



FINAL EVALUATION REPORT

JSP IV

Timor Leste

DECEMBER 2019

Consolidating the democratic Rule of Law through a strong justice system (JSP IV)
PERIOD UNDER REVIEW: January 2014 - December 2019

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Acronyms and abbreviations

A2J	Access to Justice
A2JC	Access to Justice Clinics
ADR	Alternative Dispute Resolution
AWP	Annual Work Plan
CAC	Comissão Anti-Corrupção
CO	Country Office
CSO	Civil Society Organisation
CTA	Chief Technical Advisor
DRC	Democratic Republic of Congo
H.E.	His Excellency
HRBA	Human Rights Based Approach
IIMS	Integrated Information Management System
JSMP	Judicial System Monitoring Programme
JSP	Justice System Programme
LoA	Letter of Agreement
LTC	Legal Training Center
M&E	Monitoring and Evaluation
MC	Mobile Court
MoJ	Ministry of Justice
PDO	Public Defender's Office
Q&A	Question and Answers
RBAP	Regional Bureau for Asia Pacific
ROL	Rule of Law
RRF	Results and Resources Framework
SDG	Sustainable Development Goal
SOP	Standard Operating Procedures
ToR	Terms of Reference
UNDP	United Nations Development Programme
VNR	Voluntary National Report

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EXECUTIVE SUMMARY

JSP IV is the fourth phase of a continuum of interventions in the justice sector in Timor Leste that UNDP started in 2003; the evaluation covers the period from 2014 to 2019.

Only 8 months after the launch of JSP IV, the so-called “2014 Parliament Resolutions”, caused the expulsion from the country of a significant number of international advisors working in the justice institutions. Consequently, in few months the human resources for the JSP (i.e. the main project input) were reduced by 50%.

Following the drastic change in context that occurred in October 2014, the original project document was reformulated, with significant reduction of activities and budget. Project staffing was affected by funding limitations and considerable staff rotation occurred during the most critical stage of the project. Due to the absence of a theory of change and the significant revisions that the JSP sustained following the 2014 Resolutions, the intervention logic is not well articulated and shows weak complementarity between the four different Outputs.

From 2017 significant efforts were made to improve the monitoring system: new tools were developed, indicators were revised, a comprehensive monitoring framework was adopted and efforts were made to reconstruct missing data from the past, as the baseline.

*All project components are **relevant** for the government of Timor Leste and in line with national strategies. National ownership was weak in the initial phase of the project, but improved in 2017 following the programmatic shift towards more national-led initiatives and a reduction in the number of international advisors. In the initial stages of the project there was an oversupply of overpaid international advisers, whose performance was not under the direct supervision of UNDP.*

The JSP responded to the needs of the population especially by providing legal aid and justice services in remote areas, but could have identified specific vulnerable groups and implemented specific measures to address inequalities. Some efforts were promoted with regards to gender (GBV referral system for the Prosecution Office and gender responsiveness for A2JC CSO), but the initiatives faced significant obstacles in the implementation. Mobile Courts and A2JC outreach campaigns have reached a balanced number of women and men.

***Output 1 (Institutional support)** was most negatively affected by the 2014 Resolutions: most of the upstream-policy oriented interventions to support the justice institutions in sector-wide approach were cancelled. Some ad hoc interventions were nevertheless implemented with satisfactory results. To be noted the support to the PDO to develop an effective office with a clear legal framework and trained staff.*

***Output 2 (Legal Training Center)** was also affected by the 2014 resolutions: the project targets were achieved, however the LTC did not manage to develop a sustainable teaching model responding to the needs of the justice sector and reflecting the Timorese context.*

***Output 3 (A2JC)** has achieved remarkable results in only 2 years and the initiative represents a very promising and sustainable practice: A2JC are established under the mandate of a justice institution (PDO) and a clear legal framework. The initiative has successfully promoted a partnership between the PDO and a CSO and supported the notion of paralegalism to promote A2J in remote locations.*

***Output 4 (Mobile Courts)** has achieved the reduction of backlogs in criminal cases and provided access to justice to rural populations. Targets are achieved and the initiative is cost efficient, however a stronger focus on qualitative monitoring and a more technical role of UNDP staff is recommended to strengthen*

compliance to international fair trial standards.

*JSP IV managed to ensure that some of the project components reached a significant level of institutionalization, which indicates **sustainability** and has allowed implementation to continue without the support of UNDP.*

*In terms of **impact**, A2JC and Mobile Courts have increased knowledge and use of formal justice mechanisms for their clients and the mediation component of the A2JC has contributed to rebuild relations among community members. Mobile Courts had a significant impact on women as the majority of Mobile Courts (60%) cases are GVB cases and more specifically Domestic Violence cases.*

*A general **recommendation** for the the A2JCs and the Mobile Courts is to dedicate additional time to strategically prepare the planned extension of the initiatives to additional Districts. Fine-tuning some aspects of the intervention and capitalising lessons learned from the pilot phases will allow to define more clearly the model for intervention and have a more solid framework for scaling up the interventions.*

*It is **recommended** to continue to support the institutional capacity of the LTC included the promotion of the role of Timorese teaching staff, the development of legal terminology in Tetum and the establishment of synergies with law schools. Affirmative measures based on gender should be introduced to support women to overcome obstacles in accessing the legal professions and increase the number of LTC women graduates.*

PART I: Introduction

1.1 Purpose and scope of work

The purpose of this report is to present the findings of the terminal evaluation of Phase IV for the project “*Consolidating the Democratic Rule of Law and Peace through a Strong Justice System in Timor Leste*” (hereafter *JSP IV*). The evaluation covers a period of 6 years: from 2014 to 2019.

The report is directed to UNDP staff and key national partners with the overarching objective to provide evidence of the relevance, effectiveness, efficiency, sustainability and impact of the project that can be used for both learning and accountability purposes.

This report should be read in conjunction with the 2018 “*Outcome Evaluation of UNDP Programmes of Democratic Governance in Timor Leste*”.

The above mentioned evaluation objectives are further defined by the evaluation criteria which are available in Annex 3 and represent the standards against which the project intervention will be assessed. The evaluation will give a special attention to programmatic aspects that should be considered in view of the future scaling up of specific project components, in particular the Mobile Courts and the A2JC.

The report is structured into three parts: the first part presents a description of the methodology and a brief overview of key background factors that have influenced the implementation of the project; the second part assesses the interventions against the criteria of relevance, effectiveness, efficiency, sustainability and impact; the third part presents the conclusions and the recommendations.

1.2. Methodology and limitations

As set forth in the TOR and further detailed in the Inception Report, the evaluation was conducted by an international consultant and consisted in a desk review followed by a mission to Timor Leste from 12 November 2019 to 07 December 2019.

The desk review included an analysis of relevant documentation and discussions with UNDP staff to define the evaluation tools (see the list of consulted literature in Annex 2). During the mission in Timor Leste, the consultant conducted interviews with about 35 key informants, including representatives of the justice institutions (MOJ, PDO, LTC, Judiciary), civil society organizations, international partners, donors as well as beneficiaries and UNDP staff (see the list of consulted persons in Annex 3). The country visit included a three days’ mission to Baucau.

A presentation on the preliminary findings was delivered by the consultant on the 05th of December and the draft of this report was submitted to the Country Office for comments.

The methodology of the evaluation was set out in the Inception Report and consisted of a mixture of qualitative and quantitative research methods. The evaluation questions and sub-questions are defined in the Evaluation Matrix (Annex 4) on the basis of the TOR and reflect the five criteria of relevance, effectiveness, efficiency, sustainability and impact.

Some **limitations** have affected the evaluation, in particular:

- ✓ Following the drastic change in context that occurred in October 2014 (see par. 2.4.), the original project document was reformulated, with significant reduction of activities. The reformulation process was however not clearly documented nor consistent throughout the project cycle.
- ✓ The institutional memory of the initial phases of the project is limited because of the high turnover of staff during its most critical time (2014-2015) and because a mid-term evaluation was not conducted. It was therefore not always possible to understand the rationale behind some programmatic decisions.

1.3. Description of the evaluated intervention

JSP IV is the fourth phase of a continuum of interventions in the justice sector in Timor Leste that UNDP started in 2003 as a capacity development initiative to support the nascent justice system. Through 15 years of active engagement, UNDP has been the Government of Timor-Leste's main development partner in the justice sector.

The project is currently in its fourth phase, covering the period 2014 to 2019, and has undergone significant programmatic revisions following the so-called "2014 resolutions", which caused the expulsion of many international advisers in the justice sector, as illustrated in par.2.4.

The original project document was structured around 4 Outputs and a set of 11 Activity Results, however its Results and Resources Framework could not represent a solid reference for the evaluation because of the subsequent revisions that were introduced throughout the project's lifecycle.

In February 2015, as a response to the "2014 resolutions", *UNDP's Bureau for Policy and Programme Support (BPPS) and the Bangkok Regional Hub* conducted a review of JSP IV and presented a solid and technically sound proposal to reformulate project, with a Results Framework reduced to 3 Outputs. For reasons that could not be established, the CO at that time did not adopt the new RRF with only 3 Outputs. Instead the 4 Outputs were kept and the CO progressively introduced the required revisions (cancellation of activities and revision of indicators, targets and budget lines) on an annual basis via the AWP approved by the Project Board. For example, the number of project indicators went from 23 in 2014 to 10 in 2019.

In order to consolidate the evolution of the RRF across the 6 years of the JSP IV and to clearly identify the scope of the present evaluation, it was decided to reconstruct *ex-post* the RRF, as illustrated below.

⇒ The ex-post Results Framework

A key objective of a final evaluation is to verify if the intended project Outputs have been achieved, ideally on the basis of a midterm evaluation focused on Activities and Activities Results.

As a consequence of the fact that JSP IV has undergone a revision at Activity Results level but the 4 Outputs remained the same throughout the project, the logic of intervention presents some incoherencies (especially for Output 1 and 4), which are detailed in par. 3.1. For example, Output 1 originally aimed at improving coordination, management and oversight of justice institutions, however all the activities aimed at strengthening coordination stopped in 2015, considering the political context in the sector at the time. In addition, several planned activities across the different Outputs could not be implemented due to the change in context and in project approach.

In order to mitigate these limitations and have a clear framework of reference for the evaluation, an ex-post reconstructed RRF was developed in the table below.

The key activities in the ex-post RFW are deducted from the Annual Work-plans (AWP) and the indicators are those introduced in 2017. The evaluation will be structured along the 4 main areas of intervention, which broadly correspond to the 4 original Outputs. The first one covers the support to judicial institutions (MOJ, PDO and Prosecution). The second and third area correspond to the original Outputs and the fourth area relates to the Mobile Courts system.

EX-POST RECONSTRUCTED RRF		
COMPONENT/OUTPUT	KEY ACTIVITIES (source: AWP)	INDICATORS (PMB April 2017)
Institutional support <i>(Output 1 – Coordination, management and oversight capacities of justice institutions enhanced for more effective and efficient formulation and implementation of laws, plans and overall administration of justice)</i>	<ul style="list-style-type: none"> - Support the M&E system of Justice Institutions (incl. AJCs M&E framework) - Support policy making and legal drafting capacity for the Ministry of Justice (until 2017) - Support to Public Defender Office - implement IIMS across all institutions (until 2017) - OPG's institutional capacity (up to June 2016) - Support to prison system (until 2015) 	<ul style="list-style-type: none"> - M&E system established and operational in justice sector institutions that measures the institutions' efficiency and productivity - # of policies or laws adopted by the justice sector with the support of JSP/UNDP
Capacity building (LTC) <i>(Output 2 - Capacity of justice sector strengthened and expanded to provide quality services and uphold the rule of law)</i>	<ul style="list-style-type: none"> - Improving the quality of the legal and judicial education at Legal & Judicial Training Center - Strengthening the capacity of judges, prosecutors, public defenders and other justice professionals (special focus on PDO) - Supporting the delivery of high quality legal education in Portuguese at LJTC - Supporting the Timorisation at LTC 	<ul style="list-style-type: none"> - 2.1 # of Timorese judges, prosecutors, PD, and trainers accredited by LTC (by gender) - 2.2 % of justice actors trained who have increased knowledge through the Continuing Legal Education training (i.e. # of the course participants with increased knowledge/total # of the course participants)
Access to Justice Clinics <i>(Output 3 –Improved access to justice and equitable dispute resolution mechanisms for all with a focus on women and more vulnerable populations)</i>	<ul style="list-style-type: none"> - Establish state-owned legal aid clinics (AJCs) in Baucau and Suai: Mediation & outreach campaign + training for AJC CSO (from 2017) - Support finalization of land legislation and consequent regulations (until 2015) 	<ul style="list-style-type: none"> - 3.1 # of citizens whose awareness of formal legal system/legal aid services increased through AJCs - 3.2 # of cases registered at the AJC in the pilot districts (by gender) - 3.3 # of land dispute cases mediated through AJCs in the pilot districts (by gender) - 3.4 # of GBV cases referred to and taken up by prosecution and police from AJCs - 3.5 # of GBV cases referred to and taken up by social service providers from AJCs
Mobile Courts <i>(Output 4 - Coordination, and integrated systems between justice, police, communities, corrections supported in a "pilot A2J district model")</i>	<ul style="list-style-type: none"> - Mobile Court Facilitation - Mobile Justice Analysis - Pilot project for integrated A2J approach in the districts & A2J survey in Suai (until 2015) 	<ul style="list-style-type: none"> - 4.1 # of cases allocated and resolved through mobile courts in Dili, Baucau, and Suai judicial districts (by civil, criminal and GBV cases and gender and disabilities of beneficiaries)

1.4. Critical background factors

The judicial system of Timor Leste has been described and assessed in several reports, to which reference is made for further information¹. Below is a summary of key contextual issues that have affected JSP and should therefore be taken into consideration while reading this report.

- The implementation of the project has been severely affected by the **unpredictable political situation** in Timor, in particular the “2014 resolutions” which caused the expulsion of many international legal advisors and the political impasse that followed the 2018 unexpected elections which led to the absence of a state budget and the functioning of public institutions under duodecimal regime.
- The **judicial system is still being developed**: as of November 2019 the country has courts of first instance in only four of its thirteen districts: Dili, Baucau, Suai, and Oecussi. (see map below) The only court of appeal is located in Dili and the Supreme Court has not yet been established.
- **Language is a major barrier to access to justice** and has slowed down the capacity building process at the heart of the JSP. Justice institutions operate in Portuguese, which is only spoken by 25% of the population²; since 2017 the use of Tetum is encouraged in the justice sector, however the majority of the population speak a variety of more than 30 local dialects.
- In Timor Leste 94% of the population prefer to address the traditional legal system to solve their disputes³ and despite the Constitution recognises that the country operates in a situation of **legal pluralism**⁴, there is no specific legislation governing the relationship between the formal and informal legal systems.

FIRST INSTANCE COURTS and DISTRICTS IN TIMOR LESTE



* Source: JSMP 2014 Status Report on Children’s Access to Formal Justice.

¹ See for example the JSMP “Annual report on the Judiciary”, 2018.

² Report of the Special Rapporteur on the rights of indigenous peoples”. Visit to Timor Leste”, 2019

³ “Gender responsive alternative dispute resolution”, UNWOMEN, 2017

⁴ “The State shall recognize and value the norms and customs of East Timor that are not contrary to the Constitution and to any legislation dealing specifically with customary law.” (Art. 4, Sec 2, Part 1, The Constitution)

PART II: FINDINGS

1. RELEVANCE

1.1. Relevance to national justice sector priorities and national ownership

Key informants have repeatedly acknowledged the relevance of UNDP's support to the justice sector and highlighted the excellent relationship between UNDP and the justice institutions. This is reaffirmed in the "Voluntary National Report (VNR) on the implementation of the SDGs" submitted in 2019, which defined the JSP as a *"highly relevant project for the country"*⁵. The report further specified that *"ensuring access for all vulnerable citizens and addressing capacity gaps within the sector was identified as a key priority in all the consultations organised to feed into this VNR report"*.

In 2019 two high level international events were held in Timor Leste, the SDG16+ and G7+⁶, and both were an opportunity for H.E. the Ministry of Justice to showcase the achievements in the Justice sector with the support of the JSP project, in particular the Mobile Courts and the A2JCs.

JSP is aligned with key national strategies, in particular:

- ✓ The **"Timor Leste strategic development plan 2011-2030"**, the overarching development strategy for the country, identifies access to justice as a national priority. The JSP is aligned with the objectives for the Justice sector, in particular with regards to the mobile courts component, the capacity building of national justice professionals and building an integrated, coordinated and balanced framework of Timorese laws.
- ✓ The JSP is fully aligned with the **"Justice Sector Strategic plan for Timor Leste 2011-2013"** and in particular thematic area 3 (human resources development) and 4 (access to justice). More specifically and as detailed in par. 2.3, the A2JCs have a solid legal background in article 22 of the Public Defender's Statute.
- ✓ the 4 successive governments in power from the beginning of the JSP IV (V to VIII government) have considered justice as a priority. In particular, the programme of the current government (the VIII) reflects the JSP on several points: to be noted the plan to *"expand the Access to Justice Clinics to cover all municipalities"* and the reform of the Legal Training Center (LTC).

It is worth noting that the current government established in December 2018 a new Ministry, the *"Ministry of Legislative Reform and Parliamentary Affairs"* (MARLAP)⁷ whose mandate is defined in article 2 of the Decree law No. 17/2018 as *"the conception, execution, coordination and assessment of the policies defined and approved by the Council of Ministers regarding the development, harmonization and consolidation of the legal system, as well as the judiciary reform and parliamentary affairs and media"*.

⁵ *"Voluntary National Review of Timor-Leste"*: Report on the Implementation of the Sustainable Development Goals, 2019

⁶ Timor-Leste is the chair of the G7+, a voluntary association of twenty countries that have been affected by conflict and are in transition to longer-term development

⁷ Its structure and powers were approved by Decree-Law No. 17/2018, of 12 December 2018.

In practice and within the legal community the mandate of MARLAP, and particularly the division of competences with MOJ, seems unclear and is subject to conflicting interpretations.

The MOJ Director explained that the MOJ will continue to draft new legislation and MARLAP will only ensure that such laws are in line with governmental priorities. Other key informants expressed confusion, other confirmed that the mandate of MARLAP and MOJ present areas of overlapping and most could not provide clarifications.

The establishment of the new Ministry, with a powerful leadership, has been described as political move to overcome the current impasse in the legislative process caused the recurrent *veto* of most legislation presented by the government by the president of the Republic.

Cognisant of the current situation and with the objective to promote and move forward legislative reform UNDP acknowledges the role of this emerging player and plans to engage with both Ministries.

UNDP is developing a project aimed at supporting Parliament and MARLAP to develop a comprehensive legislative reform and areas of overlapping with UNDP's support to MOJ under JSP IV may emerge.

The support to Parliament and MARLAP is a good example of adaptability to overcome the recurrent political impasses, however it is recommended to carefully assess the risks involved in this approach and to introduce mitigation measures, in particular:

- ✓ If the current government falls, MARLAP may not exist any longer. In view of longer term engagement, it is therefore advised to continue to involve the MOJ and ensure its active participation in any intervention under the lead of MARLAP.
- ✓ The institutional dynamics may be altered, specifically by limiting the power to initiate laws by the MOJ.
- ✓ The MOJ has been the privileged partner of UNDP in the justice sector since 15 years.

With regards to the **principle of national ownership**, the specific approach of the JSP has to be taken into consideration. In the initial stages of the project, national ownership was extremely limited because the approach was based on building national capacities by deploying a high number of international advisors, some of which even performed line functions in the judiciary.

In 2017 the JSP adopted a new approach with a stronger focus on supporting national-led initiatives: Mobile Courts and A2CJs are now nationally driven and owned: Mobile Courts are organised by the judiciary and in 2019 they were entirely funded by the MOJ, although only for the Dili district. A2CJs are managed under the PDO, although still funded by UNDP. The LTC component is still far from these excellent results as the Center is strongly dependent on international advisers and a team of Timorese trainers is not yet available.

Years of reliance on international expertise have created a mentality of dependency on such expertise and a weak confidence in national capacities. This model of intervention has also contributed to the current perception of UNDP in the legal community as a donor rather than a technical partner.

To strengthen national ownership and the self-confidence of Timorese justice professionals it is recommended to promote a model for knowledge transfer based on a peer to peer approach and to leave more space for experimentation and taking the risks of eventual failures.

1.2. Relevance to the needs of the population and particularly the most vulnerable groups

A comprehensive assessment of the justice needs of the population was undertaken in the Suai District during the initial stages on the project to develop a solid project baseline and inform the implementation of the future activities. The report was however not formally adopted due to some limitations and the baseline for the JSP became the Asia Foundation “*Law and Justice Survey 2013*”, which does not contain a vulnerability assessment.

Asked about who are the most vulnerable groups in Timor, key informants did not give a detailed reply with a clear justification, but generically mentioned poor persons, women, children, and persons with disabilities. Some government documents consider the fighters for the national independence a vulnerable category. UNDP staff explained that under the JSP the **rural population** was generically considered as the vulnerable group targeted by the project.

Available literature confirms some of the above mentioned situations of vulnerability, in particular:

- Timor is patriarchal society and women are discriminated in their private and public life⁸;
- Rural population in remote Districts endures poverty, isolation and lack of public services;
- People who do not speak Portuguese or Tetum are discriminated in accessing legal careers and accessing justice, as detailed in par. 2.2.

Since 2017, most JSP activities are undertaken in the rural districts.

The JSP also shows remarkable efforts to ensure a gender disaggregated data collection system for the project, however few specific initiatives were developed to target women and language barriers to address inequalities. To be noted the effort to build the capacities of the Belun staff on gender issues and to develop the use of Tetun at the LCT. In addition, two project proposals (EU funded Spotlight Initiative to Ending Violence Against Women and KOICA funded GBV Prevention and Response) are being developed to specifically target women in the rural areas to access justice, as GBV survivors.

As discussed in par. 2.3, A2JCs should reinforce inclusivity as they are currently accepting mediation cases from all beneficiaries without applying any vulnerability criteria.

A “Leave no one behind assessment” conducted in partnership with national justice actors is recommended before scaling up the A2JC and Mobile Courts interventions. The exercise should aim at jointly identify the priority beneficiaries of the project and eventually verify if the current approach of considering all rural population as beneficiaries is legitimate and reflects the local context.

1.3. Relevance to UNDP priorities and UN frameworks

In view of the upcoming new Country programmatic cycle, the CO has recently undertaken several Outcome level evaluations, which have all confirmed the relevance of the JSP project and recommend for its continuation, in particular:

- ✓ The findings of the 2018 “*Outcome Evaluation of Programmes of Democratic Governance*” concluded that “*each of the six projects are very relevant to both the UNDAF outcome and the CPAP outcome*”.
- ✓ The 2018 “*Country Programme Evaluation*” concluded that the JSP has “*progressively contributed to developing the capacity of the justice sector*”.
- ✓ Finally, the 2019 “*evaluation of the 2015-2020 United Nations Development Assistance*”

⁸ On the “*Global Gender Gap Index*”, Timor-Leste is ranked 128 of 144 countries. Gender inequality is mainly reflected in women’s low economic participation and high rate of gender-based violence.

Framework (UNDAF)” acknowledged that for the justice sector the JSP contributed to achieving Outcome 4 of the UNDAF.

JSP IV was drafted before the launch of Agenda 2030 and the SDGs, however the 2019 project extension is funded under the UNDP “*Rule of law and the 2030 Agenda*” Initiative, so the implementation of the activities could have had a stronger SDG 16 language and approach. For future interventions it is recommended to ensure that SDG 16 is placed at the core of the project, especially for components implemented in partnership with national institutions.

1.4. Adaptability and the 2014 Resolutions

In October 2014 (only 8 months after the launch of JSP IV), Parliament passed two Resolutions calling for the termination of contracts of all international advisors working in the Courts, the Prosecution Office, the Public Defender Office, the Anti-Corruption Commission and the Legal Training Centre. At the time JSP was supporting 23 international advisors and following the Resolution 11 advisors were obliged to leave the country. This meant that in few months the human resources for the JSP (i.e. the main project input) were reduced by 50%.

The 2014 Resolutions marked a turning point in the life of the project. Key informants unanimously confirmed that the Resolutions were not related to the JSP or UNDP, so the relations with justice institutions continued to be cooperative and UNDP was one of the few development partners who continued to support the justice sector.

Following the 2014 Resolutions, UNDP demonstrated excellent reactivity as a joint HQ and RBAP mission was sent in support of the CO and presented a solid proposal to reformulate JSP IV in accordance with the changed context. Despite the CO not adopting the proposal, the project approach changed: most the upstream policy-oriented interventions were cancelled, reduced or reinterpreted (Output 1 and 4) and the focus shifted on service delivery (Output 2 and 3). In addition, the number of international advisers was drastically reduced with more activities in direct support of national-led justice services.

The JSP has shown good adaptability to such a changing context and has introduced some innovative and well reputed solutions (i.e. the A2JCs), however the process presented some shortcomings with regards to the following aspects:

- it was poorly documented, so it has been difficult to understand the rationale behind some programmatic revisions.
- it did not have a coherent vision (as the proposal recommended by NY/RBAP mission), it could have been more responsive to the changed context with regards to the use of languages in the Justice sector. (the previous approach based on lectures delivered in Portuguese at LTC continued until 2019 despite, starting from 2017, the government strongly advocated for the use of Tetum)⁹. As illustrated in par. 2.2.3, the JSP achieved some limited results in the Timorisation of the LTC; a process that was anyway not supported by the current LTC Director.

UNDP staff have identified the following reasons behind the weakness of the process to adapt to the evolving contextual developments: i) the rigidity of the RFW (Outputs could only be changed via a

⁹ See for example the “*Programme of the VIII Government*”, 2018

cumbersome LPAC process) ii) the lack of flexibility from donors who would not have accepted new and unplanned activities.

The solution to rely on the more flexible tool of the AWP showed adaptability but on the other side introduced some shortcomings that have seriously affected the intervention logic, as illustrated in par 2.4.

2. EFFECTIVENESS

The criterion of effectiveness measures the extent to which the JSP's intended results have been achieved. To this end each of the four Outputs/thematic areas (institutional support, Legal Training Center, A2JC and Mobile Courts) will be analysed below.

2.1. Institutional support (Output 1)

Output 1 was the most negatively affected by the 2014 Resolutions. The expulsion of international advisers, the consequent reduced leverage that UNDP could exercise on institutions and the reduction of funding made it impossible to implement the planned activities as designed in the Prodoc.

The JSP maintained the original formulation of Output 1 despite it became too broad and unrealistic after the 2014 Expulsions: Output 1 is therefore not assessable and the evaluation will only focus on the Activity Results achieved under Output 1.

To be noted that under Output 1 support was mainly delivered by international consultants who provided advice to the different institutions. A total number of 30 international advisors were contracted under JSP IV, mostly in the initial phases of the project (LTC:4; PDO: 4; Court of Appeal:2; MOJ:10, Prosecution Office:3 JSP:4). Monthly and annual reports were not regularly shared with UNDP as they were submitted to the institutions, due to the contractual modality with the national institutions, so it has not been possible to identify in detail the deliverables produced by each advisor under Output 1.

The *ad hoc* initiatives implemented under Output 1 have targeted the MOJ, the Public Defenders Office and the Prosecution Office. Meetings with the Prosecution Office and MOJ Legislative Department could not be arranged and the related documentation is not available, so these activities could not be assessed. To be noted that the 2018 Country Programme evaluation presented positive conclusions on the JSP's support to the Prosecution Office: *"the adoption and implementation of an inspectoral system introduced within the Office of the Prosecutor General, leading to an improved internal disciplinary system that has helped to create vitality and efficiency in the functioning of the office"*.

2.1.2. Support to Public Defender Office (PDO)

As of December 2019, there are 35 Public Defenders in Timor (five women), including five trainees. JSP IV has provided support to the PDO by contributing (in a cost sharing agreement with the Embassy of Brazil) to funding three Brazilian Public Defenders. Interviewed PDO staff expressed satisfaction for the quality of the support received and believed that the Brazilian Public Defenders system was a solid and effective model for Timor Leste.

The JSP contributed to organize the PDO by building capacities and strengthening the planning and monitoring skills. Currently the PDO has a well conceived Statute of the PDO and a well structured office that also appointed a Gender Focal Point: these results can not directly be attributed to the JSP, but were certainly achieved with the support of the JSP funded PD from Brazil.

Efforts were made to develop a M&E system and the PDO is using SIGAS (an online database integrated in IIMS), to collect information about the cases taken up by the office. The use of data to conduct analysis and take evidence based decisions is not yet a common practice. In Baucau the PDO is collecting data on Excel files; SIGAS is not used since 2017 because of the weak internet connection and the lack of staff with adequate IT skills (an eventual area for further support).

The PDO in Baucau is composed of four PD and four Justice officials. The caseload for criminal cases has been constant over the 5 years of the JSP, but the number of civil cases increased as indicated in the table below. The most common civil cases are land disputes, followed by alimony in divorce cases, disputes on contracts and child adoption. In 2018, out of the total number of 456 criminal cases, 290 were domestic violence cases involving women and minors. For most domestic violence cases the decision was a suspended sentence and occasionally civil compensation.

# of cases assigned to the Public Defender Office in BAUCAU (2014-2018)*		
	CIVIL (new cases registered)	CRIMINAL (new cases registered)
2014	53	457
2015	41	450
2016	70	557
2017	69	516
2018	72	456

* source: the PDO clerks in Baucau during the evaluation mission.

In a “leave no one behind” approach, an aspect that would need further consideration is the lack of a means tests to ensure that Public Defenders are taking up cases only from indigent and/or vulnerable persons.

The 2017 Statute of the PD clearly states in article 9 that PD clients should be persons in “*economic or social situation of vulnerability*”¹⁰ and list the cases when such status is presumed. However, all interviewed PD included the General PD, confirmed that they accept cases from any person on the basis that the Constitution recognises “access to justice for all” and the principle that in Timor everybody is poor. PD do not apply a means test nor vulnerability criteria. One of the reasons for accepting all cases is that there are few private lawyers and people prefer the PD as they are reputed for being better trained. For example, in Baucau there are one or two private lawyers.

A 2018 JSMP report confirms this trend and reports that “113 cases were identified by JSMP where public defenders gave assistance when they were not supposed to because the clients had sufficient economic means to pay a private lawyer to obtain assistance”. Out of the 113 cases, 66 were public servants, the rest were entrepreneurs”.

¹⁰ “Para os efeitos da presente lei, encontra-se em **situação de necessidade económica ou social** aquele que, tendo em conta o rendimento, o património e a despesa permanente do seu agregado familiar, demonstrar que não dispõe de meios económicos suficientes para suportar os honorários de um advogado devidos por efeito da prestação dos seus serviços ou para custear, no todo ou em parte, os encargos e despesas normais de uma causa judicial”.

In order to ensure that the support to PDO is in line with the “leave no one behind approach” as well as the PD Statute, it is recommended for eventual future interventions to i) promote at least the application of vulnerability criteria to ensure that cases of women victims of GBV are taken up in priority ii) promote a parallel intervention to support the development of a Bar Association and a network of private lawyers. Further details on PD can be found in par. 2.3

2.1.3. Support to Ministry of Justice (MOJ)

The JSP supported the work of the MOJ by funding 10 international advisers from 2014 to 2018. To be noted that 50% of these positions are since 2019 under MOJ budget. The Director General of the Ministry of Justice expressed satisfaction for the the quality of the advisers and reported a positive transfer of knowledge. The key areas of support were:

- **Legislative Department** (deployments of 3 international advisers to support the development of the land legislation, the civil code revision and the ongoing translation into Tetum of the civil code)
- **Corrections Department** (the support was focused on capacity building, but ended in 2015)
- **Human Rights and Citizen Department** (the department was supported until 2015 to organize a “socialization of the law” campaign delivered by MOJ facilitators for the population, traditional leaders and police officers in districts, sub-districts and villages. In 2018 the JSP supported the publication of a collection of laws in Portuguese and Tetum to be used as communication material for the campaign. It is recommended to continue the support but to promote linkages with the A2JC outreach campaign and to simplify the communication material for the sessions targeting the population.
- **IIMS (Integrated Information Management System):** UNDP’s support for the IIMS ended in 2014, however according to the MOJ IT Officer, IIMS is still used in all courts, PDO, Prosecution Office, Police and Corrections. International support is only required to install the system in new offices, as for example the new Prison in Baucau. The evaluation mission only triangulated this information with the PDO in Baucau and found that the Office is is not using IIMS because of internet connection issues (see par. 2.1.2). It is recommended to explore further this point in case support is offered to MOJ to install IIMS in the new prison in Baucau.

The GENDER BOX

A promising practice developed by the **PDO** is the establishment of a Gender Focal Point in 2018. The role is assigned to a female PD and consist in promoting the role of the PDO in relevant gender networks and contributing to technical discussions.

The JSP has also supported the **Prosecution Office** to strengthen its ability to handle GBV cases by funding two Access to Justice Officers with the objective to strengthen the referral system between the A2JCs and the Prosecution Office and support outreach campaigns on GBV. The Prosecutor in Baucau expressed satisfaction about the contribution of the A2J Officer in the organisation of the the GBV campaigns.

UNDP staff reported some challenges which affected the results of the initiative, in particular: i) most of the GBV cases identified by the A2JCs are referred to local NGOs which also provide health, legal

and psychosocial services, rather than directly to the Prosecution Office ii) the A2J Officers were recent graduates from universities without legal background.

2.2. Legal and Judicial Training Center (Output 2)

The Legal and Judicial training center (LTC) has been in operation for sixteen years after being established in 2004 with UNDP's support. The LTC provides professional qualification courses and continuous legal education for a variety of justice actors.

Output 2 aims at supporting the LTC to strengthen the capacities of the justice actors. Its implementation has been negatively affected by the 2014 Resolutions as the model for implementation was entirely based on **capacity building activities delivered by International Advisers**. Some of the International Advisers departed in October 2014 following the Resolutions and other contracts were terminated at the end of 2014. Until the end of 2015 the LTC activities were limited to the "lawyers and notary courses" and for the entire 2016 and first half of 2017 the LCT activities were suspended. It is only in 2017 that 3 International Advisers were recruited and the VI batch of the "magistrates course" could start. The table below provides an overview of the LTC international advisors and the duration of their contracts.

OVERVIEW OF UNDP supported INTERNATIONAL ADVISORS AT THE LTC (2014-2018)				
	Position	Nationality	Start	End
1	Lawyer Lecturer	Portuguese	13/09/2010	31/12/2015
2	Notary Lecturer	Portuguese	12/06/2011	31/12/2015
4	Lawyer Lecturer	Portuguese	01/03/2012	31/12/2015
5	Senior Pedagogical Adviser	Portuguese	03/07/2014	31/12/2014 (rehire 2/05/2017 until 30/11 2018)
6	Portuguese Lecturer	Portuguese	01/09/2017	31/08/2018
7	Portuguese Lecturer	Portuguese	01/09/2017	31/08/2018
8	Prosecutor Lecturer	Portuguese	20/02/2012	31/12/2014

In addition to staffing limitations, the LTC suffered from a severe lack of funding and was affected by the complete stalling of governmental activities following the 2016 political impasse.

The LTC Director believes that an additional challenge that slowed down the training activities is the fact that the LTC operates under the Ministry of Justice with no administrative nor financial independence so all LTC activities have to be first validated at the level of MOJ.

Key informants unanimously reported that **language is the main obstacle that hinders access to the legal professions and training of justice actors**.

Timor Leste recognises Portuguese and Tetum as official languages and English and Bahasa Indonesia as working languages; in addition, the population speaks more than 30 indigenous languages. This peculiar situation has particularly affected the training of justice actors. All legal courses at the LTC are taught in Portuguese and delivered by Portuguese lecturers. However, as illustrated in the 2019 Report of the special rapporteur on indigenous people: "90% of the population speaks Tetum, while less than a quarter can communicate in Portuguese". From a linguistic point of view there is a profound disconnection between the academic framework to develop the legal professions at the LTC and the reality of daily life of Timorese people, particularly of younger generations who do not speak Portuguese.

The large majority of key informants confirm that the choice of Portuguese as teaching language was strategic and the only possible because Tetum is a new language that is still being developed and does not have a legal terminology, hence is not ideal for legal reasoning. As explained by the Director of the LTC *“Justice actors need first to understand the law in Portuguese and only afterwards they can explain the laws in Tetum to the population. Therefore, the LTC should continue to teach in Portuguese and Universities should adapt and propose only curricula in Portuguese”*.

Other key informants agree that referring to Portuguese was a necessary choice for the justice sector, however they believe that a parallel process to develop legal terminology in Tetum could have been supported more actively. This would have been particularly relevant starting from March 2017 when the *“Decree-law No. 11 /2017 on the official languages to be used in the justice sector”* was adopted¹¹. The Decree Law encourages the use of Tetum in courts and marks a clear evolution from the 2012 Court of Appeal order that imposed all court decision to be in Portuguese.

JSMP and other key informants highlighted the fact that LTC courses are taught in Portuguese limits access to the legal professions to candidates who have a good knowledge of this language. It is a common perception that Timorese jurists with good legal skills would be available and interested in joining the LTC but they are unable because they do not speak Portuguese. The LTC statistics confirm this conclusion: in 2014 for the *“IV lawyers course”* 125 candidates applied but only 28 passed the screening test (strongly focussed on Portuguese skills) and were enrolled. It is also a common perception that students who speak Portuguese are from rich families who had the opportunity to study abroad.

Key informants recommended to revise the criteria to assesses candidates to the LTC and overcome the current practice of prioritizing Portuguese speaking skills over legal skills.

The JSP has promoted some activities to **strengthen the use of legal Tetum**, in particular:

- the recruitment of a Tetum lecturer to teach legal Tetum for the LTC students, Portuguese lectures and court translators.
- the development of a Tetum Legal glossary,
- the deployment of translators in Dili and Baucau Courts to translate Portuguese legal documents into Tetum and vice versa.

These were limited and *ad hoc* activities, however they can be considered a satisfactory contribution considered the financial constraints, the preference of the LTC management for the use of Portuguese and the controversial national context for the development of the Tetum language.

For eventual future interventions, it is recommended to support a more comprehensive intervention aimed at supporting a research unit within the LTC for the development of legal Tetum in close cooperation with the National Institute of Linguistics.

The 4 set of activities that the LTC was supported to implement under Output 2 are analysed below.

2.2.1. Initial training

¹¹ Decreto-lei n.o 11/2017 de 29 de Março *“regime de utilização das línguas oficiais no sector da justiça”*

Since 2014 a **limited number of initial trainings** were held at LTC for the reasons explained in par. 2.4. and as specified in the table hereunder. One “Magistrate’s course”, two “Lawyer’s courses” and one “Notary’s course” were organised for a total number of 116 graduates.

Statistics for initial trainings (2014-2019)

Magistrates Course*	FROM	TO	# of applicants	# of enrolled students	# of graduated students
V Batch	2013	2015	n/a	33	33
VI Batch	May 2017	2019	n/a	53	13 (TBC in 2020)

* judges, prosecutors and public defenders

Lawyers Course*	FROM	TO	# of applicants	# of enrolled students	# of graduated students
IV Batch	Nov 2014	Nov 2016	125	28	27 (7 W; 20 M)
V Batch	Nov 2016	Nov 2018	115	35	29 (4 W; 24 M)

* duration: 24 months

Notary Course*	FROM	TO	# of applicants	# of enrolled students	# of graduated students
II Batch	Jan 2014	June 2017	101	15	14 (4 W; 11 M)

* duration: 30 months

It is difficult to conclude if the number of graduates is adequate for the Timorese context, because a human resources assessment for the judicial sector is not available. The prevalent perception of key informants is that the number of LTC graduates is not sufficient to cover the needs of the justice sector, especially in view of the creation of the Supreme Court and the establishment of courts in all districts. As indicated in the table below, the number of justice professionals remained the same for the last 3 years, but there was an increase of 70% from 2014 to 2018 in the total number of justice actors. The Output level target of “50% increase in number of national judges, prosecutors and public defenders by 2018”, has therefore been over-achieved despite the reduction of activities.

NUMBER OF JUSTICE PROFESSIONALS (2014 – 2018)*						
	JUDGES	PROSECUTORS	PUBLIC DEFENDERS	PRIVATE LAWYERS	NOTARIES	TOTAL
2014	20	21	20	n/a	n/a	66
2015	34	33	31	72	21	177
2016	34	33	31	99	21	218
2017	34	33	31	98	21	217
2018	34	33	31	98	21	217

* source: UNDP Annual reports

It is recommended to support the LTC to strengthen the synergies with Law Schools and Universities. LCT staff explained that the first months of the initial training are fully dedicated to revise basic legal notions because law students enrol at the LTC with very weak legal knowledge. A future opportunity could consist in establishing preparatory programmes run by LTC staff at Law Faculties for last year students interested in applying to the LTC.

2.2.2. Continuous legal education

The LTC is also mandated to deliver continuous legal education for serving justice professionals. Due to limitations in funding and staffing, the trainings under this component were only re-activated in 2017. As indicated in the table below statistics for the delivered trainings are not particularly high (258 participants for 27 days of training) but the challenge faced to ensure the presence of overloaded serving judicial staff should be considered. To increase the number of trainings a more systematic approach to Continuous Legal Education should be developed. (annual planning, mandatory trainings linked with performance...)

To ensure a stronger coherence among project Outputs, it is recommended to include a training module on Domestic Violence, which is the most recurrent case handled by Mobile Courts.

CONTINUOUS LEGAL EDUCATION ACTIVITES (2014-2019)				
Title of the training	Target Group	Start date	End date	# participants
Electoral justice seminar	Judges, Public Defender, Human Rights Commission, CAC, Police CIS	21/06/2017	22/06/2017	30
New land laws and illicit drug trafficking law	Judges, prosecutors, public defenders, notaries, Land & Property Dept, Customs, Police, and LTC trainees	Oecusse: 25/09 to 29/09/17 Suai: 07/11/17-10/11/17 Baucau:13/11/17-17/11/17 Dili: 11/12/17-12/12/17		131
Land Law and Real Rights	Judges	13-17 August 2018 and 10-14 September 2018		29
Employment Contract in labour law	Private Lawyers	10-11 December 2018		22
Civil liability	Judges	3-6 December 2018		34
Ethics and Deontology	Judges	29/01 2019	30/01 2019	12
TOTAL N. of PARTICIPANTS:				258

2.2.3. Timorization of teaching staff

The concept of “*Timorisation of LTC staff*” was introduced to gradually ensure that Timorese trainers would take over the teaching activities from international advisers. It is the least successful component of Output 2, as to date **there are no Timorese legal trainers at the LTC**. The LTC has allocated a disproportionate amount of financial resources to cover allowances for international advisers compared to those allocated for the Timorisation process.

In 2015 a group of 13 Timorese trainers graduated from a 3 weeks “Trainer of Trainers”, but due to lack of funding they were never recruited at the LTC. Since 2014 legal topics have only been taught by Portuguese advisors and as of December 2019 the teaching staff is mainly composed of Portuguese advisors, in particular:

- three International legal lecturers
- four International Portuguese lecturers
- one Timorese Tetum lecturer

The LTC Director acknowledges the importance of recruiting Timorese lectures, but insists on a training model that continues to be based on international advisers: he believes that Timorese staff should just assist Portuguese lecturers.

Other key informants recommend a model of mentorship, where classes are conducted by Timorese staff and the international staff only provides advice. Some of the challenges mentioned include the fact that most of the potential trainers are serving judges and prosecutors who therefore have limited availability. Finally, the perception that Timorese are not yet ready to take up a teaching role, as their capacities still have to be strengthened is quite common.

2.2.4. Institutional capacity of the LTC

Under JSP IV the LTC did not produce a multiyear strategy with long-term objectives; the new Statute of the LTC approved in 2019 was an internal process that did not receive direct JSP support. The yearly training needs analysis relies on the International Inspector at the Court of Appeal who, according to the LTC Director, “*would know what are the training needs for the justice professionals*”.

A website is not available and the board at the entrance of the LTC premises is the main instrument to collect information about the LTC activities.

A monitoring system is in place but has not allowed an easy access to basic information about the LTC activities because data is partly collected in hard copies. The methodology to evaluate the quality of the trainings is unclear and un-systematic. An annual report seems to be shared with the MOJ, but it was not accessible.

The evaluation concludes that the LTC has not yet managed to become “*an Institute of Advanced Legal Studies*” with an effective, modern and solid management system.

THE GENDER BOX

LTC statistics indicate extremely **low rates of women’s participation in the trainings**. For example, with regards to the two Lawyers Courses conducted under JSPIV, 56 students graduated, of which 80% were men (only 11 women).

These results reflect the general context in Timor¹², however starting from 2017, it would have been expected that the LTC would identify specific policies to promote women’s participation and gender equality (for example by offering a scholarship, or establishing quota for women in the admission test, eventually in synergy with the Secretary of State for the Promotion of Equality). Both the Pedagogic Advisor and the Director of the LTC believed that there was no need for such policies; the latter specified that the LTC is open to both genders and does not discriminate.

2.3. Access to Justice Clinics/A2JC (Output 3)

A2JC were established in 2017 as a pilot initiative in 2 judicial districts (Suai and Baucau)¹³ with the

¹² See for example the 2016 UPR national report “*Timor-Leste has a patriarchal system which is a factor in preventing women from obtaining opportunities, causing them to face discrimination*”

¹³ Suai and Baucau Districts covers eight administrative municipalities: Baucau, Manatuto, Viqueque, Lautem, Cova Lima, Ainaro, Manufahi, and Bobonaro.

objective to increase access to justice for rural population. In only 2 years the initiative has received strong support and favourable feedback from the legal community and the clients. For example the “clients perception survey” conducted in 2019, indicates that *“the clients’ experiences with the AJCs outreach and mediation services were overall positive, with 85 per cent and 89 per cent of the respondents in each evaluation being either satisfied or strongly satisfied”*¹⁴.

The ACJ is run in a **coordinated effort of 3 different actors** (the Public Defender’s Office (PDO), the CSO Belun and the Paralegals), which are analysed below.

A) The Public Defender Office

The PDO is responsible for the A2JCs as they are established as an *“extrajudicial section”* of the PDO in accordance to article 22 of *Decree Law 10/2017 (PDO Statute)*¹⁵.

This is a sustainable solution that should be highlighted as a best practice, included in UNDP Communities of Practices; **grounding A2JCs in a State institution** is a model that offers a stronger possibility of continuation at the end of a project.

A2JC are still in an early stage of development and the full commitment of the Ministry of Justice is still evolving¹⁶, however UNDP is a position to continue to promote the model in the coming years and advocate for a transfer of the initiative to the national partner. To this end it is recommended to actively involve the MOJ in the implementation, included by creating synergies with the MOJ *“socialisation of the law campaign”* (see par. 2.1.2). The process will be facilitated by the fact that PD are very satisfied about the impact of A2CJs on their work, although after some initial resistance about partnering with an NGO.

B) The CSO (Belun)

The NGO Belun¹⁷ is responsible for delivering legal aid services at the A2JC (mediation and outreach campaigns). Belun has allocated one mediator and one project coordinator in each of the 2 pilot Districts. The A2JC is located in the same compound as the PDO in premises that were build with the support of UNDP.

In 2017 and 2018, the A2JC set up was more effective as the services were delivered by three CSOs¹⁸ that worked in synergy according to their respective comparative advantage. Belun was more focused on mediation and the other organisations on outreach campaigns with a legal approach. The complementarity was also clear in terms of the area of intervention for the paralegals (sub-districts and municipalities). In 2019, due to financial resources limitations, only Belun was funded: this is reflected in the statistics for the outreach campaigns which show a decrease in the number of beneficiaries.

Partnering with CSOs is an **excellent opportunity to strengthen the role of CSOs in Timor**, which were not engaged in the early phases of the JSP. UNDP staff is aware of the importance of regularly organising trainings for CSO staff: mediation and gender trainings were organised in Dili.

A point for consideration is that Belun staff has good mediation skills, but their understanding of the legal framework is limited because none of them has a legal background. This can affect the quality of the

¹⁴ *“internal evaluation of Access to Justice Clinics”*, UNDP 2019

¹⁵ Decree-Law No. 10/2017

¹⁶ The VIII Constitutional Government envisioned a nation-wide expansion of the AJCs in their programme, indicating the government’s buy-in of the initiative, but the Ministry of Justice is not yet ready to finance the expansion plan.

¹⁷ Belun was established in 2004 and intervene in three areas: Conflict prevention, Community capacity development, Research. They have 20 staff and currently three projects funded by UNWOMEN, UNDP and GIZ.

¹⁸ JNJ Advocacy, Justice and Peace Commission, Belun

services delivered: for example, eventual questions that arise during the outreach campaigns may need legal competences and mediating land disputes requires a good knowledge of the “land law package” to ensure that the mediation agreement is in line with the national legal framework.

The relationship between PDO and Belun is cooperative and cordial and still being defined clearly. A point for consideration is the fact that Belun staff has reporting duties to both the Belun HQ in Dili and the PDO, which creates some minor misunderstanding, for example the issue of who should first approve the reports was raised several times.

Both Belun and PDO suggested to improve communication, in particular with the objective to share respective activity plans, and recommended that UNDP intensifies such coordination and advisory efforts. The role of UNDP in facilitating the PDO-Belun partnership has been greatly appreciated: meetings were organised, but should increase in numbers and be organised on a regular basis. UNDP could also play a key role in promoting a harmonized approach for A2JCs: for example, in Suai the PDO authorized mobile A2JC, but this was not the case in Baucau.

Finally, Belun recommends that UNDP engages in longer term contracts, as the current 3 months’ renewal arrangement is negatively affecting the continuity of the A2JC activities.

C) The Paralegals

The work of the A2JC is complemented by a small network of paralegals who operate in “administrative posts” (former sub-districts or villages) in Suai and Baucau. (8 paralegals in 2019 and 13 paralegals in 2018). In Baucau Paralegals cover a total of 80 villages.

This is an **excellent model to provide an access to justice entry point also at the sub-district level**, where the needs of the most vulnerable population are. It is also an effective solution to ensure that outreach campaigns are well organised in advance.

Paralegals are volunteers managed by Belun staff and have the following roles: i) accompany victims to A2JC or refer the case to the Prosecution Office or Police, ii) support the *xefe suko* to resolve civil cases iii) collect data for the A2JC and support the organisation of the outreach campaigns. A good practice to note is that Paralegals are not allowed to mediate cases, as this role is reserved the mediator at the A2JC.

It is recommended to increase the number of paralegals and to strengthen their training, eventually via the Legal Training Center. The interviewed paralegal recommended to develop a manual for Paralegals and a code of ethics.

The model adopted for the Paralegal network with is **fully in line with the notion of “community based paralegals”** who deliver their services on a voluntary basis and are only entitled to the reimbursement of expenses (Belun paralegals receive 50 USD per month as incentives)¹⁹. Another opportunity (piloted by UNDP in Tunisia) could be to explore the possibility of hosting the Paralegals in the “*Centros de Solidariedade Social*” that are being established in each Administrative Post to ensure a stronger sustainability of the initiative.

2.3.1. Outreach campaign

As shown in the table below, the results for the A2JC Outreach Campaigns are overachieved: in 2017 the number of participants **exceeded by 520% the targets**. The drastic reduction in the number of

¹⁹ The Open Society Justice Initiative “*Community-based Paralegals, A Practitioner’s Guide*”, 2010

beneficiaries in 2019 is due to the fact that the CSOs delivering the campaign were reduced from 3 to 1 because of funding limitations.

	# of campaigns*	Target	# of Beneficiaries	Target
2017 (3 CSO)	91	30	3.304	600
2018 (3 CSO)	74	40	2.845	800
2019 (Q3 / 1CSO)	11	n/a	206	200

* include trainings on ADR for *xefe sukos*.

The outreach campaigns are organised by CSO and JSP staff, who identify the locations, the topics of the sessions, and the communication material. The PD have a limited role in the planning phase as they only sign the invitation letters. Some of the topics covered include: criminal and civil cases, the roles of rule of law institutions, conflict resolution procedures through the formal justice system, the role of the PDO and A2JC.

Training guidelines or modules with the description of training topics and methodologies are not yet available. UNDP could facilitate the development of such material in close cooperation with the PDO; this would have two advantages: 1) ensure that Belun staff (who has limited legal competences) is passing appropriate messages and 2) increase the PDO's ownership of outreach campaigns and address the expressed interest in being more actively involved in the planning phase.

Some key informants, included the *xefe suko*, reported that the language used in the sessions is too technical for people to understand, although the Q&A session was considered useful and interactive. It is therefore recommended to **introduce strategies to simplify the key messages**, as for example the adoption of theatre-based approach as well as the development of simplified communication material in Tetun (posters, leaflets...).

The *xefe suko* also pointed out that in some location people do not speak Tetum so an interpreter in indigenous languages would be needed and also proposed that a *xefe suko* could play this role. He also recommended that the campaign should be organised at sub-village level.

Outreach campaigns are organised in close cooperation with several actors, which indicates an attention to create synergies to increase the impact of the initiative. In particular, *Xefe sukos* are consulted in advance for the authorisation and they contribute to mobilise the participants. Representatives of the MOJ Land Department are occasionally invited to discuss land rights.

Participants in the outreach session who can not afford to travel to the A2JC are offered the possibility to register the case at the end of the campaign. Sometimes the A2JC mediator would travel to a remote location to mediate a dispute. This is an excellent solution to ensure that people not only have access to legal information but are also offered the possibility to claim their rights. The **mobile component** of A2JC should be strengthened and systematised.

An interesting opportunity to strengthen the synergies among the different project Outputs is develop a coordinated Outreach plan between the MOJ "Human Rights and citizen department" and the A2JC (see par. 2.1.2). Another recommendation to improve Output coherence is to ensure that outreach campaigns cover topics that are relevant under other Outputs as for example, Domestic Violence, which is the most common typology of case handled by Mobile Courts.

2.3.2. Mediation services

As indicated in the table below, the number of mediation cases registered at the A2JC achieved the targets in 2017. The results in the following years decreased because in 2017 the A2JCs cleared most of

the cases referred to them for mediation and in 2018 the PDO had less cases that could be resolved through the AJC mediation. In 2019 mediations are increasing again as a result of the outreach campaigns. The majority of the registered cases were mediated and the percentage of land disputes was strongly prevalent, with a 100% rate in 2018. Since 2017 the A2JC have registered 245 cases and more than 50 have found a solution.

1. Cases registred at A2JC			
	# cases registered	# clients	Target
2017	115	222	200 clients
2018	70	140	300 clients
2019 (Q3)	69	137	100 cases 200 clients

2. Mediations and % of land disputes at A2JC				
	# mediation *	Land disputes	%	Target (land)
2017	91	72	79%	96
2018	86	71	100%	116
2019 (Q3)	82	66	80%	100

* includes mediations conducted on spot after the outreach campaigns

Mediations are conducted by the Belun mediator who meets the parties separately and then jointly during a short process that takes three or four days. Mediations are conducted under the supervision of the PDO (initially a PD was present during the sessions), however it would be recommended to better clarify how the the supervision is conducted (quality review of mediation agreement? Performance review of the mediators?..).

The ADR procedure is described in the internal manual and the role of the mediator is to facilitate the settlement without taking any decision. Belun staff and the interviewed beneficiaries report that the process is also effective in reducing tensions among the parties: in several cases after the intervention of the mediator the parties resolved the dispute amicably and withdrew the case.

Both **beneficiaries interviewed expressed satisfaction** with the services received. One of them had tried to solve the same problem at the level of the *xefe suko* and while comparing the two methodologies found the A2JC more structured and professional; he appreciated that the mediator managed to avoid the escalation of the conflict. He hopes *“that the case will be sent to court for homologation”*. The second beneficiary appreciated that A2JC staff visited the land plot object the dispute and listened to both parties without imposing a solution.

2.3.3. Issues for consideration

In view of scaling up the A2JC in other districts a closer analysis of the issues described below is recommended.

1) harmonization with mediation services provided by other actors

In Timor Leste a plethora of actors are delivering mediation service (CSOs, *xefe sukos*, governmental bodies as the MOJ Land Office or the Ministry of interior), however a harmonized framework under which

to operate is not yet available as the government is currently developing a law on ADR to address this gap. The experience developed under the A2JC would be an opportunity for UNDP, the PDO and Belun to participate in this ongoing dialogue, eventually in partnership with UNWOMEN and their ongoing programme on ADR.

To be noted that the *Xefe Suku* is empowered under Law No. 9/2016 to promote the resolution of disputes that occur within the community. The *Xefe Suko* in Baucau reported some linkages with other mediators, for example he refers cases to the Land Office and also expressed interest in referring to the A2JC mediations that were unsuccessful.

The training sessions to develop mediation skills for *Xefe Sukos* are an excellent initiative: considered the prevalence of the informal justice and the strong influence of *Xefe Sukos* in the communities it is important to support their work to ensure its compliance to human rights and to establish linkages with the formal system.

2) the legal value of the mediation agreement

There is a lack of clarity among justice actors and Belun staff about the legal value of the mediation agreement.

- ✓ Belun staff explained that when the mediation is reached the agreement is signed by the parties and the Public Defender and the document is archived at the PDO. To the question of the legal value of the agreement and if it is binding also towards eventual third parties, Belun staff replied that they did never receive complaints about the agreement reached. The homologation process at the courts was known but its application was unclear: Belun staff suggested that UNDP could facilitate a discussion with the courts to ensure the homologation of the A2JC agreements. These replies indicate a lack of understanding of key legal issues linked to the mediation process and suggests the need to ensure that mediators also have a solid understanding of the “land law package”.
- ✓ Interrogated about the value of the mediation agreement, the PD explained that he only archives the agreement and suggested that it might perhaps be considered binding by the courts because of his signature.
- ✓ The Director of the MOJ Land Office in Baucau gave an interpretation which was also unclear and legally inconsistent. He suggested that according to law n. 13 of 2017²⁰ a mediation is legally binding if an agreement is reached between the parties at the presence of a witness (the Land Office, the *xefe suko* or the PDO).
- ✓ The Judge Administrator in Baucau finally clarified the issue and explained that there are two typologies of mediation agreements by the A2JC:
 1. If the mediated dispute was already registered at the court and a mediation agreement is reached at the level of the A2JC, the document will have to be homologated at the court at the end of the process. This mediation agreement has the value of a **property title**.
 2. If the case was not formally registered at the court (and is just a mediation at the initiative of the parties), the mediation agreement will only be signed by parties and the Public Defender and it will be archived at the PDO. This agreement does not constitute a property title, but can be used **as evidence** in an eventual future court case to assess the property.

UNDP and A2JC staff need to ensure that this concept is clearly understood by the beneficiaries in order

²⁰ Law on the special Regime for the Definition of the Ownership of Property

to avoid creating false expectations that the A2JC mediation agreement always represents **a title for the ownership of the disputed land**. This is a strictly legal issue that, in a no harm approach, needs to be well understood by A2JC staff so that they can inform the beneficiaries accordingly. Lack of clarity on this matter may fuel future conflicts on land issues.

3) access to justice for the most vulnerable people

The A2JC mediator and coordinator explained that they do not refer to a common definition of “vulnerable groups” because they consider that all people in the rural areas are vulnerable. The only applied criterion is that the person can not afford to pay transportation to come to the A2JC.

The choice is understandable in the context of Timor Leste, however if the objective of the JSP is to promote access to justice for the most vulnerable groups, then it would be expected that A2JC make some efforts in this direction. Of the 2 beneficiaries met by the evaluator, one was working in a bank and the other for the Ministry of health, which indicate that they did not represent the most vulnerable groups of the population.

The project could promote a “leave no one behind analysis” and introduce specific measures to ensure that cases from vulnerable groups are taken up in priority.

THE GENDER BOX:

The outreach campaigns have achieved satisfactory results in terms of reaching a balanced number of women and men: in 2017 the beneficiaries were 3.304 of which 1.245 women (40%). Results are less successful for the mediation component as in 2017 out of 167 clients only 50 were women (29%). Considering the context in Timor the results can be considered satisfactory and are in line with the findings of the report of the Special Rapporteur on Indigenous Rights which concludes that “*to date three times as many land claims have been submitted by men than women*”²¹

According to one of the A2JC beneficiaries “Women are not brave enough and do not have enough information to file a case”.

The JSP has made considerable efforts to ensure that Belun staff has adequate competences on gender and advocated for the recruitment of a national gender officer.

2.4. Mobile Courts (Output 4)

UNDP started to support Mobile Courts in 2010 with a pilot project in Suai and JSP IV supported the MOJ and the Judiciary to run MC from 2014 to 2018. In 2019 UNDP’s support stopped because of lack of funding, but the MOJ continued autonomously to organise MC, although only in Dili Judicial District. Under JSP IV Mobile Courts are organised in 3 Judicial Districts²², covering 9 municipalities which do not

²¹ “Report of the Special Rapporteur on the rights of indigenous peoples”. Visit to Timor Leste”, 2019

²² Mobile courts are organised as follows: 1) **Baucau Judicial District**: the court is in Baucau municipality and Mobile Courts operated in Manatuto, Viqueque, and Lautem. 2) **Suai Judicial District**: the court is in Cova Lima and Mobile Courts operated in Bobonaro, Ainaro, and Manufahi. 3) **Dili Judicial District**: the court is in Dili and Mobile Courts operate in Ermera, Liquica, and Aileu (not yet in Atauro).

have fixed courts, out of the 13 Districts that compose the territory of the State²³: Dili, Baucau and Suai.

2.4.1 The achieved results

The table below shows that the target set for Mobile Courts were achieved for the first 3 years of the project. In 2017 and 2018 the MC system registered a lower number of cases and the disposition rate also dropped. An acceptable 60% disposition rate has been the average over the 5 years of the JSP, however the reduction from 65% in 2014 to 46% in 2018 would need to be investigated further, in particular to verify if too many cases are allocated to the MC system compared to what it can handle.

To be noted that the total number of cases registered from 2014 to 2018 increased by 80% percent, which is due to the fact that the Judiciary is allocating more cases to be adjudicated by Mobile Courts, following the efforts made in 2017 by UNDP to streamline the system and support it.

Mobile Courts prevalently handle criminal cases (98%) and among such cases an average of **60% are GBV cases** and more specifically Domestic Violence cases. This was an unintended effect of the project and probably a consequence of the numerous efforts undertaken by the international community to raise awareness about the domestic violence law adopted in 2010.

From 2016 to 2018, the total number of the parties to the cases reached a number of 2.477 persons, of which 34% were women. The number of beneficiaries of mobile courts has been highest in 2017 with 971 persons (689 in 2018 and 807 in 2016). It would be useful to further disaggregate the data between plaintiff/victim and defendant/accused, especially to better understand what is the position of women as parties in the cases. Considered that the majority of caseload represents Domestic Violence cases, it can be assumed that women are mostly victims, but it would be interesting to know if and how women are involved in the few civil cases.

1. CASES HANDLED BY MOBILE COURTS BY DISTRICT (2014 to 2019)						
	DILI		BAUCAU		SUAI	
	#registered cases	# disposed cases	# registered cases	# disposed cases	# registered cases	# disposed cases
2014	84	62	103	78	241	143
2015	134	126	215	180	204	149
2016	113	65	173	135	189	127
2017	309	154	272	204	188	96
2018	422	175	117	73	169	84
2019	n/a	n/a	n/a	n/a	n/a	n/a
TOTAL	1.062	582	880	660	991	599

2. CASES HANDLED BY MOBILE COURTS AT NATIONAL LEVEL & JSP TARGETS (2014 to 2019)						
	# registered cases	# disposed cases	Disposition rate	TARGET	Achieved?	
2014	428	266	65%	150 and 50%	YES # YES %	
2015	553	455	82%	300 and 50%	YES # YES %	
2016	475	327	69%	450 and 60%	NO # YES %	
2017	769	454	59%	550 disposed	NO #	
2018	708	332	46%	600 disposed	NO #	

²³ Timor-Leste is divided into 13 districts. The 13 districts are subdivided into 67 sub-districts, with one designated as the capital, and administrative subdivisions – the so-called *sukus* (villages) – which vary between 2 and 18 per subdistrict. The smallest administrative division in Timor-Leste is the *suku* (village), which can comprise one or many *aldeias* (hamlets). The territory is divided into 498 villages, an average of seven per sub-district (Timor Leste government website)

2019	n/a	n/a	n/a	n/a	n/a
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3. TYPOLOGY OF CASES DISPOSED BY MOBILE COURT (ALL DISTRICTS)					
	# of total cases disposed	# of criminal cases disposed	# of civil cases disposed	# of GBV cases disposed	% GBV cases disposed
2014	266	n/a	n/a	n/a	n/a
2015	455	441	14	203	46%
2016	327	324	3	198	60%
2017	454	447	7	229	50%
2018	332	329	3	197	60%

The **data collection system** could be improved by adding an indicator to monitor the number of days that the court is mobile; this would be particularly useful to assess the cost efficiency of the initiative. Such data was collected only in the initial phase of the project (for example in 2014 a total of 62 mobile sessions were held). The disposition rate (% of cases that reached a final decision) should be reintroduced (it was removed in 2017) as it is an important indicator to measure the performance of MCs. Finally, the number of adjournments should also be monitored to understand if there are dysfunctional delays in the mobile procedure.

2.4.2. The quality of the achieved results

The Mobile Courts initiative has been well received by the judiciary authorities and all key informants. The Judge Administrator in Baucau and Dili acknowledged the positive impact of the MC and highlighted that people don't have to travel long distances, they know more about the formal justice system and fixed courts have reduced the number of backlogs.

As illustrated in the previous paragraph, the Mobile Court system is achieving results that are progressively improving. This was confirmed in the 2016 UPR report which concluded: "*The mobile courts are highly valued and have resulted in a significant reduction in pending criminal cases*".²⁴ JSMP has monitored the mobile courts since their establishment and their 2018 Annual Report to Parliament recommended to continue the initiative.

It is difficult to assess the mobile court intervention from a qualitative perspective, because the monitoring system only relies on quantitative data. In the next paragraphs the intervention will be assessed in the light of basic international human rights standards for fair trial and UNDP practices.

a) Model of intervention

The JSP focussed its support to Mobile Courts on the **logistical and financial aspects** of the intervention. Only in the initial stages under the pilot intervention UNDP provided technical support, subsequently the Courts requested more independence and UNDP took a different role. Under JSP IV, the contribution of UNDP has therefore mainly consisted in providing cash (perdiem and fuel) to run the MC and travelling with the mobile court for monitoring purposes.

The judiciary has not established specific criteria to decide which cases should be handled in a MC or specific SOP to conduct the MC. The process is organised on an *ad hoc* basis depending on the needs. The

²⁴ UPR, supra note 12.

judiciary would inform UNDP about the schedule and the list of cases a week in advance to prepare the perdiems. If the number of days in the field was not consistent with the schedule UNDP would ask to reduce the number of days.

MC follow a different schedule in the 3 districts: in Dili they are organized on a daily basis, in Baucau and Suai they have two missions of several days per month (one in the first week and one in the last week) and they have a rotation system so that some judges are always present at the fixed court. The MC is composed by one (sometimes three) judges, prosecutors, public defenders, clerks, translators, police to escort.

As pointed out by the Dili Court administrator, the organisation of a MC involves significant efforts of coordination with all the justice actors, in particular with the police to ensure the security and because most MC are held in police stations.

UNDP staff was often travelling with MCs, but only with the objective to collect quantitative data; the reason for not collecting qualitative data from a legal and human rights perspective was twofold: firstly, none of the UNDP staff on mission had legal skills, secondly UNDP's approach was to avoid interfering with the work of the judiciary.²⁵ Tools to collect quantitative data are available and were re-designed in 2017, however due to staffing limitations they were not used on a regular basis .

Considering the good quality of the the JSMC reports on court monitoring, it would be recommended to consider partnering with this organisation to introduce a qualitative perspective in the monitoring system.

Considering that UNDP is planning to re-start supporting Mobile Courts, it would be an appropriate timing to discuss with the Judiciary a **clear model for implementation with a more active role for UNDP in providing technical support**. The intervention could be framed under an agreement that would include a strategy or SOP to organise Mobile Courts and also introduce regular meetings with Mobile Courts actors from all districts to discuss challenges and exchange practices.

Cognisant of the importance of a comprehensive assessment of the Mobile Court system before re-launching the initiative, UNDP recruited an international consultant to conduct an evaluation of the Mobile Courts but unfortunately the report was not validated and no conclusions nor recommendations were drawn.

b) Preliminary activities (notification and investigation)

The UNDP supported Mobile Court model is limited to the hearing phase. It's worth noting that the most successful Mobile Courts models supported by UNDP (for example in DRC) are also covering the preliminary phases of the procedures: the notification and the investigation.

To achieve high disposition rates, it is paramount that the parties to the cases are notified the procedural acts in a timely and appropriate way; shortcomings in this phase will result in the parties not appearing and the case being adjourned. The Judge Administrator in Baucau confirmed that Mobile Courts are facing difficulties in delivering the notifications and reported that it is common that **cases are adjourned because parties are not present**. This is a common issue for both fixed and mobile courts, but becomes

²⁵ A best practice developed by UNDP in Sierra Leone is to support a network of community-based paralegals specifically trained to monitor courts, included MCs. In DRC, UNDP introduced a mobile court monitoring component carried out by eight UNDP staff.

particularly relevant for mobile courts because excessive adjournment rates would not justify the resources invested.

UNDP staff, who has no legal background, also referred that such cases occurred several times and added that to solve the problem the mobile court judge would order to the police pick up the parties to the cases in their homes. This is not in line with international standards of fair trial and should be avoided. Another solution mentioned to deliver notifications is to delegate the police instead of sending a court clerk as the police has knowledge of the whereabouts of the persons and vehicles to reach them. This procedure should also be avoided as it gives the perception that the police and courts are the same institution.

Similar challenges may arise with regards to the investigation. On this point the Prosecutor in Baucau explains that they delegate the task to the police (or sometimes to CAC) and judges assume that if the date of the hearing is scheduled then the investigations are completed. It may be important to explore further the quality of the investigations to ensure that the MC trial is based on evidence obtained in line with international standards.

c) Location of the MC

As reported in a recent JSMP report and confirmed by all key informants, MC hearings are mostly **held in police stations**. Justice actors in Baucau believe that the main reason is to ensure the safety of Mobile Courts members and the parties to the cases. Other viable alternatives that were mentioned are the village and sub-village halls, however one key informant believed that the location would not be ideal because it lacked privacy.

The evaluation supports the conclusion of the JSMP report that the MC should preferably not be held in police stations²⁶. The formal justice system is its early stage of development in Timor and it is important to ensure that the population has an appropriate perception of the judicial procedures. If hearings are held in police stations, confusion may arise about the role of the justice and security actors and MC judges may be perceived as members of the police. Parties to the case may also feel intimidated about going to a police station.

Another reason to advise against the use of police premises is the fact that the rooms can only accommodate the parties to the cases and their families, so the educational objective of MC is not achieved (see next par.).

Holding the hearings in the village hall, managed by the *xefe suko*, with and escort from the police to ensure the security would be the ideal solution, which would also achieve the objective of promoting and initial synergy between the formal and informal justice system. Such an approach was discussed but the request to also pay the Perdiem for police escort was rejected by UNDP because of budget constraints.

d) Participation of the public

One of the achievements of Mobile Courts in other countries is to ensure the population has better understanding of the justice system by showing justice in action. If held in public spaces, Mobile Courts are also a strong deterrent to unlawful behaviour that could reduce crime rates in the communities. A best practice developed in DRC is to send a team of Paralegals to visit the village identified for the Mobile

²⁶ JSMP, supra, note 1

Court a few weeks in advance in order to inform the population that the MC was scheduled and what was its purpose.

In Timor it is common that Mobile Courts hearings are only attended by the parties to the cases and their families. One of the judges in Baucau recalls that in the initial stages of the JSP, Mobile Courts would be held at village level with the involvement of the whole population and with some socialization activities delivered by the judges.

It would be recommended to reintroduce Mobile Courts as an educational tool.

e) presence of PD and lawyers

UNDP staff who travelled with the MC reported that Public Defenders were not always present during the hearings and estimated that only 10 out of 100 cases are handled at the presence of the PD. In the absence of the PD, the judge would ask if someone among the public at the trial would have legal skills and appoint him/her to represent the accused. When the Public Defender is present, it is however unclear if he/she had the opportunity to meet the client before the hearing. Finally, it should be noted that private lawyers should also be present at the hearing in order to request civil compensation for the victim pursuant to Article 284 of the Criminal Procedure Code.

It is recommended to further explore these issues to collect stronger evidence-based conclusions and ensure that in an eventual future agreement with the Judiciary the composition of the Mobile Court would include Public Defenders as a mandatory requirement. This would also promote stronger synergies among different Outputs (PDO is supported under Output 1).

f) execution and sentencing

Another issue that could be further explored to strengthen the quality of Mobile Courts and to avoid negative side-effects, is to ensure that the **transfers of sentenced persons and pre-trial detainees** are organised in compliance to international standards and in particular that these activities are not resulting in eventual illegal detentions. With this regards the judges and prosecutors in Baucau identified 2 cases:

- if the person is in pre-trial detention in Dili prison, then he/she is transferred to Baucau and kept in custody in a room at the court's premises and under the surveillance of a prison guard for the duration of the hearing.
- If the sentenced person is in freedom, the person will only be brought to the corrections facilities after the expiry of the 15 days for appeal. In felony cases the police is contacted and the sentenced persons is detained in the police cell while waiting for the prison car for the transfer to the prison.

Considered that most MC cases are Domestic Violence cases and that it is a common practice to apply a suspended sentence, it can be assumed that a limited number of persons are brought to prison under a Mobile Court proceeding. In a no harm approach and in view of the future expansion of the Mobile Court system, it is however recommended to have a better understanding of this aspect of the Mobile Court procedure.

g) Costs efficiency

In view of scaling up the Mobile Court system and developing an eventual strategic framework for the intervention, it would be recommended to conduct a cost analysis with the objective to explore if it would be more cost efficient to build a fixed court.

The average amount allocated per year for Mobile Courts under JSP is 100.000 USD. An approximate analysis based on the 2017 expenditures, shows that 769 cases were registered by Mobile Courts and the total amount spent to organise them was 121.000 USD. **The cost of each case was 158 USD in 2017, which is an acceptable amount.** It is however to be noted that the amount only covers the minimum expenses to run a Mobile Court (fuel and Perdiem). If in the future a more comprehensive model is adopted additional costs should be considered (i.e costs for monitoring, for supporting the investigations and the outreach campaign, the organization of the hearings in more adequate locations...)

To be noted that MC members receive a Perdiem based on governmental rates (60 USD for magistrates and PDs and 40 for judicial officers, drivers, and police), which is a good practice in terms of sustainability and cost efficiency. The consultant did not receive any complaints about the amount of the allowances, so it can be assumed that they are appropriate.

THE GENDER BOX

The total number of parties to the cases handled by the Mobile Court system for 2014 to 2018 is 2.744 persons, of which 34% were women. From 2016 to 2018 a total number of **624 cases of domestic violence** were heard by Mobile courts. (which represents an average of 56% of the number of the disposed criminal cases). It can therefore be concluded that Mobile Courts have a priority focus on Domestic Violence cases, although this was an unintended effect of the initiative as they were not planned as “gender mobile courts”²⁷. Key informants suggest that the prevalence of Domestic Violence cases is the result of dissemination efforts on the 2010 Domestic Violence Law.²⁸

All interviewed justice actors were well aware that SGBV hearings are to be held *in camera*, but that is the only special measure that was mentioned.

The below-mentioned aspects of Domestic Violence cases would need to be further explored in view of scaling up Mobile Courts to ensure that the system is providing a service which is offering an effective solution to the problem of women.

- Several reports and key informants highlight that the sanction applied for a large majority of Domestic Violence cases is a “**suspended sentence**” (77% of Domestic Violence cases observed by civil society in 2016²⁹) with the objective to educate the convicted person. However, a proper follow-up procedure to eventually revoke the suspension for a re-offender is not available in practice.
- **Protection orders**, requiring for example perpetrators to periodically present themselves to a police station or to be removed from the place of family residence, are rarely imposed and in practice no consequences follow their non-compliance.³⁰

²⁷ On gender mobile courts and their unintended effects see: “*Les audiences foraines en République Démocratique du Congo*”, UNDP, 2014

²⁸ Law No 7/2010

²⁹ “*Timor Leste: joint civil society submission to the Committee Against Torture*”, October 2017

³⁰ CAT report, supra note 29.

- It is uncommon that courts order **civil compensation** to victims of domestic violence. Between July 2010 and June 2013, JSMP identified only five domestic violence cases in which the court ordered the defendant to pay civil compensation to the victim.³¹

Addressing these issues is an urgent priority to continue the excellent results achieved so far and mitigate the risk that women would lose confidence in the system's capacity to deliver justice. The approach identified in the UNDP study on Domestic Violence to translate the legislative framework into practice³² appears relevant as it takes in due consideration the Timorese context and the role of the informal justice in Domestic Violence cases.

3. EFFICIENCY

Efficiency measures how economically resources or inputs (such as funds, expertise and time) are converted to results. The partnership strategy and project planning and monitoring will also be assessed.

3.1. The intervention logic and the project planning

The project has 4 outputs and a number of Activity Results and Activities that varied in quantity and contents across the years, for the reasons described in more detail in par 1.4. and 2.4.

Considering the above-elaborated circumstances, **the intervention logic of the JSP is not well articulated** and shows weak complementarity between the four different Outputs. The 2 main reasons are the absence of a theory of change (during the entire project life cycle) and the significant revisions that the project sustained throughout the years. Some flaws in the logic of intervention and the project design were already present in the 2014 Prodoc but they became more significant in recent years as a consequence of the subsequent interpretations of the Results Framework.

The main weakness of the intervention logic is the fact that, despite a significant number of activities were cancelled in 2015, the CO decided to maintain the 4 original Outputs unchanged.

Additional areas that present some challenges from a planning perspective include:

- ✓ **Output 4** has never been clear for the project staff and has undergone several interpretations. Its statement reads "*Facilitate discussions on a pilot project to test an integrated approach to access to justice*". Project staff decided that Output 4 referred to Mobile Courts as they imply a significant effort of coordination at local level, although this interpretation contradicts the fact that Mobile Courts were already supported by JSP since 2010, so the intervention should not be considered as a pilot (unless the nation-wide expansion was the pilot). Other interpretations of this output are possible. In the 2016 AWP Output 4 was completely changed into "*access to formal justice services by vulnerable people (including rural women) improved*" (which was a repetition of Output 3), but in 2017 the original Output was reintroduced.
- ✓ **Output 3** aims at strengthening access to justice, which is normally an outcome level statement

³¹ JSMP, supra note 1.

³² UNDP, "*Breaking the cycle of Domestic violence in Timor Leste*", 2013

and creates confusion as the mobile court component could also have been included under Output 3. As a matter of fact, Mobile Courts are reported under Output 3 until 2015, then they are moved to Output 4.

- ✓ **Synergies among the 4 Outputs** could have been stronger. In particular, it would have been expected that if the PDO is supported under Output 1, the presence of a PD would have been a mandatory requirement for Mobile Courts implemented under Output 4 (which is not the case as explained in par. 2.4. The outreach campaigns for the population organised by the A2JC under Output 3 could have included a module to explain to the population the purpose of Mobile Courts.
- ✓ An official document summarizing the project's **exit strategy** would have been expected in 2018, as this was the original date of closure for the project. UNDP staff explain that efforts were promoted in this direction, but there was a strong resistance from the national partners.

3.2. Monitoring

The JSP monitoring framework has undergone several revisions to adapt to the revisions that were introduced throughout the project cycle. The key tools to monitor and report are the UNDP Quarterly and Annual Reports.

From 2017 **significant efforts were made to improve the monitoring system**: new tools were developed, indicators were revised, a comprehensive monitoring framework was adopted and efforts were made to reconstruct missing data from the past, as the baseline.

A specific monitoring framework for AJC was introduced. It's well structured and regularly updated, however 17 indicators could be too many, especially considered and the general M&E framework for JSP only has 10. One single M&E framework for the whole project would be more efficient in the terms of ensuring coherence among the different Outputs.

Data collection tools are available for the A2C component (Belun staff manage a database from which a monthly report to UNDP is drafted) and the MC component (monitoring forms were compiled by UNDP staff), but not for the LTC. Reporting has been more focused on the quantitative data, but starting from 2019 efforts were made to give more attention to the qualitative aspects of the JSP with the A2JC and the Mobile Courts specific evaluations.

Statistical information on JSP activities is available but accessing the data could be more user-friendly and rapid. To improve the system it is recommended to introduce a computerized/online database (for example on Google docs) in order to i) speed up the process of extracting the required data (compiling the statistical data for the evaluation was time-consuming) ii) facilitate identification trends, areas of success and weaknesses and allow comparative analysis iii) make the process of following up progress toward targets more user-friendly.

3.3. Human resources

The **recruitment of internationals advisers** to address the shortage of qualified national human resources within the justice sector was at the heart of the JSP in its original formulation. Until December 2014, International Advisors were engaged to perform line-functions in the courts and provide on-the-job training for the national colleagues. 30 international consultants were hired from 2014 to 2018 to support

the JSP, but the large majority concluded their contract in 2015. The institution that received most advisors is the MOJ (10) followed by the LTC. The 30 JSP advisors were contracted by UNDP under specific LOAs for a total amount of 652 months.

It is to be noted that many International Advisors had a contract for several years, for example the Lawyer Lecturer at LCT was contracted for 5 years and 3 months. Although this choice has ensured continuity and coherence in the teaching approach, it would also have been beneficial for the students to experience different approaches with a wider variety of lecturers. UNDP staff explain that the renewal of the contracts was based on the request from the national partner and a performance evaluation prepared by the institution where the consultant was embedded; the role of UNDP just to facilitate the procedures and contribute financially.

It is difficult to evaluate the impact of the Advisors' contributions to the project because, due to the contractual modality (LOA), they presented their monthly reports to the national institution that was hosting them and only starting from 2017 to UNDP.

For the future it is recommended to adopt contractual arrangements with International Advisors that would give UNDP staff more control and insight over the performance of the consultant.

It's worth noting that Project staff was also affected by funding limitations and by considerable rotation during the evaluated period, which had a negative impact on the implementation of the project.

Finally, some technical aspects could have been addressed more efficiently if the JSP national staff had a legal background. For example, the A2J Officers in Dili and Suai were hired initially as translators and drivers and then given the responsibility to coordinate mobile courts since 2015. Similarly, the last CTA had a human rights background and no experience in judicial procedures.

3.4. Cost efficiency

Following the 2014 Resolutions, the JSP saw a **drastic reduction of the budget** and many donors decided to withdraw their support from the project (EU, Norway, Portugal and Australia) and their support to Timor Leste in general. In more recent years the project has been funded by the Embassy of Japan and Korea as well as UNDP funds.

In the original project structure funds were, to a large extent (more than 70%), earmarked for the payment of staff salaries and allowances of international advisers. This approach changed after the 2014 Resolutions as the project reduced the number of ICs and refocused on activities implemented by NGOs and justice institutions as A2JC and Mobile Courts. None of the key informants raised the issue of the excessively high allowances paid to international advisers, however this aspect should have been addressed especially in the light of some complaints received about the quality of the services provided by some of the Portuguese advisers.

The total project expenditures for JSP IV are illustrated in the table below. It is not possible to compare the expenditures to the planned budget as the original budget is not applicable and a revised version was not available.

PROJECT expenditures overview (2014 to 2019) - Source: UNDP annual reports						
	total	output 1	output 2	output3	output 4	output 5
2014	1.805.794	663.942	427.218	293.275	305.165	116.194

2015	1.328.735	549.558	202.904	175.493	229.611	171.169
2016	488.106	116.592	78.024	64.345	113.333	115.812
2017	850.560	75.155	157.197	287.361	143.954	186.893
2018	1.096.536	230.651	304.185	240.166	106.606	214.929
to 06/2019	175.660	37.228	40.542	48.071	- -	49.818
TOTAL	5.745.391	1.673.126	1.210.070	1.108.711	898.669	854.815

3.5. Coordination with UN agencies and other international partners

JSP IV was a project fully run by UNDP as no formal partnerships nor coordination mechanisms with other development partners were established. Informal exchanges were promoted with OHCHR and UNWOMEN with the objective to share information and invite thematic experts in trainings organized by UNDP. For example UNWOMEN delivered the gender training for Belun staff and in 2017 the OHCHR staff delivered a session in the UNDP land rights training, as well as a training on HRBA for UNDP staff.

Coordination is further complicated because in Timor Platforms to promote the coordination among national and international ROL partners are not in place. An informal Access to justice Forum was established but was closed down after 6 months.

It must finally be acknowledged that after the 2014 resolutions, UNDP has been the main international partner fully dedicated to support the justice sector, as many other Rule of Law actors either withdrew or scaled down their support, as USAID or Asia Foundation.

4. SUSTAINABILITY

The evaluation findings suggest that JSP IV has managed to ensure that some of the project components have reached a **significant level of institutionalization** which has ensured that implementation is continuing without the support of UNDP.

A first example is the Mobile Courts system, which in 2019 was fully funded by the MOJ, although only in Dili Judicial District. The achievement was mentioned in the recent report of the Special Rapporteur on indigenous rights as a *“positive step taken by the Government in indicating its willingness to assume the costs of continuing the mobile court system,”*³³. To be noted that the technical aspects related to Mobile Courts have been managed independently by the judiciary with local capacities throughout JSP IV.

Another positive result in terms of sustainability is the experience of the A2JCs. JSP IV has developed a best practice consisting in framing the clinics under the mandate of a justice institution (PDO) and under a clear legislative framework (the PDO statute). The PDO and UNDP are concerned that the MOJ is not yet fully committed in taking over the initiative, but it is believed that gaining such buy-in can not be

³³ Special Rapporteur on the rights of indigenous peoples, supra note 2.

achieved in only 2 years, but it is likely to be achieved in the coming years. The recognition of the A2JCs in the national legislative framework is seen as quite an achievement in only 2 years.

A third example to illustrate the importance that the government attaches to the activities developed under the JSP, is the fact that the government has taken over the funding of a number of international staff that were previously under JSP budget. For example, in 2019 the MOJ is funding the allowances of 2 legislative drafters, 1 Public Defender from Brazil, 3 Advisers at the MOJ chief of staff cabinet and 7 advisors at the LTC.

The sustainability of the interventions would have been further strengthened (particularly in an exit strategy perspective) if the JSP had supported national partners to jointly develop SOP, guidelines, manuals because such tools would have left a more solid baseline for the justice institutions to continue the work independently.

5. IMPACT

The evaluation of the 3 Outcome level indicators for the JSP have been extensively addressed in the 2018 *“Outcome Evaluation of Programmes of Democratic Governance”*³⁴, to which reference is made and which will be complemented hereunder.

Shortcomings in the project design have affected the evaluation of the impact criteria. Shortcomings include the lack of a theory of change and the fact that some outcome indicators³⁵ are not specific enough to allow a clear measurement of change. In addition, other indicators would have required a strong and dedicated baseline study. A study was conducted by an international consultant to develop the project baseline in Suai district. However, the report was not validated so it was decided to use the Asia Foundation Baseline report of 2103, which is of good quality but does not reflect the UNDP approach.

Impact will therefore be assessed in the light of the key activities under JSP and feedback received from key informants. In particular, the 3 outcome level indicators (# backlog cases, confidence and use of the formal system, included for GBV cases) are assessed to verify if the intended changes have occurred with regards to the population and the institutions.

a) Changes for the population

The “Country Programme Evaluation” conducted in 2018, concluded that *“though there has been progress, the formal justice system remains a distant reality for most of the population, especially those living in rural areas. With a relatively low adult literacy rate of 58 percent (2010 Census) and limited basic awareness of the justice system, there is a reliance on the traditional justice system”*.

Some success has been achieved by A2JC and Mobile Courts in terms of increasing knowledge and use of formal justice mechanisms for their clients. In particular, A2JC and Mobile Courts have created opportunities for the rural population to use formal justice services and the mediation component of the

³⁴ “Outcome Evaluation of Programmes of Democratic Governance Programmes of UNDP Timor Leste”, 2018

³⁵ i) # of backlog cases in the courts, prosecutor and public defender offices. ii) Percentage of population with confidence in the formal justice system. iii) Percentage of people using formal justice mechanisms to settle disputes, including for GBV

A2JC has contributed to rebuild relations among community members. The “A2JC user’s perception survey” conducted internally by UNDP in 2019 indicate that: *“approximately 60 per cent of respondents were familiar with the key formal justice institutions; 87 per cent of respondents thought that the formal justice system could help solve their problems, and 79 per cent of respondents knew how to access the formal justice system. However, the formal justice system was additionally perceived as being too far (geographically, 62%), too difficult to understand in terms of the process of the justice system (65%), being too complicated and time-consuming (64%), and being perceived as being too expensive (57%)”*.

Mobile Courts statistics show that the use of the formal system increased significantly during the project with regards to GBV cases: the majority of Mobile Courts (60%) cases are GVB cases and more specifically Domestic Violence cases. The JSP has encouraged women to use the formal system and is contributing to change the way women address Domestic Violence disputes.

b) Changes for the institutions

The indicator to measure change at the level of institutions is the number of backlog cases across the justice system, however it is not specific enough to be measured and has lost relevance because the new project approach after the 2014 expulsions was less focussed on providing strategic support to institutions.

Asked about what changes the JSP introduced in judicial practice, Public Defenders confirmed that A2JC contributed to reduce the number of cases registered at the PDO as a consequence of the fact that many cases are now mediated by the A2JC. An important behavioural change achieved by the PDO in a remarkably short time is the fact that the Office has learnt, after an initial period of resistance, to work in partnership with civil society organisations. PD also mentioned that the cooperation with the A2JC improved their knowledge and understanding of the needs of the population.

PART III: CONCLUSIONS AND RECOMMENDATIONS

1.1. Conclusions

The findings detailed in the previous paragraphs are consolidated below for each evaluation criterion.

Relevance

- ✓ All project components are in line with national strategies and relevant for the government of Timor Leste. National ownership was weak in the initial phase of the project, but improved in 2017 following the programmatic shift towards more national-led initiatives and a reduction in the number of international advisors.
- ✓ The JSP responds to the needs of the population especially by providing legal aid and justice services in remote areas, but could have identified specific vulnerable groups and implemented specific measures to address inequalities instead of generically targeting the rural population.
- ✓ Following the 2014 resolutions, the process of adapting to the changed context presented some weaknesses: the revision process was not documented and lacked a coherent vision, although some creative solutions were introduced, as the A2JC.

Effectiveness

- ✓ **Output 1 (Institutional support)** was the most negatively affected by the 2014 Resolutions: most of the upstream-policy oriented intervention to support the justice institutions in sector-wide approach were cancelled. Some *ad hoc* interventions were nevertheless implemented with satisfactory results. To be noted the support to the PDO to develop an effective office with a clear legal framework and trained staff.
- ✓ **Output 2 (Legal Training Center)** was also affected by the 2014 resolutions: following the departure of international advisers the LTC activities were suspended for almost 2 years. The LTC has however not managed to develop a sustainable teaching model that responds to the needs of the justice sector and reflects the Timorese context (courses are taught in Portuguese with limited efforts to develop legal Tetum, and the Timorisation of LCT was not achieved as all legal lecturers are Portuguese). The total number of graduates is 116 justice professionals in 6 years, therefore achieving the JSP indicator of increasing by 50% the number of justice actor.
- ✓ **Output 3 (A2JC)** has achieved remarkable results in only 2 years and the initiative represents as a very promising and sustainable practice: A2JC are established under the mandate of a justice institution (PDO) and a clear legal framework. The initiative has successfully promoted a partnership between the PDO and a CSO and supported the notion of paralegalism to promote A2J in remote locations. Targets for the outreach campaign are overachieved and are satisfactory for the mediations. Points for improvement include: ensure that information on the legal value of the mediation agreement is clearly provided to clients and simplify the language for the outreach campaigns.
- ✓ **Output 4 (Mobile Courts)** has achieved the reduction of backlogs in criminal cases and provided access to justice to rural populations. The total number of cases registered by Mobile Courts from 2014 to 2018 increased by 80% percent. Targets are achieved, the initiative is cost efficient, however a stronger focus on qualitative monitoring and a more technical role of UNDP staff

would have allowed to develop a model more in line with international fair trial standards.

Efficiency

- ✓ Due to the absence of a theory of change and the significant revisions that the JSP sustained as a result of the 2014 Resolutions, the intervention logic is not well articulated and shows weak complementarity between the four different Outputs.
- ✓ From 2017 significant efforts were made to improve the monitoring system: new tools were developed, indicators were revised, a comprehensive monitoring framework was adopted and efforts were made to reconstruct missing data from the past, as the baseline.
- ✓ In the initial stages of the project there was an oversupply of overpaid international advisers (more than 70% of the original budget), whose performance was not under the direct supervision of UNDP. Project staff was also affected by funding limitations and considerable rotation during the most critical stages of the project.
- ✓ JSP IV was a project fully run by UNDP: formal partnerships or coordination mechanisms with other development partners were not established.

Sustainability

JSP IV managed to ensure that some of the project components reached a significant level of institutionalization which has allowed implementation to continue without the support of UNDP. To be noted the A2JC for the following reasons: i) they are established under the mandate of a justice institution (PDO) and a solid legal framework, ii) they are promoting a solid partnership between a justice institution (PDO) and a civil society organisation (Belun) iii) they include a sustainable model for community-based paralegals.

Impact

- ✓ A2JC and Mobile Courts have increased knowledge and use of formal justice mechanisms for their clients and the mediation component of the A2JC has contributed to rebuild relations among community members. Mobile Courts had a significant impact on women as the majority of Mobile Courts (60%) cases are GVB cases and more specifically Domestic Violence cases. A2JC contributed to reduce the number of cases registered at the PDO and improved the PD's understanding of the needs of the population.

1.2. Recommendations

Considered that the JSP is due to close at the end of 2019, recommendations will be provided in priority for the two components that UNDP and the justice institutions are planning to continue in 2020: the **A2JCs and the Mobile Courts**. Recommendations will also be provided for **the LTC** with a focus on gender and eventual activities related to the "Spotlight Initiative".

A general recommendation for the first two components is to dedicate additional time to strategically prepare the next phase: the extension of Mobile Courts and A2JC to additional Districts.

The evaluation findings have highlighted that both components would need to fine-tune some aspects of the intervention (eventually with reference to best practices in other countries) and capitalise the lessons

learned from the pilot phases. This exercise would allow to define more clearly the model for intervention (for A2JC and MC) to have a more solid framework for scaling up the interventions.

Below are some recommendations for issues that could be addressed to prepare for scaling up.

A) RECOMMENDATIONS FOR SCALING UP THE A2JC

Promote a consultation process with justice actors under the lead of the MOJ/PDO to define a model and to standardize A2JCs. The points recommended in the table below could be discussed:

Addressed to	Priority	Recommendation
UNDP and Belun	High	Improve the outreach campaigns (in order of priority 1) identify solutions to simplify the language and develop standard communication material 2) develop standard modules, 3) introduce creative methodologies as educational theatre, 4) establish partnership with the MOJ Human Rights and Citizen Department)
UNDP and Belun	High	Improve the mediation component (in order of priority: 1) strengthen information about the legal value of the mediation agreement, 2) Identify measures to support women to access the mediation component of A2JC 3) establish partnership with international partners, as UNWOMEN, on ADR. 4) Contribute to the ongoing national debate on the ADR legislation by sharing lessons learned from the A2JC experience
UNDP	High	Identify solutions to ensure that A2JC services are delivered by qualified staff with legal skills.
UNDP	Medium	Conduct a vulnerability analysis to identify the target groups who should have priority access to the A2JC
UNDP and PDO	Medium	Ensure that the PDO applies harmonised practices in the A2JC in the 2 Districts Clarify the partnership between PDO and CSO, included how PD should exercise their supervisory role.
UNDP, LTC, and MOJ	Low	Institutionalise the Community-Based Paralegal Network (Increase the number of voluntary paralegals, strengthen their training eventually via the LTC, develop manuals and codes of ethics, explore if they could be hosted in the "Centros de Solidariedade Social" ...)
UNDP, Belun and Judiciary	Low	Develop synergies between A2JC and Mobile Courts.

B) RECOMMENDATIONS FOR SCALING UP THE MOBILE COURTS

Promote a consultation process with justice actors under the lead of the MOJ/Judiciary to define a model and standardize the Mobile Courts system. The points recommended in the table below could be discussed:

Addressed to	Priority	Recommendation
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UNDP	High	Revise the MC evaluation report or re-conduct the evaluation to further explore some technical aspects (adjournments, notification system, investigations, transfer of the detainees, presence of PD, cost efficiency compared to fixed courts...)
UNDP and Judiciary	High	Identify a MC model (criteria to allocate a case to a MC, composition of the MC, MC as an educational tool, location for MC..)
UNDP	Medium	Identify a role for JSMP to ensure regular monitoring of mobile courts.
UNDP and Judiciary	Medium	Develop an LOA with the courts to regulate roles, activities, coordination mechanisms to implement MC
UNDP and Judiciary	Medium	Develop a strategy to improve the management of Domestic Violence cases by Mobile Courts (sentencing, protection orders and civil compensation)
UNDP	Medium	Fine-tune the monitoring framework (data on adjournments, n. of days of MC, qualitative data..)
UNDP	Low	Establish a platform for information sharing on MC among the 3 Judicial Districts.

C) RECOMMENDATIONS FOR THE LTC

Under the framework of the EU funded “Spotlight initiative” for the elimination of violence against women and girls, UNDP plans to continue the **support to the Legal Training Center (LTC)**. Recommendations in this area of intervention with a gender focus include:

- Introduce “special/affirmative measures” based on gender to support women to overcome the obstacles they face in accessing the legal professions and increase the number of LTC women graduates. (for example, offer scholarships for young women or introduce gender quotas to increase the number of women enrolling at the LTC)
- Mainstream and standardize trainings on domestic violence across both the initial and continuous legal education components.
- Develop a specific training module targeting Paralegals and support them to deliver awareness raising sessions on domestic violence using simplified language and methodologies (for example, community theatre).
- Create synergies between the domestic violence training activities at LCT and the mobile courts’ judicial practices for domestic violence cases.

In order to ensure the effectiveness of the gender-related recommendations for the LCT, it is strongly recommended to also support a parallel intervention aimed at strengthening the institutional capacity of the LCT, with a focus on data collection and monitoring, performance evaluation, training needs analysis and curricula development.

Additional high priority areas for the LTC include: i) the promotion of the role of Timorese teaching staff ii) the development of legal terminology in Tetum and iii) the establishment of synergies with law schools.

ANNEX 1: LIST OF INTERVIEWED PERSONS

- **Afonso Carmona**, judge administrator, Dili District Court
- **Alexandre Coelho**, Senior international pedagogical adviser, LJTC
- **Among Bernardino da Costa**, Director Land department, Ministry of Justice, Baucau
- **Andrew Harrington**, former Access to Justice Specialist, UNDP
- **Anna Yang**, Access to Justice Coordinator, Asia Foundation
- **Antonino Goncalves**, Director, Legal and Judicial training center
- **Bruno de Lencastre**, Chief Technical Advisor, Justice Sector Reform Project, UNDP
- **Camille Wauters**, Programme Specialist, UNWOMEN
- **Cancio Xavier**, Public defender general, Ministry of Justice
- **Carlos Dos Sonto**, A2JC Beneficiary
- **Casimiro Dos Santos**, Director JSMP
- **Crispin c. Malin Carduso**, Paralegal, A2JC
- **Domingas** – Chief of Department, LTC
- **Domingos Correia**, Coordinator, Peace and Justice Commission
- **Francisco da Costa**, mediator, A2JC
- **Izalde Pinto**, AJC project coordinator, Belun
- **Januario Soares**, former JSP project manager, UNDP
- **Joao Belo**, Traditional Leader, Baucau
- **Joao Crisostomo**, former access to justice officer, UNDP
- **Joao Gregorio Delima**, Coordinator Public Defender Office, Baucau
- **Joao Noquera Ximenes**, A2JC Beneficiary
- **Joao Noquera ximenes**, Programme Coordinator, A2JC
- **Joongil Shin**, Deputy chief mission, Embassy of Korea
- **Jose Goncalves**, Judge Administrator, Baucau District Court
- **Laura Valente Lay**, Gender Focal Point, Public Defender Office
- **Luis Ximenes**, Director, Belun
- **Maja Stojanovska**, a.i. Head of Governance Unit, UNDP
- **Marcal Ximenes**, Project manger, Peace and Justice Commission
- **Marcelina Tilman**, Director General, Ministry of Justice
- **Marcelo Nunes**, Tetum Lecturer, LTC
- **Maria Terese do Santos Ferreira**, Human Right Officer, UNOHCHR
- **Misato Taki**, Second Secretary, Embassy of Japan
- **Munkhtuya Altangerel**, Resident Representative, UNDP
- **Nelita Ximenes**, Programme analyst, UNDP
- **Remiza**, District Prosecutor, Baucau
- **Ricardo Ernesto Belo**, Xefe Suko, Baucau
- **Roberto**, Chief of IT Department, Ministry of Justice
- **Sora Chung**, M&E Specialist, UNDP

ANNEX 2: LIST OF REVIEWED LITERATURE

- *"Final report on the evaluation of the UNDP justice system programme in Timor-Leste"*, 2011
- *"Gender responsive alternative dispute resolution"*, UNWOMEN, 2017
- *"Independent Mid-term Evaluation Report: strengthening the Justice System in Timor-Leste Programme"*, 2007
- *"Internal evaluation of Access to justice clinics"*, UNDP 2019
- *"Outcome Evaluation of Programmes of Democratic Governance Programmes of UNDP Timor Leste"*, 2018
- *"Timor Leste: joint civil society submission to the Committee Against Torture"*, October 2017
- *Evaluation report: UNDAF in Timor Leste (2015- 2019)*
- Institute for Policy Analysis of Conflict *"Justice at the crossroads in Timor-Leste"*, 2015
- JSMP *"Annual report on the Judiciary"*, 2018.
- JSMP, *"The state of legal aid in Timor-Leste"*, 2017
- *Justice Sector Strategic Plan for Timor-Leste (2011-2030)*
- *"Les audiences foraines en République Démocratique du Congo "*, UNDP, 2014
- Open Society Justice Initiative *"Community-based Paralegals, A Practitioner's Guide"*, 2010
- *"Programme of the VIII Government"*, 2018
- *"Report of the Special Rapporteur on the rights of indigenous peoples" . Visit to Timor Leste"*, 2019
- The Asia Foundation, *"Timor-Leste law & justice survey"*, 2013
- Timor Leste *"Strategic Development Plan" (2011-2030)*
- Timor Leste National Action Plan on *"United Nations Security Council Resolution 1325 on women, peace and security"* (2016 -2020)
- *UNDP Country Programme Action Plan for Timor-Leste (2015-2019)*
- UNDP, *"Breaking the cycle of Domestic violence in Timor Leste"*, 2013
- UNDP, *Independent Country Programme evaluation - Timor Leste, 2019*
- UNDP/JSP Annual Reports 2014 to 2018
- UNDP/JSP newsletters 2014 to 2019
- *United Nations Assistance Development Framework for Timor Leste (2015- 2019)*
- UNWOMEN, *"Women's multiple pathways to justice: alternative dispute resolution and the impact on women in Timor-Leste"*, 2018
- UPR National Report – Timor Leste, 2016
- *"Voluntary National Review of Timor-Leste: Report on the Implementation of the Sustainable Development Goals"*, 2019

ANNEX 3: EVALUATION MATRIX

Justice System Programme, UNDP Timor-Leste (IV) EVALUATION MATRIX			
1. RELEVANCE			
<i>Relevance concerns the extent to which a development initiative and its intended outputs or outcomes are consistent with national and local policies and priorities and the needs of intended beneficiaries. Relevance also considers the extent to which the initiative is responsive to UNDP corporate plan and human development priorities of empowerment and gender equality issues. Relevance also incorporates the concept of responsiveness—that is, the extent to which UNDP was able to respond to changing and emerging development priorities and needs in a responsive manner. An essential sub-category of relevance is the criteria of appropriateness, which concerns the cultural acceptance as well as feasibility of the activities or method of delivery of a development initiative.</i>			
	QUESTIONS	DATA SOURCES	DATA COLLECTION
Q.1.1.	To what extent JSP's technical and operational assistance were relevant in addressing the needs and strategic priorities of Timorese justice institutions and other judicial stakeholders?	- National Justice Sector strategies	- Online research - Interviews:
Q.1.2.	To what extent were interventions informed by gender and social inclusion analyses to enhance access to justice in a "leave no one behind approach"?	Project document	Request CO
Q.1.3.	To what extent the planned outputs contributed towards the achievement of the CPD and UNDAF outcome and what are the evidences to validate these claims?	CPD and UNDAF	Request CO
Q.1.4.	To what extent the project was able to cater the needs of the beneficiaries in the changed context? If and when required an alteration of focus/strategy, was the project flexible?	Revised project document	Request CO
Q.1.5.	Is there any evidence that the project advanced any key national rule of law, human rights, gender or inclusion policies and the priorities of UN, UNDP, including the UNDAF, the advancement of SDG 16?	research reports key informants	Interviews
Q.1.6.	How relevant was the geographical coverage?	key informants	Interviews
2. EFFECTIVENESS			
<i>Effectiveness is a measure of the extent to which the initiative's intended results (outputs or outcomes) have been achieved or the extent to which progress toward outputs or outcomes has been achieved</i>			
	QUESTIONS	DATA SOURCES	DATA COLLECTION
Q.2.1.	How effective has the project been in strengthening the Timorese Justice System?	key informants	Interviews
Q.2.2.	Has the project achieved its outputs? What were the major factors influencing the achievement or non-achievement of the outputs?	Annual reports key informants	Request CO
Q.2.3.	Has any particular activity succeeded significantly, and what contributed to its success? (case study and best practices)	key informants	Interviews
Q.2.4.	Were any changes made in the project regarding approach, partnerships, beneficiaries etc. suggested by project mid-point evaluation, context/risk analysis? Did it affect project results?	Annual reports key informants	Request CO
3. EFFICIENCY			
<i>Efficiency measures how economically resources or inputs (such as funds, expertise and time) are converted to results. An initiative is efficient when it uses resources appropriately and economically to produce the desired outputs. (...)It is also important to assess how the partnership strategy has influenced the efficiency of UNDP initiatives through cost-sharing measures and complementary activities</i>			
	QUESTIONS	DATA SOURCES	DATA COLLECTION
Q.3.1.	To what extent have resources (financial, human, institutional and technical) been allocated strategically?	Financial documents	Request CO

Q.3.2.	Were the project inputs and benefits fairly distributed amongst different genders and communities while increasing access for the most vulnerable? What factors influenced decisions to fund certain proposed activities, and not others?	Project document Key informants	Interviews
Q.3.3.	Has UNDP worked effectively with partners to deliver on this current initiative? If so, to what extent were partnership modalities conducive to the delivery of outputs?	Project document key informants	Interviews
Q.3.4.	Are there current or potential complementarities or overlaps with existing partners' programmes?	key informants	Interviews
Q.3.5.	How effective has UNDP been in partnering with civil society (where applicable) and the private sector to promote Access to Justice in the country?	Project document key informants	Interviews
Q.3.5.	To what extent did the coordination with other UN agencies and UNDP projects reduce transaction costs, optimize results and avoid duplication?	key informants	Interviews
4. IMPACT			
<i>Impact measures changes in human development and people's well-being that are brought about by development initiatives, directly or indirectly, intended or unintended.</i>			
	QUESTIONS	DATA SOURCES	DATA COLLECTION
Q.4.1.	What impact did the work of JSP have on the institutional/professional capacity of justice institutions and other judicial stakeholders? Is there evidence of knowledge transfer?	key informants Justice perception survey	Interviews
Q.4.2.	What impact did the work of JSP project have on the Justice System in Timor-Leste? What behavioral changes were introduced among justice actors?	key informants	Interviews
Q.4.3.	Did women, men, people with disability, youth and marginalized groups directly benefit from the project's activities? If so, how and what was the impact?	key informants	Interviews Focus groups
Q.4.4.	What impact did JSP have in increasing access to justice services?	key informants	Interviews
Q.4.5.	Is the national justice system more inclusive, credible and transparent?	key informants	Interviews
Q.4.6.	Is there evidence of changes in their credibility, effectiveness and/or sustainability?	key informants	Interviews
5. SUSTAINABILITY			
<i>Sustainability measures the extent to which benefits of initiatives continue after external development assistance has come to an end. Assessing sustainability involves evaluating the extent to which relevant social, economic, political, institutional and other conditions are present and, based on that assessment, making projections about the national capacity to maintain, manage and ensure the development results in the future</i>			
	QUESTIONS	DATA SOURCES	DATA COLLECTION
Q.5.1.	Have JSP interventions enhanced the capacity of national justice institutions and judicial stakeholders for sustainable results?	key informants	interviews
Q.5.2.	What is the level of ownership of national justice institutions towards the project? Will they be able to sustain project supported interventions (programmatically and financially) after the project phases out?	key informants	interviews
Q.5.3.	Is there any evidence that JSP project reduced assistance over the years due to national justice institutions increased ownership and leadership?	key informants	interviews
7. GENDER & HUMAN RIGHTS AND SOCIAL INCLUSION			
	QUESTIONS	DATA SOURCES	DATA COLLECTION
Q.7.1.	To what extent has gender been addressed in the design, implementation and monitoring of the JSP? Is gender marker data assigned this project representative of reality?	Project document key informants	interviews
Q.7.2.	How were gender issues implemented as a cross-cutting theme? Did the project give sufficient attention to promote gender equality and gender-sensitivity?	key informants	interviews

Q.7.3.	To what extent did the project pay attention to effects on marginalized, vulnerable and hard-to-reach groups? How did the project consider the plight and needs of the vulnerable and disadvantaged to promote social equity,	Project document key informants	interviews
Q.7.4.	To what extent was the project informed by human rights treaties and instruments?	key informants	interviews
Q.7.5.	To what extent and how did the project address the relevant human rights issues in the country?	key informants	interviews