



**JUDICIAL SYSTEM MONITORING PROGRAMME  
PROGRAMA MONITORIZASAUN SISTEMA JUDISIAL**

**TRAINING SESSIONS AND SEMINARS PROVIDED TO LOCAL AUTHORITIES,  
YOUTH GROUPS, POLICE AND STUDENTS AT THE SUB-DISTRICT LEVEL–  
2010**



**Supported by:**



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## **I. Introduction**

### **A. Background**

JSMP is a non-government organization that is active in monitoring the justice system and is the only organization that acts as a watchdog over the justice system, providing advocacy and disseminating legal information to the public. Throughout 2010 JSMP remained committed to disseminating information to the public about the applicable law and materials on human rights, gender and domestic violence. These efforts were aimed at increasing the community understands of the law and the criminal law process within the criminal law framework of Timor-Leste. These activities were aimed at increasing people's understanding of the law and encouraging them to participate in the development and establishment of the law in Timor-Leste in order to promote the interests of justice for all.

- **Respect and thank you to donors and contributors**

JSMP is fully aware that these processes would never be realized without the support of financial contributors. Although we sometimes all agree that our programs are realistic and well thought out, without sources of finance these programs and plans would never reach fruition. Therefore, JSMP would like to use this opportunity to extend its deepest respect to the donor agencies that have supported JSMP programs to date. Specifically in relation to these training sessions and seminars we would like to extend our gratitude to the Royal Norwegian Embassy in Jakarta and its entire team who have provided funding and have been flexible throughout the process of negotiation and consultation with us.

In addition, this training sessions and seminars could not have taken place without the cooperation and positive response from contributors, the high ranking officials of several higher education institutions, including rectors, deans and university students, school principals, teachers and students, village chiefs, sub-village chiefs and everyone else who was involved.

We extend our respect to the Rector of UNTL, Mr. Benjamin Corte Real, Dean of the UNTL Faculty of Law, Rector of UNPAZ, Professor Lucas da Costa, Dean of the UNPAZ Faculty of Law and the Rector and Dean of the UNDIL Faculty of Law who have provided considerable contributions towards the implementation of this project.

JSMP extends its deep gratitude for your extremely productive support and cooperation and for providing us with the means and opportunity to initiate the consultation process up until this activity was completed.

Furthermore, we also extend our respect to the contributors who have donated their time, knowledge and experience. They include: Ivo Valente, SH the Chairman of the JSMP Advisory Board (who is currently the **vice minister of justice**), Sergio de Jesus Hornai, SH the Chief of the Public Defenders Office, Maria Agnes Bere former coordinator of the JSMP Women's Justice

Unit who is now working in the Administration of Justice Support Unit, UNMIT, for all of their contributions in making these programs a reality.

- **Target participants**

The target participants for this particular activity that focused on disseminating legal information included: the general community, women, students, youth groups, Timor-Leste National Police. JSMP has continued to provide this training to disseminate information and increase the knowledge of the general community, especially women, students, youth groups and the Timor-Leste National Police. This decision was made based on JSMP monitoring that indicated that many members of the community still lack adequate access to legal information and legal procedures that are applicable in this nation.

The training focused on beneficiary groups such as groups of women who hold positions in the village structure and youth groups, because JSMP is aware that local authorities and youths will help to disseminate the information that they receive during the training to members of the villages and sub-villages where they reside. In addition it is also hoped that can help victims of domestic violence and gender based violence to have their cases dealt with through the existing criminal process.

In addition to training local authorities, youth and police, the WJU also organized a seminars for students at the Senior High School level and also university students from several universities on the theme of “the Development of Gender Perspectives in the Penal Code and Criminal Procedure Code of Timor-Leste”.

## **B. Aim of training**

The training and seminar provided by the Women’s Justice Unit was aimed at:

- Increasing the understanding of community members, students, police and youth about the applicable law in Timor-Leste including the existing legal framework and human rights.
- Increasing the understanding of local authorities, especially women’s groups so they can help disseminate information that they received during the training to members of their community at the grass roots level.
- Providing guidance to help women who have been subjected to domestic violence in their communities so they have a way of having their case dealt with through the existing criminal process.
- Increasing the level of knowledge amongst members of the Timor-Leste National Police on the Criminal Law and Criminal Procedure Law on how to use their authority and perform their functions in accordance with the law to assist judicial actors to provide justice.
- Encouraging high school and university students upon completion of their studies to choose law and apply to the Judicial Training Centre to become judicial actors, because JSMP has noted currently there is a shortage of judicial actors.
- Increasing the knowledge of youth who are the future of the nation so they can contribute to society in general and also to help to prevent the occurrence of domestic violence.

- Increasing women's access to the formal justice sector to help reduce the incidence of domestic violence in Timor-Leste.

### **C. Aim of this report**

- To provide information about the process and results of the training and seminar implemented by the JSMP Women's Justice Unit to women leaders at the local level, youth and senior high school students, university students and Timor-Leste National Police during 2010.
- To provide a benchmark for JSMP or other related organizations/institutions who wish to implement the same training, and to provide recommendations for future reference.
- To review the recommendations provided by participants.

## **II. Training Program**

### **a. Training Methods**

- **For local authorities and youth groups**

The training provided by the Women's Justice Unit (WJU) to local authorities and youth groups at the sub-district level used informative, participative and interactive methods. These methods were deliberately designed to obtain the best results and to achieve the goals of this training.

The informative method required the facilitator to provide information about the law, human rights etc to participants and to obtain input or feedback from the participants themselves.

The participative method required participants to be actively involved in the entire training process and to be given an opportunity to share information with other participants throughout the training.

The interactive method required participants to actively participate in discussions to share their ideas and present solutions to problems or issues being discussed.

Another method applied during the training was the use of case studies. Case studies were designed so that the participants could actively analyze each case and learn how to identify and deal with each case. This was perceived as a more effective way of allowing participants to gain a better understanding of the materials presented during the training.

The training was split into two sessions (morning and afternoon). In the morning session the facilitator presented materials to the participants and distributed a training manual to each participant so they would all be able to quickly digest the information provided by the facilitator.

In the afternoon session the participants had time to discuss topics related to the materials given by the facilitator in the morning session and to present the results of the discussion to the other participants and facilitator.

- **For the Timor-Leste National Police (PNTL)**

This training was conducted to increase the knowledge and ability of the PNTL in relation to the applicable laws in this nation, especially in relation to the criminal law and procedure, so that PNTL members will be gender sensitive and provide the best service to the community based on their roles and responsibilities as prescribed in the law.

The same methods were applied to PNTL members as were used for local authorities and youth groups, as detailed above.

- **For students**

The seminars for school and university students relied on the same methods; however technically speaking there was a slight difference. The seminars included an explanation of the materials by the guest speakers. After the material was presented a discussion and question/answer session took place between the participants and guest speakers. JSMP noted that the participants were active in each part of the seminars.

## **b. Training Materials**

### **1. Materials for female leaders at the local level and youth groups**

The following materials were presented and discussed in training organized by the WJU for female leaders at the local level and youth groups at the sub-district level:

- a. Human rights in general and women's rights in particular;

This material encompasses human rights in general and women's rights specifically as a platform for all international conventions that have been ratified by the State through the National Parliament. These conventions include: International Covenant on Civil and Political Rights, International Covenant on Social, Economic and Cultural Rights, CEDAW or the Convention on the Elimination of All Forms of Violence Against Women and other concepts of human rights that were relevant to the aforementioned topic of the training.

- b. Gender role of women in society

This material covered definitions of gender, the difference between gender and sex, the role of women in society in reducing and intervening in certain cases related to gender based violence.

- c. Domestic violence

Material on domestic violence encompassed definitions on types of domestic violence, root causes and effects of domestic violence.

- d. The applicable law in relation to crimes against women or gender based violence

This section covered articles in the Penal Code which in most cases victimize women. Also, the Marriage Law and other relevant laws were discussed.

- e. The criminal process for gender based violence  
This material essentially focused on the criminal procedure set out in the Criminal Procedure Code. In addition, an explanation was provided on the role of the referral network which provides services to victims of violence, in particular domestic and sexual violence.

## **2. Material for the Timor-Leste National Police**

Material provided to the Timor-Leste National Police was the same as that provided during the seminar for school and university students. This material also touched on gender perspectives in criminal law and criminal procedure.

## **3. Material used in the Seminar for school and university students**

The seminar was provided to high school and university students with the theme of “the Development of Gender Perspectives in the Penal Code and Criminal Procedure Code of Timor-Leste”. Also, information was given about the development of the legal system in Timor-Leste as a way of encouraging students to contribute and to apply to study at the Judicial Training Centre when they finish their study.

## **4. Participants and their organizations**

### *a. The selection of local leaders and youth groups*

As explained in the introduction above community members at the grass roots level are in great need of legal information because they do not yet have a sound understanding of the applicable law, in particular the legal procedure to deal with cases of gender based violence.

Local leaders (local authorities) were selected as a target group in this training because JSMP believes that as leaders or local authorities in their communities they have ability and therefore it was anticipated that they could effectively pass on the information they obtained from the training to their communities. Also it was anticipated that if the participants were adequately informed then they would have options to assist victims to have their cases dealt with through the existing criminal justice system.

The selection of participants was conducted with the cooperation of sub-district administrators and village chiefs. Through this cooperation the village chiefs decided to choose representatives from each village (two people per village) to participate in the aforementioned training.

Training sessions for female leaders at the local level and youth groups were held in several sub-district, namely: Iliomar Sub-District in Lautem District, Pante Makassar Sub-District in Oecusse District, Maubisse Sub-District in Ainaro District and Vera Cruz Sub-District in Dili District.

Approximately 20 participants attended each training session for youth groups. JSMP selected these particular sub-districts because it was believed that this training was required and also because these locations were not given training by the WJU during the last few years.

**Table 1 – Attendance list for participants in each sub-district (local leaders and youth groups)**

No	Sub-District/District	Date	No. Participants	Explanation
1.	ILIOMAR/Lautem	18-19/2/2010	20	Members of the village council and representatives of youth groups.
2.	MAUBESSI/Ainaro	24- 25/3/2010	20	Members of the village council and representatives of youth groups.
3.	PANTE MAKASSAR/Oecusse	14/ 15/4/2010	15	Members of the village council and representatives of youth groups.
4.	VERA CRUZ/Dili	27/ 28/7/2010	23	representatives of youth groups (females and males)
	<b>Total</b>		78	

*b. The selection of police officers*

Police play an important role, not just in providing security, but also in the justice system as assistants to the public prosecutors in the conduct of investigations and they also have other responsibilities in accordance with the existing criminal law and therefore need to have a deep understanding of the law to carry out their duties in accordance with the applicable law.

When the training was being prepared JSMP recommended that members of the Police Investigations Unit and the Vulnerable Person Unit (VPU) should participate in this training. The reason for selecting these two units is because they are responsible for conducting investigations and assisting judicial actors to ensure that the legal process is smooth and achieves its objectives.

The police officers were selected after JSMP consulted police commanders who recommended the staff who should participate in the training organized by the JSMP WJU.

Training for police covered Dili District and surrounding areas (police at the sub-district level).

**Table 2. Attendance list for police officers who attended training in Dili District**

No	Unit	Date	No. Participants	Males	Females
1.	Becora Sub-District Police	25 November 2010	7	6	1
2.	Comoro Sub-District Police	25 November 2010	2	1	1

3.	Metinaro Sub-District Police	25 November 2010	2	1	1
4.	Dili District VPU	25 Novembru 2010	2	0	2
5.	Dili District Investigations	25 Novembru 2010	4	4	0
6.	<b>TOTAL</b>		<b>17</b>	<b>12</b>	<b>5</b>

*c. The selection of students*

The aim of the seminar for university students was to increase their understanding of gender perspectives in the Penal Code and the Criminal Procedure Code as well as encouraging them (especially the female students) to try and participate in judicial training for court actors. This is because JSMP has observed that until this very moment there is a real shortage of female judicial actors in comparison with men.

The seminar for high school students was part of efforts to encourage these students to choose law when they finish their studies, as mentioned above.

JSMP WJU recommended for high school students at all levels to participate in this training. University students from the faculty of law were also recommended to participate, as well as students from other faculties who were interested. In order to select participants for this training JSMP cooperated with the universities to select students from the faculty of law, and also with teachers at high schools. The lecturers and teachers selected students or representatives to attend this seminar.

**Table 3. Attendance list for the seminar provided to university students**

No	University	Date	No Participants	Males	Females
1.	UNPAZ	08 May 2010	100	59	41
2.	UNTL	29 May 2010	78	52	26
3.	UNDIL	15 May 2010	120	78	42
	<b>TOTAL</b>		<b>298</b>	<b>189</b>	<b>107</b>

**Table 4. Attendance list for the seminar provided to high school students**

No	school	Date	No Participants	Males	Females
1.	<b>SMA 28 de Novembru</b>	25 June 2010	102	55	47
2.	<b>SMA 4 de Setembru</b>	5 June 2010	108	53	57
3.	<b>SMA FINANTIL</b>	12 June 2010	100	39	61
3.	<b>SMA Canossa</b>	19 June 2010	135	42	93
<b>Total</b>			<b>445</b>	<b>189</b>	<b>258</b>

## 5. The participants' level of education

The participants in the training or seminar had varying levels of education. The table below was developed based on the information provided by participants in a questionnaire prepared by JSMP, which does not include figures for those who participated in the seminar.

The table below shows the varying levels of education:

**Table 5. Level of education for local authorities and youth representatives**

Level of education	No. Participants	Percentage
University	3	3.8%
Senior High School	27	34.6%
Junior High School	16	20.5%
Primary School	5	6.4%
No schooling	-	0%
No response	27	34.6%
<b>Total</b>	<b>78</b>	<b>100%</b>

The table above shows that the majority of participants had completed senior high school and several of them had only completed junior high school or primary school. Also, a small number of participants had completed university.

### III. Substance of the training and discussion

The following materials were outlined and discussed during the training sessions facilitated by the WJU at the sub-district level:

#### A. Human rights in general and women's rights

This section explained and discussed human rights in general based on the Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights, International Convention on the Rights of the Child, as well as rights contained in the RDTL Constitution.

JSMP observed that the majority of participants realized that they had already heard of human rights. However they also admitted that they did not know exactly what the human rights are, or how and when those rights exist. In addition they wanted to know how to ensure that the aforementioned human rights could be properly exercised in accordance with legal principles in the existing legal and human rights framework.

In order to respond to the concerns of the participants the facilitator started by explaining the definition of human rights and what rights a person has and what rights are guaranteed in the Constitution, the applicable laws and the Universal Declaration of Human Rights and international conventions. The explanation given about human rights was based on the

international covenant on civil and political rights, the international covenant on economic, social and cultural rights and the Constitution of Timor-Leste.

In relation to the specific topic of women's rights, the facilitator provided an explanation on women's rights, based on the Constitution and the International Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) which has also been ratified by Timor-Leste and accepted as an integral part of the applicable law in Timor-Leste.

Most of the questions put forward during this session related to why are women still subordinate in society, even though the applicable law guarantees that all people have the same rights and responsibilities?

The facilitator responded to such questions by stating that according to the applicable law and human rights principles all people, regardless of their ethnicity, race, religion, language, GENDER and other differences have the same rights and responsibilities that need to be guaranteed, respected and upheld. This is the responsibility of all entities, especially the State, to create a sound, adequate and effective mechanism to guarantee these rights. In addition to the State, the society also has an important role to play in guaranteeing the aforementioned rights.

In response to concerns raised about why women are still subordinate, the facilitator explained that differences between men and women have arisen because of cultural practices which often ignore women's rights or stop women from obtaining or enjoying their rights. Such practices are not appropriate and can constitute crimes if they fulfill the provisions set out in the Penal Code.

## B. Domestic Violence

A definition of domestic violence was provided, including its root causes, effects and consequences.

Domestic violence was defined to the participants as an act committed within the domestic sphere by one member of a family towards another family member or anyone within the family sphere within a relationship of hierarchical or economic dependence which causes physical, psychological, sexual or economic suffering.

Domestic violence is often caused by cultural practices that continue to see women in a subordinate position who deserve to be treated violently by their partner.

The participants also shared their experiences with the facilitator and other participants about domestic violence that occurs in their community and several participants stated that they have been subjected to domestic violence.

## C. The Penal Code and Sexual Violence

An explanation was given about relevant articles in the Penal Code that deal with domestic violence and specifically with sexual violence.

For example the articles identified deal with rape, sexual assault, rape followed by murder and several other kinds of violence and sexual exploitation which victimizes women or girls. In addition the facilitator spoke about murder committed within the family or by a spouse, light and serious maltreatment which is also considered as domestic violence, as well as maltreatment against children, spouses, adults and the incapacitated.

In addition to the specific articles mentioned above, the facilitator also discussed and explained about general principles that relate to the topics of the training.

#### D. How gender based violence cases are dealt with under criminal law

The facilitator explained the materials relating to the criminal process, in particular gender based violence including the rights of victims in accordance with the Criminal Procedure Code. In addition an explanation was given about the referral network which provides assistance to victims of gender based violence.

#### E. Case studies

To enable the participants to get a better understanding of the materials presented and discussed during the training the facilitator also guided the participants to analyze and comment on case studies prepared by the facilitator.

#### **Sample Case Study**

Azina lives in a village that is a long way from the district centre. She lives with her husband (Simplicio) her children and her parents in law. Azina's husband is a farmer. They have been living together for 9 years and have 5 children. Since they have been together she has asked her husband to build a house, however her husband does not want to, with the excuse that it is better to live with his parents so that they can control Azina. Her parents in law always beat and yell at Azina for not attending to their needs or not working when she is sick.

Azina could not cope with such an environment and she continued to try and talk with her husband, however her husband always refused and in the end he hit Azina and told her to leave the house if she was unhappy there. Her children stayed with her husband and her parents in law because Azina's husband did not allow her to take her children.

Questions:

- a. What is your understanding of this story?
- b. Should Azina be treated this way by her husband?
- c. Do Azina's parents in law have the right to control her and force her to work?
- d. What about her children?
- e. If you were Azina's friend or neighbor, what would you do to help Azina?

Answers

The majority of participants responded as follows:

- This story is a realistic reflection of the suffering of women that occurs at the grassroots level, as women are always victimized by their own husbands or their family.
- As a human being with rights and freedoms that are guaranteed, Azina should not be treated so badly. However in reality this happens a lot which is often influenced by culture and other factors (defending family integrity) which makes it difficult for victims to avoid or distance themselves from this type of suffering.
- In reality the type of control that was described in the case study is common and many victims do not question it. Even though the victim suffers psychological harm this type of behavior is considered normal. Azina's husband and parents in law should not be allowed to treat her in a way that could place mental stress on Azina who was victimized in this case.
- The actions of Azina's parents in law and husband did not just subject Azina to suffering, but also her children, because the children could be abandoned and miss out on the love and attention of their mother (psychologically this would not be favorable for the children).
- As human beings we all have to help victims to get assistance (health, legal, social etc) and if possible refer them to service providers.  
Victims need to be assisted throughout this process and be encouraged to maintain their determination and motivation to have their issue resolved so they can effectively return to their family or their community.  
Victims should be told about how the legal process can help them and therefore encourage them to have their cases dealt with.

## IV. Training Evaluation

### A. Evaluation Method

The participants were asked to evaluate the training with the goal of measuring to what extent they understood the materials delivered during the training.

### B. Evaluation Form

The facilitator provided participants with an evaluation form before and after the training. The participants were asked to fill in the form, respond to questions and provide comments and then hand the form over to the facilitator. This evaluation form included questions on how well the participants understood the materials, the effectiveness of the training, the methods used by the facilitator to deliver materials, suggestions and recommendations.

### C. Internal Evaluation

In order to assess the effectiveness of the training provided by the facilitator and to achieve the objectives of training, JSMP conducted an internal evaluation to assess the techniques used by the facilitator. In addition this evaluation was carried out to identify strengths and weaknesses to improve training in the future in regards to the ability of the facilitator to deliver materials and the effectiveness of training delivery.

### D. Evaluation Form

Approximately 51 of the 78 participants filled in the training evaluation forms that were prepared by the facilitator. They were asked to provide responses on the relevance of material, effectiveness and productivity of the facilitator in delivering the material. The participants were asked to provide a ranking between 5 (excellent) to 1 (poor).

Total participants who filled in the evaluation form

**Table 6. Category**

Question	5 Excellent	4 Good	3 Satisfactory	2 Unsatisfactory	Poor	No response
1 This training was relevant to my life and my work	(14) 27%	(15) 49%	(2) 4%	(1) 2%	0%	(10) 19%
2 In relation to the following topics:						
•Definition of Human Rights	(16) 31%	(20) 40%	(5) 9%	0%	0%	(10) 19%
•Definition of Domestic Violence	(12) 24%	(15) 29%	(1) 2%	(1) 2%	0%	(22) 43%
•Gender	(10) 19%	(22) 43%	(7) 13%	(1) 2%	0%	(12) 23%
3 Effectiveness of the materials presented						
a. Explanation of materials	(15) 29%	(15) 29%	(11) 21%	0%	0%	(11) 21%
b. General Discussion	(10) 19%	(27) 53%	(8) 15%	0%	0%	(7) 14%
c. Group Discussion	(15) 29%	(17) 33%	(4) 7%	0%	0%	(16) 31%
d. Group Presentation	(10) 19%	(17) 33%	(7) 13%	(4) 7%	0%	(15) 29%
4 Ability of trainer to convey information (language and terminology)	(10) 19%	(26) 50%	(2) 3%	0%	0%	(10) 19%

## **E. Comments from participants**

In addition to responding to the questions in the evaluation form before and after the training, the facilitator also gave the participants time to comment on the training.

The participants made the following comments (summarized):

- This training is very important for disseminating information about the law and how cases are dealt with through the criminal process, in particular cases of domestic violence and gender based violence.
- The training was relevant with their lives in the family, social and cultural spheres.
- The same type of training could be conducted regularly, and it was also suggested to facilitate this type of training at the village level and in remote areas because many community members in remote areas do not have information about the law or an understanding of their rights and freedoms that are guaranteed in the applicable laws of Timor-Leste.
- Several participants said that even though some members of the community have a sufficient understanding of their rights and freedoms according to the law, they still do not want to process their cases through the criminal justice system in order to protect family integrity.

## **V. CONCLUSION**

In 2010 the Women's Justice Unit of JSMP organized a training program for local leaders, youth and police (from the Investigations Unit and VPU in particular). This training was provided at the sub-district level in the same manner as training provided over the last few years.

In addition to training the WJU also conducted seminars for senior high school and university students in Dili between April and May 2010 with participants from four senior high schools and 3 universities.

These training sessions and seminars were conducted with the aim of increasing the awareness of the community in general and local leaders, youths and students in particular, about the law that applies to gender based violence and the how cases of gender based violence are dealt with through the criminal process. In addition, the seminars provided to university and senior high school students were aimed at encouraging them (women in particular) to take part in training to become judicial actors after completing their studies, because according to JSMP monitoring there are not enough judicial actors to effectively and properly ensure the administration of justice.

The materials presented and discussed throughout the training focused on human rights, women's rights, domestic violence, the Penal Code, the Criminal Procedure Code and the Law Against Domestic Violence. The material was presented using informative, participative and interactive methods.

It was anticipated that the training provided by the JSMP WJU would increase the participant's understanding, and therefore achieve the goals of the training.

## **RECOMMENDATIONS**

Based on the comments provided by participants, JSMP would like to make the following recommendations on several issues that need to be considered by relevant institutions. The recommendations are as follows:

- For all other organizations that provide training to the community to keep conducting the same training because based on JSMP monitoring throughout the training process it appears that many members of the community do not yet have a deep understanding about the applicable laws in Timor-Leste.
- Training should continue to be provided to the police (however, for next year it would be better to provide training on the Law Against Domestic Violence) to strengthen their ability and understanding of the law so they can carry out their duties in a professional and dedicated manner.
- If possible future training could involve ordinary citizens (not only local leaders) because they also need this type of information.
- In order to achieve the goal of reducing and preventing domestic violence it is necessary to continue providing training and disseminating information about the law to youths and students.