

LEGAL REFORM IN EAST TIMOR



Building on a decade of support for development in East Timor, The Asia Foundation launched a major law reform program in 2002 to respond to the needs of the newly independent nation. The Asia Foundation supports the legal development efforts of government and civil society to strengthen the justice system at the national and local levels. The East Timor program strengthens the accountability and transparency of the judicial system, assists in the development of effective and accessible legal aid services and alternative dispute resolution, and strengthens women's access to justice.

ACCOUNTABILITY AND TRANSPARENCY OF THE JUDICIAL SYSTEM

The Asia Foundation supported the first national survey of Timorese citizens' knowledge of legal rights, laws, and the informal and formal justice system. The survey, conducted in collaboration with Charney Research/New York and AC Nielsen/Indonesia, provides grassroots information to policymakers as they develop the country's new legal framework and justice system.

The Foundation cooperated with the Court of Appeal, the country's highest court, to launch the *Book of Jurisprudence and Legal Doctrine*. The book has been distributed to legal practitioners and key judicial system actors, and the Judicial Training Center is using the publication as a training tool. The publication includes decisions from the court's inception in 2003 to early-2005 and major policy speeches by the president, prime minister, special representative of the U.N. Secretary General, and justice sector officials. Timorese lawyers state that the publication improves their ability to understand Court of

Appeal decisions and to argue current and future cases before the courts.

With Foundation support, the Office of the President organized a National Dialogue on Justice to gain an understanding of grassroots views on the justice sector. More than 1,200 citizens participated in 13 district-level dialogues, and 600 citizens attended a three-day conference in Dili. Radio/TV Timor Leste provided live broadcasts of the national proceedings, reaching citizens across the entire country. The conference and dialogues resulted in recommendations for how to further develop the country's justice sector in ways that address the concerns of the population. These recommendations were forwarded to government and judicial system officials.

The Foundation also supports the Judicial System Monitoring Programme (JSMP) which monitors the country's four district courts and issues reports on the performance of the courts and the judicial system. JSMP reports provide the country's only transparent method for the public, government, and civil society to keep informed about developments in the courts and justice sector. JSMP's recommendations have been adopted by the U.N. Working Group on Justice and integrated into the country's mid-term development plan.

LEGAL AID SERVICES

In a country where local courts are very new and the legal framework is rapidly changing, local non-governmental organizations (NGOs) are often the only source of legal information and dispute resolution. The Asia Foundation supports the programs of legal aid institutes that serve



EAST TIMOR

The Asia Foundation has been programming in East Timor since 1992.

In 2002, the Foundation began support for legal reform programs, including women's rights and legal aid.

For more than a decade, the Foundation has supported programs to promote human rights, democratic development, and women's rights in East Timor.

disadvantaged citizens in East Timor's 13 districts. From 2002-2005, the NGOs provided free legal aid to more than 1,600 disadvantaged citizens, 25 percent of whom were women. Local partners Educasuan Comunidade Matebian in Baucau District, Biankara Legal Aid Institute in Covalima District, and Fundação Fatu Sinai Oecussi in Oecussi District are increasing rural citizens' access to pro bono legal aid outside the capital of Dili. Mobile legal aid services provide outreach to outlying areas in the jurisdiction of each district court. In collaboration with these NGOs, the Foundation developed a legal services guide to promote consistent and professional services throughout the country.

WOMEN'S ACCESS TO JUSTICE

The Asia Foundation emphasizes the rights of women to obtain equal access to justice. The Foundation works with the Office for Promotion of Equality to improve the ability of village councils to raise awareness of violence against women and to establish community-based mechanisms to reduce violence. The Foundation also supports local organizations to provide legal services for women and ensure their equal treatment under the law. Women in East Timor are often reluctant to seek legal advice due to a lack of women lawyers. To help address this problem, The Foundation supported the legal education of two women law students whose studies were interrupted by the violence after the 1999 referendum on East Timor's independence. After completing their studies, they returned to East Timor to provide legal services for disadvantaged

Many of The Asia Foundation's programs in East Timor have been conducted with the support of the U.S. Agency for International Development (USAID).

women. The Foundation also cooperates with Timorese NGO legal aid organizations to strengthen knowledge of gender rights and increase gender perspective in their programs.

CITIZEN KNOWLEDGE OF THE LAW

In a new democracy, ensuring that citizens have information about the country's legal framework and its new laws is critical. From 2002-2005, Foundation support enabled five local NGOs to organize community discussions providing citizens first-time access to this information. The Foundation also supported Perkumpulan HAK, Fokupers (East Timor's Women's Communication Forum), and Liberta Legal Aid Institute to publish and distribute monthly bulletins on law and human rights issues to citizens and government officials in order to raise awareness of the new legal system. An informal assessment showed that many readers then seek further information or services related to the law and their rights as well as legal aid services to resolve their problems.

The Foundation cooperates with the Ministry of Justice's Department of Rights and Citizenship to implement a nationwide public legal information program. Brochures, posters, bi-weekly radio and television programs, and district-level meetings between citizens, government officials, and members of the judiciary are improving citizen understanding of legal rights and responsibilities, and enable them to use the justice system more effectively. The Ministry's face-to-face public meetings have already reached 10,000 citizens in 21 sub-districts throughout the country.

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