



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



Australian Government  
AusAID

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## Performance Management Framework ANNUAL REPORT 2010



*January 2011*



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## TABLE OF CONTENTS

Table of Contents.....	2
List of Acronyms.....	3
1. Introduction.....	4
2. JSSF Performance in 2010 .....	5
2.1    Relevance.....	5
2.2    Effectiveness .....	8
2.3    Efficiency.....	25
2.4    Sustainability.....	30
3. Update on areas of improvement from 2010.....	33
 Annexes .....	 38
Annex 1 - Annual Activity Progress Reports 2010.....	39
Annex 2 - Summary of HR situation in each institution .....	57
Annex 3 - Grant summaries.....	59
Annex 4 - Cases Monitored by the JSMP Legal Research Unit in 2010.....	62
Annex 5 - Gender Justice Policy: Prospect on Implementation.....	64
Annex 6 - List of consultations .....	66

## LIST OF ACRONYMS

AusAID	Australian Agency for International Development
CIGI	Centre for International Governance Innovation
CJI	Core Justice Institution
CSC	Civil Service Commission
CSO	Civil Society Organisation
DAC	Development Assistance Committee (OECD)
DG	Director General, Ministry of Justice
ETJSSF	East Timor Justice Sector Support Facility (generally referred to as “the Facility”)
FMG	Facility Management Group
GJP	Gender Justice Policy
GoTL	Government of Timor Leste
HQ	Head Quarters
HR	Human Resources
ICNA	Independent Comprehensive Needs Assessment (of the justice system)
IFCE	International Framework for Court Excellence
IIMS	Integrated Information Management Systems (Project)
INAP	National Institute of Public Administration
JSP	Justice Strengthening Program (UNDP)
JSSP	Justice Sector Strategic Plan
LTC	Legal Training Centre
M&E	Monitoring and Evaluation
MoF	Ministry of Finance
MoJ	Ministry of Justice
NCD	National Consensus Dialogue on Truth, Justice and Reconciliation in Timor-Leste (convened with the assistance of the Norwegian Government and Bishop Gunnar Stalsett, Special Envoy of Norway) – involves all political parties and key political leaders
NGO	Non-Governmental Organisation
OPG	Office of the Prosecutor General
PG	Prosecutor General
PDO	Public Defenders’ Office
PMF	Performance Management Framework
PNTL	Policia Nacional Timor-Leste
TLPDP	Timor Leste Police Development Program
UNDP	United Nations Development Program
UNFPA	United Nations Population Fund
UNMIT	United Nations Mission in Timor-Leste
UNPOL	United Nations Police
VAW	Violence against women

# 1. Introduction

## a. Objectives of the report

This report presents the findings and analysis of the ETJSSF M&E process for the period 01 January – 31 December 2010. As detailed in the revised Facility Performance Management Framework (PMF), the objective of the M&E process is to monitor and report on the achievements and results of the Facility operations. The objective of this report is to answer the monitoring questions defined in the PMF for the period under consideration, inform planning for 2011-12 and contribute to the current evaluation around Australia's engagement in law and justice in Timor-Leste and elsewhere. It is subsequently a little longer than the 2009 Report.

## b. Methodology of the report

The report follows the methodology outlined in the revised Facility PMF approved earlier this year. The analysis is based on two main sources of information:

- The Annual Activity Progress Reports (see annex 1) and the Annual Facility Outcomes Matrix filled in by the Facility team in-country;
- A series of interviews and discussions held in Dili and facilitated by the Facility M&E Adviser.

The key messages of the report were developed in collaboration with the Facility team. The report was drafted by the Facility Team Leader and M&E adviser, with inputs from other members of the Facility team.

Throughout the report there are several references to the Report of the Centre for International Governance Innovation (CIGI) - Security Sector Reform Monitor, Timor-Leste, which was released in January 2011. This report represents the most current, relevant and independent form of evaluation of the sector since the Independent Comprehensive Needs Assessment (ICNA) Report in 2009.

## c. Content of the report

This report is structured as follows:

- Section 2 outlines the Facility achievements per DAC criteria, noting 2010 is Year 3 of the Facility, where effectiveness and efficiency have been predominant criteria. Focus will shift in the 2011-12 report toward sustainability and impact;
- Section 3 presents an updates on some recommendations made in previous reports.

The first Annex, Annual Activity Progress Reports 2010, present the basis of information for this analysis, while the other annexes present further information that substantiate the findings of the report. Minutes of interviews and raw data matrices are available upon request.

## 2. JSSF Performance in 2010

### 2.1 Relevance

#### a. Change in context – Justice in Timor

The Justice Sector Strategic Plan, bearing the signatures of all Council of Co-ordination of Justice members, approved by the Council of Ministers in March 2010, and followed up through the National Priority Process and Informal Working Group, creates the basis for the justice sector to progress its reform program in a more deliberate and legitimised manner, with broad support from all sides of politics. The President of Parliament presented the summary of the October Conference of the National Consensus Dialogue, involving all political parties, the President and the Prime Minister, acknowledging that *“the Strategic Plan for Justice points in the right direction, towards the goal of making justice accessible to all Timorese”* (p.11).

Monitoring of the sector by civil society and the UN has identified steady but slow improvements in the state of the sector (see JSMP Reports).

Leadership remains an important variable in determining the progress of reform: the MoJ and OPG continue to progress under strengthened leadership, with the appointment of the Vice Minister in September providing much needed support to the Minister across a very large and diverse portfolio. This has particularly helped provide greater access for the Facility and other donors. Prolonged absences of the Chief Justice in the last two years has significantly slowed progress in the Courts as authority has not been defined adequately in the interim to allow decisions to be taken. This has strained relations between the Courts and partners. There are always challenges for bilateral programs like the Facility in engaging with the Courts because they are not an executive arm of Government. During 2010, the Facility has been exploring potentially more effective forms of engagement and has recommended a Regional Courts Partnership concept to the Courts to help them draw support from peers in the region on topics of Courts management, leadership and improving public access. The Leadership Development Program will be aimed at all sector institutions (cf. textbox below).

#### Justice Sector Leadership Development Program

Experience at senior and middle management in the leadership of institution operations, people, and large change initiatives is limited. The requirement for an increase in leadership capability across the sector is driven by the immediate need for institutional growth and change, and the subsequent necessity to move from limiting central control which was established during conflict and has continued.

The leadership development program sourced by the Facility provides an experience that allows for theoretical understanding of leadership practice, followed by personal reflection, planning and then individual design of a post-training workplace action plan. Forty-five senior and middle managers will present their learning and action plan outcomes to each other in July 2011 after having completed the program rollout earlier in the year. Currently two pilot groups have experienced the program and provided feedback for improvement.

The pilot programs have been successful. For most participants, it has been their first experience with leadership development, with many realizing for the first time the difference between ‘management’ and ‘leadership’. Participants have gained insights into how their own leadership can drive and mould organizational change initiatives, and how they can improve in their leadership of teams and individuals through people motivation and utilization of HR processes.

The additional focus in the program on HR processes, providing a ‘toolkit’ for leaders, is important, as understanding of HR concepts is low within the public sector, with limited knowledge in the sector on how the organisation of people and their performance underpins the achievement of organizational

outcomes. This will support a renewed understanding and working partnership between HR departments and organizational leaders, improving the effectiveness of Human Resource management policy and processes.

Engagement between civil society and justice institutions has strengthened through a number of workshops and joint activities. The provision of space in the Legal Training Centre for the interim Bar Association was a positive and concrete sign of co-operation and the Vice-Minister has signalled in various meetings a desire to forge closer ties. The Facility plays an important bridging role and there are opportunities to strengthen this through initiatives like case management, support to private lawyers and the grants program which has established a highly effective training and dissemination network of partners for institutions to utilise as an alternative to delivering through Government.

#### **b. AusAID support to Justice in Timor**

Within AusAID, the Timor-Leste Country Strategy (2009-14) is not explicit in its reference to the justice sector, and there was a reform process in 2010 specifically to cap and reduce over time the number of advisers under the Facility. And links can be made to objectives 3 (government accountability) and 4 (community safety). Indeed, in 2010-11, additional funding to be channelled through the Facility has been approved under a health budget measure to strengthen support to victims of violence against women, and a range of other initiatives developed through the Facility have been supported. In June 2010, there was also a positive exchange of ideas and lessons with senior AusAID officers who visited Dili from the Indonesian program looking at justice and civil society engagement, while a public sector review mission in September 2010 showed a strong interest in the development of the case tracking management system. In June, the Australia's Framework for Law and Justice Engagement with the Pacific was launched jointly by the Commonwealth Minister for Foreign Affairs and the Attorney-General. While focusing on Pacific nations, it refers broadly to the Asia-Pacific region and updates the policy context, drawing conceptual links between justice sector engagement and poverty reduction, firstly in the joint Ministerial introduction:

The Prime Minister's First National Security Statement to the Australian Parliament highlighted the importance of promoting an international environment, particularly in the Asia-Pacific region, that is stable, peaceful and prosperous, together with a global rules-based order.<sup>1</sup> Economic, social and institutional development depends on safe and secure communities, serviced by a well functioning and accountable justice system. Efforts to strengthen law and justice are particularly important in fragile and post-conflict settings, where improved community safety and non-violent dispute resolution create a supporting environment within which peace-building and broader development objectives can be achieved.

And then in the text (on page 3):



Law and justice challenges are recognised internationally as both a cause and a consequence of poverty. The prevalence of crime, violence and conflict increases poverty at the individual, family and community level by inhibiting economic participation, interrupting the availability of basic services, and through the loss of assets such as land, crops and housing. Such weaknesses have a significant dampening effect on all economic activity, greatly reducing the economic opportunities that functioning markets could bring to the disadvantaged sectors of the community. Weaknesses in the law and justice system prevent disadvantaged people from seeking adequate redress in criminal and civil matters, and from protecting their personal property and livelihoods.

A sound, reliable and transparent law and justice system is also crucial to the development of local business enterprises and to attracting foreign investment and business activity. These, in turn, are central to improving prospects for economic growth and employment creation in Pacific island countries.

In addition, Pacific island countries share a number of challenges and pressures, specifically relating to the effective functioning of law and justice systems. These include ensuring compatibility between formal and informal (customary and community-based) systems and limited institutional capacity in governance and public administration. These challenges are often accentuated in rural areas due to the geographical spread of the population and poor infrastructure.

Our Pacific partners recognise that long-term and sustainable improvements to law and justice outcomes in the Pacific are integral to the advancement of outcomes in all areas of development, such as access to basic government services including health and education, increasing employment opportunities, a more inclusive political process and measures to improve the status of women. The performance of the law and justice system is critical to the preservation of fundamental human rights, promotion of the rule of law and access to justice, particularly for the poor and vulnerable. Without development in this area, achievement of the MDGs will be beyond reach.

This policy discourse is clearly relevant to the Timor-Leste context. However, in contrast to the Pacific, the primary partner in supporting the development of the law and justice sector in Timor-Leste has been the United Nations, and within the UN framework but also bilaterally, Portugal. Portugal, as the former colonial power, is the source of the Timor-Leste Justice sector official language. Australia's place among partners in the development of the sector continues to be constructive but ambiguous. This reflects *real politik* in Timor-Leste and distinguishes how a bilateral arrangement like the Facility needs to operate here as opposed to other contexts.

The Facility has now established clearly that there has never been an ambition to challenge the adopted legal tradition. The focus of support has been, as agreed, on developing corporate management capacity, supporting civil society to demand justice and provide core services to the poor and vulnerable. However, as Timorese capacity grows and Timorese nationals become more confident in articulating their own ambitions for the sector, all development partners are challenged to subordinate their own agendas and support a more defined Timorese agenda. The Justice Sector Strategic Plan (JSSP) is a reflection of this agenda, and has won support from institutions and civil society. However, as each project from the JSSP is defined and implemented, the agenda becomes increasingly localised, moving further away from the external references which previously guided sector development. The JSSP established the Facility's credibility as a key supporter of localising the justice sector reform agenda and the Minister, justice officials and development partners have regularly acknowledged this support. In responding to the release of the recent review of international advisers on ABC Radio (transcript dated 1 November), the Timorese Minister for Foreign Affairs acknowledged that

*"Other areas which still need support include justice, for which we believe Australia is maintaining a level of support that goes in line with the priorities and needs of Timor-Leste."*

The review of international advisers has been prominent in discussions on international assistance and responded to efficiency concerns raised in both Australia and Timor-Leste. It is primarily an efficiency issue, i.e. the use of the most adequate modality to provide support, and captures many of the points recognised previously by the Facility in earlier reports. However it has the potential to colour perceptions of program relevance, as political attention is drawn to the modality of delivery more than program outcomes. As a result, programs such as the Justice Facility and public finance and administration programs, where there is a demand for technical expertise not yet developed in Timor-Leste nationals, have been closely scrutinised, and at times queried on relevance grounds instead of efficiency grounds. The completion and now the implementation of the adviser review is helping to correct this. Considerations of relevance have become much clearer.

### c. Donor complementarity to support Justice sector

Assessment of relevance of support in a multi-donor context needs to include comparative program advantage and constraints. As reported previously, co-ordination and co-operation between development partners has grown through the JSSP and through personal relationships which have become more and more productive over time, with most key players now in place for 2 or 3 years. These relationships are based on utilising comparative strengths and an open exchange of information. This has helped co-operation extend beyond tolerance to active co-operation and a shared commitment to support the work of each other. Joint missions to New York in May to assist the Minister with the presentation to the UN Security Council Debate on Peacebuilding following Conflict, and to Beijing in October to assist the Courts at the Asia Pacific Judicial reform meeting on information technology, with cost sharing between the UNDP and Facility, are indicators of the level of co-operation in technical assistance and co-operation in promoting Timorese reform efforts. A further example was the request by UNFPA for the Facility's Access to Justice Policy and Programs Adviser to attend the UN workshop in the Minnesota on developing a toolkit preparing police on UN missions for dealing with violence against women. The Integrated Information Management Systems Project is a further ongoing example, requiring significant technical and diplomatic co-operation.

## 2.2 Effectiveness

Findings about the effectiveness of Facility operations in 2010 are reported below under each intermediate outcome. This narrative was drawn from monitoring matrices which present dot points in a raw form and are available upon request. Progress against activity groups' outputs is detailed in Annex 1 and summarised as follows:

Fig 1 – Summary of progress against activity outputs

JSSF Component	On Target	At risk	Delayed
1. Institutional development	13	2	-
2. Access to Justice	15	-	-

### a. Outcome 1 - Improved sector coordination on planning and priority setting

#### • Justice Sector Strategic Plan (JSSP) and Planning Secretariat

The CIGI Report (January 2011 – see above) identified the JSSP as “one of a number of initiatives with the potential to improve the functioning of the justice system” (p.3) and as “the first substantive strategic planning and policy framework for the justice sector...a comprehensive catalogue of sectoral goals....While JSSP



*objectives range from achievable to impractical, it is the process of formulating future policy for the justice system, which is of fundamental importance after protracted mismanagement and general dysfunction (p 5-6)*

Since the JSSP was approved in March, there has been slow progress in forming the Planning Secretariat as the bureaucratic unit to drive its implementation. The Secretariat continues to be staffed by Facility and not institution staff, except for two part-time staff from respectively the Director General's Office and the Planning Directorate. This is in part because of a civil service recruitment freeze. In addition, the Council of Co-ordination met less in the second half of 2010 due to absences of leaders, difficulties in preparing and scheduling meetings, and delayed follow up of actions. As stated in the CIGI Report (January 2011), *"the political will to implement the JSSP will be critical. In this respect, the continued lack of appointing Ministry staff to continue the momentum of the JSSP process through the JSSP secretariat is of concern (p6). For long term development support, the JSSP provides a framework for the justice system, particularly in improving public trust and access to justice to the justice system, controversial language issues, investigation-prosecution relations and the role of international judicial advisers. Effective system-wide implementation of that plan by politicians, justice system actors, international partners and civil society will be critical to future justice system development (p.14)."*

Against this backdrop, the Facility helped the Planning Secretariat make some steps forward in 2010:

- completion of a Matadalan (Operations Manual) to guide staff working there on the Secretariat's role and functions, including the Council of Co-ordination
- approval by Council of Co-ordination of a staffing model and organisational structure for the Secretariat
- development with UNDP and MoJ IT staff of SIPE (Sistema Implementasaun Planu Estratejiku), an open source, web-based, project management application and initial training of staff.
- loading of the JSSP into SIPE, so it is ready to be used for project management and monitoring.

The Facility's proposed withdrawal was based on UNDP taking over, but their support has shifted to Access to Justice. The Facility had two contrasting options in relation to engagement with the Planning Secretariat:

- withdraw to focus on projects within the Plan but risk losing momentum in sector reform, or
- devote more resources to regenerate momentum and reinforce the Plan as the reference for stakeholders.

The request from the Vice Minister to AusAID and the Facility, in a meeting on 30 September 2010, for the Facility to remain engaged in the Planning Secretariat to keep change moving until the Facility ends, confirmed the second option. Revised Terms of Reference for a National Adviser to the Planning Secretariat were developed, including filling the position of Head of the Secretariat until one is appointed, and the two current national activity liaison officers were allocated, one to focus on planning and one on monitoring. The Facility has also offered to shift some of its internal M&E resourcing into the Planning Secretariat and shift additional administrative support from Melbourne to Timor-Leste (as well as engage a consultant to support the Suai team) to allow the Facility Manager to continue to support the Secretariat as an international adviser on a part-time basis. This will also help transfer project management capacity from the Facility to the Secretariat in the next two years. In addition to the selection and management of the adviser in this complex but critical role, success will depend on continuing the excellent relations with the Vice-Minister, improving relations with the Minister, and utilisation of SIPE to manage the information going into and out of CoC meetings. If the Facility is to play the lead support role for the Secretariat, becoming more "hands on" for 2011 to regenerate momentum, there is a need to improve our own performance in supporting the Council of Co-ordination.

- **Support to implementation of JSSP projects<sup>1</sup>**

The two key initiatives stemming from the JSSP are the IIMS (case management – see below under Outcome 2 and 3) and the capacity development plan (also known as the plan for Timorisation – see textbox below), along with the initiatives stemming from that Plan.

**Plan for ‘Timorization’**

The ‘Plan for Timorization’ is an extension of the Strategic Plan and responds to Objective 7.1.3 Plan for “Timorization” of the Justice Sector. ‘Timorization’ can be defined as the transition process that replaces international (advisory) staff in line positions with qualified, skilled and experienced Timorese staff. Core functions and positions requiring specialist skills within the sector have been identified and a pathway to ‘Timorization’ designed. The process begins with the identification of the oversight body, Board or Council that directs professional development for each group. This group will liaise with the Planning Secretariat to report against progress toward ‘Timorization’ as part of the strategic plan reporting processes. The next step in the framework provides for a snapshot or assessment of the current status of ‘Timorization’ for each professional group. This includes how many positions are filled by internationals, how many positions have Timorese incumbents who are on training, how many Timorese have the support of international mentors, and how many positions are filled by skilled Timorese. A systematic process for qualifications, training and development is identified next for each group and the corresponding timeframe for ‘Timorization’

- **Approaches to developing and deepening leadership capacity in the Sector**

While JSSP was developed through a consultative and participative process, engaging many sector staff and civil society partners, it involved a concentrated focus on the leadership of the sector, to enable them to communicate a key vision to stakeholders. In 2010, the Facility, through its own internal capacity development sessions, realised this was not enough, and that there was an enormous distance culturally between the leaders and those being expected to implement the plans. There was a danger that the only projects which were going to be implemented were those like the IIMS that the Facility or another external project management bodies directed.

The gap in hierarchy (known as “power distance”<sup>2</sup>) within institutions has been recognised by Timorese participants in the Culture and Communication classes designed and delivered by the National Adviser for Human Resources and reflects Timorese society more generally. Currently many Timorese even at Director level would not define themselves as managers or leaders; indicating that the gap exists near the top of the hierarchy. Without recognising and working with managers to address these key cultural characteristics impacting on service delivery, partners risk reinforcing the current problems in resource allocation. The following initiatives have been initiated during 2010:

- The management and leadership course, designed by the Facility HR Adviser, tendered to an international firm working in Indonesia and piloted in Bali with a group of senior representatives from all justice institutions, will be conducted in Dili in February and April. The pilot courses helped to adjust the approach so it would be more relevant to the Timorese context;
- The Senior Management Partnership Program with South Australia Corrections Department, an internship and training program for senior managers, initiated by the Minister and the Director of Prisons, designed and delivered by both organisations with the assistance of the Facility over the next two years, to build a strong management

<sup>1</sup> See Relevance - the workplans of the Facility align directly to the JSSP.

<sup>2</sup> Drawn from Hofstede’s work on Dimensions of Culture

group of 30 plus officers within the Prisons Service and establish an ongoing professional partnership;

- The Qualifications Scholarships Program, designed to provide middle level current justice sector officials with access to tertiary studies, which they have been denied before, so they can qualify for promotion to more senior levels. This will then create a more effective mix of young graduates and more experienced and mature graduates in senior management levels of institutions.
- The Regional Courts Partnership, suggested to the Courts as a way of moving away from bilateral engagement to an engagement with judicial peers and court managers in the region. It would be centred around the implementation of the International Framework for Court Excellence, which was the focus of the Asia-Pacific Conference on Court Administration in Singapore, attended by the Facility Manager with two Timorese judges. At this Conference, Timor-Leste joined over 56 other countries in supporting and wishing to adopt as a framework for self-assessment and reform.

## **b. Outcome 2 - Improved corporate management systems and procedures of selected institutions**

### **• Human Resource Management**

As a result of progress in developing institutional capacity through direct intervention and procedure development, the Facility has been able to move gradually to supporting individuals within institutions to apply proper procedure and develop confidence, through:

- effective engagement of the two locally engaged HR advisers, following recommendation in the 2009 Annual report.
- effective engagement of the Facility's Senior HR Adviser at a senior level on human resource management policy and capacity development initiatives, including the Plan for Timorisation (see textbox above).

Progress on improving human resource management varies from one institution to another (see summary in Annex 2). There has also been some evidence of change in management behaviour including: regular inspections of staff attendance, more open raising of grievances relating to fairness and equity issues around staffing decisions, the initiation by the MoJ senior management (not the Minister) of the 16 December 2010 Conference with all district and Dili staff, titled "Roles and Responsibilities of MoJ Staff", pro-active planning of training and development by Units like the Inspectorate, and active participation in training initiatives within the OPG and Courts.

### **• Financial Management and Procurement**

The intention to provide support from the international Finance Adviser to both the Courts and OPG and strengthen support for the Courts by appointing a locally engaged Finance Adviser proved difficult to achieve. Early in the year, while the OPG continued demands on the Facility's international adviser, the Courts indicated they preferred someone full-time. A position was then advertised but in the meantime the Courts had engaged another Finance Adviser independent from the Facility and confirmed their preference for that option. The recruitment process was abandoned and the Facility's adviser focused exclusively on OPG.

Capacity in OPG has grown to the extent that the PG has indicated she only needs the Facility Finance Adviser part-time now, providing blocks of assistance throughout the remainder of the year to support the planning and budget process and to review more complex financial processes. This is a major achievement for the institution and the Facility.

The OPG has a strong budget for 2011, a well-developed plan for infrastructure development, a functioning case management system operated through computers purchased by the OPG through the National Budget, residences in all districts and more cars than they arguably need. The remaining challenges are:

- to consolidate the Finance Directorate and avoid the return of corrupt practices;
- to improve the access of districts to resources and encourage District Prosecutors to be active as resource managers;
- to involve more of the staff in the annual planning and budgeting process for 2012;
- to ensure that infrastructure projects are delivered on budget and free of corruption.

The Courts decision to decline the support offered by the Facility has prevented parallel development in financial management. Their 2011 budget failed to include funding for salaries for international judges engaged in the Court of Appeal. This resulted in the Minister of Finance instructing UNDP to redirect funds allocated to the Legal Training Centre (a development priority) to fund judges' salaries (a recurrent priority). The Facility Manager is in the process of addressing this with the Chief Justice in the context of broader discussions on institutional development, management and leadership (see Annual Plan 2011-12).

#### • Information and Work Flow Management

The Facility was requested, initially by the PG and then by other institutions, to develop an integrated information management system (IIMS) for management and case tracking. This was needed to measure and manage the flow of work through justice institutions, to increase transparency in the handling of cases, to monitor and increase accountability for work performance, to inform the community and civil society of case progress and decisions, to provide statistical information for analysis, and ultimately to improve the efficiency of the justice system. UNDP had tried to do this before with a database called CERTO but with limited success for a range of reasons. Based on an inclusive approach involving UNDP, UNPOL and TLPDP, and with the support of AusAID, the Facility was confident it could achieve a better result. Other political and diplomatic support gradually followed, especially from the UN Deputy Special Representative, the UNPOL Commander and the Portuguese and US Ambassadors. After a participative process of design and automation, the system went live in October despite a range of obstacles which have been documented elsewhere<sup>3</sup>. The PG reported to the Council of Co-ordination in November that the Facility delivered what the OPG wanted and staff are very happy with the system. She indicated that it could only be delivered because the team worked with her staff and worked in a determined way to overcome a number of obstacles during development and implementation phases. The team is continuing to support implementation and training, and make any adjustments. Reliable statistical reports will be able to be drawn from the application in February 2011.

#### The Integrated Information Management System

Dili and district prosecutors and judicial clerks from Timor-Leste's Office of the Prosecutor General (OPG) will soon have instantaneous access to the same case information, thanks to a new case management system. The new system, which has been launched for the OPG's Dili-based prosecutors and judicial clerks, was custom designed for the OPG. The system's workflow map, standardized procedures and automated processes were all developed in Timor-Leste, in close cooperation with the OPG, UNDP's Justice System Programme (JSP) and the AusAID-funded Justice Facility.

<sup>3</sup> These have been discussed with the PG and provided to AusAID.

The head of the secretariat at the OPG in Dili, Lidia Soares, is a big fan of the homegrown qualities of the new system. She says the CMS' detailed and accurate fields are a vast improvement on the previous system of computerized case records. "We don't have to wrack our brains anymore, wondering how we will we enter this or that piece of information about a case," said Ms Soares. The system's various fields reflect the type of information police and prosecutors in Timor-Leste gather about criminal cases, and the way cases are prepared.

"When this system was being developed, there was initially a lot of discussion about whether the OPG should adapt an existing case management system from another country," said André Piazza, IT unit coordinator for the JSP. "But in order for the project to succeed, we realised that the system should be designed and built based on the laws of Timor-Leste and on the way the OPG's internal processes works, with a lot of input from the national clerks and prosecutors in the OPG," said Mr Piazza.

The system was designed by US company xFact, in close consultation with the OPG, the Justice Facility, who funded the software development, and the JSP. The JSP IT unit is providing IT infrastructure support to the OPG for the new system, including networking, hardware platform and communication systems; and is also training 8 of the OPG's IT staff.

After the system has been trialed in Dili this month, it will be launched in the three district OPG offices – Baucau, Suai and Oecusse – in November. Crucially, the OPG's system will be part of an integrated justice sector case management system. In the next year, the Office of the Public Defender, the courts, the prisons and the national police (PNTL) will be developing similar case management systems. When these systems are online, police officer, prosecutors, public defenders, judges and others will be able to record and track cases across the whole sector, thanks to the unique number assigned to each case. This will avoid the confusion which sometimes occurs now with the police, the public defender's office, the OPG and the courts each assigning their own number to the same case. Mr Piazza said another important benefit of the current system is that it is based on open source technology and owned by Timor-Leste. "With open source, the source code of the system is going to belong to Timor-Leste and to each institution which develops its own CMS, avoiding the trap of these institutions always having to go back to a company and pay to improve the system as it is implemented on the ground," said Mr Piazza."

*Extract from UNDP Justice System Programme website, October 25, 2010.*

*Source: <http://74.119.210.141/justice/?q=node/294>*

Far from just "funding the development of the software", the Justice Facility re-engaged the former Senior Adviser in the OPG to design and manage an approach to systems development which builds in sustainability and national ownership, co-ordinates the resources being provided by UNPOL, TLPDP, UNDP and the national institutions, engages Ambassadors and opens the sector for participation in and scrutiny by civil society. While it has been a challenge to extend the project across the sector, there has been significant progress in the following institutions:

- Office of the Public Defender – CMS – Client Management System: following weekly project team meetings, the Public Defender has verified the progress on the current design of the application and expects to go to live testing in March.
- Prisons – IMS - Inmate Management System: the Director of Prisons has verified the progress on the current design. The screen shots were shown to the Prison staff at Gleno and they were satisfied as well. Implementation is on track for March.
- PNTL – Incident/Investigation/ Police Management Systems - The various constituents of the PNTL Incident and Investigations Management applications have been working to ensure consensus on the forms and reports. The Commander of PNTL is satisfied with the design and schedule for automation. Implementation of the systems is expected in February. The consensus of the various constituents of PNTL is that "Police Management" is better replaced with the development of a warrant registry and a criminal history for intelligence use within PNTL.

The delay of approval by the Minister has meant key institutional responsibilities described in the sector plan (staffing adequate IT support for some institutions and procuring hardware and infrastructure) were either delayed or had to be provided by the Facility out of the IIMS Project contingency funds.

In the Courts, the President of the Court of Appeal's long absence has caused uncertainty and prevented clear decision making (see above under leadership). The President had advised the Facility Manager of his total support for the Project on 9 July 2010, once a notional, upper limit was allocated for development of the application to track civil cases. This had been left blank in the project plan because of uncertainty as to scope and cost. A draft project plan was designed by an international adviser, previously engaged by the Facility but discontinued in June. The draft plan was over-complicated and stretched the project timelines over a far longer period and confined the project team to international advisers with no Timorese members. When questioned, the adviser indicated that he could deliver the project in a shorter timeline but only if he was paid a higher salary. This was clearly unacceptable ethically but also because it reinforced an opinion that this project could be delivered solely by an international. The Project Director and Timorese Judge Tilman worked together to devise an alternative approach whereby the development would be led by Timorese judges. Judge Tilman presented this to the Asia Pacific Judicial Reform meeting on Information Technology in Beijing, answered questions from judicial peers after the presentation and received extremely positive feedback and follow up inquiries. On returning to Dili, further discussions were held with the Acting President and a presentation of the OPG application and screens from the other institutions were presented to judges and court clerks in a meeting at the Dili Court in December. It became clear after that meeting that the international adviser had filtered information and misled colleagues on the purpose and principles of the project and what they could expect of the application. Feedback from the presentation was extremely positive. The President returned to Dili in January and approved the project with an intensive approach recommended by the Project Director to make up for lost time; implementation will start 1 February.

While it is too early for the proposed external evaluation of the project, the CIGI Report (January 2011) commented:

*Ongoing efforts to establish a co-ordinated case management system between police, prosecutors, courts, defence and the prison system is an important initiative for the co-ordination of cases in the justice system, being supported by the Australian Government "Justice Sector Support Facility" and the UNDP ISP. Sources (UNSC) indicate that currently more than 13,000 cases from 2001 to 2010 have been entered into the information management system in the office of the prosecutor general in October. To establish this kind of system-wide case management system will greatly benefit public access to case information through district government outreach offices, which has been seriously lacking in past years. To achieve this will indeed be a positive step forward for access to justice in communities.*

### **c. Outcome 3 - Reduced corruption within the justice system**

#### **• General context**

One of the roles of the judicial arm is to act as a check on executive power. The ICNA and CIGI report positively on the independence of the judiciary but criticise the executive branch for decisions in which they have clearly not respected this. The establishment of the Anti Corruption Commission (KAK), the appointment of the Commissioner and his strong and positive links into the justice sector are positive developments throughout 2010. Similarly, Transparency International's recently released Corruption Perception Index (CPI) reports Timor-Leste has improved 19 places in country rankings from 146 in the 2009 CPI to 127 in the 2010



CPI. The 2010 CPI is the first to capture the impact of the IV Constitutional Government's reformist agenda.

- **Support to anti-corruption measures in Institutions**

The Facility has concentrated its focus on the OPG. The CIGI Report recognised the OPG's achievement, which was directly linked to the Facility's extensive support:

*Prosecutor-General Ana Pessoa was tasked to "clean up" the prosecution service, implement management systems, deal with extensive backlog of cases and address allegations of corruption within the prosecution service. After an external audit, the prosecutor-general restructured the office administration and hired new staff.*

The transparency required to help eliminate corruption and help process all cases, including corruption cases<sup>4</sup>, is being provided through the information management system (see above).

- **Support to infrastructure and equipment**

The primary reason for this support was to help the OPG and PDO establish services in the districts. They now have functional offices and residences for judicial actors in all districts, a major achievement since the start of the Facility. However, the work has had a significant impact in providing a platform for anti-corruption efforts, thus it is included in this section.

The Facility has managed and supervised on behalf of the OPG the tendering and building processes of prosecutor houses in three districts: Suai, Baucau and Oecussi. The increased efficiency and lack of corruption practices have resulted in substantial savings: it is estimated the building of the houses costed 40% less than it they were managed by OPG (based on the estimates prepared before the Facility offered its support in 2009). The houses in Suai were inaugurated on 18 December 2010, in the company of the Prime Minister, the President of Parliament, the Commissioner for Anti Corruption, members of Parliament Commission for anti corruption and representatives from AusAID. The work and support from the Facility was praised by the Deputy PG in his inauguration speech and the challenges encountered were recognised, including the undermining efforts displayed by the Ministry of Infrastructure and the Ministry of Finance. He recommended the system currently used for Capital Development execution be reviewed to allow for transparency and accountability and encouraged other government institutions to use it as an example to avoid corruption. The Prime Minister outlined the occasion as an example of progress against anti-corruption practices in Timor-Leste, identifying the Australian Aid Program as demonstrating what "value for money" really meant, and convincingly stated that the model used should guide future practices of all the Ministries for revision before awarding a public contract. .

The Facility is now utilising this example and the accompanying political momentum to prepare a comparison with other infrastructure programs in the sector and recommend a more efficient way forward for infrastructure development identified in the JSSP. Previous resistance to this has now reduced and a sector wide analysis and recommendations will be presented to the CoC in early 2011.

- **Anti-corruption measures for CSO**

The original design of the Justice Facility included engagement with civil society and the establishment of a grants scheme to fund civil society organizations working in the community to improve access to justice. The risks to the Facility (and AusAID) in terms of performance in

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<sup>4</sup> The Anti-Corruption Commission and Provedoria have expressed interest in adopting the IIMS approach but further funding would need to be identified to support this.

program delivery perspective were assessed, in the main, as manageable, with many NGO's throughout Timor providing essential and non essential services in the Justice Sector to a very high standard. However, the risk to the Facility and AusAID from a grant perspective was assessed as high. In the main, this was not from a perceived corruption perspective, but from a lack of governance, management and financial management skills within civil society in Timor Leste.

Training commenced in 2008 to CSO potential partners. By the end of 2010, the Facility had provided training in Dili and all judicial districts to several hundred civil society participants within the justice sector (and in some cases in district administration and other sectors where there was opportunity for them to attend). Training has covered Boards, management, finance and program managers of CSO partners of the Facility and non grant partners working in the justice sector, and has also been shared openly with trainers and other organisations.

**Fig 2 – Training provided to partner CSO**

Issues identified in 2008 Assessment	Support provided by Facility
<ul style="list-style-type: none"> <li>• Non participating Boards, Boards with a conflict of Interest, or in some case no Board</li> <li>• Boards not able to access and understand CSO finance reports. Often only basic numeracy skills in CSO Board members and staff</li> <li>• Lack of understanding by CSO membership of their Organizations' Missions</li> <li>• Inaccurate finance record systems and altered finance records</li> <li>• Isolation of organizational finance records by some CSO Directors and Finance Managers</li> <li>• Poor record keeping generally</li> <li>• Discrimination and bullying in the workplace</li> <li>• Donor funding unreliable; Donors interfering in organizational practices and policy</li> <li>• Programming led by donors; Historical poor program oversight and finance oversight practices of donors - lack of donor skills in identifying potential fraud and false reporting</li> </ul>	<ul style="list-style-type: none"> <li>• Training and recruitment of Boards</li> <li>• Strategic planning and focusing on the understanding on the missions of CSO's</li> <li>• Board TOR's governance and financial oversight</li> <li>• Role of the Director</li> <li>• Role of the Finance Manager</li> <li>• How to create, implement and monitor a budget</li> <li>• How to identify signs of fraud</li> <li>• Donor accountability and CSO to donor accountability</li> <li>• Donor roles in programming</li> <li>• Accurate Financial record keeping</li> <li>• Annual audits and reporting/implementation of recommendations</li> <li>• Organizational policy development, implementation and monitoring.</li> <li>• Grant writing and separation of records</li> <li>• How to conduct a Board meeting</li> <li>Ethics in fundraising</li> </ul>

Many CSO partners are now able to identify issues and implement changes to their own Organizations, thereby lessening their risk. The Facility has been able to identify governance concerns, including fraudulent practices in CSO's including for programs funded by other donors. In the main CSO report positive changes within their own organizations, increased engagement of their Boards and an overall increased order to their practices. One of the key partners PRADET, interviewed by the M&E Adviser, felt that the Facility was particularly helpful in reinforcing financial management and good governance. Seen as much stricter than other donors, the Facility was initially seen as intrusive but then welcomed because problems were identified and resolved so that PRADET was stronger. The Facility was also seen as helpful in bridging the gap between program and finance staff – it was clear that program staff were not adequately involved in budgeting so critical items were identified initially (eg generator in the Fatin Hakmatek (emergency shelters in hospitals)). This has now been rectified. The partnership with PRADET was tested when the Facility identified fraud in late 2010 and contacted the Board to report this and request the Board's approval to commission an audit and implement the recommendations. The audit was conducted in December and the report is due in January. Funding has been frozen until the audit is completed and signed off by the Board.

A further prime example of the contribution of the Facility has been in assisting the organisational transformation of AATL and supporting private lawyers so the JSSP goal of shifting to an Independent Bar Association can be realised. Concentrated assistance, including full budget support through to 2012, has shifted AATL from having no management staff and being served a notice of eviction from their offices, to a position where they are now properly staffed with strong managers, the Board has approved a more strategic plan, they have a clear and detailed budget, they can provide sustenance scholarships and professional development to lawyers required to attend compulsory LTC training, and they have a commitment from Government that a building will be provided for them in 2012, based on the medium term expenditure framework attached to the JSSP which was submitted to the Prime Minister by the Minister of Justice. Financial assistance has been accompanied by close mentoring by the (position) Adviser on governance and management issues, which included facilitation of planning, budgeting and selection processes. While the GoTL and UNMIT have consistently reinforced the importance of the AATL developing into the Bar Association, no funds were provided, with the Facility intervening to reinforce that State and non-State actors cannot be expected to deliver improved access to justice and meet policy commitments without adequate resources.

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

The CIGI Report (January 2011) listed as a significant initiative

*“efforts to expand the quality and quantity of human resources in the courts and provide infrastructure aimed at enabling the regular functioning of the three district courts outside Dili (p.4)...compared to sporadic nature or outright absence of court proceedings in some districts until recent years(p.6)....recent examples of mobile court cases in Baucau and Suai indicate the potential for the operationalisation of mobile judicial teams to conduct trials in remote areas. Further plans will be developed in the coming months. The proper implementation of mobile courts would visibly promote access to the formal justice system and represents a good opportunity to increase confidence in the formal system, thereby reducing reliance on informal justice mechanisms” (p.7).*

##### **• Suai Office – Access to Justice Program**

After significant field analysis and consultation with local judicial actors and civil society leaders, the Facility established the Suai Steering Committee (Komisaun Diretiva) in early 2009 and the Suai Office in December 2009, opened by the Minister of Justice and Chief Justice and staffed by Timorese team members drawn from the Suai area. Within the Australian Aid Program, it is the only office established outside of Dili. As well as supporting grant recipients and judicial institutions, the Office supported implementation of a workplan which included mobile courts in Same (pronounced *Sar-may*) and Maliana in October and December 2010. They also intervened directly to provide witness transport and transport of victims to Dili for treatment when authorities had no means of transport.

The mobile courts initiative is also supported by UNDP and is intended to be applied at a national level once a policy paper, prepared by the Facility Manager and UNDP advisers, is approved by the Council of Co-ordination. This policy paper outlines a sequential approach to mobile justice, well beyond the court hearing. However the first two hearings, which are not yet adopting all the features of the recommended model, have been highly successful and reported in the media.

After the Same court, the Vice Minister stated in the press:

*The Government and Justice Sector institutions are committed to improving access to justice for all people. The mobile court brings justice to people in remote areas. Our Constitution requires that all citizens have equal access - they need to hear and see the Timorese justice system at work. We will be working with our partners, UNDP and AusAID, to expand this important initiative and commend the judicial actors for their effort.*

Sr Joao Fernandes, Babulu Community, who observed the court stated in the press:

*This to help us to know quickly our cases resolve or not, and we don't need to spent much time to go to Suai and wasting much time on the trip. Now we can see directly how judge, public defender and prosecutor process our cases.*

The primary change agreed before the next court in Maliana was the selection of location. Previous mobile courts had used police stations, following the experience under Indonesian occupation where the court was more part of the security apparatus, but also because other venues were not seen as suitable. This changed for Maliana and the district administration public meeting hall was booked.

The Maliana court attracted over 100 people, with overwhelmingly positive public feedback, and heard 7 cases, a much higher rate than normal. By comparison, the international judge assigned to Suai heard less Suai cases in the first 6 months of 2010. The venue was hot and crowded but adequate; as one of the people interviewed by the press stated: *"a court is not a building, justice can be brought to the people anywhere"*.

**Fig 3 – Photos from mobile court in Maliana (December 2010)**



The mobile courts are another successful practical demonstration of the partnership between UNDP and the Facility, but are overwhelmingly the initiative of the Timorese judicial actors to reach out to their own people. The Judge of the Suai Court has recently scheduled four additional mobile courts in 2011 as follows: February 25-26 - Ainaro (for 4 cases), March 24 - Bobonaro/Maliana (one case only), and April 28-29 - Same (for 4 cases). The allocation of two (more?) days may allow more community education. The initiative will be improved if suggestions in the policy paper are adopted, which cover preparatory legal clinics, resourcing and

witness management. While educational in their own right, they have not yet been coupled with education activities as proposed by the Suai Steering Committee.

The judicial actors have instead conducted two community leader forums in different sub-districts in Covalima, meeting with succo chiefs to explain the justice system and mutual responsibilities. This has helped reinforce education provided to communities through the grants scheme. Community radio programs, involving judicial actors and planned to reinforce education, have been not possible due to technical and staffing problems faced by the community radio station. These should be resolved in 2011.

#### • Institutions services in district

All institutions now have functioning district services and high standard houses for judicial actors. Vehicles and computers with internet access are now available. There is still insufficient staff allocated to districts although the Facility has assisted in Suai by funding two locally recruited clerks at Government salary levels until 2011 when the Court has staffing profile. The same arrangement is planned for administrative clerks in Oecusse and Suai Prosecution offices in 2011. Facility advisers in human resources, finance and case management have conducted training to staff in the districts, a first for the sector and will expand this in 2011.

The figures for numbers of cases processed for the OPG, PDO and Courts in 2010 in each district will not be available until February. However, UNMIT (quoted in the CIGI Report) measured 1,628 new cases registered and 1,762 cases handled between Feb-June 2010, demonstrating “progress in the increased use of the formal system” (p.11). The introduction of the case management system will make these figures available online and has already been identified by the PG as a major contributor to increasing case handling performance by prosecutors and clerks.

#### • CSO/Grantee services in districts

As well as providing services previously not available and informing communities about the justice system, the grants, along with the Suai program, have disbursed significant funds into rural communities, creating employment for an estimated 150 Timorese nationally and involving many hundred more through voluntary participation in activities and related programs.

**Fig 4 - Allocation of 2010 Grants per district**

Districts	Large grants	Small grants
National	\$178,159	\$39,900
Dili	\$55,020	\$63,092
Ermera	\$99,743	\$6,089
Baucau	/	\$67,560
Lautem	/	\$21,480
Viqueque	/	\$21,000
Suai	\$150,375	\$72,285
Oecusse	\$43,461	\$27,916

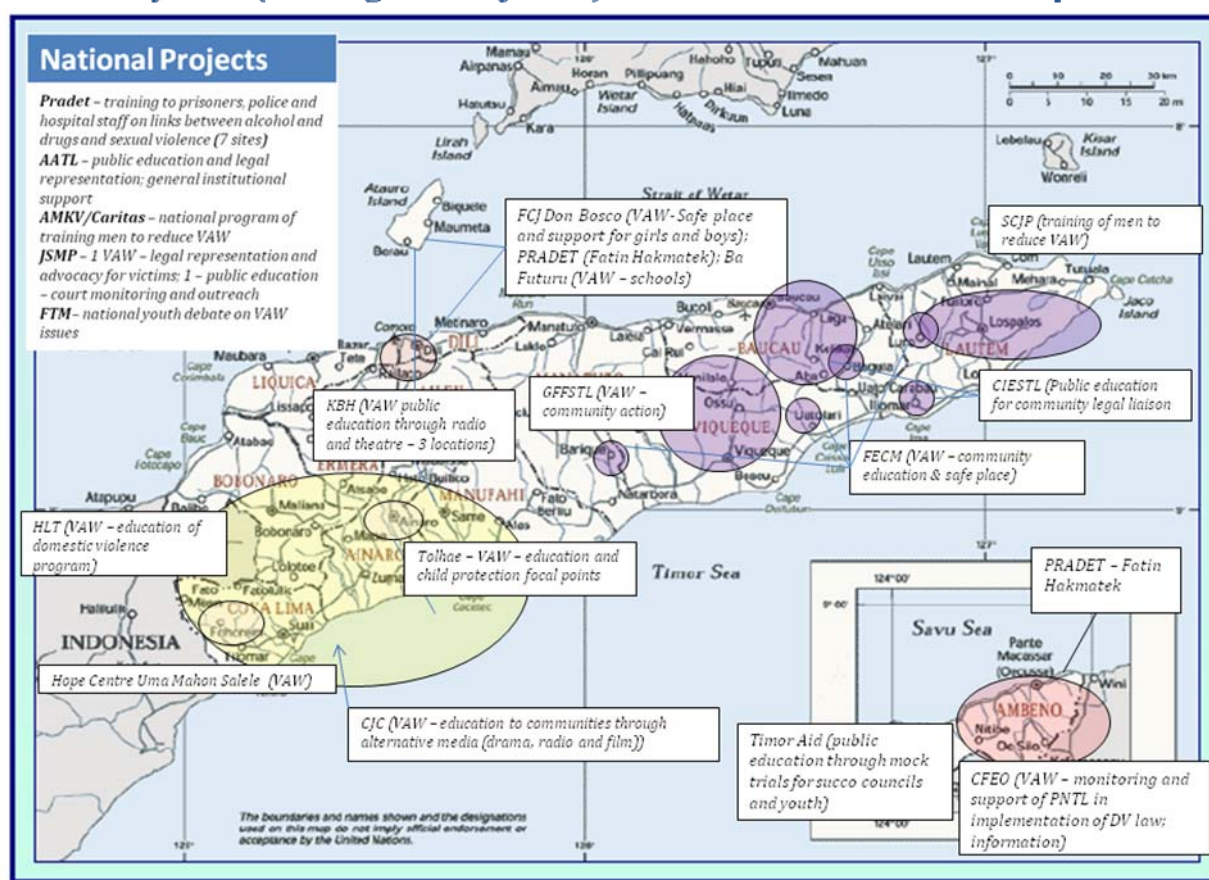
The application and assessment process for the grants scheme was improved further as a result of experience and evaluation in 2010 and will bring activities to new areas. Significant effort was devoted by the Facility team and partners to refine work plans, budgets and overall project



proposals prior to them being submitted for assessment. Special training was required for some applicants in order for them to meet the Facility's governance and management pre-requisites. Most of the partners are the same as 2010 but there are new ones in Ainaro, Oecusse, districts in the eastern region and Atauro (see map of 2011 grants).

A decision was also taken during the year that, for efficiency and to recognise previous selection processes in identifying partners, future grant applications would only be considered from 2011 grant recipients. Because of budget pressures, the grant pool is likely to be significantly lower and may be restricted to the provision of core services rather than education. This is moving to a state that is recommended at the end of the Facility: that grants are made available to key partners for critical core service delivery, especially to victims of violence against women, and for monitoring justice system performance and accountability. This will be resolved in the 2011-12 Plan.

### ***Servisu ba Justisa (Working towards Justice) Grants across Timor-Leste – Proposed 2011***



Taken from: [www.discoverdili.com/dili-map.html](http://www.discoverdili.com/dili-map.html)

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

At this stage, it is too early to comment on the impact of work in this area except anecdotally and by inferring from partner reports of attendance. This is prone to too many assumptions. It is proposed in 2012 to repeat the 2009 Community Perceptions of Justice Survey which the Justice Facility partnered with Asia Foundation to assess the increase in awareness and understanding. In the interim, activities are evaluated against their claims in their grant agreements and the Facility local advisers have contributed extensively to ensuring programs are properly supported.



Grants under the Servisu ba Justisa Program are the main modality for addressing this outcome. The Facility has produced some educational content for radio, through Suai and JSMP but relies on partners and the large amount of material generated to date by UN agencies and others (e.g. Avocats Sans Frontieres who had a Reach out for Rights Program for several years until they withdrew in early 2010). It had been hoped that the Ministry of Justice would have generated more standardised information but the capacity of the Directorate has not yet developed to a sufficient level. Significant assistance from UNDP and the Asia Foundation will assist in 2011, and at a meeting in January 2011 with the Vice Minister and Directorate staff, all donors pledged to provide all information they had so it could be catalogued and distributed in a more orderly way. Further, the Facility has agreed with partners to prepare specific manuals on violence against women to ensure consistency and accuracy (see below).

Results of the evaluation of the grants was presented as an annex in the 6 monthly report in July; an evaluation of their overall effectiveness in terms of contributing to Facility outcomes will be presented in 2011 once grants are completed. A repeat of the 2009 survey of community perceptions will also help measure impact. However, examples below demonstrate some of the services being provided as a result of funding and support from the Facility.

### • Justice System Monitoring Program (JSMP)

Several JSMP initiatives have been successfully conducted in 2010 with the support of the Facility.

#### (1) JSMP Victim Support Services

Fig 5 - Total Cases attended by JSMP between February-September 2010

District	Domestic Violence	Sexual Abuse	Attempted Sexual	Sexual Violence	Abortion	Abandonment	Total cases
Dili	28	5	2	3	1	2	41
Ermera	6					1	7
Liquica	12	2	3	2		1	20
Aileu							
Suai	5	1	1	2		1	10
Same	4	2	1	4			11
Ainaro	3			2			5
Maliana	2		1	2			5
Baucau	4	1		2			7
Manatuto		1		1			2
Viqueque	2						2
Lospalos	1	1					2
Oecusse	15	2					17
<b>Total Cases</b>	<b>82</b>	<b>15</b>	<b>8</b>	<b>18</b>	<b>1</b>	<b>5</b>	<b>129</b>

Fig 6 – JSMP Trainings conducted by VSS on victims' rights

District	Participants		Target group
	Male	Female	
Baucau	29	6	Villages Chiefs, Young female and male and traditional leaders member

Baucau	15	20	Senior High School
Liquica	24	11	Villages Chiefs, Young female and male and traditional leaders
Suai	14	1	Villages Chiefs, Young female and male and traditional leaders
<b>Total</b>	<b>82</b>	<b>38</b>	

## (2) JSMP Legal Research Unit (LRU)

JSMP's LRU monitored 140 cases in the district courts, consisting of 122 criminal cases and 18 civil cases. Details of the cases monitored by LRU are included in Annex 4. In addition, LRU has produced 86 press releases, 10 justice updates and 16 case summary and 12 Newsletters. Training has also been provided to the following groups:

**Fig 6 – JSMP Trainings conducted by JSMP LRU in 2010**

Target group	Topic/Subject	Female	Male	Total participants
Police Officers in Bobonaro, Maliana District	Penal Code & Code of Penal Procedure	12	8	20
Students at School ETPS Dais, Suai	Penal Code & Code of Penal Procedure and Disseminate information about JSMP's submission on Civil Code	20	15	35
Junior High School in Lautem	Women and child rights	23	12	25

## (3) JSMP Advocacy Program

JSMP is the only NGO funded by the Justice Facility with a well thought out, and effective advocacy program. A critical principle behind the Facility's funding is that the discretion on topics for advocacy campaigns rests solely with JSMP; the Facility has refused to express a position or fund specific topics but is committed to supporting responsible and effective civil society advocacy, especially where it brings government and non-government stakeholders together.

JSMP conducts this advocacy through its regular press releases, justice updates and analytical reports about important developments in the justice system. Through their analysis and advocacy, they have been successful in suggesting changes to a range of draft laws, including: the demonstration law, the immigration law, the penal code, and electoral laws.

In 2010 JSMP has conducted direct advocacy to the government on the draft Juvenile Justice Law, and on a draft law on Pardons. These have been previously documented by the Facility.

One challenge for 2011 will be to integrate the advocacy program into the Access to Justice Dialogue Forum, so that civil society can pursue change through direct and structured dialogue with justice officials under the framework provided by the JSSP.

### • IIMS (case management) and the civil society

The Facility has and will continue to facilitate the development of strategies to access and exploit the transparency created by the IIMS project across the justice sector. Civil Society organizations, the media, private legal practitioners and the general public should be able to access such information generated by the justice institutions that is public record and will be available through the IIMS projects in the Police [PNTL], Prosecutions, Courts, Public Defenders and Prisons. How that information is made available and what level of participation Civil Society has in the policy development of the IIMS in the Council of Coordination and the Information Management Working Group [Judges, Prosecutors, Defenders, Prison Admin, Police] has yet to be defined. The Facility can and should support the process through advisors, funding, coordinating and facilitation of strategy development. Additional development tools may be required to support the access to information by Civil Society.

## **f. Outcome 6 - Reduced violence against women**

### **• Gender Justice Policy**

The development and implementation of a gender justice policy is one of the National Priority 4 objectives in 2010. Speaking at the NCD Conference in October, Justice Philip Rapoza, lead author of the ICNA Report, stated (p.26):

*Although reportedly more cases of gender-based violence were processed in the courts in 2008 as compared to 2004, many of those cases resulted in acquittals. This may be explained, in part, by the fact that some victims choose to remain silent during trial and not supply evidence against their alleged assailant. Thus, one of the positive developments in relation to sexual and gender based violence cases is the establishment of the national referral network that includes Vulnerable Persons Units, the Ministry of Social Solidarity and several NGOs. The referral network, in turn, provides support, assistance, counselling and shelter to victims. These organisations, however, still face a substantial lack of infrastructure, human resources, and logistical capacity and require additional support. Complementing those efforts, however, is the development of a Gender Justice Policy by the Ministry of Justice that should be of great assistance in improving access to justice for both women and children as well as to help reduce violence against them.*

In 2009 the Justice Facility was requested by the Minister of Justice to prepare this policy, although it has clearly involved close partnerships with others, especially UNFPA. The Adviser, Access to Justice, Policies and Programs, drafted the policy using a methodology of literature review, and interviews with prosecutors, police, victim service providers, donors and government counterparts (particularly in MSS, MoJ and SEPI). The draft policy was circulated in English for comments on 10 September 2010 to a range of counterparts – including service providers, government, UN agencies and donors. Comments were requested to be submitted by 11 October 2010. These comments were then incorporated, and the draft policy was translated into Tetum. The draft policy in English and Tetum were presented to the Minister and Vice-Minister of Justice on 29 November 2010. The Vice-Minister of Justice will hold a workshop to seek further input on the policy on 11 February 2011. Once it has been finalized after this workshop, it will then be sent to the Minister of Justice for final approval.

The gender justice policy aims to:

- Increase access to justice for women and children
- Improve responses to crimes by the formal justice system
- Deter violent offences against women and children in Timor-Leste

The policy considers:

- Improving data collection

- Prevention strategies
- Legislation
- Legal training
- Criminal Procedure – investigations, prosecution and punishment of violence against women and children
- Court processes and facilities
- Services for victims
- Gender equality in the legal system

The policy makes a number of recommendations (many of which have been made in reports by NGOs such as JSMP and the Independent Comprehensive Needs Analysis), such as the need to establish victims and witnesses waiting rooms at each of the district courts. The policy also includes as an annex (and this was a request of the Minister of Justice) the Criteria for Safe-houses (Uma Mahon) and Criteria for safe-rooms (Fatin Hakmatek). This draws on and is consistent with UN standards, which were subject to a workshop in the United States in August, attended by the Facility's Access to Justice Policy and Programs Adviser, who was nominated by the UNFPA representative in Timor-Leste to attend, and AusAID supported through making funding available. Proposed activities in the policy and workplan are listed as an annex to this report. However, a major initiative is the design, construction, fit-out and initial management of the Fatin Hakmateks, which will now be funded through a special additional allocation approved by AusAID in late 2010.

#### **Construction of Fatin Hakmateks (safe-rooms/emergency shelters) in the Referral Hospitals**

As part of drafting the gender justice policy, the Facility identified that the most practical way for the Justice Facility to support safe-places for women and children would be to support the establishment of Fatin Hakmateks (safe-rooms) in each of the referral hospitals.

The Facility Adviser drafted letters to the Minister of Health from the Facility Manager and the Minister of Justice, outlining how the Justice Facility would support the establishment of Fatin Hakmateks. The Adviser organised meetings various directors in Ministry of Health, the Facility Manager and Pradet, and drafted an MOU between MoH and Pradet (eventually it was decided to proceed on the basis of the MoU between MoH and Pradet concerning Mental Health). After initial resistance to the idea, the Minister of Health agreed in principle to the establishment of Fatin Hakmateks at the referral hospitals, with Oecusse as a pilot.

The Facility Engineer finalised the designs for Oecusse Fatin Hakmatek. The Adviser and the Facility Engineer travelled to Oecusse on 28 October 2010 with Pradet staff and the Director of Mental Health to finalise the location of the Fatin Hakmatek in the Oecusse hospital grounds. In late November 2010 the Facility opened the tender process for Oecusse Fatin Hakmatek, and received five bids. The decision regarding the awarding of the tender has been made and construction will start in February.

There is an urgent need for the provision of medical forensic examinations at the district level. In 2009 there were 220 referrals to Fatin Hakmatek, 50% were from Dili and 50% were from the districts. In 2010 from January to June there have been 77 new referrals with 62% from Dili and 38% from the districts. Victims from the districts face many challenges in travelling to Dili. They are reluctant to leave their home and their support network, face significant delays in transport (and hence collection of evidence) or no transport is available and sometimes they have to travel with the alleged perpetrator who is being brought to prison. It is hoped that once the Ministry of Health accredits the training, Timorese district health workers (doctors and mid-wives) will be able to conduct medical forensic examinations at the five referral hospitals and in Dili. It is also imperative for the Ministry of Health to approve the Medical Forensic Protocol, in order to

permit its use for medical forensic examinations and also as a legal document for evidentiary purposes in court. The Vice Minister of Justice has undertaken to intervene to resolve this.

The Justice Facility's support to AMKV to train men and help change men's attitudes towards violence is a key part of the prevention of violence against women and children. Unlike the other grants, this grant was designed with the AMKV, and their mentor/partner Caritas, who were identified as having unique capacity to perform this work. It is too early to assess impact.

In 2010 the Justice Facility also supported a number of other NGOs who conducted training on gender based violence, the Timorese legal system, child protection, and violence prevention. These NGOs included: Uma Mahon Salele, Pradet Psychosocial Training, Pradet Alcohol Training, CFEO, JSMP VSS, JSMP JRU, CDI, FCJ, GFFSTL, FTM, CIESTL, CTI, FECM, DSTL, HTL and CJC. A few key examples of successful grants are provided in Annex 5.

### • Training of Police Prosecutors on consistent application of domestic violence law

Through meetings with the Referral Network, it became clear that there was some confusion among service providers and the VPU about the application of the Penal Code articles on sexual violence. A meeting was held with the PG to explain the problem. She suggested organising a training, to be conducted by a Timorese prosecutor, but written by us, at the Police Academy, inviting attendance from police and service providers to clarify the Penal Code articles on sexual violence. TLPDP assisted in organising a meeting with the Deputy Director of the Police Academy to organise this training. He agreed in principle. In 2011 the Adviser Access to Justice Policies and Programs will draft the proposed training and organise it in conjunction with TLPDP, the Police Academy, OPG, UNFPA and service providers. The Adviser also met with the LTC to discuss how to improve the training on these articles for judges, prosecutors and public defenders, and suggested a new training (as part of Continuing Legal Education) on the implementation of the Law Against Domestic Violence and clarification on the relevant articles of the Penal Code.

## 2.3 Efficiency

### a. Total expenditure

At November 2010, the Facility had spent A\$2,750,332.32 out of the Facility Fund – approximately 27.5% of the available A\$10m budget, but has committed significantly more to grants and major initiatives which will draw on those funds in 2011-12. The remaining A\$7,249,778.68 is to be spent over the final 2 years of the Facility and is delineated in the Annual Work Plan 2011-2012.

**Fig 7 - JSSF Expenditure Feb 2008 - Nov 2010 (AUD)\***

#	Activity	Imprest	Operational	Total
1.1	Institutional Development (Planning, HR, Finance)	1,260,602.52	2,559,519.30	3,820,121.82
1.2	Case Management Project/IIMS	671,031.89	751,081.13	1,422,113.02
2	Civil Society Support and Access to Justice	818,586.91	1,050,487.75	1,869,074.66
<b>TOTAL</b>		<b>2,750,221.32</b>	<b>4,361,088.19</b>	<b>7,111,309.51</b>

\* Does not include management costs – i.e. costs of Facility management team or operating costs.

The highest item listed above under Operational (expenses) is 1.1 Institutional Development (Planning, HR, Finance) includes expenditure relating to a number of advisers in the core justice institutions namely Courts and MoJ (x2) whose contracts are now complete. This figure will be significantly lower in the subsequent years.

## b. Modes of Assistance

### • Expenditure per mode of assistance

Whilst previously the Facility has relied predominantly on international advisers to support the core justice institutions and civil society organisations, this has shifted in 2010 with almost A\$600,000 in grants, both small (under 40k) and large (above 40k) grants awarded and disbursed in 2010. Expenditure to international advisers will decline significantly in 2011 and 2012 since 5 long-term and 3 short-term adviser contracts were completed by 2010 and have not been renewed. The number of international adviser positions (Operating) at November 2010 is 4. As illustrated in the figure below, other modes of assistance than international advisers amount for 2.33m/33% of total expenditure at November 2010, increasing their share since 2009 when they amounted for 641k/20%.

**Fig 8 - JSSF Expenditure Feb 2008 to Nov 2010 per mode of assistance (AUD)\***

Mode of Assistance	AUD	%
International Advisers	4,781,447.98	67.24%
National Advisers	508,290.53	7.15%
Direct Procurement	524,522.04	7.38%
Visits, Workshops and Study Tours	299,600.20	4.21%
Infrastructure	135,201.14	1.90%
Output based contracts	138,850.33	1.95%
Research	123,923.24	1.74%
Grants	599,474.05	8.43%
<b>TOTAL</b>	<b>7,111,309.51</b>	<b>100.00%</b>

\* Does not include management costs – i.e. costs of Facility management team or operating costs.

### • Grants

The selection, award and follow-up of grants to CSO involved in the justice sector have been a major activity under component 2 of the Facility. A new process to manage these grants has been established in 2010 (see textbox below) and an external evaluation was carried out in May 2010. By all accounts, the JSSF grants program is seen as a partnership between the Facility and the grantees: responsibilities for success and failures are shared. This has meant the Facility has had to prepare and accompany - sometimes intensively - partners through the whole process, monitoring closely their activities and financial management practices, and sometimes intervening in the management of activities to prevent and/or deal with issues of mis-management. To that end the Facility has required total transparency of financial management process from partners, which some partners have perceived as an intrusive practice, but with time and explanation have finished to accept and even value (see above).



## ETJSSF Grants Process

The facility has established in 2010 a new strengthened process for the grants, identifying different stages: selection, implementation and monitoring.

### 1. Selection

In order to ensure a higher quality of proposal for the 2011 grants it was decided to create templates for proposal form, standard budget form, workplan and schedule, as well as definitions of all relevant terms. This was a direct result of recommendations made by the M&E report in May 2010 (see below) and of our own internal monitoring. The standard proposal form required NGOs to provide substantial information about their planned programs and activities, and explain the planned outcomes of those activities. They were also required to provide information about their organizational governance.

The Justice Facility opened the call for proposals in early July and proposals had to be submitted by 27 August 2010. In order to assist NGOs to fill in the standard proposal forms, the Civil Society Team provided training on how to fill in the forms in Dili, Baucau, Suai, Maliana, Oecusse and Same. The Civil Society Team also met with some of the organizations a number of times to improve the proposals and budgets.

The Civil Society Team assessed 53 proposals and 17 were recommended to be considered by the Steering Committee. Each of the four members of the Civil Society Team did an individual assessment following a common assessment form (which was based on the proposal form). The scores were then combined and a group discussion led to a consensus on the best proposals to put forward to the Steering Committee. On 4 November the Steering Committee approved all 17 proposals (8 large grants above AUD 40,000 and 9 small grants below AUD 40,000) and recommended the 8 large grants to be considered by the Facility Management Group.

### 2. Implementation

The 2010 grants were approved by the Steering Committee and the FMG in December 2009. However, the Letters of Agreement were not signed with the grant recipients, and funds were not transferred until late February/ early March 2010. This was because internally (at the Justice Facility and GRM Melbourne) it was difficult to get attention and then agreement on finalizing the wording of the Letters of Agreement. Following transfer of the initial tranche of funds, most of the NGOs commenced their activities.

Each of grant recipients has received their funding in tranches. In order to receive the next tranche of funding, an organization must submit their narrative report and financial report and both must be assessed as satisfactory. The Civil Society Team has developed Milestone Reporting Forms to follow up with questions about the narrative and financial reports for each organization.

### 3. Monitoring

The Justice Facility commissioned an external evaluation in April 2010. The evaluation was conducted throughout May / June 2010. The results of the assessment of 16 grants issued under the Facility's support to Civil Society showed that these grants were on the whole being well implemented according to the original workplans agreed between the facility and its CSO partners. 14 of the 16 grants assessed had either completed or were engaged in completing over 80% of the activities in their workplans, whilst two of the projects were under-performing. Three of the grants funded were not included in this assessment and it was recommended that they be assessed separately on the basis of their level of complexity (in the case of funds supplied to AATL) and their recent commencement (in the case of grants to PRADET for alcohol abuse and forensic medical training).

The evaluation report raised concerns about one of the 2010 grant recipients – FEEO. According to the report there were "Significant concerns over FEEO's capacity as an implementer, immediate attention to clarifying workplan and longer-term support for activity management needed." The Civil Society Team then met with FEEO on a number of occasions to assist FEEO to amend their workplan and then to amend their narrative report, as it did not seem like they were doing any activities other than celebrate international women's day and ascertain that most people in the sucos of Oecusse had no knowledge of

the formal justice system. The ETJSSF Finance Manager also had concerns about their Financial Report, in particular about the excessive number of per diems that were being paid to people without any explanation as to who those people were or what activities they were supporting. On 28 July 2010, the ETJSSF wrote to FEEO and gave them one month to (until 28 August 2010) to demonstrate satisfactory progress in carrying out the Project "training on access to justice for communities in 18 villages in Oecusse district for the period of March-September 2010". FEEO failed to provide any evidence of satisfactory progress in carrying out the Project within this time period (by 28 August 2010). So, in accordance with Article 14.3 of the Letter of Agreement between the Justice Facility and FEEO (signed on 4 March 2010), GRM International terminated the Agreement.

Following the external evaluation in May 2010, the Civil Society Team started monitoring the activities of the grant recipients, particularly the training activities. A standardised activity monitoring form was developed and used to monitor 8 NGO trainings. In addition Activity Status Update forms were requested for each milestone report. Considerations on how to use the information collected on these forms to improve the quality of the NGOs' activities is now underway with the aim of securing more measurable impacts.

In total 20 grants were awarded in 2010 (cf. figure below). This is an increase from the previous year. While it is too early to comment on the impact of these grants, all discussions with CSO partners have led to the same conclusion: the grants are hugely appreciated and distinguish themselves from other grant scheme through their flexibility, i.e. possibility to cover salary, vehicles, operations and/or admin costs, and the support received from the JSSF civil society team. A brief outline of some of the project funded is presented in Annex 3.

**Fig 9 – JSSF grants statistics**

GRANTS	2010		2011	
	#	AUD	#	AUD
Applied	71		53	
Granted	20	\$ 970,555	17	\$ 1,425,030
Completed	3		0	

#### • Scholarships

In addition to the grant scheme and in order to diversify its modalities of support, the Facility has developed a scholarship program to be implemented in 2011: the Justice Sector Qualifications Scholarship Program. Under this program, the Facility provides full financial payment for managers and staff in the Justice Sector to gain qualifications obtained from universities and other higher education institutions based in Timor-Leste at Diploma, Degree and Masters levels. These Scholarships aim to re-engage the justice sector with the local university sector as part of its development strategy. Indeed, research undertaken as part of the Capacity Development Plan ('Plan for Timorization') pointed out not only the poor utilization of local universities in current development strategies due to setbacks from conflict, but also to the consequential interruption in the education of people.

This program includes staff from the districts in university programs available in each location. The focus of this sponsorship program is to fulfil education needs in two priority areas:

- For staff who do not have the minimum qualifications required for their position, this program provides these people with the opportunity to obtain these qualifications and not be disadvantaged in further career opportunities. This includes identification of staff

who have not completed secondary education, therefore closing off opportunities for advancement;

- For staff and management to gain new knowledge required to undertake projects outlined in the Justice Sector Strategic Plan.

The program supports gender equity through the requirement for equal scholarship distribution between men and women. Additionally, the program seeks to identify individuals in each organisation who have not completed secondary education, who wish to undertake further study. As girls are more likely to drop out of high school, it is anticipated this program will capture the women hindered by this early disadvantage and provide opportunity for rectification. HR managers in each of the institutions are co-ordinating the program with the facility staff and all participants will commence in 2011.

### **c. JSSF Team Management**

The Facility team has benefited in 2010 from stability in advisers, allowing deeper knowledge to develop about how to get results in Timor-Leste and more trusting relationships with counterparts. Compared to other programs and its extensive scope, the Facility has a lean management structure, and the Facility Manager is also regularly called on for advisory functions. There has also been a substantial consultative, planning and M&E workload for both the Facility, AusAID and the justice sector (eg. adviser review, National Priority Process, Informal Donor Working Group). This caused some pressures during 2010 and delayed performance evaluations of advisers, although they are now completed or awaiting final input. A range of management strategies were suggested throughout 2010 and will be implemented in 2011:

- further delegation of responsibility by the Facility Manager to advisers leading activities and by advisers to their team. Significant work has been done to redesign the budget reporting to match the activity structure from the 2011-12 draft plan. This will allow advisers to know, track and take more responsibility for activity expenditure in 2011-12, which will be critical given budget pressures leading to the end of the Facility.
- recruitment and training to ensure the Facility has its full administrative support staffing in place and performing to expectation; this will relieve what has been unreasonable pressure on the Finance and Administration Manager, Ghatot Kersohardjo who has nonetheless supported activities and partners exceptionally,
- reinforcement of administrative and management functions by the Program Co-ordinator, Hilary Goode, being placed in Dili for up to 5 months per year to assist with peak periods and support overall project management and reporting. This will ensure better information on activity costing and expenditure and help execute activities in what will be by far the busiest year of the Facility.

### **d. Planning, Monitoring and Reporting**

The Facility has continued to develop and submit its relevant plans and reports, conforming to its contractual requirements. The annual plan for 2011, also covering 2012 to give certainty and allow a clear focus on implementation in the final two years, has been prepared and will be finalised once an approach to budget pressures is determined. As mentioned previously, in addition to this current annual report, the Facility has submitted a 6-monthly monitoring report in July 2010 and an external evaluation report on the grants program in June 2010. While these two reports were not contractually required, the Facility team considered them necessary following the substantial discussions over the course of 2010 and consequential changes in the Facility mandate, structure and budget. The Facility has also submitted a revised Performance Management Framework to reflect these changes.

The Facility M&E Adviser has been so far used to support the planning and monitoring of Facility operations: several versions of the PMF have been prepared and M&E reports have been submitted six-monthly since the PMF was approved. There is now a growing consensus to shift the emphasis of the M&E effort from the Facility operations to the sector and its national counterparts. As a recent ODE report stated<sup>5</sup>,

“Monitoring and evaluation (M&E) systems need to be designed to fit country and sectoral realities. Rather than creating complex project level M&E systems, AusAID should aim to help governments establish their own simple and robust systems at the program or sectoral level. National frameworks for measuring performance, managed by government, should become the norm as aid moves to sector wide approaches.”

In this regard, the Facility should now support the planning secretariat to establish a logical M&E system for the JSSP, in close collaboration with the MoJ and UNDP. Since the Facility activities are derived from the JSSP, such M&E system would also cover support provided by the Facility. The IIMS could provide an entrance point to coherently and consistently generate and store information needed to monitor adequately the sector.

As the focus of the Facility M&E resource shifts towards the sector, the Facility advisers should continue to focus more internally on the monitoring of activities and in particular of initiatives which have potentially significant impacts on the delivery of and access to justice services. For instance the grants program and the IIMS should continue to be monitored closely and will benefit from proposed, specific evaluations as has been the case with the Grants program in 2010. The IIMS would benefit from the implementation of a robust monitoring framework as proposed in the 2011-12 Plan. In addition AusAID should invest in promoting and improving the visibility of its activities to increase the awareness of services providers, beneficiaries, donors and the general public about potential opportunities, good practices and positive news and impacts from the Justice sector in Timor-Leste. This would ensure continuous support for its mandate and strengthen the sustainability of its activities. Effort to better communicate on the justice sector in Timor-Leste should be pursued in a creative manner, calling on different media and targeting different audience, including service providers, beneficiaries, donors and the general public in Timor-Leste and Australia.

## **2.4 Sustainability**

Now in its third year, the Facility is well into the implementation phase of its life cycle, after an initial period of assessment, immediate intervention in institutions, capacity development in civil society, sector planning, priority setting and activity design.

The Facility’s approach to institutions has contrasted so far with its approach to civil society. In part this has been driven by the design which directed Facility resources to addressing immediate needs of the institutions: the Facility became busy helping institutions increase budgets, build infrastructure and develop policies. In contrast, in civil society, the Facility initially focused on developing partner capacity in governance, management and financial management, providing training and working closely on internal governance issues. The introduction of the grant program in 2010 was based on the ability of civil society organisations to demonstrate their competence. The result has been that grants could be disbursed for programs with very few

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<sup>5</sup> Australian Government – Office of Development Effectiveness, Service Delivery for the Poor – Lessons from recent evaluations of Australian Aid, November 2009, p. 5

instances of maladministration, and where there have been, these have been detected almost immediately and rectified.

Facility planning for 2011-12 was brought forward and a detailed workplan through to the end of the Facility, to allow a focus on implementation. The focus is clearly now on maximising impact, building local capacities and preparing for a transition at the end of the Facility in late 2012-early 2013.

As stated in previous reports, the Facility has adopted AusAID's stage model of capacity development as a measurement tool. The Annual Activity Progress Reports 2010 in Annex 1 presents an assessment of the capacity of Timorese partners' development stage for each output. The table below summarises the assessment. It shows an encouraging proportional increase of outputs categorised as "assisted" and "independent", when compared with the same table included in the report submitted in July 2010 (63% in July 2010 vs. 77% in December 2010). However, it must be noted that the Facility has withdrawn some support in the Courts and MoJ because of conflicts in the selection of advisers rather than because capacity targets were reached. In the case of the MoJ, this has not affected capacity as the adviser continues to perform strongly under UNDP's program and the national officials are competent and experienced, but the Courts have suffered and are now falling behind other justice institutions. This will only be rectified if the leaders of the Court recognise their current advisory support is not adequate and alternative strategies are required for building confidence and capacity in management and leadership.

**Fig 10 - Distribution of outputs per capacity development stage**

Component	Dependent	Guided	Assisted	Independent	Total
1. Institutional Development	1	3	9	3	17
2. Access to Justice	1	1	10	2	14

Some of the challenges that the Facility face in developing capacities include:

- At a sector level, there needs to be competent and committed resources to drive and coordinate the implementation and monitoring of the JSSP. While the development of a simple yet robust JSSP M&E framework could be supported by external assistance (e.g. JSSF M&E adviser), there needs to be some buy-in from counterparts and local resources need to be trained and committed to roll out the framework.
- At institutional level, capacity development needs vary greatly. As outlined previously, while the work of the JSSF HR team in different institutions has already reaped significant benefits in terms of systems and structures, good leadership is the key to ensure the right attitude and capacities are developed within each institution.
- At partner CSO level, the funds provided by the Facility have been adequately complemented by training in different vital organisational functions such as management, finance, fundraising, planning, monitoring, etc. Application of this training in practice will improve partners' accessibility to other funding sources.

With the completion of its third year, the Facility is now firmly into the second half of its mandate and as such has factored an exit strategy into its 2011-12 planning. This is even more important in a context where, despite continuous request and signs of appreciation from GoTL, future AusAID support to the Justice sector in Timor-Leste is planned to be reduced significantly from 2013. The strategy should clearly identify steps and actions to be taken to ensure benefits provided by the Facility support are sustained over the medium and long term. While the aim is to cover the sustainability of most if not all activities and outputs, a realistic approach needs to be

secured if it is to be effective. One way of doing this is to target the most important achievements of the Facility and ensure Timorese counterparts and partners are ready and capacitated for an effective take-over. In addition, AusAID and the Facility should keep an open dialogue with other donors and agree on effective division and complementarity of support, in the spirit of the JSSP, which captures locally the principles of the Paris Declaration and Accra Agenda for Action.

To inform this strategy and given the current timing of the Facility, the recent structural and budgetary changes and the uncertainty about future support to the justice sector, an external and independent evaluation in 2011 (meeting AusAID's corporate requirement for an 'independent completion report') is deemed necessary and would be welcome. Given the increasingly strategic dimension of the bilateral relationship and the technical nature of the sector, one suggestion could be to include representatives from the Australian Attorney General and Federal Courts or Australasian Institute of Judicial Administration in the evaluation team, or at least require the team to include relevant Australian stakeholders in its consultation process. This could consider the draft 2011-12 Plan in the context of Australia's broader interest and determine a program of support over the next 5-10 years, which starts in 2011 and treats the final two years of the Facility as transitional. This will create confidence in sector stakeholders and will avoid lost momentum if there is no gradual move from the Facility modality to a future one.

The 2011-12 draft Plan clearly identifies exit strategies in all activities. The asset register is currently being reviewed to develop a proper handover to partners. Given the significant assistance the Facility and the GoTL has provided to institutions with asset procurement, unallocated assets – which are fit for handover – are more likely to be donated to key civil society partner organisations who need them.





### 3. Update on areas of improvement from 2010

#### a. Update on recommendations from six-monthly report 2010

Recommendations for improvement in the 2009 Annual Report were addressed in the six-monthly report in July. The six-monthly report submitted in July 2010 identified several outputs which were at risk and required decisions:

Outputs	Cause of Delay	Options
1. Planning Secretariat established	CoC have not approved staffing	Continue Facility support until staffing approved; continue to advocate for staffing model
2. Justice Map prepared and submitted for approval by Minister	Dependent on Planning Secretariat	
3. MoJ assisted to develop information dissemination strategy (workshops, advice)	Shortage of capacity in MoJ; difficulties in engaging with MoJ Director; UNDP and TAF also delayed in engaging as principal partners	1. Withdraw from Activity, or 2. Agree with Director on resourcing and strategy
4. Improved materials disseminated by MoJ		
5. Community radio program broadcast weekly in Suai	Technical breakdown of equipment	Provide direct assistance to repair equipment and provide local capacity to maintain and repair

The Facility is increasing resources and returning to its previous lead support role for the Planning Secretariat but withdrew from support to the Directorate of Human Rights and Citizenship, in effect trading places with UNDP. The community radio equipment has been repaired but they now lack production expertise; there has also been no further contact about the construction of an additional relay tower in Maucatar to allow coverage of key target areas in Fatumean. The Suai Office will persevere with these initiatives.

#### b. Update on recommendations from Grants program evaluation 2010

The external evaluation report of the JSSF Civil Society Grants program (June 2010) suggested some recommendation to improve the grant scheme. The table below summarises progress made to respond to these recommendations.

Recommendations		Response
Capacity Development	Facility continues institutional strengthening capacity development through supporting ongoing training in project management, including finance and administration, proposal writing and strategic planning.	2010 was the last year for this institutional strengthening. The Senior Management Adviser, Civil Society, will focus on the five key partners.

	Facility supports the development of training for CSO partners specifically targeting skills in meeting facilitation and training delivery that particularly address strategies for encouraging the active participation of women in meetings and training events.	The Civil Society Team will develop this facilitation training in 2011, employing an outside facilitator.
Public Information Tools	Facility targets resources to further develop tools to support, and help standardise, CSO partner implementation specifically: a standardised training manual and annotated translations of relevant laws and procedures	The Adviser, Access to Justice, Policies and Programs, will develop this training manual in early 2011 (included as an output in 2011-12 Plan).
Standardised Program Reporting and M&E	Facility develops a standardised template for workplans and supports all CSO partners to revise their existing model to allow more empirical assessment of progress in the future.	The Civil Society Team worked with successful 2011 grant recipients to finalise their workplans before receiving funding in 2011. Some expected grant recipients (FTM and AATL) still need further assistance to develop their workplans.
Standardising an Approach on Mediation/Dispute Resolution	Facility works with its CSO partners engaged in supporting interventions in local-level disputes, particularly where these include violence against women, in order to ensure that appropriate procedures are being followed and adequate monitoring of these processes can occur.	The Civil Society Team has not advanced this recommendation. If we have time in 2011, we will work with partners FECM and FCJ to advance this recommendation.
Facility-Led Coordination	Facility work with formal-justice actors to try to support regular briefings with CSO partners to allow a two-way exchange of information.	This recommendation will be revisited in 2011 with judicial actors; exchange has been disappointing except locally through the Suai Steering Committee on broader issues.
	Facility increase efforts to provide forums for national and/or regional coordination between CSO partners for information sharing and to enhance future opportunities for collaboration.	The Adviser, Access to Justice, Policies and Programs, has worked with the grant recipients who are active members of the National Referral Network to advance this recommendation: JSMP VSS, Pradet, FCJ, Uma Mahon Salele. The new consultant in Suai will also work with the Suai Team to advance this recommendation in Covalima and Ainaro in 2011.

### c. Summary of Recommendations

DAC Criterion	Recommendations	Responsibility
Relevance	<ol style="list-style-type: none"> <li>1. That the Facility utilises its bridging role to further improve links between civil society and Government institutions in the sector, especially around case management, private lawyers and grants</li> <li>2. That AusAID reflects on how its justice sector support could fit in the country program beyond 2012, taking account of policy statements on the link between the justice sector, stability and MDGs</li> </ol>	<p>Facility Team</p> <p>AusAID</p>
Effectiveness	<ol style="list-style-type: none"> <li>3. That the Facility devotes targeted resources to the Planning Secretariat to regenerate momentum and reinforce the JSSP as the reference for stakeholders, while recognising that the MoJ has to ultimately resource and support the Secretariat (cf. R19)</li> <li>4. That management and leadership capacity development initiatives be supported and integrate case management</li> <li>5. That a mechanism to support greater interaction between Timorese Courts and colleagues in Asia Pacific on court quality and management issues be supported by the Facility</li> <li>6. That devolution of management to districts is supported in OPG and that training in districts is open to MoJ, PDO and Courts</li> <li>7. That a cost comparison of OPG residences versus MoJ and Courts be presented to CoC</li> <li>8. That AusAID encourages Justice sector stakeholders to exploit the transparency created by the IIMS project across the sector and related institutions and civil society organizations, the media, private legal practitioners and the general public are assisted to access such information generated by the justice institutions that is public record.</li> <li>9. That the policy/legal development required to define access to information be driven by the Information Management Working Group [Judges, Prosecutors, Defenders, Prison Admin, Police] and include civil society participation</li> <li>10. That the Facility and other partners support the process through advisors, funding, coordinating and facilitation of strategy development and through additional development tools to support the access to information by Civil Society</li> <li>11. That grants in 2012 shift to critical service delivery and monitoring as part of exit strategy</li> <li>12. That advocacy programs be integrated into Access to Justice Forum</li> <li>13. That manuals and training be delivered to improve consistency in application of DV Law and Penal Code as they relate to VAW</li> <li>14. That AusAID engages with the Vice Minister and ask him to actively seek MoH to support Forensic Protocol</li> </ol>	<p>Facility Team (in 2011-12 Plan)</p> <p>Facility Team</p> <p>Facility Team; Courts (in 2011-12 Plan)</p> <p>OPG, PDO, MoJ, Courts</p> <p>Facility Team</p> <p>AusAID</p> <p>Facility Team, MoJ</p> <p>Facility Team, Partners</p> <p>AusAID, Facility Team (in 2011-12 Plan)</p> <p>Facility Team, Partners</p> <p>Gender Justice Adviser (in 2011-12 Plan)</p>

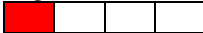

		AusAID
Efficiency	<p>15. That there be further delegation of responsibility from the Facility Manager to advisers leading activities and by advisers to their team.</p> <p>16. That the significant work done to redesign the budget reporting to match the activity structure from the 2011-12 draft plan be communicated to advisers to allow them to know, track and take more responsibility for activity expenditure in 2011-12</p> <p>17. That Facility's administrative and management functions be reinforced by the presence of the Program Co-ordinator being placed in Dili for up to 5 months per year to assist with peak periods and support overall project management and reporting, especially information on activity costing and expenditure.</p> <p>18. That the emphasis of the M&amp;E effort be shifted from the Facility operations to the sector and its national counterparts by supporting the planning secretariat to establish a logical M&amp;E system for the JSSP, in close collaboration with the MoJ and UNDP.</p> <p>19. That the JSSP Monitoring system be used to report on support provided by the Facility.</p> <p>20. That the IIMS be utilised to provide an entrance point to coherently and consistently generate and store information needed to monitor adequately the sector.</p>	<p>Facility Manager</p> <p>Facility Manager, Finance and Admin Manager, Program Co-ordinator</p> <p>Program Co-ordinator</p> <p>M&amp;E Adviser, Facility Manager, MoJ, UNDP</p> <p>Facility Team, Planning Secretariat Facility Team, MoJ</p>
Sustainability	<p>21. That the grants program and the IIMS continue to be monitored closely and through proposed specific evaluations as has been the case with the Grants program in 2010</p> <p>22. That AusAID invest in promoting and improving the visibility of its activities to increase the awareness of services providers, beneficiaries, donors and the general public about potential opportunities, good practices and positive news and impacts from the Justice sector in Timor-Leste.</p> <p>23. That capacity development efforts focus on management and leadership development with practical applications built into initiatives.</p> <p>24. That civil society partners be encouraged to show how they have applied governance and management training to attract funds from donors.</p> <p>25. That the Facility implements the exit strategy incorporated into its 2011-12 planning, recognising clearly that, despite continuous request and signs of appreciation from GoTL, future AusAID support to the Justice sector in Timor-Leste is planned to be reduced significantly from 2013.</p> <p>26. That the exit strategy be defined in more detail over the year to identify steps and actions to be taken to ensure benefits provided by the Facility support are sustained over the medium and long term.</p> <p>27. That the Facility and its partners target the most important achievements of the Facility and ensure Timorese counterparts and partners are ready and capacitated for an effective take-over.</p> <p>28. That AusAID and the Facility keep an open dialogue with</p>	<p>Facility Team, UN (re IIMS evaluation)</p> <p>AusAID</p> <p>Facility Team</p> <p>Component 2 and Partners</p> <p>Facility Team, FMG</p> <p>Facility Team, FMG</p> <p>Facility Team, FMG</p>




	<p>other donors and agree on effective division and complementarity of support, in the spirit of the JSSP, which captures locally the principles of the Paris Declaration and Accra Agenda for Action.</p>	AusAID, Facility Team
	<p>29. That an external and independent evaluation in 2011 (meeting AusAID's corporate requirement for an 'independent completion report') proceed in 2011, to examine the potential for future AusAID support to the sector after the Facility while recognising the increasingly strategic dimension of the bilateral relationship and the technical nature of the sector and including representatives from the Australian Attorney General and Federal Courts or Australasian Institute of Judicial Administration in the evaluation team, or at least require the team to include relevant Australian stakeholders in its consultation process.</p>	AusAID
	<p>30. That assets identified as suitable for handover be donated to key civil society partner organisations who need them.</p>	Facility Team, FMG


## Annexes





## Annex 1 - Annual Activity Progress Reports 2010







Activity Groups	Outputs	Progress towards achievement of outputs	Description of level of capacity (see summary of categories at end)	Achievements against capacity development target (cumulative)	On target ?	Comment/Actions required
1.1 Support to Implementation of the Sector Strategic Plan	Planning Secretariat established	<ul style="list-style-type: none"> <li>Approval of the Justice Sector Strategic Plan by the Council of Coordination 12. 02.2010 and by the Council of Ministers 31.03.2010 (PPT presentation prepared for Minister). The Strategic Plan includes as objective 1.1.1. the establishment of the PS.</li> <li>Drafting of initial ToR for the PS and discussions on this with the new Director General(DG)of the MoJ. Consideration of the initial ToR by the CoC on 7<sup>th</sup> May 2010 and drafting of new options as requested by the CoC in cooperation with the DG.</li> <li>Drafting of general brief which was circulated with minutes of the informal donors meeting in May- in order to clarify the role and functions of the PS (discussed with DG).</li> <li>Inclusion of PS staff in the 2011 Annual Action Plan of the MoJ.</li> <li>Development and initial training of MoJ and Facility staff in SIPE (Systema Informasaun Planu Estrategiku)</li> <li>National Priority Process reporting supported for each quarter</li> <li>The Council of Coordination approved the Terms of Reference regulating the mandate, structure, and human resource planning of</li> </ul>	Dependent 	<ul style="list-style-type: none"> <li>CoC meetings in February and May. Minister's decision in March to ensure a working space for the PS in the Ministry.</li> <li>Discussions on initial PS ToR with the Minister and the new Director General(DG)of the MoJ. Discussion of Options requested by CoC with DG.</li> <li>Discussions with the DG on further involvement of DG staff in PS work and organisation by DG staff of the launch workshop set for June.</li> <li>Secretariat meetings with DG and DG staff.</li> <li>Creation and use of a Planning Secretariat e-mail address through the MoJ webmail.</li> <li>Confirmation of role of PS with new Vice Minister</li> </ul>		Recruitment is currently difficult through the Civil Service Commission. Greater understanding by the CoC of the importance of the PS could be achieved through individual meetings.

		<p>the Planning Secretariat (PS).</p> <ul style="list-style-type: none"> <li>• Terms of Reference for the recruitment of the PS staff have also been developed and it is expected they will be advertised during the 4<sup>th</sup> quarter.</li> <li>• The budget for the payment of the staff is foreseen in the Fiscal Year of 2011</li> <li>• Matadalan (SOPs) developed for PS.</li> </ul>				
	Support for Annual Planning in each institutions ensuring consistency with sector plan	<ul style="list-style-type: none"> <li>• MoJ Annual Action Plan considered the Strategic Plan. Meeting held with DG and all directorates on new AAP format and consistency with Strategic Plan.</li> <li>• Checklist/overview drafted covering all MoJ directorates and identifying key strategies and objectives of the Strategic Plan relevant to 2011 (Camilla )</li> <li>• Support has been given and formal training delivered on this to OPG staff.</li> <li>• AAP prepared and delivered to the office of the PM.</li> <li>• In the Courts support has been given and AAP prepared with the local staff and other advisers.</li> <li>• For both institutions, it was ensured that main activities were included.</li> <li>• MoJ AAP for 2011 prepared and submitted to PM office.</li> <li>• Courts AAP for 2011 also prepared (including Audit Court).</li> </ul>	<p>OPG Guided</p>  <p>Courts and MoJ Assisted</p> 	<p>Staff in OPG is doing AAP for the first time and still need a lot of support although they already understand the concepts.</p> <p>In general, MoJ directorates have reach a medium level of capacity in terms of drafting his own AAP. However, the constant changes of AAP templates add some difficulties into the process In addition, this year the process was based on the recent approved JSSP, hence preliminary work sessions were held to guided directors on the preparation of its owns AAP.</p>		<p>The Facility is now only engaged with OPG on annual planning.</p> <p>The Courts are able to complete their annual plans but the lack of a broader medium term plan is slowing reform in the Courts.</p>
	Justice Map prepared and submitted for approval by Minister	<ul style="list-style-type: none"> <li>• Information gathered in overview of justice sector actors and distribution in judicial districts. This information is relevant for the further elaboration of the Justice Sector Map.</li> </ul>	<p>Dependent</p> 	This is linked to the Planning Secretariat establishment.		





	including deconcentration strategy	<ul style="list-style-type: none"> <li>• Very basic model illustrating the core idea of the Justice Sector Map drafted.</li> </ul>				
	Coordinated Case Management System (CMS) and respective procedures established in the OPG, Courts, OPD, Prisons and PNITL – see detailed project plan – OPG implemented in 2010, others commenced	<p>At the end of the third quarter, the Case Management System (CMS) is functional in the OPG Headquarter. The other justice institutions are setting up their own CMSs which are expected to be fully functional next year and operate in an integrated manner.</p> <p><b>Tribunal.</b></p> <ul style="list-style-type: none"> <li>- The IT Unit for the Courts has been established, new 6 IT national staff have been recruited and are already being trained on Case Management Systems, Network and Infra-Structure.</li> <li>- A Project plan specific for the Courts is still being negotiated, with the Facility requesting that a Timorese judge lead the project team.</li> </ul> <p><b>OPG.</b></p> <ul style="list-style-type: none"> <li>- The system for OPG became active and functional in Dili on 23 September.</li> <li>- Other OPG district offices will start using it over the next 2 months.</li> </ul> <p><b>OPD.</b></p> <ul style="list-style-type: none"> <li>- The project plan for the OPD has been approved and signed by the Public Defender General.</li> <li>- The workflow and automation of the system is being developed. The</li> </ul>	<p>Guided</p>  <p>While this project has significant Timorese input, it remains heavily dependent on external support.</p>	<p>The Project Plan established a timetable beginning on April 1, 2010. Due to the time taken by the Council of Coordination in approving the project, June 1, 2010 is the commencement date of the time line. The project is expected to be completed by August of 2011 and is still on target. PNITL is ahead of schedule due to the availability of work product in investigations management and incident management. The IT Group is meeting weekly and adding representatives as the IT departments are established. The User Group will be made up of the institutional design teams as they are established under the individual Project Plans</p>		<p>The sustainability strategy is based upon the capacity of the Timorese institutions to manage the programs themselves both from the functionality and technical operation. The User Group will need the structure of the MOJ Planning Secretariat to be sustainable. The IT Group will need the full recruitment of staff in all institutions as quickly as possible.</p> <p>There are concerns expressed that critical training of IT staff did not begin as planned in mid-July 2010. Delay in establishing and recruitment of IT departments in each institution will diminish the impact of the training in the early phases.</p>



		<p>criminal module is at an advanced stage, while the civil module still needs more clarification regarding the law. It is expected to be finalized by mid-October.</p> <ul style="list-style-type: none"> <li>- A mock-up demonstration of how the system functions has been presented to the Public Defender General and other members of the team by the development company, and approved.</li> <li>- The system is expected to go online on March/2011.</li> </ul> <p><b>Prison.</b></p> <ul style="list-style-type: none"> <li>- The project plan for the Prisons has been approved and signed by the Director of Prisons.</li> <li>- The workflow / case-flow identification and definition are in process of definition and development.</li> </ul> <p><b>PNTL.</b></p> <ul style="list-style-type: none"> <li>- The project plan specific for the PNTL has been presented to the Police General Commander, but still needs some adjustments and requests for inclusion of other items such as inventory and HR management.</li> <li>- The workflow/case-flow for the modules of Investigation and Incident Management are being developed with UNPol and TLPDP.</li> <li>- The IT Unit of the PNTL is already</li> </ul>				
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		<p>receiving training on the Systems, Network and Infra-Structure part.</p> <ul style="list-style-type: none"> <li>- The system is expected to go online March/2011.</li> </ul>				
	Capacity development strategy developed for sector	<p>DG MoJ accepted strategy.</p> <p>Capacity Development Plan submitted to planning secretariat for inclusion into CoC meeting agenda.</p> <p>Plan discussed with institution heads.</p> <p>Qualifications Sponsorship Program has been designed to meet initial gaps in sector qualifications. Implementation commenced.</p>	<p>Assisted</p> 	<p>Extensive consultation and input from advisers and counterparts in all institutions and professional groups in the sector.</p> <p>Qualifications Sponsorship program is being managed through HR departments in each organisation.</p> <p>Implementation phase necessitates greater direction from HR Adviser as HR departments not managed process of this kind before.</p>		Continuing to consult on plan. UNDP are currently making suggestions for change. Commencing with Qualifications Sponsorship program shows capacity development plan in action helping to promote plan
	Leadership and management development program for sector focusing on HR, project management & communications (personal and institutional)	<p>Leadership and HRM program has been attended by two pilot groups of sector managers. Feedback provided and Dili program designed. Delivery in Dili proposed for Jan, April and July 2011.</p> <p>Leadership and Management Program for Prisons requested by Minister. Visit to SA Corrections, Australia for program design planned for January 2011.</p>	<p>Guided</p> 	<p>Program being co-led by Timorese adviser. Program Pilot group of Sector HR leaders reviewed program content for customised Dili delivery of program.</p> <p>Prisons co-ordinator to be nominated to work on project with Prisons Director and HR Adviser</p>		




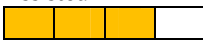
	Sector approach to infrastructure development in districts commenced	Completion of residential buildings for PD, OPG, and Courts are reaching completion in three districts. That will provide the basis for designing an efficient plan for coordinating future infrastructure construction in across the sector	Assisted  but using Timorese staff of the Facility.	The main achievement to date is the completion of similar buildings in three institutions but using different systems for project planning and implementation and very different costs. The Facility has retained the services of in-house engineers to help the institutions design and project manage construction.		The MOJ, Courts and OPG need to commit time to the development of a coordinated plan as part of the implementation of the strategic plan thematic area number 4. The Facility will concentrate on specific projects requested by counterparts.
<b>1.2 Support to Institutions</b>	Support for Annual Planning in each institutions ensuring consistency with sector plan	<p>Support has been given and formal training delivered on this to OPG staff. AAP prepared and delivered to the office of the PM.</p> <p>In the Courts support has been given and AAP prepared with the local staff and other advisers.</p> <p>For both institutions, it was ensured that main activities were included</p>	Guided for the OPG and assisted for the Courts. 	Staff in OPG is doing AAP for the first time and still need a lot of support although they already understand the concepts.		<p>Due to cuts in the budget, reviewing of the AAP was needed.</p> <p>Now only engaged with OPG.</p>
	Procurement and Financial Management Manuals consistent with MoF Manual	<p>Financial procedures were prepared and training was delivered in OPG. They are now being implemented.</p> <p>Procedures intend to facilitate improved work, but also avoid corruption.</p> <p>Internal procurement procedures were designed for OPG to facilitate workflow and training of new staff.</p> <p>Only one person in the OPG Procurement Department, it is hard for him to keep up with all the work and training. Recruitment</p>	Assisted 	Staff understand new procedures and are implementing them.		




		<p>should be done and more training delivered.</p> <p>No longer engaged with Courts</p> <p>In OPG institutional capacity was developed, but some staff still needs individual training, especially in terms of leadership. Issues arise more from personality problems than technical problems.</p>				
	Dissemination and training to support financial delegations in CJIs and relevant staff in CJIs trained in Free Balance and MoF requirements (requires MoF input)	<p>Freebalance access arrived to OPG only in May and still doesn't work in the Courts. Training was requested to MoF and support is being given by the adviser. Some of the OPG staff had training in the past and are now working with FB.</p> <p>MoJ finance &amp; procurement staff trained. Free balance fully implemented in MoJ. Financial delegation in MoJ is postponed.</p>	<p>Independent</p> 			
	Procurement Plans for each institution	<p>New staff in OPG never did procurement plans, but on the job training is being delivered and basic concepts are understood.</p>	<p>OPG Assisted</p> 	With the support of the adviser, staff will finish and execute 2010 procurement plans		No longer engaged with Courts
	Organisation structure and position descriptions prepared for all institutions	<p>All institutions have organisation structures. Position Descriptions being developed by HR staff with support from Facility HR team.</p>	<p>Assisted</p> 	The recruitment of HR teams in all institutions have provided staff to work with Facility team on the development of position descriptions.		
	HR Units complete	<p>All institutions have personnel nominated or recruited to HR roles. All institutions have</p>	<p>Independent</p> 	Most recruitment done independently by HR departments		Recent declaration by Prime minister for freeze





	remaining recruitment to approved structures in all institutions	undertaken recruitment and have plans for further fulfilment of structures when budgeting or other legislation allows		to legal process.		on recruitment of civil servants has slowed opportunity for recruitment in 2011
	HRM manual for sector, including policies, strategies and operating procedures consistent with CSC Manual	Training commenced in procedures for position descriptions at OPG. Advisory support in procedures commenced in Courts. Draft HR Manual still being distributed in all areas to provide support and greater understanding or law.	Assisted 	Training program delivery format providing opportunity for discussion on HR procedures at organisational level. It is hoped this approach can be undertaken in other institutions when they are ready.		
	English training program for prosecutors delivered (with US State Department)	The training manual and ToT was completed with the assistance of 2 Professors sponsored by the US State Dept. A successful launch was held with presentations by the Prosecutor General US Ambassador and Australian Ambassador, 50 people attended with significant, positive, media coverage. Recruitment of teachers completed and support provided by Facility to implement and monitor grant. Training is on target. Training held each day divided into 2 classes one for advanced English and one for basic English. Prosecutors & Investigators attend joint sessions. After a letter from the PG to the US and Australian Ambassadors expressing concerns, an urgent meeting was held and concerns were clarified. The PG and Director of the OPG have now expressed their confidence in the Project to date. An	Assisted 	40 Prosecutors and Investigators in training, substantially increasing their capacity for Judicial English. Now also delivered in Suai.		Advanced training in 2011 will be required for basic level training attendees from 2010. Advanced graduates from 2010 will no longer need Facility support. OPG should be able to fund in 2011-12.


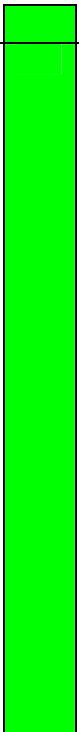
		additional training course has been established for Prosecutors & Investigators to be held in Suai, upon request of PG due to distance.				
	Dili district prosecutor complex commenced	A design has been completed by the engineer and adjusted to fit the new site funding has been arranged by the PG	Assisted <div><div></div><div></div><div></div><div></div></div>	The PG is fully engaged with the Facility engineers, OPG staff and Facility staff in the planning and execution of the project		Facility engineer no longer needed but Finance Adviser needed to review payments
	Implementation plan for the Chamber of Auditors (first phase of HATAC)	Removed at 6 months review				
	Preparation of deconcentration strategy for Courts	Removed at 6 months review				
	Create the Real Estate Financial Fund (FFI) to ensure implementation of the Land Law – MoJ	Removed at 6 month review				

<b>2.1 Suai component of the Access to Justice Program</b>	Steering Committee meetings held every month in Suai	Steering Committee meetings have continued with the exception of one or two months.	Assisted  By Timorese Activity Manager	Steering Committee members run the meetings but use the support of the Facility staff and office		
	Community radio program broadcast weekly in Suai	Programs broadcast in January but community radio suffered technical breakdown which has now been resolved. However no production staff in place. Now paying casual production staff to produce programs and going to air in December. Steering Committee approved investment in radio tower but not yet organised by Community Radio.	Assisted  By Timorese Activity Manager	Good content developed by interviewing local judicial actors and adding content developed by Facility in Dili with partners		Follow up on community radio
	Mobile courts and mobile legal clinics held in different locations, along with community information sessions	Held in Same and Maliana once each in 2010. Maliana heard 7 cases and was attended by 100 people. Good media coverage and public feedback.	Independent 	Only funds provided by Facility		Paper on National approach still being considered by stakeholders
	Grants implemented in Suai area and recipients supported	All grants implemented and HLT and CJC accepted for continuing in 2011. Uma Mahon Salele funding is continuing in 2011 and 2012.	Assisted 	Much improved and on target with Financial Governance training in June		One issue that has arisen is the need for a standard training manual on domestic violence and sexual assault, in order to ensure consistent and correct information is being provided. Also,







Hope Centre  
Salele; DSTL;  
HLT; CJC


					probably need to provide training of facilitators to provide more effective training
	Regular monitoring and reporting on OPG, Courts and PDO (and community) activity and issues in Suai	This is considered part of regular reporting so no longer and output			
2.2 Civil Society organisational development and promotion of justice	Governance & management training extended to districts & finance and fundraising training undertaken	<p>Governance and Financial Management and Management training continued in 2010 including districts Oecusse, Baucau, Suai. Attempted introduction of Financial Management training to MOJ Human Rights Unit in 2010. Nationwide over 60 district NGOs have received training Fundraising training commences November and partner selection criteria has been established for national partners to deliver training in 2011.</p> <p>While the Facility is continuing to reach new targets and roll out fundraising as a new module, the majority is now done through ToT in institutions. New partner/grant recipients will receive Governance training on completion of Grants approval process in December.</p> <p>Fundraising Training conducted in December as well as financial management training to all grant recipients.</p>	<p>Assisted</p> 	<p>Improvement across the board is significant with many NGOs implementing governance practices in their Organizations not previously practiced and most NGOs have contacted and sought approval from the Justice Facility for any budgetary changes, not previously practiced in the main prior to training provided by Facility.</p> <p>Significant progress in Financial Management and Governance was demonstrated in the 2010 grant application process. Particular focus on Governance was provided to Pradet including Facility participation in the Pradet Strategic Planning process. Significant mentoring needs to be ongoing in 2011.</p>	Shift of focus to key partners in 2011.







	Regular co-ordination workshops and meetings for CSO, Donors and GoTL	While donor meetings have continued these are now restricted to key partners and to resolve funding overlaps with grants				
	Grant recipients trained on finance and performance management (M&E) requirements of Facility	All grant recipients have received and completed Finance and M&E training, support is ongoing/daily for queries and support in reporting. Financial Management All finance staff of Facility grant recipient NGOs (19) have received training and an anticipated equal number again by year end. Completed training and in the main independent to report. A refined M&E template has been designed with additional training to be delivered to all grant recipients on workplans and monitoring outputs.	Independent 	Vast improvement in all areas of financial reporting and management. NGOs are reporting to the Facility prior to making budget adjustments and some NGOs have invited the Facility to their annual planning for 2011.		Continue follow up assessment 2 weeks into next round of grant implementation. Focus for 2011 will be on key partners and planning meeting is to be held in November with all key partners participating, including their Boards. Need to identify M&E specialist for 2011 and further discuss with Laurent training manual for M&E for Civil Society partners.
	Advice provided to CSOs & AusAID on proposal preparation	Substantial changes made to grant proposal format in 2010. Standardised proposal form designed, including workplan, standardised budget, and schedule of activities. Civil Society Team provided trainings to NGOs on how to fill in the forms in Dili x 3, Suai, Same, Maliana, Oecusse, and Baucau. We received a total of 53 proposals. 17 proposals to be put forward for support for 2011.  Significant changes need to be made for grant process in 2011 and it is advised to continue to support existing partners only, subject to	Assisted 	Advised a new proposal template with training for NGOs for next round of funding		

		their agreed outcomes and governance.			
	Procurement of further grants	Recruited Caritas to support several smaller activities and monitor NGO finances. Increased and coordinated funding from UNFPA to secure services for VSS and plan for JSMP future premises.	Dependent 	At this stage the Grants Scheme is being supported within the Facility, with input into decisions by stakeholders. It is a highly successful scheme and an alternative needs to be determined before the Facility ends. (See discussion on sustainability and risks in transition – in 2011-12 Plan)	 Continue to demonstrate to donors the value in co-funding. By end of 2010 it is expected the Facility will have more multi donor funded activities. Whilst difficult to be definitive, UNFPA, Irish AID, TAF, NZ Aid and HIVOS have committed in principle to joint funding of activities. A significant amount of time has been dedicated to coordinating with other donors the budgets for those NGOs supported by the Facility for 2011 with multiple donors. Focus on IT fundraising for key partners and liaison methods with donors outside TL. Only provided to key partners.
	MoJ assisted to develop information dissemination strategy (workshops, advice)	UNDP now working with MoJ in this area. Facility withdrew after 6 months review.			
	Improved materials disseminated				



	by MoJ				
	Grants implemented and recipients supported (JSMP, CTI, Ciestl, FFSO, FTM)	All grants implemented, significant growth in NGO accountability to Justice Facility as the donor. Regular support/training on finances, and management. All completed. Significant improvement. Forum TM had to adjust their workplan, via the outputs of newsletter due to staff number capacity.	Assisted 	All NGOs have reached their target, Forum TM have adjusted outputs in journal/newsletter from monthly to quarterly.	 All grants/activities will be completed or have received second year funding from Facility. All areas of Facility training will have been received by grant recipients and regular mentoring for completion of annual support plan.
	Strategic Plan for AATL	Clarified and confined Mission of AATL and commenced Strategic Planning. Survey to AATL membership re training needs completed, which was a priority survey for Strategic Planning process. On target with draft of Strategic Plan in principle Completed consultations, final draft delegated to Director upon appointment and completed. Planning sessions, for AATL Executive, staff and membership a planning workshop is scheduled for Feb 2011. Recruitment of Director, Finance Advisor and Communications Manager is stage one of planning and survey to membership which has been completed. AATL is on track. Workplans and TOR for all staff to be assessed in February planning workshop. A planning workshop for all key partners, including Boards, is to be held at the Facility in November.	Assisted 		 Incorporate Strategic Planning into AGM. Strategic Plan will be implemented and timeline on target. AATL will continue to need administrative and training support 2 years. Facility will support new staff and planning committee for Bar assoc. Reassess plan mid 2011 for directional changes as a result of increased staff capacity.
	Permanent staff established for AATL including	Justice Facility completed TOR for Director and National Communications and Publications Coordinator and TOR was approved by the Board of Directors, positions to commence July. Justice Facility Finance	Assisted  in terms of technical capacity and still dependent	On target with Facility providing support to the implementation of the Director role.	 Continue to work at a Board/Planning Level TOR completed positions expected to commence July. All new staff

	Director and Finance Manager	and Admin Manager to commence with AATL in July 2 days a week to build capacity of current finance and admin staff. Some delay in commencement of Director position due to absentee of Chair. Understanding of needs for and duties of new staffing has shifted considerably and AATL now have a clear understanding of the Organizations Mission and the role of the Board. Director for AATL recruited in addition to Finance Manager, IT Specialist and Female lawyer. Facility was represented on the Recruitment panel and provided worksheets for recruitment exams. AATL with support of Facility have secured office space for Bar Assoc and are currently designing criteria for AATL scholarship fund, to be implemented in 2011.	on facility finance			recruitment will be completed prior to the end of 2010. Significant increase in staff capacity in finance and Management will be achieved by end 2010, however, further mentoring for staff will be needed for 2011. Increase access to training for AATL staff and have staff deliver to membership. Quarterly IT newsletter to be introduced.
<b>2.3 Addressing violence against women</b>	Grant to AATL implemented and supported	Grant implemented, first financial and activity report successfully submitted with additional funding for Chair to attend Macau and Indonesia Bar Association conferences. Support to finance staff and Chair has shown significant increase in understanding of the roles of staff, Board and the Association. Drafting of Strategic Planning for the next two years has assisted the Association in defining roles and activity plans. An overall commitment of the Association to establishing an Independent Bar has been achieved.	Assisted 	Grant for Association costs was implemented and reported against. Grant for training implemented and reported. Delays in Lawyer Training grant reporting was due to delays from TAF, not, AATL. Significant increase in financial reporting by AATL has been noted.		The 1 <sup>st</sup> round of activities and funding will be acquitted by the end of 2010 with significant input from Facility. AATL will need minimal assistance for grant acquittals at the completion of 2010. Proposed grant for 2011 has been approved, Facility will work closely with AATL and Board to coordinate program outcomes, implementation of Strategic Plan and design of annual report in 2011.
	Final approval	Safe House criteria and procedures have been	Dependent			Gender justice policy

	of gender justice policy (including Safe House criteria and procedures)	developed, distributed and comments have been received and incorporated. The gender justice policy has been drafted and comments received. A workshop is being held in January 2011 to finalise the policy.				should be completed by February 2011.
	Support to improvement of infrastructure and facilities to meet Safe House standards prescribed in policy (\$500,000)	Extensive discussions have been held with PRADET and basic designs have been agreed upon for Fatin Hakmateks (safe-rooms) in each of the referral hospitals. Adviser has assisted PRADET to draft a new MOU with the Ministry of Health regarding the work of the Fatin Hakmateks. Letters have been sent to the Ministry of Health from the Justice Facility and the Minister of Health to propose the construction of Fatin Hakmateks in each of the referral Hospitals. We have had one meeting with the Ministry of Health about this proposal.	Guided 			Need to get agreement from the Ministry of Health, in writing to go ahead with the proposal to build Fatin Hakmateks at each of the referral hospitals. Once this agreement has been obtained, need to draft more complete design documents, and go to tender. Following tender process, need to choose companies to build at each of the referral hospitals (Oecussi will be first district) and need to commence construction. Need to have ongoing discussions with Ministry of Health, AusAID and other donors regarding future support for the management and staff of the Fatin Hakmateks.
	Training program developed and delivered with CARITAS/A	Extensive work with Caritas/AMKV to prepare for program. We have received a proposal from CARITAS/AMKV to conduct trainings and consolidate their networks in 8 districts.	Assisted 	Preparation work almost complete.		Need to amend draft AMKV training manual to make it more applicable to Timorese communities. Need to amend proposal

	MKV through grants network to men to reduce violence against women	We have met with Irish Aid which also funds AMKV to discuss joint funding in 2010 to 2011.				and budget in light of existing Irish Aid funding and sign with CARITAS and AMKV. Caritas to date have not recruited Director replacement and have appeared to struggle since early 2010 with their capacity. Facility will need to work closely to support staff within Caritas supporting AMKV. It is suggested AMKV recruit their own Finance and a Manager with English/Tetun language skills to move forward their growth in capacity, rather than depend on Caritas.
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## Stages of Capacity Development

Dependent	Guided	Assisted	Independent
The adviser controls the particular work function and may do most of the work, takes the decisions or is highly influential in the decision-making process. This is typically the case when an adviser is appointed to an in-line position, or where capacity for particular functions is very low.	The adviser still has a high level of control, but counterparts can undertake the straightforward elements of the function under supervision or guidance. Staff may not be fully aware of the full function – they ‘may not know what they don’t know’ – and may not be aware of the need to follow through and take responsibility for ensuring the process or function is fully completed.	Counterparts are now taking prime responsibility for the function, can handle most of the complex aspects and know when they need to ask for assistance. The adviser’s role is more one of support, with occasional reminders and prompts to follow through, and occasional higher levels of support for new situations or for infrequent events (such as preparing an annual budget).	Counterparts are now fully competent to do the whole function. They may still use an external adviser for highly technical work that occurs only once a year or on an ad hoc basis. This is similar to bringing in external consultants as needed, a common practice in developed countries if it is more cost-effective to ‘buy in’ the capacity rather than develop it in-house.

Source: AusAID (May 2006) A Staged Approach to Assess, Plan and Monitor Capacity Building, AusAID, Canberra, p. 4.

## Annex 2 - Summary of HR situation in each institution

Achievements	Challenges	Ways forward
<b>Ministry of Justice</b>		
<ul style="list-style-type: none"> <li>Recruitment against vacancies good</li> <li>Strong representation and interest in sector wide HR initiatives at Director General and National Director level Including participating in the:</li> <li>Capacity Development plan</li> <li>Scholarships program</li> <li>Leadership development program (National Director participated in pilot)</li> <li>Director General undertaking Masters program funded by facility</li> </ul>	<ul style="list-style-type: none"> <li>Largest institution in sector with entrenched HR practices, which require significant commitment by HR practitioners to drive change</li> <li>HR practitioners dispersed amongst directorates, making unity more difficult.</li> <li>No facility HR staff on site to support day to day HR operations.</li> </ul>	<ul style="list-style-type: none"> <li>Sector wide HR group meetings/initiative that bring all practitioners together</li> <li>HR specific training and development initiatives that build the 'profession' of HR</li> <li>Leadership and HRM training</li> </ul>
<b>OPG</b>		
<ul style="list-style-type: none"> <li>Restructure of HR department</li> <li>Significant recruitment undertaken to organisation structure vacancies</li> <li>Training program in Dili and districts undertaken with management and staff for development of position descriptions</li> <li>New procedures developed eg. Contract assessment and renewal.</li> </ul>	<ul style="list-style-type: none"> <li>HR Director newly recruited and staff have been transferred to HR Directorate without any experience in the area;</li> <li>Senior leadership doesn't understand HRM and HRD within the institution;</li> <li>There is no director general or senior manager with HR accountability limiting support.</li> </ul>	<ul style="list-style-type: none"> <li>Sector wide group;</li> <li>HR specific training and development initiatives</li> <li>HRM and Leadership Training</li> </ul>

Courts		
<ul style="list-style-type: none"> <li>Finalization of organizational structure</li> <li>Recruitment of vacancies to new organisation structure including HR staff</li> <li>Alignment of staffing profile and budget to organizational structure</li> <li>Implementation of HR practices including leave records and PMIS</li> </ul>	<ul style="list-style-type: none"> <li>Lack of support from judicial staff for new civil service positions (including HR) makes the implementation of new roles very slow.</li> <li>HR staff are newly recruited with very low HR skill and knowledge.</li> <li>Lack of computer for HR staff</li> </ul>	<ul style="list-style-type: none"> <li>Join in more Sector-wide HR practitioner meetings and initiatives</li> <li>HR specific training and development initiatives</li> </ul>
Legal Training Centre		
<ul style="list-style-type: none"> <li>Completion of Organizational Structure</li> <li>Completion of position descriptions</li> <li>Planning undertaken for the way forward in capacity development</li> <li>Director and Chief of Administration (HR) undertaking Masters program funded by facility</li> </ul>	<ul style="list-style-type: none"> <li>Difficulty in gaining funding and support from Ministry of Justice Senior Management for recruitment to organizational structure</li> <li>Institution mostly supported by UNDP and Portuguese co-operation with facility role not clear.</li> </ul>	<ul style="list-style-type: none"> <li>Provide HR specific training to Chief of HR and utilise sector wide HR initiatives to provide learning and networking with other HR directors</li> <li>Recommendation for Corporate services adviser</li> <li>Leadership and HRM training</li> </ul>
Public Defenders		
<ul style="list-style-type: none"> <li>Interest and participation in sector wide HR initiatives</li> </ul>	<ul style="list-style-type: none"> <li>HR support provided by USAID so not direct relationship</li> </ul>	<ul style="list-style-type: none"> <li>Join in more Sector-wide HR practitioner meetings and initiatives.</li> <li>HR specific training</li> </ul>
Prisons		
<ul style="list-style-type: none"> <li>Facility designing Leadership program for Prisons with SA Corrections</li> </ul>	<ul style="list-style-type: none"> <li>Donor support primarily with UNDP, new relationship with Facility</li> </ul>	<ul style="list-style-type: none"> <li>Join in more Sector-wide HR practitioner meetings and initiatives</li> <li>HR specific training</li> <li>Leadership and HRM training</li> </ul>



## Annex 3 - Grant summaries

The following boxes summarise some of the projects funded in 2010 through the Facility Grants Program:

**1. PRADET Timor Loro'sae** received three grants, totaling US\$ 144,733.60 for activities including:

- provision of training to prisoners on links between alcohol and violence to reduce reoffending
- psychosocial training for women, children and their communities in Baucau, Ermera and Viqueque
- medical forensic examination training of medical staff in the districts

PRADET commenced the development of a draft Medical Forensic Protocol for children and adults in 2004 in close co-ordination with the Ministry of Health and the Office of the Prosecutor General. The Medical Forensic Protocol was completed in early 2010 and has been printed in three languages (Tetum, Portuguese and English).

Currently PRADET's program Fatin Hakmatek is the only service providing medical forensic examinations for people who have experienced domestic violence, sexual assault and child abuse. The forensic service is provided by a pathologist from Cuba but does not include medical treatment or any capacity building of Timorese health workers. In 2009 the new Prosecutor-General, Dr Ana Pessoa indicated that she would like to see Timorese health workers trained and certified by the Ministry of Health as capable of performing medical forensic examinations, writing expert reports and giving evidence in Court.

In 2010 the Justice Facility funded an international medical practitioner at PRADET commenced training of district health workers from the five referral hospitals and HNGV. It was expected that this training would be completed by the end of 2010. However, PRADET is currently awaiting accreditation from the Ministry of Health for this training, and the Justice Facility has agreed to a no-cost extension of this activity until August 2011

**2. Judicial System Monitoring Program (JSMP)** received two grants totaling US\$ 178,159.00 for activities including:

- provision of legal services to the victims of domestic violence and sexual assault from the Victims Support Service, and for the expansion of this service to Suai and Oecusse;
- legal education, court monitoring, and provision of public information about the formal justice system

**3. Salele Safe House** for Victims of Violence (Holy Spirit Sisters) received three years funding totaling US\$150,375.00 for activities including:

- Salele safe-house to provide protection to female victims of violence
- Hope Centre providing counselling and assistance for families with problems, and non-formal and livelihoods education
- Civic education in the sub-districts of Fohorem, Fatumean, Tilomar, and Fatullulic

In 2010 there were 8 women and girls living in the safehouse at Uma Mahon Salele, and 4 of their babies. These women and girls are victims of domestic violence, sexual assault, incest, and trafficking. The babies with the women are usually the result of incest. 3 new victims came to live in the safehouse in August 2010, referred to Uma Mahon Salele from the Uma Paz Baucau

**4. Asosisaun Mane Kontra Violensia (AMKV)** received US\$117,534.91 to conduct Community Organizing and Training for men to promote gender equality and prevent violence

against women and children in 8 sub-districts (Casa, Iliomar, Viqueque Kota, Fohorem, Bobonaro, Zumulai, Hatolia, Betano) for the period of July 2010 – June 2011.

**5. FCJ Don Bosco** received US\$32,000.00 for their activities providing protection and support at Centro Miguel Magone (Dili) for children and youth at risk. FCJ provides a shelter, food, clothing and counselling at CMM for street children, victims of child abuse, child victims of trafficking, and children in conflict with the law (those who are under 16 at the time they commit an offence). These children are referred to FCJ by the VPU, MSS or service providers. FCJ is the only organization providing a shelter and protection to some of these categories of children (particularly street children and children in conflict with the law). From February to August 2010, FCJ provided assistance to 54 children (42 boys and 12 girls). The majority of these children had been abandoned (they are often street children), but some were also victims of child abuse and trafficking, and two were children in conflict with the law. Of these children, 19 registered with FCJ, and 29 are living in the FCJ shelter, while 6 are living outside and just visit FCJ during the day. All of these children attend nearby schools while they are staying at the shelter at CMM. FCJ actively works to help reintegrate these children with their families and communities, by means of mediation and where necessary, through case conferences with MSS Child Protection Officers and other service providers. FCJ also provided vocational training for an additional 212 young people.

**6. Community Development Interest (CDI)** received US\$21,480.00 for activities involving monitoring and advocacy on basic human rights and children's rights in Dili and Lautem.

**7. Fundasaun Esperanca Enclave Oecusse (FFEO)** received US\$27,916.35 for training on access to justice for communities in 18 villages in Oecusse district for the period of March-September 2010.

**8. Centro Feto Enclave (CFEO)** received US\$43,461.60 for training on empowerment, leadership, and engagement using CEDAW reports for communities in the sub-districts of Nitibe, Passabe, Oesilo and Pante Makassar in Oecusse.

**9. Fundasaun Edukasaun Comunidade Matebian (FECM)** received US\$ 28,051.00 to support women's access to justice in Barique (Manatuto), Bagaia (Baucau), Uatolari (Viqueque) and Luro (Lautem) for the period February – October 2010. FECM provides legal education about domestic violence and the legal system in Timor-Leste to communities in rural areas. They stay with the communities for five days at a time and during this time the FECM lawyers provide free legal assistance to community members. From May to August 2010, FECM provided legal assistance to women and children victims of violence in 55 cases. They provided this legal assistance in criminal matters (such as sexual assault, corporal offences, theft and murder), and civil matters (such as paternity and divorce cases). FECM tries to help clients resolve civil cases through mediation. Criminal matters are reported to the VPU and FECM often represents clients when the case reaches the Baucau district court.

**10. Centru informasaun da Edukasaun Civika Timore Leste (CIES.TL)** received US\$ 38,829.00 to provide legal justice education for 75 community representatives as Community Legal Liaison (CLL) officers in sixteen villages in Quelicai sub-district, Baucau for the period February 2010 – January 2011.

**11. Community Transformation Institute (CTI)** received \$8,617.00 to provide training on law and justice for community leaders in Laga, Quelicai, Venilale, and Baucau sub-districts for the period March – May 2010.

**12. Grupo Feto Foin Sae Timor Lorosa'e (GFFSTL)** received US\$21,000.00 to provide training on community action to reduce violence against women in six sub-districts in Viqueque.

**13. Desenvolvimento Sosiadade Timor Leste (DSTL)** received US\$ 19,159.00 to provide public information on access to justice for communities in 8 villages in Zumalai sub-district, Covalima, for the period March – August 2010.

**14. NGO Hametin Lia Tatoli (HLT)** received US\$ 18,049.00 to conduct gender based violence awareness training to communities in four villages in Fohorem sub-district, Covalima for the period February – June 2010.

**15. Centro Juventude Covalima (CJC)** received US\$ 35,077.50 to provide public information and education on domestic violence prevention and the judicial process in 30 villages in all sub-districts of Covalima District for the period March 2010 – February 2011.

**16. Forum Tau Matan (FTM)** received \$31,092.00 to provide capacity building for staff and monitoring and reporting through a Human Rights journal at a national level for the period March 2010 – February 2011.

## Annex 4 - Cases Monitored by the JSMP Legal Research Unit in 2010

Criminal cases								
Case Type	Total	In process	Pending	Decision	Allegation	Homologue	Acquittal	Conciliation
Corporal Offence	51	11	18	9	1	6	2	3
Trafficking	1						1	
Attempted Homicide	6	4			1		1	
Homicide	15	2	8	5				
Sexual violation	6		2	4				
Coercive sex	1			1				
Attempted sexual violation	5	3	1		1			
Illegal gambling	4		2	2				
Assault case	9	2	6				1	
Disturbing Public Order	5	1	3	1				
Domestic Violence	3		3					
Maltreatment (conjugal)	1		1					
Illegal fishing	1			1				
Krime Sekestru	1	1						
Theft	5		3		1		1	

Fatuahi attack	2		1				1	
Martial Arts violence	1		1					
Abuse of Confidence	1		1					
Krime Dano	1		1					
Corruption	1	1						
Negligence	2	1				1		
<b>Total</b>	<b>122</b>	<b>26</b>	<b>51</b>	<b>23</b>	<b>4</b>	<b>7</b>	<b>7</b>	<b>3</b>

Civil cases				
Case type	Total	Still in the process	Pending	Decision handed down
Adoption	2		1	1
Abandonment	2	1	1	
Divorce	1		1	
Entrega labarik (child custody)	1	1		
Break promises	1	1		
Paternity	1			1
Land	9	2	7	
Sale and purchasing house	1			1
<b>TOTAL</b>	<b>18</b>	<b>5</b>	<b>10</b>	<b>3</b>

## Annex 5 - Gender Justice Policy: Prospect on Implementation

The Facility has actively supported in 2010 the development and drafting of a Gender Justice Policy (GJP) in Timor-Leste. Two main suggestions were drawn for its implementation in 2011:

### 1. Safe rooms in courts

An issue that has been raised by JSMP since 2004 is that victims have to wait in the courtroom foyer with the accused, and/or the accused's family and friends, and the general public, to give their testimony. This can be very intimidating for the victim and it is unclear what communication goes on between some of these other parties and the victim prior to the victim giving their testimony. There is the possibility of intimidation, harassment and even physical violence while they wait at court. Also, often the victim actually sits in the courtroom while the accused and other witnesses are giving their testimony. The victim's presence during the delivery of other evidence could influence the testimony that they will give. There have also been instances where the victim was inadequately protected from the accused while giving her evidence. During a court recess, the accused was able to walk up to the victim and accuse her of not telling the truth. This highlights the need for more care to be taken in protecting the witnesses when they present themselves at Court.

Victims and witnesses waiting rooms at each of the district courts should be established to create a level of comfort for victims attending the proceedings, and help to prevent possible intimidation of the victim by other parties to a case.

As part of the implementation process of the GJP, in 2011 the Facility Adviser will work with civil society and the courts to establish victims and witnesses waiting rooms at each of the district courts.

### 2. Support to Prevention

The Gender Justice Policy stresses that prevention must be a key part of any strategy to eliminate violence against women. In Timor-Leste, NGOs have pioneered prevention efforts through advocacy, awareness raising and community mobilization. The Timor-Leste government has also been working to create an enabling and non-discriminatory legal environment, and endeavoured to raise awareness, change attitudes and promote public safety through media campaigns. Clearly, more efforts are also needed to raise awareness, change attitudes, and promote public safety through education efforts and through ongoing community education efforts involving the media.

Prevention strategies should involve the following:

- Commitment by the leadership to shift attitudes and behaviours
- Commitment by community leaders (suco councils) to work on prevention of violence against women and children in their communities
- Empowerment of women by raising their awareness about their rights and enhancing their capacity to claim such rights
- Change community attitudes about violence and challenge acceptance of violence as a legitimate way to resolve conflict
- Increase women's status in society and challenge attitudes that promote men's power over women
- Promotion of economic empowerment of women as a long-term prevention strategy to curb gender based violence.
- Early education of children and youth on violence prevention

The means involved to implement these prevention strategies should involve:

- Advocacy and campaigns (utilizing the news media and trainings where appropriate) – they enhance women’s and children’s awareness of their rights and of available remedies and services, and men’s awareness of women’s and children’s rights
- Working with men – the struggle to transform gender relations and to eliminate violence against women cannot be successful without the involvement of men. It is important to work with organizations such as AMKV to change men’s attitudes towards violence.
- Working with suco councils to activate their formal mandate on prevention, particularly of domestic violence
- Working with the church and on anti-violence strategies within the community
- Providing community education on human rights, particularly women’s and children’s rights, laws and the legal system, and also on available services such as safe houses
- Information and campaigns about the effects of substance abuse – such as alcohol and drugs (alcohol is a contributing factor to high rates of violence)
- Integration of livelihood supports into gender-based violence services to promote economic empowerment of women
- Promoting public safety
- Education on violence prevention, and peaceful means of conflict resolution in schools (primary to secondary), coupled with teacher training on positive discipline



## Annex 6 - List of consultations

A series of consultation have been held to complement the basis of information for this report. The following stakeholders have been interviewed by the JSSF M&E adviser and officer in Dili. Minutes of the meetings can be provided upon request.

Stakeholders consulted	
Name	Position
Craig Ewers	Facility Manager
Chris Sahin	Senior Management Adviser Civil Society & Grants
Helen Sophia Cason	Adviser Access to Justice Policy & Programs
Umbelina Belo	Grants Mechanism & Training Officer
Secondino Rangel	Project Assistant CSO
Erika Mieser	HRM and Development Adviser for the Sector
Abilio Soares	HRM Adviser for Court
Filipa Fernandes	HRM Adviser for Office of Prosecutor General
Maria Auxiladora dos Reis	Sector Planning Liaison Officer
Luis Oliveira	Director JSMP
Mira Martins da Silva	PRADET Director
Evelio Antonio de Sousa	PRADET Vice Director
Francisco Carceres	Director General of Ministry of Justice