



Country: Timor-Leste

Initiation Plan

Project Title: Human Rights Oriented Prison Enhancement for Gender Equality (HOPE for GE)

Expected UNSDCF/CP Outcome 5: By 2025, the most excluded people of Timor-Leste are empowered to claim their rights, including freedom from violence, through accessible, accountable and gender-responsive governance systems, institutions and services at national and subnational levels.

Expected CPD Output 3.3: People, especially excluded groups and women, benefit from accessible, high-quality rule-of-law institutions and justice services (including police)

Initiation Plan Start/End Dates: April 1, 2021 – March 31, 2022 (12 months)

Implementing Partner: UNDP Timor-Leste

Brief Description

The HOPE for GE project (the project) seeks to assist one of the most marginalized populations in Timor-Leste, namely the female pre-trial detainees, inmates, and ex-prisoners. In a patriarchal society, such as Timor-Leste, women face multiple discriminatory practices on a daily basis. More so is the case for women in prisons, such as the application of discriminatory laws (e.g., criminalization of abortion), unjust treatment, or negligence of their special needs. The project intends to tackle the institutionalized human rights violations currently occurring in correctional facilities to restore a sense of dignity and empowerment, as well as ensure gender-sensitivity. Considering female prisoners' disadvantaged status within the facilities and society, the project will provide female-focused legal aid assistance, vocational and literacy training, and establish sex-segregated, gender-friendly spaces in prisons. The human rights and gender-sensitivity training for the correctional officers and inmates, both men and women, will also be accompanied to contribute to behavioural and institutional changes. The key government partners include the Ministry of Justice, National Human Rights Institution, and the Ministry of Social Solidarity and Inclusion. The project will collaborate with sister UN agencies to bring synergies, efficacy, and potential scale-up.

Programme Period:	April 1 st , 2021 – March 31 st , 2022	Total resources required	USD 300,000
Atlas Project Number:	_____	Total allocated resources:	USD 300,000
Atlas Output ID:	_____	• Regular	
Gender Marker:	3	UNDP:	USD 300,000
		• Other:	
		○ Donor:	
		○ Donor	_____
		○ Government	_____
		Unfunded budget:	
		In-kind Contributions	_____

Agreed by UNDP:

I. PURPOSE AND EXPECTED OUTPUT

Timor-Leste has made great strides in stabilizing and developing the country for the last two decades since independence. However, destabilizing factors and injustice continue to exist, particularly for women and girls. The human rights situation in prisons and detention centers needs to be improved for the best interests of female inmates.¹ Following depicts some of the dire straits faced by them according to the Timor-Leste Initial Report to the Committee Against Torture by the NGO coalition (2017):

- Female inmates share the same facilities with male prisoners; and
- An incarcerated mother with a child shares a room with other female inmates.

The first point goes against Rule 11 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).² While men and women are sleeping in separate blocks, they are witnessed to interact or intermingle during the day. The communal use of facilities exposes female prisoners to a heightened risk of sexual harassment by male prisoners and makes them feel unsafe and unprotected. This also brings about unfair treatment between men and women, as in some cases, prison authorities addressed intermingling by locking women in their cell all day. Not only is this collective punishment, but it is also discriminatory against women.³ The report, therefore, underlines that the separation of male and female facilities will enable the authorities to implement gender-responsive services and fair treatment.

The prison facilities in Timor-Leste are generally overcrowded,⁴ unable to accommodate inmates in accordance with Rule 12 of the Nelson Mandela Rules.⁵ This is not an exception when it comes to a breastfeeding mother with a child in prison. A child under the age of three is legally allowed to stay with his or her incarcerated mother, yet adequate facilities are non-existent. One of the cases reported shows that the mother and an infant were confined in a cell with a few other female inmates. The infant did not have proper bedding nor clothes as she grew up, and the breastfeeding mother received the same portion of food as other women. A crying baby frustrates the cell mates and the mother was forced to keep her baby silent.⁶

Moreover, many women are reported to be incarcerated as a result of gender-discriminatory laws and limited to access to justice. For example, Timor-Leste criminalizes the practice of abortion with only one exception for saving the life of the pregnant woman in danger of death (Article 141, Criminal Law).⁷ Hence, a woman who is impregnated through rape, marital rape, or incest and deliberately terminated the pregnancy can be charged and incarcerated for up to three years. Another example is that quite a few infanticide cases have recently surfaced and were adjudicated, whereby women are mostly blamed and imprisoned for the crime. However, such cases were analyzed to have occurred when women cannot endure the social pressure to become a single mother and her family refuse to lend any support.⁸ Women are also

¹ Female prisoners constitute 4.1% (April, 2017) of the total number of prisoners (695, including pre-trial detainees and remand prisoners, September 2018), World Prison Brief (<https://www.prisonstudies.org/country/timor-leste-formerly-east-timor>, accessed 29 January 2021).

² Rule 11 (Separation of categories), United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)

- a) Men and women shall so far as possible be detained in separate institutions; in an institution which receives both men and women, the whole of the premises allocated to women shall be entirely separate;
- b) Untried prisoners shall be kept separate from convicted prisoners;
- c) Persons imprisoned for debt and other civil prisoners shall be kept separate from persons imprisoned by reason of a criminal offence;
- d) Young prisoners shall be kept separate from adults.

³ Timor-Leste Civil Society Coalition on CAT, Initial report to the Committee Against Torture (October 2017), p. 7.

⁴ 185.3% occupied: a total of 695 prisoners detained in the country's three prison facilities, the total maximum capacity of which is 375 people (World Prison Brief).

⁵ Rule 12 (Accommodation), United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)

1. Where sleeping accommodation is in individual cells or rooms, each prisoner shall occupy by night a cell or room by himself or herself. If for special reasons, such as temporary overcrowding, it becomes necessary for the central prison administration to make an exception to this rule, it is not desirable to have two prisoners in a cell or room.
2. Where dormitories are used, they shall be occupied by prisoners carefully selected as being suitable to associate with one another in those conditions. There shall be regular supervision by night, in keeping with the nature of the prison.

⁶ Timor-Leste Civil Society Coalition on CAT, Initial report to the Committee Against Torture (October 2017), p. 9.

⁷ The exception for the criminalization of abortion requires a list of conditions to be legally allowed, which makes the abortion not viable in reality.

⁸ JSMP Press Release, Information about gender-based violence and access to formal justice is very important for community members in Haupu

reported to have sentenced to imprisonment for an attempt for self-defence to a husband's beating, which is widely taking place across the country. As such, women in Timor-Leste face multiple cultural and institutional discriminatory practices, many contributing to their incarceration, often without access to counsel.

In light of these circumstances, the following are the expected outputs and associated activities of UNDP's Initiation Plan:

Output 1. Correctional facilities are renovated in accordance with the international human rights standards

- 1.1. Conduct a needs assessment of the correctional facilities' refurbishment
- 1.2 Renovate the correctional facilities to become gender-friendly, COVID-resilient, and in accordance with human rights standards based on the assessment

Output 2. Correctional officers and inmates are sensitized to gender equality and human rights

- 2.1 Develop the training curriculum for correctional officers and inmates on gender-sensitivity and human rights
- 2.2 Conduct Training of Trainers and training for the correctional officers and inmates

Output 3. Female pre-trial detainees, inmates, and ex-prisoners are empowered through training and legal aid services

- 3.1 Provide vocational and literacy training to female inmates and ex-prisoners
- 3.2 Provide legal aid services to female pre-trial detainees and advocacy for early release for the female inmates whose crime is unfounded

Theory of Change

If the prison(s) are equipped with separate facilities for women and men and facilities in accordance with the international human rights standards, if correctional officers, and both male and female inmates, have a deeper understanding of gender equality and human rights, if female pre-trial detainees and inmates with an unfounded conviction can access free-of-charge legal aid and advocacy support, if female inmates and ex-prisoners are provided with opportunities to become literate and economically independent, then female detainees, inmates, and ex-prisoners who encounter multiple discriminations and unfair treatment will be empowered and the rehabilitation and reintegration functions of the correctional facilities can be attained benefitting both men and women.

Output 1: Correctional facilities are renovated in accordance with the international human rights standards

Correctional facilities will be refurbished to become gender-responsive and environmentally friendly as per the Bangkok Rules, especially for the female-only premises, including a separate room and other various facilities for female prisoners with a child. In addition to the significance of women prisoners' access to sanitary and washing facilities, the project will also ensure that COVID-19 prevention measures will be in place. Though the pandemic appears to be under control in Timor-Leste, already overcrowded prisons with limited ventilation and water supplies are at high risk of spreading the virus if the situation happens to deteriorate.

Output 2: Correctional officers and inmates are sensitized to gender equality and human rights

A comprehensive training manual for correctional officers has recently been developed by the National Human Rights Institution (Provedoria dos Direitos Humanos e Justiça, PDHJ), in collaboration with the Association for the Prevention of Torture (APT) and the Ministry of Justice. The project can augment the gender-sensitivity module to this manual, ensuring that the manual covers the topic of just treatment of women prisoners (The Bangkok Rules), or develop a new edition for inmates. The inmates training will

incorporate the gender module, addressing masculinity and gender-sensitivity, and expanding to include reproductive rights, gender identity, and psychosocial support. The inmates gender training will target both men and women to amplify the behavioural change and avoid stigmatization and any backlash.

Output 3: Female pre-trial detainees, inmates, and ex-prisoners are empowered through training and legal aid services

Female pre-trial detainees rarely have access to counsel and therefore, the project will strengthen their access to legal aid service through a dedicated team of private lawyers. Building on UNDP's Access to Justice projects' extensive portfolio on legal aid, the project will bring synergy and complementarity in expanding the legal aid services to this particular group who has already missed out on such services and are at risk of being left behind once again. With the team of lawyers, the project could also pursue post-conviction and/or advocate with the Ministry of Justice on granting a pardon for early release of women and girls who have committed minor/no crimes. Vocational, literacy, and numeracy training, including digital banking and other financial literacy skills, for female inmates will considerably benefit their reintegration after release. The majority of women in Timor-Leste are economically dependent on their husbands, and many of the incarcerated women's husbands are reported to have left them during their incarceration.⁹ The training will thus be extended to female ex-prisoners to support their reintegration.

The project is aligned with the Government's Justice Sector Strategic Plan (JSSP, 2011-2030). The JSSP clearly states that *creating specific facilities for women and detention centres for young people* is one of the top priorities in prison reform. The reform also aims to *improve competencies, discipline and professionalism among prison managers and staff; Reinforcing non-formal education, literacy and vocational training for detainees, by promoting certification or accreditation of courses to ensure a successful reintegration; and developing and implementing an integrated programme for social reintegration services.*¹⁰

II. MANAGEMENT ARRANGEMENTS

This project will be implemented by UNDP. It will be anchored in the Access to Justice portfolio under the thematic portfolio, *Accessible, accountable and gender-responsive governance systems, institutions and services*, in the new Country Programme Document (CPD, 2021-2025). The Access to Justice portfolio includes *Accelerating Access to Justice for All in Timor-Leste (AAJAT)* and *Together for Equality: Preventing and Responding to GBV in Timor-Leste*, both of which are geared towards gender justice and justice sector services to GBV survivors. The project also complements *Spotlight Initiative*, the EU-UN Joint Initiative to Eliminate Violence Against Women and Girls.

An International Gender Justice Specialist will provide technical inputs and a psychologist of the Spotlight Initiative will also partake in the curriculum development contributing to the gender-sensitivity training and counselling services. A national project officer and finance/admin officer will assist the Gender Justice Specialist and a National Project Manager, who is primarily responsible for the management of *Together for Equality*, to implement the project. Support will also be provided by Country Office's Communications Team to strategically communicate the activities and results of this project.

The key government partners include the Ministry of Justice, in particular, the National Directorate for Prison Services and Social Reintegration and National Directorate for Human Rights and Citizenship, the National Human Rights Institution (Provedoria dos Direitos Humanos e Justica, PDHJ), and the Ministry of Social Solidarity and Inclusion (MSSI). The project will also tap into existing expertise within the sister agencies, such as UN Women, UN Office on Drugs and Crime (UNODC), UN International Children's Emergency Fund (UNICEF), UN Population Fund (UNFPA), International Labour Organisation (ILO), and Office of the UN High Commissioner for Human Rights (OHCHR) Human Rights Advisor Unit, in implementing and potentially scaling up the areas of support. Regular meetings will be organized with these stakeholders.

⁹ Timor-Leste Civil Society Coalition on CAT, Initial report to the Committee Against Torture (October 2017), pp. 8-9.

¹⁰ JSSP, pp. 22-23.

III. MONITORING

As per UNDP's practice, the project progress will be reported annually using a standardized template and against the indicators in this PIP. The Country Office team conducts the quality assurance of the project results, which are then published in UNDP's transparency portal. An M&E and Reporting officer will develop the relevant monitoring tools to collect and record all data related to the beneficiaries and results of the project as per the project's M&E Plan. Communications materials will be developed by UNDP's Communications Team to communicate the results with the larger audience.

IV. WORK PLAN

Period¹¹: April 1st, 2021 – March 31st, 2022

EXPECTED OUTPUTS	PLANNED ACTIVITIES <i>List all activities including M&E to be undertaken during the year towards stated CP outputs</i>	TIMEFRAME				RESPONSIBLE PARTY	PLANNED BUDGET		
		2021		2022			Source of Funds	Budget Description	Amount
		Q2	Q3	Q4	Q1				
<p>Output 1. Correctional facilities are renovated in accordance with the international human rights standards</p> <p>Indicator 1.1: % of female inmates who feel safe and protected in the refurbished female-only spaces</p> <p><i>Baseline: N/A</i> <i>Target: N/A (depending on the assessment)</i> <i>Source/verification: project survey, assessment report, MOJ</i></p>	<p>1.1 Conduct a needs assessment of the correctional facilities refurbishment</p> <p>1.2 Renovate the correctional facilities to become gender-friendly, COVID-resilient, and in accordance with human rights standards based on an assessment</p>	X				UNDP	FW	IUNV Gender Justice Specialist (20%)	14,000.00
		X	X			UNDP	FW	Refurbishment (such as, installing women toilets, women separate family visit room, breast feeding room, and access to clean water, etc.)	40,000.00
Subtotal for Output 1									54,000.00
<p>Output 2. Correctional officers and inmates are sensitized to gender equality and human rights</p>	<p>2.1 Develop the training curriculum for correctional officers and inmates on gender-sensitivity and human rights</p>	X	X			UNDP	FW	Consultant + IUNV Gender Justice Specialist (50%)	10,000.00 + 35,000.00

¹¹ Maximum 18 months

EXPECTED OUTPUTS	PLANNED ACTIVITIES <i>List all activities including M&E to be undertaken during the year towards stated CP outputs</i>	TIMEFRAME					RESPONSIBLE PARTY	PLANNED BUDGET		
		2021		2022		Source of Funds		Budget Description	Amount	
		Q2	Q3	Q4	Q1					
<p>Indicator 2.1: # gender-sensitive training manuals for correctional officers and inmates developed</p> <p><i>Baseline: 1 (PDHU)</i> <i>Target: 2</i> <i>Source/verification: training manuals, PDHU</i></p> <p>Indicator 2.2: % of the participants who believe that their understanding on gender equality has increased</p> <p><i>Baseline: 0</i> <i>Target: 80% (55%)</i> <i>Source/verification: training survey</i></p> <p>Subtotal for Output 2</p>	<p>2.2 Conduct Training of Trainers and training for the correctional officers and inmates</p>			X	X	UNDP	FW	Trainers and Psychologist; Training packages	30,000.00	
<p>Output 3. Female pre-trial detainees, inmates, and ex-prisoners are empowered through training and legal aid services</p>	<p>3.1 Provide vocational and literacy training to female inmates and ex-prisoners</p>	X		X	X	UNDP	FW	CSO grants/trainers; equipment and materials; marketing	75,000.00 40,000.00	

EXPECTED OUTPUTS	PLANNED ACTIVITIES <i>List all activities including M&E to be undertaken during the year towards stated CP outputs</i>	TIMEFRAME				RESPONSIBLE PARTY	PLANNED BUDGET		
		2021		2022			Source of Funds	Budget Description	Amount
		Q2	Q3	Q4	Q1				
<p>Indicator 3.1: % of the participants who believe that they have gained useful skills by vocational and literacy training</p> <p><i>Baseline: 0</i> <i>Target: 80%</i> <i>Source/verification: training survey</i></p> <p>Indicator 3.2: # of female pre-trial detainees and inmates who received legal aid by the project</p> <p><i>Baseline: 0</i> <i>Target: N/A</i> <i>Source/verification: monitoring reports from CSOs and Law Firm, spot checks</i></p>	<p>3.2 Provide legal aid services to female pre-trial detainees and advocacy for early release for the female inmates whose crime is unfounded</p>	X	X	X	X	UNDP	FW	Law firms/CSOs + IUNV Gender Justice Specialist (30%)	30,000.00 + 21,000.00
Subtotal for Output 3									91,000.00
Project Management	Project Officer (50% cost-share)	X	X	X	X	UNDP	FW	Salary	23,000.00
	Admin/Finance Officer (50% cost-share)	X	X	X	X	UNDP	FW	Salary	15,000.00
	Operations Cost (IT, common premises, etc.)	X	X	X	X	UNDP	FW		6,550.27
Subtotal for Project Management									44,550.27
Sub-total of all outputs and management costs									264,550.27
DPC (5%)						UNDP	FW	DPC	13,227.51
Sub-total +DPC									277,777.78
GMS (8%)									22,222.22
Total									300,000.00