
ACCESS TO JUSTICE (ATJ) PROGRAM

END OF PROJECT REPORT

(USAID/Timor-Leste Cooperative Agreement No. 497-A-00-02-00054-00)

Submitted by

The Asia Foundation

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Dili, Timor-Leste

December, 2012

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Glossary of acronyms

AATL	Association of Lawyers of Timor-Lorosa'e
ADR	Alternative dispute resolution
ATJ	Access to Justice
CFJ	<i>Centru Formasaun Juridika</i> (Legal Training Centre)
CLEP	Community Legal Education Program
DFID	United Kingdom Department for International Development
ECM	Fundasaun Edukasaun Comunidade Matebian
FFSO	Fundasaun Fatu Sinai Oecusse
GBV	Gender-based violence
GEC	Support for Local Governance, Elections, and Civil Society
HDAC	House Democracy Assistance Commission
INAP	National Institute of Public Administration
JSMP	Judicial System Monitoring Programme
LBH	Lembaga Bantuan Hukum (Legal Aid Foundation)
LDI	Legislative Drafting Initiative
LRU	Legal Research Unit
MOJ	Ministry of Justice
MP	Member of Parliament
PNTL	Policia Nacional de Timor-Leste
PRC	Parliamentary Research Center
PRIISM	Parliament Reorganization of Internet Infrastructure Support and Maintenance
PWP	Parliamentary Watch Program
RDTL	Democratic Republic of Timor-Leste
RTL	Radio Timor-Leste
SEPI	Secretariat of State for the Promotion of Equality
SLS	Stanford Law School
TVTL	Televisaun Timor-Leste
UNMIT	UN Integrated Mission in Timor-Leste
UNDP	United Nations Development Programme
UNDPKO	United Nations Department of Peacekeeping Operations

UNFPA	United Nations Population Fund
UNTAET	United Nations Transitional Administration in East Timor
UNTL	Universidade Nacional Timor Lorosa'e
USF	University of San Francisco
USAID	United States Agency for International Development
VIFM	Victorian Institute for Forensic Medicine
VSS	Victim Support Services

Executive summary

Background and Rationale

In mid-2012, Timor-Leste celebrated its first decade of full independence. Through the 1999 referendum, the United Nations Transitional Administration in East Timor (UNTAET) phase, the adoption of a sovereign constitution, and now six elections, the people of Timor-Leste have demonstrated their commitment to self-government based on the principles of democracy and the rule of law. Improving access to justice has remained a high priority through this period, for both government and citizens alike, and has proven a critical step towards ensuring stability, peace, and prosperity in Timor-Leste.

The state justice system has seen considerable developments over the past decade, with significant pieces of new legislation promulgated or under consideration, progress towards the development of new judicial institutions, increased capacity of legal aid organizations, and efforts to promote civic education at the community level. Four district courts and a higher court serving as the country's Appellate and Supreme Court have been established. The permanent appointment of Timorese court actors in 2007 and the provision of capacity building programs to the jurists at the Judicial Training Center (*Centru Formasaun Juridika* CFJ) are further examples of the ongoing justice reform agenda in Timor-Leste.

These achievements – while significant - have struggled to keep pace with community expectations for change. Ongoing and persistent challenges hampering the effectiveness of the state justice system include the use of multiple languages within government and across the local population; a dearth of formally qualified lawyers, prosecutors and judges; lack of awareness and uncertainty as to the applicable law; overburdened courts; a populace lacking knowledge of and a sense of connection to the formal justice system; and lack of adequate attention to the needs of women and other marginalized groups.

At the same time, community survey data indicates that most people have greater confidence in, and preference for, non-state, community-level mechanisms to help resolve disputes and maintain community peace and harmony. In a survey of citizen awareness and attitudes regarding law and justice conducted by ATJ in 2008, confidence in local justice mechanisms remains high at 85 percent¹. Such mechanisms are considered to be more legitimate and quicker, with greater accessibility than the state-provided alternatives. However, like the formal justice system, these local-level justice mechanisms are not accessible to all, in particular those who are marginalized or vulnerable within the community. They also face similar challenges in their capacity to address the concerns of the community as a whole, particularly less powerful and vulnerable groups. The relationship between these systems remains unclear, and lacks formal coordination. Community-level mechanisms may have hidden costs if certain

¹ *Law and Justice in Timor-Leste: A Survey of Citizen Awareness and Attitudes Regarding Law and Justice 2008*, The Asia Foundation, with support from the United States Agency for International Development (USAID).

protocols are not followed; for example, if those seeking assistance turn to the police first, then to their village or *suku*, the *suku* council may charge them a fine.

In this context, the formal justice system, especially outside the capital Dili, remains slow and largely inaccessible to ordinary citizens. While efforts to increase legal awareness and develop legal aid services have assisted communities to better understand and access the formal justice system in the short term, the longer term viability of these arrangements remains in question as a result of the ongoing uncertainties in the policy, legislative and funding environment, and the still nascent capacity of both the state and non-state justice mechanisms and service providers in Timor-Leste.

Obtaining legal assistance, particularly outside of the main capital, is limited due to the small number of government public defenders and private lawyers operating outside of Dili. The private legal profession, including non-government legal aid lawyers, has been the last part of the justice sector to be developed. The legal regime for private lawyers was only adopted in 2008 and required two years of compulsory training for lawyers, 15 months theoretical and nine months practical training. The training began only in 2010. An original deadline for private lawyers to qualify by July 2012 was extended in July 2012 to December 2015. Entry into the training – which is conducted in Portuguese - is selective. While by the end of ATJ there had been four intakes of private lawyers into the course, only seven lawyers had qualified. ATJ's work with its legal aid partners – which increasingly expanded its capacity building component – demonstrated the critical need the lawyers had for training, however the introduction of the new training requirements resulted in significant managerial and legal capacity loss for the legal aid organizations between 2010 and 2012, as lawyers left their employment to join the CFJ training.

Women face even greater obstacles in accessing legal services. While they are typically the victims of crimes, the state currently prioritizes providing legal assistance to defendants, with female victims often left without support. There is also little ability for public defenders to assist with civil matters that in many instances are being resolved outside of court, including through local justice mechanisms.

The Access to Justice program

As part of a long-standing commitment to support the development objectives of Timor-Leste, the United States Agency for International Development (USAID) provided funding for the Access to Justice (ATJ) program, implemented by The Asia Foundation Timor-Leste since 2002. For the past decade, ATJ has worked with partners in the National Parliament to increase community participation in legislative reform processes, has helped increase community access to legal information, and most notably, has supported the establishment and expansion of community legal aid services across the country.

Program focus and evolution

The ATJ program has evolved alongside the changing political landscape, maturation of the justice sector and leadership dynamics both within government and among local partners. Program priorities initially focused on improving the professional capacity, integrity, and independent authority of the courts and other public institutions in the justice sector. Over the years, with more engaged non-government legal aid

organizations, accompanied by the maturation of the country as an independent nation, the program refocused its priorities on supporting the development of a legal aid sector that could serve its communities. The program formed with local NGOs across multiple districts, with program activities focused on building the capacity of these local partners to deliver community legal services at the local level, with mainstreaming efforts to address the needs of women and other marginalized groups. These efforts were complemented by ongoing legal dissemination activities at both the central and *suku* levels, as well as comprehensive professional and legal skills training. In this way, the program has sought to address the sustainability of the human resource base that will be critical to the viability of any community legal service mechanisms in the longer term beyond ATJ.

As noted above, ATJ has fostered the development of the legal aid sector through partnerships with civil society organizations in each district of the country, every major city and expansive rural and outlying areas. It is important to consider these results in light of the capacity challenges in a post-conflict, fragile, newly independent country such as Timor-Leste. The World Bank estimates that establishing a functioning justice sector takes at least four decades.² In ten years, ATJ partners have built a system that provides regular assistance to local communities in the form of mediation services and legal representation for 9670 disadvantaged citizens through assistance provided by both lawyers and paralegal officers, including 2463 female clients assisted by lawyers and 1026 assisted by paralegal officers. ATJ has worked with 13 legal partners— with up to 35 lawyers at any one time. In total, 6,560 cases have been handled by lawyers through these legal aid partners over the last decade. To complement these efforts, ATJ has also initiated a paralegal program that has trained community members to help mediate cases of minor offenses, conduct monthly mobile visits to the community, and help clarify legal procedures to 3110 clients. In the final years of the program, ATJ supported four legal aid organizations, including Fundasaun Edukasaun Comunidade Matebian (ECM), Fundasaun Fatu Sinai Oecusse (FFSO), Liberta Legal Aid (LBH Liberta), and the Victim Support Services (VSS) arm of the Judicial System Monitoring Programme (JSMP).

To complement activities aimed at strengthening community legal aid services, ATJ has included a focus on the delivery of civic education programs, to raise community awareness of legal rights, responsibilities and services. Through these programs, ATJ partners at the *suku* level have helped to disseminate information about national laws, the legislative progress, and other relevant legal issues. The program has supported its partners' training and program development capacity, to enable them to design and deliver a range of civic education activities, including community meetings, print and radio programs, court updates and translation services. ATJ has also supported the Ministry of Justice to deliver face-to-face, public information campaigns and citizen-outreach programs.

² *World Development Report 2011 on States and Conflict*, World Bank, 2011.

Future challenges for legal aid

The still nascent legal aid services sector in Timor-Leste faces an uncertain future. The ATJ program was finalized in September 2012. Without ongoing financial, organizational and technical support, the ongoing viability of community-level justice services remains in doubt. Over and above these questions of short-term survival, a key challenge for non-government partners and service providers over the medium to longer term is how to achieve greater self-reliance in securing the financial and human resources they need to continue to serve their communities.

While Timor-Leste has undoubtedly benefitted from a five-fold increase in government spending in the last five years due to an increase in receipts to its petroleum fund, which now stands at \$10 billion, the country has not been able to spread the benefits evenly. First and foremost, the country has experienced rampant spending without increases in productivity in the delivery of services. In the justice sector, the state's focus continues to be largely on building court infrastructure and developing the capacity of more court actors with less attention given to addressing the barriers to access. Progress has been made towards increasing the number of cases³ handled in court, in particular in Dili and Baucau. However little progress has been made in extending the justice system beyond static court houses where people can be given the opportunity to access the legal system. As the future of the country's non-oil economy is uncertain so is the future sustainability of the large institutional footprint of the justice sector's current design.

Steps taken by the Courts and the Ministry of Justice to extend the reach of the formal justice system are encouraging. These attempts include conducting mobile courts and the recent drafting of the Access to Courts Law, which provides private lawyers with compensation for legal representation of clients that satisfy the court's means test. However, the challenge remains: the justice system must overcome the temptation to provide all services through the courts and instead broker partnerships for delivery of legal services with private and non-governmental organizations.

With weak formal governing institutions, state spending increases have opened considerable opportunities for administrative corruption. While the government plans have increased infrastructure spending in rural areas, sub-national government programs are ripe for misappropriation and exploitation. Without accessible legal representation, community authorities and citizens are likely to face severe constraints in taking wrongful expropriation and corruption claims to court. The draft Land Laws codify land rights and mechanisms to uphold those rights, but the laws have not yet been passed and local capacity to avoid, mediate and litigate land disputes remains severely constrained.

Over the past three years, the government has become increasingly aware of these gaps in the provision of justice services and the need for legal aid. The Private Lawyers Bill

³ For example the Dili District Court registered 698 new criminal cases in 2011, resolved 518 pending cases, and had a pending load of 1048 cases. The court received 143 new civil matters, resolved 146 pending cases and had 353 pending matters at the end of the year. Resolution rates at the Oecusse Court are lower than the other district courts. 2011: *Overview of the Justice Sector: JSMP Annual Report*, JSMP, 2012.

passed in 2008 provides a regulatory framework for the practice of law by private lawyers, thus also improving the quality of the country's lawyers. However the law has not been backed up by sufficient state resources to support its implementation. The government has certified only seven lawyers in the past four years. A recent amendment to the law provides additional time for unqualified lawyers to continue practicing in court pending qualification at the CFJ, but this is only for lawyers who can obtain court recognition that they have been practicing in court prior to 31 December 2011. Furthermore, at least in the short term the law is likely to have a disproportionately negative impact on legal aid service provision, as there are likely to be strong incentives for the few graduates to practice in Dili. Providing incentives to attract former legal aid lawyers back to district legal service provision will be a challenge.

Introduction: Country context and program operating environment

This final report covers activities from October 1, 2002 through to September 30, 2012 under the “Strengthening Democratic Institutions and Processes Program: Access to Justice and Legislative Development in East Timor (ATJ)” implemented by The Asia Foundation (the Foundation). The project was funded by the United States Agency for International Development (USAID) under Cooperative Agreement AID 497-A-00-02-00054-00. The project aimed to strengthen the justice sector in Timor-Leste by increasing access to justice for marginalized populations.

The ATJ program was designed to work in three key objective areas:

1. Build an independent judicial system;
2. Establish competent, accessible legal aid services and dispute resolution mechanisms; and
3. Further citizens' knowledge of justice.

Originally designed in 2001, the activities implemented under ATJ evolved to meet the changing needs and circumstances in Timor-Leste and to incorporate increasingly sophisticated analysis and understanding in the fields of law and justice, legal aid, and broader development issues. ATJ has been able to adapt to changing circumstances while remaining committed to its original goal and objectives. The following sections highlight the program's accomplishments, challenges, recommendations and forward steps in the law and justice sector in Timor-Leste.

A. The justice sector

State or formal law and justice institutions have been under development and reform for the last decade, largely driven by the Timorese political and legal elites, the United Nations, and other external donors. Significant pieces of new legislation have been promulgated or have been under consideration, four new district courts and a court of appeal have been established, and, since 2007, an increasing number of Timorese nationals have been appointed to key positions, including as judges, prosecutors and public defenders. The Polícia Nacional de Timor-Leste (PNTL) has also undertaken a

significant process of development over the last decade. While the achievements have been significant, courts, especially those outside the capital Dili, remain often inaccessible to ordinary citizens and legal assistance in particular is limited.

B. An evolving legal landscape

Over the years, there has been improvement in the Courts' performance in the districts with an increase in the number of cases heard and resolved. This progress may be due in part to advances in developing court infrastructure in the districts —such as offices, accommodation for court officials and information technology. Still, the number of court officials remains relatively low and this shortfall impedes the courts' progress. Also, most people lack money and mobility to travel to and access court services. While the number of qualified judges, public prosecutors, public defenders, and private lawyers continues to rise, the shortfall between demand and need remains significant. Public Defenders in particular are limited in number and concentrated in Dili, causing citizens, as well as the courts, to frequently depend on legal aid organizations.

While the courts are now dealing with more civil matters, criminal cases are by far the most common. The number of civil cases resolved in the courts is lower than criminal cases, with the exception of the Dili Court —indicating that demand is growing and that the courts are not yet able to respond in a timely manner. Court data however also only provides information about cases that make it to court and there is less clarity about disputes in which the parties are not able to access the formal system.

There remains high use of traditional justice processes because of their familiarity, accessibility, their legitimacy and the speed with which they can deal with cases. Questions remain, however, about the fairness of these processes, accessibility, and their outcomes, particularly for vulnerable individuals, such as women.

C. Language issues

Language continues to be a challenge, especially in the law and justice sector. The courts use both Tetum and Portuguese although regional languages are often spoken by suspects, witnesses and victims. Portuguese is exclusively used in the development of legislation. The overwhelming majority of ATJ-funded lawyers do not speak Portuguese, but rather Bahasa Indonesian and Tetum. The formalization of Tetum as a legal language is making significant progress, adopting new words and terms from Portuguese. ATJ has had success in working with senior judicial officials—notably the President of the Court of Appeals—in publishing legal texts in both Tetum and Portuguese. The program has also translated legal codes into Tetum for use with the Ministry of Justice. Still, language issues remain an extensive problem throughout the country and especially within the formal justice sector. Local community members frequently lack both and the formal judicial system has limited ability to provide translation support for local languages. ATJ has continued to encourage its partners to expand their knowledge of legal Tetum, which also requires that they learn new terms and concepts.

D. Gender justice

For women, seeking justice through traditional or formal mechanisms is a serious challenge. ATJ partner organizations report that in the districts, women comprise a large number of their clients for civil matters—in particular paternity, land, and divorce cases. In contrast, cases involving women in Dili tend to focus on women being the victims of gender-based violence (GBV) crimes, although this probably reflects higher rates of reporting of GBV in Dili than the districts. Both areas of law are clearly important for women, and in both it appears that women continue to face severe difficulties vindicating their rights in either the formal or informal systems – despite efforts on the part of key actors and concrete steps taken by the government to address critical gender justice issues.

Many of ATJ's activities during the past decade have sought to involve, engage, and serve women to the fullest extent possible. The program attempted to ensure that its legal aid partners took on at least 30 percent female clients. The paralegal program also employed women as community paralegals, which appears to increase the number of women approaching paralegals for assistance.

E. Role of police

Since its establishment in 2000, the PNTL has played a key role in access to justice issues. ATJ partners have frequently interacted with police when disputes have arisen in communities. Oftentimes, local police have referred cases to legal aid organizations, for example in land disputes or cases of minor theft, while at other times—for events involving violent crimes or serious cases of domestic violence—the legal aid organizations have referred cases to the police.

The same dynamic has also occurred with village and sub-village chiefs. Results of ATJ's 2008 Law and Justice survey show that communities respect the police and feel they are effective—94 percent of respondents deemed them very or somewhat effective; and 90 percent reported feeling very or somewhat confident in them (with the great majority replying “very” in each category). These perceptions are positive, especially given the PNTL's frequent involvement in the settlement of local disputes—80 percent of community leaders and 86 percent of police officers reported police involvement in informal dispute resolution efforts.

Despite this progress, PNTL interaction with community leaders has remained somewhat unregulated and ad hoc, frequently resulting in what may be suboptimal outcomes. This has become particularly critical in relation to domestic violence cases, which district-based police continue to inform the Foundation anecdotally remains the most frequently reported criminal matter. As the precise nature of police involvement in informal dispute settlement is the subject of limited information, ATJ has continued to explore this issue as part of its efforts to monitor and evaluate its partners' involvement in litigating and mediating cases.

F. Donor funding for the law and justice sector

A number of development partners have supported the judicial sector in Timor-Leste including successive UN peacekeeping missions in Timor-Leste, UNDP and its development partners, USAID, AusAID, and the Portuguese Government. While there have been coordination mechanisms in place, law and justice assistance in Timor-Leste has not always been provided in a well-coordinated manner, with different ideas and approaches to supporting reform. With the departure of the UN, this problem of coordination among law and justice reform supporters will become even starker. A general fatigue with foreign support and foreign concepts can be sensed among key government counterparts. Legal aid organizations funded through the ATJ program have relied on a steady commitment from USAID and other donor funding to continue their legal aid programs. As such, local ATJ partners need to be prepared to take full financial and organizational responsibility themselves. To this end, donors must not only assist in the planning of this process, but also continually work with the government to establish an adequate legal and administrative infrastructure that will contribute to local sustainability.

Background: Access to justice and the legislative development program

A. ATJ project framework, approach, and strategy

Over the 10 years of implementation, the ATJ program has naturally evolved alongside the changing political landscape, program funding, program leadership, partnerships with local legal aid organizations, and maturation of the justice sector. The program mixed short-term assistance that produced immediate results with longer-term structural, institutional, and resource capacity support that has strengthened the foundation for significant reform efforts in the law and justice sector of Timor-Leste. The ATJ program framework was guided by USAID's three defined sub-objectives. Through a combination of technical assistance and sub-grants to local partner organizations, ATJ aimed to:

1. Build an independent judicial system;
2. Establish competent, accessible legal aid services and dispute resolution mechanisms; and
3. Further citizens' knowledge of justice.

ATJ has been engaged in a range of law and justice issues for over a decade as part of its efforts to support stability, security, and improvements in the delivery of basic services. Initially, these activities involved working with core state justice institutions, such as the courts. However, over time, the focus has shifted to non-state actors at the community level, including activities aimed at increasing access to legal information (as part of broader efforts to increase community participation in legislative reform processes) and working with local NGO partners and lawyers to establish and maintain community legal aid services across the country. This work has included a particular focus on addressing the needs of women and other marginalized groups.

Shifting program priorities based on local contexts

Program priorities initially focused on improving the professional capacity, integrity, and independent authority of the courts and other public institutions in the justice sector. It was through these public institutions that early efforts needed to be placed to improve the quality of justice, so that ordinary citizens would come to understand and access these services. The program also focused on funding a number of civil society organizations in the legal aid sector. These activities were geared towards increasing the geographic outreach of legal service organizations (with a particular focus on the rights and security of women) and to understand and enhance traditional dispute resolution and justice systems. In the early 2000s, most legal aid providers emerging in Timor-Leste were based in Dili, so the rationale behind initial support for the legal aid partners was to extend aid service to the districts, specifically, Baucau, Suai, and Oecusse. In addition, citizen knowledge of legal information needed to go hand-in-hand with the aforementioned efforts. To this end, information dissemination campaigns on legal issues to the public were also a key focus.

After the initial 2002-2005 program years, the program component areas under these objectives evolved to further develop the legal aid sector and informal dispute resolution mechanisms. Women's access to justice was also a more focused component area, with activities that had originated during the first three years of program implementation becoming part of a targeted activity thread. Legislative strengthening and furthering citizens' knowledge of justice continued throughout this timeframe. Over time, the program priorities shifted to serving as a bridge between formal justice sector institutions—the courts, National Parliament, Ministry of Justice—and informal dispute resolution mechanisms. Furthermore, the focus from central, national-level institutional strengthening also shifted to the suku community level.

With a more engaged civil society and body of government institutions and the maturation of the country as an independent nation, the program refocused its priorities on creating a legal aid sector that could serve its local communities. Legal aid partnerships were formed with local NGOs throughout multiple districts, and program activities focused on building the capacity, skills, and structures of these organizations. In conjunction, legal dissemination activities continued at the central government level with the Ministry of Justice, but also at the legal aid partner level. Though women's issues were integrated into activities from program inception, concerted mainstreaming efforts were not made until the latter part of the 10-year program.

As more activities began to focus on building these legal aid sector services, the program began to invest in ensuring the high quality of mediation and litigation services. Through various professional skills training and alternate dispute resolution (ADR), mediation, and legal code trainings, the program began to focus on improving the sustainability of the human resource base of these legal aid institutions.

The following section details more specifically the activities that each distinct project phase carried out.

Phase I: 2002-2005

In Year One, ATJ consolidated relationships in the formal justice sector, with the signing of a memorandum of understanding with the Ministry of Justice in September 2003 and an agreement to cooperate with the Court of Appeal (translation of civil cases and preparation of the first publication of Court of Appeal decisions for lawyers and judges) in Year Two. In 2003, ATJ contributed technical expertise and advice, including the facilitation of outside experts visiting Timor-Leste and augmented the team with an experienced Law Advisor for the program's staff. ATJ also increased the amount of internal technical and financial resources devoted to strengthening the professional and administrative capacity of its NGO partners.

With an extension granted until 2005, the ATJ program aimed to support the development of the initial foundation and framework for a sound, independent, and broadly accessible justice system primarily through:

- Effective partner-implemented activities like the Judicial System Monitoring Programme (JSMP) court monitoring program, the only independent and comprehensive source of information about the functioning of the District Courts, Special Panels for Serious Crimes⁴, and Court of Appeal in Timor-Leste;
- A national legal information campaign implemented by both the MOJ and NGO partners, and supported by ATJ technical expertise;
- The first-ever national consultation on justice involving nearly 2,000 citizens and senior justice sector officials;
- A legislative drafting training program for parliamentarians and civil society representatives, delivered by the University of San Francisco;
- Support for greater understanding of local justice mechanisms through research on community reconciliation processes and traditional justice narratives conducted by Australian Legal Resources International;
- Development of a guideline for partners - *Guide to Legal Services* – which required the partners to adhere to standards and criteria for their legal aid services to the most vulnerable members of society, including women and children;
- Broader geographic reach of ATJ partner legal aid services in the districts;
- Increased ability of citizens to use legal information to advance their interests;
- Broad access to Court of Appeal decisions by Timorese judges, lawyers, and prosecutors, enabling justice sector actors to draw from decisions of the highest court;
- Through JSMP, continued monitoring of the formal justice sector's work to deter corruption and encourage efficiency and fairness in the administration of justice;
- Increase in the professional capacity of Parliament Secretariat staff; and
- Improved quality and depth of legislative drafting and analysis, and increased linkages between elected parliamentarians and civil society.

⁴ The Special Panels were formed to prosecute human rights violations committed in Timor-Leste in 1999.

Phase 2: 2005-2007

During this two-year extension period, ATJ took advantage of openings with the formal justice sector, placing emphasis on programs that increased engagement among citizens, the judiciary, and the government on legal issues; increased the availability of judicial information for greater transparency and accountability; and strengthened the linkages between the formal justice sector and other related institutions with vital interests in the rule of law and a professional and independent judiciary.

Phase 3: 2007-2009

The program scope of work continued to focus on the three primary USAID sub-objectives, with a focus on two components during the program years of 2007 to 2009. These were: (1) improving standards in and access to alternative dispute resolution mechanisms and (2) improving access to legal information. The first part of the effort from this next phase was to strengthen ATJ legal aid partners' ability to provide quality representation and mediation services to their clients. The second, no less critical aspect consisted of enhancing these partners' opportunities to assist the suku councils to improve their own mediation capacities.

Within this two-year extension, the program:

- Supported ATJ legal aid partners to provide assistance through mediation and court representation;
- Consolidated competent and committed private lawyers working in the Suai Court jurisdiction area into one legal aid organization called LBH-Covalima;
- Encouraging the hiring of female lawyers in the five legal aid service providers;
- Trained and deployed 21 community-based paralegals, nine of whom were female;
- Continued to support the JSMP court-watch efforts;
- Linked JSMP Victim Support Services (VSS) referral and outreach services with other ATJ partners, resulting in the provision of specialized psychosocial and other support services to women and children victims of domestic and sexual violence;
- Strengthened relationships between legal aid partners and local authorities such as village chiefs, as evidenced by increased occasions of such leaders asking partners for guidance in mediation;
- Strengthened relationships between ATJ partners and the Courts, as evidenced, for example, by the Courts requesting LBHs represent criminal defendants or oversee mediation;
- Provided advanced mediation training and incorporated principles from the training into partners' mediation practices;
- Facilitated particular legal trainings and developed case handling guidelines for the partners;
- Maintained peer contact among the partners through monthly round table meetings;
- Conducted a case management review of each partner and developed an implementation plan for the adoption of simple case management procedures;

- Enhanced legal aid partners' administrative, financial, reporting, managerial, and referral capacities;
- Completed the 2008 Law and Justice Survey;
- Signed a memorandum of understanding with the MOJ to work in partnership on legal information dissemination activities;
- Established the Parliamentary Library and an information resource center in 2008; and
- Established the Parliamentary Research Center (PRC) in January 2009, which has since been providing day-to-day research services for parliament members and staff.

Phase 4: 2009 - 2012

During the most recent phase of the program from 2009 to 2012, developments such as new legislation, the expansion of the CFJ, the incremental development of the formal courts, and the identified needs of the program's partners required ATJ to modify its strategy once again. The program's goal throughout, however, has remained the same: to strengthen the justice sector in Timor-Leste by increasing access to justice for its marginalized populations. ATJ continued to provide direct capacity building and operational support to legal aid organizations, and focused efforts to strengthen institutions to provide these functions themselves. Additional capacity strengthened JSMP, and the VSS, to provide support and services to women. The Parliament Reorganization of Internet Infrastructure Support and Maintenance (PRIISM) project and the Parliamentary Watch Program (PWP) became separate components implemented under this ATJ program structure.

B. Law and client surveys, and baseline, semi-annual, and mid-term reports

This section includes the rationale and high-level conclusions of the two law surveys conducted (2004 and 2008) and the legal aid partner client surveys, as well as various semi-annual and mid-term reports.

1. 2008 and 2004 law surveys

In 2004 and 2008, ATJ published surveys on citizen awareness and attitudes regarding law and justice. The aim of this research was to (1) take stock of the impact of advances in the justice sector; (2) quantify the opportunities and constraints ordinary citizens face in getting access to justice; and (3) gain a greater understanding of citizens' perceptions, leading to more targeted and effective programs to increase access to justice.

The 2004 survey covered 1,114 respondents from all 13 districts of the country, with oversamples in Baucau, Dili, and Oecusse. Oversamples totaling 408 additional interviews were conducted in these districts. The survey was carried out by Charney Research in New York and ACNielsen in Jakarta, and was funded with the support of USAID. The 2008 survey, developed in collaboration with the AusAID funded Justice Facility, used standard questions for comparability with the 2004 survey, along with contemporary questions relevant to the conditions at the time. A total of 1,120 interviewees were randomly selected across Timor-Leste for the second survey.

The 2008 survey revealed a population feeling far more secure than they did in 2004, with a diverse range of opinions and perceptions on other key issues of justice and the law. Yet, there remained consensus views on some critical topics. The traditional justice system remained far more favored as a mode of dispute settlement across most segments of the citizenry. That being said, justice through the formal system also appeared to be an attractive option.

Surprisingly attitudes on gender took a turn for the worse, with fewer Timorese across both genders recognizing women's rights to participate fully in the customary mediation process and less people categorically disapproving of gender violence in 2008. While it is not clear why that would be the case, possible causes are weak penetration of the state, thereby limiting the ability of national leadership efforts to end violence against women and increase women's status, and a decrease in household incomes possibly increasing traditional pressures on women to play greater domestic functions. High levels of confidence in the police in maintaining security were also notable despite widespread perceptions of police misuse of force. This most recent survey starkly demonstrates how the rule of law in Timor-Leste remains in a state of transition and underlines some of the serious challenges that remain for the development of an independent and functioning judiciary. The results also highlighted the need for the government to engage more intensively in outreach activities, specifically around identified gaps in the general public's understanding of key legal issues.

2. Semi-annual reports

Over the course of the program, 20 semi-annual reports have been written and shared with USAID in a consultative manner. These reports have provided details on the progress of program implementation and assessed progress to date, particularly addressing progress toward achieving the strategic objectives, and progress against intermediate results measured through agreed-upon indicators and targets. Specifically, these reports include information on ATJ-managed training, technical assistance, program activities and follow-up actions by participating partners and stakeholders. They also include information on partner activities and programs, specifically highlighting qualitative analysis of how they have contributed to the achievement of program objectives.

3. Evaluations of the Access to Justice program

As a result of the USAID's Rule of Law Evaluation conducted in 2008, the final period of ATJ included more support for activities aimed at obtaining empirical data on the impact of the legal aid services provided under the program. These activities were legal aid client surveys [see below], research on women's legal needs [see below] and a mid-term and final evaluation of Component One of the final extension of ATJ for the financial years 2010 to 2012.

The mid-term evaluation of the ATJ program was conducted in 2011. The findings of the mid-term evaluation helped to inform the program's final year work plan. The evaluator's overall comments were that the ATJ program identifies and seeks to address critical unmet community justice needs, being the provision of basic legal information and

greater access to state and non-state based justice processes. The evaluator concluded that without the program, the majority of the population would continue to have little or no ready access to legal advice, information or assistance. While community justice needs remain far from being satisfied, the services provided by ATJ program partners have made a significant contribution to increasing access to justice, especially in meeting the legal needs of women who have been increasingly and effectively targeted under this program. Noting that the technical capacity of many of the legal aid partners' lawyers remains low, there has been notable overall improvement in the knowledge and professionalism of the lawyers, especially evident in relation to case management. ATJ's work in identifying lawyers' backgrounds, skills and self-identified training needs has enabled the program to develop skills and knowledge training which resonate most strongly with those needs. The evaluation found that ATJ trainings have improved the knowledge, skills and confidence of legal aid lawyers to provide better quality services to their clients.

Organizational strength and capacity was a key issue raised by the evaluation which considered that ATJ has correctly prioritized capacity development of legal aid partners' organizations, and their staff, whilst also further developing the legal aid sector more generally. The evaluation noted that organizational strengthening of some legal aid partners will continue to be necessary to ensure the maintenance of old or development of new services. The evaluator concluded that the ATJ program has been dynamic and responsive to the rapidly changing environment in the legal sector, and to community demands for justice. A key recommendation of the evaluation was that sustainability of the legal aid sector should become a primary focus for the ATJ program over the following year, if the still fragile capacity of legal aid partners is to be sustained and further developed.

The final evaluation was conducted in August and September 2012. The evaluators concluded that the gaps the program sought to fill remain, as the Public Defender is still unable to represent all the legal service needs of the poor, especially in remote areas and because there is not yet state funding for the legal aid organizations. The program permitted the partners to reach out to them through legal aid lawyers and paralegals, and linked them to the court system through both. The impact of this has not been measured fully yet, but should not be underestimated in terms of resolving disputes and reducing the cause of more conflict and crime. Despite concerns in some quarters of the legal profession about their service quality, the legal aid lawyer and paralegal clients appreciated their services, and the legal aid organizations recognize weaknesses in their capacity and wish to increase service standards.

The evaluators praised the consistency of programming objectives and approaches (legal aid and organization building/services delivery), and the addition of new objectives and approaches that extended the contribution to access to justice (legal education and problem solving, and paralegals and services delivery). The program achieved the activities it set from the outset or introduced later in the program. ATJ was the only enduring supporter of LBHs. Other donors dropped out in time and new donors have only supported specific themes. The program played a crucial role in increasing legal awareness and aid. Monitoring and evaluation was strong for legal aid lawyer and

paralegal litigation and non-litigation training, but not so strong for management training and some interviewees thought there were weaknesses in M&E for financial management. The evaluators suggest that the partners might not have fully institutionalized the systems that the program introduced, especially with staff turnover, to ensure that they were fully implemented. The partners also have to assume responsibility for maintaining the systems and standards put in place through ATJ. Additionally, the evaluators noted that the program was quick to detect and respond to financial mismanagement within LBHs, and in both cases its response led to the suspension of remaining programming.

The program's partnerships with government and donors were often strong, working well with the MOJ, the CFJ, UNTL and other development partners. The evaluators considered that the initial assessments linked with ongoing monitoring was particularly effective in identifying training needs and categorizing them in terms of substantive law, legal skills and organizational management. The evaluation emphasized the willingness of the program to design and deliver the new required trainings, or to repeat previous ones for new staff. The evaluators also commented on the program's efforts in introducing a case management system and connecting it to case reporting and data entry, improving both the delivery of services and monitoring of their delivery.

The evaluators concluded that the activity design and the objectives to provide wider services delivery of legal aid and legal awareness through mobile clinics, community legal education, paralegals and specialized services for GBV cases, as well as prison visits by LBH Liberta are strategically effective to meet community needs for better access to justice and access to legal information. The achievements of each partner to collect cases from the community through mobile clinics, updating clients' cases and their efforts to provide legal information should be appreciated, although they could be improved. The evaluators found that the support for LBHs to deal with GBV cases and other civil cases by providing legal education trainings, publishing the GBV manual, monthly targets of 30-40 percent women clients, better case management and data analysis were effectively designed and well-implemented. Progress on the establishment of a women's LBH is the most significant achievement that should be sustainable and recommendable for further extension.

The evaluators noted that, in the case of legal education, much of the emphasis in this extension was placed on relationship building because it was a new component and one that should continue despite the end of the program. However, it would have been useful to ensure that such a high quality textbook was incorporated into UNTL's curriculum. LTC has included it in its training. Likewise, the impact of JSMP's monitoring, research and advocacy is well-known in the justice community, but the evaluators commented that it would be important that it be properly evaluated.

4. Client surveys on legal aid partners and legal aid impact

In 2011 and 2012, independent and comprehensive client surveys of the legal aid partners were conducted to gauge the effectiveness and impact of the legal aid partner work under the ATJ program. For the 2011 survey, a total of 131 current and former LBH clients who had received assistance from the legal aid organizations during the previous

financial year were surveyed. For the 2012 survey, 120 former and current clients of ATJ's legal aid partners were surveyed. The surveys aim to collect information about how the organizations are treating their clients and how well they are reaching out to vulnerable groups.

The survey results for both years revealed that an overwhelming majority of clients were satisfied with the legal assistance they received from the legal aid lawyers. In 2011, 63 percent said they were *very satisfied*, three percent said they were *somewhat satisfied*, and 4.5 percent reported they were *not satisfied at all*. In 2012, 57 percent of clients said they were *very satisfied* with the assistance provided by the legal aid organizations, 17 percent said they were *somewhat satisfied*, whilst 4 percent said they were *not satisfied at all*. The survey also sought to assess whether the legal assistance has had a positive impact on the clients' lives. In 2011, 61 percent of clients stated that the "*outcome of the process had a positive effect on their lives*". In 2012, 64 percent could identify positive impacts of the process on their lives, listing such impacts as being able to live without fear or tension and in harmony with their family. In 2011, 73 percent of clients responded that they were *very satisfied* with the final outcome. In 2012, 69 percent of clients with resolved cases reported they were *very satisfied* with the outcome, whilst eight percent of clients were *somewhat satisfied* with the outcome. In 2011, 73 percent of clients said that the outcome of the case was very important to them, while in 2012, 72 percent of clients said the case outcome was *very important* to them, whilst 7.6 percent of clients thought the outcome was *somewhat important*.

A large proportion of the respondents also found that the legal aid lawyers behaved ethically while handling their cases. In addition, a large proportion of women clients were attended by male lawyers and felt comfortable being represented by them, explaining that the lawyers were attentive and respectful throughout the process. The majority of respondents stated that they would continue to seek assistance from legal aid organizations for any future problems.

However, access to a legal aid office has remained one of the major difficulties faced by clients. The survey revealed that many clients do not find it easy to reach the legal aid office. The majority of them cited their rural residence with limited access to public transport as the major factors hindering their access to the legal aid organizations. The survey results also find that not many clients have heard of the word "paralegal" including clients from ECM and FFSO which both run paralegal programs. The majority of those who received assistance from the paralegals, however, are satisfied with their service. Finally, although an overwhelming number of respondents say the presence of lawyers in the community is very important, only 19 out of all surveyed clients could confirm the existence of lawyers in their communities.

Apart from encouraging its legal aid partners to receive feedback from their clients, ATJ also conducted a range of capacity building activities for the legal aid lawyers aimed at improving the quality of their services. Following the mid-term evaluation of ATJ program in mid-2011, this survey combined with the previous client survey, has been used to evaluate the impact of the legal services including the level of client satisfaction and the quality and outcome of legal assistance.

Stories of Access to Justice – Marcos Tipe

Marcos Tipe, 43, is from Taiboco, in Oecusse. He graduated from senior high school in 1987. Marcos works on his farm and tends to his garden. After graduating from high school, Marcos moved to Dili, but subsequently moved to West Timor before the referendum in 1999.

In 1991, Marcos was given title to land for which he held a certificate from the then (Indonesian)



Government Land and Property Bureau. “I was given the title to land that was basically a swamp. No one in the village wanted the land because they were afraid that the land had evil spirits,” he explained. “I eventually had to leave the land when I left for Dili, and then to West Timor in 1997. When I left, I did not bring the certificate with me. I left it in my home. I left to West Timor because the Indonesians were destroying Dili.”

Marcos did not return to his land until June 2011. “I returned because I missed my homeland. But when I came back I discovered that my brother-in-law had been using my land for farming. I wanted the land back but my brother-in-law would not let me use it. Today I cannot prove that this was my land,

because my certificate and all my other documents were destroyed when the militia burned my house.”

Marcos approached the sub-village chief or *chefe aldeia* to help solve the land dispute. The *chefe aldeia* referred him to FFSO. The *chefe aldeia* suggested that the land should be equally divided between Marcos and his brother-in-law, a decision with which Marcos was satisfied. “I also had the thought that it would be best to divide the land between us, so I am happy that this was the outcome. The FFSO paralegal officer really helped us agree on a solution and I am very happy that there is no longer a problem between us. Without FFSO’s help, I am not sure what the solution would have been. Before going to see FFSO I had gone directly to my brother-in-law to try to solve the problem within the family. But this man often gets very angry, and I was scared and fearful that my brother-in-law would get too emotional over the matter. This is why I wanted FFSO’s help.”

Marcos now uses the land to plant rice.

Program areas and progress, 2002-2012

This section outlines the initiatives and accomplishments based on the three component areas that connect to the program’s three overarching objectives. The three component areas are organized as such: (1) strengthening of legislature and judicial system; (2) developing legal aid sector services and capacity; and (3) promoting access to and dissemination of legal information. A brief synopsis of overall accomplishments and impact is provided.

During each program period, a different set of program component areas were followed. The following provides a brief outline of these component areas for each of these periods.

TAF-USAID ACCESS TO JUSTICE
HIGH-LEVEL OVERVIEW OF PROGRAM COMPONENTS
2002 - 2012

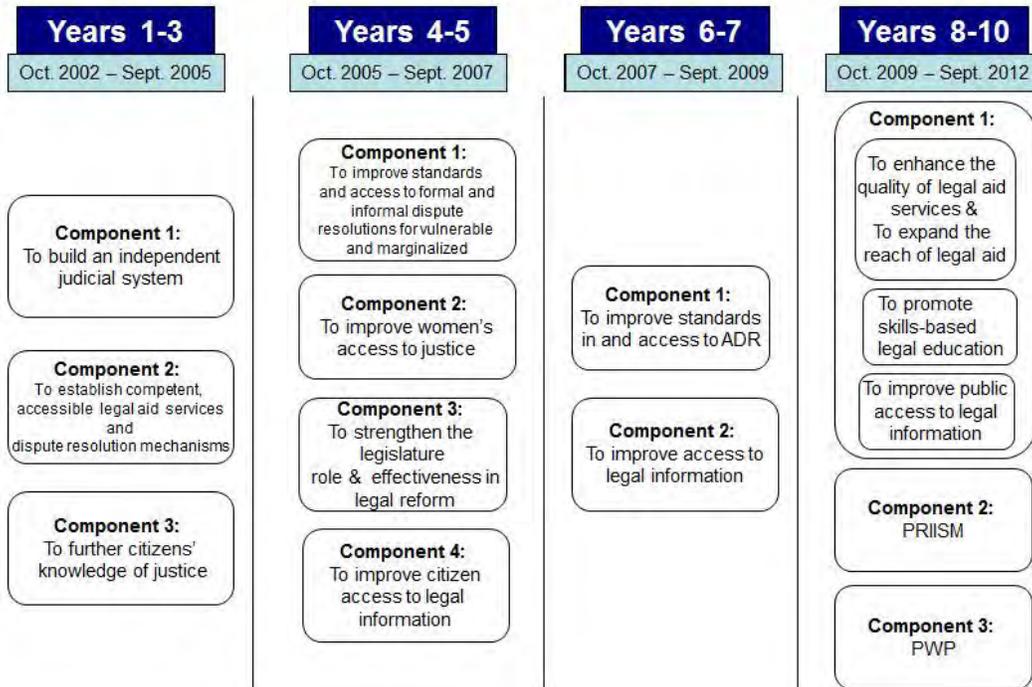


Figure 1: Overview of program components

For the purposes of this report, the component areas covering the course of the 10 years have been grouped as follows:

- (1) Strengthening of legislature and judicial system;
- (2) Establishing legal aid services and dispute resolution mechanisms; and
- (3) Improving public access to legal information.

A. Component Area 1: Strengthening of legislature and judicial system

1. Legal advocacy and legislative analysis capacity

University of San Francisco Legislative Drafting Initiative

From 2002-2005, the University of San Francisco (USF) Legislative Drafting Initiative (LDI) helped to increase the capacity of the Parliament as a lawmaking institution, to encourage legislation that more effectively responded to national concerns by developing linkages between lawmakers and civil society organizations, and to develop the capacity of civil society organizations to participate in and assist with the policy development and lawmaking processes of the National Parliament.

The LDI program was developed with three components: workshops with Members and committees of the National Parliament to develop skills in analysis, policy development of effective legislative solutions, and legislative drafting; workshops with representatives of different civil society organizations (chiefly NGOs), to learn skills to constructively contribute to the democratic and policy development process; and joint seminars that bring together members of specific parliamentary committees and counterpart civil society working groups, along with Government officials, other relevant NGOs, and the public, to discuss issues of shared concern and expertise.

Over the course of the first several years of the ATJ program, USF took several actions to increase the impact of the LDI program. First, it included members of the Parliament's staff in parliamentary workshops. Second, it worked closely with the program's Parliamentary Advisor who was based at the National Parliament. Thirdly, it held joint seminars with Members of Parliament, government officials, and civil society in order to promote more active engagement among these groups. Together, these efforts have helped establish a more cooperative and regular engagement for a more transparent and informed legislative process. Resulting from the activities was a better understanding among Members of Parliament and parliamentary staff of the relationship and importance of parliamentary staff as well as some of the fundamental aspects of legislation.

From this program, both USF and the Parliamentary Advisor reported that there was greater parliamentary acknowledgement of the legitimate role to be played by civil society in the legislative process. During the earlier program years, committees held more regular consultations with both key government officials and civil society leaders. Despite this early progress, it has still been difficult to obtain public hearings.

Parliamentary Advisor and support to Members of Parliament, Plenary sessions and Committees

In 2003, the Parliamentary Advisor worked with Members of Parliament (MPs) in their individual and committee capacities to improve legislative process and content; trained/mentored staff of the Parliament Secretariat in techniques for drafting legislation, legislative research and other support, and prepared technical reports for MPs and Committees; familiarized Secretariat staff with parliamentary law and parliamentary procedures; and developed mentoring and coaching routines with Secretariat staff members in order to facilitate the performance of legal and administrative support tasks within the Parliament.

The Parliamentary Advisor provided support to build the capacity of parliamentary staff and members on a day-to-day basis. Due to the Parliamentary Advisor's work in the Parliament, a new approach with respect to production of reports on bills at first reading stage was established. In the past, Committees produced reports based only upon the plain bill text. After this support through 2005, to produce more substantial and critical reports, committees produced their reports only after conducting hearings with the participation of key government representatives and civil society representatives. As a result, reports were more comprehensive and more in-depth, with important impacts on debate in the plenary in both first reading (principles and system of the proposed bill) and

second reading (article by article). During these earlier years of ATJ programming, the debate became much more informed with increased initiatives for amendments.

2. Human resource capacity of judicial institutions

Parliament Library and IT support

In 2006, the ATJ program began work to strengthen the Parliament Library and enable it to operate with more robust IT infrastructure. At the start of this program, the Parliament Library lacked sufficient space and efficiency in providing MPs adequate resources to conduct their work. This strengthening of a key institution has helped to create a functioning and well-equipped library and information and research service for MPs. In response to the needs at the time, the ATJ program was able to provide over 200 titles of English-language reference materials, including dictionaries, encyclopedias, other basic reference materials, and core resources in comparative law, legislative drafting, and other topics of interest to legislative libraries. Apart from providing furniture, the project also furnished network servers, computer workstations and laptops with supporting infrastructure.

Parliamentary Research Center (PRC)

In 2008, ATJ supported the parliament in establishing the Parliamentary Research Center (PRC), with material assistance from the House Democracy Assistance Commission (HDAC) and training support from the Congressional Research Service (CRS). The role of the PRC was to strengthen legislative research capacity of the Parliament to provide analysis that is authoritative, confidential, objective and nonpartisan. In 2009, the PRC began providing research services with materials provided to Committees A and C on corruption in Timor-Leste and also responded to individual requests from MPs on topics including heavy oil, food security, power/electricity, finance and economic terminology. The research results were used for debates in National Parliament Committees and plenary sessions and stored at the NP Library. The PRC has begun to establish itself as a source of research and analysis and a centre of expertise for the National Parliament Committees and individual MPs. Additional capacity building needs identified in 2010 were addressed by ATJ during 2011 and 2012 with trainings provided on key areas such as legal analysis, policy analysis and budget analysis.

Parliament Reorganization of Internet Infrastructure Support and Maintenance (PRIISM)

Dovetailing from the earlier years of ATJ where the program strengthened the Parliament Library and IT infrastructure, the Parliament Reorganization of Internet Infrastructure Support and Maintenance (PRIISM) was developed and launched in 2011 to address short and medium-term gaps in the Parliament's information and communication technology (ICT) infrastructure. The program was financially supported by HDP (formerly HDAC) through USAID. The goal of the two-year project was to strengthen the interconnectivity of the legislature in Timor-Leste through improving ICT human resources and system within the Parliament. This goal was achieved through the completion of two objectives:

- 1) Strengthen the ICT planning and management capacity of Parliament in the field of internet connectivity; and

2) Establish a sustainable internet connectivity infrastructure at Parliament.

ATJ worked with the Library of Congress and Parliament to strengthen its ICT systems and sustainability of the ICT services. The project put in place the ICT infrastructure and trained human resources that have allowed for more reliable functioning of the system. The project design accounted for the fact that ICT skills are in short supply in Timor-Leste and within Parliament itself. With this in mind, the project built Parliament's capacity in ICT management while using the most reliable, low-cost, and easy to maintain ICT system available that meets Parliament's requirements.

3. Monitoring of the justice sector

JSMP and court monitoring

JSMP is the leading legal non-governmental organization in Timor-Leste and arguably the leading human rights NGO in the country. They have consistently monitored and analyzed information regarding the judicial system over the 10 years of the ATJ program, have been well-managed and able to attract high quality staff in a challenging environment. The organization now has staff permanently based in Dili, Suai, Oecusse and Baucau and is the best objective source of information on the courts. Their publications are reliable and they have continued to produce regular press releases, updates, annual overviews and ad-hoc thematic reports of critical issues. JSMP is a strong, objective and credible voice on justice sector issues. They have consistently spoken out on impunity in Timor-Leste and demonstrated political neutrality at all times.

JSMP's outreach activities over the period include their written publications, radio programs, television debates, seminars at the community level, and technical trainings at different sectors of society, including at the community level. The organization is frequently quoted in print and electronic media. Their public events are well-attended by journalists.

JSMP's impact is clear at the national political level. They are now well respected by government and court actors. A recent report launch – on the prosecution of incest in Timor-Leste – was attended by the outgoing Minister of Social Solidarity, the Prosecutor General, the most senior female judge in the country, the Vice Minister for Justice, the Deputy Provedor for Human Rights and Justice (Ombudsman) and the Secretary of State for the Promotion of Equality. At the community level, JSMP's impact is less clear but based on ATJ's monitoring of their community level events – such as recent district level seminars on the implementation of the Law against Domestic Violence – the organization provides the space for discussion of critical issues.

JSMP has worked to contribute to the overall objectives of ATJ in a number of ways. Primarily it has:

- Conducted court monitoring at all of the District Courts across Timor-Leste, Dili, Baucau, Suai and Oecusse;
- Monitored the Court of Appeal when possible through provision of documentation by the Court;
- Commented on structural issues pertinent to the development of the legal system;

- Conducted Parliamentary monitoring as relevant to human rights and the justice sector. This later became the sole function of the Parliamentary Watch Program (PWP) in 2010;
- Made submissions or contributed draft provisions in order to contribute meaningfully to legal reform; and
- Published press releases, short reports, annual overviews and ad-hoc thematic reports based on monitoring of the courts and judicial developments in general.

Since as early as the start of the program in 2002, JSMP has monitored thousands of hearings across the four district courts, both in criminal matters and civil matters. During the 10 year period there has been an increase in civil matters heard, although it remains the case that civil matters are given the lowest priority over criminal matters. Hence much of JSMP's monitoring work focuses on criminal matters. This period has seen JSMP gaining greater access to information from the Court of Appeal, enabling the organization to do more monitoring of proceedings at the Appeal Court.

JSMP's Parliamentary Watch Program (PWP)

In 2010, JSMP began a Parliament Watch Program (PWP) with funding from ATJ. Under the program, JSMP monitored the day-to-day legislative activities of Timor-Leste's National Parliament, both in its plenary sessions as well as commission discussions.

The objective of the project was to monitor the Parliament and other law-making bodies, and to disseminate information with a view to increase the ability of the public and civil society to participate in legislative processes, especially to influence the making of public policies that affect their rights and hence, improving the transparency, accessibility and quality of the legislative process. While only going for two years, PWP has been able to increase MPs' own understanding of the importance of transparency, accountability, and consultation in the legislative process. Throughout the PWP initiative, ATJ conducted routine, in-depth evaluation of the effectiveness of our engagement in parliament, including through occasional observation within the parliament. During these observations and follow-on discussions with members of parliament, ATJ was able to identify a clear increase in willingness of members of parliament to work together with CSOs on consultation of draft laws discussion and request for submissions specifically from JSMP to Committee A.

PWP disseminated information about legislative developments to the public and other civil society actors in a variety of ways, including through its website, mailing lists, press releases and outreach visits to districts. JSMP conducted a number of general workshops on the legislative development process and opportunities available for public input. JSMP regularly monitored the plenary sessions of the National Parliament and the Meetings of Commission A. As often as possible, PWP staff members also attended Parliament sessions in person, observing debates and taking notes in the monitoring form the program has developed. Upon return to their office, these notes would then be entered into JSMP's database. PWP has also undertaken advocacy efforts in law reform through its participation in open debate with political parties on the 2012 elections and implications for the future of democracy and human rights in Timor-Leste.

Parliamentary handbook

ATJ completed a handbook for MPs in Portuguese, English, and Indonesian versions with support from DAI (DAITX105 Technical Support to the East Timor National Parliament). Intended to serve as a guide to the Standing Rules and Organic Law of the National Parliament, the *MP Handbook* included essays discussing parliamentary functions, the importance and ways of building strong relations with constituencies, ethics, guidelines for the organization of public hearings; narratives on the most significant parliamentary procedures in enacting legislation, and exercise of political oversight and constitutional and legal authorities of the Parliament; and descriptions of the Parliament Secretariat's units that provide technical and administrative support.

Accomplishments and impact

The ATJ program has worked closely to build the capacity of legislative and judicial institutions at the national level. ATJ was able to effectively monitor the openness and willingness of the MOJ, Court of Appeal, and other justice sector institutions to cooperate on more structural issues in the justice sector. Consistent through the program period was support to strengthen the IT of Parliament and building the research capacity of MPs.

JSMP was also a key partner in the court monitoring component, which has provided the only detailed and comprehensive assessment of the District Courts and Court of Appeal in Timor-Leste. JSMP has reported and identified weaknesses and areas to be targeted for Government and donor support and improvement of the country's formal justice system. It has remained committed to the program's belief that independent scrutiny of the Courts contributes to the fairness and performance of justice sector actors, and that such scrutiny will continue to be vital to ensure access to justice as the Courts begin to improve and District Courts start to function on a more consistent basis.

Though the USF LDI program was intended to encourage legislation that more effectively responds to national concerns by developing linkages between lawmakers and civil society organizations, support ended in 2005. As ATJ continued, more focus was placed on building community-based legal aid, which did not always ensure equal attention paid to strengthening state-based legal institutions and formal judicial processes. *Section V: Future Directions and Recommendations* highlights how both the informal and formal dispute resolution processes can be improved in future efforts to strengthen and sustain Timor-Leste's law and justice sector.

B. Component Area 2: Developing legal aid sector services and capacity

Over the 10 years of program implementation, this component of ATJ has taken a multi-pronged approach to improving the quality and coverage of legal aid services available in Timor-Leste. Through enhanced skills training, opportunities to share effective practices, expansion of alternate dispute resolution, improved case management, more emphasis on women's access to justice, and a stronger legal framework, legal aid partners have provided higher quality services to their clients. This section includes accomplishments in the areas of community-level legal aid services and mobile legal aid; legal aid for

women; capacity building of legal aid partners; networking among legal aid actors; and policy-driven dialogue. Finally, through its support to legal aid lawyers, ATJ has also engaged in discussions regarding the development of the private legal profession overall.

1. Community-level legal aid services and mobile legal aid

In Timor-Leste, many barriers to justice remain pervasive despite notable progress in the past 10 years. Barriers to access include a lack of adequate information about the law and limited popular knowledge of rights and existing remedies provided either by law or in practice. Courts are remote from most communities where local justice processes are more physically present, often have greater legitimacy, and can resolve matters quicker than the courts, which are required to go through more laborious procedures and frequently face human resource shortages. In Timor-Leste, this situation is further exacerbated by the limited number of state-funded public defenders and the lack of an adequate legal aid system.

Creating a sustainable environment with equal access to justice in Timor-Leste will remain difficult even when appropriate institutional and legal frameworks are put in place. Access to justice cannot be guaranteed where the rate of poverty remains high and where the state has such limited reach into the daily lives of so many. Vulnerable persons are generally not in a position to choose either formal or local mechanisms – as they face barriers to both – however local justice mechanisms, tend to be more physically accessible to the poor and can provide a speedier process. At the same time, these local level justice mechanisms have their shortfalls and costs, resulting in barriers to access to justice. Men dominate local justice mechanisms, placing women and children in a position where they do not have equal power. Such mechanisms are also not subjected to any checks or monitoring for quality or consistency of services. Access to such mechanisms is also not automatic for women who experience domestic violence who may be under family and community pressure to resolve their problems within the family. Conversely if someone does seek to go directly to the formal system, they may be fined if they approach the police before seeking support from within their suku councils.

In Timor-Leste, where the legal regime and justice system were frequently used during the Indonesian occupation to legitimize state repression, a different image needs to be constructed to rebuild people's confidence in the system. One of many ways to do this is by providing low-cost legal services including simplified legal information and procedures to allow for increased participation, including from those who are poor and most vulnerable in the society. As such, from the inception of ATJ, the program invested heavily in newly emerging community-level legal aid partners. Over time, the activities and grant support were narrowed to four key partner organizations. The following graphs and table provide an overview of the cases handled by ATJ legal aid organization lawyers through the legal aid program over the past decade.

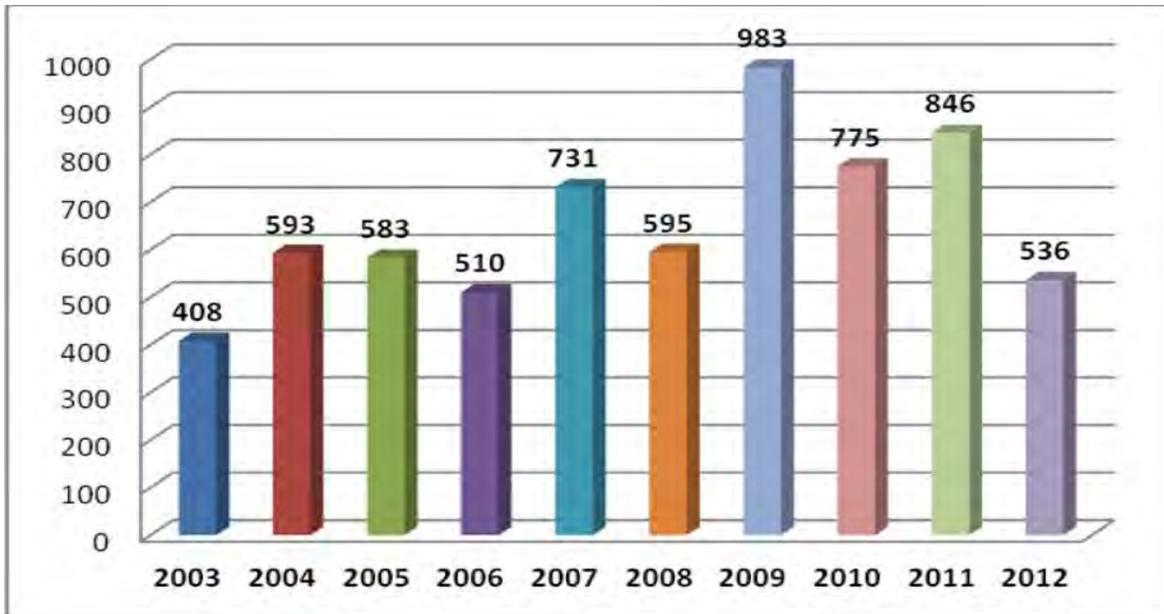


Figure 2: Total number of clients assisted by ATJ-funded legal aid organizations from 2003-2012



Figure 3: Percentage of women clients assisted by ATJ-funded legal aid organizations from 2003-2012

Table 1: Total number of male and female clients represented by ATJ-funded LBHs

Month/Year	Total Client	Male	Female
April - Sep 03	408	310	98
Oct 03 - Sep 04	593	448	145
Oct 04 - Sep 05	583	424	159
Oct 05 - Sep 06	510	335	175
Oct'06 - Sep '07	731	519	212
Oct'07 - Sep'08	595	451	144
Oct'08 - Sep'09	983	623	360
Oct09 - Sep'10	775	399	376
Oct10 - Sep11	846	377	469
Oct11 - Sep 12	536	211	325
Total	6560	4097	2463

Evolution of partnerships with legal aid partners

In an effort to assist the poor and most vulnerable members of the society, ATJ dispersed grants to national civil society organizations staffed largely by private lawyers to provide legal aid to the community. These organizations have been crucial not only because they have provided free legal services to the community's most vulnerable persons, but also due to their unique advantages including close proximity to the community and knowledge of and ability to interrelate different social problems. These lawyers have been working in some of the most isolated areas of Timor-Leste, providing free legal assistance across the spectrum of civil and criminal cases including victims of gender-based violence. By the time of writing of this report, these organizations had expanded their activities to include community education, with two of the partners running paralegal programs. Based on the program's data, over 6000 cases have been handled through free legal service provision since this project was first inception in 2003.

ATJ has supported over a dozen legal aid partners since the start of the program in 2002, including Perkumpulan HAK, Lembaga Bantuan Hukum Tane Timor (LBH-TT), LBH Timor-Leste, LBH Ukun Rasik An (URA), LBH Fortuna, LBH Fukun Timor, LBH Biankara (Suai), LBH Maliana, and LBH Covalima. Many of these organizations no longer exist, demonstrating the significant impact on the NGO sector of the growth of legal jobs in state institutions and the compulsory requirement for lawyers to undertake two years of full time legal training in Dili. During the last period of the program, ATJ focused its support on the organizations which had demonstrated greater organizational strength and sustainability, including local ownership. Those four organizations, which collectively operated in all 13 districts, are:

- *Fundasaun Edukasaun Comunidade Matebian (ECM)* is based in Baucau and covers Baucau district court jurisdiction including the districts of Baucau, Lospalos, Manatuto, and Viqueque. ECM is an established local NGO that offers legal assistance both in litigation and non-litigation processes across the spectrum of civil and criminal cases. In addition, ECM also runs community education and paralegal programs.
- *Fundasaun Fatu Sinai Oecusse (FFSO)* is based in Pante Makassar- Oecusse and covers Oecusse District Court Jurisdiction. FFSO is an established non-governmental organization with a legal aid branch that provides free legal assistance to the most vulnerable persons, largely through non-litigation processes. FFSO handles cases across the spectrum of civil and criminal matters, conducts community legal education and paralegal programs.
- *Liberta Legal Aid (LBH Liberta)* is located in the country's capital Dili and covers Dili District Court jurisdiction which includes Ermera, Aileu, Liquica and Dili districts. Liberta provides legal aid services both through litigation and non-litigation processes. Liberta also runs legal education programs to the communities living within the jurisdiction of the Dili District Court.
- *Victim Support Services (VSS)* is a unit within the Judicial System Monitoring Programme (JSMP), but is transitioning to become an independent organization. Unlike the other partners, VSS does not provide legal representation in the court. Its mission is to provide legal assistance to women and children victims of gender-based violence. VSS has a national office in Dili and branches in Oecusse, Baucau and Suai.

Paralegal program

One key strand to the program's objective to expand the reach of legal aid services was to establish a paralegal program in 2008. The paralegal program was designed to expand the reach of the limited number of lawyers working in legal aid organizations. The appointment of international and national paralegal coordinators enabled the program to further expand and to develop its impact, capacity, and quality. Both ECM and FFSO have run paralegal programs at the *suku* level across five districts. ECM has employed 18 paralegals and FFSO has employed 11 paralegals. The paralegals provide three key types of services. Firstly, they have provided community members with information on litigation and non-litigation based legal options for resolving disputes. Secondly, they have sometimes been directly involved in mediation processes themselves. Thirdly, they have referred clients to legal aid lawyers where further legal expertise may have been needed. Paralegals have provided assistance in 3110 cases from 2008 to 2012, with 38 percent of this number (or 1026 clients) being female.

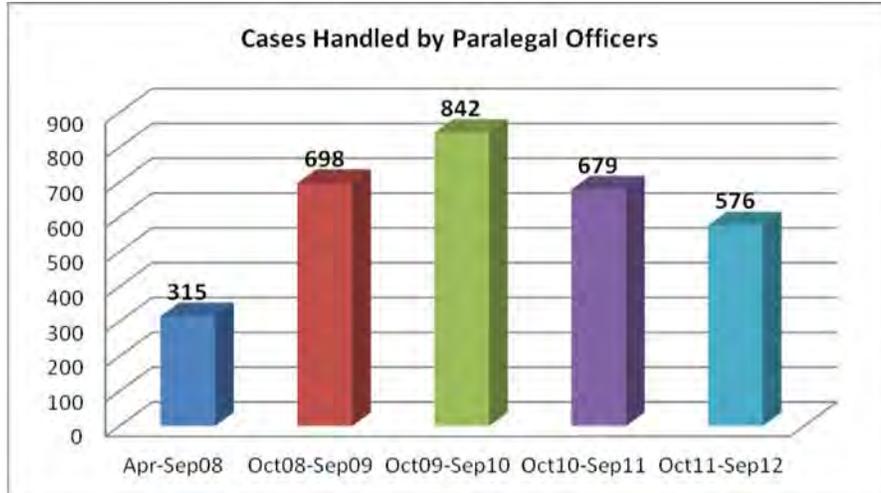


Figure 4: Number of clients assisted by ATJ-funded paralegals from 2008-2012

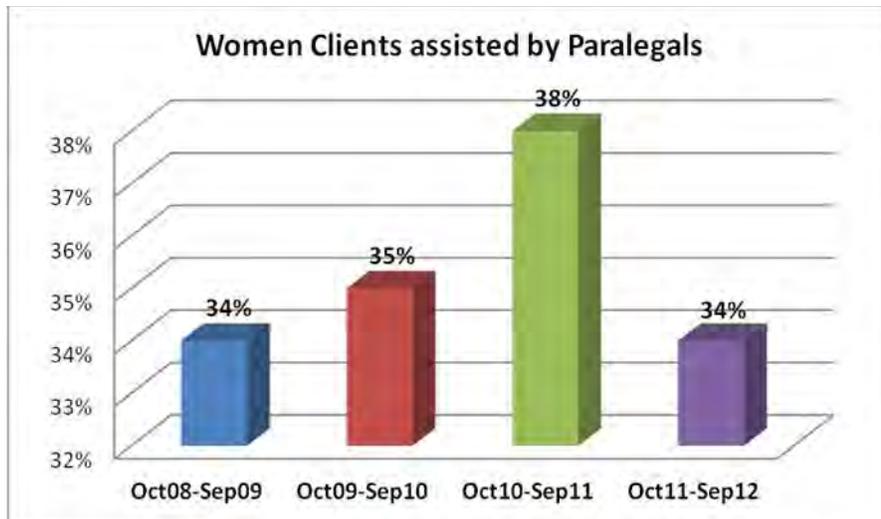


Figure 5: Number of women clients assisted by ATJ-funded paralegals 2008-2012

In June 2010, a detailed assessment of the paralegal program was undertaken which recommended a number of measures to consolidate the two programs, including the processes for reporting cases and tracking referrals. The recommendations were speedily implemented and improvements immediately noticeable. As a result, the reliability and detail of case reporting improved, providing a clearer picture of the cases paralegals are involved in, and facilitated greater monitoring of how they are handled. Monitoring increased, although further strengthening of monitoring processes is still needed.

Training has been a key focus of the paralegal program to help build the capacity of the community paralegals. A four-part training series covering the key themes of

administration, substantive law and job skills was provided to all paralegals, with involvement from FFSO and ECM staff in each organization's office. In addition, a paralegal handbook was produced and distributed, and has served to be a very valuable reference guide for new and existing paralegals.

FFSO's paralegal program has worked closely with customary law and other local authorities, and has facilitated and supported non-state government justice processes. The trust and the roles of paralegals in providing a link between non-state justice actors and police/state justice has been demonstrated in the responses from all 18 of Oecusse's *chefe de sukus*, who told UNDP Access to Justice researchers that their main link to police and state justice was via the FFSO paralegals.

Stories of Access to Justice – Domingas Lafu

Domingas Lafu is 21 years old and has a baby boy named Jamy Quefi, who was born on March 27 2011. Domingas went to primary school until her fourth year but was not able to graduate. Today, Domingas is a single-mother who is not married. She lives with her parents and farms for a living. She sells cassava and other vegetables at her local market in order to provide for her son.

Domingas Lafu sought FFSO's services because she wanted their support in resolving a paternity dispute between herself and the father of her child, her former boyfriend. According to Domingas, the father of her child refused to marry her after he got her pregnant because he was already married to another woman. When she found out she was pregnant, Domingas went directly to local leaders in order to help her receive compensation from the father of the child. Domingas was referred directly to FFSO by the local leaders, who suggested that the legal aid organization would be a good mediator between Domingas's family and the family of the father of her child.



The *Chefe de Suku* sat down with Domingas and her former boyfriend, as well as with Luisa Taela, a paralegal who has worked at FFSO for nearly three years and who helped support Domingas throughout the month-long process. Despite the fact that the father of Domingas's child was already married and had another family, it was confirmed that he was the father of the child and decided that he should have to pay a bride price to Domingas's family, which was provided for by giving Domingas's family a necklace, the value of which is approximately US\$300. The father of the child was also required to pay a one-time payment of US\$150 for child support.

Domingas and Luisa were pleased with the outcome. "The outcome was fair for Domingas, and both families were pleased because the process involved everyone," explained Luisa. "The fact that the *Chefe de Suku* referred Domingas directly to FFSO was a very positive sign that local leaders understand and value FFSO's role in helping mediate disputes. It was a very successful decision because everyone was involved and signed the agreement, and I was there to provide information throughout the process."

2. Legal aid for women and support to women lawyers

Since 2002, ATJ has provided funding for legal aid services for women. Recognizing the significant challenges faced by women in accessing justice, ATJ has evolved its programming to better target the legal needs of women. Since its inception, ATJ has required that legal aid partners obtain 30 percent women clients, which most were easily able to do. However, it became increasingly clear that more targeted interventions were needed as was the need to increase awareness among the male-dominated organizations of the importance of reaching out to women clients. The vast majority of women clients of the legal aid organizations are the victims of domestic violence or sexual assault. The majority of civil matters brought by women to legal aid organizations are women seeking divorce (often because of domestic violence), women raising a paternity dispute or trying to obtain maintenance from an absent husband.

The success of ATJ in responding to women's needs can be seen in the increase in proportion of women's clients as a percentage of the overall caseload. Over the last two years, the figure has been climbing to 50 percent and during the last reporting period it was 63 percent. VSS is responsible for most of this increase, but other organizations such as LBH Liberta have also worked hard to achieve equity in their caseload. ECM has largely remained at a 30 percent women client ratio. This has been achieved through a range of interventions and has always been dependent on strong commitment from the organization to recognize that women in Timor-Leste are vulnerable and marginalized, especially in relation to access to justice.

Interventions by ATJ have included brainstorming sessions with the partners on the nature of their women client caseload, identifying areas of legal training related to the needs of their women clients and providing specialized training or developing specialized guidelines. ATJ has also paid close attention to the data that the partners have provided and questioned them on criteria used to allow them to take on male perpetrators of gender-based violence as clients. ATJ fostered increased contact between VSS and the other ATJ legal aid partners, in particular through the monthly round table meetings, which have encouraged greater collaboration on cases involving female clients. By monitoring partners, ATJ has encouraged greater contact with women community members and representatives to ensure that female clients are gaining greater access to the partners' services and to discuss resolving disputes. Finally, ATJ provided a forum for women lawyers to network with each other, and targeted training for women lawyers.

Funding for Fokupers to provide legal aid access to women

In October 2002, ATJ provided initial support to a women's NGO, Fokupers, to provide increased legal protection for women, especially women victims of violence. Under this support, Fokupers helped to provide legal advocacy services through mentorships for women victims of domestic violence; monitoring and reporting through identification of cases of violence against women; public education campaigns; and advocacy to promote public dialogue on draft legislation.

Increasingly, Fokupers focused its work with women victims of violence on managing a safe house and providing counseling to women. By 2005, it was clear that specialized

legal services were required and a separate organization would be best placed to provide it. A working group of NGOs, including Fokupers and JSMP was established to discuss this and as a result, a decision was taken to establish a unit within JSMP called the Victim Support Service (VSS). This unit was tasked with providing legal assistance to victims of GBV. It was decided that the placement of VSS in JSMP was temporary, in order to provide the organization with a strong foundation.

Specialized legal aid services for women – JSMP's VSS

Beginning in 2005, ATJ began to fund VSS to provide legal assistance to women and child victims of gender-based violence in the districts covered by the Dili and Baucau District Court jurisdiction. In 2009, with support from ATJ to increase the number of lawyers in the organization, VSS began covering the remaining two court jurisdiction areas and now, with funding from AusAID's Justice Facility, has permanent offices in four locations, Dili, Baucau, Suai and Oecusse. VSS assists women clients through the criminal investigation process and the prosecution of the alleged crimes committed against them. VSS only deals with criminal matters and only provides assistance to women victims of crimes.⁵ VSS provides practical assistance by taking women to the police and the prosecution office, accompanying them during the investigation process, providing information and suggestions to the police and prosecution regarding the investigation, referring the woman to other organizations for practical support and accompanying the women during the trial. Since the start of the ATJ grant, VSS has provided legal assistance to 991 women and children victims of gender-based violence. Over the seven years since the organization was formed, VSS has developed a reputation for being the legal experts in gender-based violence. The organization's support is welcomed by the police and prosecution and it is respected within the government as a key player in the national response to gender-based violence.

In addition to providing legal assistance, VSS raised awareness of women's rights and the services provided by VSS, and advocated on women's rights against GBV. VSS has produced and distributed brochures focusing on victims' rights according to the Criminal Procedures Code and has distributed brochures to the community, the PNTL in Dili and Baucau district jurisdictions, partner organizations, legal institutions, prosecutors, women's organizations, and internally displaced women. VSS has been a key member of gender-based violence referral network meetings, contributing both in relation to cases and also policy level. VSS was a member of the working group established to draft the Law Against Domestic Violence, the Witness Protection Law, the draft Juvenile Justice Law and in discussions on the protection of women's rights in drafting land and property legislation.

VSS and JSMP have been central to ATJ's efforts to broaden gender sensitivity among the other legal aid organizations. VSS lawyers – both male and female – have been vocal participants in the monthly meetings of lawyers, raising tough questions for their peers about their thinking on women's rights. They have also provided impetus and direction to ATJ for many of the program's gender-focused interventions, including the

⁵ As part of the organization's thinking on becoming an independent organization, VSS is considering whether to broaden their mandate.

GBV training and manual and domestic violence research [see below]. In 2009, ATJ facilitated a process of drafting a memorandum of understanding between VSS and the other legal aid organizations regarding the handling of gender-based violence cases. The MOU was significant in that it sought to ensure that GBV cases were handled according to the law and through a criminal process. Despite the MOU, cooperation on cases has been mixed.

Support to women lawyers and networking

ATJ has undertaken a number of initiatives to encourage women lawyers to work in legal aid, through targeted training and networking support. In 2003, ATJ provided scholarships to two women law students. The scholarships were partly in response to legal aid partners expressing frustration over the lack of women lawyers available to serve women clients. As such, these scholarships were provided until late 2006. The modest scholarships to Indonesia included tuition fees, field study, accommodation, and living stipends.

In September 2009, following consultation with AATL, ATJ conducted the first ever network meeting for female lawyers in Timor-Leste. While key beneficiaries of the meeting were the ATJ-funded female lawyers and paralegals, the meeting was open to women jurists more broadly and aimed at providing recommendations to AATL regarding women lawyers. The meeting was addressed by a senior female judge—the then President of the Court of Baucau—and a female prosecutor, both of whom spoke about challenges facing women jurists in Timor-Leste. Two prominent female Indonesian legal aid lawyers—Apong Herlina and Lusia Palulungan—participated in the meeting as speakers and resource persons. The meeting provided the first opportunity for women lawyers to discuss together the challenges they face. It ended with a list of recommendations to encourage women lawyers being formally handed to the President of AATL.

Following this meeting, ATJ supported AATL to run its first women lawyers meeting in April 2010. That meeting was well attended but AATL chose to only invite women private lawyers. The meeting was chaired by the male President of AATL, who took the opportunity to point out that as President of AATL, he would not support a proposal from the women lawyers to establish a women's legal aid organization.

Subsequently, ATJ focused on networking among the women lawyers in the partner organizations. For almost 18 months, these meetings took place with women running the meetings. The female Executive Director of AATL attended many of these meetings. However the meetings gradually moved towards the specific focus of developing an independent women's legal aid organization [see below]. Networking struggled in the face of a number of the women leaving the legal aid organizations to join the CFJ training. Broader networking among women lawyers should be facilitated by AATL – which can bring together a wider group of women lawyers.

Development of women and children's legal aid organization

One of the great successes of ATJ has been the support given to VSS as it developed a plan to become the country's first legal aid organization providing services exclusively to women and children. Following an ATJ women lawyers and paralegals exchange visit to Indonesia in 2010, a group of women lawyers in the partner organizations decided to work towards establishing a legal aid organization for women and children clients only. As VSS was originally envisaged to transition out of JSMP, this discussion ultimately focused on VSS becoming an independent organization. ATJ initially supported this initiative by providing a forum for discussing the idea – through the women lawyers' network meetings. In 2011, at the request of JSMP, ATJ recruited an adviser to be based in VSS to support JSMP in confirming the decision and developing the transition plan. The placement has been extremely successful with the adviser facilitating internal discussion at JSMP over the separation with VSS, preparing a submission to the organization's board, developing a transition plan (including human resources plan), an external consultation with partners and stakeholders across Timor-Leste's 13 districts to ensure community support, an MOU between VSS and JSMP, recruitment of staff to take over management functions filled by JSMP, and development of a strategic plan. At this stage the new organization is set to begin operations in January 2013, and will be the first organization of its kind in Timor-Leste.

DNA tests on paternity

In February 2009, ATJ⁶ commenced a pilot study on DNA testing for paternity disputes in Timor-Leste, following repeated requests from ATJ's legal aid partners for assistance with DNA testing for paternity cases. The pilot aimed to enhance the capacity of the legal aid organizations to address women's legal needs. Legal aid partners identified paternity disputes as one of the key legal challenges facing women in rural communities. A paternity dispute generally arises when an unmarried woman falls pregnant and the identity of the father is in question.

A paternity claim is generally brought to a legal aid organization by a woman for the following reasons:

- To secure acknowledgment by the father of his paternity of the child by way of including the father's name on the child's birth certificate;
- To allow the child to use his or her father's surname;
- To ensure that the father has financial responsibility for the child;
- To ensure that the father's family accepts financial and moral responsibility to raise the child.

ATJ conducted a feasibility study in December 2008 to determine the possibility of DNA testing in Timor-Leste. The study found that there were no legal impediments to the application of DNA evidence to establish paternity in Timor-Leste. Although analysis of DNA tests is currently not possible in Timor-Leste, samples can be sent to an overseas lab for analysis. Based on the affirmative outcome of the feasibility study, ATJ developed a Pilot Study for DNA testing in contested paternity matters.

⁶ This activity was originally not within ATJ – but was incorporated into ATJ following approval by USAID of the proposal for a program extension 2010 to 2012.

ATJ received a total of eight requests for DNA testing under the pilot study, with the results of seven known to ATJ⁷. Six requests came from legal aid partner organizations for matters handled through out-of-court mediations and two requests came from the Dili District Court for paternity applications filed in the civil list.⁸ Two out of the seven tests conducted were positive. The first was a paternity claim in the Dili District Court. The positive DNA result demonstrated the Court's willingness to accept DNA evidence and also has the potential to set a precedent for the future application of DNA testing by the courts. The second positive result was received in a paternity dispute resolved through a tradition mediation process by a legal aid organization. Five out of the seven DNA tests conducted have been negative. All negative results relate to paternity matters handled through out-of-court mediations. In two of the five negative results, ATJ has learnt that there has been a situation of rape or incest whereby the woman was coerced by the perpetrator or her family to hide the true paternity of the child. The negative DNA test results have helped the falsely accused men to clear their names. However, the impact on the women and their families has been significant.

Based on the results of the study, ATJ has concluded the use of DNA in paternity cases is feasible in Timor-Leste but much more discussion is required to socialize the concept and determine the most appropriate mechanism for the country. To assist with this discussion, ATJ arranged a round table discussion of court actors, health professionals, legal aid organizations and staff from SEPI. A presentation by the Victorian Institute for Forensic Medicine (VIFM) – which had provided free analysis of the DNA samples for the pilot study - was made to the group on using DNA in paternity cases, with ATJ presenting the results of the DNA pilot study.

Gender-based violence training and training tools

In 2009, ATJ worked with VSS to provide the first comprehensive training to legal aid lawyers on providing legal assistance to women and children who have experienced gender-based violence. The training was the first time that VSS had shared their approach with the legal aid organizations and was a clear indication of the specialized and expert nature of their service. In response to a request from VSS and after the implementation of the Law against Domestic Violence (LADV), ATJ wrote a two volume manual on providing legal assistance to victims of gender-based violence. The manual focuses on the national legal framework – in particular the Criminal Code and Procedures Code and the LADV - and outlined practical steps for providing legal assistance to women who have experienced gender-based violence. ATJ sought technical comments on the manual from SEPI, the Office of the Prosecutor General, and the Judicial Training Centre. Following the launch of the manual by the Secretary of State for the Promotion of Equality, ATJ provided additional training to the partners on the manual. ATJ was also asked to conduct training on the manual at the Judicial Training Centre. In response to this request, in July 2012, the ATJ advisor to VSS and

⁷ The eighth case – with the Dili District Court – was received in late September and has been passed on to the Court. ATJ is not yet aware of the result of the test as disclosure is required in the presence of all parties to the dispute who must be called to the Court. ATJ has requested that the court provide the result of the test when possible.

⁸ The Dili District Court on June 29, 2012 requested a further test in a contested paternity matter. However, no more DNA test kits and was unable to assist in this case.

the Legal Adviser to the US Embassy conducted two days of training to over 30 trainee private lawyers. Feedback on the training was positive and ATJ understands that the manual has been widely distributed among trainees at the centre.

In addition to this, ATJ conducted two separate exchange visits for women lawyers and paralegals to Indonesia. The exchanges were aimed at providing women legal aid lawyers in Timor-Leste with exposure to how legal aid services are provided for women and children clients in Indonesia. Both exchanges saw the lawyers connecting with Indonesia's most prominent women's legal aid service provider, LBH-APIK. The first trip was conducted in March 2010 and saw 10 women legal aid lawyers gaining insight into service provision in the Indonesian capital and a provincial town. They were briefed on the development of LBH-APIK, its mandate, client services, networking, funding sources and advocacy. They observed how both lawyers and paralegals assist the work of the organization. Upon return from this trip, the women lawyers began planning for the development of the first Timorese women's legal aid organization. A second exchange was conducted in 2011, and focused on a more detailed understanding of internal management of LBH-APIK. ATJ received very positive feedback from the participants in the exchange visits, both in terms of increased knowledge in service provision and regional networking which continues in particular between VSS and LBH-APIK.

Research on women's legal needs

To support legal aid service delivery for women clients, ATJ conducted research on women's legal needs, specifically looking at obstacles facing women victims of domestic violence in accessing justice and the civil law needs of women victims of domestic violence. The research focused on civil law areas such as divorce, maintenance, child custody, and right to land and property. It is also focused on the ways in which women seek to access assistance either through customary processes or the formal legal system, and the obstacles that impede their access. The research results will support the service delivery of community legal aid organizations, as the largest category of clients to these organizations remain the victims of domestic violence.

The report is the first such attempt at research based on the direct experiences of women who have experienced domestic violence since that of the International Rescue Committee in 2002/2003. It therefore provides critical data for policy makers and other stakeholders working in the areas of service provision, policy formation and legislative frameworks. Interviews were conducted with 24 women who had experienced domestic violence (referred to in this report as 'women interviewees'). The women ranged from 22 to 70 years of age, and came from a variety of educational and professional backgrounds. Some were from urban centers, but the majority came from rural areas. Income ranged from no fixed source of income, in which the woman was dependent on credit in order to buy food, to \$500 per month.

Of the 24 women interviewed:

- **Twenty-one (21) women** had separated or divorced from their partner or husband.
- **Twenty-two (22) women** had made an attempt to use local processes to have

their case resolved.

- **Twenty-two (22) women** reported that they had gone to the police in an attempt to have their case resolved, in some cases having already attempted using local processes.

The stories that the women interviewees shared of their experiences when attempting to access assistance, and of their needs going forward, forms the centerpiece of the research. The report was also based on interviews with other key stakeholders and one focus group discussion (FGD) that was held with 37 local legal and non-legal stakeholders, including local NGOs, police, local leaders and others. The interviews and focus group sought to obtain an understanding of the enabling and constraining factors of the local governance environment in dealing with issues of domestic violence. ATJ collaborated with national NGO Fundasaun Alola in conducting this research, which took place in three districts: Baucau, Dili and Suai. While ATJ wanted to ensure a range of experiences from both urban and rural areas, we needed to ensure also that women interviewed were able to access support services following the interviews if needed.

The stories of the women who participated in this research revealed many interlocking issues that they faced when attempting to access assistance. These ranged from attitudes of ‘blame the victim’ when attempting to get support in stopping the violence; social and economic dependency which tied her into existing family relationships; a preference for resolving issues locally—despite the wishes of the woman; uneven responsiveness of the police; lengthy court processes; and lack of social support structures if a woman chose to leave the violent relationship.

The new domestic violence legislation has given local stakeholders a vital tool to engage in more robust community education campaigns, designed to educate local leaders on their responsibility to refer domestic violence cases, and educate women on their rights to access help and support. In addition, the procedural changes wherein domestic violence is defined as a public crime appears to have been very effective in dealing with one of the major issues victims faced before 2010, namely the tendency of the police to return domestic violence victims to traditional authorities to have the case resolved through a local justice process or *adat*. While there are nonetheless many issues in police responsiveness that were raised by research participants, the act of officially removing police discretion in receiving and registering domestic violence cases appears to have been a positive step in improving women’s access to the formal justice system.

However, going forward, the stories of these women also highlight the need to consider the capacity of the formal justice system to be appropriately responsive to the cases that are being brought to the courts. For most stakeholders and women interviewees, the current inability of the court system to process their cases means that they are losing faith in the formal legal system, which has many follow-on effects as other women subsequently decide not to take their problem to the police based on the experience of other victims within the formal system. This is creating a tension between the formal legal regime that defines domestic violence as a public crime and the needs of women victims. Because they are unable to withdraw their complaint, many domestic violence victims become hostile witnesses, thwarting the formal court proceedings—a source of

deep frustration for police and prosecutors, and women's support services alike. This can create a new version of 'blame the victim', as women are pressured to bring their cases forward, despite the formal system's inability to help them. Victim Protection Units (VPU) officials in all three case study sites explained that convincing women to be brave and to put faith in the formal system was often one of the most difficult parts of their job.

3. Research in formal / traditional dispute mechanisms

To enable policy makers to make informed decisions about ways to integrate traditional justice systems into the formal legal system and develop uniform standards for alternative dispute resolution (ADR) in Timor-Leste, the ATJ program included activities that scrutinized these mechanisms. The research was done in two key ways. Firstly through incorporating relevant questions in the law and justice surveys, ATJ was able to glean information about the use of traditional dispute mechanisms. Secondly through a program which began in 2003, ATJ conducted targeted research aimed at identifying specific areas of compatibility and conflict between the principles of the formal and informal systems and the types of disputes and traditional procedures that could potentially be recognized by the formal sector.

In 2003, ATJ conducted a conference on traditional justice with both local and international speakers, detailing specific practices and experiences in different locations in Timor-Leste. The conference was followed by field research in Viqueque, Manatuto, and Suai Districts in which a team of researchers studied oral narratives and ritual chants related to local justice. The narratives included traditional authorities' descriptions of procedure and narratives on traditional justice. The research focused on four areas of ADR – land disputes, family conflict, killings and reconciliation and was partly aimed at identifying central concepts, rules and procedures in ADR processes. It provided information about both the types of cases brought to local dispute resolution mechanisms and information on the procedures used. Additional research was conducted by ATJ on an apparently growing use of alternative dispute resolution processes in other Lusophone countries. The narratives were shared with the Ministry of Justice in 2004 and provided a framework for discussion between ATJ and the Ministry regarding the use of informal justice mechanisms by Timorese. ATJ also contributed to discussion with other agencies working with mediation – such as Associates in Rural Development's (ARD) work on land law mediation and the Peace and Democracy Foundation (PDF), a national NGO supporting local mediation processes. The research also helped inform the program's engagement with legal aid organizations and local authorities in relation to local justice processes which continue to offer the most practical avenue for the resolution of disputes at the local level.

4. Support to the development of the overall private legal profession

Over the 10 years of programming, the development of the private legal profession has been inextricably linked to work on access to justice. Not only do general developments in the private legal sector impact heavily on ATJ's main constituency, the legal aid organizations, but support in the justice sector inevitably needs to recognize that a well-trained, accountable and professional private legal profession is key to a strong justice sector.

ATJ has also provided some support to the development of a peak body for private lawyers – the *Orden das Advogados* (Order of Lawyers or Bar Association). In June 2004, ATJ organized a trip to Malaysia for Timorese lawyers to learn about the development of the Bar Council and hear experiences on how to organize, develop, and function as a lawyer's association, including a discussion of problems encountered, solutions adopted and steps taken to gradually enhance Bar functions and capacity over time. The greatest benefit of the trip was that lawyers received direct information and briefings about the challenges and responsibilities of setting up and running a professional bar association.

In recent years, ATJ support focused on providing comparative information on the development of bar associations and the relationship between bar associations and the delivery of legal aid services in other countries. ATJ has worked with the non-government Timorese Lawyers Association, *Asosiasaun Advogadu Timor-Lorosa'e*, (AATL) which was established in 2003 and which is working on the development of a bar association. Until recently, international NGO Avocats Sans Frontières was the main organization providing institutional support to AATL. In 2010, the AusAID funded Justice Facility began providing support to AATL. At the time of writing, that support continues. In September 2009, ATJ, AATL and the Ministry of Justice conducted a joint seminar on the legal aid policy in Timor-Leste. During Law Week 2011, ATJ prepared a comparative brief on legal aid and the relationship with bar associations in a number of countries, including Portugal and Brazil. The information was widely distributed during the discussions held for law week. ATJ continued to liaise with AATL on the development of the legal aid framework for legal aid.

ATJ has also worked with AATL in supporting women lawyers and liaised with the organization in relation to legal training for legal aid organizations, requesting AATL at times to conduct training and share training materials.

5. Capacity building for legal aid partners and lawyers

Engaging suitably qualified and experienced lawyers is one way of enhancing the quality of legal aid services. The very limited pool of such lawyers in Timor-Leste and the difficulty of attracting and retaining them in the legal aid sector, will always be a challenge, but will be a particularly steep one in the coming years. Thus improving the existing pool of legal aid lawyers' knowledge of substantive law and strengthening their practical legal skills are both critical strategies for enhancing the quality of legal aid services. ATJ recognized this and has accordingly invested heavily in providing targeted legal education trainings to legal aid lawyers. It has also sought to strengthen legal aid partners organizationally as a further strategy for enhancing quality of services.

The legal profession of Timor-Leste is in a state of transition. The passage of a law in 2008 to regulate the legal profession and the training and qualification of lawyers is causing human resource shifts across various sectors, as law graduates take steps to meet the new formal qualification requirements.⁹ The most significant impact of the new

⁹ Law No.11/2008 on the "Legal regime for the private practice of law and the training of lawyers".

law has been the introduction of a two-year mandatory training requirement for law graduates wishing to practice as lawyers. This is presenting a significant challenge for human resource management within the many sectors that employ lawyers. In particular, the legal aid sector has experienced a steady turnover of personnel as law graduates leave their district-based legal aid organizations in order to re-locate to Dili and participate in the full-time training course.

Capacity building of lawyers has been a significant component of ATJ since its inception, but it became more formalized as the program developed. It has long been clear to ATJ and partners that good technical and practical training for legal aid lawyers was desperately needed. However until June 2010, there was no training provided by the state to assist private lawyers to qualify under the country's new legal regime. ATJ thus sought to do the following – engage with policy makers on the discussion regarding training for private lawyers and provide some short-term training to assist private lawyers pending their entry into the new private lawyers training. ATJ also sought to assist the partner organizations by institutionalizing knowledge and learning within their organizations – as a way of addressing the high turnover of staff.

Case management training

Case management is a weakness across the legal sector. In 2009, ATJ conducted a case management assessment of the partners and found – with the exception of VSS – the organizations lacked good procedures allowing them to manage their files. Following the assessment, ATJ developed a basic case management system and conducted training in 2010 on the system. Since then, ATJ has developed a guide on case management, and conducted targeted monitoring and mentoring support to the partners to assist them in developing good practices with case management.

ATJ designed a mandatory case management reporting requirement to help support better case management implementation. The program developed a Case Work Summary Report template and has required since FY 2012 within the formal work plan approvals for each partner, for this to be completed for every case handled by legal aid partners and submitted to ATJ quarterly. Lawyers were required to provide ATJ with a brief narrative summary of each case including steps taken to resolve the case and the next planned action. Case management training was delivered and focused on partners' substantive case work including better documentation of case work, client engagement, regular case work meetings and case work reporting.

To date, ATJ has been the only source of case management training for the legal aid organizations, although the AusAID funded Justice Facility is currently working with the courts and the police to develop an integrated case management system. CFJ does not currently provide training on case management, although some case management practice would be expected as part of the nine month practical component of the training in which trainee lawyers are working on case files. Ultimately, good case management depends on supervision. Without monitoring it will be a challenge for the partners to keep improving their case management but hopefully with the impact of improved systems from the court, the partners will be encouraged to maintain good practices.

Technical legal training

In a training assessment conducted in 2010, the program identified that both the technical and practical legal skills of the partners were weak. ATJ used the assessment to strengthen the training provided by the program in its last three years, focusing on both substantive legal matters and practical skills identified as weak. In relation to both, ATJ developed separate training streams for litigation and non-litigation work carried out by the partners. All of these programs were designed knowing that the lawyers would ultimately have to go through the CFJ training program.

The following trainings were conducted between 2009 and 2012:

- Mediation skills training (2009) and training to help the partners identify the different types of non-litigation processes they are using (2010, 2011 and 2012); ATJ facilitated non-litigation dialogues which provided legal aid lawyers with the opportunity to broaden their knowledge of different non-litigation dispute resolution processes such as mediation, negotiation, conciliation, arbitration, and to discuss and clarify how partners engage in non-litigation dispute resolution. The partners developed agreed standards and rules for non-litigation processes.
- A four module series on litigation skills covering legal analysis, drafting of petitions, evidence and trial simulation (2010). This training was conducted by two experienced Timorese lawyers with legal backgrounds from Portugal and Australia respectively. These trainings were especially well-received and participants found the trainers particularly engaging and helpful.
- One three-day training on the Penal Code and Penal Procedure Code by CFJ (2010).
- Training on providing legal assistance to victims of gender-based violence in 2009, conducted by VSS. In 2011, a more detailed training on the legal framework for assisting victims of gender based violence training was conducted. The training aimed to familiarize participants with a written manual for assisting victims of gender-based violence, so it would become an institutionalized tool in their daily practice. In 2012, three additional half-day sessions on legal assistance for victims of gender-based violence were conducted.
- During the final year of the ATJ program in 2012, ATJ developed a specific training program to improve legal aid lawyers' substantive knowledge of emerging legal areas, including: preventative detention; introduction to the new Civil law; introduction to the new Land law; and introduction to the new Family law.
- 2012 'On the job' mentoring training conducted in each legal aid organization for one week covering professional ethics, client interviewing and instruction taking, analysis, research and investigation tools and methodology, legal drafting, providing advice and civil and criminal procedures. The purpose of conducting the training in organizational locations was to tailor the training to each organization's needs and particular context, and to boost lawyers' confidence in their day to day practice through a mentoring model. Legal aid lawyers responded well to receiving training in their own offices.

ATJ also developed training materials and a number of manuals, including the following:

- Case handling guidelines on divorce, paternity, land disputes, the civil procedures code, referral of cases and conducting mobile team visits;
- A Legal Aid Manual – providing an orientation program for new legal aid lawyers;
- A Paralegal Manual – providing orientation for Paralegal Officers;
- A Mediation Manual; and
- A Gender-based Violence Manual.

Career pathways research

In 2010 and 2011, ATJ undertook the first attempt to map the career pathways of Timorese law graduates. The exercise was aimed at developing a broad-based map of a nascent Timorese legal profession, outlining its present form, function and key capacity strengths and weaknesses. It was also aimed at informing future policies and reforms to support the development of a robust legal profession that promotes the rule of law and guarantees access to justice for citizens. Ninety-six law graduates were interviewed for the survey, including 38 women and 58 men. Of the total number of respondents, 34 law graduates were working in the public sector (including 14 female respondents), and 62 law graduates were working in the non-public sector. The survey also included key informant interviews and focus group discussions.

The research showed that law graduates generally have low confidence in their skills and experience. They feel they have significant gaps in their skills and experience, but find it relatively easy to find work. The research found that the number of law graduates in Timor-Leste is estimated to grow at 300-350 per annum over the next few years. This potential higher annual growth rate implies a significant challenge for the CFJ program, which is currently enrolling 45 private lawyer trainees per year. Further monitoring of the number of law graduates who sit the annual LTC selection examination for the private lawyers' training program will help determine whether the quota needs to be raised to accommodate an expansion in the number of law graduates.

Other key findings of the research are:

- Timorese law graduates are increasingly taking on a greater range of roles within both the public and non-public sectors. Law graduates are employed in a wide variety of jobs, which include a diverse range of responsibilities.
- The current job market for lawyers is very robust, with over 45 percent of respondents saying that it was either “easy” or “very easy” to find their jobs. The rate of employment among law graduates is high. The survey found that periods of unemployment were uncommon, despite many law graduates working on short-term contracts and changing institutions or organizations every few years.
- Law graduates generally hold relatively senior positions in their organizations or institutions, reporting directly to the highest authority. However, only a small number of law graduates hold supervisory roles. This indicates that law graduates may tend to take up advisory roles rather than managerial positions.

- The private sector has the lowest participation of national law graduates. Private firms due to language and experience requirements have tended to hire international lawyers. Likewise, the public sector also draws upon more experienced law graduates. Most entry-level positions for law graduates are available at non-government organizations or international organizations, with the highest number of lesser experienced lawyers at legal aid organizations. However, these organizations also experience higher turnover, as experienced staff tend to leave for the public and private sector due to the attractiveness of higher salaries and more permanent employment contracts.

Language presents a significant capacity challenge for law graduates. Most law graduates who participated in this survey have completed their law degree in Indonesia and have limited to no Portuguese language fluency. Portuguese language fluency is becoming a pressing challenge for legal practitioners as most laws are written in Portuguese; courts are functioning in Portuguese and while Portuguese language fluency is not required for entry into CFJ, the training is delivered in Portuguese. While all surveyed law graduates speak Tetum, legal Tetum adopts heavily from Portuguese. An extensive capacity building strategy that can meet the above capacity gaps is required along with reviewing the CFJ program in order to make it more flexible to law graduates, particularly those living in the districts, and those already in employment.

Scholarship scheme for CFJ Trainee Lawyers

The ATJ program's scholarship scheme to boost the financial support available to legal aid lawyers undertaking the full-time CFJ training is an excellent example of how the program has been responsive, creative and far-sighted in its strategy to mitigate adverse consequences of the Private Lawyers Law upon the legal aid sector by ensuring it can attract qualified lawyers. The CFJ training has underscored the importance that lawyers need to be properly educated in Timorese law. Despite this, the CFJ has still had limited funding and spaces available. Additionally, issues around the structuring of the legal profession and the national legal aid scheme threaten to create long-term obstacles to community access to justice.

The program was able to provide eight scholarships to legal aid lawyers undertaking the CFJ course, who in return for a financial boost to the Government-provided stipend, were committed to working in legal aid organizations for a period after completing the training. The scholarships were provided following discussion between UNDP and CFJ. ATJ has also facilitated meetings between the scholarship recipients and the legal aid organizations as a way to encourage them to ultimately look for work in the legal aid organizations.

Roundtable meetings with legal aid partners

Roundtable meetings between ATJ and the partner organizations began in January 2003. The first meeting was a strategic planning meeting to gather partner inputs in the formulation of ATJ programs to address issues faced by the justice system in Timor-Leste. At the recommendation of ATJ's partners, the program decided to hold monthly meetings for partners to discuss the issues and challenges faced by Timor-Leste's

justice system and to provide a forum to discuss partner activities and areas for cooperation.

Since April 2003, as the number of ATJ grants increased, the roundtable meetings intensified and became a necessary venue for partners to meet two objectives: first, to inform the program and partners on the activities conducted and to evaluate the strengths and weaknesses of those implemented; and second, to allow ATJ partners to meet and discuss their activities, exchange experiences and identify any overlapping activities. These roundtable meetings have also been attended by legal practitioners such as public defenders, judges and prosecutors as well as other development partners working in the area.

The roundtable meetings have become a forum where a myriad of issues can be raised and more trust has been established between the organizations. With efforts by the partners to form a network of legal aid organizations, the meetings became a vehicle for networking on critical issues affecting the legal aid organizations, such as the Private Lawyers Bill and the draft legal aid law. The program encouraged the partners to view the meetings as theirs to shape and run and, in response to questions regarding continuation of the meetings, the partners repeatedly stated that they found the meetings extremely useful. In the last year of the program, the partners organized the meetings themselves, with facilitation support from ATJ.

Financial, administration, management, and leadership training to partners

ATJ has revealed the enormous challenges involved in supporting legal aid organizations to become robust and well-managed entities. Organizational strengthening requires long-term strategies, and continuous support and involvement as the organizations' needs evolve. ATJ's strategy has been to strengthen its partners organizationally, while supporting them to improve their capacity to provide broad-based legal aid services. Some ATJ program staff reflected that had they known that this program would ultimately last for 10 years, the strategy should have been quite different, with a greater focus upon supporting the development of good organizational and management practices in legal aid partners in the earlier years, before rolling out such an extensive program of legal aid services, which some of the partners continue to struggle to support.

In the last extension of the program, more support was given to helping the partners with addressing management shortcomings. Some activities undertaken included:

- Week long financial training for managers and finance staff in 2010;
- Week long monitoring and evaluation training conducted in 2010;
- Development of a finance manual for grantees;
- Legal aid exchanges – fostering national exchanges across the organizations, allowing different staff to learn from management practices in other organizations;
- One week NGO Management Training conducted in Dili in 2011 by experienced Indonesian NGO trainers, Satunama;

- Management exchange conducted in 2012, with Indonesian legal aid organization, LBH-Jakarta, facilitating a week of training looking at issues such as board/staff relationships, recruitment and retention of staff, supervision of staff, management of finances etc;
- Organizational self-assessments conducted for ECM, FFSO and LBH-Liberta in 2012, identifying areas of organizational weakness; and
- Financial assessments and training conducted for each organization in 2012.

ATJ also provided regular support to the partners in relation to management of finances, in particular through the review of the monthly accounts, and providing feedback and support as appropriate.

Stanford Law School partnership

Prior to independence, Timor-Leste possessed scant legal education infrastructure, and the few East Timorese who did obtain legal education primarily did so at universities elsewhere in Indonesia. When the country achieved independence, it lacked an established legal learning center within its borders. The National University of Timor-Lorosa'e (UNTL), the nation's only state university, officially teaches law exclusively in Portuguese – one of Timor-Leste's two official languages. Perhaps most strikingly, no textbooks currently address the laws of Timor-Leste in either official language prior to 2010. Students learned the law of foreign countries, generally Portugal and Indonesia. Education dramatically affects a lawyer's performance, how law is disseminated to society, and, perhaps most importantly, individual and organizational behavioral norms. Construction and maintenance of democratic institutions requires sound knowledge and consistent access to the law.

In FY 2010, ATJ began working on the Timor-Leste Legal Education Project (TLLEP) in partnership with Stanford Law School (SLS), USAID, and UNTL, to positively influence the development of domestic legal education in Timor-Leste. The project sought to make sustainable changes in how the justice sector operates by developing tools to strengthen the rule of law. The project produced three first of their kind law textbooks on vital issues –covering professional responsibility, constitutional law, and contracts. All of the texts reflect crucial local input from UNTL, the Court of Appeals, the Ministry of Justice, the Prosecutor General, the Public Defender General, and a number of other key actors. These first-time law texts focused on the specific laws of Timor-Leste and were published in Tetum, Portuguese and English. The texts have been immensely helpful both in Dili and in the districts, where legal information and education is less accessible.

The program has also led directly to exchanges between educators and students in Timor-Leste and SLS. In 2010, 2011 and 2012, SLS students traveled to Timor-Leste. While in Dili, students met with lawmakers, professors, civil servants, and, most importantly, their student-peers at UNTL. These discussions allowed the students to further develop the project, receive feedback on current and future texts, and integrate the local legal context into their research and writing. Prominent UNTL law faculty members have also traveled to Stanford. Their visits have allowed Timor-Leste's leading legal educators to observe legal education in a different country and provide direct

project guidance to TLLEP members. The visits have also increased collaboration back in Timor-Leste.

6. Policy-level dialogue on legal aid

Timor-Leste has long demonstrated a commitment to providing legal aid services to the community through the establishment of a Public Defenders' Office in 2001. However the number of Public Defenders remains limited and the office is not yet able to meet the needs of the community, particularly for those living in remote areas. Legal aid organizations, including those supported by ATJ have stepped in to fill these gaps. All of these organizations provide essential back-up services to the Public Defender's Office and are referred cases by state agencies including the Courts, the Prosecutor General's Office, the PNTL, and the Ministry of Social Solidarity.

Since 2009, ATJ has worked with the Ministry of Justice to develop a regulatory framework for funding of legal aid, broader than the Public Defender's Office. In September 2009, ATJ, MOJ and AATL conducted a joint seminar which was opened by the Minister of Justice. The seminar brought together judges, prosecutors, public defenders, legal aid organizations, NGOs and others to discuss how to secure funding for private lawyers providing legal aid. Following the seminar, the Ministry of Justice released a draft law. The draft was translated into Tetum by ATJ, which then worked with partners to assist them in comprehending the draft and providing comments on it. The program also provided additional assistance to the government in the form of a document outlining international standards and comparative practice relating to legal aid, and a document on possible costings for a legal aid scheme beyond the Public Defender's Office. In 2010, ATJ worked with the MOJ to conduct district socializations on the draft. In July 2011, the Ministry released a new version of the draft law. It was again only available in Portuguese and little time was given to prepare for a consultation meeting organized by the government. ATJ requested time to prepare a translation and assist the government in facilitating a national level consultation meeting. Following that consultation meeting, both ATJ and the partners submitted written comments on the new draft. In May 2012, the legal aid partners organized a seminar on the looming funding crisis for legal aid services with the closure of the ATJ program and the fact that the legal aid law was not yet in place. The MOJ spoke at the seminar and senior officials from the MOJ attended the full two-day discussions. Following this, another draft of the law was released and ATJ was able to organize one more consultation with the legal aid partners on this new version. There has subsequently been a change of Minister and it is not clear yet what the government's plan regarding the legal aid framework is.

Accomplishments and impact

The ATJ program's focus on building a legal aid sector has established an important link between communities and the formal justice system. However, legal advice has not necessarily led to the use of the formal justice system. Rather, the legal aid partners, professional lawyer base, community paralegals, and women-specific organizations and lawyers can now serve as a resource in local conflict resolution processes, and can have a significant impact on the mediation or negotiations of a conflict. ATJ has produced specific guidelines for its legal aid partners across a diverse array of legal issues, including divorce cases, contractual breaches, and land disputes. This information has

acquainted legal professionals and community citizens with East Timorese law and has provided guidance on how to deal with certain queries. At times, partners' focus on criminal matters at the request of the police and courts, effectively serving as a substitute for the public defenders, has diverted their attention from serving the most poor and vulnerable populations.

Towards the start of the program, a high number of legal aid partners were funded to conduct legal empowerment activities. However, many of these did not necessarily prove themselves to be capable or effective and all of them faced significant challenges resulting from the growth of legal jobs in the government and the training required for lawyers under the Private Lawyers Bill. As such, the ATJ program responded by turning its focus to a select few partners. This bolstering helped to strengthen four key legal aid partners to provide targeted, effective, and sustained legal aid delivery. Women's access to justice activities were initiated early on in the program, but neglected to take on a cross-cutting and mainstreaming approach. In later years, ATJ was more successful in ensuring strong representation of women in educational, training, organizational, and case management initiatives.

C. Component Area 3: Promoting access to and dissemination of legal information

This section covers the ATJ program's focus on activities that have promoted citizen knowledge and access to the law, legal rights, support mechanisms, and lawmaking procedures at both the national and community levels. These early efforts more heavily focused on legal education at the national level, with close coordination with the Ministry of Justice. As Component 2 drew more programming attention over the years, legal education also became a parallel priority at the suku and community levels. Over time, the program began to invest more heavily in community legal education capacity building among the program's key legal aid partners.

1. Centrally-run outreach programs

This section provides an overview of the more national-level legal information education efforts of Timor-Leste. Firstly, it discusses the Public Legal Information Campaign, which promoted greater public access to legal information through direct interaction with the public during the District outreach campaigns. It provided an opportunity for the public to ask questions of government authorities and legal experts. At program inception, ATJ also partnered with the University of San Francisco (USF) to launch the Community Legal Education Program (CLEP) to provide a venue for citizens, government officials, NGOs, and community leaders to discuss the laws of Timor-Leste. Later in the ATJ program, a media program was developed to strengthen the institutional relationship between the media and legal professions and build constituencies for an effective media law and effective self-regulation of media organizations.

USF CLEP Program

Started in 2002 at the inception of the ATJ program, USF's CLEP program provided a venue for citizens, government officials, NGOs, and community leaders to discuss the laws of RDTL, especially those of immediate and practical relevance such as the first Labor Code. In particular, the CLEP provided a venue for women workers to learn more about their rights, responsibilities and protections under the Labor Code.

The CLEP promoted increased public knowledge of law through the development and delivery of legal education courses on select legal issues at the national and local levels. The Dili-based USF program unit designed and implemented a public legal education program in Timor-Leste, and drew on proven regional and international models for education of citizens and public officials to design education materials and methodologies relevant to the context. USF also organized workshops on two legal issues, one with Konfederasaun Sindicato Timor-Leste (KSTL), a workers' organization, on the Labor Code and gender issues in November 2004, and the second, a workshop on environmental issues with Haburas Foundation, also in November 2004.

MOJ Public Legal Information Campaign

The public outreach program of ATJ began in 2003 with the intent to increase citizen knowledge about the law and the justice system. This Public Legal Information Campaign has been an integral part of the MOJ's effort to strengthen legal understanding of citizens to enable them to use the RDTL justice system more effectively in dispute resolution, and to strengthen understanding of rights and responsibilities under the current and evolving legal framework. The following efforts were also undertaken with success:

Compilation of laws: The Ministry published and disseminated a compilation of selected laws promulgated by the National Parliament in Tetum. The compilation contains the Internal Security Act, Law on Immovable Goods, and Law on Citizenship. It also contains an introduction by the Minister of Justice and a list of all laws promulgated to date by RDTL.

Brochures, pamphlets, and posters: The MOJ developed, published, and disseminated legal literacy materials in Tetum on the following subjects: structure of the government of Timor-Leste, structure and responsibilities of all justice sector institutions, how to obtain certain documents from the government, and land and property issues. These have been distributed in public meetings organized by the MOJ and through their other networks throughout the country.

Public meetings with citizens: MOJ officials and other government authorities conducted district-level public meetings in order to present the materials and discuss justice sector issues with citizens. The public programs were organized in all 13 districts of Timor-Leste and provided a forum to explain laws to citizens, promote direct interaction between citizens and justice sector officials, and strengthen mutual understanding of the applicable laws in Timor-Leste. The Public Information Campaign program was carried out primarily at the district level, involving representatives from the district level, *sukus*

and sub-districts. The MOJ worked with local district administrators to organize these public meetings with citizens in the respective districts.

Radio and television programs: These programs were implemented in cooperation with Radio Timor-Leste (RTL) and Televisaun Timor-Leste (TVTL). Bi-weekly radio and television programs were broadcast through RTL and TVTL as well as community radio programs, reaching all areas of the country. The program involved the MOJ and other government, justice sector authorities, and the public, thereby having provided an opportunity for citizens to ask questions and provide comments and for the government authorities and legal experts to respond on-air. The Department of Rights and Citizenship of the MOJ led major components of the program, including identification of topics and presenters, and arrangement of the schedule of presentations.

Media law

In cooperation with international NGO Internews, ATJ organized a Media Law Conference in August 2003. The conference was preceded by meetings organized by ATJ, taking advantage of its roundtable meeting with partner organizations, in which ATJ and partner organizations brought together the divided media community to discuss issues faced by the media in general. These meetings enabled ATJ's partner organizations to network and discuss the legal sector environment and to forge relations between the media community, NGOs and the legal society. It provided a venue to discuss the relationship between the media and law, and to explore professional standards established and implemented by media law professional organizations that provide for self-regulation.

2. Locally-driven community education

This section covers the shift to build legal aid partner capacity to disseminate legal information at the local level. Also included is JSMP Outreach Unit's work to expand JSMP's Radio Program that has focused on legal expertise and information to include new audiences with limited or no education, audiences across all districts, and women through the use of specialized radio broadcasts.

In the second half of fiscal year 2003, the legal aid partners undertook community legal education initiatives to convey information and elaborate on the meaning of *pro-bono* to the participants; Timor-Leste's legal system and constitution; negotiation tips to resolve community conflicts; traditional versus formal law; criminal and civil law concepts; and land and property issues, among others. In addition, they also explained who is eligible to receive legal aid. Legal aid organizations reported that community members were enthusiastic about the program and approached the legal aid lawyers supported in the early years – Perkumpulan HAK, TBH Timor-Leste, LBH Tane Timor, LBH Fortuna, LBH Ukun Rasik An, Liberta – to ask for their advice in preliminary consultations.

Translations of penal, civil and criminal codes

The creation of a body of criminal laws in independent Timor-Leste was an extremely important milestone and a sign of positive progress in the development of Timor-Leste as a sovereign nation. Knowledge and understanding of these new laws has been

hampered by the fact that there has been limited consultation and most laws are still only published officially in Portuguese.

In 2007, under the ATJ program, the entire Civil Code Procedures were translated into Tetum for the first time as well as explanations of Responsibilities and Procedures under the new Penal Procedures Code. These legal materials were made available to court actors, including private lawyers. Through the guide to the new Penal Procedures Code, the publication has reached a large audience. This is expected to allow not only the trained judges, prosecutors, and public defenders to expand their understanding of the Penal Procedures Code, but also private lawyers, local leaders, village heads, civil society, students, MPs, government, police, and the community as a whole. Associated radio outreach programs, alongside publication of brochures have also helped to expand the dissemination of information to a larger and more general audience beyond the reach of the distributed publications.

Strengthening of legal aid partners to disseminate legal information

Over the course of the program, the ATJ legal aid partners undertook a range of community legal education activities aimed at increasing community legal awareness. Empowerment of legal aid partners to disseminate legal information to their communities has been a cornerstone of this program – a constant since the inception in late 2002 and a more focused effort at the community level in later years. This has primarily consisted of conducting community meetings or contact group meetings at which the legal aid partners focus on a particular legal issue and invite court actors to meet with community members to explain their role. In 2011, the ATJ program began designing a community legal education support program for the partners, which included training of trainers, mentoring support to assist them develop community legal education plans, and development of materials which the partners can use in conducting these activities. Based on the work of both ATJ and Support for Local Governance, Elections, and Civil Society (GEC), ATJ identified two sets of materials critical to access to justice: materials on local authorities' legal role to resolve disputes and on referral of matters to the formal system, and secondly materials on the Domestic Violence Law. Both were produced under the ATJ program and distributed to key partners. The Manual – *Matadalan ba Xefe Suku Nia Knaar: Knaar formal kona-ba krime, distúrbu no disputa iha nivel local* (Manual for Village Chiefs on their role: Formal role regarding crimes, disturbances and disputes at the local level) is targeted at community leaders and those providing them with training, in particular the legal aid organizations. The manual is accompanied by a set of posters designed to assist training in the materials. The first training – in Baucau in August 2012 – was well received by both the legal aid partner and the suku chiefs. The second tool – a magazine explaining the concepts of the Law against Domestic Violence in visual images – has been published and widely distributed to organizations conducting community legal education.

An assessment and training for the partners on community legal education activities (CLE) was conducted in 2012. The assessment – which comprised evaluation, mentoring support and training – was implemented in different stages: observation of CLE by the partner, a desk review of relevant documentation regarding the work of the legal aid organizations, feedback sessions with each individual legal aid organization and

a training workshop. The consultant recommended a number of ways in which the partners could improve their CLE activities. These recommendations related to the need for more effective targeting of vulnerable members of the community, particularly women, refining key messages, developing more participative and appropriate methodologies for rural audiences, ensuring that those conducting the activities are not projecting their personal views or gender bias into the CLE, and having a strategy for targeting particular CLE locations.

JSMP Radio Program

In 2008, the ATJ program aimed to support JSMP to establish a radio production unit to produce three radio programs, each with a simple format and requiring only simple production techniques. All programs were to use basic language, accessible to those with limited or no education. The radio programs aimed to be broadcast on national radio and also on community radio stations across the country to ensure greater reach to individuals in remote areas. This project was primarily meant to expand JSMP's legal expertise and information to include new audiences with limited or no education, audiences across all districts, and women through the use of specialized radio broadcasts. At later points in the program, legal aid partner organizations also incorporated radio programs and trainings to strengthen the law, justice, and human rights knowledge of its community members. Additionally, the JSMP's Outreach Unit and LRU also contributed to legal education activities in providing justice sector court updates. This was discussed earlier under Component 1.

3. Cross-border trade and commerce

The ATJ program embraced efforts to increase communities' movement through legal crossing and trade, and to increase the economy of communities at the border to prevent conflict between East Timorese and Indonesians from West Timor. This project facilitated dialogue between key actors by building trust and diminishing mutual suspicion and prejudice, in pursuit of mutual economic, social, cultural and security interests. Through increased private sector activity in the border communities, this effort fostered common understanding between many East Timorese and Indonesians in the district of Oecusse.

Following the withdrawal of Indonesia from East Timor in 1999, many border communities whose members are related by blood, kinship, or other ties found themselves split, on different sides of the border. Some members of the same community while gaining Timorese citizenship lost their Indonesian citizenship. Residents on both sides of the border no longer had the ability to cross the border for humanitarian, socio-cultural, and petty marketing purposes. The border crossings that many residents regularly made as part of their daily lives and continued livelihood strategies came to be regarded as "illegal" according to a strict interpretation of applicable laws.

Between 2004 and 2008, ATJ worked with East Timorese NGOs and partner NGOs in West Timor to conduct dialogues across the borders in three areas – Bobonaro, Covalima and Oecusse. The East Timorese partners were Peace and Democracy Foundation (PDF) and Fundação Fatu Sinai Oecussi (FFSO). On the Indonesian side,

ATJ worked with Yayasan Bentara Sabda Timor (YBST), Kefa Repatriation Support Group and Lembaga Advokasi Anti Kekerasan Masyarakat Sipil (Lakmas). The mechanism for dialogue varied, with Bobonaro and Covalima opting to form networking committees comprising residents and local authorities from both sides of the border, and facilitating cross-border trainings on mediation, conflict resolution and small scale business operations. In Oecusse, formal cross-border dialogues were conducted. The opportunity for dialogue through all the activities provided a mechanism for the border communities to raise issues and concerns, and discuss mutually beneficial solutions. The key recommendations resulting from the dialogues were calls for both local and central governments to pay attention to the concerns being aired by border communities regarding cross-border movement and trade. There were strong calls for a flexible border pass regime allowing easy – but controlled - movement in restricted areas across the border. The program also facilitated dialogue at a national level, bringing representatives of border communities to Dili to meet with national government figures working on cross-border negotiations with Indonesia.

To support an increased profile of the concerns of border communities at a national level, in 2009, ATJ conducted a field assessment of Timor-Leste – Indonesia Border Community and Trade Issues. Findings of the assessment were presented at a National Dialogue on Border Community and Trade Issues, in September 2009. The assessment covered trade, the border communities, border controls on people, the border pass issue, border controls on vehicles, border difficulties unique to Oecusse District, border regulated markets, border administration and personnel, border physical facilities and cross-border trade. The assessment made a number of recommendations which were shared at the National Dialogue. The recommendations included putting the border pass system into operation as soon as possible; focusing attention on the domestic travel concerns of the residents of Oecusse; urging the Timor-Leste and Indonesia Joint Border Committee to consider the results of community dialogues on the list of border communities, regulated markets and crossing points for border communities. Following the national dialogue, the governments of Indonesia and Timor-Leste agreed to a pilot project to test the use of border passes in the Batugade area. The pass allowed the residents of the area to more freely cross between the two countries. The pilot is ongoing at the time of writing.

Accomplishments and impact

Developments over the past decade in Timor-Leste under the ATJ program demonstrate the growing and crucial importance of information in the public domain. The ATJ program's experience in a variety of activities, including village-based legal discussions organized by NGO partners and the Ministry of Justice's public legal information campaign demonstrate that citizens have grown more eager to know about Timor-Leste's legal framework, especially to help them resolve practical matters facing them on a day-to-day basis. It is critical that citizens have information to increase transparency and to create an environment in which reform can take place. As a result, ATJ has worked to improve the production and dissemination of information to promote more informed court judgments, including better compliance with East Timorese law, and greater transparency about Timor-Leste's evolving legal framework.

Insights, impacts, and challenges

The ATJ program has advanced USAID's and the Timor-Leste Government's strategic objectives in the rule of law, notably:

- Increased access to formal and informal methods of dispute resolution;
- Expanded geographic scope of services throughout the country;
- Enhanced quality of legal services available to citizens;
- Greater access to justice for women in both mediation and litigation processes;
- Greater transparency in the judicial system;
- Strengthened governance at the sub-national level; and,
- Long-term institutional strengthening and development.

To varying degrees, these accomplishments have had positive impacts on the following USAID strategic objectives: (1) improved formal justice system with greater focus on citizen's access to justice and improved services in the courts, public defenders' office and prosecutor services; (2) expanded access to legal services through public defenders, private lawyers and legal aid services, and expanded legal aid services to vulnerable communities, including women; and (3) mechanisms established and accessed by citizens to mediate and resolve conflicts allowing conflicts such as land use or labor disputes to be resolved outside of court.

This section provides a reflection on the insights learned from 10 years of programming in the justice sector at both the national and local levels, including suggestions on what could have been done differently, and what other activities could have been pursued. It will also highlight the impacts the ATJ program has had in the sector.

A. Insights and impacts

As noted during both the mid-term and final evaluations of ATJ, USAID has been very positive about the way the ATJ Program has evolved, and has been pleased with its performance and improvement. It sees a key strength of the program is its focus on building service capacity in the districts outside of Dili and helping to fill major gaps that exist between communities and the state. The program has not only provided funds and technical capacity to legal aid providers, but also very critical organizational support. USAID felt that other key strengths of the program are how it has engaged with state justice actors and the role it has played in developing laws, especially the Legal Aid Law, and advocating for law reform generally.

1. Emergence of a robust legal aid sector serving communities

The ATJ program has spearheaded the creation and development of a legal aid sector through partnerships with civil society organizations in each district of the country, every major city, and expansive rural and outlying areas. These partners have provided assistance to local communities in the form of non-litigation and litigation services. ATJ has worked with 13 legal partners. In total, over 9,000 cases have been handled through these legal aid partners over the last decade. To complement these efforts, ATJ also

initiated a paralegal program that has trained community members to help mediate cases of minor offenses, conduct monthly mobile visits to the community, and help clarify legal procedures to clients.

To complement activities aimed at strengthening community legal aid services, the ATJ program included a focus on the delivery of community legal education programs, to raise community awareness of legal rights, responsibilities and services. Through these programs, ATJ's partners at the suku level helped to disseminate information about national laws, the legislative progress, and other relevant legal issues. The program supported its partners' training and program development capacity, to enable them to design and deliver a range of community legal education activities, including community meetings, print and radio programs, and court update and translation services. ATJ also supported the Ministry of Justice to deliver face-to-face, public information campaigns and citizen-outreach programs.

2. Empowerment of suku-level legal assistance and access

There is a growing recognition among donors of the lack of tangible impact that more conventional institutional-strengthening assistance in the law and justice sector has yielded, particularly given the political dynamics shaping the functioning of state-based law and justice institutions in fragile and post-conflict-affected places such as Timor-Leste. This growing awareness is linked to greater realization that law and justice mechanisms at the local level are often more geographically proximate, affordable, and legitimate in the eyes of the people who use those systems, when compared to "formal" or state-provided alternatives. This is an area where the ATJ program has focused much of its own law and justice programming, including long-term support for community legal aid and paralegal services in Timor-Leste.

3. Improvement of reach of women's legal rights and issues

Throughout the program, ATJ activities have included direct assistance to women clients. Assistance was provided by supporting studies on women lawyers', encouraging legal aid organizations to employ women lawyers, funding the Victim Support Service to ensure that women can obtain specialized advice, requiring all partners to have at least 30 percent women clients, and providing gender-based violence trainings to lawyers working under the ATJ Program. While the Courts now operate more frequently in the districts and are hearing more cases involving GBV, these cases are challenging and consequently slower to resolve.

In response to this concern, ATJ supported VSS which provides valuable legal assistance to victims of GBV. VSS has assisted over 900 women and children victims of GBV and has contributed significantly in registering complaints with the Prosecutors' Office. The LRU of JSMP provided the only ongoing systematic analysis of cases in the formal court system, contributed incisive analysis on a number of important draft laws, and engaged in comprehensive legal information campaigns.

4. Improvement of legal aid partner resource capacity

ATJ has observed successful approaches in advancing the justice sector of Timor-Leste as well as those that have not been successful. This has placed the program in a unique

position to identify strategic opportunities for intervention. ATJ listened to community demands for justice and the identified gaps in service delivery. To ensure the sustainability of legal aid partner operations, efficacy, and capacity, ATJ has provided regular administrative, management and financial training to its partners. These efforts have assisted partners to manage ATJ grants, planning and budgeting, reporting expenditures and activities, and to run their organizations in a transparent and efficient manner. These efforts have improved Timor-Leste's legal aid organizations, thereby promoting the sustainability of legal aid.

5. Matured formal justice system and legislative process

Under the ATJ program, Timor-Leste's Parliament has received support through the PRC initiative. The PRC has played a vital role in responding to requests from MPs and National Parliament Committee Members for data, briefing papers, spreadsheets and other research products on topics such as heavy oils, food security, gender issues, decentralization, and corruption, among others.

ATJ has supported JSMP to establish and implement the PWP which has increased the oversight, public awareness, and knowledge of the National Parliament as well as increased the accountability of the National Parliament before the general public.

In the last two years, there has been a significant improvement in the Courts' performance in the districts with an increase in the number of cases heard and resolved. This appears to be particularly the case in Baucau, Dili, and Suai. This progress may be due in part to advances in developing court infrastructure in the districts - such as offices, accommodations for court officials and information technology but is also due to increased human resource capacity.

B. Challenges

The legal aid services sector in Timor-Leste faces an uncertain future. Without ongoing financial, organizational and technical support, the ongoing viability of community-level justice services remains in doubt. Over and above these questions of short-term survival, a key challenge for non-government partners and service providers over the medium to longer term is how to achieve greater self-reliance in securing the financial and human resources they need to continue to serve their communities.

1. Dependence on donor funding and oil revenues for legal aid sustainability

While the Courts have relied to a considerable extent on the private lawyers funded under the ATJ program, there is as yet no government funding of legal aid provided by NGOs or lawyers operating privately from the Government. There are 16 Public Defenders funded by the government and while there are ongoing efforts to increase this number, it will increase slowly. The commitment of the government of the development of a legal aid policy that includes funding for private lawyers clearly acknowledges the government's recognition that the Public Defender alone cannot meet the community demand. However it is likely to be a while before there is a legal framework in place that yields positive results for the legal aid organizations which have been operating for the

last decade. The lack of Government funding combined with the fact that private lawyers in general only rarely provide pro-bono work raises concerns about the sustainability of free legal assistance for the majority who cannot afford to pay.

The end of the ATJ program will see not only funding problems for the legal aid organizations but also critical organizational and technical capacity development to the sector. The legal aid sector is facing a testing time and will need to become much more proactive and self reliant in securing the financial and human resources they need to continue their organizational and technical capacity building efforts.

Moreover, at a more macro-economic level, Timor-Leste remains a poor country. The growth of the oil and gas sector and the country's increasing dependence on oil revenues is creating an imbalanced economy. While the country is experiencing economic growth, fuelled by oil revenues, much of that wealth is focused in the nation's capital. Inequalities in wealth and access to opportunities will continue to be potential causes of conflict. Ensuring that marginalized communities have access to legal information and legal assistance can alleviate some of the potential consequences of such uneven growth, by assisting remote communities to assert their legal rights and participate in development.

2. Continued shortage and low retention of qualified and skilled legal professionals

While the number of judges, public prosecutors, public defenders and private lawyers successfully completing mandatory legal education at the CFJ is expected to rise, the shortfall between demand and need is still significant. Public Defenders in particular are limited in number, causing citizens, as well as the courts, to frequently depend on legal aid organizations.

The CFJ certification course is currently the only mechanism through which law graduates can qualify as legal professionals. Through the ATJ program, eight lawyers were provided scholarships to assist them in undertaking this course. This scholarship also acted as a way of incentivizing the legal aid lawyers to return to their former legal aid organizations upon qualification. With that incentive no longer available, it will be more difficult for legal aid organizations to attract qualified lawyers to their district based organizations and it is likely that most private lawyers will be concentrated in Dili. This poses a great risk to the future of the legal aid sector as there may be a shortage of qualified and skilled legal professionals in Timor-Leste.

3. Gap in legal and professional skills of lawyers and legal aid partners

The ATJ program has seen some major challenges faced by legal aid partners. Many of the earlier supported and funded legal aid partners at the start of ATJ were not sustainably run. Management and organizational issues have posed challenges that have prevented their full efficacy. Particularly disheartening has been the closure of several of the legal aid partners formerly based in remote districts, in particular LBH-Covalima in Suai for which no alternative local organization exists to fill the gap. While the program has sought to learn lessons from the experiences of such fallen services,

ATJ has also underscored the continuing frailty of the organizational bases upon which some of the legal aid services are built. Among the legal aid partners supported, there has been a wide disparity in their organizational strength and technical capacity. VSS has been the most consistently strong performer, both in relation to organizational strength and technical capacity, based in part on strong leadership, internal systems, and their association with one of the strongest local organizations in Timor-Leste, JSMP. Conversely, ECM in Baucau has performed relatively well in terms of addressing community legal needs, but continues to require additional technical capacity and strengthened management systems to address recent concerns regarding management. ECM has built strong relationships with officials, local authorities, NGOs and the community in the four districts in which they work. LBH-Liberta performed well given its rather new addition as a legal aid partner and stands to become technically stronger with the return of the organization's director from training at CFJ. Finally, after many years of dedicated and critical legal aid support in Oecussi, FFSO faced an unfortunate series of organizational and technical capacity issues, especially in relation to overall staff management, implementation of case management, and the provision of litigation services. These deficiencies have resulted in significant organizational restructuring and refocus. The organization has a strong reputation in the district however, and has existed continuously since 1999, factors which will hopefully contribute to the organization being able to survive this current difficult period.

A long-term challenge that needs to be addressed following the completion of the ATJ program is the gap in technical capacity of lawyers, especially in relation to litigation. Lawyers need to continually improve their knowledge of the content and procedure of substantive laws, and need opportunities to further develop and practice the practical legal skills necessary to sustain litigation. The ATJ Program has effectively developed written step-by-step manuals addressing particular areas. Taking these written manuals, the ATJ program was then able to provide intensive training on use of the manuals so that the learning becomes more institutionalized. These trainings and continuous learning efforts are critical to ensuring that the legal and professional capacity of East Timorese legal aid lawyers is maximized and applied effectively.

4. Domestic violence and sexual assault

Domestic violence is a key problem facing the justice sector and any future support to the judicial sector needs to ensure that that support can tangibly address issues of violence against women. By the end of ATJ, the largest single category of cases handled by the legal aid partners was domestic violence, followed by high numbers for cases of sexual assault. PNTL report that the crime that is most frequently reported to police stations is domestic violence. While any approach to violence against women must be multi-sectoral, the justice sector plays a critical role in responding to domestic and sexual violence. Timor-Leste has taken many positive steps in recent years, including the promulgation of the Law against Domestic Violence. Of all the areas of cooperation between state and non-state agencies, cooperation around violence against women is perhaps the best example. Considerable support is needed to strengthen the work already done, to assist the formal institutions in their response to crimes of violence against women, and ensure that women victims of crimes have access to legal assistance and due process.

Future directions and recommendations

In the context of overarching country directions, current programming priorities, shifts in the donor landscape (particularly relating to law, justice, and security), and trends in the development agenda (political, economic, social dimensions) in Timor-Leste, a number of directions can be taken in light of the end of the 10-year ATJ program.

GBV as an entry point for broader justice programming

With a strengthened legal aid sector at present and a shifted program focus to strengthening community legal aid, post-ATJ program activity should not neglect violence against women. The work that VSS and JSMP have done to take a cross-sectoral approach to reducing gender-based violence is a potential area to continue to pursue. Supporting efforts to address GBV across justice and policing dimensions, as well as creating linkages to other relevant local governance mechanisms (e.g. suku authorities) and social service providers (e.g. medical clinics, counseling, safe houses) is critical to success and enhances partnerships that have already been established. By focusing support on a concrete justice ‘problem,’ Timor-Leste can gain more traction and tangibly demonstrate the benefits of broader law and justice/governance reform objectives. While this strategy remains valid, to complement such an approach, and to maintain momentum in key areas of broader law and justice reform and maximize opportunities for greater impact, key elements of the ATJ law and justice programming should be linked to broader governance reform activities.

Legal knowledge sector development

Another potential avenue is to pursue more broadly-framed governance programs that previously have been supported through “stand-alone” justice-focused activities. For example, Timor-Leste’s UNTL could be strengthened through additional support on legal texts, law school curriculum development, and efforts to foster the development of “legal Tetum”, into a more broadly-focused program on ‘knowledge sector’ development. Similarly, national level policy and legislative reforms help to address not only particular issues or problems such as GBV, but also the extent to which they may have ramifications for broader governance work, including on sub-national governance, decentralization, and improved service delivery.

Accountability frameworks for improving local-level justice practices

The realities of plural state/non-state and formal/informal governance institutions, and the ATJ’s program focus on supporting efforts to clarify and harmonize the relationship between these different institutions and practices, there are several key entry points that can be considered going forward. This expanded focus may include deepening a partnership with the Ministry of Justice in relation to ATJ’s work on women’s legal needs, the forthcoming law and justice survey, and work with the World Bank’s Justice for the Poor initiative. These initiatives may help pave the way for the state to be better positioned to invoke greater accountability in local justice mechanisms.

National-level support

ATJ efforts to facilitate and catalyze reform should continue to focus on building trust between the MOJ (and other state justice actors including, the Courts, the Public Prosecutors Office and Public Defenders), the AATL, and NGO community justice service partners, and look for opportunities to support these organizations to collaborate in a way that harnesses their relative strengths and enables them to better meet their respective operational mandates and objectives.

Evidence-based programming

Building on the range of data collection, research and analytical processes currently undertaken across law and justice (including policing) activities that ATJ has undertaken, including Community Perception Surveys and Legal Aid Client Surveys, there may be opportunities to consolidate and leverage some of these processes to support a more integrated and holistic understanding of justice and security, particularly at the local level. As a first step, consideration could be given to how these areas could be integrated into one or more pilot locations.