

## **JUDICIAL SYSTEM MONITORING PROGRAMME (JSMP)**

### **About the Judicial System Monitoring Programme**

The Judicial System Monitoring Programme (JSMP) is an East Timorese NGO with a high public profile. Founded in 2001, JSMP initially focused on monitoring the processes established to deal with perpetrators of war crimes and human rights abuses committed during the Indonesian military occupation. JSMP soon extended its mission to monitoring and aiding the progress of Timor-Leste's fledgling judicial system and legislative development processes. The Women's Justice Unit and the Victim Support Service—both outlined below—are units of JSMP.

Court and legislative monitoring, advocacy, research and analysis, and targeted training form the basis of JSMP's activities. JSMP's activities are underpinned by a vision of a formal legal system that supports and advances human rights, justice and equality, is independent of political interference and free from corruption, and is accessible by all East Timorese citizens.

The majority of JSMP's 20 staff members are East Timorese, and many are legally trained. While JSMP is based in Dili it undertakes some activities—particularly training and case monitoring and support—in other districts and court jurisdictions. JSMP frequently produces well-circulated research reports on a range of legal matters and these are posted on its website and are distributed locally in printed form. Aimed at both a local and foreign audience, these reports are usually available in Indonesian, Portuguese and English.

### **WOMEN'S JUSTICE UNIT**

#### **Organizational Overview and Approach to Gender**

Across two months in 2003, JSMP researchers monitored and analysed cases involving women that were heard in the Dili district court. In the course of undertaking its research, JSMP became the first independent organization to gain access to hearings of sexual assault cases, which had up until that time usually been closed to the public. This research culminated in the 2004 report *Women in the Formal Justice Sector: Report on the Dili District Court*.

The groundbreaking *Women in the Formal Justice Sector* report found that the extent of women's access to and treatment within the court system was gravely limited. Main findings included the following:

- over half the total cases heard in that period related to women and women were consistently victims rather than perpetrators;
- nearly 80 percent of the cases involving women concerned serious sexual assault;
- despite high levels of reporting of domestic violence to police no cases were brought to court;

- those with official roles in court processes displayed little gender sensitivity; and
- the progress of monitored cases was extremely slow.

Based on these findings, in 2004 JSMP decided to form a new unit, the Women's Justice Unit. This unit was formed to look specifically at the needs and treatment of women within the formal justice system, especially related to sexual assault and domestic violence. Another aspect of the work of the Women's Justice Unit is to undertake advocacy and training to improve the justice sector's understanding and treatment cases involving gender issues. The Unit's primary concern is to improve women's access to the formal justice system and to ensure that actors within the system, for example police, are equipped with the knowledge, skills and sensitivity necessary to ensure protection of women's rights.

**Only once women-related cases are aggressively and efficiently prosecuted will the formal justice sector effectively begin to deter crime against women in Timor. The law can be a valuable tool in re-shaping cultural expectations of what behaviour is acceptable towards women; statistics regarding the incidence of domestic and sexual violence against women in Timor indicate that behaviour towards women needs to be reshaped.**

*JSMP, Women in the Formal Justice Sector: Report on the Dili District Court, 2004, p. 32.*

Currently JSMP's Women's Justice Unit has three East Timorese staff and one foreign advisor who works mostly with the Co-ordinator of the Unit. While the Women's Justice Unit staff have legal backgrounds, they are less experienced in terms of the more specific area of women's rights and gender. Recognising this, the Unit seeks the advice of foreign colleagues and researchers about the intersections between gender and the law.

The Women's Justice Unit's donors include the Forum for Women and Development (FOKUS), the Embassy of Finland in Jakarta and AusAid. Other organizations, such as UNFPA and Oxfam Australia, support specific activities; for example, the provision of training and support for the Unit's 16 Days of Activism Against Violence activities.

## **Programs**

### *Justice Sector Monitoring and Research*

The Women's Justice Unit staff regularly monitor hearings of relevant cases in the district courts, and undertake statistical and legal analysis of such cases. They also monitor the conduct of particular actors within the justice sector, for example judges and police. Findings are assembled in multilingual reports. Reports include *An Analysis of a Sexual Assault from Dili District Court* (2004), *Access to Justice for Women Victims* (2004), *Police Treatment of Women in Timor-Leste* (2005), *Statistics on Cases of Violence Against Women in Timor-Leste* (2005), and *Analysis of Decisions in Cases involving Women and Children Victims: June 2004 – March 2005* (2005). Relevant legislation is also analysed.

### *Follow-up of Court Cases and Co-ordination with other Organizations*

The Women's Justice Unit quickly identified that many female victims do not understand court processes and are not provided with information about the progress of their cases. To this end, the Women's Justice Unit liaises with courts and advises victims. The Unit also works with other organizations and individuals that can provide various forms of support to victims undertaking legal proceedings, such as JSMP's Victim Support Service, female lawyers and activists.

Given that sexual assault cases are closed to the public, the Unit has needed to secure general permission from the judicial hierarchy to enter court. For each individual case the Unit also needs to liaise with judges and to seek permission for attendance from victims and suspects. The Unit has found that overall the parties are happy to have an independent monitoring body present.

### *Training and Public Education*

Another major activity of the Women's Justice Unit is the co-ordination and facilitation of various forms of training and public education. These activities aim to develop the skills and knowledge necessary to ensure a justice system that provides adequate support to and fair hearings for women victims. For example training and follow-up evaluation has been provided to police and particularly the Vulnerable Persons Unit (VPU) about how to undertake effective and sensitive investigations. Training has also been delivered across Timor-Leste's 13 districts about women's legal and human rights. During the 2006 crisis, the Women's Justice Unit worked with Rede Feto to facilitate training about gender-based violence and legal rights to internally displaced persons (IDPs) living in camps. The Unit also works with other organizations to train future female lawyers.

The Women's Justice Unit has produced public education materials such as posters, brochures, radio and television programs that have been distributed to all districts. These materials pertain to how community members can report instances of gender-based violence to the formal justice system.

### *Inter-Organizational Information Exchange*

The Women's Justice Unit views exchange of information between organizations working in the area of law and gender-based violence as an important part of its mandate. It endeavours to work collaboratively with a range of organizations and to seek out opportunities to share experiences.

## VICTIM SUPPORT SERVICE (VSS)

### Organizational Overview and Approach to Gender

The Victim Support Service (VSS) was established as a unit within JSMP in 2005 and has four staff members (a co-ordinator and three lawyers). As Women's Justice Unit researchers were finishing one of their early reports, *Access to Justice for Women Victims*, they held two workshops with representatives from the justice sector, civil society and United Nations. These researchers had already determined that far greater attention needed to be given to women's needs and rights in accessing justice. The workshops were to determine the best way forward to achieve that.

The Women's Justice Unit tabled four options for consideration: to strengthen the work already being undertaken by NGOs in the area of women's access to justice; to support existing legal aid institutions so that they could give greater assistance to women's or gender issues; to establish a new legal aid service for women, and to establish a new unit within JSMP. It was this final option that was adopted and from this the VSS was formed. The VSS's major objective is to provide quality legal support services to women and children who are victims of gender-based violence, so as to improve their access to and understanding of the justice system. As such the VSS sits somewhat outside of JSMP's usual activities of monitoring, research and training. However the decision was made to initially set up the VSS within JSMP's structures because JSMP's management and administration were seen to be the very strong and thus the VSS would be able to advance its activities quickly and effectively. A future aim is for the VSS to become an organization in its own right.

VSS and the Women's Justice Unit have ensured that they have distinct though complementary mandates. The establishment of the VSS has allowed the Women's Justice Unit to concentrate its limited resources upon monitoring, research and training activities, looking overall at the justice system and how its treatment of women can improve. In contrast, the VSS works directly with victims of gender-based violence at a grassroots level to encourage greater individual access to justice.

#### *The objectives of the VSS are:*

- 1. Provide a Victim Support Service for provision of legal support for women and children affected by Sexual Assault and Domestic Violence.**
- 2. Increase public awareness of the Victim Support Service and the rights of victims affected by Sexual Assault and Domestic Violence.**
- 3. Build an organizational network among providers of support for women victims.**
- 4. Provide ongoing support and reference at all stages of a case hearing and trial for victims.**

Victim Support Service, JSMP website.

While in the past the VSS has primarily worked with justice sector organizations, NGOs and agencies based in Dili, it has recently attempted to strengthen its links to other

districts. This is particularly because prior to the 2006 crisis the VSS had largely been dependent on referrals from the Vulnerable Persons' Unit (VPU) of the national police force (85 per cent of referrals came from the VPU). However, during the crisis the VPU became dysfunctional so the VSS has attempted to broaden its referral sources. Thus the VSS has formed relations with district police, particularly in Liquica, Aileu, Ermera and Baucau.

The VSS's major donors include the Asia Foundation, The Finnish Foundation for Human Rights (KIOS), UNFPA, the United States Embassy in Timor-Leste and the Canada Local Initiatives Fund.

## **Programs**

### *Working with Clients*

The VSS's major activity is to work directly with clients; that is, women and children who have experienced gender-based violence. To successfully assist them with the legal process, the VSS needs to liaise with and maintain good relations with the range of actors involved in the justice system: the VPU, UN police, district police, the National Hospital, the Prosecutor's Office, the courts and their staff. Prior to the collapse of the national police force during the 2006 crisis, the VSS had established particularly beneficial relations with the VPU across Timor-Leste's court jurisdictions. Through constant contact and mentoring of the VPU, the VSS ensured a strong flow of referrals as well as development of the VPU's ability to deal effectively with cases involving victims of gender-based violence.

While the VSS offers clients assistance with the legal process, it attempts to ensure that victims of GBV receive other necessary forms of support, such as psychosocial, medical and material assistance. To this end it networks with other organizations that offer other forms of support to victims of gender-based violence, such as PRADET Timor-Leste and FOKUPERS. While the VSS provides legal and social support services to victims of gender-based violence, the VSS staff do not represent clients in court—that is the responsibility of the prosecutor. All VSS services are free of charge.

There are various stages in the legal process to which the VSS provides support. Initially the victim will make contact with an organization, whether it be the VSS itself, the police, the hospital or another NGO. Once the VSS has received a referral, staff will meet with the victim, explain her rights and the legal process, urge her to pursue legal proceedings, and assist with other needs such as transport, medical attention and accommodation.

The VSS then supports the client with initiating legal proceedings. This requires a statement to be made to police, advice to police about how to handle the case, guaranteeing that police submit cases to the prosecutor, ensuring the prosecutor initiates a hearing, and continued liaison with the client during this process. A hearing is then held to determine whether the case should proceed to a trial. The VSS continues to advise the

client during this process. Staff provide moral support and assist with material needs such as transport, accommodation and food. Before the trial is held, the VSS works to ensure that all parties are aware of the trial, the prosecutor knows which legal instruments and evidence to utilize and encourages clear communication between the prosecutor and client. During the trial the VSS advises, informs and encourages the client, and once a decision has been made the VSS ensures that the client fully understands the decision and its consequences.

### *Public Education and Training*

Complementing the work undertaken with clients, the VSS works to promote public knowledge of services available to victims of GBV as well as promoting sensitivity to and understanding of GBV as a violation of human rights. To this end the VSS, sometimes in collaboration with the Women's Justice Unit, has produced various publications and materials, including posters (10,000 distributed in a six-month period in 2006), brochures, and a radio and television program that was broadcast on national and community media outlets.

Provision and facilitation of training to the police, community members and NGOs is another aspect of the VSS's work. Examples of training undertaken in 2006 include targeting newly recruited members of the police force in reference to dealing with GBV cases, and facilitating an understanding of the Criminal Procedure Code as it relates to women victims.

### **Contacts**

Post: PO Box 275, Dili, Timor-Leste (via Darwin)  
Email: [info@jsmp.minihub.org](mailto:info@jsmp.minihub.org)  
Website: <http://www.jsmp.minihub.org/>  
Address: Rua Setubal, Kolmera, Dili

Tel: (670) 723 3723 (Co-ordinator Women's Justice Unit Maria Agnes Bere);  
(670) 729 7696 (VSS)

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