



ASIA-PACIFIC RIGHTS AND JUSTICE INITIATIVE

Case Studies on Access to Justice by the Poor and Disadvantaged

Mentoring Programme in Timor-Leste

July 2003

SUMMARY BOX

Categorisation of lesson:

A mentoring system established, using mainly international expertise, for effective transfer of knowledge and technical expertise to the cadre of East Timorese judicial officials. A second mentoring system established, using mainly the trained East Timorese judicial and legal personnel, to transfer knowledge and technical expertise to newly appointed judicial officials.

Critical lessons for the sub-practice:

1. The mentoring programme was too ambitious, especially in terms of trying to establish a second mentoring system.
2. Mentors received no induction or training upon arrival in Timor-Leste, and no workplans were established to guide their efforts.
3. Goals were not fully conceptualised, spreading confusion about the mentor-mentored relationship.
4. The views of those being mentored were often disregarded.
5. Decision making by national counterparts should be enhanced.
6. No explicit linkages to human rights standards were established.
7. Timely recruitment of sufficient numbers of mentors is necessary to provide one mentor per person mentored, as are adequate funds to obtain experienced personnel.

Recommendations:

- ❖ Clear definition and framework of each mentoring position. The mentor-mentored relationship is very delicate and requires a good understanding of the professional parameters, as well as personal skills to develop strong relationships of trust with those being mentored.
- ❖ Design and explain clearly the methodology, aims and evaluation system at the beginning of the programme. A co-ordinator should be recruited to manage a team of several mentors.
- ❖ Mentoring requires a high level of experience, particularly courtroom and administrative. Good contract conditions should be given to mentors in order to get highly experienced and qualified people. Those being mentored should participate in the process of establishing selection criteria for mentors.
- ❖ A combination of practical experience and communications skills are required to enable the development of a professional functioning office, with sufficient skills transfer. A stronger correlation is needed between the expertise and experience of the mentor and access and use by those being mentored.
- ❖ Provide interpreters and language courses, in the short-term, especially to mentors. Time and resources should be invested in the induction and introduction of a mentor into the Timorese system.
- ❖ Make sure that the programme can be implemented with the minimum sufficient resources (human or other).

CATEGORISATION OF LESSON

A mentoring system established, using mainly international expertise, for effective transfer of knowledge and technical expertise to the cadre of East Timorese judicial officials. A second mentoring system established, using mainly the trained East Timorese judicial and legal personnel, to transfer knowledge and technical expertise to newly appointed judicial officials.

BACKGROUND

The composition of the justice system in East Timor was transformed abruptly, from Indonesian to East Timorese, after the violence surrounding the vote for independence in 1999. The people of Timor-Leste never had been permitted to serve as judges, prosecutors, public defenders and court clerks. The departure of judges, prosecutors and court clerks who were exclusively of Indonesia origin thus left behind very few legally trained persons in East Timor and a dearth of legal knowledge and skills. Damage also was extensive, mirroring the situation in other sectors, and included destruction of courts and records.

To fill this void, the Secretary General of the United Nations mandated that UNTAET should pursue immediate capacity building among the East Timorese. Pursuant to this mandate, the Department of Judicial Affairs developed a comprehensive programme to train and mentor new judges, prosecutors, public defenders and court clerks. Within a UNDP programme of assistance to the justice sector, designed in 2000, the mentor programme was conceived to allow new judicial personnel to acquire the skills to make them courageous and effective decision makers as well as role models in their communities. System-wide training programmes were initiated simultaneously with justice mentoring, which provided confidential support and assistance to these staff.

The justice system in Timor-Leste continues to face many challenges. No single effort, including the mentor programme, could fill the gap created by the premature departure of the Indonesian justice staff. However, on-site personal assistance given to judges, prosecutors, public defenders and court clerks by mentors provided a strong link in the chain of training and other assistance to the justice system.

The mentoring programme is different from normal training because mentoring is individualised and ongoing. Mentors were a daily fixture in the professional lives of justice staff. Their continuous availability during work hours meant that their assistance was direct, immediate and intensive. Without substituting their judgment for that of those being mentored, experienced mentors were able to support and counsel their East Timorese counterparts and assist them to become effective problem solvers and legal analysts, aiming at strengthening the rule of law in the emerging legal system of Timor-Leste.

FINDINGS AND CONCLUSIONS

Lessons on Output/Outcome

The mentoring programme was too ambitious, especially in terms of trying to establish a second mentoring system

The mentoring programme was established, using mainly international expertise, for effective transfer of knowledge and technical expertise to East Timorese judicial officials. This staff, once enhanced, would be able to provide better services for all communities. However, the programme was too ambitious, especially in terms of the proposed second mentoring system to be established, which was supposed to use mainly the trained East Timorese judicial and legal personnel to transfer knowledge and technical expertise to the

newly appointed judicial officials. The capacity of the trained staff was not enhanced enough in two years to allow them to realistically train potential new colleagues.

Lessons on Process

Mentors received no induction or training upon arrival in Timor-Leste, and no workplans were established to guide their efforts

There was no participation from those being mentored or their mentors in the design of the project. Mentors themselves received no training upon arrival in the country, and no workplans were established to guide them. Similarly, the aims and methodology of the mentoring programme were not sufficiently explained to those being mentored, leading to significant misunderstanding regarding the mentors' purpose. Crucially, when input was provided by Timorese jurists, either directly or indirectly, that input was not incorporated into the project.

Goals were not fully conceptualised, spreading confusion about the mentor-mentored relationship

The parameters and goals of the mentoring component of the project were not conceptualised in detail, leaving both mentors and those being mentored without a clear idea of their relationship. Attempts at undertaking a systematic evaluation of the mentoring programme did not succeed because of difficulties in assessing the impact of the work. It was not possible to recruit a mentor co-ordinator who would be in charge of setting up all the systems to guarantee that this objective was reached. Some problems regarding acceptance of the mentors by the counterparts were encountered because of the lack of a clear definition of everyone's role.

The views of those being mentored were often disregarded

A Mentoring Committee was established with members from all the main stakeholders in the sector in order to guarantee full participation of all groups involved in the project. However, the points of view of those being mentored were often disregarded by other partners. In addition, because of the inability to recruit sufficient numbers of mentors and to lack of language skills, the mentors were only located in the capital, Dili, not being able to give support to those being mentored who were based in the districts. Regarding gender, only 25 percent of those being mentored were women; all received the same mentoring and training as their male counterparts.

Decision making by national counterparts should be enhanced

Because of the DEX modality in which UNDP Timor-Leste has been working, decision making by national counterparts was limited. Nevertheless, there was a major effort by UNDP to bring about the contribution and work of everyone, especially through discussions within the Mentoring Committee, and stakeholders were involved in the process through this mechanism. Everyone was gathered periodically to debate different issues and perspectives regarding mentoring, despite a lack of capacity for implementation.

No explicit linkages to human rights standards were established

Although there were no explicit linkages to human rights standards, the purpose of the programme was to enhance the access to justice; this proved a clear link with human rights. Sustainability would be assured with good results from the mentoring programme itself.

Operational Lessons

Timely recruitment of sufficient numbers of mentors is necessary to provide one mentor per person mentored, as are adequate funds to obtain experienced personnel

The mentoring programme faced significant obstacles from the beginning, mainly stemming from a lack of clear definition and framework of each mentoring position, as well as a lack of momentum because of the inability to recruit sufficient numbers of mentors. An ideal mentoring situation would provide one mentor per person mentored, with relevant technical expertise and interpersonal skills, and with the right language capacities. However, this ideal situation was never accomplished and difficulties were never really overcome.

In addition, although a clear political commitment existed from all stakeholders, there were not enough funds to recruit mentors costing more than UNV rates. The areas in which those being mentored acutely required assistance were practical matters that should be learnt after university, such as how to take statements, give investigation directions, draft submissions, marshal evidence and manage case files. Mentoring thus requires a high level of experience, particularly courtroom and administrative.

RECOMMENDATIONS

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