



**JUDICIAL SYSTEM MONITORING PROGRAMMEPROGRAM
PEMANTAUAN SISTEM YUDISIAL**



**The Activity Report of Victim Support Service
(VSS) on Legal Assistance to the Victims
of Gender Base Violence**

October 2008 – 31 August 2009

Supported by



The Asia Foundation

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A. Introduction

The Legal Assistance Activities which provided by the Victim Support Service (VSS) is as a creative breakthrough that based on the assumption that this effort will be enable the victims to easily interact with the formal legal system that is very alien to their lives. The victims of gender based violence (which generally are women and girls) are often faced very difficult situation, and even tend to revictimise them in every step of the formal legal process itself. Apart from being victims of violence, they also became victims of the insensitive of legal system and its law enforcement. The Legal system that tends to be very rigid and does not partial to the victim experience, it could be contribute to increase list of multiplied victim, when they decided to bring their case to court.

Weak of judicial structures, ineffective administration of justice through the formal system, limited human resources (primarily the national court actors), a minimum of professional and skilled police to investigate cases involving violence against women and the lack of material and formal legal resources mean that women and children who are the victims of gender based violence will continue to remain extremely vulnerable to violence. The legal process that is expected to restore their rights continues to neglect their interests. Women and children are subjected to all types of criminal acts such as domestic violence with all of its consequences, rape, incest, sexual abuse and other form of sexual crimes including abandonment, make women in dilemmatic situation and feel their suffering.

The VSS acts as a liaison and provides non litigation representation to support their best interests when they decide to submit their cases to the formal justice system. However, the VSS can not respond to issues that fall outside of its mandate and capacities. Nevertheless, the VSS has an ongoing commitment to provide best service in terms of quality legal assistance to ensure the responsiveness, fairness and credibility of the legal process. The VSS is certain that this process is not a means to an end. In short, to achieve the desired results, this process must be endured over a long period with a strong commitment and supported with a responsive system.

This activities report outlines all the activities of legal services provided by VSS that is funded by The Asia Foundation started from 1 October -31 August 2009. This report also presents the information on case statistic, includes public awareness raising on rights of victims and formal legal system. The collaboration with the National Police institution of Timor Leste, specially with the Department of Vulnerable Person Unit (VPU) and District Prosecutor Office in their respective jurisdiction and advocacy, campaign and networking that were carried out by VSS in collaboration with other NGOs.

VSS is also grateful to everyone, especially TAF that has funded this legal service activity to the victims of gender based violence. Many thanks also extended to those who have been directly or indirectly involved by facilitating VSS' activities through their support and collaboration to provide opportunity to VSS, namely all District commanders in 13 Districts in Timor Leste, public prosecutors in their respective jurisdiction, support service providers such as Fokupers and Pradet, Legal Aid in several districts, State Secretary of Gender Promotion and Equality (SEPI) and other organizations.

B. Project Rationale

The Victim Support Service (VSS) was established in April 2005 with financial support from UNFPA grant, in order to improve access to justice for women and children victims of gender-based violence. The VSS exists as a unit within the Judicial System Monitoring Program (JSMP), and currently employs six lawyers full time staff members and one finance officer. Since its establishment the VSS has assisted 467 victims of gender based violence (primarily domestic violence and sexual assault) by accompanying clients to the police station, prosecution office and the court, providing practical assistance such as food and transportation, and assisting clients to understand the legal process, the roles of the court actors and the decisions of the court.

In each stage of legal process, VSS work with aims to ensuring that the legal system is more respect and sensitive to women and children experienced in violence. VSS works with six main project objectives that will be described in the next following section

below. Based on this objectives, VSS try to make sure that the women and children victim of domestic violence and sexual assault are aware about their right as victim, convince them to refer their case to formal justice system, cutting down the bureaucracy and complication of legal system, and sensitized court actor to partial to the victim and consider the whole experience of psychological pressure of victim that affected by violence.

These mentioned activities achieved through; provided a quality legal assistance and practical such as transportation, meals and temporary accommodation, accompanying them to and from initial case complaint and until conclusion of cases in the court, refer them to appropriate service providers and organize training on victim perspective to relevant group of people and institutions in both capital and rural areas. VSS also works to raise community awareness of VSS services, victims' rights, roles and their involvement in the formal justice system and other issues relating to gender based violence through the distribution of posters, brochures, bags and stickers and in involving in several radio and TV production that organized by JSMP's Outreach Unit and others organization, and by participating in discussion, trainings, workshops, joint collaboration of case advocacy related with case process.

Since its establishment in 2005, VSS has developed and worked closely with the Police Vulnerable Persons Units (VPUs) in both Dili and Baucau districts jurisdictions, which cover Dili, Ermera, Aileu, Liquiça, Mantuto, Baucau, Viqueque and Lospalos. VSS also have good collaboration with the Office of the General Prosecutor (OGP), supporting these institutions in the investigation and prosecution of gender based violence and ensuring that the rights of victims were respected.

With the financial support from TAF in October 2008, VSS has assisted victims of gender based violence as per its programs to provide a quality legal assistance and advice service to women and children of victims of gender based violence. This funding has also assisted VSS to recruit two lawyers who have assigned to work in Suai and Oecusse District Court jurisdictions

C. Activities against program objectives:

Objective 1: Provide a quality Victim Legal Service that assists women and children affected by GBV access the formal justice system;

During this grant period, VSS has provided legal assistance to over 152 victims (started from October 2008 –mid of August 2009) of gender based violence. The initial legal support provided to clients included: (a) explaining to victims their legal rights according to the applicable laws in Timor-Leste, international standards and international conventions ratified by the Timorese government; (b) encouraging and motivating women victims of gender based violence to access the formal justice system, (c) explaining to victims/clients their right as victim in each stage of formal justice system process (d) encouraging them to consistent with their information/statement that they have provided in police station; and ensure that client not withdraw their case from the formal justice system (e) explaining to clients about the positive and negative impact about processing cases domestic violence and sexual assault in the formal justice system including court decision. If victim need more additional support that unavailable in VSS service, VSS will: (f) assisting clients find alternative options for resolving their case by referring clients to other service providers to receive more additional support suchs as psychosocial support; counseling; mental recuperation, medical examination and temporary shelter and accommodation service if victim feel unsafe to return home.

Objective 2: Public Awareness of VSS and Victim Right

To ensuring that right of victim placed proportionally in formal justice system, therefore, the activity of public awareness raising on rights of victim is an important element in the effort to raise the access of women's victim and child in solving the case through formal justice system. In VSS experience when dealt with victim in formal justice system, VSS noted that there is a tendency in law enforcement, the public views, behavior, perception and understanding, including the law enforcer (legal structure), has often not placed victim as determinant factor in revealing the truth and real justice. The victim has always been considered as a supplement of the demands of formal justice system and normally

the victim is placed as an assistant of the public prosecutor in formal justice system¹. This provision can be justified in third paragraph of preamble of East Timor Criminal Procedure and this is particularly stipulated in Article 72 of criminal procedure code.

In order to respond above-mentioned reality, VSS continue to raise awareness of women's rights and VSS's services in the community through the production of educational and promotional posters, brochures, bags, radio and television programs and training or workshop. During this grant period, specifically VSS has designed and produced, and distributed the information materials of around 1500 copies of calendars about access to formal justice system through VSS. Other information contained in this calendar are, namely, key messages or information on inviting and asking community in general, particularly law enforcement to respect victim's voice or statement or testimony provided by victims as an important element in revealing the truth and justice. This message is provided with intention to place victim's presence and involvement as central element to reveal legal evidences in order to secure justice in a criminal case.

These calendars have been distributed to the community in Dili and Districts where VSS is operating, including women's group in the Districts, public places, namely, schools, police stations, District Prosecutor's Office in their respective District Courts.

In addition, VSS in working group to draft domestic violence law that was led by Fokupers in collaboration with other organization, as members of group discussion and uniformity of concept between draft law of domestic violence and East Timor penal code; and was actively involved in the discussion and seminars on several occasions about the issues of violence against women..

Through support and collaboration with TAF, in April 2009, VSS and JSMP held a legal training from gender and victims perspectives to several legal aids members of lawyers,

¹ Article 72 (1) ET-CPC stated that: An aggrieved party is, on criminal matters, a mere assistant to the public prosecutor and assigns all his or her procedural activity to the latter in relation to the presentation of evidence or request for any action relevant to the disclosure of the truth, regardless of the nature of the criminal offence.

which are also TAF's partners in the District that carry out access to formal justice program.

VSS also continue to promote VSS services through the gender based violence prevention working group, Domestic Violence law advocacy group, raising awareness training and other activities related with gender base violence program.

Furthermore, VSS continues to promote VSS services through the gender based violence prevention working group by actively involving in regular Referral Pathway Working Group Meeting, which is regularly conducted in JSMP office in every Thursday. This aims to share cases handling by each member, discussing the way to follow up cases of GBV and advocating on behalf of victim by sending a letter and/or meet to relevant institutions. In addition, VSS has also been actively involving and providing comment on domestic violence draft law that organized by Secretary State of Promotion of Equality (SEPI) and Legislative Department of Ministry of Justice

Objective 3 Strengthening Policing and Prosecution of GBV Cases

VSS has developed an excellent relationship with Vulnerable Persons Unit (VPU) police (who handle all cases involving sexual assault and/or domestic violence) within the Dili, Baucau, Suai dan Oecusse District Court Jurisdictions. A good working relationship has also been established with the Office of the General Prosecutor (OGP). As mentioned above, through funding assistance from TAF, VSS initiated and built collaboration with Police in the jurisdiction of Suai and Oecusse District Courts.

The aims to establish these relationship with these two institutions are; to assist police and prosecutor regarding with collection of evidence such as taking photographs of victim's injuries, providing transport for police to travel to the prosecutor's office to register cases and assist police and prosecutors to interact with VSS client in a proper manner, sensitively and respectfully, assisted in transportation to the hospital and court or from and to other services providers; and encouraged VPU's police officers to

investigate further cases involving women and children of gender based violence and make sure that the cases have to brought to formal justice sector.

Furthermore, we also would like to convince the police and prosecutor to trust to the statement and information that is provided by victim in investigating stage and make sure that the victim of crime should not be blamed in each stage of formal justice system process. ”. In addition, VSS wants to keep clients and witnesses are notified the dates and times of *hearing* and trial.

In every stage of formal justice process, VSS is really keen to ensuring that police and prosecutor are aware that the victim of crime is a key element of justice. VSS works to awareness police and prosecutors that *“the justice absolutely coming from the voices of victim and need to be placed as a “key and the central figure” in formal justice system process.*

To achieve this objective, VSS has designed and conducted regular visit (three times in a week) to Dili District VPU, twice a month to VPU within Baucau District Court that covers such as; Manatuto, Viqueque, Lospalos and Baucau (except for emergency cases) and once a week to a numbers of VPUs in Liquica, Ermera, Aileu which under Dili District Court Jurisdiction. The similar visit was also conducted regularly to VPU’s which based in the jurisdiction of Suai District Court, Manu-fahi, Ainaro and Bobonaro Districts and to VPU within Oecusse District Court, which was conducted once a month but spend two consecutive weeks.

In stage of police station

In this stage VSS advised the investigator police in each VPU in relation to how the police can interact with a victim in appropriate manner, treat a victim with respect and in easy way includes provide VPUs with a copy of a new Criminal Procedure Code (CPC). To ensure that police understand the CPC and VSS tried to help and discuss with police to enhance their understanding on how to interpretate the content of the criminal

procedure code. VSS has also been helping police officer to meet and discuss the case with prosecutor if the case seems to be more complicated for the police to conclude their investigation process.

In some occasion, VSS also assisted the victims and Police with transport to prosecutor's office and VSS has also been involved in coordinating process and mechanism to visit the victims who are unable to bring their case.

The relationship between VSS and National Police of Timor Leste continued to be consolidated through updating VSS services to National Police of Timor Leste and discussed with the police how to treat and investigate victim of GBV in sensitively and respectfully manner.

In Stage of prosecutors office and courts:

VSS has actively communicated with the judicial actors, particularly with police and prosecutors, to ensure they understand, consider and accept the right of the victim as an integral part of the criminal justice system. VSS also worked to approach all court actors to provide serious attention to victims of gender based violence throughout formal justice process. Furthermore, VSS conducted informal discussions with prosecutors about the sensitivities involved in, and importance of prosecuting domestic violence and sexual assault cases as major cases in court.

In a particular circumstances, practically VSS still held discussions in relation to the investigation of new cases and following up on old cases that are already within the formal justice sector, together with prosecutors explained about the decision and the impact of the decision to the victims and in some circumstances, victims are facilitated to contact with the prosecutor's office, lobbied prosecutors to execute sentences against convicted defendants.

Objective 4: Build an Organizational network among providers of support women victim of GBV;

Since its establishment as of now, VSS has developed good relationships and coordination with other organizations that also work to assist victims of gender based violence. This is done through meetings, collaboration on client cases and contributing to each other's training and community education programs. The VSS partner organizations are include, Pradet, Fokupers, Rede Feto, Alola Foundation, HAK Association, AMKV (*Asosiasaun Mane Kontra Violencia*, or the Men's Association Against Violence), Timor-Leste Lawyers' Association, local legal aid organizations, the nuns institutions, international agencies such as the United National Children's Fund (UNICEF), UNIFEM, UNFPA, TAF (as donor and network partnership), Caritas Australia and Lawyers without Border (ASF) and IOM. VSS also has a good coordination with government agencies such as SEPI and the National Directorate of Social Services (DNSS).

This relationship is marked with the invitation delivered to VSS to attend meeting, regular discussion about the issues affecting women, facilitate legal training on gender perspective and joint advocacy on cases.

VSS continues to promote its services through the gender based violence prevention working group by actively involving in regular Referral Pathway Working Group Meeting that has been conducting regularly in JSMP office in every Thursday. This aims to share cases handling by each member, discussing the way to follow up cases of GBV and advocating on behalf of victim by sending a letter or/and meet to relevant institutions. In addition, VSS also involved in providing comment on domestic violence draft law, which was organized by Secretary State of Promotion of Equality (SEPI), Witness Protection Draft Law, Juvenile Justice Law that organized by Forum Tau Matan (FTM), VSS also took part as a member of working group of heritage and property draft law which facilitated and organized from both SEPI and Legislative Department of Ministry of Justice.

During September 2008 until up today, VSS actively involved in DV Law working group to discuss and provide comment and recommendations on specific articles related gender base violence issues in draft law of Penal Code which has been passed and promulgated by President of Republic of Timor Leste in March this year. The recommendation and comments were submitted through Ministry of Justice and were considered.

VSS Involvement with other partner organizations

The public awareness programs about rights of victims - together with the presence of VSS in the formal justice system was intended to facilitate access for female victims of domestic and sexual violence to the formal justice system. This is aim to encourage and convinced them to utilize formal justice system to have their cases resolved. These activities were organized together with the Women's Justice Unit of JSMP, Fokupers, Alola Foundation and IOM

Furthermore, VSS as permanent partner of Fokupers has been involved to a regular radio program on legal approach of gender perspective. VSS has been invited several times by Fokupers to facilitate discussion of public awareness raising on violence against women and rights of victims in accordance with applicable laws and access to the formal justice system in several districts, which are the main target group of FOKUPERS.

VSS has and continue to be involved in discussion and workshop on the issues of violence against women, which were organised by Fokupers, Rede Feto, Caucus and Alola Foundation

Because of VSS' activeness in promoting work relationship with other organizations to combat and eliminate violence against women and legal skills that VSS have, therefore in March 2009, VSS signed a cooperation agreement with Alola Foundation to provide training and legal information to their target groups in several Districts such as Aileu, Ainaro, Manufahi, Suai, Oecusse and Atauro. This cooperation is part of ongoing collaboration, which was initiated in 2008. The subjects that were covered in the training are victims' rights in the formal justice system, difference between criminal cases and

civil cases, roles and functions of judicial actors and access to formal justice system with its strengths and weaknesses. Similar cooperation was also made with IOM to facilitate legal training to the community group in four villages such as Beto Barat, Comoro-Dili in the middle of 2009 .

VSS was also involved as facilitator team to compile data and information analysis in the process of preparing alternative report on CEDAW from NGOs, which was organised by Rede Feto and Caucus as steering committee. VSS was trusted to be facilitator on thematic issues about law, job seekers and politics.

To ensuring VSS's presence as service providers, VSS designed a regular visit to VPU in all Districts and Office of General Prosecutor in each jurisdiction. VSS has always involved Prosecutor and Police in the activity of dissemination of information and legal training in order to promote effective and strong work relation.

Objective 5: To advocate and campaign in relation to issues affecting victim of GBV

To achieve this objective the related activities are include: Act on behalf of victims and/or members of the victim's family to write letters to relevant institutions such as police and prosecutors or other relevant institutions in order to advocate for victims' right by referring them to relevant international conventions ratified by Timor-Leste or arguing different interpretations of law that related to particular cases; working together with other relevant agencies to uphold victims' rights to advocate issues affected by gender based violence. The concrete example of this effort is that at the end of March 2009, VSS send a letter to the Office of Prosecutor in Baucau District about the domestic violence case that was attended by VSS. VSS sent a letter to the Office of Prosecutor and met with judge because VSS was concerned about the decision of the court over the case of domestic violence as the defendant was acquitted.

Furthermore, VSS continues to build collaboration with other relevant agencies in order to uphold the rights of victims through advocacy of the problems, which emerged as a result of gender based violence.

Furthermore, VSS endeavored to involve media in the process of campaigning and advocating the issue of violence against women through a radio and TV program and launching VSS annual report at the end of grant period or at the time when the project is being implemented.

Involving more process of campaigning the public awareness raising on violence against women to member of village council, sub village, youth groups are interested in attending the workshop which entitled Violence Against Women. In each years, particularly in November and December last year VSS was actively involved in 16 days activity campaign violence against women that has been regularly held in the country. This activity was organized in collaboration with FOKUPER, PDHJ Gender Section, and Pradet held a discussion and socialization in regards with draft of DV Law in several District such as; Ermera, Maliana, Suai and Aileu District.

VSS also still actively involve in lobby team to advocate the draft law of domestic violence with the attention (collaboration) from some of civil society. Some of the proposal was explicitly accepted by member of ministries who are also member of council of ministry who had an influence in casting their vote during the discussion and drafting of any national policy.

Besides this eventual activity, VSS has also been actively taking part in sixteen days campaign on the elimination of gender based violence in November and December every year. This activity has been regularly held in this country in collaboration with FOKUPERS, Gender Section from PDHJ, and Pradet conducting discussion and socialization of domestic violence law in Ermera, Maliana, Suai and Aileu.

Objective 6: Develop the capacity of VSS staff to provide a professional legal service and independently manage its program

The capacity building of staff is an important aspect in the long term interests of the institution that will help achieve desired outcomes and maintain the continuity of

organizational programs. To realize these institutional goals, the institution itself is responsible for providing conditions that enable staff to improve and equip themselves, as well as being responsible for carrying out institutional activities.

In reference to these goals, several alternative solutions are available, for example, including staff in training activities organized by other national and regional organizations. However, this will be difficult for VSS due to its limited financial resources. To increase the professionalism of staff, it is necessary to build their capacity so they can become more skilled and professional in terms of providing legal aid services in the context of managing and implementing activities. The planned training encompasses skills relating to donor liaison, locating new donors, improving staff ability to present persuasive arguments in a professional manner with non-Timorese legal actors, and courses in English and Portuguese.

Besides, VSS staff were able to participating in other training provided free of charge, such as training organized by the Timor Leste Bar Association and other partner organizations. VSS staff also have an opportunity to attending a training which was organized out side of the country.

D. Statistics²

The statistics below reflect the numbers of clients, who have been assisted by VSS during the project period (between October 2008-August 2009). As this project was only focused on the provision of legal aid services to women and children victims of gender based violence, therefore the clients assisted by VSS were all women and children who have been victimized by violence, which categorized as gender based violence cases.

The following statistics show the number of clients assisted by VSS per month, the source of referral, education level, age and marital status, as well as details about types of

² These statistics only cover the number of VSS' clients who were women and children victims of domestic and sexual violence.

cases and the percentage of cases that were processed through the formal justice sector via the VSS contribution and support.

Figure 1. Number of VSS clients by Month

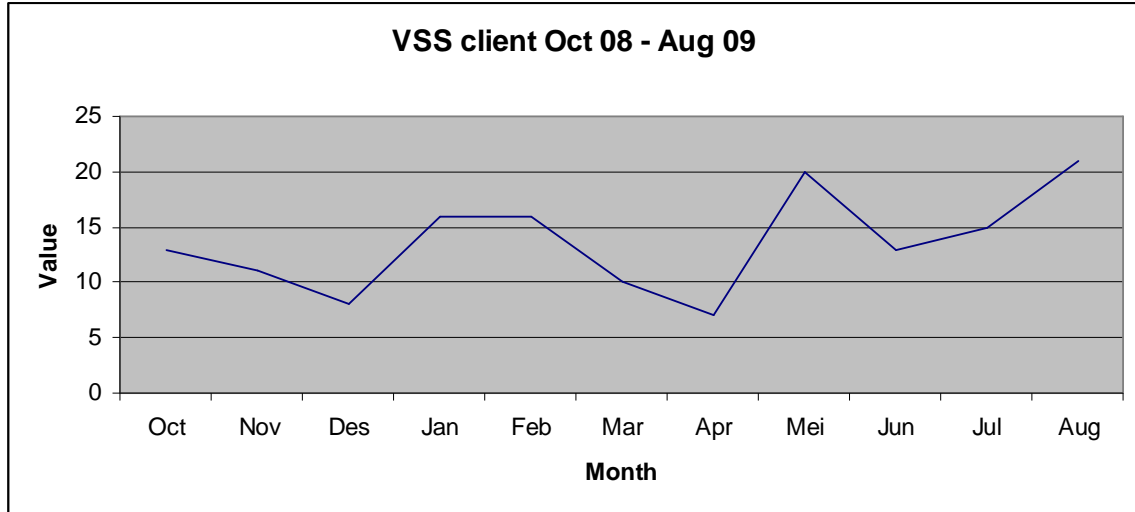


Table 1: VSS' Clients based on Referral Source from the Districts

Source of referral	Dili	Ail	Erm	Liq	Bauc	Manatutu	Viq	Los	Suai	Bobonaro	Same	Ainaro	Oecusi	Grand total
Fokupers	1													1
Other	4				2									6
Police	14	2	14	10	9	6	17	9	18	5	8	6	6	124
Pradet	12													12
Walk in	5	1	1										2	9
Grand Total	36	3	15	10	11	6	17	9	18	5	8	6	8	152

Table 1 Client Education Levels

Client Education	Total	Percentage
Did not go to school	40	26%
Don't know	72	48%
Elementary school	11	7%
Junior high school	20	20%
Senior high school	6	6%
University		0%
Grand Total	152	100%

Table 2 VSS Clients by Age

Client Age Group	Total	Percentage
<5	5	3 %
>35	20	13 %
05-12	15	10 %
13-17	35	23%
18-25	38	26 %
26-35	37	24 %
Don't know	2	1 %
Grand Total	152	100%

Table 3 VSS Clients by Marital Status

Client Marital Status	Total	Percentage
Married	84	56%

Single	64	42%
Separated / Divorced	2	1 %
Widowed	2	1 %
Grand Total	152	100%

Statistics Relating to the Incident

Of the cases referred to VSS during Oct 08 - Aug 09, 48% (73) were cases of sexual assault, 48% (73) were cases of domestic violence / Physical assault, 4% (6) neglect. 49 % of these cases involved children. While remains 51 % were cases against adult women.

Figure 1 Sexual Assault Cases by Incident Type

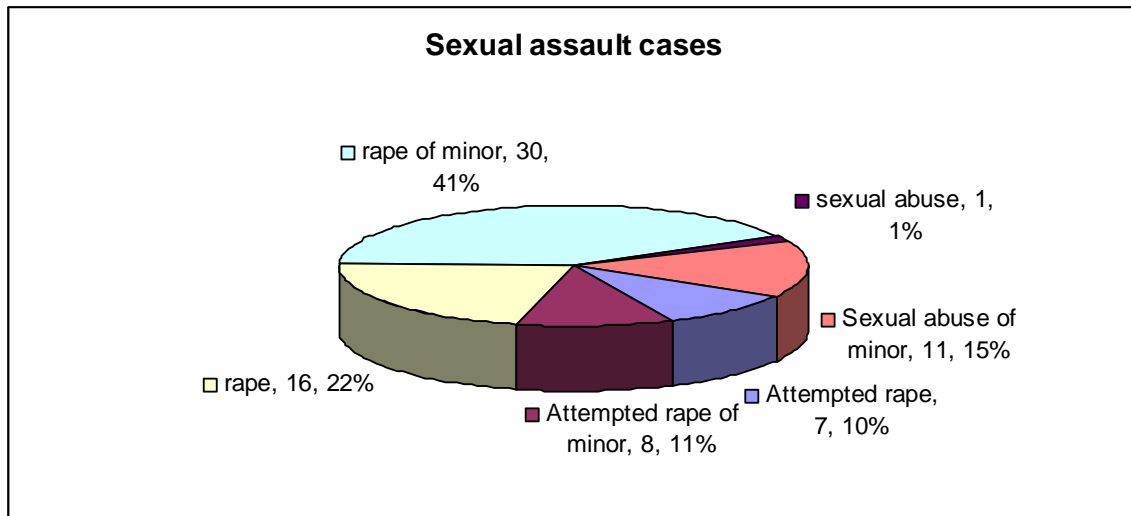


Table 6 Progress of VSS Cases

Status	Total	Percentage
Withdrawn/Resolved via		
Mediation	6	4 %
At Police office	15	10 %
Registered at Prosecutors	120	79 %
Process in Court	5	3 %
Finish by Court	2	1 %

Refer to Public defender	04	3 %
Grand Total	152	100%

E. Results/Achievement

Provide a quality Victim Legal Service that assists women and children affected by GBV access the formal justice system;

As mentioned above, during the period of the grant, there are 152 clients have used the legal assistance provided by VSS. Although, not many clients came straight to VSS to report their case, however the case referred from VSS’ partners, particularly from VPU’s has significantly increased. They made appointment via telephonic conversation to meet with VSS. In some cases, they also reached VSS service through their family or intended relatives who are aware of VSS services. The other cases were received from referral partners such as Pradet, Fokupers, VPU and clients who came straight to VSS from their respective jurisdictions as outlined in above statistic. The total of the cases that were referred to VSS has significantly increased in the context of building cooperation with other organizations, especially VPU that has been providing services to the women victims of gender based violence at the police level. The numbers of cases referred by VPU has been increase as VSS has built work relation with all VPU in 13 Districts.

However, VSS will continue to design a plan to pay regular visit to VPU Dili, three times a week, Weekly visit has also been made to VPU’s in district based such as Liquica, Ermeara and Aileu. While VPU within Baucau, Suai and Oecusse Districts Courts’ jurisdictions have been visited twice a month to follow up cases and check if they there is a case to be referred to VSS. However many of the visits have to be delayed because VSS’ staffs have always been invited to participate training and discussion on women and other relevant issues, which were organized by other organizations.

Public Awareness of VSS and Victim Right

Given the importance of public awareness raising campaign activity on rights of victims and VSS’ services, VSS will continues to carry out promotional activities as mentioned

above. VSS believes that its community radio and television programs and other promotional material production sucks; brochure, posters bags and stickers still need to be increase in the future. Because changing process of understanding, behavioral trend, public perception and mentality could not be understandable and achievable at once. All this are needed dedication, extra commitment and mostly need patient. However, anything related to trend of life of the community are attached and acceptable as integral part (culture) from the society.

However, the public awareness raising has indicated an influenced impact to the cases, which are referred to VSS through work relation VPU every year. The above statistic justifies this reality.

Given the complexity of issues relate to the violence against women and children which are rooted and understandable as a common practices, legal and cultural, therefore the solution and efforts to raise public awareness is not only on legal aspect, VSS has endeavored to involve all layers of community such as youth representative, church, and/or organization from pro-non violence organization, AMKV to get involve in panel discussion, which were directly on air by Television and Radio in Dili and other Districts.

Concerning to the efforts of enhancing community awareness about VSS's services, there is much to be done in this area. VSS needs to tap into community leadership structures (such as the church and Suco Chiefs) which are commonly called on to domestic disputes. VSS has commenced a program which so called VSS Community Public Awareness Raising Strategy to visit and meet with community leadership structures.

However, VSS is still unsure if this program will enable them to actively refer the cases arose in the community as the participants also complained about lack of facility and resources. VSS therefore anticipate this problem by regular contact with them. However, VSS is also facing difficulty in terms of transportation to make a constant visit to villages and sub village which are the target group of VSS.

Strengthening Policing and Prosecution of GBV Cases

VSS has been very successful in encouraging clients to refer their case to the legal system. These can be justified from 142 of the 152 clients which were referred to VSS during this grant period chose to refer their complaint to the formal justice system. Although it is quite difficult to ascertain if cases not brought to the attention of VSS were eventually resolved by the court, it is almost certain that in the majority of cases submitted to VSS the victims chose to take their case to court. VSS must acknowledge the challenges and other difficulties it encountered with the formal justice system itself, such as a lack of human resources, an ineffective case management system and other technical hurdles.

Another problem of how to access to the court hearing is because the general legal principle understanding and procedural provision of Timor Leste that consider the case of sexual violence is closed for the public³. In addition, the Timor Leste Criminal Procedure Code also states that pre-trial detention is closed for the public. This has hampered VSS' staffs in accompanying clients when confronting such slow of legal procedural bureaucracy, although VSS' staff has tried to explain to the court actors that VSS is providing legal assistance to the victims and VSS has been involved directly from very beginning.

Build an Organizational network among providers of support women victim of GBV;

The source of victim referrals to the VSS is a good indicator of how the VSS is being accepted as a support service in the justice system. During 2006 and until up today, the VSS received referrals from the police, Rede Feto, Pradet, HAK Foundation, SEPI, Bairo Pite Clinic, the nuns organizations, ECM, ASF and other international organizations suchs as ASF and IOM.

³ See the articles of 74 (2) and 76 (1), (5) East Timor Criminal Procedure Code

As explained in sub item ” *Activities against program objectives*”, VSS has been accepted and recognized as a unit that provides legal services to the victims of gender based violence. This recognition could be seen from the interest of other organizations that use the legal skills of VSS’s staff by involving VSS in all activities relate to the legal issues from women aspect such as referring case to VSS, inviting VSS as facilitator of the training legal gender perspective in several Districts, and involved in advocacy and lobbying the legal issues and women in formal justice in Timor Leste.

During this grant period, VSS has been active within the Gender Based Violence Referral Pathway to establish a formal referral network for victims of gender based violence. The referral pathway program meeting is held regularly every Thursday at 10.00-12.30 at JSMP conference room. The purpose of this regular meeting is to update all activity that are carried out by respective organizations, including how many cases handled by every organization and made follow up plans ..

VSS’s acceptance as a support service in the justice system is evidenced by the large number of client referrals from the police. Predominantly, several VPU which are based in Liquica, Ermera, Manatuto and Baucau have been very cooperative in the terms of holding discussing on the cases that need collective involvement, such as referring case to VSS for the case that need to temporarily stay in the vicinity of jurisdiction of the court. Through VSS presence, victims were facilitated by and to stay in Shelter in Fokupers or Safe House in Pradet etc. Police member in Liquica have showed their interest to discuss the international instruments which have been ratified and VSS was asked to provide these instruments in order to be used as reference in the implementation of law.

While the new international and national prosecutors have been very willing to engage with VSS staff in discussing client cases. The prosecutors also continue to show their collaboration by attending panel discussion in TV and Radio Programs that are organized by VSS. These discussions indicated that the judiciary is supportive of the existence of a victim support service.

To advocate and campaign in relation to issues affecting victim of GBV

VSS has tried its utmost to ensure that the rights of victims of gender based violence have been accepted and acknowledged as an integral part of the formal justice system. The court has issued a decision carrying the full force of the law in two cases from a hundred and forty two of VSS cases that submitted to the formal justice system under the guidance of by VSS during this funding period. Meanwhile, a hundred and twenty two cases are still in prosecutor office, fifteen cases are in investigation process of police level, four cases were civil cases which were referred to public defender office and the rest six cases were withdrawn from the formal justice system to be solved through traditional resolution mechanism. VSS involvement in advocacy and campaigns activities in relation to violence against women has been proved through an award given by the Office of the UN Secretary-General Special Representative in Timor-Leste to the VSS / JSMP for its dedication and commitment in promoting equality and empowering women of Timor-Leste and for the development of peace and stability in East Timor in March 9, 2009 at UN House East Timor.

As another evidence of the involvement of VSS / JSMP in an effort to eliminate violence against women, at the end of July 26-August 1, 2009, JSMP team was took part in civil society representatives to presenting the implementation of CEDAW convention from civil society perspective before the CEDAW committee in New York. The presence of JSMP in this team as JSMP has directly and actively involved as a member of the drafting and writing shadow report / alternative version of civil society in collaboration with others women organization which led by Rede Feto.

While from April 2008 until up today , VSS was involved actively in a lobby and advocacy team on draft law on Domestic violence. The organization that participated in this team are Fokupers, Caucus, Provedor Direitus Umanus, JSMP' Women Justice Unit, and some of the representatives from media are RTL and Diario National. This team visited some of relevant ministries to lobby and advocate the provision of domestic violence draft law to consider as “public crime” not as semi public crime which are

expected by a group people. This effort implicitly yield a positive signal because Ministry of Justice of Timor Leste and State Secretary of Promotion of gender Equality has accepted and acceded with the points that raised by the lobby team.

VSS is still committed and will continue to works on a day to day basis with police, prosecutors and others relevant entities to ensure that victim's rights are prioritized throughout the formal justice process.

Develop the capacity of VSS staff to provide a professional legal service and independently manage its program

Given the above mentioned reality, it has indicated the capacity and skills of VSS in utilizing its professional influence in the public awareness raising about gender based violence. There a number of achievement in the context of promoting work relation and made professional interaction pertaining to the law enforcement. VSS has learned from its experiences to respond the challenges and program needs, including responding other professionalism challenges, which is very much related on how to provide quality, productive and sustainable legal services.

In spite of the existing shortcomings VSS has done whatever it can to act in the best interest of the client and manage existing projects. Even though the ability and experience of VSS is far from ideal, its commitment to help its clients can not be questioned. Capacity building, skills development, knowledge of the legal profession, fluency in English and Portuguese and the ability to independently manage activities are all key areas that need to be addressed.

F. CONCLUDING COMMENTS

Given the presence of the VSS is very vital for the East Timorese people, particularly women and children who are victims of gender based violence. We would therefore be

grateful to the continued financial support from TAF and other donors that are still committed to combat violence against women and children, and to stop impunity for those who committed crimes against women and children.

G. Budget and finance

Financial report is attached to this report