



ANNUAL REPORT 2012

Human Rights Capacity Building of the
Provedoria for Human Rights and Justice

March 2013

ACRONYMS AND ABBREVIATIONS

APF	Asia Pacific Forum of national human rights commission
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CPLP	Community of Portuguese Speaking Language Countries
DAP	Directorate of Public Assistance
DBG	Directorate for Good Governance
DDH	Directorate for Human Rights
DMA	Monitoring and Advocacy Department
DPA	PDHJ's Department of Public Assistance
ICC	International Coordinating Committee of National Human Rights Institutions
HRC	UN's Human Rights Council
HRTJS	Human rights and Transitional Justice Section of UNMIT
HURITALK	United Nations human rights knowledge management forum
Irish Aid	Government of Ireland's programme of assistance to developing countries
NGO	Non Governmental Organization
NHRIs	National Human Rights Institutions
NZAID	New Zealand's International Aid & Development Agency
OHCHR	Office of the High Commissioner for Human Rights
PDHJ	Provedoria for Human Rights and Justice
PED	Promotion and Education Department
PMIS	Personnel Management Information System
PSC	Project Steering Committee
SEANF	South East Asia NHRIs Forum
UNDP	United Nations Development Programme
UNMIT	United Nations Integrated Mission to Timor-Leste
UPR	Universal Periodic Review (of the Human Rights Council)

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PROJECT DATA

Project Name	Capacity Development of the Provedoria for Human Rights and Justice
Project Number	00073841
Duration of the Project	5 years (2010-2014)
Expenditure in 2012	USD 759,235,95*
Sources of Funding for 2012	SIDA, New Zealand, OHCHR and UNDP
Implementing Agency	United Nations Development Programme
Direct Beneficiary	Provedoria for Human Rights and Justice

* Financial expenditure is provisional, as certified financial data will only be available in June 2013

Overview of the Main Achievements and Challenges Faced

This Annual Report provides an overview of the third year of the Capacity Development Project (2010- 2014) in support of the Provedoria for Human Rights and Justice (PDHJ). This report focuses on the impact of the interventions made in order to build substantive, technical and functional capacities of the Provedoria for Human Rights and Justice to deliver its human rights mandate as well as to strengthen the PDHJ's legal and institutional frameworks.² At the start of each output there is a results-based matrix which details the results of the Project in relation to identified targets and indicators for 2012 along with a brief description of the main activities implemented in relation to the output.

Examples of specific results obtained by the PDHJ with Project support include:

- ***The PDHJ's successful election monitoring work, based on sound and participatory data gathering processes and the use of a quality advocacy strategy with Government institutions:*** the PDHJ leadership and staff received positive feedback from election bodies, the Public Service Commission as well as civil society organisations on the quality of the report and the information included within it.
- ***Increased ability of PDHJ to identify relevant violations:*** Staff have concluded the year with a substantial increase in their capacity to identify relevant violations during preliminary assessment of complaints and investigation reporting. This was a direct result of the development of violations categories for human rights and good governance and violations training by the Project.
- ***4 out of 6 PDHJ trainees(1 male and 3 female) have joined the specialization phase of the Judicial Training Centre jurists training:*** 4 out of 6 PDHJ jurists completed the general training and were involved in specialised training (for the Ministry of Justice, Presidency and National Parliament jurists, only the Ministry of Justice and Presidency completed the general training - none of their jurists did the specialisation phase of the training due to management changes in these institutions and decisions moving away from the conclusion of the long term training).
- ***Quality of the information collected through the intake of complaints, both at national and regional levels – has improved considerably:*** PDHJ investigators are acknowledging the improved quality of the intake process. The Project will only be able to identify the impact of these improvements, through, for example, the increase in the number of successful investigations as well as a decrease in the timeframe of investigation, in 2013.
- ***The PDHJ has been able to conclude a higher number of investigations with the publication of good quality reports:*** in 2012 the average number of investigations concluded by investigators had increased to more than 8 a year. While being far from the ideal resolution rate, a gradual increase is fundamental to ensuring that good quality levels are maintained. More than 60% of final reports that were written after mentoring support was given were

² These are achieved through the three Project outputs: Output 1: PDHJ staff has knowledge and skills necessary to implement PDHJ's human rights mandate; Output 2: PDHJ has effective and efficient institutional structures and management systems; Output 3: PDHJ has effective information and management systems.

- of good quality, showing a substantial improvement on factual and violation analysis (in relation to reports which have not received mentoring support, less than 40% were of a good quality – with about 45% of average quality).
- ***PDHJ Human Rights Monitoring and Advocacy Department successfully piloted a research programme using different methodologies:***
 - o Capacity assessment showed the existence of developed capacity with regards the implementation of data collection mechanisms, when based on direct information collection from relevant individuals
 - o Assessment showed some outstanding difficulties in identifying the choice of methodology to be used for data gathering
 - o Quality analysis of the information collected remains the main challenge to ensure quality reporting of the results
 - o This experience will be used as a baseline for 2013 trainings on research methodologies
 - ***Integration of the PDHJ's Strategic Plan into the PDHJ's Annual Action Plan 2013:*** with the Project's support, the PDHJ was able to integrate its Annual Action Plan with the 10 year Strategic Plan. As reported by the PDHJ's Director General, the Ministry of Finance has congratulated the PDHJ for a quality results based annual Action Plan.
 - ***Through a participatory process, the PDHJ is able to record all institutional and organisational issues related to the role of PDHJ Regional Offices:*** the PDHJ will be able to gradually act upon the results gained from the Project supported capacity assessment of the PDHJ regional offices to take steps to review the job descriptions of different functions and to design internal systems to improve the effectiveness of its decentralisation work.
 - ***Increased understanding of the implications of a Human Rights Based Approach to PDHJ work:*** Ensuring equal participation of vulnerable groups was included in the election monitoring activities as well as the communications strategy survey.

Some of the main achievements of the Project over the course of 2012 included:

- ***Continued use of Capacity Assessment as a Monitoring tool for capacity improvement has allowed the PDHJ's middle management to strengthen the technical guidance provided to their staff:*** The Project writes regular internal reports on the capacity progress of individuals and departments and shares them with the PDHJ Directors and Chiefs of Departments. This has had a positive impact in supporting the supervisory role of Directors and Chief of Department as well as moving the Project towards improved sustainability regarding its capacity development activities.
- ***Use of diverse Capacity Development Methodologies:*** A diverse range of capacity development methodologies has been used in order to support sustainability of capacity intervention. This has included:
 - o Development of tools (Guidance, factsheets, checklists, templates)
 - o Writing of substantive legal and PDHJ mandate related materials
 - o Training, information and discussion sessions
 - o Mentoring (in writing, in person as well as the facilitation of collective peer-to-peer discussion sessions)
- ***Flexibility to respond to the needs of the PDHJ:*** as a result of the use of diverse capacity development methodology, the Project was able to identify several specific needs of the PDHJ and to provide immediate answers to them.

Examples include the development of a two stage complaint and case management training in August, an assessment of the role of the Regional Offices and the development of an Intake Complaint Guidance mechanism.

In certain instances, the Project was not able to reach the target results identified during the Annual Work Plan process. The main challenges which the Project met with which impacted on its results were:

- ***Due to the change of Government as well as a certain sense of complacency resulting from the positive role of the PDHJ during the elections, the intensity of PDHJ human rights planned activities decreased throughout the second half of 2012:*** It took the Project some time to understand the nature of this problem and to reorganise its priority activities to reflect the work of the PDHJ, which included putting extra effort into developing tools and materials that would rebuild interest levels and strengthening capacity in investigation related activities.
- ***Difficulties in returning to routine activities after a substantial pause:*** The Project had difficulties in implementing regular knowledge based activities – such as the Discussion Sessions – after a hiatus which occurred as a result of a change in Project management and PDHJ election monitoring. The Project needed to make an effort to develop some activities to raise the interest levels of staff again, despite the fact that staff would not have immediate opportunities for the practical implementation of the knowledge gained.
- ***Limited monitoring (or at least recording) of the impact of PDHJ work:*** The PDHJ management is generally aware of the impact of the work of the PDHJ (for example, they have specific knowledge as to whether the PDHJ recommendations have been implemented or not), but there are still gaps in recording the results and impact of specific work activities. The Project will need to make an extra effort to ensure that the PDHJ has systems in place to record its activities and the results obtained, including for those PDHJ activities which are supported by the Project.

The Project will attempt to minimize the risk of similar challenges happening in 2013, with increased support to planning capacity of PDHJ as well improving the PDHJ own monitoring tools, including the establishment of the Department for Following up Recommendations, training on monitoring and evaluation as well other activities planned for 2013.

Lessons Learned – 2012

The Project notes that it is important to highlight the main lessons learned over the course of the year as a result of implementation of activities or challenges met in this process. The challenges result primarily from the complex nature of capacity development work and the different roles undertaken by PDHJ staff.

Three main lessons can be learned from the implementation of the Project in 2012:

- ***The need to ensure Project considers more intensively the changing nature of capacity development and the complexity of the PDHJ work implemented by its staff:*** The Project needs to constantly ensure that throughout its activities it “acknowledges the increased knowledge and skills of PDHJ staff”, as well as “reminding them of the complexity of their work and subject matter” while

“reaffirming their commitment to apply in practice the skills obtained” in order to increase the level of staff commitment to Project activities; all of which are based on the need to sustain a balance between “learning and doing”.

- ***The Project needs to strengthen the implements of its substantive work at all levels (staff, middle and senior management and leadership):*** it is fundamental for the Project to work with all staff levels to ensure sustainability of the Project’s interventions and also support the empowerment of middle and senior management. This takes a substantial amount of time away from the Project’s other work as the Project approach needs to differ when dealing with the different levels of PDHJ staff. This type of work was initially not envisaged when looking at the workload of Project staff for 2012.
- ***Extra efforts are required to be made to ensure the uniform participation of staff of different levels in Project-run activities:*** with the development of the capacity of the PDHJ, hierarchical structures are intensified impacting on the equal participation of staff in Project activities. The challenge met by any small/medium project is how to find a balance between “working with” and “working around” the hierarchies. This requires the implementation of activities targeted specifically at higher level staff as well as the development of specific engagement strategies to ensure equal participation (including female participation as many women hold lower positions than their male colleagues) of all staff levels.

The Project envisages taking into account these lessons learned when implementing its activities in the next Project year.

Output 1: Overview of Results, Achievements and Challenges

Outputs

- **PDHJ staff are knowledgeable about Human Rights concepts and understands how these concepts are applied in their work**
- **PDHJ has a workforce skilled enough to implement the Institution's Human Rights mandate, including the ability to conduct legal analysis.**

1.1. Trainings

Targets

- I. At least 3 trainings held
- II. At least 80% of female participants actively participate in trainings
- III. At least three new areas of human rights work (based on topics covered in trainings)
- IV. 25% increase in knowledge recorded on the training subject
- V. At least 3 PDHJ actions occur as a result of Project training activities

Results

- I. **4 trainings** were held: Human Rights and Elections (February), Training of Trainers on Human Trafficking (July), Case Management (August) and NGO Network Training on Human Rights in the Community (August).
- II. **78% of female participants actively** participated in trainings³. The result was slightly below target due to the recruitment of several new female staff who felt less eager to participate. Female participation was particularly low for the first case management training. The Project decided to do a follow-up training on the same subject for the new staff, and in that training active female participation reached 100%.
- III. **4 new areas of work** were established based on the trainings: inclusion of the topic of human trafficking (using training materials) in the Community Leaders Trainings (2012) and Police Border Refresher Training (to be implemented in 2013), election monitoring specifically targeting vulnerable groups; human rights investigation analysis based on human rights violations reflecting the constitutional fundamental rights
- IV. A **32% average knowledge increase** was recorded from pre and post training tests from the 4 trainings. The highest knowledge increase was recorded from the case management training (40% average, 51% for female participants) while the lowest was recorded from the training on human trafficking (20% average, 22% for female participants – as this was the second training on human trafficking, the baseline knowledge was considerably higher than normal).
- V. **4 Actions** to which the trainings contributed include: PDHJ election monitoring report; internal policy proposal on how to strengthen the PDHJ's relationship with its NGO network; review of the preliminary assessment complaint form; strengthening of the relationship and communications channels between the regional offices and Dili-based investigators.

³ Active participation is measured by registering participants' engagement through oral contribution to the training by asking or answering questions posed by the trainer or by instigating discussion during the plenary sessions of the training. The number of active participations are registered separately by gender and then compared with the number of people present, disaggregated by gender. The Project measures the active participation of female participants as gender balance in the number of participants does not accurately reflect female engagement in the training. Measuring female active participation can support an objective assessment as to whether women felt empowered to participate in a position of equality with their male peers.

Through the provision of trainings which are tailored specifically to the needs of the PDHJ staff and reflect the local context (including legislation), PDHJ staff have been able to gradually improve their knowledge and skills levels. The increase in knowledge, coupled with the direct application of the knowledge in implementing their work, is a sign that the trainings provided by the Project are able to meet these aims.

The choices of training topics for 2012 were based around the specific needs of the PDHJ as well as developments in the human rights context of Timor-Leste. The Annual Work Plan of the Project had targeted the holding of 3 trainings, but the Project decided to implement an extra training in view of the recruitment of new PDHJ staff at the Regional Offices and at the Directorate of Public Assistance⁴ at the national level.

The initial plan of having a follow up **training on discrimination** was changed due to poor outcome from the training conducted in 2011. It is clear that there is a need to strengthen knowledge about discrimination amongst PDHJ staff, and the Project is committed to improving staff knowledge in this area in 2013 and 2014. However, the Project feels that because there is no overall anti-discrimination legislation or a nascent jurisprudence on discrimination in Timor-Leste, it is fundamental to firstly develop an in-depth legal analysis of discrimination in other post-conflict and CPLP countries in order to ensure that the knowledge of the training can be easily and directly applied to the PDHJ's regular work. As part of the capacity development of the PDHJ jurists, the Project is developing a legal textbook which includes a specific chapter on equality and non-discrimination. Through this activity, a sound legally based discrimination test, specifically tailored to Timor-Leste, will be suggested. As such, taking into consideration the issue of cost-effectiveness, it was decided to postpone the follow up training so as to allow the development of these specific materials before conducting an in-depth training.

One of the main **challenges** which the Project met in implementing its training activities was the need to hold trainings for participants who all have very different levels of knowledge. In one case, the Case Management training, the results of the pre-test in the first day of the 5 day training clearly showed a considerable capacity gap between the different participants, which related closely to the numbers of years of experience that the staff member had in the PDHJ. To respond to this, the Project quickly designed a follow up training for the new staff, pre-empting the fact that the training would be held more for the benefit of the more senior staff. Indeed, new staff had considerable difficulties in participating actively in the Case Management training. In the end, the follow up training was an essential mechanism in ensuring that new staff would also attain the necessary level of knowledge and skills. A similar challenge was posed in the election monitoring training. Due to the participants' different aims for joining the training and also due to the different relationships among participants, the Project was able to develop a programme where the more experienced staff would serve as resource persons. Also, from the conception of the training it was envisaged that the more experienced staff would be responsible for delivering a similar training programme at the regional level after receiving the

⁴ The Directorate of Public Assistance (DAP) is the specialized technical service of the Provedoria in the area of intake and management of complaints as well as mediation and conciliation (article 10 of the Organic Law of PDHJ).

training themselves. These steps were considered essential to ensuring the necessary level of interest amongst participants.

The four training topics chosen were: **Human Rights and Elections**⁵, **Training of Trainers on Human Trafficking**⁶, **Case Management**⁷ and **NGO Network Training on Human Rights in the Community**⁸.

While all four of the trainings included both knowledge and skills set content, the trainings on election monitoring and case management were particular in that they also had the objective of reviewing and further developing internal procedures and tools used by the PDHJ. Based on the capacity level of PDHJ staff involved in monitoring and complaint and case management, these two trainings were specifically complemented by mentoring support (see below).

Some of the PDHJ staff had already received **election monitoring training** in 2007. However, in view of the changes in election legislation and the need to ensure that newly recruited staff would be able to fully participate in election monitoring activities it was considered essential to further increase knowledge in relation to elections. For almost half of the participants, including good governance staff, this was the first training on monitoring methodology, and as such there was a need to explore the principles as well as basic interviewing skills. Based on the Project's aims of also supporting PDHJ partner organisations, the PDHJ, with Project support, was able to replicate the training given at the national level to its partners at the 4 regional levels.

As already reported in the 1st Quarterly Report⁹, as a result of the training and follow up discussions, the PDHJ was able to successfully implement election monitoring activities, in close partnership with NGOs, which considered the participation of vulnerable groups, and which allowed the PDHJ to clearly identify human rights and good governance violations. These violations included the participation of children in political rallies, acts of intimidation, challenges to exercise the right to petition, use of public property for private purposes and unjustified absence of public staff from their workplace.¹⁰

With quality information collected through systematic and methodological monitoring, the PDHJ was able to write a quality report on the Parliamentary elections, make recommendations to relevant institutions to redress the human rights and good governance violations and to publicly express its opinion on the main challenges encountered in the area of its mandate¹¹.

The training on elections is an example of the provision of knowledge based support by the Project which reached not only human rights staff, but also good governance staff and NGO partners. The skills which good governance staff have gained through this training – and implementing them in the monitoring of elections – represent important skills for both good governance investigations and prevention activities.

⁵ See Project Update 1st Quarter, p. 2-3.

⁶ See Project Update 3rd Quarter, p. 5.

⁷ See Project Update 3rd Quarter, p. 6-7.

⁸ See Project Update 3rd Quarter, p. 6.

⁹ See Project Update 1st Quarter, p. 5-6

¹⁰ For further information on the types of violations found by PDHJ in this monitoring activity, see Relatóriu Monitorizasaun Períodu Kampanha Eleisaun Parlamentár 2012 (<http://pdhj.org/wp/wp-content/uploads/2012/07/PDHJ-Relat-Monit-EPAR12-versaun-publica.pdf>).

¹¹ See for example, Jornal Independente, March 22 and May 2, 2012; Diário Nacional March 8, 2012

The **training of trainers on Human Trafficking** brought objective results to the work of the PDHJ in the areas of education and advocacy as well as providing an extra level of support to the PDHJ which allowed it to strengthen its participation in regional initiatives.

As a result of the training on human trafficking, PDHJ staff are now able to incorporate human trafficking into the training of community leaders. PDHJ training staff were able to develop quality materials and interactive activities for use in their education and advocacy activities with minimum mentoring support from the Project. By the end of 2012, the PDHJ had already delivered 4 training programmes to community leaders in Liquiça, Los Palos (2) and Manufahi Districts which incorporated a 2 hour session on human trafficking. PDHJ staff had also included material on human trafficking into their police training sessions delivered to border police in February 2013.

It is also believed that with this extra level of knowledge, the PDHJ was also in a better position to partner with the Committee for CEDAW's Timor-Leste member, the Ministry of Foreign Affairs, the Secretary of State for the Promotion of Equality and also with NGOs to implement an international conference on human trafficking in December 2012. The conference was one of the advocacy strategies initially identified in the advocacy session as part of the training held in July 2012.

The **case management training** was one of the most important trainings for the Project in 2012. Interestingly, the Project's role during this training was more close to a facilitator than a trainer. Evidence that this training was an essential training can be given by regular reference to the discussions and learning obtained through this training by staff of the PDHJ. It is not uncommon to hear staff commenting in the PDHJ, at the Complaint Management Committee meetings as well as between themselves, about different issues discussed and agreed during this training, which took place in August 2012. It has been mentioned a number of times by different staff as a very important training for the complaint and case management system as it allowed the staff to have a forum to discuss the different procedures of the management system and clarify responsibilities of different staff and departments.

"As agreed in the Timor Top training [the training of complaint and case management], two of the options for the CMC are: close and send the complaint or open and refer the complaint for actions."
Chief of Department of Complaints comments during a CMC meeting in late 2012

"The Timor Top training was a good example of the type of training which we need. It helped us understand better our role in the complaint management process."
Staff of Regional Office in Same, February 2013

Detailed information on the results from this training are included in the Project's 3rd Quarterly Report¹².

Two very important results which this training contributed to are:

- *Improved uniformity in the Complaint Management Committee's (CMC) decision making process based on the results of the complaint's preliminary assessment:* prior to the training, decisions made by the CMC were at times not clearly understood by the investigators. After the clarification of the different options and holding discussions on the underlying rationale for the different options, the CMC's decision has increased in consistency.

¹² See Project Update, 3rd Quarterly Report 2012, p. 6- 8.

- *Clarification on the role of DAP and Regional staff in elucidating complaint information:* prior to the training, if a complainant provided incomplete information, the complaint would go directly to the assessment procedure. It resulted, at times, in postponements of the CMC decision due to the lack of key information provided and also resulted in further challenges during the investigation procedure, which required additional interviewing of the complainant in the vast majority of cases as the first step to opening an investigation. As a direct result of the training, it was agreed to allow the DAP (and Regional offices) to attempt to collect additional information with the complainant prior to sending the complaint for preliminary assessment. The management decision to allow this extra responsibility to DAP and regional staff was based on the assessment that their capacity had been strengthened and that the Project would provide mentoring to support them in the implementation of this new task. Since the training, the DAP has already attempted to collect additional information in 34 of the 57 complaints brought to the PDHJ between October and December 2012.

The **NGO Network Training on Human Rights in the Community** significantly improved the knowledge of PDHJ NGO partners, and has given the opportunity of bringing the NGO network to a better level of knowledge to collect quality information and share it with the PDHJ¹³. Two trainings were implemented in 2012 for the Network: the first batch of trainings in the first and second quarters were held at Regional level¹⁴ and a second follow up training in the third quarter was held in Dili.¹⁵

A positive result in this process was the fact that in the second training almost 60% of the sessions were delivered by PDHJ staff. This not only shows the increase in the level of knowledge by PDHJ staff, but had the further benefit of assisting in improving the relationship with the Network members.

Based on the strengthening of the knowledge of the PDHJ Network members, the Project was able to support the PDHJ in analysing the possibilities of expanding its NGO network as well as in taking actions to improve the relationship and the information system flows currently in place.

These trainings have, however, not achieved the desired results in the work of the PDHJ. While one of the results of this training was an internal policy proposal to strengthen the relationship between the Network and the PDHJ, the PDHJ has not yet taken strong steps in creating a system to exchange information and to make use of the information provided by the Network in its advocacy work, and feed it back to its members. Challenges to strengthen this network were the result from weak capacities in the monitoring department, coupled with limited human rights monitoring staff.

1.2. Discussion Sessions

Targets

- I. 4 sessions lead by PDHJ staff
- II. Equal participation by men and women
- III. 5 discussion sessions result in PDHJ actions

¹³ See Project Update, 3rd Quarterly Report 2012, p. 6.

¹⁴ See Project Update, 1st Quarterly Report 2012, p. 6-7.

¹⁵ See Project Update, 3rd Quarterly Report 2012, p. 6.

IV. At least 25% increase in knowledge when pre and post tests held

Results

I. **Only 1 of the 7 discussion sessions** held was lead by PDHJ staff. The session lead by PDHJ staff was on violence against children in schools (July). Other discussions sessions included: use of force by security forces (January), discussing a new law for temporary social security systems (February), parliamentary system (April), child nutrition (August), business and human rights (October) and Timor-Leste's membership to ASEAN (December)

II. **Average of 45.7% female participants**

III. **4 discussion sessions resulted in actions:** based on the session on the use of force by security forces the PDHJ was able to use the correct legal framework in its investigation reports (at least 5 human rights reports referred to the new regime); the session on the social security regime supported PDHJ comments to the draft law presented before the Parliament; from the violence in schools session, the PDHJ was able to write clear recommendations in its draft research report; and the PDHJ staff was able to actively participate in a session on business and human rights in the Technical Working Group of the SEANF meeting

VI. **A 18% increase in knowledge** (knowledge increase using pre and post tests was only used for the discussion session on child nutrition)

For 2012, the holding of discussion sessions represented an important tool for strengthening the critical thinking of PDHJ staff and ensuring that they were updated on the social, political and legal developments in the country and had the ability to discuss such developments in a collegial environment.

The number of discussion sessions in 2012 was considerably lower than in 2011¹⁶. In 2012, a total of 7 sessions on social security systems, the use of force by the police, the parliamentary system, violence at schools, child nutrition, business and human rights and Timor-Leste's bid for ASEAN membership. The reason for the decrease in the numbers was directly related to the engagement of PDHJ staff in the monitoring of both elections, as well as the difficulties encountered in returning to regular activities after a considerable gap.

Only 1 of the 7 sessions was facilitated by the PDHJ. The reasons for this low number are twofold: the PDHJ staff only want to facilitate a session when they have a high quality of prior knowledge on a topic and also the PDHJ staff are sometimes wary of protocol and hierarchy issues if the resource person is a high level public figure or senior management public service staff. To counter these limitations, the Project expects to specifically include in the sessions for 2013 areas which the PDHJ staff feel that they already have substantial knowledge in, in between sessions dealing with new topics and issues.

Despite the general lack of direct facilitation of the PDHJ for these sessions, 5 of the 7 sessions used Timorese professionals as resource persons. In addition to PDHJ staff in one of the sessions, the resource persons included members of NGOs, directors of government departments and national advisors for State institutions.

To ensure parity in gender participation in Discussion Sessions is a constant challenge for the Project to meet due to the fact that 58% of technical staff are male, with 42% being female (21 male staff and 15 female staff working in DDH, DBG and DAP). This means that the Project has to attempt to gather 9 of the 15 female staff, or 60% of the total technical female staff numbers based on an average of 18 staff participants,

¹⁶ Fourteen sessions were implemented in 2011. See Project Annual Report 2011.

to participate in Discussion Sessions to reach a gender balance. Unfortunately in 2013, the Project was not able to reach the targeted ratio. The Project will make an extra effort to ensure equal participation by male and female in the discussion sessions to be implemented in 2013.

The Discussion Sessions will continue in 2013. However, the Project has assessed that there is a need to ensure that Discussion Sessions have different aims and diverse topics. The PDHJ staff expressed the view that they enjoy the Discussion Sessions as a forum to share ideas, learn new perspectives on relevant topics as well as to understand better the role and functions of different State bodies. While it is important that the learning outcomes obtained from Discussion Sessions are applied in PDHJ work, the staff want to ensure that they have the space to discuss topics which they are interested in with the main objective of engaging in an analytical discussion, and not necessarily as part of a planned activity from their daily work.

The Project will ensure that in 2013 it will, together with PDHJ leadership, identify areas which PDHJ staff feel that they have sufficient knowledge of so that the number of PDHJ led discussions can increase.

1.3. Mentoring

Targets

- I. 50% of reports are of a good quality (average of higher than 3.5/5 on the capacity assessment system)
- II. 75% of staff assess the mentoring as good or very good
- III. New human rights investigators and monitors are able to carry out functions

Results

- I. **Approximately 54% of reports** were of good quality: 6 out of 13 election monitoring internal reports were of a good quality (all 13 reports assessed and mentored); 6 out of 9 final investigation reports mentored were of good quality after 2-3 rounds of mentoring (9 out of 39 final investigation reports were mentored and assessed)
- II. **Approximately 78% of staff participating in mentoring activities rated the mentoring as good or very good** (election monitoring and complaint and investigation mentoring)
- III. **100% of new human rights investigators** (2 investigators) **and 100% of intake complaint staff** (2 DPA staff) are able to carry out their functions (PDHJ recruitment of human rights monitoring staff to be undertaken in 2013).

The mentoring support provided to the PDHJ during 2012 focused mainly on:

- Complaint and case management process (intake of complaints, preliminary assessment and reporting – 3 out of 6 stages)
- monitoring techniques (monitoring form development, interview skills and human rights analysis) for both PDHJ staff and PDHJ NGO Network

Complaint and Case Management Mentoring

For the first time in the history of the Project – for both this and the previous project cycle – the Project is providing mentoring support at the complaints intake stage. Following the amendment to the Project Document, which occurred after consultations with the Project stakeholders¹⁷, the Project revised its aims to ensure that capacity development activities are maximized to benefit the institution, going beyond the human rights mandate, and following the agreement after the Complaint and Case management system, the Project developed a comprehensive mentoring for complaints and cases as illustrated above. It is expected that in 2013, with the establishment of the Mediation and Conciliation Department and the Follow-up Recommendation Department, the Project will also extend its mentoring support to cover the entire complaint and case process. This is an important opportunity to strengthen sustainability of the Project interventions as well as to bring added benefit to the entire institution with limited increase on costs.

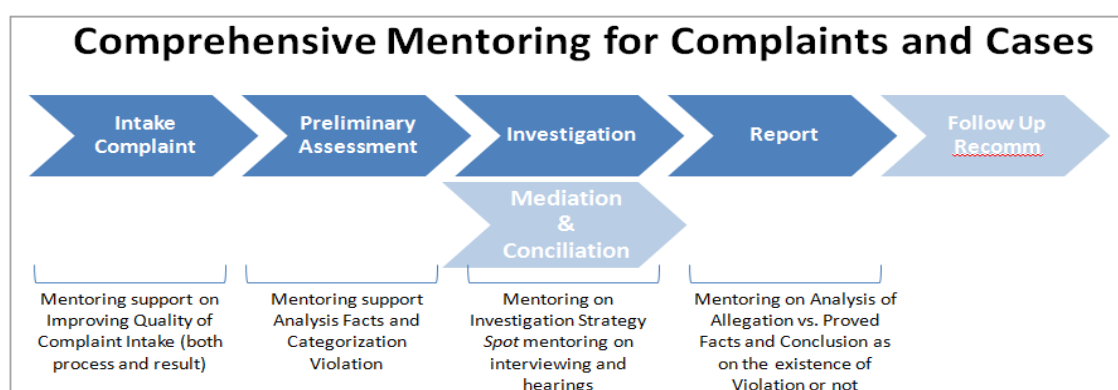


Figure 1: Overview of Project Mentoring Support

By the beginning of 2013, the PDHJ has showed positive progress in its **capacity to receive complaints**, as can be seen in the graph below. The Project has provided mentoring to every complaint which was filed with the PDHJ since mid September 2012.

The mentoring support of the Project was, together with the training on complaint management in August and the Provedor’s internal instructions in this area, the main contributing factors to this capacity progress.

The capacity progress identified below was the result of mentoring of staff for 50 complaint intakes (analysis of the Intake Form and the Complaint File) between September 2012 and February 2013. The identification of the capacity progress is based on an assessment matrix which considers the five main parts of the intake form. Through this assessment, the Project can assess the level of knowledge that the staff has about the PDHJ mandate, the understanding of the different parts in a complaint (complainant, victim, representative, respondent and witness) as well as the staff member’s general knowledge on good governance and human rights issues.

¹⁷ See Project Management Issues.

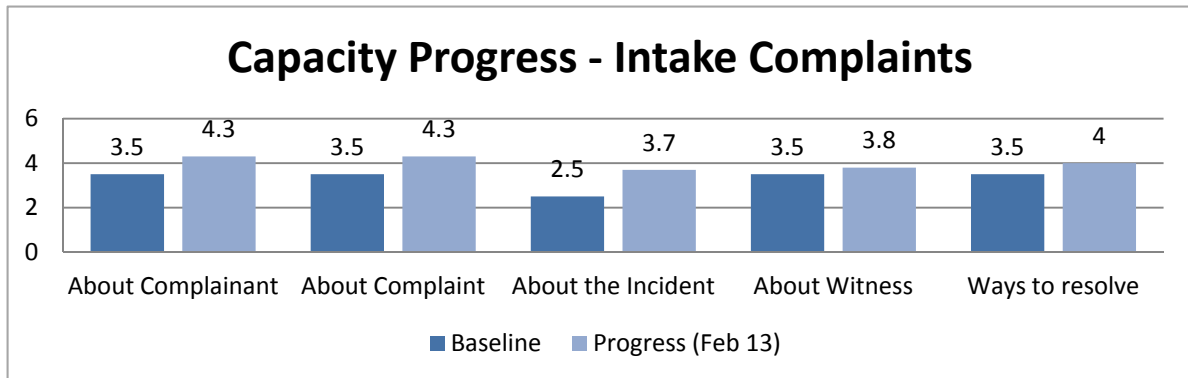


Figure 2: Capacity Progress - Intake Complaints (n=50)

The baseline of the capacity level illustrated in the graph above was the result of an assessment of the capacity of relevant staff – based in Dili and in the Regional Offices - undertaken in early October 2012. The capacity assessment targeting an analysis of the key skills required for the complaint intake process, showed, as expected, limited capacity in summarising the complaint facts (“About the Incident”) (2.5/5, meaning anecdotal evidence of capacity). This overall accentuated capacity gap was the result of limited writing skills – with specific deficits in structuring clear paragraphs – and limitation in collecting information from the complainant. The capacity to write a clear factual summary and ensuring the provision of detailed relevant information from the complainant are essential to ensuring that the CMC can take an informed decision on the complaint’s preliminary assessment and that investigations can be strategically developed to collect relevant information from correct sources.

In general, all DAP and regional staff’s complaint intake capacity levels have now moved up from grades 2 or 3, ‘limited demonstration of skills’ or ‘moderate skills’, to grades 3 to 4 , moderate to good skills.

Despite the need for more mentoring support to ensure that the PDHJ has the necessary level of capacity in this area, it is clearly possible to see that the capacity of PDHJ staff in writing quality summary’s of information has improved considerably. Since the start of the mentoring support to the intake process in September 2012, there has been only 1 CMC decision to postpone the preliminary assessment due to limited information in the intake process.

The other aspects of the intake complaint – completing the other parts of the form which are more of an identification nature - require a lower level of technical skills. To meet the capacity needs for these remaining areas the intake officer needs mostly a detailed explanation of the form and few guided practice in order to ensure that one is able to complete systematically the form with the correct information.

The intake of complaints is a technical process which requires not only the ability to interview complainants, but also technical knowledge of the PDHJ mandate and a general understanding of the main issues which may relate to human rights and good governance violations.

A substantial challenge to ensuring that the PDHJ has its capacity improved at the complaints intake stage is the lack of clarity of the staff responsible for doing the intake at the Regional Offices, coupled with a perceived idea by many in the PDHJ that intake of complaints is merely a task of an administrative nature. These two factors resulted in the Regional Office simply receiving a complaint letter or writing

down the information given, without asking further questions that would allow a detailed level of information to be taken, and in practice the intake was taken by different staff based on an informal roster which invariably resulted in difficulties in providing targeted capacity support. The Project aims at changing the misconception of the role of complaints intake procedure through discussions with PDHJ leadership and senior management staff. As it relates to the clarification of who the responsible staff for the intake of complaints is, this limitation is expected to be met with the conclusion of the assessment of the work of the Regional Offices and the reviews of PDHJ staff job descriptions.

A quality intake process is the founding ground for an efficient and fast solution to the complaint problem, and represents a key capacity which needs to be further strengthened. To meet the capacity deficits during the intake stage, a medium term commitment from the Project is required. As such, the Project envisages a continuation of its support in this area in 2013.

The capacity of the PDHJ to undertake the preliminary assessment, investigation and the final report on investigation is directly dependant on the capacity of the PDHJ, including its leadership, to identify relevant violations of good governance and human rights. Without this capacity, it is fundamentally difficult to ensure the quality of the preliminary assessment of complaints and the whole investigation process. Most importantly, it is fundamental for the PDHJ to ascertain whether violations have occurred as they have a legal onus to do so.

Based on this specific need, the Project supported the development of materials identifying human rights and good governance violations and has implemented a series of sessions to explain the violations categories, written simulated investigation reports using the new categories and reviewed internal systems tools to reflect the new systematic approach. The development of the human rights violation categories was a simple process in that the Constitution of Timor-Leste and the many international human rights treaties give a very specific framework for use in the development of such a tool. However, the development of a set of good governance violations was a complex process for the Project. Through legal technical support provided to the PDHJ, the Project had to undertake in-depth research of national and international good governance and administrative law and come up with a series of categories which would meet the needs of the PDHJ, take into account PDHJ practices over the years and represent at the same time an easy analytical tool with substantial educational uses. The process was one which required intensive discussions. In 2012, the Project represented the only technical support that the PDHJ had from international development partners with the necessary technical expertise in its team to provide this support. This also served as a clear example where the new Project scope, which includes support to all four directorates of the PDHJ, was responsible for activities that wouldn't have been possible under the previous scope. Due to the often interconnecting nature of the work of both departments the PDHJ was in real need to have both human rights and good governance violations developed for, without a clarification on the violations of one of its mandated areas, it would have been very difficult, if not impossible, to strengthen the complaint and case management system of the PDHJ, which is common for both mandate areas.

By the end of 2012, every investigator had attempted to use the violations categories in two investigations (either in the preliminary assessment report or the investigation final report) at least.

A good method to identify the impact of the human rights and good governance violations tools is through an analysis of the investigation strategy and the quality of the information collected and recorded in the investigation report. With a clear understanding of the violations categories an investigator can ensure that they have designed an effective strategy and that the PDHJ's limited resources are focused on a set of pre-determined priority violations. By the beginning of 2013, the PDHJ investigators had not yet written down an investigation strategy, but continued undertaking investigations without following the internal model for strategies. The Project has requested to specifically work on supporting the capacity to undertake investigation strategies as part of the mentoring activities in 2013.

As it relates to the capacity to undertake **preliminary assessments** - the stage established by law which determines the follow up steps, if any, by the PDHJ in dealing with the complaints – the PDHJ has managed to make important progress, mostly in identifying how the assessments relate to the identification of violations and also to the decision making process of the assessment.

Unfortunately, the Project has yet, by the end of 2012, to provide mentoring for several preliminary assessment reports to each investigator. This means that there is no accurate evaluation of the mentoring support activities and it is not yet possible to identify substantial capacity progress. The Project was nonetheless able to clearly identify a baseline and hopes that with the intensive mentoring continuing in 2013, it will be able to identify the main areas of capacity progress and the main outstanding capacity gaps. The baseline identified relates to both the good governance and human rights mandates. It shall be noted that a holistic analysis of the baseline is fundamental in view of the current Project strategy. However, it should also be noted that the investigators from human rights showed a considerably higher initial capacity than those working under the good governance mandate. The differences in capacity levels between good governance and human rights investigators was due to the fact that, until mid August 2012, the good governance investigators had not received any specific training or mentoring to undertake the preliminary assessment.

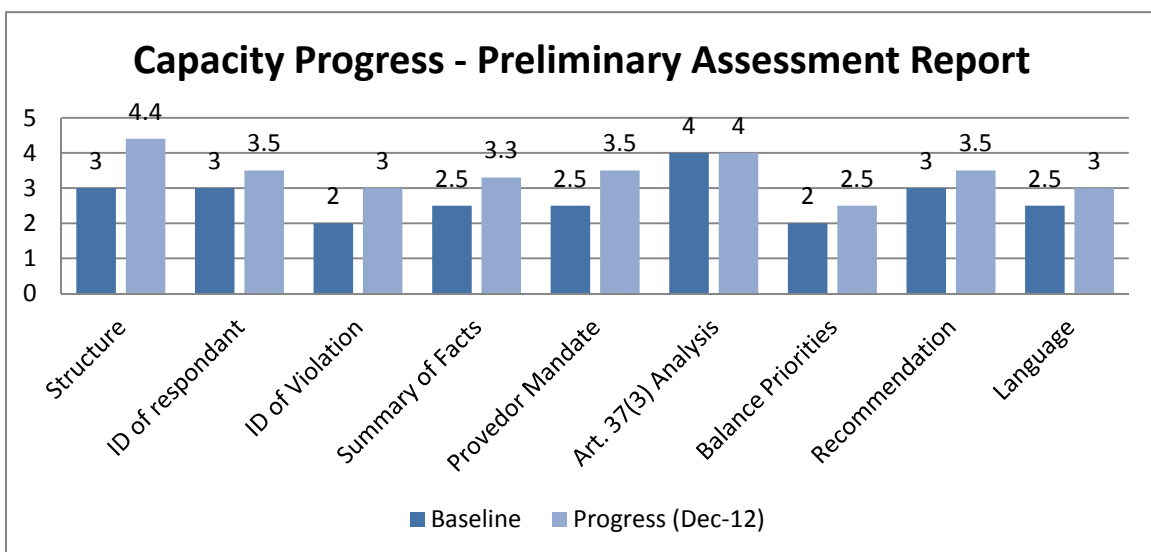


Figure 3: Capacity Progress - Preliminary Assessment (n=11)

As a result of the Project mentoring support to investigators as well as to the PDHJ leadership, the PDHJ has improved its capacity to undertake violation based

preliminary assessments. Violation based preliminary assessments represent an important tool in ensuring that further stages in the investigation process are of an adequate quality. Project consultations with experienced investigators showed that lack of initial identification of the relevant violations during the preliminary assessment stage resulted in scattered and long investigations, often using limited resources, increasing the number of pending investigations. Investigators also noted during the consultation that inadequate preliminary assessments could also result in investigations strategies moving beyond the actual legal mandate of the Provedor.

The substantial capacity progress in the preliminary assessment structure was due to the fact that a number of new investigators were not yet familiar with the internal form to be used for the preliminary assessment. Other notable capacity progress relates to the analysis of the Provedor mandate, which is understood to be the result of the mentoring provided during the intake phase, coupled with the mentoring comments to the different preliminary assessment reports.

As it relates to achievements in relation to the **investigation reports**, the Project had the opportunity in 2012 to provide written (and oral) mentoring support to nine final investigation reports.

As it relates to quantitative results, the PDHJ has increased the number of concluded cases from 14 (average of 1.1 per investigator) in 2009 to 116 (average 8.2 per investigator) in 2012. Notably, by the end of 2011 the number of concluded cases was 3.4 per investigator.

While this number does not have the capacity to gauge the quality of the reports (final and archive reports), it shows clearly that investigators are more confident in doing their job. The exponential increase has also been the result of the development with project support of templates for the final investigation and flash reports when there is a decision to archive the case.

The template developed specifically for the PDHJ is loosely based on the structure of a court decision under criminal procedural law. It is a comprehensive report in that it provides both the complainant and the respondent with detailed information of the process and its content. The reports, which average 20 to 25 pages, are composed of 6 main parts, including procedural steps within the PDHJ, a list of all information gathered through the process undertaken, provision of a factual summary of the information collected, identification of the facts which the PDHJ considered as established, identification of the violations under investigation which include the relevant national and international laws and finally a clear conclusion on whether the investigation found a violation or not, and if positive, general and specific recommendations on how to redress the violation.

During 2012, the Project had the opportunity to provide mentoring for nine final investigation reports. Six out of nine reports were of good quality (being evaluated through the matrix evaluation report with a scale of 3.5 or more from a 5 scale). This mentoring process was the first mentoring after the development of the final report template. Most reports went through at least two rounds of mentoring, which sometimes included an initial general oral briefing followed by specific written comments and sometimes also included a review of a second draft if substantial changes had been made). The area with the weakest capacity is applying the facts of the case to possible violations. This is undoubtedly the part which requires an in-depth understanding of the violations. At least 40% of the mentored reports required the

investigator to refine or complement the investigation in order to ensure an adequate conclusion on the violation. This reality shows a strong need to strengthen the investigation strategy.

The examples of results described above have been obtained through the provision of diverse mentoring methodologies, including:

- Provision of written comments to materials/documents developed
- Development of specific guidelines for the most common issues to come up (knowledge management tools)
- Development of analytical tools for reporting analysis
- “Live” discussions between staff and the mentors
- Identification of common weaknesses, extraction of lessons learned and sharing of these between all investigators (indirect peer capacity development)
- Reviewing of templates and forms (based on the gaps identified as part of mentoring)
- Analysis of the capacity level of staff using capacity assessment as a monitoring tool to identify capacity progress
- Discussion Sessions and meetings to sound out ideas, feelings and perceptions from staff on the mentoring provided by the Project

The Project has also provided mentoring to the CMC during its meetings. In these meetings, Project technical assistance supported the CMC in ensuring compliance with the internal complaint management system as well as to support the CMC in using the new violations categories. Direct technical support to the CMC is important activity in order to ensure that the systems are applied by both the staff as well as the leadership.

The main **challenge** which the Project met during the mentoring of the complaints and case system was the hesitation felt by about 30% of investigators to participate in the mentoring. Viewing a certain level of resistance from investigators, an evaluation meeting was held in late October. While extremely valid criticisms were given by the staff which will receive full attention from the Project for the continuation of the mentoring in 2013, it was realized that PDHJ staff had some misconceptions of the nature of the mentoring and were demanding from the mentors the provision of specific answers needed in their investigations and the actual editing of the draft documents. Some staff were also requesting to have a dedicated full time mentor for each investigation department to ensure that at any time the staff could ask the mentor directly for support, instead of having a part time pool of mentors as provided by the Project in 2012.

The identification on the type of mentoring support to be given by the Project was a response to the capacity gaps still outstanding and was thoroughly discussed and thought out with PDHJ management. The increased capacity level of PDHJ staff to deal with complaints and cases, identified through capacity assessment and monitoring its progress through the mentoring support, required a change in the style of mentoring used in favour of new methods that would allow investigators to make an increased use of their own initiative before receiving mentoring. This was in contrast to the initial style which reflected more of a tutelage approach whereby the

mentor would sit with the investigator and go through the case process with them step by step.

While the Project is always ready to follow through suggestions from the PDHJ and its staff, but it also needs to ensure that its activities are of a capacity development nature and support the sustainability of the capacity interventions. After discussions concerning mentoring activities with the PDHJ leadership, the Provedor and Deputy Provedor's praised the Project for using multi-disciplinary methodologies and reiterated the need to continue mentoring activities which have as its primary focus the analysis of the written work of the PDHJ staff. In addition to PDHJ leadership accepting the position of the Project to provide part time mentors who would not specifically focus on a single department, it was considered propitious to make the mentoring compulsory for all relevant technical staff in order to entrench the gains made thus far and to fill any capacity gaps still remaining.

As a result of these discussions, it was agreed that in 2013 the Project will provide 6 months of intensive mentoring in all phases of the complaint and case management procedure. The intense mentoring will be broken down into two clusters, with a 2 month gap in between without any mentoring at all. It is expected that this gap will give the PDHJ staff the opportunity to incorporate the gains from the first mentoring stage into their work and also giving them the chance to critically assess any remaining gaps.

To ensure sustainability in the long term and to support PDHJ middle management in exercising their supervisory functions, it is fundamental that the PDHJ first and foremost, improves its internal culture of writing. Many times the chiefs of department and directors give instructions and ask feedback (and are given feedback and information) orally. The Project understands that it is its duty not only to support the development of knowledge and skills, but to ensure internal changes which are essential for the achievement of better results. As such mentoring on improving the cultures or writing and reporting has been undertaken in 2012 and will continue into 2013.

Human Rights and Good Governance Monitoring

The support provided by the Project during 2012 in the area of monitoring has contributed towards the achievement of a number of results, including the publication of the parliamentary election monitoring report, the issuance of a number of press releases and the implementation of a discussion session facilitated by PDHJ staff on violence against children in schools.

The quality of the interview techniques used by PDHJ staff was enhanced with the support of the mentoring provided for by the Project. This included, in relation to the election monitoring support, cooperation with UNMIT. With Project support, the PDHJ staff undertook quality preparation before the monitoring or research activities each day which resulted in the improvement of their note taking techniques. As a result of this, staff were able to evaluate the gathered information and identify the follow up steps and lessons learned for the continuation of the monitoring or research.

The improvement of the quality of the monitoring during the parliamentary election monitoring when compared with the March 2012 monitoring of presidential elections can be evidenced by a 40% increase in the number of press releases published by the PDHJ. This increase was able to be attained because the PDHJ office in Dili was able

to receive more accurate information from the district monitoring teams on a daily and weekly basis.

Two support teams were set up to provide mentoring support to the election monitoring teams, covering the east and the west of the country respectively, one made up of UNMIT members, the other of UNDP staff. Between the two teams 8 of the 12 PDHJ district monitoring teams received direct support over the month long campaign period. Mentoring support was based on an adapted capacity assessment methodology developed specifically for the needs of the PDHJ staff by the Project.

The research into violence against children in schools represented the first research which the Human Rights Directorate developed in the area of human rights. The research used a similar approach as that used to monitoring the election activities, but had a specific target group and a more specific timeline and schedule. The presence of these two aspects entailed a more in-depth analysis of systemic issues and a large number of detailed discussions with authorities as part of the research process.

As it relates to the improvement of the monitoring role of the PDHJ, the two main achievements which the Project contributed to are: analysing issues through the lens of human rights and good governance violations and increased capacity to develop monitoring methodology tools.

To enhance the effectiveness of the PDHJ's monitoring processes, the Project supported the design of an Election Monitoring Data model that would allow the different monitoring teams to record and assess different interviews using disaggregated data techniques. The aim of this was to ensure that the PDHJ was reaching a broad spectrum of society through its election monitoring role. Discussions of various human rights based approaches to the election monitoring methodology were facilitated by the Project to assist on identifying vulnerable groups which needed to be included in the PDHJ election monitoring effort. Target groups for interview included women, vulnerable groups, minority groups, martial arts groups, teachers, students, people with disabilities and community workers. The Project was crucial to ensuring an inclusive approach was used in the PDHJ information collection methodology. Results from the monitoring were presented by the Project to the PDHJ staff afterwards who used these statistics in their Election report.

1.4. Legal Capacity

Targets

- I. 80% of legal officers pass training
- II. PDHJ's legal department is established
- III. Legal officers are able to read Portuguese laws and make oral interventions in Portuguese

Results

(Preliminary results as training scheduled to be concluded in March 2013)

- I. Mid-term results from the training course show **67% (4/6 PDHJ participants) obtaining above average results**, with 2 staff getting slightly under 50%
- II. **The legal department will be established in the 1st quarter of 2013**
- III. **Legal Officers are able to read Portuguese law and make oral interventions in Portuguese**, however they still find it challenging to write consistently in a systematic structured manner

As the training has not been concluded in 2012, the Project cannot yet report on results and any related impacts in the work of the PDHJ.

During 2012, the general legal training was concluded after 1.5 years of training under the auspices of the Legal Training Centre. Four out of the 6 PDHJ legal trainees have now been integrated into the permanent structure of the PDHJ and will form the basis of the PDHJ's new legal department as established by the Provedoria's Organic Law¹⁸.

The general training gave, as per assessment of the PDHJ trainees, a good basis of Portuguese language and a better understanding of the similarities and differences between the Timorese legal system and the Indonesian legal system. It has further given the PDHJ trainees a clear understanding of the legal language used in Portuguese and, most importantly, allowed sufficient access to laws and case law in Portuguese. The main criticism of the general course was a general lack of reading materials developed specifically for the course. Only the discipline's of administrative law and, to a certain extent, legal drafting, distributed specifically tailored legal materials to the participants. These were the two subjects given in 2012 which were under the responsibility of the Project; the remaining disciplines were lectured by lecturers attached to the Legal Training Centre and UNMIT.

The implementation of the general training concluded in May 2012 saw a series of challenges to its quality and continuity.

The agreement, under the approved curriculum for the Jurists Training by the Pedagogic Committee of the Legal Training Centre, was that the training would join together jurists from the National Parliament, the PDHJ, the Ministry of Justice and the Office of the President. The concept was one which would allow for the establishment of a strong relationship between the jurists of these related institutions as well as the implementation of a unique curriculum which has as its primary objective the strengthening of the similar knowledge and skills needs of all participants. However, the general course was concluded without jurists from the National Parliament, which decided on a new strategy of sending their jurists to train in Brazil, and the jurists from the other institutions did not continue to the specialization phase of the training as a result of leadership gap in the Ministry of Justice and the election of a new President. In the end, the PDHJ jurists were the only ones who were participating in the 6 month specialised training and who were expected to receive the diploma for the conclusion of the training by the Legal Training Centre.

A specific challenge met by one of the PDHJ trainees was her absence from about 6 months of the course due to pregnancy. The Project is developing specific intensive support for this female trainee in order to ensure that she can attain the same level of knowledge as other trainees despite this absence due to maternity leave.

Despite the challenges faced by this arrangement with the Legal Training Centre, the Project is of the opinion that the expected benefits will surpass the challenges and the negative aspects. The fact that the PDHJ jurists will have a diploma issued by the Legal Training Centre and have gone through a training under the same institution which provides training to other legal actors is an important institutional benefit to the future of the Legal Advisory Department of the PDHJ which should not be underestimated. Knowledge gaps will always be present, and the fact that the general

¹⁸ See article 13 of Decree Law N. 25/2011, of 8 June.

training was followed by a specialised 6 month training which will in turn be followed by a one year mentoring support represents sufficient opportunity to meet any outstanding knowledge gaps.

The specialised training, which was given at the PDHJ premises, was an intensive hands-on training period for the jurists. The results obtained midterm in the training can only be measured through test scoring system. Four out of 6 PDHJ jurists had passed the mid-term tests, which included two written pieces of work on fundamental rights and research. The specialized training included classes on legal research, legal referencing as well as legal writing. The change of methodology in the training to a more pro-active participation of the trainees was an important factor to raise motivation. While at the same time, the real life simulation and writing of work standard pieces used during this training allowed a flavour of the type of work that trainees could be expected to experience, it has inadvertently created some “fear”/intimidation from some jurists about the complexity of the work which awaits them. The right level of on-the-job experience needs to be balanced with the need to ensure that the jurists are empowered to do the work in the near future. Managing high expectations from the PDHJ leadership on the capability of the legal advisory department will be a question which needs to be considered by the Project.

In order to ensure that the Legal Advisory Department will have the necessary tools to implement its work and to undertake self learning and gradual development, the Project is putting special attention on the development of tools which can support the department in implementing its work in the future and which also represent a simple means in which legal developments can be regularly updated. One of the initial tools which the Project is developing is a matrix of the Court of Appeal’s jurisprudence in relation to fundamental and human rights. This compilation provides an overview of the decisions of the Court which have focused on subjects which are relevant to the work of the Provedoria, and also basic comments on the Court’s decisions, outlining its major strengths and weaknesses. This compilation has already begun to be used during the classes of the legal research skills subject in order to familiarize PDHJ jurists with this tool.

A specific challenge which the Project met in 2012 was the need to maintain the jurists motivation and commitment to such a long term training and at the same time maintain the PDHJ leadership’s involvement in the training. The fact that for 1.5 years the PDHJ jurists were attending a training in the premises of the Judicial Training Centre meant that they were not physically present at the PDHJ office. In order to meet these challenges, as soon as the general training was concluded, the Project ensured that the jurists participated in other activities of the Project, such as discussion sessions, to support the bonding between the jurists and the other staff.

It is not only sufficient for an institution such as the PDHJ to have a pool of jurists with sufficient knowledge, it is as fundamental to support an environment conducive to the role of the jurists so that they can feel empowered, valued and in demand for their legal advice. As such the Project attempted on various occasions to support the strengthening of the conditions within the PDHJ so that all staff understood the role of the new department and would be able to make use of it when necessary.

1.5. Language Classes

Targets

- I. At least 80% of participants receiving over 50% in their language course
- II. At least 75% of staff participating in a language course
- III. At least 50% participation by of female staff

Results

- I. Mid-term results from the language courses show a **total of 98% passing the English course and approximately 78% passing their Portuguese course**
- II. **77% of PDHJ staff are participating** in either one or both language courses
- III. **53% of participants are female**

Important progresses have been attained in 2012 with the Project support on the development of language capacity of PDHJ staff in both English and Portuguese.

In addition of the test results as highlighted above, it is possible to identify other aspects which show an improvement on the language capacity of PDHJ staff.

The complexity level of the subjects thought has gradually increased, and many of the participants are becoming more comfortable in using English and Portuguese at work. In 2013, the chairmanship of the PDHJ to SEANF as well as the implementation of a series of trainings online will serve as both a real test to measure the progress as well as opportunity to further strengthen the skills as well as the personal commitment of staff in learning other languages.

The Project has paid attention to improve the quality, methodology and to increase uniformity in the language courses provided in Dili and the regions. The Project developed a new curriculum, identified common syllabus books (for both teacher and participant), created a regular process of sending additional materials as the classes progresses in the Districts and developed uniform tests to ensure a uniform evaluation for all participants. The Project held a half day workshop with all Regional based language teachers to design the uniform strategy as well as to do some general training on development of lesson plans and afford exposure to adult participatory methodologies¹⁹.

Following the new curriculum, participants are learning parts of speech, tenses, reading and listening comprehension and grammar on a month by month basis. New methodologies are being used including individual participant demonstration in each class, creative based learning including song and drama, 'guest teachers' from English speaking countries including Canada, Ireland, England and Australia to acclimatise participants to different accents and team work on teacher-assigned projects.

Results from the **Portuguese** tests administered in the project-supported classes in Dili and two of the three regional offices have remained middling for most participants throughout the year, due to participants' absence from class because of their work schedules. Average results for the three offices were 61.5% with 11 out of 14 students passing the end of year test.

Both the Dili and Districts staff have Portuguese lessons for 4 hours each week. The Dili teacher notes that, since the beginning of the third quarter, all participants have

¹⁹ For more information on the activities which the Project implemented in order to get these results, see Project Update, 3rd Quarterly Report 2012, p. 10.

improved their communication skills including expressing themselves, giving information and answering questions in Portuguese, however there are still several gaps that need to be improved on. The oral competence has been developed sufficiently and the students have now started to improve on their written form. The teachers have also begun to introduce new student-led methodologies to the class.

Results from the first and second **English** tests are positive, and from the 98% rate of pass, over 40% of students receiving distinction grades (above 70% in test results) in the English tests and with only one student out of 60 failing (less than 50% in test results). English classes occur in both Dili and the 4 regional offices at both intermediate and basic level. The classes in the district also accommodate officials from other public institutions with offices in the districts. For reasons of time and to fit with the new syllabus the intermediate and basic classes have been amalgamated in Dili and, when asked, over 80% of participants were content with this accommodation. For all PDHJ classes attendance figures have increased and now there is a steady 15-20 students participating in each class except for the Baucau class where numbers are less than ten.

All participants are now capable and confident about communicating and expressing themselves at a basic level in English, although improvement is needed in mastering proper English grammar. Participants aural comprehension is improving also as evidenced by 90% of participants getting 70% or higher in basic listening comprehensions in the Dili class.

Both Portuguese and English classes are taught in Dili and at the four Regional Offices. The total number of participation – 55% or 53 PDHJ staff – includes all PDHJ Offices. While this figure is lower than the 75% target rate discussions with the Provedor mean that compulsory language instruction for all technical staff will commence in 2013. This measure should bring the participation rates in line with the targets.

The Project met with challenges in recruiting language teachers based at the Regional level. The scarcity of qualified resources is much accentuated at the regional levels. As such, the Project was unable to guarantee the same level of access to language classes in the regional offices than in the PDHJ national, where in some cases the gaps reached almost a three month interval.

A strategy implemented by the Project to meet this real challenge was to try to identify foreign professionals working at the district levels who could be available to teach English free of charge. The PDHJ entered into an agreement with the Timorese Red Cross in Same and local legal organisations in Oecussi and Baucau where their international professional would hold joint classes with PDHJ and the NGO staff, while the Project would support with materials and the PDHJ would offer to NGO staff participation in the Portuguese language course implemented by the Project. This arrangement was both cost-effective as well as supporting the strengthening of relationships between the PDHJ and district based ONGs. This kind of arrangement will continue until the second quarter in 2013, when the Project will need to explore the same alternative with other international professionals or attempt a new recruitment at the district level.

Output 2: Overview of Results, Achievements and Challenges

Output

- **PDHJ has effective and efficient institutional structures and management systems**

Targets

- I. PDHJ “A” status maintained
- II. PDHJ participation in ICC, APF meetings and SEANF forums
- III. Strategic plan integrated into annual activity plans
- IV. At least one review session of the annual plan held by the PDHJ
- V. At least 2 management actions taken to implement the Complaints Operating Manual Standard
- VI. At least 2 management actions taken to implement the Administration and Finance Manual
- VII. Two new departments are established as per PDHJ Organic Law
PDHJ human resource policy is developed

Results

- I. The review of the PDHJ’s ICC NHRI “A” status is to be undertaken only in November 2013
- II. **PDHJ leadership and staff contributed substantially** during meetings of the ICC (March), SEANF (February and September) and APF meetings (November). In September the Provedoria accepted the chair of SEANF for 2013
- III. **PDHJ annual activity plan has been formulated following the framework of the PDHJ Strategic Plan**
- IV. A **review of the annual plan was undertaken** in the third quarter to identify challenges PDHJ found in implementing their activities for the first semester
- V. **4 management actions were taken to implement the Complaint Operation Manual:** development of templates for flash reports (3 templates), Provedor’s internal order on role of DAP and Regional Offices, approval of reviewed Preliminary Assessment Report and template for investigation strategy
- VI. **No actions to implement the Administration and Finance manual were taken** due to feedback of PDHJ management and staff of the poor quality of Tetum translation of the manual and difficulties in using the Manual together with the public procedures for procurement and finance established by Ministry of Finance
- VII. **1 Department was established:** the Office of the Inspectorate was created in the third quarter. The establishment of outstanding departments – Legal Advisory, Conciliation and Mediation and Follow up Recommendations – are dependent on conclusion of long term training and staff recruitment
- VIII. **1 human resource related strategy was developed:** recruitment strategy for the PDHJ. Two other strategies were still under development by the end of 2012: review of PDHJ job description (result based) and capacity assessment of the regional offices.

2.1. Regional and International Cooperation

During 2012, the PDHJ was able to strengthen its role in participating in regional and international cooperation mechanisms for NHRIs. This year the participation of the PDHJ reached a new level, where PDHJ leadership and staff have been able to more actively participate in the different initiatives. Proof of this achievement is the fact that SEANF members trusted the PDHJ to lead the network in 2013.

The contribution of the Project to this PDHJ achievement comes from different interventions. Overall, the fact that PDHJ leadership and management have more knowledge and experience, the former gained to a great extent through Project training and mentoring activities, are the major factors contributing to this improvement. The specific preparation activities supported by the Project for the participation in these forums is also seen by PDHJ leadership and staff as an important factor which supports those participating in the forums to have the necessary confidence to actively participate.

As part of SEANF activities, in February 2012 the Provedoria presented a one-year work-plan on issues surrounding human trafficking, with a focus on the legal framework and awareness raising activities; and another 1 year plan on the rights of migrant workers, with a focus on the monitoring of detention facilities. The plans, which were presented by PDHJ staff, were welcomed by SEANF members. The Project provided support in the preparation of both of these plans, using the Prison and Detention Monitoring Manual (developed under the first Project cycle) as the framework to develop the advocacy activities in these plans. There is a need to support the PDHJ in implementing these plans and, more importantly, ensuring that these culminate in public reports on the information gathered.

Making use of the knowledge gained and the materials developed during the Human Trafficking Training of Trainers conducted in July by the Project²⁰, the PDHJ staff held a presentation on Combating Human Trafficking in Timor-Leste. In this same meeting, the Provedor accepted the Chairmanship for the Coordination of SEANF activities for 2013.

Due to limited knowledge, the PDHJ was not able to participate intensively in the area of business and human rights during the SEANF meetings in 2012. The Project supported the PDHJ's efforts to gain more knowledge on the topic, and as it might relates directly to Timor-Leste, by implementing two discussion sessions on Business and Human Rights and ASEAN and Timor-Leste in the last quarter.

The PDHJ contributed significantly to discussions on transitional justice and NHRIs during the ICC annual meeting. With the contributions from Timor-Leste, Guatemala and Northern Ireland, the ICC members were able to access information and reflect on the different experiences of NHRIs in the area of transitional justice. This contribution by Timor-Leste's NHRI was based on the Provedor participating in a panel on transitional justice and NHRIs. The Panel discussed the role of NHRIs regarding transitional justice issues, discussed the initiatives of the PDHJ and also included a part on challenges faced and recommendations for future involvement²¹. The Project supported the preparation of this intervention, which was based on holding specific meetings with relevant PDHJ staff in order to identify the main points for an

²⁰ See Project Update, 3rd Quarterly Report 2012, p, 5.

²¹ The Provedor presentation can be accessed at <http://nhri.ohchr.org/EN/ICC/AnnualMeeting/25/Pages/Default.aspx>.

intervention. To ensure that the Provedor would be in a position to provide answers to questions or to discussions following the panel presentation, the HRTJS group, integrated in the Project, prepared a list of questions and answers on the topic.

For the first time the PDHJ made presentations on substantive areas at the Annual Meeting of the **Asia Pacific Forum**. The Provedor volunteered to share the experiences of the PDHJ in the area of promotion and protection of women's rights. His speech, which was warmly received by participants (NHRIs and NGOs), shared the achievements and challenges faced by Timor-Leste and PDHJ in protecting women's rights, particularly in relation to domestic violence and reproductive health and highlighted issues which could be lessons for other countries facing similar problems. The Project provided technical advice to PDHJ staff to prepare the Provedor's intervention.

Closer relationships between the NHRI's in the **CPLP** have been forged as a result of the first CPLP NHRI Workshop, organized by OHCHR and the Portuguese Provedoria. The PDHJ was the main resource institution and was requested to share its experience on a number of topics, including the mandate and independence of NHRIs, its role as a protector of human rights as well as NHRI's investigation powers. The prominent role of the PDHJ in this conference came about as the result of two factors: its "A" status with ICC and being a NHRI in a developing country with human rights issues common to most African CPLP members. In addition to providing support to the Provedor, the Project also directly participated in the Workshop in sharing the Project experience in providing capacity development support to the PDHJ, including its lessons learned.

The interventions given by the Provedor in Cape Verde were shared with all of the staff of the PDHJ, and have been used by the Department of Public Relations for the development of its socialization package in February 2013²².

Another area to which the Project has provided support is the strengthening of the PDHJ's participation in UN international human rights mechanisms, including the **UPR** process as well as **special procedures** of the Human Rights Council.

The PDHJ has participated in the adoption of the Timor-Leste UPR report by delivering a speech, through the ICC's representative in Geneva. This was an important advocacy activity of the PDHJ and represented the conclusion of the PDHJ's involvement in the UPR reporting process, and the start of the PDHJ work in the follow up process of UPR recommendations. Based on cost-efficiency considerations, the PDHJ was not present in Geneva at the Human Rights Council for the delivery of its statement. For the first time, it has used the support provided by the ICC whose representative can deliver speeches in the name of NHRIs with "A" Status during the Human Rights Council sessions.

In 2012, the PDHJ piloted a new procedure for the participation of NHRIs in the Human Rights Council through a pre-recorded presentation²³. Specifically, the Provedor delivered in 2012 two video statements, one during a session on the Working Group on Enforced or Involuntary Disappearances (WGEID) report to Timor-Leste and the second one related to the NHRIs view of the report by the Special Rapporteur on Extreme Poverty and Human Rights to Timor-Leste. The

²² To be reported in the Project Update, 1st Quarterly Report 2013.

²³ See, for more information, <http://www.asiapacificforum.net/news/nhris-join-global-discussion-of-key-human-rights-issues>.

PDHJ intervention focused firstly on issues related to transitional justice and disappeared persons during the Indonesian occupation, while the second statement reflected, amongst other issues, on the challenges that Timor-Leste and in particular Timor-Leste's women, are facing in order to overcome the obstacles in the fight against poverty.

These activities have resulted in high visibility of the PDHJ both domestically in relation to their work with the government and national NGOs and internationally in relation to their cooperation with the Human Rights Council, other NHRIs and international NGO's. Evidence to this is the fact that following the first video intervention, the Human Rights Council adopted a resolution accepting this means of participation by NHRIs enjoying "A" status with the ICC²⁴.

The delivery of statements through video and ICC representation are important resources to help support the sustainability of the PDHJ's engagement with the Human Rights Council, as it helps overcoming barriers to participation caused by a lack of resources, time constraints and distance from Geneva.

Through the HRTJS staff integrated in the Project, the Project provided advisory support for the PDHJ intervention in these activities. The two oral statements were pre-recorded in Timor-Leste with the technical and logistical support of HRTJS and UNMIT PIO. In 2013, as part of the Communications Strategy implementation, the Project will provide capacity development support for the PDHJ to be able to do the video recording without any external technical assistance.

The Project is required to support the PDHJ in preparing various speeches during 2012 and it should be recognized that, despite undertaking specific meetings with PDHJ staff to gather information to form the basis of the speeches and intervention, the Project has provided substantial support to the PDHJ more representative of work of an advisory nature, with limited impact on the capacity of the PDHJ and its staff.

The capacity limitations for the PDHJ to independently prepare speeches and interventions for conferences in Timor-Leste and overseas are twofold: limited capacity in quality speech writing and difficulties in writing in English. The PDHJ expects, at the beginning of 2013 to have a permanent staff member with the necessary language skills to directly support the PDHJ in speech writing in English. Training on speech writing is included amongst the different capacity development strategies for the implementation of the Communications Strategy²⁵.

It shall be noted that the Project is aware that the sustained participation and interaction of the PDHJ with international human rights mechanisms and international and regional NRHI networks is also dependant on the PDHJ's commitment to implement activities as defined in the networks and mechanisms annual strategies, and their inclusion in PDHJ plans. A better understanding of how the PDHJ can utilize the information collected and reported nationally to feed its participation in international fora is also an important strategic view which needs to be reinforced with the PDHJ management to ensure that PDHJ can positively contribute at international and regional level without straining its limited resources.

²⁴ See, for more information, information note for NHRI's on Participation in the 22nd session of the HRC, Section 4, <http://www.ohchr.org/EN/HRBodies/HRC/Pages/NHRIParticipation.aspx>. During the HRC session where Provedor made the first ever use of video statement in the HRC, the HRC decided to accept the use of video statement (A/HRC/DEC/19/119, of 25th April 2012)

²⁵ Currently in a draft form. See draft PDHJ Communication Strategy 2013-2015 p. 9 (priorities).

2.2. Strategic and Annual Planning

The PDHJ **Strategic Plan** concluded in 2011 served, for the first time, as the framework for the development of the Annual Action Plan. This represented a major step forward in the PDHJ's planning capacity. The use of the Strategic Plan is not only an important tool to ensure that the PDHJ strategy is based on an inclusive approach towards the implementation of its goals; it can also support the PDHJ in bringing positive changes to the human rights and good governance environment in Timor-Leste. It is also designed as a tool to make the annual planning process an easier and less time consuming task. The PDHJ submitted draft of the Annual Action Plan for 2013 was welcomed by the Ministry of Finance, which congratulated the PDHJ for having clear and results-based targets and indicators.

The Project has provided technical support to the development of the Annual Action Plan through several planning sessions. This was a low level support and was mostly focused on exposing the PDHJ management to the use of the Strategic Plan as a regular planning tool.

There is still the need to support the staff in general in using the Strategic Plan as a tool for their work, both for their activity planning and reporting. The fact that the Strategic Plan of the PDHJ has a strong results-based approach to PDHJ activities means that it can be an extremely useful tool for reporting purposes.

The Strategic Plan of the PDHJ required the PDHJ to develop a specific strategy for its communication role. A three year Strategy was drafted in 2012 with technical support from the Project. It is expected that the **Communication Strategy** will be approved in early 2013.

The draft was preceded by a survey on the impact of previous and extant communication initiatives in the districts of Bobonaro, Manufahi, Oecussi and Baucau. The objective of the survey was to obtain an overall understanding of the knowledge of the Provedoria among the general population and to understand the most effective way of strategising future communication activities. Respondents, from various groups including people with disabilities, varied age groups and professions participated in the survey conducted through a pre-structured questionnaire. Results from the survey showed that the PDHJ needs to have a strategy to reach out to vulnerable groups and minorities, in particular, women, religious minorities and those living in poverty. The results also show that the PDHJ needs to increase their activities outside of the towns that the regional offices are based in and that the dissemination of outreach materials needs to have a wider reach also. The preferred method to impart information about the PDHJ for all target groups interviewed was through television and radio.

While the Communication Strategy has not been approved by the end of 2012, the development of the draft was used as a capacity development opportunity. Through the support of the Project, PDHJ Public Relations staff have further strengthened their skills in undertaking a survey (of a simple nature), including developing a questionnaire, identifying target groups as well as undertaking the interviews and analyzing the information to show trends and gaps. An important lesson learnt from this process was the department understanding the value of collecting beneficiaries' opinions before developing a new strategy or plan.

2.3. Complaints Operations Manual

The PDHJ was able to strengthen the systematic use of the **Complaints Operations Manual** through the identification of the main gaps in its implementation and the development or amendment of tools which were not being used and internal orders from the Provedor guiding the implementation of parts of the Manual which were not implemented due to specific lack of knowledge. At least four management actions from PDHJ management were taken to implement the Complaint Operation Manual, including the development of templates for flash reports (3 templates), the Provedor's internal order on the role of the DAP and Regional Offices, approval of reviewed Preliminary Assessment Reports and the development of a template for investigation strategies²⁶.

These management steps resulted in the improved application of the Manual. Evidence for this includes the fact that the templates of flash reports were used at least 20 times from October to December 2012, the Provedor's internal order was the institutional basis for the provision of guidance for the DAP to collect additional information in more than 34 complaints from August to December 2012 and to guide the discussions in the CMC in at least 6 meetings, and by the end of December 12 out of 14 investigators had already used the new preliminary assessment report.

These results were the outcomes of trainings on complaint and case management procedures, comprehensive mentoring support on the complaint handling process as well as management advisory support.

Strengthening the uniform application of the Complaints Operations Manual was only possible with an in-depth **analysis of the PDHJ case management system** by the Project.

Results from the analysis identified several weaknesses in the filing system and have also supported the identification of capacity gaps. This analysis included looking at whether timelines for the various processes have been met, whether all details for each case have been logged and also whether official correspondence with the complainant and respondents had been sent out.

Results included that 45% of complaints forms lacked details regarding age and education of the complainant, approximately 8.8% of complaints did not respect the first notification 10 day timeframe established by law and the fact that about 20% of the case files did not have the printed preliminary assessment sheet, making it difficult to verify the decision of the CMC. Several factors were identified as leading to these results; with regards time delays, the current procedure requires that complaints made to the Regional Offices are physically delivered to Dili for processing and, as they are only delivered sporadically this results in large amounts of time wasted. The fact that there was still a serious gap in ensuring a uniform practice related to the inclusion of all relevant documents in the case file also contributed to this issue.

²⁶ The Complaints Operation Manual is the knowledge management tool which establishes the internal system to be followed in dealing with complaints. It contains not only descriptions of the different phases and steps of the process, but in-depth explanations concerning the PDHJ Statute as it relates to complaints handling and specific knowledge guidance to support the application of the different steps. It also includes some information on interviewing skills and security analysis to be undertaken throughout the process. The Manual contains more than 20 templates to support the uniform implementation of the process. It was first developed in 2006 with support of USAID and UN Mission and it was then reviewed considerably in 2009-2010 with the Project support.

While this analysis was undertaken by the Project staff, it was done in direct coordination with PDHJ management. The results were shared with PDHJ management and staff. The analysis had to be done through a physical analysis of case files as the PDHJ did not yet have an electronic complaint management system. A total of 131 case files, out of roughly 400 complaints made in 2011 were analysed to generate the assessment on the main gaps for the implementation of the Complaints Operations Manual. The Project will be working in 2013 towards the strengthening of PDHJ understanding of the importance of regularly evaluating the application of the internal systems for complaints and cases through a number of activities, including inclusion of results based outputs in the PDHJ staff job descriptions, capacity development for PDHJ middle management and creation of internal coordination channels to use this type of information. Once the electronic case management system is running, the identification of gaps in the implementation of this system will be able to be undertaken more easily by the PDHJ staff, both those involved in the IT support as well as the PDHJ middle management. The Project will pay special attention in order to provide the necessary support to enable the PDHJ to undertake this kind of analysis on a regular basis.

This same analysis served as baseline information for the mentoring support in 2012 as well as to support the development of an electronic management system which will reflect the specific needs of the PDHJ.

2.4. Administration and Finance Manual

The **Administration and Finance Manual** was not regularly used by the Administration and Finance Directorate in 2012. The few steps which the Directorate implemented that were included in the Manual were more the result of other factors rather than as a result of the guidance provided in the Manual. The Manual was developed by the Project in mid 2011.

The Project attempted to identify the reason for the lack of use of this Manual through discussions with relevant staff and a general analysis of the financial and administrative system currently applied at the PDHJ. In general terms, the Manual is not being used because of the poor quality of its Tetum translation and also due to difficulties in using the Manual together with the public procedures for procurement and finance established by the Ministry of Finance. The Project further understands that there is a lack of ownership on the part of the Administration and Finance Directorate towards the Manual.

These aspects will be looked into in 2013 in order to ensure that the Manual will reflect the needs and the procedures applied by the PDHJ. The Project will further ensure that the systems will be reviewed collectively with the Directorate to ensure the ownership of the process by those using it.

2.5. Establishment of New Departments

One new department was established at the PDHJ: Office of the Inspectorate. As per Organic Law approved in 2011, there are three remaining departments to be established (Legal Advisory Department, Department of Conciliation and Mediation and the Department for the Following up of Recommendations).

The establishment of the Office of Inspectorate was only possible after the implementation of an introduction to auditing training as well as some mentoring support to implement a first inspection procedure, in the area of asset management.

The Office of the Inspectorate has shown potential to implement quality inspection functions for the PDHJ. However, in order to be an effective department, it will need further technical support and additional staff.

The undertaking of a first inspection by the Office of Inspectorate has given to the PDHJ and the Project the opportunity to assess the potential of the Office. The capacity gaps are many due to the fact that the Senior Inspector has no background on inspections or auditing.

A strategy for the Office of the Inspectorate was drafted with the technical support of the Project. However, due to a general lack of understanding on the actual role of the inspectorate office, the Project decided to first implement some basic training and give the Office the opportunity to implement one inspection, so staff could have a clear understanding of what the role implies in practice. This revised implementation strategy was as a result of the lessons learned from the lack of implementation of the Administration and Finance Manual. It was considered by the Project that if Office staff had a stronger knowledge and skills basis, they would be able to participate substantially in the development of the strategy and would, therefore, own it. It is envisaged that in 2013 further work will be done on the draft strategy, expecting it to serve as guidance for the implementation of the work of the Office of Inspectorate in the future.

The opening ceremony of the department and the training provided by the Project at the beginning of the third quarter were activities which contributed to raising the profile of this Department and to create an atmosphere of general support from the PDHJ, its leadership and management structure, for its effective functioning. Support from different quarters of the PDHJ to the Office of the Inspectorate is fundamental for its effective functioning due to its nature as an internal oversight mechanism. PDHJ leadership and management also need to be in a position to trust the service of this specialized department, without which the Office, being under the Provedor, would not be able to bring about positive results to the strengthening of good governance practices within the PDHJ. As such, it is fundamental that the Project works with the PDHJ to support a conducive environment for the operation of this Office.

The senior inspector has some basic knowledge on the theoretical issues surrounding audits, while the more technical aspects of an audit, which admittedly take some time to comprehend, are still lacking though and will need to be continuously revisited. This could require full time training specific to the role or additional staff with an auditing background to be recruited to the Office to ensure adequate level of knowledge. Based on the training and mentoring, the Senior Inspector has been able to attain a grasp of the main steps taken in an audit, with a more specific attempt to implement the first steps being taken over by a tendency to skip some of the steps close to the end of the process due to technical challenges in understanding and applying the steps. Reporting is an area that the Inspector is quite strong in and through the mentoring support he was able to draft an internal report on the inspection undertaken. However, the quality of the report still needs further strengthening, as the conclusions were based on a limited number of auditing tests.

Through the mentoring process, the Office of the Inspectorate has gained access to internal tools, such as templates, to support its work. The use of the templates and the identification of areas which were not fully understood served as the basis for a first review of these tools in order to ensure they were more simplistic in nature and reflected the technical knowledge of the relevant PDHJ staff.

It is expected that the other two departments will be established in 2013 with the recruitment of new staff or the transfer of existing staff. On this basis, the Project has already identified capacity development support in the form of mentoring support and internal systems development for 2013.#

2.6. Human Resources Policy

A recruitment policy was drafted by the Department of Human Resources, with technical support from the Project. The recruitment policy aimed at identifying the priority positions for recruitment as well as to identify those current positions which have a category level which does not correspond to the complexity of the work implemented. With this internal document, the Human Resources Department was able for the first time to provide policy advice to PDHJ senior management and leadership on suggested priorities for the recruitment (both through promotion as well as through new recruitment) for the PDHJ. The policy also aims at laying out the strategies to ensure that by the end of 2014, all 134 positions as provided in the Organic Law of the PDHJ are filled to the right category level.

In this internal policy, the Human Resources Department advised the PDHJ to prioritise recruitment (or internal transfers) which can enable the establishment of the Department of Conciliation and Mediation and the Department for the Following up of Recommendations).

In February 2013, the Director General of PDHJ instructed the Department of Human Resources to start preparing the documents required for the 2013 recruitment. Out of the 22 recruitment to be undertaken in 2013, 20 of them followed the advice of the Human Resources Department included in the recruitment policy document.

In order to write this policy, the Department of Human Resources, under the leadership of the Director General, undertook a detailed functional analysis of every department of the PDHJ in order to identify which department had a greater need for new staff to be recruited in order to implement the minimum required amount of work. This analysis focused on clarifying specific tasks of the different departments and estimating the workload and the time necessary to implement the tasks. It shall be noted that this analysis did not aim at identifying the total number of staff of the PDHJ; an analysis undertaken in early 2011 during the drafting of the Organic Law and the Strategic Plan. It has also not identified the need to review that analysis since the main strategic objectives and the results estimated have not changed to date.

Currently about 60% of the permanent staff at the PDHJ do not have a public service level which corresponds to the complexity of the work implemented²⁷. This reality is accentuated in the Regional Offices of the PDHJ, where an average of 4 out of 5 staff do not have a level which reflects the complexity of their envisaged role as identified during the Organic Law drafting process. It is not uncommon to see in public

²⁷ Annex III of the Decree Law N. 27/2008, of 11 August (as amended by Decree Law N. 20/2011), establishes a description on the nature of the functions and the levels within the public service system.

institutions the same situation as is found at the PDHJ. The reason for this gap is the fact that the transition from temporary to permanent staff, which took place in 2010 and 2011 was conditional on maintaining a corresponding grade level within the public service. As the PDHJ soon after its establishment had a tendency to recruit staff at a lower level while not being fully aware of the specific functions to be implemented by staff holding different positions. The new recruitment process attempts to propose a clear and phased strategy to gradually bring the institution staffing profile into line with the Organic Law and the functional analysis undertaken in 2010.

The Project is aware that any Human Resources Policy will go beyond the area of issues related to recruitment as it also need to deal with the areas of performance evaluation, presence and leave management, salary and allowances, capacity development strategy and disciplinary processes against staff. The strategy revised by the Project, based on an assessment of the capacity of the staff forming the Human Resources Department as well as the level of understanding of the role of the human resources department in the institution, was to first develop one part of the policy –the recruitment policy - before developing the policy framework to start designing the different internal systems, manuals and templates, to support the implementation of the different functions of the department.

The staff of the Human Resources Department do not have a technical background in human resources management. Until 2012, the functions implemented by the Department were, to a great extent, functions of an administrative nature, like checking leave balance or preparing documents for recruitment process. The Department was not involved in providing technical support on human resources related issues to PDHJ senior management and leadership. As such, it was fundamental that, before writing a fully fledged policy and starting the development of internal systems to implement it, the PDHJ staff, inclusively of the Human Resources Department, had a “taste” of the type of technical role which they can play in shaping the human resources policies within the PDHJ.

It is still expected that all these different areas will have their own internal systems developed based on an overall human resources policy during this Project cycle. In 2013, a comprehensive human resources policy will be drafted, with technical support by the Projects and initial steps will be taken to develop internal systems for its smooth implementation.

During 2012, it was apparent that there was a need to review PDHJ staff job descriptions, since, with a few exceptions, the descriptions were of a general nature adhering closely to the general functions of the public service regime to the detriment of the specialised functions found in the PDHJ. Staff were vocal in expressing their will to have more specific job descriptions, which would provide clearer guidance on the functions and activities which are expected of them to fulfil their responsibilities. This same need was actually acknowledged by the Provedor in July 2012.

The Project is providing technical support to draft job descriptions for all of the 134 positions at the PDHJ. While it is an essential task, it is also a burdensome one which is time consuming and requires close coordination between the Human Resources Department and the other departments. The process is expected to be concluded before mid 2013.

During 2012, the Project supported the design of a template job description. Now the PDHJ has a results based and detailed job description template, which identifies the main functions and the activities to be undertaken to support the implementation of the functions as well as clear selection criteria and the identification of specific deliverables which can allow the PDHJ to measure the performance of staff in delivering on the roles assigned to them in their job description. The job description template is framed around the different functions included in the PDHJ Organic Law.

In order to identify the functions of the Regional Offices, draft staff job descriptions of the staff working in them and then to create a closer coordination link between PDHJ national and Regional Offices, the PDHJ needed to undertake an analysis of the role of the Regional Offices. It was decided to use an adapted capacity assessment methodology to undertake this task. This choice was based on the consultative nature of the process as well as the fact that PDHJ staff were already familiar with the methodology as there has been two comprehensive capacity assessment undertaken with the support of the Project (in 2010 and 2011).

While the results of this assessment process have not been concluded, the consultations with Dili based staff, which included focus groups with each activity area of the PDHJ as well as with the chiefs of the Administration and Finance Directorate, means that the majority of staff have already shared their views on the role which the PDHJ Regional Offices should play. There are two main challenges faced by the PDHJ in establishing decentralised offices according to most PDHJ staff's opinions. The first is that the offices were established without having clarity on the exact manner in which the offices would function to support the implementation of the Provedoria's mandate and the second is that the PDHJ lacks the necessary internal systems to ensure effective coordination between national and Regional Offices. Issues such as these are, in the Project's understanding, quite common situations faced by state institutions in Timor-Leste when they start to decentralise their services. While the ideal is that clear roles would be identified for the decentralised offices before their establishment, the limited capacity to prepare the institution for its decentralisation is the main factor playing a role in this weak process. The PDHJ had already undertook internal discussions on the role of the Regional Offices and already has the staffing profile for the Regional Offices since 2010, however it did not go on to develop clear job descriptions or to support the development of systems to ensure that the PDHJ presence in the districts would be maximized. The final results of the assessment will be reported in 2013, once completed, and the Project is expecting that it will be called to support the PDHJ in strengthening the PDHJ Regional Offices.

The link between the PDHJ and the Public Service Commission has been further strengthened as a result of the PDHJ initiative in using the Personnel Management Information System (PMIS) as a regular tool to support the human resources functions of the PDHJ. The Project has provided small scale technical support to the Human Resources Department capacity strengthening in accessing and using this system to register PDHJ staff information concerning job positions, trainings undertaken and qualifications received directly into the uniform public function personnel system. It is the aim of the Project to support the PDHJ in having direct access to the system, and the capacity to regularly update, remotely at the PDHJ office, all information that needs to be entered into the system thereby reinforcing the independence of the institution.

Output 3: Overview of Results, Achievements and Challenges

Output

- **PDHJ has effective information and management systems**

Targets

- I. PDHJ Case Management System developed and implemented
- II. PDHJ networking and file sharing implemented
- III. PDHJ training database regularly updated by PDHJ
- IV. PDHJ email system established
- V. PDHJ professional development information resource developed

Results

- I. PDHJ electronic case management system under development.
- II. PDHJ shared drive server installed, network resources integrated, intranet started.
- III. Review of the training and promotion database under progress
- IV. PDHJ email system established
- V. Resource not developed yet due to potential in using the Personnel Management Information System (PMIS)

3.1. *Electronic case management system*

By the end of 2012, four mock-ups of the electronic Case Management System (eCMS) were created and discussed. In the last week of December a fully functional eCMS had been developed and the Project was to analyse all its content and functions and provide comments to ensure that it reflected the system conceptualised by the Project. It is expected that the eCMS will be able to be used and tested in practice with the PDHJ staff in the first quarter of 2013. Delays were encountered due to changes in the Project management as well as the recruitment of new IT technical staff for the PDHJ.

The development of the system entailed an internal analytical process of the complaints and case management system²⁸. The analysis to identify implementation gaps in the Complaint Operations Manual was also a useful tool that was used to identify procedural gaps and understand the reasons for their occurrence and to attempt to ensure that the CMS developed would support the uniform implementation of these outstanding processes.

While the actual development of the eCMS was undertaken by a company contracted by AUSAID Justice Facilities, the Project was able to contribute to the development of the design of the database. The eCMS developed for the different justice institutions, while serving as a model, had to be substantially modified in order to meet the institutional and procedural aspects of the PDHJ. As such, the Project encountered a substantial workload for their support of the development process. In addition, to support the preparation of the information technology aspects to run the

²⁸ See 2.3 Complaints Operations Manual.

eCMS, the Project also saw the need to develop new form templates, testing them as part of the complaints and case management mentoring process, to ensure both an easy transition to the new eCMS as well as ensuring that the eCMS would act as a tool to support the implementation of all related tasks undertaken by relevant PDHJ staff.

The entire eCMS development process has been undertaken in coordination with a capacity development programme for the PDHJ IT staff. In addition to participation in the UNDP Justice IT course, the PDHJ IT staff are receiving daily on-the-job support to undertake their tasks to fulfil the specific IT needs of the PDHJ as well as lay the ground for the use of the eCMS.

This electronic case management system will be able to register and file electronically all documentation relevant to complaints and to track the entire complaints' process logged at the PDHJ with effective case transfer procedures from the processing of the complaints right through to the end of the investigative stage. As importantly, the eCMS will allow the PDHJ to publicly report regularly on the implementation of this legally mandated role and will also give the PDHJ a tool to undertake regular analysis of the implementation of the process, identifying the steps which result in delays for the conclusion of the cases.

3.2. *Networking, File Sharing, Email Systems and Website*

The PDHJ currently has a functioning **network** where all staff are required to enter the intranet system to have access to the IT tools, including the Internet and in the near future the eCMS. A functional system is fundamental to supporting the improvement of the file classification, document sharing and search tools in use at the PDHJ. This system will specifically help the PDHJ IT section to maintain the regular backup of the documents in an effective way which will help with the easy recovery of documents in the instances of computer malfunctions or crashes. The PDHJ is now able to have all documents related to the departments stored in specific shared folders with a security system based on different access privilege to the users of the shared network. The ability of the PDHJ to have this IT system is fundamental to ensuring knowledge management and institutional memory of its activities.

While a shared network drive for each department had already been set up by the third quarter of 2013, the drive is only being used by a handful of PDHJ staff. The reasons for the general lack of use is due to limited experience in using shared networks and a misconception on the level of privacy which a network provides to its users. The unfortunate fact that in 2012 a number of staff lost their documents due to computer malfunction brought increased interest to staff in making use of the shared network.

In attempting to slowly introduce a sharing file system to the PDHJ staff, the Project has been making use of an internet based file sharing system (Dropbox) as a communication tool in the provision of its mentoring support for the complaints and case management procedure. This shared drive is now being utilised by four departments, all of which have both departmental access and access to the Project's eCMS storage system. The use of Dropbox is also intended to give PDHJ staff a pre-eCMS roll out idea of the manner in which they will be using and working with new electronic systems to fulfil their roles in the Provedoria.

With the increases in staff numbers and the establishment of new departments, the PDHJ requires strong internal communication systems in order to ensure the required flow of information between different departments in bringing about a coordinated approach to its plans and activities. As such, the need to establish an **internal email system** was identified as useful for supporting the strengthening of internal communication and the Project was the development partner identified to provide the necessary technical support in this area. This was successfully tested quite early during the year however due to staff turnover in the IT section the email system was stopped after the testing phase due to the lack of staff capacity to manage the exchange server. After the recruitment of a new Project IT technician the Project recommenced work with PDHJ IT staff on reconfiguring the exchange server and the new email system is now available for use by all PDHJ staff. Distribution lists have also been developed to support the easy sharing of information.

By the end of December, the internal email system was not yet being used for lack of approval by PDHJ senior management and leadership. The Project, through its support for increasing the IT capacity of the PDHJ, is also supporting the strengthening of clear management lines to ensure that the IT staff have the necessary support from management to implement changes in the PDHJ work methods by taking advantage of the information technology available to them.

The Project is also providing support to the IT department of the PDHJ to develop a strategy for the implementation of training sessions for PDHJ staff, management and leadership on the importance of using IT tools to enhance the quality of PDHJ results and reporting.

In accordance with the PDHJ's Strategic Plan 2011-2020, the PDHJ had further need to disseminate information through electronic means. As such the Project supported the restructuring of the **PDHJ's website**. A revamped website, using the same layout of the website developed by the PDHJ's previous IT staff, was developed, creating new links and ensuring that more complete information is generally available on the PDHJ website. By the end of December, the reshaped website had been developed and had all information already written and relevant documents loaded. A final presentation of the website is expected in early 2013 which should cement the final approval by the PDHJ's leadership of the site and its content.

3.3. Professional Development Information System

While the Project is committed to developing an information system that will record and detail the PDHJ's staffs professional development, the Project is aware that the PDHJ, being a State public institution, needs to follow those systems already in used by the public service. As such, the Project decided in 2013 to focus its support on strengthening the capacity of the PDHJ's staff use of the PMIS.

The PDHJ is obliged to have its staff registered in the PMIS and to support the regular updating of information. It is fundamental that the Project does not create extra independent systems which will overburden the limited staff resources and which will demand extra technical knowledge from staff. As such, the Project, together with relevant PDHJ staff, is looking into what the PMIS can provide in supporting the PDHJ's capacity to monitor the professional development of its staff, to register the advances made by them and to support the collection of relevant professional development materials to ensure quality knowledge management within the

institution. In case the PMIS cannot deliver all these different facets to an efficient professional development system and the Public Service Commission has no short-term plans to include these aspects into the system, then the Project will support the development of a complementary system which can be efficiently used by the PDHJ.

Before any further steps are taken to develop a unique system for the PDHJ, it is fundamental that the PDHJ Human Resources Department is fully proficient in using the uniform public service system.

3.4. Other results related to Knowledge Management

The Project had previously developed an excel-based document for use as a **training database** to support the collection of information on the educational activities of the PDHJ. Staff have commented to the Project Manager that while they are able to add information to the excel table, they are finding it difficult to use the information included due to difficulties in their ability to extract statistical information from this database. This reality, coupled with the fact that the Public Relations Department has also requested the Project to support the development of a database to register the promotional activities of the PDHJ, including coverage by the media of the PDHJ's activities and tracking PDHJ materials distribution, led to the development of a new database by the Project's IT consultant.

The new training on database is expected to be concluded by the beginning of 2013 and is based on templates created for the CMS. This will ensure that the PDHJ IT department has all the necessary skills to troubleshoot the promotion and training database.

The new database will act as a joint database tool for human rights and good governance education efforts and public relations work, therefore supporting the implementation of the coordination structure designed in the draft Communication Strategy.

While PDHJ staff working in the **library** have the necessary skills to manage the library catalogue electronic system²⁹, it was assessed that about 80% of the materials were given an incorrect catalogue code. This was a consequence of the fact that most books in the PDHJ library do not contain the categorisation information provided by the publisher, demanding from PDHJ staff a skill to identify the proper category \of books that is not commonly required in libraries in many countries.

It was therefore assessed that the PDHJ library staff were in need of guidance and practical mentoring on how to correctly use the Dewey Decimal Classification System (DDC) – the system already in place at the library. A librarian from the Ministry of Education kindly provided technical support to identify the specific capacity gaps in this area. *With technical support provided by the Project, by the end of 2012 every book in the library had been re-evaluated and re-catalogued. Now the electronic database has updated entries for all the books and the PDHJ has a list and arrangement for all books by specific subject categories which ensures that staff have the ability to easily find books on a specific subject. The PDHJ library now has the necessary foundation system in place to allow for effective use of the library resources.* In addition, the Project supported the creation of a simple guidance on

²⁹ See Project Annual Report 2010, p. 14.

cataloguing the books with a list of the main categories used in the PDHJ library, taking into account its legal mandate.

There is still the need to implement certain steps to ensure that there is a system for borrowing books, and some training sessions are provided to PDHJ staff on book search methods. These outstanding activities have already been included in an internal plan and the timeframe initially identified would mean that all library capacity activities will be concluded by the end of 2013.³⁰

³⁰ The extended timeframe is needed due to the senior library staff member taking maternity leave until April 2013

Project Management Issues

In 2012, the PSC has expressed the view that the Project should strive to ensure that its intervention, where possible, promote an integrated approach between different departments within the PDHJ.³¹ This has been a valuable move in that it allows the Project to support holistically the institution, and in this way ensure progress on an equal footing by different departments.

The Project held three of the four required quarterly Project Steering Committee meetings, ensuring that the main stakeholders had an opportunity to monitor the results of the Project as well as influence the implementation of Project activities³². The change of management and PDHJ engagement with monitoring the national elections prevented the Project from holding a PSC meeting in the second quarter of the year.

The Provedor has requested the inclusion of the PDHJ Director General in the PSC due to the new role that senior staff at the PDHJ have in relation to capacity development and donor coordination as established under the Organic Law. The request was accepted by the members of the PSC³³.

While the PSC meetings were held the number of times required by the Project Document, PSC members have identified the need to ensure that the Project Management Team provides the PSC members with documentation related to the agenda of the meetings in sufficient time prior to the start of the meeting so as to ensure that members can substantially contribute to the discussion. The Project Management Team will ensure that this recommendation is duly followed in 2013 and onwards.

During 2012 there have been staff changes in the Project Management Team, with the recruitment of a new Project Manager and a new Finance and Administration Officer.

³¹ See Minutes of 18th PSC meeting, held on the 29 March 2012.

³² PSC meetings were held on March, October and December.

³³ See Minutes of 19th PSC Meeting, held on 8 October 2012.

Financial Information

2012 Expenditure

The Project expended approximately US\$728,470.14 during 2012³⁴. The original amount budgeted for in 2012 was US\$676,712.00. The total expenditure exceeded the budget allocated initially in the Annual Work Plan by approximately 12%. This additional expenditure, reported during the PSC meeting in October, was the result of costs related to the change of Project Manager as well as the need to provide additional lecturers for the Jurists' training³⁵.

The preliminary expenditure breakdown per donor is reflected in the table below.

Donor	Expenditure
SIDA	209,154.72
OHCHR	142,118.71
NZ Aid	327,620.31
TRAC (UNDP)	49,576.40
Total Provisional Expenditure	728,470.14

Project Budget and Funding

At the end of 2012, the Project had secured substantial funding for the entire Project period. The Project has received generous support from Swedish International Development Cooperation Agency, New Zealand, Irish Aid, OHCHR and UNDP. The current funding for the Project is illustrated in the table below:

Donor	Received/ Committed funds
SIDA	1,221,443.91
Government of Ireland	5,971.52
New Zealand Aid Programme	1,124,571.20
OHCHR	450,000.00
UNDP	148,442.79
Irish Aid	11,568.47
Total Funding	2,961,997.89
Project Budget	3,074,900.00
Project Funding Gap	112,902.11

There is an expectation that the Project will receive additional UNDP funds to the value of USD 50 000 per year until the conclusion of the Project. OHCHR funding support has decreased due to financial constraints, and for the two last years of the

³⁴ These are preliminary figures and final certified accounts will be available in June 2013.

³⁵ See 1.1 Trainings.

Project it will be to the value of USD 50 000 a year. Therefore, the expected Project's funding gap is of approximately of USD 100 000.

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