Evaluation of the “Providing Access to Justice – Legal Awareness at the Grassroots Level” Project
Timor Leste
for
Avocats Sans Frontières
Brussels
Final Report

By Sally Low
December 2007
Acknowledgements

I would like to express my sincere appreciation to all the team members of the Grassroots Justice Project including ASF project staff and members of CIES TL, the partner NGO, for the dedicated and professional way in which they contributed to the review, handled the logistical aspects in their respective districts and gave generously of their expertise and experiences.

Also thanks to all those who made time to participate in workshops and interviews including the Community Legal Liaisons of Liquica and Cova Lima, community members from Bazartete, Maubara, Holpilat and Tazhilin, government employees and staff of international organisations and NGOs who shared their views and experiences of the Grassroots Justice Project and of the general context in Timor Leste.

Special thanks to Mr Micel Martins, Program Coordinator, who ensured the review was well organised, provided insights and suggestions to improve the methodology and whose understanding and analysis of the project’s strengths and weaknesses were always helpful. Special thanks too to Mr Oscar Beram for his tireless interpreting and translation and to all other ASF staff who made me feel welcome and provided excellent administrative and logistical support.

Finally, I would like to thank Ms Melanie Reimer, ASF Head of Mission and Ms Anne-Sophie Oger, ASF Brussels, for giving me the opportunity to learn about the Grassroots Justice Project and to undertake this review.

Sally Low
December 2007
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Executive Summary
The Grassroots Justice Project has succeeded in developing a network of community leaders who are well equipped to provide basic paralegal services that are highly relevant to their communities. The particular model used is well suited to the Timor Leste context. The project has also delivered an intensive programme of community level legal and human rights education. Taken together, the two project components have made a significant contribution to improved access to justice for members of the target communities.

It is to the credit of ASF and its partner NGOs that they identified and acted on the need for a grassroots approach to building access to justice and the rule of law so early. The lessons learned from this project, which for Timor Leste is groundbreaking, will be valuable for future phases of ASF’s work but also for other actors who are now recognising the crucial importance of such an approach. The materials developed by the project team and the enhanced capacity of that team, whose members are predominantly from Timor Leste, are valuable resources for future work in this area.

Key Recommendations and Lessons Learned

a) The network of Community Legal Liaisons or Hatutan Lei ba Kommunidade (CLLs/HLKs) is providing important paralegal type information, mediation and conflict resolution services to target communities as a result of the project. The targeting of community leaders is appropriate as it builds trust and access to the communities and is non-confrontational. In particular the approach builds on the traditional role played by village and hamlet chiefs and as such is likely to have a sustainable impact on the way in which disputes are resolved in the target communities beyond the life of the project. There is evidence of more effective dispute resolution and an increased understanding of which issues need to be referred to the criminal justice system.

Key Recommendations
◊ Strengthen the CLL networks with a view to them becoming more autonomous and self-sustaining.
◊ Conduct more systematic monitoring of the quality of the mediation and other services delivered by the CLLs, enhancing the CLLs’ access to professional legal advice and legal aid when required.
◊ Examine ways in which the CLLs and project staff can facilitate community members to obtain information about cases that are being processed through the criminal justice system.
◊ Conduct more research into the current and potential roles of the CLLs who are not village or hamlet chiefs, especially women and youth leaders.

b) The strengths of the community education component are that it uses a long term engagement with the target communities, has developed effective materials
and participatory methods including drama, role plays and films. There is strong recognition of the project, particularly arising from the use of drama and other education techniques. Many participants in the community education components are aware of the content, including the difference between civil and criminal cases, women’s and children’s rights. It can be concluded that the project has directly contributed to an increased awareness of aspects of the formal justice system and human rights among target communities. This component could be even more effective if it was extended to include community empowerment for putting rights into practice and problem solving.

**Key Recommendations**

◊ Extend the community education to include skills for problem solving and empowerment of community members to take action to enhance access to justice including directly accessing the formal justice system but also through community level initiatives that will lead to demand side pressure to address weaknesses in the way the formal justice system currently operates.

◊ Conduct ongoing evaluations of the impact of the community education activities among members of the community.

◊ Work towards more self sufficiency among the CLL network so that CLLs are able to deliver community education with reduced levels of external assistance.

c) **Access to justice for women** and other vulnerable groups requires that deeply held traditions and attitudes are challenged. This is a long term process to which the project, through its awareness raising among the CLLs and the community leaders, has made a significant contribution. However, ongoing change will require further empowerment of women within the communities.

**Key Recommendations**

◊ That future phases of the project consider training selected female (and possibly some male) CLLs to form a network of local resource people for women’s legal empowerment.

d) While the project has concentrated on enhancing access to the formal justice system, the work of the CLLs bridges the formal and traditional justice systems. This varies from village to village and requires more research. However, the first point of dispute resolution outside of the family remains the Traditional Leaders, or Lia-nain.

The new government of Timor Leste has indicated a willingness to engage with the traditional justice system and has recently commissioned major research into such systems throughout Timor Leste. Future phases of the GJP should seek ways of engaging with the Lia-nain. This would complement the development of a network of resource people for women’s legal empowerment but it should not necessarily be to the detriment of current CLL networks which, at least in some
villages, provide an alternative for those not satisfied with the services offered by the Lia-nain.

**Key Recommendations**

◊ In future the project should conduct interviews with Lia-nain in all project sites, gather more information on the traditional justice system in each village and consider the possibility of specifically targeting them for inclusion in the CLL training or in a parallel training program. The information gathered would make a valuable contribution to the as yet sparse understanding of the traditional legal system and its regional variations.

e) The project has made considerable contribution to building local capacity including ASF staff, staff of NGOs and of the CLL network. Partnerships with NGOs are not the only, and not always the best, way of building local capacity. Allocation of resources for building capacity of local NGOs should not be at the expense of building capacity of direct beneficiaries – the CLL network/s, women’s legal empowerment resource people – and community members.

**Key Recommendations**

◊ Consider options other than NGO partnerships, e.g. building the capacity of community based organisations.

◊ If ASF works with NGO partners in future, selection criteria could include:
  1. demonstrated financial probity either through their track record or the systems which they have in place; and
  2. a genuine understanding of, and commitment to, community empowerment as opposed to service delivery.

If ASF continues to work in partnership with NGO partners, resources should be provided for organisational and technical capacity building. The ultimate aim of the partnership should be to build capacity and sustainability at the community/beneficiary level. This is in contrast to the common approach of local NGOs taking on the role of service provider to relatively passive beneficiaries.
A. Context

Since voting to become independent from Indonesia in 1999, the people of Timor Leste have experienced outbreaks of serious violence that are symptomatic of: deep divisions within the society; traditions of local rather than national identification; weak law and order infrastructure; politicised security forces; a poorly managed demobilisation of the guerrilla army; a history of politically motivated violence; high numbers of IDPs; high unemployment especially amongst youth and demobilised soldiers; and social and economic disruption in the aftermath of the Indonesian withdrawal.

The horrific destruction and bloodshed instigated by pro-Indonesian militias and their Indonesian supporters immediately after the independence vote, left the emerging nation with the daunting tasks of physical reconstruction, national reconciliation and meeting expectations that perpetrators would be brought to account. Many were disappointed when national leaders opted for pragmatism in the light of geo-political realities rather than wholehearted support for putting perpetrators on trial.

Since Portuguese colonisation, there has not been a tradition of dealing peacefully with political differences in Timor Leste. The national political parties that emerged after Portugal’s 1974 Carnation Revolution, quickly became involved in “fierce competition and physical fights.”1 After a coup or attempted coup by UDT forces, Fretilin supporters were subjected to severe violence and repression. This was reciprocated when Fretilin regained the upper hand.2 The Indonesian occupation continued the culture of violence, combining severe political repression with reprisals against those suspected of supporting the resistance. During the years of occupation, bitter divisions arose within the resistance which are reflected in current politics.

It is therefore not surprising that ongoing political rivalries and grievances of sections of the population have, at various times since independence, led to outbreaks of violence. The most recent serious outbreaks occurred in April and May 2006 and in 2007. These outbreaks have caused the establishment of large numbers of IDP camps, in turn exacerbating tensions and volatility. If it is to move forward, a major priority of the government of Timor Leste, and donors working for the country’s development, must be to lessen these divisions and to build a culture of peaceful resolution of political and local conflicts. Such considerations are especially relevant for NGOs and others involved in working with grassroots communities.

The 2006 conflict involved the police and members of the military forces, as well as divisions along regional (east and west) lines, leading to a “breakdown in traditional authority structures and the simultaneous collapse of the formal security sector.”3 As a result, an expanded United Nations mission (UNMIT) was installed, with the task of

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1 Resolving Timor Leste’s Crisis, International Crisis Group Asia Report no. 120, 10October 2006, p 2.
2 Ibid.
ensuring security and increasing respect for democracy. The Timor Leste police force, at least in Dili, was placed under United Nations command and is being screened and restructured.

Perceived failure to bring those responsible for leading and instigating violence, from the Indonesian occupation onwards, has contributed to a certain amount of cynicism regarding the formal legal process. An Asia Foundation survey conducted in late 2002 found the population was generally supportive of the newly formed justice sector, despite its weaknesses. Evidence collected during this review points to growing disillusionment, especially since 2006, and a tendency to believe that the powerful can manipulate the system to the point where they enjoy widespread immunity.

**Formal Justice Institutions**

Within this context, the establishment of properly functioning formal justice systems has been difficult but remains important. There has been some progress in strengthening the capacity of the formal justice system. In June 2006, 11 national judges, 9 prosecutors and 7 public defenders, having completed courses at the Legal Training Centre, started their probationary period working alongside international counterparts. They graduated as fully qualified/accredited court actors one year later in June 2007. In August 2007 it was decided that personnel assigned to work in district courts should reside in those districts and in November 2007 the Chief Justice of the Appeals Court announced that this was now happening, in spite of certain obstacles. To date, however, the formal justice system remains generally very weak outside of Dili and, to a lesser extent, Baucau.

**Courts:** Table One summarises 2006 statistics for the district courts of Dili, Baucau and Suai which cover the project sites of the ASF project. The statistics are drawn from figures issued by the Court of Appeal. Both Dili and Baucau courts are failing to keep up with the numbers of cases being filed. The figures from Suai indicate minimal activity. Informants interviewed for this review stated that there is an express policy to concentrate on criminal cases, partly in response to public demand that leaders of the 2006 violence and perpetrators of related incidents be tried. However, the backlog of criminal cases continues to grow and outside of Dili there are very few civil cases being dealt with at all.

**Table One – Statistics from the District Courts of Dili, Baucau and Suai, 2006**

<table>
<thead>
<tr>
<th></th>
<th>Dili</th>
<th>Baucau</th>
<th>Suai</th>
</tr>
</thead>
<tbody>
<tr>
<td>Criminal Cases Filed</td>
<td>214</td>
<td>89</td>
<td>16</td>
</tr>
<tr>
<td>Criminal Cases Decided</td>
<td>159</td>
<td>21</td>
<td>14</td>
</tr>
<tr>
<td>Criminal Cases waiting decision</td>
<td>358</td>
<td>116</td>
<td>76</td>
</tr>
<tr>
<td>Civil Cases Filed</td>
<td>44</td>
<td>22</td>
<td>0</td>
</tr>
<tr>
<td>Civil Cases Decided</td>
<td>17</td>
<td>10</td>
<td>1</td>
</tr>
<tr>
<td>Civil Cases waiting decision</td>
<td>108</td>
<td>46</td>
<td>12</td>
</tr>
</tbody>
</table>

**Public Defenders:** A recent evaluation of the UNDP justice programme found that the Public Defenders Office has been considerably strengthened with the graduation of the 7 Timorese public Defenders and the recruitment of four new international Public
Defenders. However there is tension arising from a perception that the public defenders enjoy less status and lower salaries than public prosecutors. There is also debate among international and governmental actors regarding the need for public defenders as opposed to (or in addition to) private and non governmental legal aid providers. Unfortunately these debates are frequently overly influenced by what exists in overseas jurisdictions, at the expense of considerations of what is suitable for Timor Leste. The organic law governing the Public Defenders has not yet been enacted and despite some gradual increases in the number of cases being handled and appealed by public defenders, the UNDP review team concluded that for the majority of the population, the Public Defenders Office remains inaccessible.4

Public Prosecutors: The UNDP review team found that, despite the graduation and deployment of the nine Timorese prosecutors, the performance of the office remains poor with prosecutors unable to improve the time it takes to process cases and an increasing backlog, including for serious crimes such as sexual violence.5

Government Priorities
Although ongoing strengthening of the institutions of the formal justice system remains urgent, there is growing recognition of the need to engage with traditional justice and to deliver public legal education. The new government’s programme for 2007-2012 envisages a role for traditional justice and traditional authorities. It refers to the need to strengthen local government in partnership with traditional authorities. The new Minister for Justice has commissioned a major study of informal justice systems in the country, recognising that this is where the vast majority of cases are resolved.

This beginning of a new approach is particularly important for the most vulnerable citizens, including victims of gender based violence which make up an estimated third of all crimes committed in the country.6 Better public information will increase women’s access to the formal justice system. Engagement with traditional systems, along with community empowerment, has the potential to pressure these systems to become less weighted against women and children and other traditionally less powerful sectors of the population. Within this context, the experience and lessons learned from the ASF Grassroots Justice Project are highly relevant.

It should be noted that this is only an emerging policy and it is still not clear how it will evolve. Organisations such as ASF are well placed to provide insights and gather supplementary information that will help to inform the study of the informal justice sector.

B. Description of the Project
The Avocats Sans Frontieres (ASF) project titled Providing Access to Justice and Legal Awareness at the Grassroots Level is commonly called the Grassroots Justice Project (GJP). It was funded under a US $678,100 grant from the Royal Danish Embassy

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5 Ibid. p 55, ff.
6 Rights Equality and Justice Sector Investment Program, Government of Timor Leste, April 2006
(Jakarta) Local Grant Authority. The project design was outlined in a proposal submitted in October 2004 (See Annex 9). The three year project commenced in January 2005 and is due to finish in December 2007.

The proposal stated that the general objectives of the project were to:

I. Contribute towards the emergence of a legal system in East Timor that can provide real protection for the population and, especially, the weakest groups within this population.

II. Increase respect for the fundamental human rights of the population, and, especially, the weakest groups within this population.

III. Contribute towards the emergence of a real rule of law and democratic culture in East Timor.

The particular objectives of the project were:

I. Emergence of a paralegal-like network amongst selected community leaders in rural communities.

II. Build capacities of selected community leaders by providing them with the basic knowledge of laws and its procedures; information on mechanisms of protection offered under the law; skills to provide legal information, education and guidance to rural communities.

III. Provide rural communities with information on the justice system in Timor Leste, thus increasing their knowledge of their rights and obligations as citizens under the rule of law in a democratic society.

IV. Improve access to the formal justice in the districts by providing information about the system of government and creating a link between the different legal and social services offered by the government.

V. Increase access to justice for women by providing information to community leaders on women’s issues and gender sensitivity.

Two components were proposed:

Component One was to consist of selection and training of current or potential community leaders, equipping them with a basic knowledge of the law, its procedures and institutions in East Timor. They would also be trained to be able to provide information and legal guidance, education and assistance to members of their communities.

Building on this, Component Two was to consist of a legal education and awareness campaign for the population of the targeted communities. The information provided to the rural communities was intended to raise awareness and knowledge of basic laws, rights and institutions and also to empower the poor, the disadvantaged and the marginalized to exercise their rights and defend their interests.

As shown in Table Two, the project reached seven sub-districts in the three districts of Suai, Baucau and Liquica.
Table Two: Project Sites

<table>
<thead>
<tr>
<th></th>
<th>Suai</th>
<th>Baucau</th>
<th>Liquica</th>
</tr>
</thead>
<tbody>
<tr>
<td>2005</td>
<td>Zumalai</td>
<td>Tilomar</td>
<td>Laga</td>
</tr>
<tr>
<td>2006</td>
<td>Zumalai (4 new villages)</td>
<td>Maucatar</td>
<td>Baguia</td>
</tr>
<tr>
<td>2007</td>
<td>All of the above continued to be targeted</td>
<td>Bazartete</td>
<td>Maubara</td>
</tr>
</tbody>
</table>

During 2007, the project managers decided not to expand to new sub-district but to concentrate in increasing coverage in the existing sub-districts and providing refresher activities in the 2005 and 2006 sites. For a list of the villages and hamlets covered in each district, see the list of CLLs at Annex 1.

**Activities – Component One:**

In practice, the two components of the project were closely linked. Those selected and trained under Component One came to be called **Community Legal Liaisons (CLLs)**. After their initial training, the CLLs were involved in delivering the community legal education programme under Component Two. They also implemented their training in mediation and dispute resolution to mediate disputes within their communities and to understand which were criminal cases and should therefore be referred to the police.

The CLLs were involved in delivering community education under Component Two, participating in skills workshops to learn about the topic of each upcoming round of community education. Staff of ASF and the partner NGOs (see below) also received considerable training to enable them to train the CLLs and to design and oversee the project activities.

By November 2007 there were approximately 110 active CLLs, of whom, 42 were village chiefs, 23 were women leaders (members of village councils), 19 were Youth Leaders, 13 Traditional Leaders, 8 Hamlet Leaders, 3 Religious Leaders, 1 member of the police force and 1 teacher. Twenty-six of the CLLs were female. An English language outline of the training modules is available at Annex 2.

**Activities – Component Two**

Major Component Two activities consisted of District Workshops, Community Dialogues and Village Workshops. There were six major topics covered including: Access to Justice and the Formal Justice Sector; Mediation and Conflict Resolution; Gender and Women’s rights; Domestic Violence; Citizenship; and Child Rights.

**Community Dialogues** were large gatherings of 250-300 (sometimes up to 500) people from more than one village. Local resource people from government departments, NGOs and elsewhere, were used to present information on topics such as child rights, citizenship and domestic violence. Sixty-one community dialogues were held during 2005 and 2006. As discussed below, they were discontinued in 2007.

**District Workshops** usually attracted 40-50 participants, lasted a day and brought together all CLLs in the district as well as interested community members. District
Workshops involved the most engaged participants from the Community Dialogues in a “higher level” discussion of essentially the same topics, and were recorded for radio broadcast. Participants took part in role play around the various topics. Discussion and issues raised during the Workshops were then used to assist in the design of Village Workshops and Community Dialogues. As indicated in Table Three, six district workshops were conducted in 2005 and early 2006. As discussed below, they were discontinued in late 2006.

The Village Workshops were designed as a follow-up activity to CLL training. They allowed CLLs the opportunity to facilitate a workshop in their own village on the material they had learned from ASF and its partners. Project staff worked together with CLLs to organise and conduct the activity, with staff providing technical assistance where necessary. Thus, CLLs led the workshops and taught community members in their own local language. Up to October 2007, 234 village workshops had been conducted. During 2007, they were the only form of community education, with techniques and materials having been progressively improved to include use of drama and visual aids.

Information pamphlets were distributed at each of the three community level activities and there were frequent reports of demand outstripping supply even though relatively large numbers were printed.

During 2005 and early 2006, 12 radio programmes were developed for Baucau and Liquica. Two sets (one for each district) of radio programs were developed for each of the six Component Two legal education topics. The programmes were aired repeatedly over the course of two months. An internal evaluation in early 2006 found the programmes had not had a very effective reach (due to non-functioning of community radio stations, and low access to radios) among the target audiences so they were not continued.

<table>
<thead>
<tr>
<th>Table Three: Project Activities</th>
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<td><strong>CLL Training</strong></td>
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<td><strong>2005</strong></td>
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<td><strong>2006</strong></td>
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<td>3</td>
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<td><strong>2007</strong></td>
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<tr>
<td><strong>CLL Skills Workshops</strong></td>
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<td><strong>2005</strong></td>
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<td>3</td>
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<td><strong>2006</strong></td>
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<td><strong>2007</strong></td>
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<td>6</td>
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<tr>
<td><strong>Community Dialogues</strong></td>
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<td><strong>2005</strong></td>
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<td>22</td>
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<td><strong>2006</strong></td>
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<td>12</td>
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<td><strong>2007</strong></td>
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<td>27</td>
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<tr>
<td><strong>District Workshops</strong></td>
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<td><strong>2005</strong></td>
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<td>3</td>
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<td><strong>2006</strong></td>
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<td>3</td>
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<td><strong>2007</strong></td>
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<td><strong>Community Dialogues</strong></td>
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<td><strong>2005</strong></td>
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<td>22</td>
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<td><strong>2006</strong></td>
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<td>12</td>
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<td><strong>2007</strong></td>
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<td>27</td>
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<tr>
<td><strong>Village Workshops</strong></td>
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<td><strong>2005</strong></td>
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<td>39</td>
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<td><strong>2006</strong></td>
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<td>22</td>
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<td><strong>2007</strong></td>
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<td>48</td>
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<td><strong>92</strong></td>
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<tr>
<td><strong>Team Training /Workshops</strong></td>
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<td><strong>2005</strong></td>
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<td>9</td>
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<td><strong>2006</strong></td>
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<td><strong>Radio programs</strong></td>
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<td><strong>2005</strong></td>
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<td>8</td>
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<td><strong>2006</strong></td>
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<td>4</td>
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<tr>
<td><strong>2007</strong></td>
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<td><strong>Brochures produced/revised</strong></td>
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<td>6</td>
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<td><strong>2006</strong></td>
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<td>4</td>
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<td><strong>2007</strong></td>
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In 2007, using project funds plus extra funds from another donor, the project team produced a film, “The Road to Justice” which was incorporated into Village Workshops during the second half of 2007 and has been used by other agencies, such as the United Nations, that are now starting to work in the area of community legal information.
During the first year, reports indicate that the level of activities required of staff and CLLs was found to be unsustainable. Subsequent discussions with the current team suggest this was because it was necessary to compress almost a full year of planned activities into only 7 months, by the time project startup, recruitment and initial team training was completed. Staff members recall spending very few days in the office during this first year, meaning there was insufficient time for planning and reflection and possibly unrealistic burdens on staff. This is one reason why some community education activities were phased out in 2006 and 2007. Other reasons included the costs and logistical difficulties of large activities such as Community Dialogues and the resulting limited opportunities for participation and sustainable learning by participants. The number of people reached during the entire project was very large. An indication of the total figures is that over 8000 people are reported to have participated in the 92 workshops held in the second half of 2007.

**Staffing**

ASF selected three NGOs as partners to implement the project: (i) Centro Informasaun da Edukasaun Sivika (CIES TL) in Baucau; (ii) Fundacao Espinhos da Rosa (FEDAROS) in Liquisa; and (iii) Fundacao KYNTA in Suai (aka Covalima). The partnership with KYNTA in Suai district was terminated in early 2006, at which point CIES.TL assumed responsibility for that district in addition to Baucau. The agreement with FEDAROS was terminated in late 2006, after which ASF contracted directly with a team to cover that district. In both cases, termination was due to financial irregularities on the part of the partner NGO, which could not be adequately explained to ASF upon inquiry.

At the beginning of the project, each NGO was responsible for one district and nominated a District Coordinator and two Field Researchers. These positions were maintained after the partnerships were terminated. From ASF there were two Assistant Programme Coordinators and one Programme Coordinator with the ASF Head of Mission providing general oversight and finance and administration staff also providing support. Until early 2006, the Programme Coordinator was an expatriate who trained his Timorese replacement to take over that role for approximately the last 20 months of the project.

**C. Methodology of the Evaluation**

The findings presented here are based on data gathered in Timor Leste between 14 November and 7 December 2007. Two of the three project sites were visited across eight days. Analysis is based on the data gathered as well as ASF’s own internal evaluations conducted in 2006 and 2007.

The objectives of the review were to:

- Measure the degree to which the project has fulfilled its planned goals and achieved planned levels of impact; and
- Document the lessons learned to be gained from the project in relation to future project design, assessing the context of intervention and highlighting the new main trends in the field of access to justice.
The full terms of reference, which can be found in Annex 8 posed a detailed set of questions under the five main themes of:
- Success in achieving objectives;
- Efficiency and performance;
- Relevance of the project;
- Impact; and
- Sustainability.

Data gathered was mainly qualitative as ASF had gathered a large amount of quantitative data during its two internal reviews. The reviewer aimed to fill gaps in the ASF data and to verify findings. Activities undertaken included:
- Literature review;
- A staff workshop;
- Interviews with 9 project staff;
- Interviews with 7 Dili based informants involved in the legal sector;
- Interviews with 6 district level officials and police officers;
- Two workshops with CLLS (1 in Liquica and 1 in Suai);
- Interviews with 9 CLLS;
- Interviews with 5 community members who had been parties to disputes that were mediated by CLLs;
- Five community meetings each involving between 10 and 20 participants; and
- Interviews with 2 Traditional Leaders, conducted by the Programme Coordinator (see Annex 4)

Lists of people met and documents reviewed can be found at Annexes 6 and 7 respectively.

The community meetings were originally designed as focus group discussions but a lack of adequate preparation time, and unfamiliarity with the concept, meant that the meetings did not function as proper focus group discussions but were more like question and answer sessions with some spontaneous discussions among participants. Nevertheless, they did reveal important information and trends regarding impact and perceptions of the project. They included people who had participated in some of the project’s community education activities as well as some who had not. In one community meeting all the participants were women.

Interviews with parties to CLL-led mediations helped to provide some insight into the way in which mediations are conducted and the way the work of CLLs bridges the traditional and formal justice sectors. A drawback is that the local CLLs chose which cases would be interviewed. This was unavoidable given the logistics of organising and the established practices of the project. Notes from these interviews are available at Annex 3.

During small group discussion in workshops, each group of CLLs was asked to select a story that illustrated the most significant change that had occurred in their communities as a result of the project. Several groups failed to understand what was required and
instead of significant change stories, made general comments about the project. Those stories which were gathered are included in Annex 5 along with several most significant change stories collected during the 2006 ASF internal review.

Preliminary findings were discussed first with the ASF Head of Mission and Programme Coordinator and subsequently at a meeting with all project staff.

All data gathered was sorted according to the five thematic areas of the evaluation, helping to ensure objectivity and that all information was taken into account when reaching the conclusions presented here.

**D. Success of the Project in Achieving its Objectives**

The Evaluation Mission will focus on what was supposed to be accomplished within the context of the situation currently faced by ASF, the reality to the societal backgrounds and changes, the cultural transition and legal process as a mean for peaceful conflict resolution.

**Were the Planned Overall Objectives Achieved?**

**Objective # 1: A network of paralegal workers among community leaders**

A major achievement of the project has been the training and activation of the community leaders. There are approximately 110 community leaders who have a working understanding of the relevant processes and institutions of the formal legal system in Timor Leste. As discussed below, this is a unique intervention in Timor Leste, no other organization has attempted to establish such a cadre of legal information providers. As such it can be seen as a pilot for the concept of “paralegal” in the country. They are actively using the skills they have acquired under this project to educate their communities and to resolve legal issues. It is to the credit of ASF and of the participants that their work is voluntary (unremunerated). This contrasts with the practices of some other NGOs and donor funded programmes in Timor Leste and other countries which provide salary supplements and other payments to encourage key beneficiaries to participate in activities.

**Unique and Evolving Model**

The original project design aimed to “organize capacity building training for current, but also future possible community leaders (the latter category including for example prominent women in the community, who currently have no formally recognized role like Chefe de Suco) so that they could fulfil the role played elsewhere in developing countries by paralegals.”

This role was to include raising legal awareness and providing legal guidance, education and assistance to those who need it within their communities. The paralegals would ‘play a role in bridging the gap between the formal justice and administrative system and the rural communities’. However, in ASF’s first six monthly report to Danida in July 2005, it was reported that the concept of paralegal had been modified
“Rather than establish a network of paralegals as is common in similar developing contexts, given the limited human resources in Timor-Leste it was decided that Community Legal Liaisons (CLL) were more appropriate. Paralegals generally have tertiary education and provide legal services. CLLs, on the other hand, are more a focal point for legal issues within their community, provide information on human rights and access to justice, and provide referral to formal legal, civil society and government services.”

In fact the project proposal had clearly stated that the aim would be to train community leaders to impart a basic level of knowledge and skills and current project managers view the CLLs as playing a paralegal-like role. There are many definitions of paralegals. Stephen Golub describes them as “laypersons, often drawn from the groups they serve, who receive specialized legal training and who provide various forms of legal education, advice, and assistance to the disadvantaged.” The reviewer considers that the CLL concept is appropriate to Timor Leste’s current conditions and that the CLLs are providing paralegal-like services to the community in the form of legal information, mediation and referrals to the criminal justice system. The July 2005 report indicates an evolving understanding of the Timor Leste realities on the part of the project team and their willingness to respond flexibly.

The CLL training material defines the role and functions of the CLL as to:

1. Facilitate and educate the community by enabling them to claim their rights
2. Provide legal information and access to court
3. Provide secure (sic) mediation and reconciliation in disputes
4. Serving lawyers with statements, provide evidences and other information that are relevant to the cases
5. Provide advice, mentorship and counselling to the people who are in need
6. As a liaison between community, government and legal institutions

Data gathered during this review and by ASF indicate that in practice the CLL activities are mainly focussed on 1 and 2 but that they are, to a lesser extent, also providing services that fall within the scope of points 3-6. The CLLs do not generally provide services to individuals who have taken a case to the formal justice system although they do try to obtain information from the police as to the status of such cases. As will be discussed below, a major activity of the CLLs is mediation of civil disputes between community members and conflict resolution within the community.

The most significant deviation from what might be expected of a typical paralegal stems from the fact that most of the CLLs are elected members of the village (Suco) level governance structure. Of the 110 active CLLs, 42 are village chiefs, 23 are women leaders, 8 are hamlet (aldeia) leaders and 19 are youth leaders. These are all elected,

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7 Stephen Golub, Beyond Rule of Law Orthodoxy: The Legal Empowerment Alternative
represents on the village council as mandated by the Decree-Law 5/2004 on Local Authorities. Some of the remaining 18, (13 traditional leaders, 3 religious leaders, 1 teacher and 1 member of the police force) are also members of their local Suco council.

The village and hamlet chiefs (suco and aldeia) exercise considerable power both under their legal mandate and their customary role within their communities and appear to dominate the CLL network within their communities. Much of the work conducted by CLLs also fits within their legal mandate as well as their traditional roles. For example, under Decree/Law 5/2004 the village and hamlet chiefs are to maintain peace and social harmony, to establish grassroots structures to resolve minor disputes between hamlets and individuals and to discourage domestic violence. The role of the village council is to support the work of the village chief. Therefore it is not surprising that many of the local government representatives interviewed during this review felt that the ASF project has contributed to what should really be government work, i.e. building the capacity of the village authorities to carry out their government-mandated roles.

However, village and hamlet chiefs also play an important role in traditional dispute resolution. The 2004 Asia Foundation’s survey of attitudes towards the justice sector found that “many Timorese regard the authority of the chefe do suco or liurai and the traditional adat process as interrelated. In contrast, people are more likely to consider the police and the formal legal system as separate entities.”

A potential disadvantage of the model is that the CLLs are part of a recognised formal governance framework. They exercise power within their communities and therefore may have opportunities to use that power in corrupt or oppressive ways. On the other hand their already established role in dispute resolution means that the project is likely to have a greater impact and resonance. Working with the village and hamlet chiefs has also enhanced access to and trust of the targeted communities.

There is some evidence that CLLs do actively assist vulnerable individuals to find protection and redress. For example some victims of sexual violence are referred to support services and/or the police Vulnerable Persons Unit. At least one of the CLLs interviewed explicitly stated that his role is to protect the weaker members of the community. This is also suggested by a legal aid lawyer who witnessed a mediation:

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I have watched a HLK [CLL] mediation ... In this dispute one of the parties had many supporters and the other side was weak. I was asked by the CLL to explain the law to both parties. The powerful side then realised they had to make some concession. – Legal Aid Lawyer, Suai.

(As discussed below under Relevance and Impact, this incident also highlights the potential utility of legal aid services to back up the work of CLLs.)

Because statistics on cases are submitted by chief CLLs (on behalf of themselves and other CLLs operating in their area), there is not enough information on the role of CLLs who are not village or hamlet chiefs. The 3 non-chief CLLs interviewed during the review process had all participated in mediations using the skills they had learnt from ASF. However, these mediations were led by the CLL chief. One non-chief CLL reported problems with his local village chief who, not being a CLL, felt threatened by the CLL’s activities. It is possible some non-chief CLLs are playing a significant role that goes unreported, though it seems likely that they would face more obstacles in gaining community acceptance and (as mentioned below) may be seen as a threat to the authority of the chiefs. Further investigation is needed.

The project design did not specifically mention that village council members would be targeted but this was probably inevitable as in each community the village or hamlet chief was asked to nominate potential candidates for CLL selection. Given the high level of suspicion of outsiders, strength of local traditions and the need to encourage peace and lawfulness, this model is appropriate to the current context of Timor Leste and reflects lessons learned, e.g. in Indonesia, that non-adversarial approaches are often the most effective. It is probably also the only model that could have allowed ASF and its NGO partners to achieve genuine engagement and trust with the communities.

Recommendation
That ASF gather more information on the work of the non-chief CLLs through individual interviews. The information would include how their roles have changed since joining the programme? Do they play a role as CLL that is independent of the chief or of their role as village council member. If they are women or youth leaders, is there potential for them to take on more specialised CLL work, concentrating on these target groups?

Mediation and Dispute Resolution
Mediation and dispute resolution are just one component of the broader CLL training but they are a major focus. Reports submitted by village chiefs between December 2005 and January 2007 indicate that 146 disputes have been handled by the CLLs and of these 109 have involved mediation. This type of training was not originally planned as part of the project. It was introduced in year two, once it was recognized that CLLs were involved in resolving disputes and had little or no training to do so, and thus this was an important corollary to the learning of legal principles and systems.

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Much effort has been expended to teach the CLLs and the community the difference between civil and criminal cases and therefore to understand which cases are suitable for mediation and which should be referred to the formal justice system. Another focus has been on mediation as a process in which the parties reach their own agreement, voluntarily. ASF’s quantitative evaluations and the information gathered during this review indicate that most CLLs clearly understand both of these issues (see further under impact).

Before this review, there had been little systematic attempt to evaluate the quality of the mediation and dispute resolution being conducted by the CLLs. As discussed under impact, there are indications that mediation is often highly effective and in at least some instances is delivering more equitable results than before the project. Some disputes that had previously have been insoluble have been solved. However, more research is needed both on the quality of the mediation and dispute resolution as well as other activities of the CLLs. ASF is already considering developing a mediation manual that would combine all the training materials and some possible cases studies. This would contribute to sustainability of the project.

Recommendations:

- Conduct more systematic evaluation of the quality of the mediation and other services delivered by the CLLs, to help ascertain the need for more training or other support to the CLLs.
- Develop a mediation manual for distribution to all CLLs.

Network

While the CLLs meet regularly with ASF staff and staff of the project’s NGO partners, the network is not an autonomous entity and is not yet self sustaining. In 2006 ASF planned to bring all CLLs together for a national conference but this was cancelled due to political and civil unrest. Instead, district CLL conferences were held. During this review some CLLs expressed disappointment at the prospect that ASF may no longer be able to support their work and suggested that they be assisted to apply for funds directly. As discussed below, more emphasis on active networking among the CLLs and making the network autonomous, would have enhanced the sustainability of the project. During the review, there were several requests from CLLs for them to be able to visit other districts to see how the CLLs operate there.

There may also be benefit to be gained from international comparisons. Golub provides numerous examples of paralegal networks that have combined legal services with broader development programmes. In Ecuador, legal aid networks have successfully lobbied around issues related to land legislation. In India, women’s legal aid networks have combined women’s legal empowerment with literacy classes. Village chiefs interviewed for this review reported that they are now writing proposals to gain development assistance for their communities. A stronger CLL network may help the CLLs to understand the issues that are common across districts and to develop strategies to combine access to justice with other development projects. They may also be empowered
to make combined approaches to national and district level authorities to address issues such as the lack of information regarding cases in the criminal justice sector, and lack of support for their legally mandated functions related to administration of justice.

As well as more networking opportunities, an initial step towards more autonomy could include a CLL manual and set of resources such as DVD copies of the film, contact details of other local resources and even copies of some important laws and regulations.

**Recommendations:**

◊ That ASF consider models and resources for strengthening CLL networks. With a view to making their work more sustainable and creating opportunities for them to expand their work into other areas of legal assistance, advocacy and empowerment.

**Objective # 2: Build capacities of paralegal workers**

ASF has provided a series of training modules to all CLLs. These modules are summarised in **Annex 2.** Topics covered include:

- Community Legal Liaison role and function
- Constitution
- Human Rights
- Conflict Resolution
- Gender
- Access to Justice
- Difference between civil and criminal cases
- Mediation
- Timor Leste Court system
  1. Legal system
  2. Criminal and civil procedures

The two rounds of selection of CLLs (2005 and 2006) started with introductory training in human rights and gender for all candidates, referred to internally as “CLL Training”. Final selection rested largely on the performance and attitude of participants in the initial training.

Those selected to become CLLs then participated in a series of “skills workshops”, over a period of a year. Each workshop focused on a selected topic or topics. After each skills workshop the CLLs were assisted to organise a village workshop on that topic. In 2005 and early 2006 they worked with the project team to organise community dialogues and district workshops on selected topics. The CLLs participated in delivering the information to their communities, thus building their own training and public presentation skills.

The most intensive training took place over the course of a year with some follow up skills workshops for the 2005 intake in September 2006 and again for one day in October 2006. During 2007, intakes from both the previous years have received training of
trainers and intensive skills workshops on domestic violence. There have also been refresher courses on a range of topics prior to the implementation of village workshops.

ASF’s own evaluation in early 2007 indicates that between 80 and 90 of the CLLS have well understood most of the training materials but their understanding is slightly weaker on certain issues related to gender and the role of the facilitator in a mediation process. These findings generally coincide with the data gathered during this review and are further discussed below under impact.

**Objective # 3: Provide rural communities with information on the justice system**

The community education component has evolved over the three years of the project, as described above. The project team has continuously sought to improve materials and training techniques based on team discussions and feedback from CLLs. One of the strengths of this component has been the skills acquired by several staff members in developing the community education materials and curriculum. CLLs have also participated in planning sessions before each village workshop where they helped to design role plays and other aspects of the training although at this stage have not directly designed material or content.

One weakness of the component is the lack of systematic assessment of its impact. Focus group discussions and interviews conducted during this review have provided some indication of the level of impact (see below) but this does not substitute for longer term monitoring and evaluation.

ASF has conducted its own evaluation of the film, “The Road to Justice” which incorporated included some qualitative data in the form of open ended questions on what people liked about the film. Community members interviewed had a reasonably good understanding of the role of most key actors in the film and of the difference between criminal and civil issues. There was strong appreciation of the fact that the film showed how a real trial is conducted, how to access the formal justice system and options for solving civil matters.

**Methodology**

The original design of the community education component was ambitious, combining radio broadcasts with three different levels of community level activities. During the first year, reports indicate that the workload proved unsustainable, and there were doubts as to the effectiveness of the District Workshops. After 2006, the Community Dialogues proved too large and unwieldy and some team members doubted their impact. Therefore activities have been gradually cut back to the point where, in 2007, just one of the originally envisaged forms of education – the village workshop – continues to be implemented. These have, however, been supplemented by showings of a film about the justice system that was produced by ASF under separate funding.

The village workshops have many strengths. ASF has progressively improved materials and techniques including the use of highly popular drama sketches delivered by local groups and/or community members. In early 2007 a consultant was engaged to help upgrade visual training aids aimed at illiterate people and younger audiences.
The ASF evaluation of the film indicates that one of the strengths of the workshop approach is the combination of film/drama followed by discussion. Over 82% of people interviewed said they had gained knowledge from both watching the film and the subsequent discussion about it. This suggests that the film is most useful when used in combination with other methods. There were also requests for repeat screenings and for copies to be made available to communities.

The village workshops are delivered in the dialect of the community and the CLLs take a leading role in presentation and planning. The workshops are delivered as a series over at least a year and this long term engagement with the communities is appreciated by CLLs and local government officials, many of whom specifically requested that the project “go deeper” to the aldeia or hamlet level with its educational activities.

However more research is needed to determine if, on their own, the village workshops are the most effective tool for reaching the target communities. The 50 or so participants for each workshop are chosen by the village and hamlet chiefs and there is no guarantee of continuity from one workshop to the next. The workshops would perhaps have more impact if a targeted group of people attended each village workshop, leading to the development of a layer of community members with a good understanding of the range of topics covered in the project. They could then provide informal monitoring and/or reinforcement of the work of the CLLS.

This possible weakness is offset by the increased delivery of workshops thus ensuring that a large number of people participate. So, for example, between June and October 2007 over 8000 participants attended 92 village workshops.

However, it is still likely that there will be individual community members who have received instruction on just one or two topics. While such a scattergun approach may also have its benefits (more people will have received training on at least one topic, been exposed to their local CLL, and had the opportunity to ask questions about the justice system in general), it negates some of the advantages of a long term intensive engagement with the community while failing to reach the mass audience of larger meetings such as the community dialogues.

The target audience for each series of workshops is the village (suco), including all the hamlets (aldeias) which come under it. Many hamlets are remote, requiring long travel time to reach a village centre. This makes attendance at village level workshops difficult for many community members and impossible for some from the most remote hamlets.

ASF’s own evaluation has highlighted some of these problems. The 2007 internal evaluation suggested either varying the location of the workshops or making them shorter and holding them at the hamlet level. An alternative approach could be to select one or two (or more) people from each hamlet who will attend every workshop and to again try combining the village workshops with some activities aimed at a larger audience, even if held less frequently than the community dialogues were in 2005/06. It may be advisable
to pilot different models in different districts or villages and to compare impact after a year.

Both village workshops and the community dialogues are very labour intensive as they are currently implemented. A more sustainable approach for the future may be to put more effort into building the capacity of the CLLs to deliver the community education without external assistance and to help them plan ways to incorporate legal education into other activities which take place as part of the normal life of the community. This approach would be linked to one which placed stronger emphasis on networking among CLLs. This process should be driven by CLLs themselves and should only go as far as they decide. There may be limits to the amount of work all CLLs are willing to commit to, given their other duties and lack of remuneration. However, during the review, there was evidence of CLLs wishing to become more autonomous and to take the project to hamlets and villages that had not yet been reached.

Recommendations:

◊ Conduct ongoing evaluations of the impact of the community education activities among members of the community including increased knowledge, changed attitudes and changes in behaviour.

◊ Consider complementing the village workshops with some activities which include larger numbers of community members and/or conduct more workshops at the hamlet rather than the village level.

◊ Consider ways to guarantee more continuity of participation in village workshops.

◊ Work towards more self-sufficiency among the CLL network so that CLLs are able to deliver community education with reduced levels of external assistance.

Objective # 4: Improve access to formal justice

Within the constraints of the weak formal justice system of Timor Leste (see context, above), the project has met this objective for the target communities. In other contexts, a paralegal network may be expected to have more direct interaction with the formal justice system. However, this project works with communities where there was a very low starting level of knowledge, considerable logistical barriers and few realistic entry points to the system, and where the district courts were only sporadically functioning during the project period. Nevertheless, access to the formal justice system has been improved through:

◊ CLL training, village workshops and community dialogues have provided information on the judicial system and its operation (or intended operation) at district and national level. ASF’s own evaluations and this review indicate that CLLs and some community members now have a basic understanding of the role, structure and procedures of the formal justice system including the judicial process. This is the first vital step towards establishing effective access to the formal justice system.
Educational pamphlets distributed at community education events reinforce this knowledge and are a useful resource or reference tool. They include explanations of the role of various court actors as well as contact details for local representatives and district level government departments.

During 2007, ASF arranged visits for the CLLS to observe hearings in their district courts and to meet with some of the court actors. Given the August 2007 instruction that all district court actors should start residing in the districts to which they are assigned, and the anticipated increase in activity levels at the various courts, future phases of the project could consider more intensified engagement with the judicial process.

During this review, several CLLs and community members expressed frustration at the inability of the police to provide adequate information about the progress of cases through the criminal justice system. Constructive engagement by the CLLS and project staff with police, prosecutors, court officials and appointed legal representative, to track the progress of cases involving community members through the criminal justice system, could help to address this need. It could also increase community understanding of the criminal justice system and place gentle pressure on the various court actors to provide a more transparent and efficient service. Future phases of the project could consider establishing mechanisms and conducting training for the provision of such services to their communities.

During 2007, ASF launched a film on the justice system which featured a criminal trial but also drew the distinction between criminal and civil issues. This was shown during village workshops and has also been made available to other agencies such as the United Nations.

The project has introduced representatives of relevant departments such as Land and Property and the police Vulnerable Persons Unit to communities. They have been able to directly explain their work and how and when to access their services. The Liquisa Police Vulnerable Persons Unit representative remarked on more timely reporting of sexual violence cases from the project sites.

The Non-government Sector
The project has also enhanced access to justice by facilitating contact with private (usually NGO) service providers including legal aid lawyers and NGOs serving victims of gender based violence. Several representatives of these organisations have spoken at community dialogues.

This is appropriate given the sparsity of government services at the district level. The Minister of Justice and the Deputy Director of the Public Defenders’ Office have indicated support for the involvement of private lawyers in delivering public defence. The Deputy Director of the PDO told this reviewer that, as the only public
defender assigned to Baucau, he has a good working relationship with local legal aid NGO lawyers, to whom he refers cases that he cannot handle, and vice versa. The new Minister for Justice recently announced that the next annual budget will include funds to support private lawyers to supply some legal aid services.

It may be useful for the project to develop a directory of services at district and national level as well as continuing to facilitate personal visits to the project sites by relevant resource people.

**Recommendations**

◊ Examine ways in which the CLLS and project staff can facilitate community members to obtain information about cases that are being processed through the criminal justice system.

◊ Continue to provide information about government and non-government services that can facilitate access to justice including through community empowerment, provision of related services such as literacy and women’s rights as well as provision of traditional legal services.

◊ Consider the publication of district based directories of government and non-government services and facilitate personal introductions for the CLLs and community members to a wider range of such service providers.

**Objective # 5: Increase access to justice for women**

Gender, the human rights of women and children and the criminal nature of sexual and domestic violence have received an appropriately high level of attention during the project. According to ASF’s 2007 internal evaluation, 60 of the 110 CLLs considered the materials on gender and domestic violence as one of the most interesting topics whereas 80 nominated the material on mediation (CLLs often nominated more than one topic).

The internal evaluation demonstrates a good understanding among CLLs of women’s formal equality before the law but less even acceptance of women’s rights within the family. ASF staff and data gathered during this review indicate that in practice, CLLs and community members continue to make judgements based on deeply traditional attitudes when deciding, e.g., if a woman is genuinely a victim of domestic violence, or when mediating disputes about adultery and pregnancies out of wedlock. It is hardly surprising that centuries old attitudes remain entrenched, especially given the lack of economic independence of most women. This does not necessarily imply that ASF’s work has failed to increase access to justice for women in the target communities but (as discussed below), it may suggest the need to strengthen the design of future phases of the project to combine legal knowledge with empowerment strategies to make rights a reality.

**Female CLLs**

A related issue has been ASF’s efforts to include women in the CLL component. Of the 110 CLLs, 26 are women. The CLL selection criteria included literacy and prior standing as community leaders. These proved barriers to the recruitment of equal numbers of female and male CLLs. Other problems included the movement of some women CLLs out of the target districts upon marriage. During the review there was some discussion
with project staff as to whether or not the literacy criteria should be flexible in order to increase the number of female CLLs. In the reviewer’s opinion, it would be possible to include people who cannot read and write in the CLL component but this would require significant adjustment of the training materials and methodology possibly combined with literacy classes. It could be considered in cases where candidates are otherwise highly qualified.

**Thanks to this programme, women can become facilitators and now the community respects us. [but there are still some problems. For example,] girls have the right to go to school but sometimes a man asks them to go to the beach and forget about school. The girls are not using their rights properly. – Female CLL, Liquica**

During workshops with CLLs in Suai and Liquisa, the reviewer observed contributions from several highly articulate and outspoken female CLLs, none of whom are village or hamlet chiefs. These women displayed a strong degree of commitment to gender equality, an ability to communicate effectively and to use humour in their presentations (see box above). However, these outspoken women were in the minority. More networking and intensive training for all female CLLs, aimed at building their confidence, could further advance access to justice for women by providing role models and training potential resource people for women’s legal empowerment (see below).

Given the deep seated traditions that discriminate against women, it would also be useful to train selected interested female (and male) CLLs to become women’s legal empowerment resource people within each district. They could conduct further awareness raising, perhaps advise other CLLs when dealing with gender sensitive cases and act as advocates for women needing to access the justice system. As mentioned above, their work could, if appropriate, expand to link legal empowerment with other related gender empowerment strategies such as literacy classes. This strategy could include building links with other women’s groups and gender related projects working in the target areas.

**Women’s Voices in the Community**

The first meeting we had about [domestic violence] there were many students participating and men and women. The women and men started to blame each other and the argument went on for a long time. Finally both sides surrendered and we explained that the situation is very serious. At first the men said women must follow what the husband wants because the husband has always been on top. And the women said now it’s time for the women to try being on top. – CLL, Suai.

Throughout the project, efforts were made to ensure adequate participation of women in community education components. Village chiefs were requested to ensure a minimum of 30-40% female participation which has generally been achieved. Project staff also tried to find ways to encourage female community members to participate more actively, as compared to just attending the events. Recently the project team have had success by dividing men and women for the first part of the workshop and then bringing them together for a joint discussion at the end. CLLs interviewed during this review also reported some lively discussions between women and men around domestic violence:
Young People and Children

While increased access to justice for youth was not a specific objective, ASF has correctly identified the need to get more young people involved in the project, particularly at the level of community education. The project team report some very useful discussions on child rights during early community dialogues. Good cooperation was achieved with some school administrators who allowed large numbers of children to attend sessions on child rights. However, there is also entrenched resistance among adults on issues such as corporal punishment. ASF is currently considering ways to increase youth engagement including taking some educational activities into district high schools. Consultation with those male youth leaders who currently participate in the CLL programme may lead to other suggestions for addressing this target group. Games for children were developed in 2007 to accompany the educational film showings, ensuring that participating children were fully engaged and reinforcing the messages of the film and lecture.

Recommendations:

◊ Consider being flexible with the literacy criteria if otherwise highly qualified female (or male) CLL candidates are not able to read and write.

◊ Consider additional training and other strategies for supporting female CLLs to increase their general level of confidence and acceptance by the community.

◊ Consider providing additional training and support to selected female (and possibly some male) CLLs to become women’s empowerment resource people, capable of delivering community training, undertaking advocacy to increase women’s access to justice and possibly linking women’s legal empowerment with other gender empowerment activities.

◊ Pursue ways of taking parts of the education component into schools (or other venues where young people gather) and consult with CLL youth leaders in order to develop more effective strategies to reach out to young people.
E. Efficiency and Performance:

How the activities transformed the available resources into the intended results, in terms of quality, quantity and timeliness.

Budget, Personnel, Training Process, Relations with the Local Institutions

The budget, personnel and training process appear to have been well managed although this was not the major focus of the review. There were difficulties leading to termination of the partnership with two of the original NGO partners. That these were detected at an early stage indicates a high level of monitoring of expenditure. The project has a simple set of financial procedures which are currently being assessed and upgraded by ASF’s new Finance, Administration and Logistics Officer. ASF finances for 2005 (including year one of this project) were audited in East Timor while the financial records for 2006 were sent to Brussels and included in a organizational level audit. The same will be done for 2007 accounts in early 2008.

Key ASF staff in Dili acknowledge that the initial budget and project plan did not allocate specific resources to building the organisational capacity of partner NGOs. However, individual NGO and ASF staff have received considerable training on most aspects of project implementation including the legal content, training of trainers, meeting facilitation, materials development and design. More recently, ASF supported a three day strategic planning workshop for the remaining NGO partner, CIES TL.

The degree of responsibility that ASF should in future shoulder for NGO partners’ organisational development is questionable. A more effective way of building local capacity and enhancing sustainability may be to concentrate on strengthening networks and capacity among the primary beneficiaries (CLLs). This is discussed further under Relevance.

Relations with Local Institutions

Relations with local government institutions have generally been excellent. Local government officials see the project as one of the best at keeping them informed, respecting their roles and including them in community activities as appropriate.

One of the clear strengths of the project is the presence of project staff in the field. Several officials and other stakeholders commented favourably on this and contrasted it with most other NGOs and donor funded programmes. Field Researchers for Liquisa and Suai live in their district capitals, as does the Coordinator of the Liquisa component. All field officers report that they spend up to half their time in the field and CLLs interviewed indicated that they usually met the field officers at least once and sometimes up to three times a month.

The project has developed excellent relations with those community leaders who are part of the CLL network. Fifty of the CLLs are village or hamlet chiefs who are regarded by many community members as part of the local level dispute resolution process. However,
there is a separate category of Traditional Leaders, often called Lia-nain, who are the heads of Traditional Houses -- a kind of kinship structure to which most Timorese belong. This category has not been systematically targeted by the project although there are 13 Lia-nain CLls.

The majority of community members and some CLLs say that the custom in their village is for disputes and problems to be taken first to the Lia-nain. If he is unable to solve the problem, it goes either to the hamlet or village chief (or the village council). This process is outlined in the two interviews with Lia-nain at Annex 4.

Relationships between the CLL mediation and the traditional dispute resolution structures varies. Some CLLs see the mediation as an alternative to the arbitration of the Lia-nain. The CLL Chief of one hamlet said that many people come directly to him with their legal problems and disputes instead of going first to the Lia-nain. Several villagers said they prefer the CLL mediation because it is free of charge. Some others said they preferred the arbitration of the Lia-nain because it inflicts punishments on those who have done wrong. In one village there is clearly tension between the CLL Chief and the Lia-nain who is also a member of the Village Council. The Lia-nain in question was interviewed (see Annex 4) and stated that he saw himself as part of the CLL process – even though he is not.

This raises the question whether or not the project should more systematically try to include Lia-nain in the CLL process or to create a separate component aimed at the Lia-nain. Connected to this is the relationship of the village and hamlet chiefs to the traditional and the formal justice systems. One village chief CLL stated clearly that when a problem reaches him, it crosses from the traditional to the formal system. However, several of the parties to mediation (see Annex 3) saw the process as part of the traditional system whereby the village chief is involved in solving community problems.

**Recommendation**

◊ Conduct interviews with Lia-nain in all new and existing project sites, gather more information on the traditional justice system in each village and consider the possibility of targeting more of them for inclusion in the CLL training (in new project sites) or creating a separate component for them. The data gathered would make a valuable contribution to the as yet sparse understanding of the traditional justice system and its variations.

◊ Another option to be considered is to include the Lia-nain in workshops for all village leaders where the project is explained and the possibilities for collaboration explored. This could be piloted in one or two new project sites.

**Staffing Plan**

Until recently there have been 13 staff working on the project plus the ASF Head of Mission who provides part time inputs. Staff have included:
-ASF Head of Mission (part time inputs to the project)
-Programme Coordinator
-Two Assistant Coordinators (with legal qualifications)
-Three District Coordinators
-Seven Field Researchers (two were job-sharing)

The number of staff working on the project appears to have been appropriate given the intensity of the intervention and the initial decision to work with a different local NGO partner in each district. Each NGO partner nominated a district coordinator and two field researchers. If implementation had been directly through ASF at all times, it may have been possible to achieve the same outcomes with fewer staff.10

Narrative reports indicate that most of the NGO partner staff required significant capacity building to be able to carry out the work. During the first year of the project external experts were engaged to assist with design and delivery of early training. Project staff now have impressive liaison and facilitation skills and markedly increased expertise in community education and understanding of the legal content.

The project team has acknowledged difficulties in engaging women and in delivering effective education for people who cannot read or write. Some team members expressed the view that it was very difficult for illiterate people to understand the legal information. Women have tended to be under represented at community education events and are often reluctant to actively participate in discussions. Work and materials in both of these areas have improved throughout the project but a future phase may benefit from incorporation of increased expertise and/or training for team members in areas of gender and community education/organisation. This is linked to other recommendations below that in future the project take a more active approach to legal empowerment which goes beyond delivery of information and possibly combines legal literacy with other development projects. If not available locally, India and the Philippines both have strong experience in community education and gender.

Including the Head of Mission, four of 14 staff are women. A more gender balanced team would be desirable.

**Were Local Resources Used Effectively?**

During 2005 and 2006, good use was made of government and NGO resource people who are based in the districts to deliver information, mainly during community dialogues. However, there were some difficulties in making sure those resource people delivered appropriate information in a manner that was understandable by the audience at the community level. The use of local resource people allowed community members to meet and learn about the work of relevant institutions such as the Land and Property Department and locally based legal aid lawyers but this has ceased with the phasing out of the Community Dialogues in 2007. It is recommended that future project phases find alternative methods of introducing community leaders to these valuable resources.

10 The work of the field researchers would be more appropriately described as field officer or community organiser.
A major strength of the project is its reliance on and training of East Timorese staff. In 2006 the expatriate Programme Coordinator handed over to a national staff member who had been trained to fill that position and who has ably managed the project. The only permanent expatriate inputs are those (part time) of the ASF Head of Mission.

**Logistical Arrangements**

Travel within the districts of Timor Leste and communication between the districts and Dili is difficult. Organisation of workshops and other activities in the districts has required extensive and sometimes arduous travel, particularly on the part of the field researchers who often make long trips by motor bike to ensure CLLs are aware of and able to commit to planned activities. These conditions are probably unavoidable given the poor communication infrastructure. Future consideration may be given to having more staff based full time in the districts. However, this creates difficulties for communication with Dili. In future it may also be possible to pay field based staff by bank transfer to avoid them having to travel to Dili every month to collect their salaries.

**Relations with Other Key Implementing Agencies**

As discussed above, relations with local and national government agencies are favourable. Local NGO staff and others who have worked as resource people for community education hold the project in high regard. Several expressed interest in receiving ASF’s training materials and CLLs report that they are sought after by other projects because of the skills they have gained from the GJP.

There is little coordination among NGOs and other programmes in the justice sector and this is reflected in a general lack of information sharing. Relations between NGOs including ASF, and the Ministry of Justice, were somewhat strained during the early stages of the project, which led to a fairly formalistic delivery of information by the project, and provided little opportunity for collaboration with the Ministry. UNDP is currently considering ways of coordinating work in the sector, which would be a welcome achievement. The project could have benefited from more systematic sharing of information by ASF although the Head of Mission and the Programme Coordinator have strong networks with representatives of other agencies. Representatives of the media were invited to observe some community level activities.
Recommendations

◊ ASF take a proactive role in supporting efforts at coordination and sharing of materials among implementing agencies in the legal sector, including the Ministry of Justice.
◊ Consider developing an ASF Timor Leste web site and/or newsletter that would provide information on the activities of the project for other key actors in the legal sector.
◊ Initiate new ways of introducing the work of local resource people to the CLLs and the communities (as discussed below)

Monitoring and Support for the CLLs

It became obvious during the review that the project team has put a lot of effort into collecting data from the CLLs and the communities. Two extensive internal reviews were conducted during the three years of the project. In 2006 the team interviewed 255 community members, of whom 59 had not participated in any ASF training, to test their knowledge of the community education topics that had been delivered by ASF. They also interviewed 49 CLLs with similar questions. The surveys were quantitative but supplemented with most significant change stories. In early 2007 the team conducted another survey of CLLs aimed at assessing their understanding of the materials and gathering their input for design of the final year of the project. After the first review, CLLs from each village were also asked to keep a record of the disputes that they have dealt with. These are completed by the chief of each village (if he is a CLL) and therefore may not fully reflect the work of non chief CLLs.

One weakness in the monitoring and evaluation system has been the lack of information on the quality of the CLLs’ mediation, conflict resolution and other activities. This review attempted to gain some insight into the processes used and these are discussed below under impact. However, longer term and more extensive information is required. An important advantage of such ongoing qualitative monitoring would be the ability to identify cases that the CLLs are having difficulty in mediating such as the following report of a case currently being handled by a CLL:

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I did not know that my husband owed money for a contribution to the traditional house of my family. One day people from my family came to our house and asked for the money then they started to break things. My husband said it was time for the marriage to end.
I told him that I am his wife and if he owed this money he should have let me know. He became angry and put chilli inside my vagina then he ran away. My parents went to look for him ... My parents say that his family should pay a dowry.

My family went to the traditional leaders but there was no solution because my husband’s family refuse to pay for the dowry. My family went to the house of his family and took some animals because they would not pay the dowry. Then the village chief organised a meeting between the two families, with the police and the Lia-nain. My husband agreed that he would live together with me again.... But then my family asked for the dowry and again he refused.
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Since the meeting ... the case is with the police. The police came and asked me about when my husband put the chilli in my vagina when they were investigating the theft of the animals but so far we have not heard anything:-- party to mediation.

According to the village chief CLL involved, the assault on the woman was only dealt with by the police at the time the theft of the animals was reported. By then it was almost two years since the assault is alleged to have occurred making it difficult to get evidence and witnesses. According to the village chief, the police are dealing with three issues, assault/domestic violence, theft and failure to pay dowry, even though the latter is a civil issue. He has been to the police to discuss it with them and they say it is now in the hands of the prosecutor.

A more proactive and qualitative approach to monitoring mediations, would allow project staff to identify cases like this where professional legal advice (and perhaps counselling for the victim of violence) may be required. One way in which this could be done is through the written reports on mediated cases. Team members could analyse these reports and follow up on newly recorded cases, asking the CLLs for more details and offering assistance and advice. This may mean that the written reports need to be submitted monthly instead of every three months. During their training, CLLs could also be taught to identify cases that are too complex for them to deal with and to refer them either to local legal aid lawyers or to GJP team members for further assistance.

Some CLLs may also agree to have a team member observe a mediation session or to re-enact mediations in a workshop environment, allowing for peer review and discussion. There will be many sensitivities and issues of confidentiality involved in monitoring mediations. CLLs and in some cases parties to the mediation would have to agree to the process but they may welcome extra assistance in certain cases.

The case outlined above, also highlights how the project could, in future, support the CLLs by providing them with access to professional legal advice. This could be in the form of referral to local legal aid resources or in-house staff.

**Recommendations**

◊ Consider ways in which the quality of CLL mediation and other activities can be evaluated in an ongoing way.

◊ Monitor ongoing mediations and other cases being handled by CLLs to ascertain if external assistance is required and assist the CLLs to access that advice as required.
F. Impact

The criteria for the assessment of the strategies and components shall focus on the capacity of the program to produce systemic changes that result in improved practices, perceptions, processes and resource allocation within the access to justice.

As discussed below, the main impact has been at the level of perceptions and practices relevant to access to justice within the target communities.

Positive impacts

ASF’s own evaluations and this review indicate an increased understanding among CLLs of the formal justice system, its institutions and procedures. There is a strong understanding of the difference between civil and criminal cases. This has contributed to more appropriate reporting of some criminal cases such sexual violence.

However, not surprisingly Many CLLs report that they do still try to resolve some criminal issues within the community. Sometimes cases involving fighting or petty theft between community members are referred back to the CLLs by the police. At other times, intervention by the CLLs prevents escalation of minor crimes (usually involving fighting, or threats of violence between individuals or groups within the community) into more serious ones. Often mediation at community level is used to resolve a civil dispute that had led to violence between the parties. There is some inconsistency in perceptions of the point at which the “seriousness” of a crime makes it necessary for the judicial system to become involved, among CLLs or even among police officers.

Dealing with Cases of Domestic Violence

The Asia Foundation Survey cited above found that domestic violence is the second most common problem within communities. It also found that approximately 75% of East Timorese consider it unacceptable but something that should be dealt with within the traditional adat process. Of 99 CLLs surveyed in early 2007, at least 93 understood that domestic violence is a crime and 96 said that crimes should be reported to the police. From this it may be concluded that the project has led to an increased understanding by CLLs that domestic violence is a crime which should be reported to the police.

However, it is not clear how this understanding has been translated into practice. Lists of cases that CLLs reported dealing with during 2006 indicate 7 cases of domestic violence, one of which was reported to the police. Information gathered during this review also indicates that CLLs will often only report cases of domestic violence to the police if there is evidence of serious physical injury. This may be because victims often prefer mediation or assistance from the Traditional Leaders, because they fear having the family breadwinner sent to jail, or because they fear divorce which is forbidden by the Catholic Church11. However, the unresolved case cited above also indicates that, while it is not approved of, domestic violence may be seen as less serious than non payment of dowry which is strongly linked to traditional practices.

Therefore it can be concluded that CLLs continue to make their own judgements as to which cases should be referred to the police but these judgements may be based on a number of factors, including the wishes of the victim as well as discriminatory traditions. The low number of reported domestic violence cases also indicates that most are still kept within the family or referred to Lia-nain.

One CLL had initiated his own community education programme (clearly placing his own interpretation on the materials) around domestic violence:

\[\text{The domestic violence materials were very useful. Before there was a very high level of domestic violence but now it has been reduced. I socialised these materials to the sub-villages and there were three main points in the information that I delivered:}\]

\small\begin{itemize}
  \item a) husband and wife must love each other;
  \item b) they must be patient with each other;
  \item c) when there are differences they must try to understand the causes.
\end{itemize}\normalsize

\textit{The reaction of the participants in the meeting was very interesting. I could see the husbands looking at the wives and the wives looking at the husbands. There were lots of questions and discussions and now the problem is reduced.}

While some project sites had received education about domestic violence from other agencies, it seems reasonable to conclude that the GJP has changed many CLL’s perceptions about the criminality of domestic violence and reinforced the importance of discouraging it. Changing deeply ingrained discriminatory attitudes is a long process and unlikely to be achieved over the course of a three year external intervention.

\textbf{Conflict Resolution and Mediation}

The training in mediation and conflict resolution for CLLs has been highly effective and appreciated by them. Of the CLLs recruited in 2006 and interviewed in early 2007 by ASF, 32 said that before joining the project they used arbitration to solve cases and 6 said they used mediation while 16 said they had no experience in solving disputes. In early 2007, when asked how their handling of disputes had changed since joining the project, 77 of 99 CLLs said they used mediation.

From the information gathered during this review and from ASF’s internal evaluations, it is reasonable to conclude that the project has had considerable impact on the way in which conflict is dealt with by the CLL community leaders. While the village and hamlet chiefs already had a well established role in local dispute resolution, information from all of the CLL interviews, workshops and the ASF surveys, point to improved confidence in dispute resolution.

There is evidence from the village discussions and the parties to mediation that training in mediation has indeed changed the way in which the CLLs solve disputes. Of the five parties to mediation interviewed for this review, three clearly said they and the other party had reached a decision by themselves, one said the decision had been made by the CLL and other traditional leaders and one case was still in progress but it was clear that the CLL was mediating rather than arbitrating. A legal aid lawyer interviewed in Suai
who has received training in mediation from the Asia Foundation, said that he had observed two cases being mediated by CLLs in that district. In his opinion, the standard of mediation was high and the methods used similar to those he had been taught.

The following account of resolution of a long running dispute over allegations of evil spirits indicates effective use of the mediation skills to solve a problem which had until then been intractable and led to serious violence. The same case was also reported as a most significant change story during a workshop with CLLs in that district. (See Annex 5.) During a community discussion in that village, there was a comment that people no longer accused each other of being evil spirits because they would have to pay a buffalo.

**First Family:**

*After the accusation* I went back to my house and I was very angry. I took my knife and went to threaten them ... People tried to take the knife away from me but I felt I had to threaten them or burn down their house.

They called the police who asked me to calm down and sit and talk but I said no. I went to the village chief who called us to his office and explained that we have to respect each other. The village chief, the sub-village chief and the other family were at the meeting. We agreed to solve the problem by having the other family donate a buffalo and two sacks of rice which were used to feed the whole village.

This was the second time we had this problem. During the Indonesian time, they also accused our family of being the evil spirits. My husband killed one of their family and my husband was sent to jail. Now we live peacefully as if they were our family members.

I had heard about the village chief’s mediation process from other people but I had not attended any of the training activities. I don’t know about the other activities of the programme. This is different from the way disputes have been solved in the past.

**2nd Family:**

This was the second time we had this problem. The first time my nephew was killed and it was dealt with by the formal justice system. When the problem happened the second time we reported it to the police but the Village Chief came and said there is another way to try to solve this problem. We met with the other family and the village chief and other members of the village council. But it was our decision how to solve the problem. We agreed to give a buffalo and two sacks of rice because the other family had to make some offerings to rid themselves of the accusation of being evil spirits. I am very happy with the way the problem was solved this time and we live in peace with the other family now.

I have attended some of the trainings of the programme. We received information about rights, violence and other issues. This is the information they gave us and now we have to implement it.
Another account of significant dispute resolution was given by a village chief interviewed for this review:

There was also a case of fighting between martial arts groups in the village. Even when the fighting was going on I invited the coordinators of the two groups to come and discuss with me and asked them to come in a few days to discuss the issue together. The chiefs of the sub villages also came to the meeting and both groups came with their members. I delivered information to them about the law and told them that they should not fight each other. They agreed. There was no signed agreement but a verbal agreement witnessed by the Lia-nain. I also organised a volley ball competition where the two groups mixed in teams. The police came to investigate but by the time they got here the problem was already under control.

Fighting between young people affiliated with different martial arts groups is a common problem throughout Timor Leste. The CLL’s account indicates a significant break through for his community.

These cases also illustrate the authority of the village chiefs who were apparently able to deal with the problems more effectively than the police. Another common factor is the use of the Lia-nain to lend weight to the agreements between the parties. This highlights the village chiefs’ role in bridging the traditional and formal legal systems. Data on cases collected during 2006 also supports this. Of 109 reported mediations, 54 were solved using a mixture of mediation and traditional law. A further 23 used only traditional law. Others used only mediation.

Community
Five community discussions (with 12 – 20 people in each) and interviews with five parties to mediation provided some insight to the impact of the project on the target communities. This data, combined with data gathered during the 2006 internal review, is sufficient to present some provisional conclusions regarding impact on the community. A more reliable impact assessment would involve collection of both quantitative and qualitative information throughout the course of the project.

The conclusions that can reasonably be drawn from the available data are that the major impact on the community has been increased understanding of the formal legal system and the difference between civil and criminal cases and awareness of some of the subjects such as domestic violence, land law and human rights. The level of increased understanding is discussed below under Project Recognition, Attitudes to the CLLs and Subject Matter Knowledge.

There is also anecdotal information, mainly from CLLs and project staff, indicating some changes in individual behaviour and enhanced law and order in recipient communities. These views, while not necessarily wrong, were not always verified by the data gathered from community members during this review. Where they have occurred, it is not always possible to attribute these changes to the project.
**Project Recognition:** Most of those community members who have directly participated in village workshops and/or community dialogues recognise the project either by the name of ASF, CIES TL or the name of one of the district coordinators. Participants in the community discussions often responded that the project delivers information about the formal justice system and, less often, about the various other topics. Several referred to it as the project that uses drama and film to deliver such information. People who had not participated in any of the project activities were often unaware of it or had heard of it but did not understand what it was about.

**Attitudes to the CLLs:** The most common response from community members when asked about the role of the CLLs was to refer to their participation in delivering information through the village workshops. When asked about mediation, participants often distinguished it from the arbitration offered by Lia-nain because it is free of charge (CLLs are advised not to levy any charge for their services not to impose fines on the parties – any payment or compensation must be voluntary). Some participants saw mediation as a new form of conflict resolution while others saw it as a continuation of the traditional forms of dispute resolution.

Some villagers expressed a preference for the traditional system of arbitration because it imposes penalties on wrongdoers. On the other hand, in the village of the evil spirit case discussed above, there was a comment that, since the project was implemented, such cases do not occur any more because people know they will have to pay a buffalo if they accuse a neighbour of being possessed by an evil spirit. In one village, participants said that cases of divorce were previously dealt with by the Church but are now handled by the CLLs.

**In one village in particular, the participants did not acknowledge any change in dispute resolution.** This was also the view of the party to mediation interviewed in that village, which is also where there is evident tension between the CLL chief and the Lia-nain. It appears that the CLL has not been able to fully extricate the mediations he presides over from the traditional, fee charging, hierarchy of dispute resolution overseen by the Lia-nain.

**Subject Matter Recognition:** Many of the participants in the village discussions were able to distinguish between civil and criminal cases but most continued to believe that some criminal issues such as domestic violence should be kept within the family or dealt with by the Lia-nain. Participants in one village discussion said they had used information about land law and the role of the relevant government departments to help them solve disputes. At another discussion, participants said that there was generally less violence but the level of theft was the same.

Many had some awareness or memory of discussions about issues such as women’s rights and child rights although there was a great deal of scepticism about whether or not some of these rights could be implemented:
When the facilitator asked the FGD on domestic violence, they say that the problem should be solved traditionally/in the family, no need to take to the police because it is a family problem. – staff notes from village discussion.

The men just continue to beat their wives. – woman at village discussion.

The rights of daughters have not improved. People still talk about big steps and small steps, that hasn’t changed. – woman at village discussion.

The men respect the women more. – woman at village discussion.

The men sometimes don’t respect the women’s rights. If they are hungry and there is no rice, then why do they beat us if we have rights? – woman at village discussion.

We know about child rights but if our children do wrong then we have to beat them to educate them – woman at village discussion.

Children have the right not to be beaten or tortured but if my kid is bad I have to beat them to educate them – woman at village discussion.

We don’t mind if you beat us as long as there is no blood – girl at village discussion.

Awareness of the existence of rights is an important first step to empowering people to make or demand behaviour change. The CLL chief’s account of his socialisation of the issue of domestic violence (above) illustrates the way in which effective information dissemination can start to change awareness and sow the seeds for future change. This is also evident in the account of a village workshop on domestic violence by a female CLL at page 24. However, many of the most vulnerable feel that information is not enough. This reinforces the need discussed above for an approach to community education that focuses on empowerment and problem solving skills as well as delivery of information.

**Behaviour Change:** Most CLLs and some villagers said that there is less violence and better law and order in their communities since the project started. Staff working in Baucau reported that election related violence did not occur in several of the project villages where it would previously have been expected. However, it is not easy to establish independent proof or causal links for these assessments.

The resolution of a long simmering dispute such as the “evil spirits case” is likely to have an impact on the harmony of village life. It had clearly registered with participants from that village. Several community discussion groups reported that young people were less prone to violence and anti-social behaviour and/or that the CLL chief had found ways to persuade them to moderate their behaviour.

At the individual level there are numerous instances of people saying they would change their behaviour because of the material delivered by the project. One woman reported that she used to drink a lot but now understood that she should take better care of her children. One of the ASF staff told the story of how, after participating in a workshop about child rights, one man said he now understood that his child had the right to play and should not be made to work all the time. Several field officers said that there is a growing willingness for families to encourage all their children, including girls, to complete their high school education. Team members recounted several instances where individuals said
they would change their behaviour as a result of the information. One male community member told the team that he truly had not known that beating his wife was a bad thing to do, and said he would change his behaviour in the future.

**Other Impacts**

Project staff (ASF and CIES TL) have developed an impressive range of organisational, communication, facilitation and training skills. They have also forged strong personal links and trust among CLL community leaders, community members and local police and government representatives. Their understanding of the formal justice system and the legal topics dealt with by the project is also strong, although it varies between individuals.

CLL members have generally gained increased leadership skills as a result of participation in the project. There are several outstanding young women CLLs who have benefited greatly from the project and who have become confident speakers and organisers of their community. As discussed above, they are a potential resource for further education of their communities around a range of human rights and gender related issues.

An unforeseen impact is that the skills of CLLs are often recognized by other agencies working in their communities. Several CLLs commented that other organizations seek them out because of the skills they have gained from the GJP.

**Negative Impacts and Weaknesses**

There were no identifiable negative impacts of the project. It is possible that the referral of cases to the criminal justice system may have contributed slightly to disillusionment in the formal justice system as there were complaints from CLLs and the community about the slowness and lack of transparency of the system. However, there are more important external factors that contribute to this perception and there is also widespread recognition that the formal justice system has a role to play. Attitudes towards the formal justice system are discussed further below.

Several community members were frustrated that the project only offers information and does not actively help to solve their problems. In some instances there was a comparison with other development projects that deliver material assistance such as building roads and houses. However, in other instances, there is a demand for advice and assistance with particular legal related issues and perhaps also the feeling that information about legal rights does not lead to the implementation of those rights. This complaint may also indicate poor recognition of the ability of CLLs to deliver advice across a range of legal issues.

**Promoting the Formal Justice Sector**

The formal judicial sector has been promoted through the successful education on the difference between criminal and civil cases and the requirement that criminal cases be referred to the police. CLLs and many community members are aware that, with civil
cases they have the option of using the traditional system, CLL mediation or the formal legal system.

Several of the CLLs interviewed demonstrated a sophisticated understanding of the potential benefits of the formal legal system such as consistency, the need for an impartial and trained judge and the advantages of written, accessible law. Several community members also referred to the advantages of written and impartial law. There were accusations from both CLLs and some community members that some Lia-nain are biased in favour of the powerful people within society and interpret the traditional law to their own advantage.

However, the overwhelming majority of community members and also some CLLs expressed a preference for the traditional system, while acknowledging the need for both systems to work together. There is still very strong support for the ancient traditions of their ancestors and deep belief in the dire consequences of breaking with them. Another factor remains the remoteness, slowness and perceived lack of transparency of the formal justice system as it currently operates.

As indicated by the following quote from a young male participant in a village workshop, recent political violence and perceptions of impunity for the political elites fuels cynicism about the formal justice system. In this context, education about the formal justice system can have a positive effect by creating community level pressure on
the formal system to improve its performance. However, it can also increase cynicism if reality does not match theory:

We ordinary people always follow the formal law but the people who make the laws know how to use them and to use other laws to protect themselves. Traditional law experts are bound by the law. If they do wrong they will be subject to the law themselves. – young man, village discussion.

Use of Community Leaders as Intermediaries and Information Focal Points

It is unlikely that the CLL component could have developed the access and trust observed by this review if elected village leaders had not been involved. In general the chiefs of the village and of some hamlets are involved in each project site and the impact this has had on the way in which the paralegal role has evolved has already been discussed. On the other hand, village chiefs in particular have a wide range of responsibilities and often the demands placed on them by the government authorities have created difficulties for their participation in training or their organization of community events.

ASF staff acknowledge that in future projects, more attention could be given to several aspects of CLL selection as well as to better understanding the role and practical functioning of CLLs who are not village or hamlet chiefs. One of the problems encountered is the uneven spread of CLLs in terms of population density and distances to be covered. Project staff relate that in some large villages there is only one CLL while a small hamlet may have two or three.

Some CLLs interviewed said that they had to spend a lot of time travelling over rugged terrain to take information and notification of meetings to all the affiliated hamlets. These problems are a result of the selection process which concentrated on the individual attributes of candidates but ignored issues such as location and population distribution. There have also been problems in some villages because the chief does not enjoy the support of his community. Therefore it has been difficult for him to mobilise community members or function effectively as a mediator.

As discussed above, the Lia-nain have not been specifically targeted by the project. By targeting chiefs and council members, the project has addressed what is often the third or fourth level of the traditional hierarchy of dispute resolution. In some villages this has provided community members with a clear alternative to the Lia-nain but in others it has ensured that only those disputes that are not resolved in the first or second instance will be affected by the skills and knowledge imparted by the project.

Therefore, the targeting of village chiefs has on the whole been effective, allowing access to the communities and improving awareness of the formal legal system at the point where traditional and formal systems meet. On the other hand it may have by-passed the point where the majority of the most vulnerable community members have their disputes resolved. It is recommended that any future project continue to engage with the village chiefs but that it also explore possibilities for working with the Lia-nain and/or training CLLs who stand outside these established power structures. It is possible that the ideal combination will vary from village to village. Targeting of the
Lia-nain should not be to the detriment of the village and hamlet chiefs as, in some instances, they offer an alternative for people who are not satisfied with the services of the Lia-nain.

G. Sustainability

*Sustainability: Whether the outcomes of the project are likely to continue after external funding ends.*

Level of Engagement

There is very high support for the project among most CLLs and nearly all indicate they will continue with the mediation and at least some form of legal information for the community even if the project finishes. **One strong indicator of the sustainability of the CLL component is the fact that they have not been paid for their participation in the project and do not receive payment for the mediations that they conduct.**

Another factor contributing to sustainability is the fact that the project has helped the CLLs who are village or hamlet chiefs and those who are members of the village councils, to perform these duties more effectively. CLLs tend to see the work they do as part of the project as contributing towards their normal duties as village leaders. The fact that their positions are now elected is likely to make them even more enthusiastic in their support for the project. The CLLs have thus also adapted the format of the project to the extent that they have implemented the skills and knowledge in a way that is compatible with their work as village leaders and with the context in which they operate. Another example of this is the way that mediation has incorporated aspects of traditional dispute resolution procedures.

**One negative impact on sustainability will be if CLLs are not re-elected as chiefs or council members in the next round of local elections, to begin in phases from 2009.** Another negative aspect arising from the use of the elected village leaders is that the community do not necessarily differentiate their work as CLLs from their work as village leaders. In other words, community members may no longer see them as legal resources if they stopped being elected community leaders. The CLLs themselves may also be reluctant or unable to continue to fulfil that role, although the project has encouraged those few CLLs who have resigned from their elected posts during the project period to carry on their functions, even if located in a different village. Increased targeting of the Lia-nain may help to redress this problem. Similarly, a more clearly defined role for non-chief CLLs would help to ensure sustainability. It is possible that a strengthened CLL network could, in the future, develop its own capacity to train newly elected chiefs. ASF could start to develop compensatory strategies in the lead up to the next round of elections, including discussing it with the CLLs at future inter-district meetings.

While it is highly likely that individual CLLs will continue to use at least some aspects of the skills they have acquired, the project’s overall impact would be more sustainable if there were a stronger network of CLLs with a clear vision of their role and a broader concept of access to justice (see discussion below under relevance). This could include or
start with district level networks and/or networks formed to take action around particular issues such as women’s legal empowerment. Specific forms for the network would have to be determined iteratively, with starting by ASF facilitating opportunities for inter-district meetings and visits and possibly visits to or by networks in neighbouring countries. Results of research into the current and possible future roles of non chief CLLs and orientation towards Lia-nain (both discussed above) would help to determine the exact format and composition of the network or networks.

**Commitment and Capacity of Local Institutions**
While government representatives now recognize the need for community level legal and rights education, state institutions still lack the capacity to take on a project such as the GJP (which in fact is needed on a national scale) and have not yet made this a major priority. Representatives of government departments are also associated with the political faction that holds power, or at least seen as defenders/allies of the government and its systems. Therefore they are not always trusted or seen a neutral and reliable providers of information and advice.

As discussed above, the CLL network is still underdeveloped and would require more capacity building before it could take on an independent existence. The remaining partner NGO, CIES TL, retains some well trained staff who have participated in the project since its inception. The organisation has recently developed a strategic plan including a proposal to continuing the project alone if ASF is not able to secure further funding. However, CIES TL is experiencing significant internal divisions, lacks significant internal resources, and may need further external assistance to build its organisational capacity and legal knowledge.

**Contribution to the Overall Objectives**

**Overall Objective 1:** Contribute towards the emergence of a legal system in East Timor that can provide real protection for the population and, especially, the weakest groups within this population.

◊ In the project sites the project contributed towards decreased conflict and an increased understanding of the way in which the formal legal system should operate and how to access it.

◊ In many project sites, the mediation skills of CLLS provides an alternative for community members who feel they have been unfairly treated by the traditional system or who do not want to use the formal legal system.

**Overall Objective 2:** Increase respect for the fundamental human rights of the population, and, especially, the weakest groups within this population.

◊ In many project sites there is an increased awareness of some fundamental human rights of the population, although they are not uncritically accepted.

◊ Many CLLs are aware all people have rights, including the vulnerable and therefore all people have the duty not to violate the rights of others.
◊ There are some instances where the community has been empowered to discuss and better understand some issues of fundamental human rights and some individual instances of changed behaviour.

**Overall Objective 3: Contribute towards the emergence of a real rule of law and democracy culture in East Timor.**

◊ As above.
◊ Most CLLs understand the way in which the formal legal system should work and the need for a law governed society. Team members report that many community members show a high level of interest in knowing exactly what the law says about a specific issue, and seem to attach significant value to the principles entrenched in the law and it is likely that the project has met this demand for information in a number of instances.
◊ There is still strong suspicion of the formal justice system among many community members and some CLLs, although many recognise that it is better equipped to deal with serious disputes such as large scale violence and some disputes that cannot be resolved in more traditional ways. This scepticism will probably only decrease if the formal justice system is seen to function effectively and objectively over a period of time.

**H. Relevance:**

*The relevance of the project to the problems and needs of Timor-Leste taking into account access to law, population awareness and empowerment, political, institutional and policy changes in the justice sector.*

**Identification of problems and needs**

There are at least two levels on which the relevance of the project can be assessed. First, is access to the justice as it has been interpreted by this project, a current priority for the people of Timor Leste? Secondly, did the project correctly identify the legal issues which are of the most importance to community members in the project sites?

The original project proposal justified the approach on the basis that ignorance of “the fact that East Timor is now a democratic country with an elected parliament and government, where all institutions and individuals are supposed to respect the law and the rights of others and where remedies exist when this basic rule is not respected” led to a situation whereby “Timorese [are] easy targets for the denial and deprivation of their rights by officials and individuals or groups that are more powerful than them. Examples of particular problem areas include police harassment and brutality, domestic and sexual violence and unequal treatment of men and women generally. The fact that many victims are unaware of the law and the legal institutions that could protect them against such abuses of power means that in practice impunity reigns.”

The original proposal defines access to justice as access to the formal justice system. However, as the proposal pointed out, the formal justice system was, and to a slightly lesser extent remains, only in the early stages of its development. It is as yet incapable of
delivering effective protection and realistic remedies for the most vulnerable sectors of the society, particularly in rural areas. The relevance of the original project proposal which aimed to facilitate understanding of and access to the formal justice system, could therefore be questioned. However, in practice, the project has at least partially adapted to the reality of a weak formal justice system including weak policing capacity, and predominance of the traditional justice sector.

One of the great strengths of the project has been its ability to learn by doing, incorporating lessons learned and adjusting activities and focus as understanding of the context deepened. A major example of this is the way, early on in the project, it was realised that the major work of the CLLs would not be to act as an interface with the formal justice system, representing community members and/or helping them to find qualified legal representation. Rather, their primary role has been to mediate disputes within the community, using their knowledge of the formal legal system, human rights and some relevant laws, and to assist in educating their communities on these topics. However, this did not mean that the formal system was neglected. In 2007 the project made more efforts to strengthen the links with legal services in district capitals, such as LBH, courts, etc. and to build on the referral role anticipated for CLLs. This was done partly in response to increasing presence of those services in the districts and again demonstrates the project’s adaptability in the face of contextual changes.

The community education aspect of the project could have been more relevant if it moved beyond education regarding the formal legal system, rights and obligations towards empowering community members to make those rights and obligations a reality. Laws and rights can only protect the most vulnerable if they are implemented. As one participant in the community discussion groups said, “if we have rights, why do our husbands keep beating us.” Many access to justice theoreticians and practitioners now advocate a legal empowerment approach to strengthening the rule of law which is defined by Stephen Golub as:

“[T]he use of legal services and related development activities to increase disadvantaged populations’ control over their lives. This alternative paradigm, a manifestation of community-driven and rights-based development, is grounded in grassroots needs and activities but can translate community-level work into impact on national laws and institutions.”

The approach is particularly relevant where, for whatever reason, formal legal institutions are not delivering adequate protection and access to justice for vulnerable groups within society. The approach need not be adversarial and can work in partnership with sympathetic government departments and officials. In many countries, paralegals or community legal workers have been incorporated/developed as key players in the process

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13 See the Golub paper sited in note 2, at page 3.
of legal empowerment, so there is potential for the CLLs to become engaged in this manner.

On the second level of analysis, the subject matter of the education delivered to CLLs and the community has mostly been highly relevant. In particular the emphasis on land law, domestic violence and the rights of women and children accorded to the interests and needs of the rural population.

The project content was significantly shaped by the need to respect the policies of the government of Timor Leste and in particular the requirement that all criminal matters should be referred to the police. The civil / criminal distinction is certainly extremely important and needs to be respected. However, partly to protect the project from criticisms by the government, this point has perhaps been overly emphasised. In many villages, it is one of the issues by which the project is known.

Related to the criminal / civil case distinction is the need for a more conscious orientation towards traditional or adat leaders. The CLL structure provides a point at which community members can access information about the formal legal system and their rights under the law and where they can access mediation which is influenced by this knowledge. However, in many communities, the Traditional Leaders are the first level of dispute resolution outside of the family and many of the most vulnerable community members may not move beyond that point, being unwilling/unable to challenge a decision by such a powerful figure.

There are many models from which a future project could draw in order to find a way of engaging with the adat system that complies with government policy and is consistent with strengthening of the rule of law. One is the Community Access to Justice and Village Judicial Autonomy program in Indonesia which is part of the World Bank’s Justice for the Poor program. It seeks to find ways to incorporate respect for human rights into traditional dispute resolution processes. However, further study is required in each project site to understand the relations between traditional leaders and village/hamlet chiefs and to assess the potential for engagement with the adat system.

Therefore it can be concluded that the project identified the most urgent needs in terms of information and legal content. Through experience, and perhaps the natural inclinations of the CLLs, the CLL component developed a highly relevant emphasis on community based mediation and conflict resolution. It could have achieved a higher level of relevance if it followed up the education component with a legal empowerment approach that would help community members to begin to make their legal rights a reality. A more conscious engagement with traditional leaders may have helped to provide more effective protection to the most vulnerable members of the community.

14 According to team members, traditional dispute resolution mechanisms were not supported by the government in power throughout much of the project duration, and there was little willingness to define policies that would enable practical solutions to the problem of crimes in remote areas. There are signs that the new government will take a more flexible approach.

15 See http://www.justiceforthepoor.or.id
Identification of Beneficiaries

The members of the **CLL network** were correctly identified as beneficiaries. As discussed above under impact, the selection process would be improved if factors such as population density, geographical location and size of villages were taken into account. The degree of respect of the community towards village chiefs selected as CLLs also requires further investigation.

Given the discussion above as to the potential role of non Chief CLLs, particularly women CLLs, a future project would benefit from a more systematic attempt to ensure a balance in these areas. In some cases it may be necessary to be flexible on the literacy requirement if otherwise qualified candidates would be excluded. As discussed above, a future project may also benefit from a more conscious policy towards the recruitment of Lia-nain as CLLs and a more conscious engagement with the Lia-nain.

**NGO partners** were correctly identified as indirect beneficiaries of the project. The fact that two of the three original NGO partnerships were terminated by ASF possibly suggests some flaws in the process of selecting partners. However, at the time there were few experienced NGOs with the required local knowledge. Working with local NGOs may have been the only way to guarantee recruitment of project staff with knowledge of the project districts and ability to speak local dialects. However, other options such as direct recruitment should be considered as partnering with national NGOs is not the only way to build local capacity.

The reviewer understands that the three partners were selected from approximately 12 that had responded to a call by ASF for expressions of interest. ASF interviewed representatives of each organisation although it is not clear what the selection criteria were. If an NGO partnership process is to take place in future, selection criteria could include a minimum set of organisational and technical/philosophical factors. Successful candidates should be able to demonstrate financial probity either through their track record or the systems which they have in place. On the technical/philosophical front, they should be able to demonstrate a genuine understanding of or commitment to community empowerment as opposed to service delivery. Given the weak state of civil society in Timor Leste, especially those NGOs active in the districts, it may prove impossible to identify local NGOs who meet these standards. Therefore it may be more efficient to devote limited resources to directly building the capacity of community based organisations rather than building the capacity of NGOs which play the role of intermediary between the communities and ASF.

Whether future project phases work through partner NGOs or concentrate on building community level networks and organisations, significant resources should be allocated for organisational and technical capacity building.

Other beneficiaries of the project have included **district based government officials** who, through invitations to preside over or speak at activities, have had contact with communities that may not otherwise have occurred. Land and Property officials have benefited from activities that have explained their role to the community as have police,
who report having had fewer civil matters referred to them. Some police and other government representatives have also benefited from receiving materials and participating in activities where at least part of the subject matter may have been new to them.

**Local implementation Capacities**

Many government officials and village leaders have commented that taking information about the formal justice system to communities, and building the capacity of village leaders to resolve disputes within their communities should really be the work of government. However, it is clear that the government currently lacks the capacity and the policy priorities to implement these aspects of the project. One reason project personnel are able to develop trust and access within communities is that they are seen as independent. In this reviewer’s opinion, the project’s approach is appropriate, i.e. facilitating access to government services and keeping local officials informed and involved in relevant activities. At the same time the project is independent of government, allowing community members to voice their concern and raise questions about the formal legal system that they may not otherwise do. The empowerment approach advocated in this report requires the ability to work outside of but not necessarily in confrontation with, formal government structures.

One of the severe limitations of the project is that the need is nationwide and ASF do not have the resources to meet this need. The project is now ending and there are very limited funds arranged for a continuation, and none for expansion to new districts. However, their work and experiences are valuable for future larger scale programmes funded either by government or by other organisations. ASF and CIES TL staff have developed good skills in community organisation, education and facilitation as well as understanding of basic legal issues (this varies among individuals and will be valuable resources for future projects.

Many CLLs have also developed significant skills in these areas, with the added advantage that they are part of the target communities. Most of them have the capacity to continue to implement aspects of the project within their communities. However, they do not yet have adequate networks and skills to move the project forward to its next phase, to respond to newly emerging needs and to advocate to protect the rights of their community members.

**Complementarity with Other Activities in the Justice Sector**

While there have been some other programmes to take legal information to communities, the ASF intensive and continuous project is unique and gives ASF the potential to take the project further in the direction of a legal empowerment model that would significantly strengthen real access to justice for the most vulnerable members of the target communities.

However, ASF could conduct more systematic liaison and coordination with other NGOs and donor funded programmes that have direct and indirect links to the justice sector. Different donors and agencies are working in each district and project site on projects of
various kinds. It is recommended that in future projects, ASF systematically contact each of these programs and provide information on ASF activities, as development projects with no apparent legal content often encounter legal issues and/or disputes that need to be solved at the local level. There are also specific law related projects such as the Asia Foundation’s legal aid clinics with which ASF already has links at the district and national level. There is potential for more synergy between these two projects as the clinics become increasingly mobile, courts become more active in districts, and the Asia Foundation program emphasis shifts to mediation training for village council members.

UNDP, the new government and some other donors have recently started to place a higher priority on delivery of legal information to communities, and coordination of the ongoing efforts in this field. This presents ASF with opportunities to publicise the lessons it has learned from this project, to share project materials and to explore ways to replicate and expand the successes of the project.
Annex 1  
Community Legal Liaisons and their Districts  

LIQUISA DISTRICT  

Maubara Subdistrict

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### BAUCAU DISTRICT

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</table>
### Baguia Subdistrict ctd.

<table>
<thead>
<tr>
<th>No</th>
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<th>Position</th>
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<tbody>
<tr>
<td>15</td>
<td>Julio Viana</td>
<td>Chefe Suco</td>
<td>Lavateri</td>
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<tr>
<td>16</td>
<td>Carlota D. S. Ximenes</td>
<td>Joven Feto</td>
<td>Samalari</td>
</tr>
<tr>
<td>17</td>
<td>Domingos Castelano</td>
<td>Chefe Suco</td>
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<tr>
<td>18</td>
<td>Agusto Mendonsa</td>
<td>Lia Nain</td>
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<tr>
<td>19</td>
<td>Alexio A. Ximenes</td>
<td>Chefe Suco</td>
<td>Alaua Leten</td>
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<td>20</td>
<td>Joaquim Ximenes</td>
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<td>21</td>
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<td>Aldeia Kota</td>
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### SUAI DISTRICT (COVALIMA)

#### Zumalai Subdistrict

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<td>1</td>
<td>Fernanda de Jesus</td>
<td>Chefe Joven Feto</td>
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<td>Armindo Pereira</td>
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<td>3</td>
<td>Justinho dos Reis</td>
<td>Chefe do Suco</td>
<td>Lepo</td>
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<td>Felisberto Lopez</td>
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<tr>
<td>5</td>
<td>Izabel de Sena</td>
<td>Chefe Joven Feto</td>
<td>Tazhilin</td>
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<td>6</td>
<td>Elsa de Sena</td>
<td>Joven Feto</td>
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<tr>
<td>7</td>
<td>Alexandre Pereira</td>
<td>Chefe do Suco</td>
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<td>8</td>
<td>Afonso S.Martins</td>
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<td>Ussucai</td>
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<td>9</td>
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<td>10</td>
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<td>12</td>
<td>Francisco Ferreira</td>
<td>Chefe do Suco</td>
<td>Mape</td>
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<td>13</td>
<td>Hilario Ferreira</td>
<td>Chefe Joven Mane</td>
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Zumalia Subdistrict ctd.

<table>
<thead>
<tr>
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<tbody>
<tr>
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<td>15</td>
<td>Antonio Freitas</td>
<td>Lia Nain</td>
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<td>16</td>
<td>Cezar Agusto</td>
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<td>Fatuleto</td>
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<td>17</td>
<td>Faustiho Monteiro</td>
<td>Chefe Aldeia</td>
<td>Zulo</td>
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<td>18</td>
<td>Antonio dos Santos</td>
<td>Katekista</td>
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<tr>
<td>19</td>
<td>Mateus da C A</td>
<td>Chefe do Suco</td>
<td>Raimea</td>
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<tr>
<td>20</td>
<td>Luciano Magno</td>
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<tr>
<td>21</td>
<td>Angelica Siqueira</td>
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Maucatar Subdistrict

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<td>1</td>
<td>Laurentino de Jesus</td>
<td>Chefe do Suco</td>
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<td>2</td>
<td>Cariana Elsa Barreto Amaral</td>
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</tr>
<tr>
<td>3</td>
<td>Rui Amaral</td>
<td>Chefe Aldeia</td>
<td></td>
</tr>
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<td>4</td>
<td>Candido Gusmao</td>
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<td>Holpilat</td>
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<td>Antonio da R.Barros</td>
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<td>9</td>
<td>Thomas Amaral</td>
<td>Chefe do Suco</td>
<td>Belecasac</td>
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<td>10</td>
<td>Eurico Cardoso</td>
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<td>11</td>
<td>Felicidade Ximenes</td>
<td>Joven Feto</td>
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# Tilomar Subdistrict

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<td>1</td>
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<td>Foho Lulik</td>
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<td>Alda Moniz</td>
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<td>3</td>
<td>Remisio Sarmento L.</td>
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</tr>
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<td>4</td>
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<td>Maudemo</td>
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<td>10</td>
<td>Norberto Cardoso</td>
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</table>

**Total Suai** 42
Annex 2

TRAINING MATERIALS FOR COMMUNITY LEGAL LIAISON (CLL)\(^1\)

First Phase or Selection Phase/ Module 1
Mains subjects:
- Human Rights
- Conflict Resolution
- Gender
- Access to Justice

I HUMAN RIGHTS MATERIALS

Main themes discuss:

A. Human Rights Definition.
Human Rights refer to basic and fundamental rights and freedoms of every human being without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
Human Rights are universal, inalienable and inherent rights of all members of the human family and no one should be deprived of those rights.

B.1 The history of the existence of Human Rights
Human Rights exist as there is inhuman act to protect those rights from any violation

B. 2. Human Rights are generally divided into three important categories:
- civil rights
- political rights
- social and economic rights

C. Universal Declaration of Human Rights (1948)
Study of the rights and freedoms set forth in this Declaration. Discussion on 30 articles contained in the Declaration.

D. International Conventions on Human Rights
- Definition of international treaties and brief explanation on the process of *ratification*.
- List of International Conventions the RDTL has ratified and talk on those International Conventions the RDTL is part to
  - International conventions on civil and political rights (ICCPR)
  - International conventions on economic and cultural rights

\(^1\) Informal English translation
- International conventions on the elimination of all forms of discrimination against women (CEDAW)
- International conventions on children rights
- International conventions on torture.

E. Human Rights in RDTL Constitution
- Human Rights set forth in the RDTL Constitution
- RDTL Constitution proclaims:

1. The legal system of Timor Leste should adopt general principles on the use of international law

2. The regulations contain in an international treaty become part of Timor Leste legal system after an agreement, ratification or regulation decided by each competent institutions and after official government declaration

3. All regulations adopted in the national legal system which contravene the stipulations of conventions, treaty and international agreements are unconstitutional

F. Human Rights in Human Rights Declaration and RDTL Constitution

<table>
<thead>
<tr>
<th>Rights</th>
<th>International agreement</th>
<th>Timor Leste Constitution</th>
</tr>
</thead>
<tbody>
<tr>
<td>Right to live</td>
<td>Article 6 ICCPR</td>
<td>Article 29</td>
</tr>
<tr>
<td>Prohibition of torture</td>
<td>Article 7 ICCPR</td>
<td>Article 30 / 4</td>
</tr>
<tr>
<td>Right to fair justice</td>
<td>Article 14 ICCPR</td>
<td>Article 31 and 34</td>
</tr>
<tr>
<td>Freedom of expression</td>
<td>Article 19 ICCPR</td>
<td>Article 40 and 41</td>
</tr>
<tr>
<td>Freedom of organization</td>
<td>Article 22 ICCPR</td>
<td>Article 43</td>
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<tr>
<td>Freedom of assembly</td>
<td>Article 21 ICCPR</td>
<td>Article 42</td>
</tr>
<tr>
<td>Right to vote</td>
<td>Article 25 ICCPR</td>
<td>Article 46 and 47</td>
</tr>
<tr>
<td>Right to work</td>
<td>Article 6 ICESCR</td>
<td>Article 50</td>
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<tr>
<td>Right to education</td>
<td>Article 13 ICESCR</td>
<td>Article 59</td>
</tr>
<tr>
<td>Gender equality</td>
<td>Article 3 ICCPR and CEDAW Article 1</td>
<td>Article 17</td>
</tr>
<tr>
<td>Children rights</td>
<td>CRC</td>
<td>Article 18</td>
</tr>
</tbody>
</table>
II GENDER ISSUES MATERIALS

A. What is Gender?
Gender can be interpreted as a distinction of men and women because of social shape. In this matter gender can be interpreted with sex in which distinct men and women biologically. Sex is not a social shape but given by God.²

Main topics discuss:
- Background on gender issues
- Gender issue in Timor Leste

1. Why do we have to get involved in Gender issue and struggle for Gender equality?
Gender becomes an important matter especially in the developing states. It became an important matter because women were denied the same rights and freedoms than men, they were discriminated. The problem was that women considered themselves as weak creatures. The CEDAW was adopted to give a legal remedy to such situation.

2. Gender in Timor Leste
In Timor Leste, gender issue becomes one of the priority agenda in national development plan. The reason is why in Timor Leste there is still gender discrimination specifically against women. Timor Leste government has also ratified the international Convention on the Elimination of all form of Discrimination Against Women (CEDAW).

Various surveys mentioned that there are still high discriminations acts against women in rural area especially the areas far from information and legal access. Lack of services in those areas leaves the community in the ignorance of their rights. Therefore, this training module is developed as a study material to assist CLL to play a liaison role and secure an effective response to the problem of discrimination against women in those rural areas.

B. Factors and areas of gender discrimination

1. Factors
   - Cultural factor

² Fokupers, training on reinforcing gender legal perspective for Paralegal and legal mentoring, Dili 17-21 November 2001. Bdk. Quoted training material of LBH APIK Jakarta
Tradition and culture is clearly divide rights and competence between men and women. Women are generally considered as second-class in patriarchal tradition.

- **Social factor**
  Generally people believe that women are powerless second class creature depending on men.

- **Economic factor**
  In some community, women are considered as only able to give birth. They are considered not educated, powerless and unable to produce anything, except staying at home, looking after the children and working in kitchen. Men are competent to do all the rest.

2. Sectors where gender discrimination occurred

- **Family:**
  - Heavy works
  - Unequal dividing of inheritance
  - Family education
  - Incest
  - Domestic Violence
  - Habit
  - Personal relation

- **Community:**
  - Family life
  - School
  - Institution
  - Religion
  - Tradition
  - Community environment

- **Country:**
  - Public policies
  - Government institution
C. Types of gender discrimination

<table>
<thead>
<tr>
<th>Types</th>
<th>Violation</th>
<th>Discrimination</th>
</tr>
</thead>
<tbody>
<tr>
<td>Physical</td>
<td>Hit, kick, spit on, scratch, strangle, throw, beaten</td>
<td>Disabled, weak, ugly,</td>
</tr>
<tr>
<td>Psychological</td>
<td>Frightening, worried, degraded, abusive words, shout at, staring etc</td>
<td>Indirect pressures, public condemn or through media, isolation etc</td>
</tr>
<tr>
<td>Economic</td>
<td>Forced labour, wife commodity, delay of wages payment</td>
<td>Wages discrimination, capacity discrimination etc</td>
</tr>
<tr>
<td>Sexual</td>
<td>Rape, women trafficking, prostitution, forced on family plan, sexual abuses: pinch, forced kiss, show pornography material, persuade, abusive words against some part of the body</td>
<td>Consider women weak, powerless etc</td>
</tr>
</tbody>
</table>

D. Gender in RDTL Constitution, CEDAW and Human Rights Declaration

This part of the module gives a list of articles with reference to gender discrimination in RDTL Constitution, CEDAW and Human Rights Declaration.

1. RDTL Constitution Article 6. (j) The foundation of the nation / CEDAW Article 2 / HR Declaration Article 1
2. RDTL Constitution Article 16. Universalities and the Equality Rights of men and women/CEDAW Article 1 / HR Declaration Article 2
3. RDTL Constitution Article 17. The equality of men and women / CEDAW Article 10
4. RDTL Constitution Article 39. Family, Marriage and child birth /CEDAW Article 12, 13 and 16 /HR Declaration Article 24

3 Quoted from RDTL constitution – Timor Leste, CEDAW and Human Rights Declaration
III CONFLICT RESOLUTION MATERIALS

Main themes discuss:

- A. Conflict definition

- B. Conflict resources
  1. Natural
  2. Shape
  3. Interest
  4. Action
  5. Ideology

- C. Essence of conflict
  Real conflict The origins can be seen (physical impact and disputes)
  Ideology conflict The conflict’s roots come from the religion, culture or ethnic grounds
  Mixture The origins are mixed

- D. Types of conflicts
  Conflicts depend on the number of person it involves, the relation of conflict parties according to quality and essence of conflict.

- E. Conflict prevention
  There are several strategies to prevent conflict:
  - Avoid
  - Postpone
  - Non Confrontation

- F. Conflict Resolution
  - Negotiation
  - Conciliation
  - Facilitation
  - Mediation
IV ACCESS TO JUSTICE MATERIALS

A. Main topics
  ➢ Definition of law and justice.
  ➢ Definition of access to justice.

B. Complementary topics:
The above topics will also be briefly discussed
  ➢ Duty and function of Judges, Prosecutors, Lawyers and Public Defender.
  ➢ General explanation on court hierarchy in Timor Leste
  ➢ How to take civil or criminal case to the competent court

First Phase or Selection Phase/ Module 2
Mains subjects:
  ➢ Community Legal Liaison role and function
  ➢ Constitution

I CLL OBLIGATION AND FUNCTION MATERIALS

A. What is CLL?
CLL is the abbreviation for Community Legal Liaison. The terminology was created by ASF and NGOs partners to express the role and function of CLL.
CLL is a person selected among the community leader in rural areas.
CLL is provided capacity building and training to assist community in rural areas in order to resolve conflict or provide legal information.

B. The role of CLL
CLL is established with the objective to provide services, facilitate access to justice to the community in rural areas far from the programs of legal services and information.

C. The function of CLL
  • Facilitate and educate the community by enabling them to claim their rights
  • Provide legal information and access to court
  • Provide secure mediation and reconciliation in every disputes
  • Serving lawyers with statement, provide evidences and other information that are relevant to the cases
  • Provide advise, mentorship and counselling to the people who are in need
  • As a liaison between community, government and legal institutions

D. Others topics related to CLL:
• What is best to do and not to do by CLL in grassroots community level.
• Who can be a CLL
• How is the CLL procedure in grassroots level supposed to be.
• Principal capacities that are useful for CLL
• General information on work and experience of CLL members 2005 (previous year)

II CONSTITUTION MATERIALS

A. What is Constitution
Constitution is the highest legal norm of one State and all citizens should respect the Constitution

B. What is unconstitutional
The act that contravene the Constitution

C. Important function of the Constitution

D. About what you can find commonly in a Constitution

E. Constitutions Types
   ➢ Written and unwritten Constitution
   ➢ Flexible or rigid Constitution
   ➢ High level Constitution and not high level.
   ➢ Federal and unity Constitutions
   ➢ Presidential constitution system or parliamentary system

F. The process of drafting Timor Leste Constitution.\(^4\)
The process of drafting Timor Leste Constitution happened during the period of UNTAET, in which UNTAET, CNRT, Church and NGOs played the role of providing civic education on Constitution to all people. The process of drafting RDTL constitution has involved consultation with all citizens of Timor Leste (Constitution Commission is the commission that implement direct consultation with the community based on Untaet regulation No 2001/2)

G. RDTL Constitution\(^5\)

RDTL constitution consists of seven parts:

1. Part I: THE FUNDAMENTAL PRINCIPLE.
2. Part II: RIGHTS, OBLIGATION, LIBERTY AND FUNDAMENTAL GUARANTEE.
3. Part III: POLITICAL ORGANIZATION

\(^4\) Education Materials on Constitution, Yayasan HAK & Makaer Fukun page 9-10
\(^5\) RDTL Constitution.
4. Part IV: ECONOMIC AND FINANCIAL ORGANIZATIONS.
5. Part V: DEFENSE AND SECURITY OF THE NATION.
6. Part VI: GUARANTEE AND REVIEW OF CONSTITUTIONAL LAW:
7. Part VII: CLOSE AND LEISURE TIME.

Second Phase / Module 3
Mains subjects:
- Difference between civil and criminal cases
- Mediation

I THE DIFFERENCE BETWEEN CIVIL AND CRIMINAL CASES MATERIALS

This material focused on the maturation understanding of the participants regarding the difference between civil and criminal cases.

Prior to have specific explanation on the differentiation between civil or criminal case, this material is reminding to the participants about law in general.

A.1 Law in general
- What does law mean
- The function of law
- Type of legal system
  - Written law
  - Unwritten law

A.2 Law in Timor Leste
- RDTL constitution
- Parliament law
- Untaet regulation
- International law
- Traditional law
- Indonesian law

B. Civil and Criminal Laws
Law based on particulars interest is divided into two sections:
- Civil Code
- Penal Code

B.1 Contents of Civil and Penal Code
The category of criminal cases:  
Murder  
Fighting  
Steal  
House burning  
Domestic violence
The category of civil case:
Debt  
Inheritance problem  
Land dispute  
Scorch
Sexual violation

B.2 How to resolve civil cases

There are two ways to settle civil cases:
1. Non Litigation (resolve through mediation)
2. Litigation (resolve through court)

Reason of solving civil cases through mediation

1. Civil case is as a relation to regulate individual that can resolve through both parties in peaceful way
2. Resolve civil case through mediation means time’s economy. It is faster to resolve a dispute through mediation than take the case to the court.
3. Resolve civil case through mediation means saving money. Taking a case to a court will cost to the bringer the costs for registration and for assistance by a lawyer
4. In Timor Leste traditional law is often used to resolve conflict. Using the mediation process is this appropriate in Timor Leste as the mediator could be village chief, sub-village chief, storyteller and catechist or CLL member.

II MEDIATION MATERIALS

A. Mediation Definition
Mediation means to be assisted by a third party who must be neutral and impartial, in order to reach an agreement between conflicting parties. The third party also call Mediator cannot impose a solution on the parties. The solution should be finding among the two parties in conflict.

B. What is mediator

C. Criteria of mediator

D. Principe and code of ethics of the mediation

D. Mediation process

- Prior phase to the mediation process
Depending on the mediation team sometimes it can be a mix between mediation and traditional law. The important thing is that the parties in conflict should get involved in the mediation process.

- Phase during the mediation process
  - Introduction
  Here, the mediation team will welcome both parties and explain the role of the mediator
- Basic rules
It's important to explain the rules during the mediation process in order to make sure that everything is going well.

- Chronologies
Conflict parties are able to tell the chronologies and rules and also request for the witness who knows information on incident chronologies.

- Solution
  ✓ Mediator team can assist the conflict parties to reach an agreement. The mediator team can decide to use private discussion to reach an agreement.
  ✓ The mediator will request the conflict parties to find a solution. If the parties cannot find a solution to their dispute, the mediator team will give to the parties in presence to weeks time to think for other solution. Mediator team will explain clearly to the conflicting parties what will happen if they do not find a solution.
  ✓ The mediator team can help a private session with each conflicting party’s conflict within two weeks in order to help them to find a solution.
  ✓ To facilitate and help the conflicting parties the mediator need to make case formulation to the interest of both parties.

(FORMULATION OF JOINT STATEMENT TO SEEK FOR THE SOLUTION AND DIFFICULTIES)\(^5\)

<table>
<thead>
<tr>
<th>Statement of party A</th>
<th>statement of party B</th>
</tr>
</thead>
<tbody>
<tr>
<td>THE INTEREST OF PARTY A</td>
<td>The interest of party B</td>
</tr>
<tr>
<td>Joint statement/agreement to have good solution for conflict parties</td>
<td></td>
</tr>
</tbody>
</table>

- Phase after mediation process
This phase consists in the drafting of an agreement letter summing up important points of the agreement and designing CLL members as witness.

---

\(^5\) Land and Property, Mediation Materials & roles of other third parties.
Second Phase / Module 4

Main subject:

- Timor Leste Court system
  - Legal system
  - Criminal and civil procedures

TIMOR LESTE COURT SYSTEM MATERIAL

A. Legal system

Legal system and legal resources

Legal system is a form of regulated legal structure in order not to have contradiction between legal resources in a legal system itself. The legal resources applicable in Timor Leste are RDTL Constitution, Indonesian Constitution, Untaet Regulation, International Law and traditional law.

Court hierarchy

The Court of Appeal hears appeals from first instance courts:
- from the 4 districts court (Dili, Baucau, Suai and Oecuse).
- from commerce, military and children courts (the last one does not exist yet because of lack of financial and human resources)

The Court of Appeal also plays a role as Supreme. The Supreme Court has not been set up now. This role will be withheld when the Supreme Court will exist. The Court of Appeal also plays an administrative function in political party registration.

Court Actors

Judges, prosecutors, lawyers (public and private) and police.

B. Criminal and civil procedures

1. The process of settling criminal cases:

The terminologies of criminal procedure are as follows:

- Indictment = an accusation made by prosecutor based on the crime of the accused person and which relies on criminal law
- Investigation = a phase in which judge seek for fact or evidence related to the case (judge lead an investigation and work closely with the police)
- Flagrante delictu = someone caught in the act. The suspect caught in the act will try to loose proof/evidence or to escape.
- Arrest warrant = an order of arrest taken by judge directing to the suspect. The order of arrest should contain the reasons of arrest.
• Instruction = the authority such as judge will instruct for an arrest, ransacking, confiscation etc
• Prison = a place where to detain and punish the accused person and convicted person
• Detention prior to trial = preventive detention for the suspect. The preventive detention is for a period of 30 days but can be extended for the trial as well as by court’s decision
• Detention = a way to limit suspect’s freedom of movement
• The accused = the status of someone who is indicted by judge.
• Convicted = the status of someone who is condemned by court order
• Summon letter = an order from the authorities (judge, prosecutor) directed to some parties (suspect, witness, victim) to be present in court or office of the prosecution
• Victim = the party who suffer physical or mental prejudice with general objective to seek reparation for the prejudice suffered
• Informer = the party who report a case to tribunal actors (police, prosecutor, judge)
• Decision = the act of judge to condemn or release someone
• Witness = people who directly see and/or hear or have the knowledge of something

Criminal process phases:

• Reports or a case of caught on criminal act
• Judge issue an arrest warrant based on police reports
• The police arrest the suspect
• The suspect is detaining during 72 hours in police cell
• Hearing (hearing is made to see whether someone can have preventive detention for 30 days or not)
• Trial process (judge lead the trial)
• Decision phase (the accused person and victim can introduce an appeal)

Court process

• Victim and suspect are informed about the date/time of the audience
• The judge ask victim, suspect and witness about what they know about the case
• The prosecutor and lawyer question the victim, suspect and witness
• The prosecutor will convey the arguments for accusation and lawyer will convey the arguments for defence. Based on the arguments presented by accusation and defence judge take its decision
• If one of the party (lawyer, suspect and prosecutor) is dissatisfy with the court decision they can introduce an appeal

2. The process of settling civil case.
• Plaintiff’s suit is written by the lawyer
• Registration of the case
• Schedule of trial.
• Judge calls the plaintiff and the respondent
• The plaintiff read the suit
• The respondent answers the plaintiff’s suit
• The judge considers and render a decision
• If one of the parties disagrees with judge decision it can introduce an appeal to court of appeal within 14 days following the court decision

The terminologies of civil procedure are as follows:

• Brief explanation on legal terminology including counterplea, rejoinder, plaintiff and respondent.
• Suit: request to court together with reason, accusation to have the status of legal decision on a dispute matter
• Plaintiff: party/a person who introduce the process
• Respondent: party/a person who has to respond to a suit introduce against himself
• The terminologies suspect or victim are not used in civil process

The plaintiff party will pay registration case in court. To submit a suit process the cost of registration in court is $75.00. If the plaintiff cannot pay, he can have legal assistance by getting a lack of ability letter from the village chief.

Evidences in civil case

• Authentication by letters.
• Witness statement.
• Suspicion.
• Admission.
• Oath.

Court’s decision in civil cases
According to its feature, final decision divided into three:

• Declaratior decision is a decision that taken by judge through an explanation manner.
• Constitutive decision is a decision taken by judge in which creating new legal system (for example: decision on divorce, cancellation of an agreement)
• Condemnatioir decision is a decision taken by judge in which through a punishment manner. For example, judge decision is to punish respondent to return what has been claimed and compensation.
Annex 3
Interviews with Parties to CLL Mediations

1. Parties to Mediation: Bazar Tete, Maubara Sub-District (Resolved)

1st Family:
Bazar Tete. On the 20th September I went to sell vegetables at the village market. When I was returning home I stopped at a relative’s shop. Some members of the other family asked me to give them some cigarettes. One member of that family said they should not smoke the cigarettes because they would make them sick because of evil spirits. I became very angry and asked them to give the cigarettes back because if something bad happened to one of them they would blame me.

I went back to my house and I was very angry. I took my knife and went to threaten them and threatened to burn down their house. People tried to take the knife away from me but I felt I had to threaten them or burn down their house.

They called the police who asked me to calm down and sit and talk but I said no. I went to the village chief who called us to his office and explained that we have to respect each other. The village chief, the sub-village chief and the other family were at the meeting. WE agreed to solve the problem by having the other family donate a buffalo and two sacks of rice which were used to feed the whole village.

This was the second time we had this problem. During the Indonesian time, they also accused our family of being the evil spirits. My husband killed one of their family and my husband was sent to jail.

Now we live peacefully as if they were our family members.

I had heard about the village chief’s mediation process from other people but I had not attended any of the training activities. I don’t know about the other activities of the programme.

This is different from the way disputes have been solved in the past.

2nd Family:
This was the second time we had this problem. The first time my nephew was killed and it was dealt with by the formal justice system. When the problem happened the second time we reported it to the police but the Village Chief came and said there is another way to try to solve this problem. We met with the other family and the village chief and other members of the village council. But it was our decision how to solve the problem. We agreed to give a buffalo and two sacks of rice because the other family had to make some offerings to rid themselves of the accusation of being evil spirits. I am very happy with the way the problem was solved this time and we live in peace with the other family now.
I have attended some of the trainings of the programme. We received information about rights, violence and other issues. This is the information they gave us and now we have to implement it.

Follow up discussion with CLL
In the past we could never solve these problems. The families will keep their peace because we invited a traditional leader to the ceremony where the buffalo was killed and they each made an oath in front of the traditional leader that they would not have this conflict any more. Therefore I am confident that they will keep their agreement.

2. Party to Mediation -- Maubara (resolved)

There were problems between my husband and me. My husband did not respect me and they were not talking to each other. This continued for 2-3 months. He had tried to hit and beat me but I always ran away. I went to the sub-village chief and he organised a meeting between me and my husband with the liar nain there. We both explained what are our problems and we agreed to kill a goat and prepare some food. We also gave $20 to the traditional leader. Now we are happy and our problems are solved. This is a better way of solving problems. Before they would just tell us what to do. I have attended some training but I forget what it is about.

3. Party to Mediation Holpilat Village, Zumalai Sub-district (resolved)

I had some land that I had not used for a long time. I decided to start farming it again but when I went there I found someone else was working on the land. They started fighting and the police took him into preventive detention. When he was detained at the police station for 72 hours. The police said this is a civil case. The fighting is a criminal case but the land dispute is a civil case so you should take it back to your community and try to solve it. If you cannot solve it you can take it to the formal system.

When it came back to the village we sat together and it was solved but if it is not solved traditionally it can be taken to the sub village chief and then the village chief and then the sub district level but when they solved it traditionally, then it was solved.

Of course we sat together with the other person otherwise we could not solve the problem. We are no more enemies and we live together as usual. This is the usual way to solve the cases. The traditional leaders are the ones who make the decision.

The other man and I are from the same traditional house and we are relatives so we did not have to pay. We just shook hands, held each other and we made peace.

Question: Since independence of Timor Leste do you hear much about the formal law?

Wife: If you do not know about this it is unbelievable because the village chief and sub district administrator are always coming here. It is unbelievable if you don’t know.
Man: We know from the village activities because our village chief holds a meeting and provides some information on those issues.

For us in the communities the traditional law is better because when there is a problem then the traditional law is there for us.

When there is fighting and if there is any blood then it goes to the police and then we don’t know. If there is no blood then we deal with the problem traditionally.

Traditional law has existed since a long time and we cannot leave it. It is better that they go together. It doesn’t mean that we leave behind the formal law. The two systems have to collaborate together.

4. Party to Mediation in Tazhilin Succo, Zumalai sub-district (unresolved)

I did not know that my husband owed money for a contribution to the traditional house of my family. One day people came to our house and asked for the money then they started to break things. My husband said its time for the marriage to end.

I told him that I am his wife and if he owed this money he should have let me know. He became angry and put chili inside my vagina then he ran away. My parents went to look for him but his brothers said they did not know where to find him but they would keep looking even if he had crossed the boarder to Indonesia. My parents say that his family should pay a dowry.

We heard that my husband has taken another wife.

My family went to the traditional leaders but there was no solution because my husband’s family refuse to pay for the dowry. My husband came back to the village and when my parents ask him for a dowry he said “I fuck your daughter, not you.”

My family went to the house of his family and took some animals because they would not pay the dowry.

Then the village chief organised a meeting between the two families, with the police and the Liar Nain. My husband agreed that he would live together with me again and I also agreed to this. But then my family asked for the dowry and again he refused. Since the meeting both parties are claiming the dowry and the case is with the police.

The police came and asked me about the assault when my husband put the chili in my vagina when they were investigating the theft of the animals but so far we have not heard anything.
Follow up discussion with CLL
According to the CLL village chief, the assault on the woman was only dealt with by the police at the time the theft of the animals was reported. By then it was almost two years since the assault is alleged to have occurred and it is very difficult to get evidence and witnesses. This case remains unresolved and is in the hands of the police. According to the village chief, the police are dealing with three issues, assault/domestic violence, theft and failure to pay dowry, even though the latter is a civil issue. He has been to the police to discuss it with them and they say it is now in the hands of the prosecutor.
Annex 4
Interviews with Traditional Leaders

1. Interview with traditional Leader from Suai (Holpilat)

Name : Abilio Gusmao
Age  : 64 years old
Sex  : Men
Position : As traditional leader (Council of Sucos/ Council of village)

1. What is the most significant problem happen in your village:
   • Fighting
   • Divorce
   • Adultery committed by community
   • Land dispute

2. As Traditional leader how do you identify a problem that happen in the community:
   • People who committed a problem come to complain to Chefe Aldia or Chefe Sucos.
   • If the problem committed by two people, the first thing they must go to the traditional leader in their traditional houses, if the traditional houses leader do not resolve the problem and the problem could referral to sub village leader and sub village traditional leader, but before the sub village leader and sub village traditional leader solve the problem they must ask information to traditional houses leader why they do not solve the problem. Than if problem could not solve in aldeia level than will referral to council of village to resolve.

3. Which way you use to resolve the community problem?
   • We use a LEGES (traditional way to resolve community problem such as:
     - If the problem resolve by traditional houses, the two parties should pay $ 10, 2 bottle of wine, betel vine and betel-nut
     - If the problems resolve in aldeia level, the two parties should pay $ 20, 4 bottles of wine and betel vive and betel-nut.
     - If resolve in Village level, the two parties should pay $ 30, 8 bottle of wine and betel vine and betel nut.

     In Village level, when the problem resolve the two parties only pay $ 20 and 8 bottle of wine no any more charge, but the if problem resolve by
traditional house leader and aldeia level for people who has committed problem or suspect must pay extra thing such as:

- 1 sack of rice
- 1 pig
- 1 pack of cigarette
- Sugar 25 kg
- 1 kg Coffee
- 5 band of Betel vine and betel nut
- 1 kg salt
- 5 litter of wine.

However for adultery committed in our traditional system we are consider as big problem therefore the suspect must pay:

- Biggest pig
- $ 500 give from the man who committed adultery to a husband of woman as victim of adultery committed.
- $ 50 give to traditional leader and the council of Sucos
- One sack of rise, 5 litter of wine, sugar, coffee, betel vine and betel nut

Actually the problem happen in community, the first step they must go to their traditional house leader to solve, if they just directly complain to us as council of suco we will give back a case to Aldeia or traditional house leader, we just receive a problem if the problem already resolve but without found a solution.

If parties agree to peaceful way, the traditional leader invite the community and the leader to make party and at same time the traditional leader from traditional houses and sub village aldeia leader will make announcement about the problem resolved and told to two parties in the future not to committed any more dispute, if one of them violate the agreement, further they will get more punishment like pay more money, buffalo, pig act.

4. What is the process used to resolve a problem?
- As traditional leaders we don’t go to find them in their house
- We invite the parties to come to meet us(council of Sucos)
- Try to get information from two party
- The decisions not take by two parties but took by the council of sucos.
- Impartial decision

5. Which leader involve for solving communities problem:
- 12 council of sucos members including:
  - Two women leaders
  - People committed in the dispute
  - Women Leader
  - Traditional Leader
  - Chief of village and sub village
  - And youth Leader
• If the problems get the solution in aldeia level, so the traditional leader from aldeia will become as witness to sign a agreement. For the family they can come to observe the process of problem solving but they do not has right to make comment
• During we solve the problem we also invite the religious leader to participated but the religious doesn’t has power to take decision unless when two parties agreed to decision and at the same time the religious leader will take roles to give advice from morally side.

6. Do you hear about the CLLs?
   All the council of sucos knew the CLLs and we all as CLLs in our village

7. Did you attend any workshop or training from CLLs :
   I usually attended village workshop, community dialogue activity and involve also in other activity from other agency such as:
   - CAVR
   - Local Government meeting
   - Parliament visit
   - Religious activity
   - NGO Care
   - NGO Oxfam
   - NGO from health

8. Which material did you received from the CLLs:
   - Way to solve problem
   - Victim and suspect
   - Domestic violence
   - Difference between criminal and civil cases.

9. How did you see the CLLs resolved community dispute:
   - The CLLs still use LEGES
   - And in the training we hear from CLLs that when they solve the problem they do not charge any money and they are voluntary as well as we hear from them about different criminal and civil cases.

10. As traditional leaders how do you faced with criminal cases:
    For criminal case, we bring to CLLs and the CLLs members referral to the police

10 Did you hear about mediation/
    Yes, the who solve the problem call mediator, same with traditional system because we all have right to take the decision not the people who committed a dispute

11. What do thing about mediation and traditional system?
    Nothing against between traditional system and mediation way because when we solve the problem we are also mediator and only support from one side but we should be neutral.
12. What about the traditional system used LEGES and mediation nothing

Nothing against because mediation base to formal system and traditional system base to traditional law.

13. What the real situation in your village before ASF implement the program?
As leader my view about CEISTL/ ASF before the program implementing we knew the different between criminal and civil but we don’t know how to solve the criminal and civil cases. And after ASF implemented a program we all know how to solve the criminal and civil and for the criminal cases we bring to the Police. But if the parties like to solve through family or traditionally at the time they must pay LEGES.
2. Interview with traditional leader from Tasilin Village, Suai

Village : Tasilin
Name : Almerio Magno
Sex : Man
Age : 46 years old
Position : Leader of traditional houses

1. What is the most significant problem happen in your village:
   - Fighting by youth
   - Land dispute
   - Divorce
   - Stealing

As traditional house leader he has some experience solved community problem:
   - Divorce
   - Fighting
   - Steeling
   - Adultery

2. As Traditional leader how do you identify a problem that happen in the community:
   - People who committed dispute voluntary come to inform us through their relative

3. During solve the community problem which method do you actually used?
   - Traditional system
   - And muclt from the two parties such as:
     - $ 10
     - 10 band of betel vine and betel nut
     - 1 pack cigarette

   For divorce we will charge about:
     - One Buffalo
     - $ 200 (to give to women family)

4. If use traditional system who will take a decision?
   - The first we will let the parties to speak out about their problem.
   - The traditional leader can think about the information
   - Each traditional leader give their views
   - And take the decision by the traditional leader.

5. Who are involve to solving community problem:
   - 3 head of traditional leader from traditional houses LEO HILIN
• And each leader of small traditional house will attend by one old men and women to participates therefore the total of participants about 10 – 20 people but traditional leaders from 5 small house in Tasilin doesn’t has power to speak in thee meeting they only give their comment when the decision take by 3 head of traditional from LEO HILIN and if they feel that decision so heavy for parties to follow, and then the 3 head of traditional will think about and make a new decision.
• For guilty people she/he will pay for:
  - 1 Big Pig
  - 5 liter of wine
  - 1 sack of rice
  - 1 pack of cigarette
  - Coffee and sugar.

However if problem did not solve by the traditional house, the cases will referral to Aldeia level, before that chief of Aldeia will come to get information from traditional house leader about reason why they did not resolve the problem, only this information ask to traditional leader but when chief of Aldeia going to solve the problem do not involve traditional house leader because it was already tradition. And traditional house leader said that from their grandfather when they submitted problem to chief of aldeia they did not go to attend therefore he doesn’t know if problem solve in aldeia level or village level charge money or not he doesn’t know anything.

He also made some comparison between now and his grandfather’s, at the time they usually charge more golden crescent, metal crescent and buffalo more when they solve community problem but now bit less than before. The reason was now we don’t have many golden metal crescents therefore we just charge money.

6. What is the punishment for guilty people:
• I have different categorization of solving community people, for people only steeling food to eat because hungry, when I solve the problem I just ask people who committed steeling to say apologize to owner and promise not to do again, but if they steel buffalo, horse, pig and goat he/she must give back to owner of those things.
• For divorce we will charge about:
  - One Buffalo
  - $ 200 ( to give to women family)

7. Why the first problems happen in the community they did not go to chefe but they must to you?
• The community in Tasilin we have 1 big traditional house and 5 small traditional house. From 5 small traditional house their grandfather and grandmother from Leo Hilin therefore if their son, daughter, father mother, uncle, etc faced a problem the first thing they choose traditional
leader from Leo Hilin to solve, if the we did not get the solution then they will go to Chefe aldeia or the Chefe Suco.

8. Why you don’t solve killing case?
This is belonging to the state not us because from our grandfather’s time we never solve the problem like that.

9. How far your neutrality when you solve community problem?
As traditional leader, when I solve community problem I must be neutral, even though my family committed some dispute if they are guilty I must tell that they are guilty if not as leader I will face many problem such as:
- Me and my relative will get sick all time
- My animal will die every time
- My family will die
- And I and my relative will get accident.

10. How do you think about the formal system and traditional system
- The formal system and traditional system both of them are fine but in some way the formal system will eliminate the traditional system like the dowry
- For gender we all agree that men and women should be same right but the women must be cooking because it was part of their daily duty
- And up to now in our tradition only men has a right to take decision maybe if one day one of us (3 traditional leaders) die then women will become to replace us but now only us has power to solve the community problem.

11. Do you know ASF/ CEISTL and the project
- He doesn’t knows ASF/CIESTL
- He doesn’t know ASF project
- He doesn’t know the mediation.

[These interviews were conducted by Mr Micel Martins, Programme Coordinator]
Annex 5
Most Significant Change Stories

1. Accused of being an evil spirit

This case happened in Maumeta village about “Accused of being an evil spirit” among the family, however, when we solved the problem the two parties with two different traditional houses (uma – lisan) such as: Rumbia lelakai and Mausaka mautoba. People from uma lisan Mausaka-Mautoba accused people from uma lisan Rumbia-Lelakai of being an evil spirit, then people from uma lisan Mausaka-Mautoba got angry and killed a person from uma lisan Rumbia-Lelakai, it’s happened during Indonesian occupation and the perpetrator was taken to jail. When he was released, they were still accused by people from uma lisan Mausaka-Mautoba and wish to take revenge against the perpetrator. Then we tried to solve the case through mediation in which took two or three weeks to be solved. The mediation was made only for the two people who were having problem, but we invited the family of the two parties (uma lisan) to participate in the mediation process and they wanted it to be solved. Prior to the mediation process, the two families did things traditionally such as killed animals to recall the deceased, the two families got into the mediation room and made an traditional agreement to kill a buffalo and two sacks of rice and made ceremony for everyone and not to use the word of evil spirit to each other, and now they live in peace as always be.

2. Impact on CLL members

Before and after being CLL members

Before we received training/materials by ASF, all problems that are facing by communities (whether civil or criminal cases) we solved them through traditional system, for example compensate each other such as pig and tais (traditional clothes). But when we joined the CLL, we solved problem through mediation, in which, in the process we are the facilitator for the mediation and the two parties don’t need to pay anything because in the mediation the two parties take their own decision on a mechanism to accept one and other. And the significant change is that we do not receive any criminal cases to be solved in the village but we submit it to the police, we only solved civil cases through mediation.
3. **Divorce**  
*A real history from Bazartete, Fatumasi village Metagou sub-village*

During three years a husband and wife had been divorce, because the wife suspected that the husband of being adultery, however, no evidence to prove that the husband does so. After so long the wife found him with other girl and then the case has been taken to the traditional leader (adat) to be solved, but when the husband knew that the case has been reported to traditional leader by the first wife to be solved among the two parties the husband starting to use violence by using the sharp weapon to threat the leaders that will solve their problem, then his father asked him to go to stay with his second wife for 4 days and the traditional leaders were very scared to solve the problem and just leave it. And the wife works hard to convince/encourage the village councils and religious leader to help solve out the problem. The religious parts provided moral advice to the first and second wife and the husband was handed to CLL member.  
The CLL members do the mediation, in the mediation process the CLL provided moral advice and convince him to accept his first wife as he is a farmer and has many children that need his attention and assistance (pay the school fees) and after he thought of those options he decided that he is willing to accept his first wife and compensated the second wife. Now they live together in a peaceful family as before.

**Most Significant Change Stories : 2006 Review**

1. **Resolving a cross-border dispute over ownership of livestock in Foholulik**

Foholulik is a suco located in Tilomar sub-district, in the border area of Covalima district. It borders the village of Alas, in Indonesia’s Betun sub-district. A common occurrence in the area is buffalo going missing or being stolen. This is a longstanding problem that has always been difficult to resolve. Since independence, such cases are even more complicated given the cross-border issues involved. The Chefe de Suco of Foholulik, Verissimu Ximenes, after participating in the CLL program, attempted to mediate the following dispute:

- An Indonesian civilian had legally entered Foholulik in Timor-Leste’s territory and during the night had gathered and chased the community’s buffalo across the border into Alas village in Indonesian territory.
- In a separate incident, five buffalo belonging to people from Betun accidentally entered Timor-Leste territory and as a strategy to get their buffalo back, people in Foholulik took possession of them.
- After investigating and discovering the above, Verissimu together with sub-village chiefs liaised with the Alas village chief and then decided to work with the Indonesian military and Timorese Border Patrol Unit to resolve the problem through mediation.
• A mediation session was organised during which the parties reached a settlement whereby both parties agreed to give back the buffalo to the respective owners and to cease doing the same thing in the future.
• Both parties signed an agreement that was witnessed by the Indonesian military and Timorese Border Patrol Unit.

Verissimu stated that before attending the CLL program, he felt unable to resolve this issue. After attending the training, particularly that on mediation, he felt competent to mediate the dispute and confident collaborating with the relevant authorities. While the particular circumstances at play lend itself to a joint solution whereby each community’s buffalo was returned, Verissimu’s story demonstrates the empowering role the CLL program can have. In these circumstances, rather than playing the role of strict independent, objective mediator, Verissimu has acted more as a negotiator or advocate, playing an instrumental role in organising and facilitating a negotiation session, and then assisting the parties to reach a joint settlement. The experience of Verissimu demonstrates the positive impact the program has made on building his confidence, to the extent that he facilitated a complex, cross-border negotiation process. Now Verissimu feels more confident resolving disputes over ownership of buffalo, whether they occur solely within Timor-Leste or involve Indonesian villages.

2. Community Dialogue leads to resolution of a land dispute in Guguleur

Lino, a 42 year-old man from Rainaba, suco Guguleur, sub-district of Maubara, Liquica district, was present at a Community Dialogue in August 2005. When interviewed, he explained the most significant change he experienced since the program commenced was in relation to his own personal land dispute. Lino and his neighbour had a long-standing disagreement over the location of property boundaries and damage that had been caused to the land in dispute. The issue had at times turned violent and resulted in both men being severely beaten and injured. Chefe de Sucos and community leaders have attempted to resolve the dispute but the disputing parties will not accept the other’s position and feel that the other is in the wrong. The Chefe de Aldeia of Rainaba, as well as Lino, were both present at the Community Dialogue conducted by ASF and Fedaros, where the legal framework and resolution of land and property disputes were discussed in detail. Following this, a meeting was held between all parties, including Lino and the Chefe of the neighbouring Aldeia of Dair, Antonio. During the meeting, Antonio asked each party to describe the background of the case and he then explained the information he had learned from ASF’s program regarding the land and property legal framework. Both parties came to a joint resolution (the specifics of the settlement are unclear), signed a letter of agreement and feel satisfied that they can now live as neighbours peacefully.

Antonio was subsequently requested by the Chefe de Suco of Guguleur to provide training to all Chefe de Aldeia to assist them in solving their problems at the aldeia level. Antonio feels he does not have the capacity to provide this training.
Lino and Antonio’s experience demonstrates the benefit of combining broad scale awareness raising activities with more targeted training for community leaders. Through the Community Dialogue, an aggrieved party became aware of potential avenues to resolve a long-standing dispute, while through the CLL program, Antonio played an instrumental role in assisting the parties to resolve the dispute. The fact that Antonio feels uncomfortable passing on his knowledge and experience to other Chefe de Aldeia highlights the need for additional emphasis on building the training capacity of CLLs. While ASF assists and supports CLLs to give trainings to their own communities (Village Workshops), more work is needed to empower CLLs to conduct trainings without external support.

3. CLL refers sexual assault of child case to police in Vatuboro

Roque, the Chefe de Suco of Vatuboro, is a CLL in the sub-district of Maubara, Liquica district. When asked to explain the biggest change in his community he told a story about a 40-year old father who had allegedly raped his daughter from a previous marriage in late 2005. The man has subsequently remarried and now lives with his second wife. Shortly after the incident occurred, a police officer, who was also a family member of the alleged perpetrator, intervened and attempted to resolve the situation within the family. Given the shame the situation had brought on the family, it was considered better to deal with the problem through internal discussion rather than seek redress through the formal justice system and risk further humiliation.

The second wife attended a Community Dialogue in Vatuboro and after hearing the presentation on domestic violence, she felt unsatisfied with the way the alleged rape had been handled by the police. Fearing for her own safety, she went to Roque to get further information. As a CLL, Roque provided information on the difference between civil and criminal cases and the necessity of criminal cases such as the alleged rape to be reported and fully investigated by police. After Roque consulted the police and investigations were conducted, the alleged perpetrator was subsequently arrested, and is now imprisoned awaiting trial. His current wife is satisfied with this situation and sees his arrest and trial as important to protect herself.

This situation demonstrates the positive referral role both the awareness raising and CLL programs can play. Without the knowledge that the alleged rape should be formally resolved, the second wife would not have sought assistance from Roque and the case would not have been referred again to police. The intervention of the CLL in this case was crucial in bringing the case within the formal justice system.

4. CLL assists construction of school through awareness raising on property rights in Tequinomata

Julio is a Chefe de Aldeia of Samagia, and a CLL of Tequinomata suco, sub-district of Laga, Baucau district. He explained a story of how the ASF program assisted him in
resolving Raimundo’s dispute with the Department of Education. The Department wished to build a school building on land that Raimundo claimed he owned. Raimundo was only willing to allow construction to go ahead if he received reasonable compensation. After attending CLL training, Julio tried to resolve this dispute and took the following steps:

- discovered the history of ownership of the land.
- explained the need for and differing strength of various evidence, such as a certificate of ownership or witness testimony.
- described the court process, including its cost, the need for lawyers and the time it would take to complete the case.

Julio discovered that the disputed land was previously owned by government under Portuguese times. He explained to Raimundo that a court would most likely not see him as the owner. Julio then organised a community meeting for the Suco Council and all Chefe de Aldeia at which Raimundo stated he would renounce his claim on the land for the sake of the school in Samagia and the people of Tequinomata. At the time of writing the school was nearing completion.

5. Legal education on child rights in Saelari

Ruben is a 13-year-old boy from Saelari in Laga sub-district, Baucau district. When interviewed, Ruben detailed his personal experience to explain the change that occurred due to ASF’s program. Before attending the Community Dialogue, Ruben was forced to do housework as soon as he returned home from school. He had no opportunity to play with other children and to enjoy leisure and recreational activities. Ruben and his parents attended the Community Dialogue in Saelari and due to the discussion on child rights, they realised that Ruben should have equal rights as the other children. Ruben’s parents now give him greater freedom to study and play with his friends.

Ruben’s story demonstrates in simple terms the positive and at times immediate impact of Legal Education activities. The presentation on child rights in the Community Dialogue has resulted in behavioural change and ensured Ruben’s right to rest and leisure is upheld.

6. Decrease in civil cases in Laga

The sub-district administrator of Laga was interviewed and asked to reflect on change in the sub-district since the start of ASF’s program. He referred to combined statistics on the number of civil cases registered either at Laga police station or Baucau District Court. For the period 2003-2004, 18 civil cases were registered, while in 2005, 6 cases were registered. It is likely that the large number of civil cases (24) mediated by CLLs in Laga during the same period contributed to this decrease. This is supported by the Baucau police, who via the sub-district administrator expressed their gratitude for the program, which in their opinion had contributed to the reduction of civil cases registered.
Although there is a lack of clarity in the statistics cited by the sub-district administrator, they do provide a strong indication of a decrease in civil cases registered during 2005. Further, according to the impression of both the Baucau police and sub-district administrator, it was ASF’s and CIESTL’s program which contributed to this. To the extent this impression is accurate, the decrease reflects positive aspects of the program’s in raising awareness on the difference between civil and criminal cases, the appropriate way to resolve each type of case and the effectiveness of the mediation training provided to CLLs. These results are further reflected in positive participant feedback obtained through interviews. By facilitating a decrease in the number of civil cases registered, along with an increase in civil cases mediated, the program has not only provided significant benefit in terms of community dispute resolution, but has also assisted to reduce the significant backlog of civil cases in the district court system.

7. Gender material encourages woman from Casabau to study

Mariana is a 16-year-old junior high school student from suco Casabau, Laga sub-district, Baucau district. She explained that the material on gender in the Community Dialogue had resulted in change in the way she saw her future. She explained that she knew of no women in her village who had attended university. After hearing about the equal rights of women and men, particularly in relation to work, she wished to continue her schooling in Dili, try and attend university and perhaps work in an office like other women do. ASF’s female Program Coordinator was a positive role model for Mariana, and the two discussed what it is like to study at university. This story illustrates the immediate impact Legal Education activities can have on participants. While a Community Dialogue may not ensure protection of rights, the mere fact of providing rights-based information to remote communities can provide a crucial first step in assisting women to break a cycle of marginalisation. The role of ASF’s female Program Coordinator lends significant support for affirmative action to ensure a greater proportion of women amongst program staff.

8. Significant change in resolving disputes over occupied land in Raimea

When interviewed, Mateus, a CLL of suco Raimea in the sub-district of Zumalai, Covalima district, described positive change in people’s awareness of property rights. In Raimea, the majority of people live on land or in houses that do not belong to them. This issue causes the largest number of legal disputes in the village. Although Mateus has previously attended training on mediation, he has not been able to assist disputing parties to find a solution. After participating in the CLL program and attending a Community Dialogue, Mateus has been able to provide community members with information on what constitutes ownership of property, and the circumstances where occupation is illegal. This has resulted in a number of cases being resolved and there are instances where individuals have even come forward voluntarily when they realised that they were illegally occupying houses.
Mateus’ experience illustrates the importance of combining grassroots awareness raising with more technical training to community leaders. In isolation, either of these activities would unlikely result in the same extent of positive change. Combined, however, they provide an effective multi-faceted approach. By first providing community members with information on what their rights are, and then empowering community leaders to provide more technical information through training on land and property law, the program facilitates the possible resolution of disputes arising from breaches of those rights.
# Annex 6

## People Interviewed

<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Barbara Oliveira</td>
<td>Advisor, Provedoria, formerly UN Human Rights Unit</td>
</tr>
<tr>
<td>Cancio Xavier</td>
<td>Deputy Head of Public Defenders Office</td>
</tr>
<tr>
<td>Eun-chim (Jennifer) Choi</td>
<td>Programme Officer, UNDP Governance Unit (UNDP Justice Project)</td>
</tr>
<tr>
<td>Katherine Hunter &amp; Tiago Sarmento</td>
<td>Asia Foundation Country Director and Program Officer</td>
</tr>
<tr>
<td>Lucas da Costa</td>
<td>Ministry of Justice, Director of Department of Citizenship and Rights</td>
</tr>
<tr>
<td>Luis Oliveira</td>
<td>Judicial System Monitoring Program, Victim Support Services</td>
</tr>
<tr>
<td>Manuel Goncalves</td>
<td>Asia Foundation Legal Aid Coordinator, Suai</td>
</tr>
<tr>
<td>Mira Martins</td>
<td>Pradet</td>
</tr>
<tr>
<td>Rosa Lopez</td>
<td>PNTL Vulnerable Persons Unit, Liquisa</td>
</tr>
<tr>
<td>Leonel De Jesus Carvalho</td>
<td>District Administrator, Liquisa District</td>
</tr>
<tr>
<td>Victor Lobo</td>
<td>Land and Property, Liquisa</td>
</tr>
<tr>
<td>Grupu Haburus Cultura</td>
<td>Drama Group, Liquisa</td>
</tr>
<tr>
<td>Roberto dos Santos</td>
<td>Maubara Sub-district PNTL Police Commander, Liquisa</td>
</tr>
<tr>
<td>Mateus Correia</td>
<td>Bazartete Sub-district PNTL Police Commander, Liquisa</td>
</tr>
<tr>
<td>Jacinto dos Santos</td>
<td>Head of Administration, Suai District</td>
</tr>
<tr>
<td>Bento do Nacimento</td>
<td>Holpilat Sub-district PNTL Police Commander, Suai</td>
</tr>
<tr>
<td>Staff and NGO partners of the Grassroots Justice Project</td>
<td>Avocats Sans Frontieres and CIES TL</td>
</tr>
<tr>
<td>Nine Community Legal Liaisons</td>
<td>Liquisa and Suai (see separate listing)</td>
</tr>
<tr>
<td>Community members and leaders</td>
<td>Liquisa and Suai District</td>
</tr>
</tbody>
</table>
Annex 7
Documents Reviewed

ASF Documents
2005 Internal Evaluation Report of the GJP.
2007 ASF Evaluation of CLLs
ASF Final Proposal to Danida 2004.
ASF Report on Evaluation of the Road to Justice Video.
ASF/NGO Partner Agreements.
CLL Training Outline.
English script of the Road to Justice Video.
Summary spreadsheet of cases dealt with by CLLs in 3 districts 2005/2006.

Other Documents
http://www.justicefortheoorp.or.id/documents/publikasi/Interim%20Report%20II%20VJA_ENG.pdf
Local justice systems in Timor-Leste: Washed up, or Watch this space?, Graydon, C, 2005., Development Bulletin, no. 68, pp. 66-70. Canberra
Programme of the IV Constitutional Government 2007-2012, Democratic Republic of Timor-Leste, Presidency of the Council of Ministers,
Rights Equality and Justice: Priorities and Proposed Sector Investment Program, developed by the RDTL justice sector agencies in April 2005.

Rule of Law in Timor Leste, 2007, USAID, American Bar Association, Rule of Law Initiative

Statistics from the Court of Appeal and District Courts 2000-2006, Court of Appeal RDTL


Torture Survivors: Their Experience of Violation, Truth and Justice, Dili, Timor-Leste, April 2007
Evaluation of the “Providing Access to Justice – Legal Awareness at the Grassroots Level” Project
Timor Leste

Terms of Reference

A. Introduction

Avocats Sans Frontières (ASF – Lawyers without Borders) is an international non-governmental organization with a mission to contribute to the creation of fair and equitable societies, in which the law and its institutions serve society’s most vulnerable groups. ASF has worked in Timor since 2002.

Strengthening the East-Timorese justice sector has been the main goal of Avocats sans Frontières. It has training and awareness projects running as well as legal aid schemes that aim to facilitate access to justice. In cooperation with local stakeholders, the organisation aims to contribute to re-establishing confidence of the East-Timorese population in judicial institutions and the rule of law.

To implement an external evaluation of its program “Providing Access to Justice and Legal Awareness at the Grassroots Level”, which is scheduled to end in December 2007, ASF is recruiting for the following short-term post:

Post: Consultant
Location: Dili, Timor Leste (East Timor) and districts of intervention
Duration: Up to 28 days, to begin early November 2007, and include at least 18 working days in Timor Leste
Conditions: Competitive for international NGO contract

B. Objectives of the evaluation

The objectives of the evaluation are to assess the relevance, impact, effectiveness, performance, success and sustainability of Avocats Sans Frontieres’ project “Providing Access to Justice and Legal Awareness at the Grassroots Level” in a comprehensive societal approach.

- Measure the degree to which the project has fulfilled its planned goals and achieved planned levels of impact.
- Document the lessons learned to be gained from the project in relation to future project design, assessing the context of intervention and highlighting the new main trends in the field of access to justice.

The evaluation will be carried out taking into consideration the context of the justice sector in the country, the societal context (population, conditions, organizational structures, institutions…) as well as external influences or changing circumstances faced by Avocats Sans Frontieres in the implementation of its program.

C. Background of “Providing Access to Justice and Legal Awareness at the Grassroots Level”.

The general objectives of the project are to:

I. Contribute towards the emergence of a legal system in East Timor that can provide real protection for the population and, especially, the weakest groups within this population.
II. Increase respect for the fundamental human rights of the population, and, especially, the weakest groups within this population.

III. Contribute towards the emergence of a real rule of law and democracy culture in East Timor.

The particular objectives of the project are to:

I. Emergence of a network of paralegal workers among community leaders in rural communities.

II. Build capacities of paralegal workers by providing them with the basic knowledge of laws and its procedures; information on mechanisms of protection offered under the law; skills to provide legal information, education and guidance to rural communities.

III. Provide rural communities with information on the justice system in Timor Leste, thus increasing their knowledge of their rights and obligations as citizens under the rule of law in a democratic society.

IV. Improve access to the formal justice in the districts by providing information about the system of government and creating a link between the different legal and social services offered by the government.

V. Increase access to justice for women by providing information to community leaders on women’s issues and gender sensitivity.

D. Issues to be studied

Different specific issues must be studied as regards the project implemented:

Main Issue: **Relevance**: The relevance of the project to the problems and needs of Timor-Leste taking into account access to law issue, population awareness and empowerment, political, institutional and policy changes in the justice sector.

**Key questions**: Did the project identify the real problems and needs facing the access to justice and legal awareness at grassroots level in Timor? Did the project correctly identify the beneficiaries (direct and indirect)? What is the level of local implementation capacities? Is the community leaders’ vector relevant as regards the rural context? Are planned activities of the project complementary and coherent with other activities carried out in the justice sector? Were the activities suited to the contextual and societal aspects (ref. traditional actors and legal system)? The work methodology was adapted to suit the evolving situation?

Main Issue: **Efficiency and Performance**: How the activities transformed the available resources into the intended results, in terms of quality, quantity and timeliness.

**Key questions**: How did the project manage the budget, personnel, training process, relations with the local institutions (traditional leaders), etc? Was the staffing plan appropriate? Were the logistical arrangements optimal? Were local resources used effectively? How appropriate were/are relations with other key implementing agencies?

Main Issue: **Effectiveness and Success**: How far did the projects’ planned deliverables/results achieve the project purpose.

**Key questions**: To what extent did the planned overall objectives have been achieved? What difference did the project make for the intended beneficiaries? How well have women been targeted and/or engaged in the project? Taking into account risks and changing/volatile external factors, how flexible
was management in adapting the program to ensure that the beneficiaries were well served? Have there been unforeseen results or unforeseen beneficiaries?

Main Issue: **Impact:** What is the wider overall effect (outcome) on the larger community in the sector.

**Key questions:** To what extent, has the general awareness of the beneficiaries (direct and indirect) increased in the areas of focus of the project? How far is this increase in awareness (if any) a direct result of the project activities? How have the project activities reinforced the idea/concept of access to justice, promotion of the formal judicial sector, the importance of an independent judiciary? How have the project activities imparted capacity to the beneficiaries and stakeholders? How effective was the use of community leaders as intermediaries and information focal points? What about negative impacts?

Main Issue: **Sustainability:** Whether the outcomes of the project are likely to continue after external funding ends.

**Key questions:** To what extent did the beneficiaries support or affect the project? What is the status of trained community leaders (how it is perceived by beneficiaries in a sustainable way?) What is the degree of commitment and capacity of local institutions to continue the benefits of the project? Are the positive outcomes of the project at purpose level likely to continue after external funding ends (taking into account ownership of objectives and achievements, policy support from donors, government, public, business and civil society organizations, institutional capacity, socio-cultural factors, and financial sustainability)?

The evaluator will highlight and contextualize his/her study by providing his/her views as regards the system, the environment and assessment of the judicial system at this specific level.

He/She will also document the process really implemented by ASF for such activity (analyze the methodology used, strong points and weak points for public legal information and training of community leaders as information disseminators.)

**E. Methodological aspects:**

The main reference documents will be:
- Readings about legal and justice system, traditional justice and society in Timor Leste
- Original project proposal
- Programme plan and any amendments submitted to the donor
- Partnership documents, training materials
- Reports submitted to the donor
- Internal Evaluation Reports
- Monthly Programming reports
- Other documents to be identified with the ASF team

The evaluation will be a participative exercise involving the local partners and beneficiaries. The Evaluation Mission will focus on what was supposed to be accomplished within the context of the situation currently faced by ASF, the reality to the societal backgrounds and changes, the cultural transition and legal process as a mean for peaceful conflict resolution. The criteria for the assessment of the strategies and components shall focus on the capacity of the program to produce systemic changes that result in improved practices, perceptions, processes and resource allocation within the access to justice.
Data collection methods should include, but are not limited to, review of records, interviews, and focus group discussions with the project stakeholders and beneficiaries. The consultant may propose alternative data collection methods that s/he may deem appropriate. The project team will be available to support data collection and analysis under the guidance of the evaluator, either before or during the evaluation itself. Overarching themes, such as gender aspects, will be taken into consideration throughout the project evaluation and possibly be reflected in the presentation of quantitative and qualitative data.

The evaluator will agree a detailed evaluation schedule of activities with the Mission of ASF in Timor.

F. Reporting and feedback:

A debriefing on the evaluation’s main conclusions will be made to ASF by the consultant, prior to leaving East Timor. Upon submission of a draft report to be presented in hardcopy and electronic format (MS Word and Excel) in English language to ASF, comments will be presented to the Consultant in 3 working days. The final report incorporating feedback from ASF will be submitted within 3 working days thereafter by the consultant to ASF, in laser printed originals along with an electronic version with the text and tables of the report. ASF will ensure distribution of the final report to the donor and other stakeholders.

G. Qualifications and Experience:

Required:
- **Professional experience:** solid experience in evaluation of projects, and relevant experience with democracy, justice, civic education or related programs in developing countries, preferably in Asian region.
- **Education:** Relevant university degree (e.g. anthropology, sociology, law, international development)
- **Language skills:** English fluency
- **Other:** Excellent written and oral communication skills, with ability to relate well to people of different cultures and levels of education. Willingness to travel to rural areas of the country.

Desirable:
- A knowledge of the Timorese society and context
- anthropological or sociological background (university degree)
- experience with public information/adult education programming
- Skills in the study of cultural transition, societal change and peaceful conflict resolutions
- Ability to speak Portuguese, Tetun or Bahasa Indonesia

H. Work Plan and Time schedule:

- The evaluator will spend a minimum of 18 days in Timor, arriving no later than 15 November 2007, and work on a schedule approved by ASF within the dates specified in the contract
- The evaluator is expected to liaise closely with the ASF Timor team in advance of the visit, to ensure necessary information, initial meetings and logistical needs are arranged.
- The evaluator will be given an initial briefing by the Head of Mission and Program Officer and will together prepare an agenda of meetings with the relevant local partners
- Partners and activities are located in districts of Suai, Liquisa, Baucau, and the evaluator should visit at least two of those locations.
Annex 9
Project Proposal
GRANT PROPOSAL TO
THE LOCAL GRANT AUTHORITY
OF THE ROYAL DANISH EMBASSY

PROVIDING ACCESS TO JUSTICE AND LEGAL AWARENESS AT
THE GRASSROOTS LEVEL
1. **Avocats Sans Frontières: Basic Information and Organizational Aims**

Avocats Sans Frontières (ASF) is an international NGO of lawyers and jurists founded in 1992 whose mandate consists in working to achieve the following goals at both the national and the international level:

1. The establishment of efficient and effective legal aid mechanisms for the most vulnerable groups within society and the creation of legal systems that can provide those groups with a real protection;
2. Genuine respect for all fundamental human rights and, especially, the right to an adequate defence and a fair trial;
3. A thorough public and private accountability and responsibility, also in the economic and social sphere; and
4. The reduction of global poverty and the achievement of a durable justice through international redistribution. ASF pursues its mandate through practical fieldwork in the areas of law and justice.

The organization has a strong track record of achievement and professionalism as testified by the continued support received from a wide variety of institutional funding agencies. The Secretariat of ASF is in Brussels, Belgium and the organization has field offices in Burundi, the Democratic Republic of Congo, Rwanda and East Timor.

2. **Avocats Sans Frontières in East Timor**

ASF has been present in East Timor since July 2002. The overall objective of the mission is to support the efforts of the government, the NGOs and civil society to build the foundations of the country and to help ensuring a long-term peace and just development process. In particular, ASF attempts to contribute to the implementation of the rule of law and the consolidation of a judicial system that operates according to international standards but that is also respectful to the traditions and culture of East Timor.

In the past two years, ASF has carried out and/or completed the following activities:

- Initiation and assistance in the establishment of the East Timor Bar Association;
- Capacity building for the Public Defenders;
- Establishment of a legal documentation centre;
- Provision of technical assistance and advice to the government; and
- A study on the relationship between traditional law and the newly created formal justice system.

In addition to these activities, ASF has been pro-active in identifying and addressing issues of gender bias and discrimination in the justice system. The organization supports and promotes women’s issues and equal access to the justice system by incorporating gender sensitivity and awareness in all its training programs. Currently, ASF participates in the National Women’s Access to Justice Steering Committee, where it provides expert counsel and advice and seeks to support and foster collaboration between the different players working in this area.
ASF has built up privileged relationships with local civil society, the government and the other international actors active in East Timor. ASF has a high and positive public profile in East Timor, largely due to the organization’s participatory and consultative approach and working methodology. All projects and actions are developed in consultation with other development actors present in East Timor to avoid overlap and double work. Today, ASF is the only development actor working towards the gradual professionalisation of the East Timorese private lawyers and the official regulation of their practice and profession. It is also the sole organization to provide professional training to this important professional group within the justice system. Finally, ASF is the sole actor supporting and encouraging the private lawyers in the creation and now further development of the East Timorese Bar Association.

The project cluster proposed herein builds upon, supplements and strengthens current legal services offered by the Public Defenders Office. It would be carried out in collaboration with Advocat Sans Frontières’ local ngo partners, having functional network structures in the districts and alliances with the local community leaders. The project cluster is expected to run for a period of three years to ensure that results can be achieved with satisfactory impact on rural communities. Any programme to have the desired results would have to be continuous and ongoing for a period of time, taking into account the rapidly evolving change and development in the political environment and government policies. The 1st year would be the learning phase, followed by a period of fine-tuning and, finally, an assessment of the impact of the project activities.

The proposed project cluster forms part of the three-year strategic plan of ASF for its activities in East Timor and pursues the organisational objectives and priorities as defined by the ASF Board of Directors in the ASF Strategic Plan 2004-2008.

3. Objectives of the programme

The general objectives of the project are to:

I. Contribute towards the emergence of a legal system in East Timor that can provide real protection for the population and, especially, the weakest groups within this population.
II. Increase respect for the fundamental human rights of the population, and, especially, the weakest groups within this population.
III. Contribute towards the emergence of a real rule of law and democratic culture in East Timor.

The particular objectives of the project are to:

I. Emergence of a paralegal-like network amongst selected community leaders in rural communities.
II. Build capacities of selected community leaders by providing them with the basic knowledge of laws and its procedures; information on mechanisms of protection offered under the law; skills to provide legal information, education and guidance to rural communities.
III. Provide rural communities with information on the justice system in Timor Leste, thus increasing their knowledge of their rights and obligations as citizens under the rule of law in a democratic society.
IV. Improve access to the formal justice in the districts by providing information about the system of government and creating a link between the different legal and social services offered by the government.
V. Increase access to justice for women by providing information to community leaders on women’s issues and gender sensitivity.
4. Background: a Near Total Lack of Access to Formal Justice in the Districts and Rural Communities

Notwithstanding the progress made by the government and international actors since the independence of East Timor in establishing an effective and functioning judicial system, enhancing legal capacities and providing access to justice for the population, the challenges facing the country to establish a real rule of law culture remain daunting. One key problem in this area is the fact that the vast majority of the population in East Timor and especially rural communities remains virtually unaware of the law and institutions that have been put in place by the Timorese government and parliament since independence. Even though civic education campaigns have been carried out (mostly) by local NGOs in the past, little information on laws and the justice system has been disseminated. A two-day workshop organised by the government in December 2003 identified the lack of the population’s knowledge of their rights and duties and the (related) lack of access to formal justice as two of the foremost human rights problems facing East Timor today. This lack of knowledge is unfortunately most profound amongst the weakest groups in Timorese society, who possibly stand to gain the most from knowing their legal rights. In many rural communities, the fact that East Timor is now a democratic country with an elected parliament and government, where all institutions and individuals are supposed to respect the law and the rights of others and where remedies exist when this basic rule is not respected remains almost totally unknown.

This lack of information and awareness of even their most basic rights makes the Timorese easy targets for the denial and deprivation of their rights by officials and individuals or groups that are more powerful than them. Examples of particular problem areas include police harassment and brutality, domestic and sexual violence and unequal treatment of men and women generally. The fact that many victims are unaware of the law and the legal institutions that could protect them against such abuses of power means that in practice impunity reigns. In turn, this means that these harmful practices - harmful to the individual victims, but also harmful to the urgently needed economic and social development generally- can continue unabated. For the formal justice system itself this situation means that, so far, the system has failed to make any meaningful difference in most people’s lives in East Timor and, especially, the rural districts. For them, there is virtually no access to formal justice. This present state of affairs also means that a meaningful participation of the population in democratic governance remains a distant dream in East Timor.

The government itself, and the professional actors within the East Timorese judicial system are currently unable (and/or unwilling) to address this important problem by themselves. The government is generally overwhelmed and overstretched by the huge amount of tasks and challenges that are connected to building up a newly independent country. Much of the (re)construction efforts have, especially in the justice sector, so far focussed on the capital Dili and its immediate surroundings. There is no indication that access to justice and the improvement of legal and institutional knowledge in the districts is high on the government’s spending priorities list now or in the near future. As for government policy in respect of the justice system generally, the same trend appears to emerge, with most of the resources tied up in and intended for Dili. Given the financial constraints and the inexperience of a new and under-resourced justice system faced by the Ministry of Justice, strengthening of the judiciary and justice agents in the capital has clearly taken priority over the need to provide access to the justice in the districts. In this respect it should be noted that currently, all court hearings take place in Dili and the current cadre of Public Defenders -who are intended to represent poor people in the courts- are all concentrated in Dili, and that the caseload is increasing every month.1

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1 JSMP Women in the Formal Justice Sector – Report on the Dili District Court, April 2004
Annex 9
Avocats Sans Frontieres/Civil Society Grant Proposal to Royal Danish Embassy/October 2004

The professional actors within the East Timorese justice system—foremost the judges, public defenders and prosecutors—are currently tied up in an intensive professional training program, organised by the Timorese government and international actors to bring their often limited professional skills and knowledge up to an acceptable level. Their participation in this time-consuming training—has lead to a significant decrease in court activity since September 2004, the moment when the training started—and the increased caseload in the courts has them tied up in more than they can handle, hence their total unavailability for any outreach activities in the Districts. In October 2004, 4 international judges were recruited to deal with the increasing caseload during the training programme. However, these international judges are also stationed in Dili, instead of the districts.

The nine Public Defenders currently employed by the government and in training, are already overstretched with their increasing workload in Dili, and are thus equally unavailable to travel to the district to do legal education or outreach work there. A similar observation applies for the private lawyers, who have neither the time nor the energy to go to the districts and/or the rural areas to work with the local communities on a continuous basis. It should be noted in respect that all private lawyers are currently based in Dili, and that thus practically no legal services are available in the Districts, even though they are urgently needed there as well.

It should be noted that women and children have suffered the most from the situation described above. One consequence of the near total lack of access to formal justice has been that the traditional, customary justice mechanisms remain the only ones available to address wrongs that are committed in the community. Unfortunately, however, these mechanisms are often permeated by traditional attitudes regarding the role of women and children and their (unequal) status in society, so that they provide little or no redress in cases where women and children are the victims—for example, in the context of sexual or domestic violence. It is not at all uncommon for the village leaders (Chefe de Sucos) and the village councils in the districts to send such victims back into their abusive environment unaware as they are of the facts complained of are crimes under Timorese law that should be referred to the formal justice system.

5. The Proposed Project Cluster: Creation of a Paralegal-like Network and Legal Education for Rural Districts

To address this lack of access to justice and legal information in the districts, ASF has identified the need for a 3-year capacity building training and dissemination of legal information at the community grassroots level. Concretely, Avocats Sans Frontières proposes to carry out together with its local partners a project cluster consisting of, on the one hand, the creation of a paralegal-like network in the targeted districts and, on the other hand, the carrying out of a legal education program in the same targeted districts. The first project component consists of capacity building training of selected individuals who currently are or in the future can become “community leaders” so that they would gain the basic knowledge of the law, its procedures and institutions in place in East Timor. At the same time, they would be trained so as to be able to, in turn, raise legal awareness and provide legal guidance, education and assistance to those who need it within their respective communities. In short, they would be trained to start functioning as what is often referred to as “paralegals”.

The second project component builds upon the first and consists of a legal education and awareness campaign for the population of the targeted communities. The information provided to the rural communities through this project activity is intended not only to raise the level of awareness and knowledge of basic laws, rights and institutions but also to empower and increase the capacity of the poor, the disadvantaged and the marginalized to exercise their rights and defend their interest.
In view of the need to build capacities at the grassroots level, ASF has identified three local partner NGOs with whom it will implement the proposed project cluster. These partnerships ensure easy access to rural communities and have the additional benefit that ASF can—in addition to pursuing the project cluster objectives—also support and work for the further professionalisation of these local partners. These local partners were already actively involved in the initial conceptualisation of the proposed project cluster. The three partners are (1) Centro Informasaun da Edukasaun Sivika (CIES.TL) with a focus on education, capacity building, and monitoring. (2) Fundacao Espinhos da Rosa (FEDAROS) with a focus on youth and women’s issues. (3) Fundacao KYNTA with a focus on youth offenders and women’s issues.

Prior to the elections in 2002, CIES.TL carried out civic education and electoral monitoring from 2001-2002 in 12 districts in collaboration with district NGOs. They monitored Parliamentary sittings on a daily basis, held press conferences on key issues and provided information to the suco leaders. They were also involved in the implementation of water and farming project focused on the west side of Timor. They have 2 qualified lawyers in their organisation.

FEDAROS is a women’s NGO, in operation since 1998 with a focus on women’s issues. They have implemented literacy programme in Liquica since 2002, Train the Trainers Programmes with local facilitators who have been identified together with the Village Committee. Their literacy-training programme was successful with approximately 80% of the beneficiaries able to read and write. Radio, simple literature, drama and discussions seem to be the preferred methodology to provide the training.

KYNTA has been actively involved with youth offenders since 2002. Four (4) lawyers regularly accompanying arrested youth (and sometimes adult) offenders to court and represent then pre-trial detention cases, etc. They have plans to implement non-formal education, Socialisation on Child and Human Rights Law, in Ainaro.

ASF and its local partners have identified three sub-districts, Maubara, Baucau and Suai in which the proposed project cluster will be carried out. These project sites were identified in consultation with our local partners, based on their previous working knowledge of the different districts in Timor. Each sub-district has its own distinctive features and characteristics, has between 7 – 9 villages (sucos) and is representative of the diverse topography of Timor.

Maubara is in the district of Liquica which is about 45km. Maubara is about 60 km from Dili. It has about 6 other villages all located in mountainous terrain. The population is approximately 20,000 with 60% woman, 40% men and 90% of the community are subsistence farmers. The recent national census carried out in August 2004 revealed that 60% of population in District of Liquica is illiterate. Access to sucos are limited and thus a high percentage of this rural community do not have access to information. In January 2004, the Dili District Court found an increase in rape and domestic violence cases from District Liquica (including the sub-district of Maubara). Despite the fact that Maubara has a high percentage of women population, women’s role in the community is non-existent.

The recent registration process for nominations of suco leaders found some villages with no nominations. This was attributed to the fact that information about the registration and nomination process did not reach rural villages in the mountains. Did not have nominations for suco elections. With the lack of access to critical and crucial information, community leaders do not possess information and knowledge about the changes in law that affect the rights of people are not in a position to provide accurate advice to the local villages. One other pressing issue in Maubara is the peace situation in this sub-district which was one of the militia bases pre-1999. Post independence, many ex-militia’s have returned to their home, only to be ostracised and victimised by the communities. The ex-militias have now themselves become victims of
hatred and revenge and marginalised by the larger community. Community reconciliation processes though carried out, do not seem to be abate the situation. Many are unaware of institutional processes put in place like the CAVR and Serious Crime Unit and thus tend to take the laws into their own hands.

The district of Baucau is is approximately 150km to the east of Timor. It has a main town and 3 sub-districts. The project will be carried out in the sub-district of Laga which has 8 villages. The dialect in Laga is different from that dialect used in Dili or other parts of Timor. Majority of its citizens are above the age of 50 years with men out numbering the women. Although Baucau and its surrounding sub-districts is considered to be one of the better developed districts in Timor, it has the highest incidences crime and security concerns. There is a huge presense of the pro-independence resistance group that has a different ideology from the government of the day.

The people in Baucau and its sub-districts are known to be brutal, rough and crude. There appears to be a strong resistance to any form of influence or change. There is a lack of awareness of their obligations under the law to maintain peace, harmony and stability. There exist a dual system of leadership, the old traditional leadership structure and the new resistance leadership structure. There is an increasing support for the resistance leaders.

Most criminal matters are taken to the local leaders and very few directed to the formal system. This has been attributed to the fact that the populace do not understand the procedures in the formal justice system and are uncertain as to whether they would get a justice. This is exacerbated when local authorities and police encourage cases to be resolved through the traditional process instead of providign guidance especially for serious offences like arson, assault and rape.

Approximately 75% of the population did not have knowledge of the recent suco election process, parliamentary process and structures, nor information or understanding of the upcoming general elections in 2006. Recently, communities were found to have refused participation in the national census programme as they believed that it was the election process for suco leaders, this was due to the fact that no accurate information and explanation was being the this community on the distinction between both government programmes.

Suai is about 200km to the west of Dili, close to the Indonesian boarder. It has about 7 sub-district, the closest sub-district to the indonesian boarder is Fatumea. Suai town has approximately 4 sucos. Being so close to the West Timor boader, smuggling of essetials like fuel, food, clothings, electronics, etc is high and rampant. There is also a high percentage of illegal boarder crossing or infiltration by former militia members into the boarder villages and high incidences of criminal activities like theft, murder and threat. Sextual offences, prostitution, rape, and illegal land occupation are also very high. Returning refugees from West Timor are discriminated, their and unaware of the process to protect their rights. Only 20% of sextual offences, domestic violence cases are reported as women are unaware of the process to complaint and of thier rights thus remain quiet. Additionally woman are perceived from a traditional point of viewe as being 2nd class citizens, and not given oppoirtunity to study, work or participate in decision making process.

**Proviso**: Further field research would need to be carried out to ascertain the selection of these project sites. Accessibility, cooperation and other factors would have to be considered in ensuring that the projec culster can be sucessfully carried out in the identified sub-districts.

ASF proposes to carry out the project cluster over a period of three years. Previous experience and information obtained through discussions with international and local ngos reveal that projects with a life span of 1 year is too short a time to produce the desired impact or sustainable changes in rural
communities. Avocats Sans Frontières and its local partners are of the opinion that given the low level of literacy, diverse local dialects and difficult topography any programme in the districts would have to be continuous and reinforced from year to year.

A programme with a 3-year focus would ensure that the initial activities carried out in the first year, can not only be monitored for its relevance, effectiveness and impact to the communities or final beneficiaries but that subsequent follow-on activities in providing continuous information and capacity to rural beneficiaries will be implemented taking into account the learning and then carried out with modifications in approaches, addressing the rapid changes and development in the country to make the programme relevant to the local reality and in ensuring that the end beneficiaries are able to use the information and capacity provided productively.

6. Detailed Description of the Project Cluster

PROJECT COMPONENT 1: Creation of a Paralegal-like Network in the targeted Districts

Project Rationale

This project component was developed from the observation that in many developing countries, paralegals have been used effectively to encourage the access to legal information and services, in curbing undemocratic practices and fostering human rights awareness. In most of the successful examples, the paralegal cadre is made up of community-based individuals who are not necessarily legally trained—in fact, in most cases they are not- but who do possess the basic knowledge of the law and its procedures and institutions and who disseminates this information to those in need of assistance. Experience has shown that paralegals thus can play a vital role as the link between the community and the legal system, approaching the one closer to the other and vice versa. Paralegals thus have proven to be an effective mechanism for dramatically improving the access to justice of disadvantaged and disenfranchised people to have access to justice.

The “paralegal” institution does not exist in East Timor today. However, village leaders (Chefe de Suco) and other community leaders do play an important role in practice in the resolution of disputes and conflict within the communities. In practice, Chefe de Suco, village leaders, and community leaders are the first point of contact for the rural populace when they are faced with great difficulty or conflict. A recent survey has shown that eight out of ten East Timorese recognize community leaders as responsible for maintaining law and order. Most East Timorese are comfortable bringing a problem either to the Chefe de Suco or through the traditional adat process.2 Unfortunately, however, these community leaders are not in the possession of even the most basic knowledge of Timorese law and Timorese justice institutions, rendering them thus unable to help the poor and the disadvantaged to understand the law, and access it effectively to their advantage. At the same time, these community leaders tend to have very traditional views on women and their (unequal) status, meaning that in important and frequently occurring issues like domestic and sexual violence their role tends to be an impediment to justice for the women involved rather than the reverse.

The failure to harness the services of community members is partly due to the government’s regard of the law as the field of specialists and partly to a lack of awareness of the potential role that ordinary people can play in the provision of access to justice.

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2 A survey of Citizen Awareness and Attitudes Regarding Law and Justice in Timor- The Asia Foundation, February 2004
Thus the project component to organize capacity building training for current, but also future possible community leaders (the latter category including for example prominent women in the community, who currently have no formally recognized role like Chefe de Suco) so that they could fulfill the role played elsewhere in developing countries by paralegals.

**Detailed Project Description**

This project component will be carried out in 4 phases. The project activities will identify community leaders (paralegals) who are in a position of authority to influence and impact upon their communities. It will ensure that the programme is coordinated and implemented in a coherent way with proper coordination with local partners, initial contacts made and cooperation secured from district administrators and leaders, etc. To get an understanding and appreciation of the level of knowledge, unmet needs and problems faced in each sub-district, a random survey will be carried and to identify a methodology and format for delivery of the training plan in an approach that is comprehensible and relevant to the local reality. The preparatory phase including the design of the training modules will take about 3 months, while the training of paralegals will be carried out over a period of 6 months. Simultaneously, local partners will work closely with the identified paralegals to organise socialisation sessions and community meetings, thus ensuring that the capacity and information given to them is transferred and utilised effective and efficiently.

Throughout the project cycle, Paralegals will be provided with legal information and materials, which would enable them in turn to raise legal awareness, provide legal guidance, education and assistance to those who need it within their communities. The project component will provide paralegals with the necessary capacity, skills, information and knowledge and play a role in bridging the gap between the formal justice and administrative system and the rural communities.

By recognising the important role and responsibilities of community leaders and providing them with basic knowledge of the law, its procedures and legal information to help others in understanding and making use of the law, access to legal and administrative mechanisms can reach a larger segment of the rural population.

The four phases of the this project component are constituted as follows:

**Phase 1**
1. Compile comparative experiences of roles and responsibilities of paralegals in other countries.
2. Coordination with local grassroots ngo partner to structure through the plan of activities in the field.
3. Project site visits and mapping of locations.
4. Preliminary contacts, meetings and consultations with local administration and community leaders for general presentation, purposes of the project, activities to be carried out, specific population needs and expectations.

**Phase 2**
5. Design, implementation and analysis of survey to assess the legal knowledge and needs of rural communities in the 3 pilot project sites, to identify appropriate mechanisms for delivery of information and capacity building training programmes, etc.
6. Identify paralegal workers from districts through discussions and meeting with community leaders.
7. Design of a training plan and preparation of training modules for paralegals on basis of identified needs.
8. Compile and produce information folders on priority areas (including information already made available).

**Phase 3**
9. Training of Local Trainer (partners) on training modules (train the trainers).
10. Conduct training session for Paralegal for a determined period on subjects identified in the training curriculum designed for the purpose.
11. Design of work plan by Paralegal workers for socialisation (at sub-districts and/or villages) of information obtained through training.
12. Organise community meetings to popularise the concept of free legal services.

**Phase 4**
13. Work rotation schedule to facilitate optimal use of resources and monitoring of the project and training.
15. Evaluation and reporting.

**Expected Results (Outcome)**

Outcome for paralegals (direct beneficiaries):  
- A cluster of resource laypersons trained to understand the law and the mechanisms of protection offered under the law and present in the districts.
- A group of community-based persons who possess the basic knowledge of the laws, procedures for accessing legal services, principles of due process and human rights, etc.
- Increased knowledge of beneficiaries in the judicial system, legal processes and laws.
- Improved adjudication and resolution of community problems (legal and otherwise) in accordance with the laws of the country.
- A mechanism that acts as a link between the formal justice system and rural communities to provide information about the developments in the government and country.

Outcome for rural population (indirect beneficiaries):  
- Improved access to justice by impoverished and marginalized segment of the population through increased knowledge of citizen’s rights and the mechanisms available under the law to defend those rights and interest.
- Increased awareness and participation by key stakeholders about the political and judicial system of Timor Leste.
- Increased awareness and knowledge among rural communities on democracy, rule of law, formal legal system, legal processes, applicable laws and of legal rights among vulnerable groups (children, disable and women) who are often left out of the information loop.
- Increased awareness of rural communities on services provided by public institutions and improved access to these legal and social services (legal aid services, public defender’s services, safe-houses, etc.) in the resolution of legal issues.
- Reinforcement of trust by rural communities in the state and the formal legal system.
- Increase in legal cases brought through the formal justice system.

**PROJECT COMPONENT 2: Legal Education for Rural Communities**
Project Rationale

Information and access to information is critical in educating citizens, fostering citizen participation in the policy process, regarding services that citizens have a right to expect from the government and in building a democratic society. The need to provide information and continuous on-going legal education and awareness is enormous and cannot be overstated. In order to ensure that those most in need are aware of their rights a programme for legal education is central. The frame of mind and attitudes of Timorese men and even women need to be transformed through continuous discussions and increased consciousness of the issues that affect the rights of an individual. There is very low awareness regarding how to engage selected elements of the formal system, including public defenders, legal aid organisations and lawyers.

ASF’s legal education programme builds upon and supports the project for the creation of a paralegal style network of selected community leaders who have been trained and equipped with legal information and knowledge to be able to effectively disseminate and share information and provide legal services to rural communities. It would be unrealistic to expect the selected community leaders to immediately provide the necessary legal advice, guidance and education to their communities.

The Legal Education component of the programme ensure that while the skills, knowledge and capacities of these paralegals are developed over a period of 3-years, supplementary interventions would be necessary to provide rural communities with knowledge of their rights, the justice system, the law and how to make use of that knowledge. The legal education component, aims to cover a wider target/beneficiary group (not merely paralegals) but to include the larger population and those most disconnected in remote corners.

Provision of information and legal orientation to the communities would touch on:

- Respect for the rule of law and the immediate benefits: peace and stability.
- Rights and duties of the citizens.
- Responsibility of the citizens in the nation building process of East Timor.

The information provided will ensure that rural Timorese not only have awareness and knowledge of the law, its institutions and rights but it also increases the capacity of those disadvantaged to make use of the information to defend their rights and interest.

Detailed Project Description

This project component will be implemented in parallel with the preceding project component for the creation of a paralegal style network of selected community leaders. It will be implemented in 4 phases, beginning with mapping of and coordination with other organisations working in this domain. A field research would be carried out to assess the impact of programmes already carried out (if any) in the 3 identified sub-districts and appropriate interventions identified. This would take approximately 3 months, followed by 3 months to design, prepare and schedule various outreach activities like radio programmes, poster campaigns, community discussions and dialogue. Phase 3 will see our partners spending some 6 months in the fields to ensure that the activities identified are efficiently implemented at the local level. The activities at this phase will ensure that the information received by the rural communities is at the most basic level in a comprehensible method. Avocats Sans Frontieres programme officer will closely monitor the project activities.
The information provided to rural communities through this project component not only raises the level of awareness or knowledge of laws, rights, institutions, etc but also empowers and increases the capacity of end beneficiaries (poor, disadvantaged, marginalized) to exercise their rights and defend their interest. With this project component, traditional attitudes regarding women, changes in personal attitudes to respect and obey the rule of law, respect the rights of individuals (woman and children), principles of democracy, and the protection of individuals under the law.

The four phases of this project component are as follows:

**Phase 1**
1. Coordination with local grassroots ngo partner to structure through the plan of activities in the field.
2. Project site visit and mapping of population density, accessibility, etc.
3. Mapping of international and national organizations, in the project site, working in this or similar domain.
4. Design, implementation and analysis of survey to assess the legal knowledge and impact of other programmes carried out in the 3 pilot project sites, to identify appropriate mechanisms for delivery of legal education and information, etc.
5. Meeting and consultations with international and local ngos to establish a coordination network.

**Phase 2**
6. Identification, design development, translations and printing of legal topics and materials. Collect, design, editing, publishing and printing of booklets and materials to be delivered to the trainers and population.
7. Briefings with local partners/facilitators on publications and materials.
8. Preliminary contacts and visits to the community leaders and population for general presentation, purposes of the project, activities to be carried out, specific population needs and expectations.
9. Design and planning of communal radio campaign, discussion with local radio stations, preparation of radio scripts in local dialect including drama, identification of moderators and facilitators, radio programme schedule.
10. Design, organization and realization of legal workshops or campaigns (selection and distribution of the topics through the different workshops, schedule, setting up, preparation of pedagogic material, selection of the community participation techniques, for selected beneficiaries).
11. Design, planning and implementation of community dialogue.

**Phase 3**
12. Preparation of work plan to co-ordinate communal radio campaign, legal workshops and community dialogue.
13. Targeted visits to the community leaders for the specific implementation of project activities.
14. Periodic team meetings and review of the activities undertaken, the response and impact in the community, shortcomings, improvement and adaptation of pedagogic material.

**Phase 4**
15. Work rotation schedule to facilitate optimal use of resources and monitoring of the project activities.
17. Quarterly evaluation and reporting.

**Expected Results (Outcome)**
• Increased awareness of the population about the political system of East Timor.
• Increase awareness of rights and duties of rural communities.
• Strengthened rule of law in Timor-Leste in the districts.
• Increased awareness and understanding of current applicable laws affecting their rights and respect for the laws and legal processes.
• Increased awareness and responsibility in the nation building process.
• Improved awareness and understanding of women’s rights and gender issues in rural communities.
• Increased gender sensitivity by community leaders in the handling of gender-based violence cases, such as domestic violence, sexual assault, rape and incest.
• Increased empowerment of women through an enhanced sense of value, self-confidence and worth within their families and social structures.
• Decrease in the number of women being returned to potentially threatening and abusive living conditions without the knowledge of or recourse to legally and culturally acceptable options.

6. Methodologies and Collaboration with Local Partner NGOs

As already set out earlier, recognising the need to build capacities at grassroots level, Advocats Sans Frontières has identified 3 local ngos that it would work closely with to assist in the implementation of the programme. ASF has identified CSIE.TL, Fedaros and KYNTA as the three local NGOs with whom it will collaborate for the implementation of this programme.

Grassroots organisations are the most strategic partners to reach out to rural communities and are in the best position to breach the gap between the seat of government and rural communities. Advocats Sans Frontières’ local partners have been actively involved in rural communities and are aware of the best approaches, pitfalls and sentiments of rural communities. It is also important to work with local ngos in the implementation of the civil society component as language (dialects) differs from one locality to another.

ASF made it a point to engage its local ngo partners in the identification and design of the initial programme, the development of this detailed project proposal, budget, and preliminary discussions on the identification of project sites to ensure and encourage local ownership to the programme. By collaborating with ASF, these small-medium sized local ngos would be provided with additionally capacities for long-term sustainability in continuing to play a watchdog role in the areas of law and justice in Timor.

ASF would provide local partners with the necessary strategic, technical, management and financial skills to implement the programme at the district level. ASF will maintain management and financial control of the programme throughout the project cycle. Our national staff will work closely with the local partners from inception to finalisation of the programme, including discussions with village administrators and local authority, site visits, discussions with local leaders, identify participatory processes for the training, schedule, identification of beneficiaries, etc

A participatory working methodology is applied throughout the project cycle to ensure interest and commitment in the programme not just among the local partners but in consultation also with local community leaders. This means that stakeholders and participants will have an active role in designing, development implementation and evaluating the activities and outcomes of the submitted projects. ASF will work closely with local ngo(s) partner(s) having previous track record working in the districts and with existing networks to collaborate and coordinate with other actors in the project sites to maximise resources, to avoid overlapping and complement existing work. Legal information will be channeled and sensitized through the national grassroots partner organizations. Local resources through local ngo partners would be
employed to facilitate and carry out training sessions using the local (dialects) language. International and national programme officers will co-ordinate, managed and supervise the day-to-day implementation of the project activities.

By employing this participatory methodology throughout the project cycle, our partners too benefit indirectly from the programme in the following ways:

- Indirectly, local ngos have increased organisational capacity to plan and manage their programmes.
- Local ngos have increased capacity to work effectively at district and national level.
- Enhanced organisational skills, financial accountability and implementation of projects of local ngo partners for future programmes.
- Enhanced expertise of local ngos to carry out local community education and training programme.
- Increased capacity of local ngo partners involved in facilitating community based discussions and local paralegal training.

7. Monitoring and Evaluation

The following monitoring and evaluation techniques will be used in the implementation of the submitted project activities:

- Use of log-frame to ensure continuous internal assessment and evaluation of the project activities against the original objectives.
- Performance of the project will be measured by continuous record keeping of planned and delivered activities and outcomes through a system of standard monthly reports made by project personnel and submitted to the ASF secretariat in Brussels;
- Focused Group discussions and interviews with community leaders/beneficiaries and local communities to gauge the level of information acquired and knowledge transferred and the use or benefits of such information and benefit in providing greater access to justice.
- Three-monthly progress reports will be drafted and provided to donors and an internal evaluation committee;
- After six months, one external evaluation of the project activities will be carried out in order to maximise organizational learning;
- At the end of the funding period, an internal evaluation will be carried out in order to assess the relevance, performance, impact, sustainability and success of the project.

8. Budget

The budget for the 36-month funding period for the activities described herein would require an estimated US$915,000. The institutional support for the 1st year is supplemented by other funding (please refer to Agreement for details), thus only programme expenses are foreseen in this year. In years 2 and 3 institutional support would be required, while the cost of activities for years 2 and 3 will be reduced correspondingly given that many of the 1st year activities need not be repeated.

Avocats Sans Frontieres is seeking funding to the extent of USD700.000 from Danida for the implementation of this project. Avocats Sans Frontieres will seek additional funding to the extent of USD215.000 from other donors. To date, AUSAID, United Kingdom High Commission and the Sigrid Rausing Trust Fund (a UK Private Foundation).
Please see attached budget for breakdown of the budget component together with a detailed programme (activity) budget breakdown for 3 years.

9. Time Schedule

It is anticipated and proposed that activities would be implemented in 36-months commencing January 2005.

10. Project Management

In view of the methodology adopted in the activities, the qualities, experience and qualifications of the ASF personnel involved in the projects is key. It is their expertise and knowledge that is transferred to the Timorese actors. The submitted project cluster will be developed, supervised and implemented by the Head of Mission of the ASF East Timor office, Ms. Teresa L. Benedict and two national Program Officers (to be recruited). A local Timorese jurist and four local support staff, who all have wide expertise and knowledge of working at community level, assist them. The multicultural make-up of the office, and the fact that all expatriate and local staff use Tetum and/or Portuguese (the two official languages) and/or Bahasa Indonesia (a widely spoken language) are particularly helpful in the development and facilitation of the ASF activities and projects in East Timor. International volunteers and interns from top universities would provide additionally support throughout the project cycle.

At the Secretariat, the East Timor desk officer is Peter Van der Auweraert, who is also the Executive Director of ASF. In addition, an internal evaluation committee consisting of a Judge, Ms Beatrice Chapeau, an experienced lawyer, Mr. Hans Gaasbeek and an anthropologist, Ms. Danielle Kruip, monitors project progress. All members of the committee have previous development and/or East Timor experience and carry out their work on a voluntary basis.