into 2010.</p> <p>Incorporate requirements of policy (eg safe house criteria) into 2010 Annual Plan.</p>

Immediate Outcomes	Outputs summary	Progress towards achievement of Outcomes	On target ¹	Implications for 2010
		development partners, the draft policy will be presented to the Ministers of Justice and Social Solidarity and the Secretary of State for SEPI in December. It is unlikely to be approved until 2010.		

Annex 6 - Activity group progress summary

Introduction

The following progress summaries primarily aim at informing counterparts and beneficiaries on the nature and status of the respective activity groups in 2009. These summaries should be used by the Facility advisory and management staff to discuss lesson learned in 2009 as well as priorities of support in 2010 with stakeholders.

Out of the Facility 7 activity groups, five are covered by the progress summaries below. As indicated by the following table, the remaining 2 activity groups are covered by the case studies presented in Annex 3.

Activity Group Progress Summaries		
Activity Groups		Comment
1.1	Support to Sector	Cf. Case Study 1 – Annex 3
1.2	Support to Ministry of Justice	Below
1.3	Support to OPG	Below
1.4	Support to Courts	Below
2.1	Suai component of access to Justice program	Cf. Case Study 2 – Annex 3
2.2	Civil Society organisational development	Below
2.3	Addressing violence against women	Below

Activity 1.2 - Support to Ministry of Justice

• What was the situation end of 2008?

Among the 3 Core Justice Institutions, MoJ was (and still is) the most developed in terms of management systems and procedures. The corporate services (administrative structures) were created and staffed (except Planning Department). Systems & procedures were adopted in MoJ, based on the ones developed and approved centrally (by MoF, Prime-Minister Office in the case of Annual Actions Plans AAP and Ministry of State Administration/Commission of Public Service for HR systems and procedures).

In general, budget & financial systems and procedures (as well as HR procedures) were known and staff could perform the basic tasks needed, in spite of some difficulties. However, there were some areas that need to be improved:

- Planning: AAP and HR planning and its link with the budget;
- M&E: there were frequent delays in reporting and not accurate data due to the fact that some of the MoJ information systems are still in implementation;
- Procurement: delegation of financial authority from MoF to line ministries was very fast; staff didn't have sufficient time to incorporate knowledge and develop skills needed; training delivered by MoF was very basic focus on administrative requirements; in addition documentation delivered by MoF was often not accurate, inconsistent with law in force and incomplete; control functions were not included as a requirement to become a decentralized procurement unit.

• How have we contributed in 2009?

During 2009, we supported the review of the organic structure of Administration & Finance Directorate, as well as corporate services in the other MoJ Directorates (approved in April 2009). The implementation of a common framework on which to base the preparation of AAP and reports (based on QER JUSTIÇA approved in August 2008) was also supported. This was a step forward on planning within the MoJ: all 2009 quarterly reports are being drafted based on this common model, which has facilitated the work of each Directorate and increase consistency of the overall MoJ AAP. The annual budgeting process was also supported; the new *performance budgeting model* (Free balance system) was installed in MoJ, staff were trained and insertion of 2010 budget data occurred with no problems.

A Procurement Calendar was established and a model *Tender Document (including Contract model)* was developed, as well as auxiliary templates to help procurement evaluation teams to do their work (evaluation matrix, notification letters, etc.); training was delivered. The document is available in the two official languages and has been broadly used in all tenders for Medium Works launched by MoJ (15 national tenders in 2009).

In terms of HR management, an assessment of the situation was made and the continuation of support is now assured. The authority in terms of HR management has radically changed during 2009: the new Commission of Public Service is now in charge of recruitment of staff (including managers) and other important competences in HR management & development (disciplinary, etc.).

Support to civil registration was also available during the last quarterly of 2009 mainly in law drafting and development of training programmes. JF also supported Public Defenders Offices in the districts, by purchasing vehicles, motorcycles, office equipments and IT equipments.

In addition, strategic, management and technical advice were provided daily to primary counterparts (Minister of Justice and National Director of Administration & Finance) and other relevant staff.

- **What is the situation end of 2009?**

The budgeting and budget execution systems (*Freebalance* modules) are fully implemented in MoJ. The procedures of financial management (CPV, transfer of sums, petty cash, etc.) are also well implemented in MoJ. There are regular financial reports (including budget execution reports) being done by staff and regular meeting among managers being held. Each year the Annual Circulars of MoF (ref. to preparation of budget and budget execution rules) are disseminate among relevant staff and arrangements are implemented if necessary. It is important to refer that the adviser is progressively withdrawing from these tasks and the counterpart is becoming to take the main role.

The Procurement Department is able to perform very basic tasks, but not prepared to lead with more complex tenders or assure a permanent contract management function. In addition there are no control functions implemented.

In terms of Planning it is fair to say that:

- a) There is a better and clearer link between budget and AAP;
- b) An increase of quality of AAP and Reports against AAP (but still room for further improvement with the introduction of clear and relevant performance indicators);
- c) Better harmonization between AAP and National, Sector and Ministry's priorities.

However, the Annual Planning process has to be reviewed to assure consistency with the Strategic Plan of the Justice Sector (yet to be approved) and to improve its general quality.

The increase of Ministry's and Justice Sector Budget for 2009 is also worth mentioning. The Justice Sector became in 2009 a National Priority of the Government of TL.

The Civil Registry Code, the Property Registry Code and the decree-law of Notary and Registry Fees are completed (revision ongoing). The development of training courses for registry officers is ongoing.

The Public Defenders Offices (in Suai, Oecusse and Baucau) are now fully equipped so that they can function as intended. Houses for the public defenders are under construction.

Activity 1.3 - Support to the Office of Prosecutor General

- **What was the situation end of 2008?**

The OPG was under the administration of the prior Prosecutor General and their principle office was located in a temporary military barracks compound in Dili. Permanent offices in Dili, Suai, Oecussi and Baucau were under construction, but no housing units had been contracted. The offices were under construction through the Public Works project contracting and project management system typical of Timor-Leste infrastructure development.

The administration of the OPG was provided by an ad hoc structure organized around an organizational chart that centralized authority for all aspects of corporate services under on “director of finance and administration”. Very poor human resource administration, budget and financial control, procurement practice and logistics management were the reality of the institution. The ad hoc strategic planning for the office contemplated the expansion of operations into a permanent combined central office and district prosecution office in Dili with the three additional district prosecutor offices in Suai, Oecussi and Baucau by the end of the first quarter of 2009. No preparation had been made to effectively support those operations and major flaws (no generators, no logistics support, no maintenance plan, etc.) existed in the administrative support capacity of corporate services. The situation was so extreme that the Facility had to contract for fuel for the principle generator for the headquarters office because the administration of the OPG was unwilling or unable to do so resulting in a productivity loss of up to 30% of the average work day. Frequently the Facility staff had to purchase copy paper and toners to prevent the prosecution service from shutting down due to the refusal of logistics and finance to provide these basic supplies.

Most of the prosecutors were based in Dili and rarely traveled to the districts to which they were assigned in spite of direct instructions by the then Prosecutor General. Dramatic case backlogs existed due to poor supervision of the prosecution service and the absence of basic prosecution management tools. The Prosecutor General himself was rarely at work more than half of each day and thus provided little supervision. The then Deputy Prosecutor was absent from the office at least half of the time. Substantial irregularities (including financial mismanagement and personnel practices) in the administration were obvious to the outside observer and the OPG was held in low regard by the other institutions in the sector. In spite of substantial proposals developed by the Facility advisory staff for HR, Strategic Planning, and Organizational/Structural reforms, none had been legitimately supported or implemented under the prior administration in spite of exceptional budget increases planned and supported by JSSF. The only true reform effort underway at the end of 2008 was the establishment of an HR department in accordance with a recruitment strategy that contemplated doubling the OPG staff in 2009. The director and 4 staff members were recruited for deployment in January 2009.

- **How have we contributed in 2009?**

The OPG has experienced a major reformation in 2009 due exclusively to two influences: the first being the appointment of a new Prosecutor General in March with a substantially greater commitment to effective delivery of the prosecution mandate than her predecessor, and the second being the technical and financial support from the Justice Facility under the direction of the Prosecutor General and with the cooperation of UNDP.

- The Facility proposed and supervised the delivery of an independent internal audit by an international auditing firm during May, June and July that provided the new Prosecutor General with a transparent picture of the shortcomings of the office.
- The Facility staff advised and implemented major reforms suggested by the audit when principle offenders from the prior administration were removed from their positions as a result of the audit's findings and conclusions.
- The Facility staff stepped into all major roles of corporate services from finance to IT, logistics, recruitment and project management of construction of eight residential buildings in three districts firstly performing the operation duties and then training and mentoring new national staff assigned.
- The Facility staff drafted and obtained approval for a major information management project to include a case management system run on an appropriate hardware network platform and collaborated with UNDP to implement the five phase project (the first two completed in 2009).
- The Facility staff (including a national staff construction architect and engineer consultant) organized the internal project management of the construction of eight residential building in the three districts which will be over 70% complete by the end of 2009. The internal project management will save at least 40% of the cost of the infrastructure by the elimination of waste, fraud and corruption.
- The Facility staff reallocated the national budget for 2009 that was less than 30% executed by July to provide for full stocking and equipping of all four district prosecution offices and the re-engineering of the communications platform upon which the information management system will operate.
- The Facility staff reorganized the IT function in coordination with the implementation of the information management system.
- The Facility staff supported the development of the 2010 national budget to provide for a realistic plan of resource allocation for the four districts.
- The Facility staff reorganized logistics to eliminate waste and corruption and trained and supervised the new national finance and procurement staff to properly allocate the resources of the OPG.
- The Facility staff supported and directed the development of terms of reference and formal submissions for recruitment of senior management positions within the OPG through the Civil Service Commission.

• **What is the situation end of 2009?**

The OPG is no longer experiencing major leakage of funds due to waste, fraud and corruption due in large measure to intervention of Facility staff under the direction of the Prosecutor General. The OPG is currently in the middle stages of recruitment for senior national staff (through the Civil Service Commission) to assume the responsibilities of corporate services from Facility staff.. The corporate services will be legalized in early 2010 by an organic law which will put in place the management structure that was previously absent. All four districts are fully operational with full-time prosecutors and staff and with sustainable and professional support from Dili. Budget, finance, security and procurement controls are in place and all procedures will be formalized by year's end. Major residential infrastructure will be completed by early first quarter 2010 to complete the capacity for the districts to operate effectively. An IT department is formally established and will be fully recruited with Facility support in mid-January and receive training from UNDP and information management project staff (including development firm) in the first quarter of 2010.

End of 2009 will present a radically different OPG than that which existed in December of 2008. The reforms that have been initiated will be sustainable with the transfer of responsibilities to national managers and newly recruited support staff during 2010. For the first time, the OPG is emerging as an equal partner in the sector.

Activity 1.4 - Support to the Court

- **What was the situation in 2008?**

The Chief Justice had a vision for the Courts but there was no plan. The Courts had recruited and trained a small number of judges and court clerks and had a skeleton administrative staff. There were very few young educated people working in the courts. Of the district courts outside of Dili, only Baucau was regularly hearing cases, the others were not open to the public on a daily basis. The staff in the Courts were not in the districts, because there was no housing. There was no program of training for court clerks or administrative staff, and no statute in place, under which more staff could be recruited. Statistics of all courts were not reliable. Salaries, productivity, morale and discipline was low. Courts had never been inspected, clerks had never been evaluated and judges had never been acted against by the Superior Council. The laws being used by the Courts were a mixture of Indonesian laws and new laws copied from Portugal (eg Court Fees). People were preferring traditional justice because they did not know how to access the legal system.

International staff contracts were for six months; they didn't work closely with the Timorese colleagues and they worked only in Dili District Court. The recruitment of the international staff was done without accountability and transparency, among the staff from CPLP countries. In the Courts, there was a mix of these actors from different countries. This was difficult for the justice system with everyone bringing their own systems and ways of interpreting laws. This caused confusion to Timorese actors and made it difficult for them to learn and to improve.

- **How have we contributed in 2009?**

The Facility has supported the Courts in the preparation of the annual plans and budgets for 2009 and 2010, as well as encouraging their active participation in the sector strategic planning process. The Adviser has supported judges in supervising the refurbishment or building of infrastructure in Dili and the districts. The Facility Adviser has closely supported the Judge Administrator of the Dili Court, administrative staff and judges in ensuring that the Dili and district courts are open and operating, spending over 25% of his time in the districts. He has introduced a revised system of court fees management.

The Adviser helped develop the training curriculum for court clerks, in co-operation with the Legal Training Centre, with input from the HR Adviser. The HR Adviser and the Courts Adviser have also assisted in resolving problems with the statute of officials of justice, managed staff consultations on transition arrangements, and developed new organisation structures against which the Courts can recruit in 2010. The Adviser also advocated for better recruitment, co-ordination and tasking of international clerks and assisted the Courts with selection.

The Adviser also assisted the Minister of Justice on a visit to Portugal to examine case management systems and, with international court clerks, will be helping to standardise manual systems in preparation for the case management system which will be developed with the support of the Facility and UNDP. Further assistance was provided to the Interim Chief Justice and other judges on representative visits to Macau, Brazil and Portugal.

- **What is the situation end of 2009?**

All courts are functioning daily, but require considerable support. The building rehabilitation of the District Court still continues and the Judge's houses already have all furniture and equipment. More Judges' houses are being built in Suai and Oe-cusse. Because of this, all staff are based in the District Courts. With six Timorese judges in Portugal for further development, it has been difficult to ensure judges are consistently in districts, but cases are being scheduled.

Judges salaries were increased to a reasonable level and housing, vehicles and allowances have been provided, along with development opportunities overseas. Timorese judges and court clerks are improving their performance, including their grasp of Portuguese. All Judge Administrators have submitted an Annual Report of the Court according to the strategy established, which have helped in preparing the annual budget and providing for district court needs.

The Courts have been an active participant in the sector strategic planning process, which provides a detailed program of activities for the development of the Courts, including mobile courts and new courts in Viqueque and Maliana. Support to the High Administrative, Tax and Audit Support has been secured.

New penal, civil and accompanying procedural codes have been developed and now provide consistency in the legal system. The Superior Judiciary Magistrate Council also has its own Law to regulate the rules of the inspections, classifications and complaints. All Judges are being inspected and all Court Clerks have completed performance assessments.

The new Statute on Justice Officers specifies numbers of support staff and gives effect to the new organisation structures, which establish specialist areas within the court administration, such as the civil and criminal departments, archives, finance and budget, human resources, procurement and statistics.

It provides the authority to clerks for performance evaluation, classifications, promotions and disciplinary cases.

The international staff recruitment has been stricter, from among the best staff from Portugal, and their contracts are now for 1 year. They are working closely with the Timorese colleagues, to improve their skills but also learn about the Timorese context. They are being recruited to work in districts and not only in Dili. All District Courts have international Judges and Court Clerks.

Finally there is now an agreement for the Facility to support a case management system for the Courts and the courts have already implemented some manual procedures with uniform templates.

Activity 2.2 - CSO Development

- **What was the situation end of 2008?**

There has been a lack of sustainability in Civil Society organizational development provided by donors, private enterprise (such as Mango) or Government in Timor Leste. Training undertaken in the past was in most cases a lost resource, as staff members left organisations and no TOT components were implemented. Training in the main was not provided in English and therefore was of limited value to many national organisations. Training manuals were often not produced in Tetun so were not a useable resource for organizations in Timor whom work in Tetun and/or Bahasa Indonesia. Funding for training was very limited in both dollar terms and time: donors have usually provided trainers or advisers for a limited 2-3 months with no implementation, follow-up or monitoring facilities for ongoing programs. As a result our assessment of the state of organizational development at the end of 2008 was that most knowledge gained from training had been lost or not implemented by the CSOs.

- **How have we contributed in 2009?**

Since its inception, the Justice Facility has provided structured governance and management training with accompanying follow-up mentoring, manual and train-the-trainer preparation to over 100 CSO's, including the Church. The training has now been provided in Dili, Baucau and Suai. Some local government staff also attended in districts. The approach has been methodical and participatory, and has helped build strong partnerships with CSO's, Government and donors. Key features of the approach have been: an initial assessment of NGO capacity to determine the level and scope of the training, survey and discussions with NGO's to identify training needs, prioritizing training subjects and locations for training, including district, writing of training and TOT manuals in Tetun and English, delivery of training and TOT to Dili and Districts in Tetun and English (covering both national and international staff together), support to implementation of TOT, expanding training to non Justice Civil Society members, evaluation of feedback from training, implementing recommendations for training feedback. In addition, training manuals have been completed for:

- Governance and Board
- Management
- Financial Management
- Fundraising

- **What is the situation end of 2009?**

We have provided training and ongoing mentoring to in excess of 200 participants all of whom have received certification. We have undertaken an assessment as to the essential ongoing need for the training, to support larger NGO's in their endeavours to provide support to smaller district community groups and NGO's and to expand our training resources in such areas as volunteer recruitment and training.

A focus needs to continue in both the districts and Dili. Training and manuals must continue to be provided in Tetun and English. Assessment was undertaken to measure the capacity of FONGTIL and the ETDA to provide training to Civil Society, however it was clear that neither have the capacity yet to sustain the programs, and FONGTIL needs reform of its organizational leadership. It is clear from recommendations and

feedback that the Justice Facility training is unique in Timor-Leste and referrals for our training are increasing, from both organizations, donors and Government.

High demand has meant higher than optimal class sizes and organizations being placed on a waiting list for training sessions due to high numbers of those wanting to participate. Much of our training success is as a result of the Justice Facility's capacity to engage with NGO's and encourage participation from organizations at all levels, Board, management, staff and volunteers.

Activity 2.3 - Addressing Violence Against Women and Girls

- **What was the situation end of 2008?**

The rate of violence against women in Timor-Leste is reportedly very high, according to police reports, hospital admittances, and NGOs providing medical, social and legal support to victims. Only a very small number of cases reach the courts because of reluctance by victims to use the formal justice system, and because of weaknesses in police investigations, and in referral of cases from the police to the prosecution, and because of the general slowness of cases through the courts. There is also some indication of lack of gender sensitivity and sensitivity by the police and court actors to the particular difficulties faced by victims of sexual assault and domestic violence. There are only a small number of safe-houses available for victims of sexual assault, domestic violence and trafficking.

- **How have we contributed in 2009?**

The Justice Facility convince the Minister to include the gender justice policy as a national priority for 2009 but then lost its adviser to the Vice Prime Minister's Office. A replacement Adviser commenced work in October 2009, to support the development of this policy. The draft is being developed in consultation with the Directorate of Human Rights and Citizenship in the Ministry of Justice, SEPI, MSS, Office of the Prosecutor General, the National VPU, UNMIT, UNIFEM, UNFPA, and civil society organizations (in particular service providers) – such as PRADET, JSMP, FOKUPERS. Among other things the Gender Justice Policy will link to CEDAW, establish safe house criteria and deal with victim support services, including access to legal representation in cases of sexual crimes and domestic violence. It will also discuss implementation of the draft domestic violence law and supporting decree laws on maintenance and shelter.

Recognising that many people are reluctant to use the formal justice system for a number of reasons, and that much support of victims is provided by civil society, the Justice Facility is also providing support for NGOs working on reducing violence against women. The Justice Facility plans to work with these NGOs from 2010 to 2012 to improve understanding of women's rights and the workings of the formal justice system, increase the availability of safe-places, and reduce violence in communities, particularly that perpetrated against women.

The following small grants have been conditionally approved under the Civil Society Organisational Development grants mechanism: Pradet Timor-Leste (training to prisoners on the effects of alcohol as a catalyst for violence), Community Development Interest (training on women's and children's rights in Dili and Lautem), Forum Comunicasoes Juventude Oratorio Don Bosco (providing safe shelters and assistance to children at risk, including girl children), Fundasaun Esperanca Enclave Oecusse (providing human rights and women's leadership training, health education and income generation activities in Oecussi), Fundasaun Edukasaun Comunidade Matebian (providing legal information and accompanying women to court in Manatuto, Baucau, Viqueque and Lautem), Grupo Feto Foin Sae Timor Lorosa'e (providing training to teachers and police on human rights and women's leadership in Viqueque), Dezenvolvimentu Sossiedade Timor-Leste (building capacity of community legal liaison on referral support for cases of domestic violence in Zumalai sub-district, Suai), NGO Hametin Lia Tatoli (disseminating information about domestic violence in Fohorem sub-

district, Suai), Centro Joventude Covalima (providing public information and education about domestic violence prevention and the judicial process in Suai).

The following large grants have also been recommended for approval by the FMG: Uma Mahon Suai run by the Holy Spirit Sisters (a safe-house for victims of sexual assault, domestic violence, and trafficking, as well as a Hope Centre providing non-formal education and counseling and assistance for families at risk, as well as widows and children), Pradet Timor-Leste (to continue psychosocial training in Ermera, Baucau, Viqueque), Pradet Timor-Leste (to conduct training with obstetricians and midwives on the forensic protocol), Centro Feto Enclave Oecussi (providing training and workshops on the CEDAW report), JSMP's Victim Support Service (providing legal support to victims of domestic and sexual violence).

In 2010 the Justice Facility also plans to support training of men to prevent violence against women (Caritas and AMKV), and safe house and safe place networks.

- **What is the situation end of 2009?**

There has been little change since 2008. It is hoped that once the gender justice policy and domestic violence law are approved and implemented in 2010, and the civil society organisations funded under small and large grants commence their activities, that there will be some reduction in the rate of violence against women.