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Final Report for the Government of Japan

April 2016- February 2018



**Strengthening Rule of Law by Supporting the Establishment of
Access to Justice Clinics (AJCs) in Timor-Leste**

(Submitted 14 June 2018)

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* Cover page: Mediation in progress, March 2018, Suai AJC

Summary

This final report summarizes the progress and results of the project “Strengthening rule of law by supporting the establishment of Access to Justice Clinics (AJCs) in Timor-Leste (hereafter ‘the project’),” generously supported by the Government of Japan. The project was approved in March 2016 with the amount of USD 300,000 and implemented by the Justice System Programme (JSP) of UNDP Timor-Leste.

The project was initially planned for implementation from April 2016 to August 2017 (16 months). The extension of the project period was inevitable, however, due to the delay in reaching a consensus on the justice institution under which the AJCs were to be structured and selecting the pilot municipalities. The No-Cost Extension was approved by the Government of Japan in August 2017 for another 6 months until February 2018 (making a total of 22 months).

After a series of consultations with the government counterparts and local Civil Society Organizations (CSOs) that paralleled the necessary administrative processes for preparing the project’s launch, the AJCs became operational at the beginning of 2017 as the extrajudicial division of the Public Defender’s Office. The following shows the overall outcomes of the project:

- Two AJC Offices were constructed in the pilot Judicial Districts, Baucau and Suai;
- The AJCs were institutionalized under the Public Defender’s Office with a mandate to provide free legal information and consultation services to citizens (Article 22, Decree-Law No. 10/2017);
- The activities and results from January 2017 to February 2018 include the following:
 - A total of 127 cases (251 beneficiaries) were registered at the AJCs;
 - A total of 3,742 people (2,337 men and 1,405 women) of various sucos of the Baucau and Suai Judicial Districts participated in the 104 community awareness-raising campaigns and ADR training courses;
 - The AJCs facilitated 108 mediation cases (44 in Baucau and 64 in Suai), 28 (9 in Baucau and 19 Suai) of which were resolved. The resolved cases consisted of 18 land disputes and 10 other types of civil cases that involved a total of 56 beneficiaries (38 men and 18 women);
 - Correctional facility monitoring was conducted to consult detainees; and
 - Several training courses were held for the AJCs staff (public defenders, judicial officials, and CSO staff).

In Timor-Leste, a young country with only 16 years of independent history, the formal justice system is still facing numerous setbacks to providing the entire populace with quality services. Access to information about the formal justice system is a continuing challenge for most of the local people, and their access to justice remains low. UNDP continues to support the government of Timor-Leste to

counter these difficulties, aligning its projects with the national priorities under the government's Strategic Development Plan 2011-2030 and the Justice Sector Strategic Plan 2011-2030.

The Justice Sector Strategic Plan 2011-2030, in particular, emphasizes establishing the Alternative Dispute Resolution (ADR) mechanisms and legal aid support through the reinforcement of the role of the public defenders. The AJCs have been precisely focusing on fulfilling this call, providing free legal aid services primarily to those economically disadvantaged people who are residing in rural areas.

All of these could not have been materialized without the generous support from the government and the people of Japan.

Programme Description

| | |
|-------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Programme Title: | Strengthening rule of law by supporting the establishment of Access to Justice Clinics (AJCs) in Timor-Leste |
| Duration: | April 2016 – February 2018 <ul style="list-style-type: none">○ 1 April 2016 - 31 August 2017 (As approved in the Project Document)○ 1 September 2017 – 28 February 2018 (No Cost Extension approved by Japan BERA on 16 August 2017) |
| Received Total Budget: | USD 300,000.00 |
| Location: | Timor-Leste |
| National Counterpart: | Ministry of Justice Public Defender’s Office Office of Prosecutor-General |
| Intended Outcome | Capacities and systems of justice sector institutions and police enhanced to provide access to effective and efficient justice and protection to the citizens, particularly for rural women, children and vulnerable groups. |
| Intended Outputs | <ul style="list-style-type: none">● <i>Output 1: State-owned legal aid services established in the pilot Districts</i>● <i>Output 2: Access to formal justice services by vulnerable people (including rural women) improved</i> |

Progress & Results against Outputs

UNDP has implemented the project activities towards achieving two main output results, i) 'State-owned legal aid services in the pilot judicial districts established' and ii) 'Access to formal justice services by vulnerable people (including rural women) improved.' Each output consists in indicator(s), baseline, target, and planned activities to guide the implementation and measure the progress and results.¹ The activities conducted during the project cycle and final results as at February 2018 are described in line with the outputs, not necessarily chronological order, as below:

OUTPUT 1: STATE-OWNED LEGAL AID SERVICES IN THE PILOT JUDICIAL DISTRICTS ESTABLISHED

| | |
|---------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|
| Indicator 1.1 | # of Access to Justice Clinics (AJCs) established and operational |
| Baseline | State-owned legal aid units are non-existent in the country. |
| Target | Two (2) AJCs established in pilot districts by end of project cycle. |
| Planned Activities | A. Establish at least two (2) AJCs to provide free legal aid, outreach and referral services to the most vulnerable, particularly for rural women. |

The Selection of the Pilot Districts and Construction of the AJC Offices

The consultations with the Ministry of Justice and Public Defender's Office confirmed that Baucau and Suai, out of a total four judicial districts in the country (Dili, Oecusse, Baucau, and Suai), would be selected as the pilot areas. These particular judicial districts have the broadest geographical and population coverage of the most remote regions far away from the capital Dili. Each Judicial District covers four administrative municipalities. The Baucau Judicial District covers a half Eastern part of the country, encompassing Manatuto, Baucau, Lautem, and Viqueque Municipalities, whereas the Suai Judicial District stretches over the South-Western part of the country, covering Bobonaro, Covalima, Ainaro, and Manufahi administrative municipalities.

¹ Planned Activities D. was deleted in accordance with the budget revision approved by the Government of Japan in August 2017.



Map of Timor-Leste

Both judicial districts have only one PDO office each in the judicial capitals Baucau and Suai, which means that many of the citizens residing in rural areas cannot afford travelling or have not even heard of or seen public defenders. The geographical barrier compounded by their limited resources also poses a serious challenge to the PDO in making their services widely available.

Having taken the geographical challenge into account, UNDP initially planned to establish drop-in offices in the pilot municipalities. However, after the in-depth consultation with the Ministry of Justice and Public Defender's Office, the AJC offices were constructed within the PDO premises of the pilot municipality capitals, Baucau and Suai. With the close proximity to the PDO, the AJCs could better coordinate to promote and strengthen the PDO's capacity to fulfil its mandate providing the free legal aid service.

The construction of the two physical offices was finalized on a different timeline, and the inauguration ceremonies were held on 19 June 2017 in Suai and 14 November 2017 in Baucau. The inauguration ceremony in Suai was attended by the Minister of State, the Coordinator of State Administration Affairs and Justice, the Public Defender General, the Head of Prosecutor's Office in Suai, the PNTL Commander in the Ainaro municipality, representatives from Embassies of Japan and Korea, local community leaders, CSO representatives, and the UNDP Country Director. The news clip of the event was broadcasted on TVTL the following day. For Baucau, the event was accompanied by the Vice-Minister of Justice, President of the Baucau Municipal Authority, the Public Defender General, and the Administrator Judge of the Baucau District Court. UNDP also provided IT equipment, various office supplies, one vehicle with a driver and two motorbikes to each AJC for the smooth running of the AJC activities.



Inauguration Ceremony, Suai



The AJC Office, Suai



Inauguration Ceremony, Baucau



The AJC Office, Baucau



Transfer of asset custody



Installation of the assets

The Structure and Functions of the AJCs

As of 29 March 2017, the AJCs were officially institutionalized by the passage of the Statute of the PDO, stipulating that AJCs shall provide free legal information and consultation services to citizens across the country.² Hereupon the AJCs have officially been structured as the extrajudicial division along with pre-existing civil and criminal divisions under the PDO.³

In line with the mandate of the PDO to guarantee the judicial and extrajudicial free-of-charge aid services to the economically disadvantaged (Decree-Law No. 38/2008), the main functions of the AJCs were designed as following: i) Legal information outreach, ii) Legal consultation ('Mobile Clinics'), iii) ADR (mainly mediation), iv) Referral of cases to other relevant institutions/organizations, and v) facility monitoring. In other words, the AJCs intend to reach out community members in rural areas, disseminate legal information, receive any cases forthcoming, register those cases in the AJCs/PDO, and provide extrajudicial services to the cases. [Diagram 1] below shows the case flow and the processes in the AJCs framework.

² Article 22, Decree-Law No. 10/2017

³ UNDP and PDO have developed more detailed regulations and Standard Operating Procedures (SOP) of the AJCs, which are currently under the review of the Superior Council of the PDO for approval.

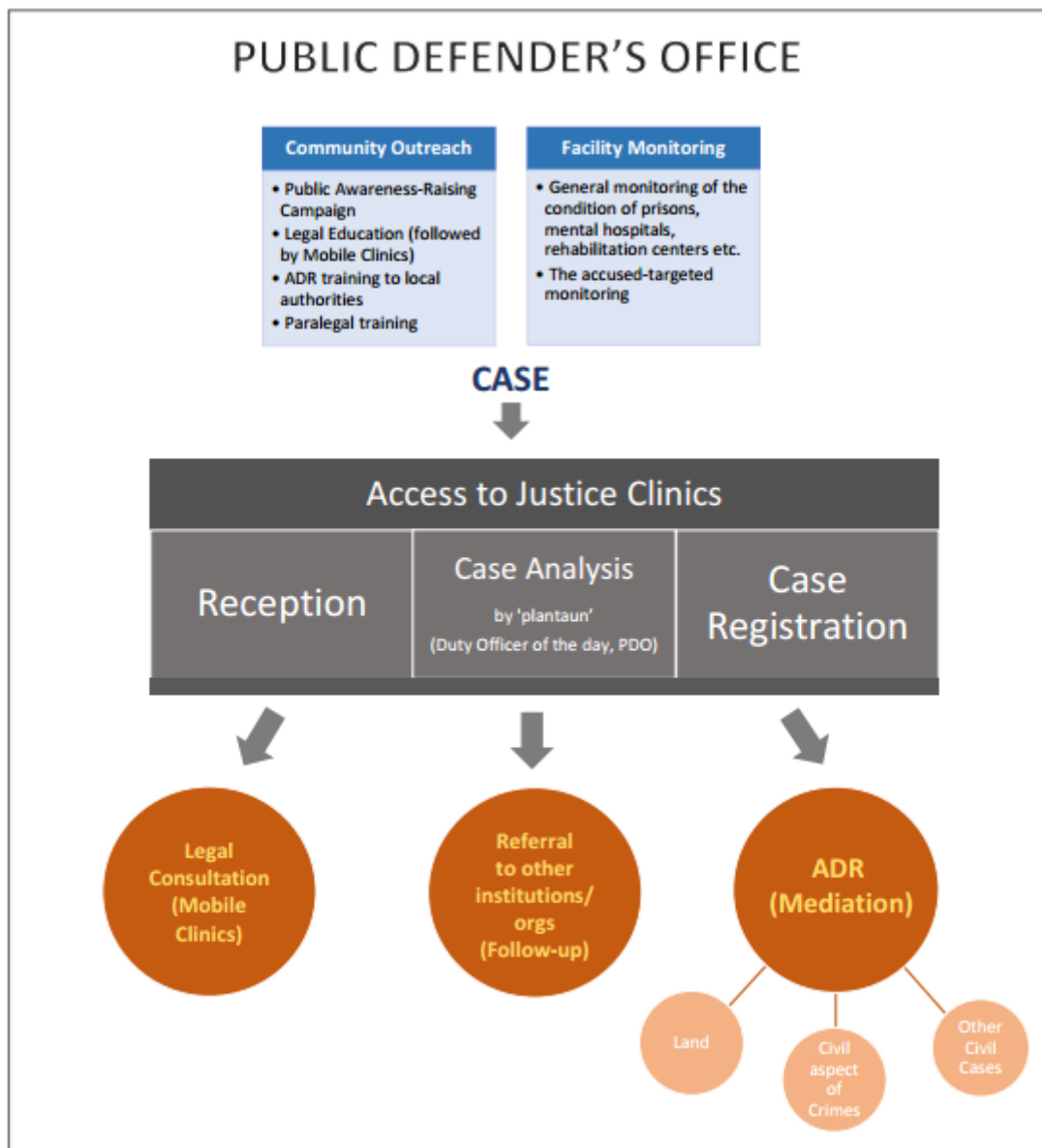


Diagram1 Operation of the AJCs

The AJCs have also launched a paralegal programme where the partnering CSOs identified eligible community members and trained them as ‘paralegals,’ who work as an ‘antenna’ or a ‘bridge’ of the AJCs, providing necessary legal information and options for disputants and GBV victims in the communities of the suco (village) and sub-suco. Currently, four paralegals in Baucau and five in Suai are on the job and several more will join in the near future.

The facility monitoring aims to strengthen the PDO’s capacity to fulfil its mandate of providing the legal aid service to detainees and inmates. Given that the defending system of the country made the public service rather than relying on the pro bono of private lawyers, the PDO is the flag-bearer for the protection of the rights of the vulnerable, including detainees and inmates. Since the prison inspection is unaccustomed to the PDO although having long intended to carry out, the international public defenders from Brazil have arranged a visit to one of the correctional facilities, Becora Prison in

October 2017. At that occasion, the Public-Defender General and public defenders have inspected several collective detention cells. The PDO and the director of the prison system, managers and guards of the Becora Prison discussed the future cooperation between the two institutions. The visit was fruitful in a sense that the Public-Defender General acknowledged the significance of the PDO's role and responsibility in this regard and agreed to conduct regular visits in the future. The two focus groups of the general inspection by the public defenders will be minor inmates and detainees without a conviction. Any rights violation and unlawful detention identified during the prison inspection will be registered at the AJCs for further action.

The Partnership with Civil Society Organizations

The limited number of public defenders has been one of the major obstacles to carry out its extrajudicial work on top of the significant volume of the litigation cases they have to deal with. The strategic decision for the staffing of the AJCs was to partner with the local CSOs specializing in land mediation and legal education. UNDP has taken its due diligence for the selection of the eligible CSOs, including the capacity assessment by the third party. BELUN is a well-established CSO in Timor-Leste, specialized in the early warning system for conflict prevention and land mediation. Justice & Peace Commission (JPC) and JNJ Advocacy (JNJ) are also well known legal CSOs based in Baucau and in Dili, Suai, and Oecusse respectively with several in-house lawyers. Consistent with their competencies, BELUN has been focusing on land mediation, ADR training, and outreach campaign both in Baucau and Suai, and JPC and JNJ on mediation on other types of civil cases, paralegal programme, and outreach campaign in Baucau and Suai respectively.



First signing with BELUN, December 2016



Second signing with BELUN, October 2017



Signing with JPC and JNJ, April 2017



OUTPUT 2: ACCESS TO FORMAL JUSTICE SERVICES BY VULNERABLE PEOPLE (INCLUDING RURAL WOMEN) IMPROVED.

| | |
|---------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Indicator 2.1 | # of people accessing legal aid services (legal counselling, in-court representation, and ADR) through the AJCs in the pilot districts. |
| Baseline | No clients are accessing the services of the AJCs, as these clinics are not yet established. |
| Target | 150 clients (of which at least 50% are female) in each pilot district by end of the project cycle. |
| Planned Activities | <ul style="list-style-type: none"> B. Support free-of-charge legal counselling and representation in Courts through AJCs as well as referral services to the prosecutor’s office and police C. Support the Ministry of Justice (MoJ) and Public Defender’s Office (PDO) to establish an M&E framework on legal aid service delivery, with a particular focus on cases affecting vulnerable groups. D. Through LTC, design and deliver courses tailored for public defenders, judges, prosecutors, private lawyers, and police on the application of the relevant law |

to protect vulnerable groups, particularly the Law against Domestic Violence.
(The Activity D was deleted in the budget revision and no-cost extension.)

The Status of the Case Registration

As at February 2018, after a year of implementation, a total of 127 cases were registered at the AJCs, disaggregated by 92 land disputes, 30 other types of civil cases, and 5 criminal cases. The beneficiaries who could access to justice by registering their cases at AJCs are 251 people (52 women and 199 men).

| | REGISTERED CASES | | | CLIENTS | |
|--------------|------------------|----------------------|-------------------|------------|-----------|
| | Land Disputes | Other Civil Disputes | Criminal Disputes | Men | Women |
| BAUCAU | 27 | 17 | 0 | 79 | 11 |
| SUAI | 65 | 13 | 5 | 120 | 41 |
| TOTAL | 92 | 30 | 5 | 199 | 52 |

Table 1 Accumulative number of cases registered (February 2018)

90 clients registered their cases in the Baucau AJC, whereas 161 people did in the Suai AJCs. The discrepancy comes from the degree of the cooperative manner with the PDO. Many of the registered cases were, in fact, the pending cases in the PDO and referred to the AJCs to expedite the case resolution process. The PDO of the Baucau Judicial District was, at the beginning of the implementation, reluctant to transfer the cases to the AJCs despite the AJCs being part of the structure. The acceptance and collaboration, however, have improved over time.

The number of female clients comprised only 20 percent of the total number of clients. The consultations with the CSOs and PDO confirmed that these figures reflect the culture embedded in the Timorese society, where women's entitlement to rights, in particular, toward the ownership of land and property has long been denied. A sea change of such traditional custom and mindset could be brought about by the persuasive and persistent awareness-raising campaigns. The AJCs are planning to design the upcoming campaigns with a strong emphasis on the equal status of women and gender equity.

Mediation

As at February 2018, the AJCs facilitated 108 mediation cases, 28 cases of which were resolved. The resolved cases consisted of 18 land disputes and 10 other types of civil cases, involving a total of 56 beneficiaries (38 men and 18 women).

| | FACILITATED CASES | | | | RESOLVED CASES | | | |
|--------------|-------------------|-------------------|------------|-----------|----------------|-------------------|-----------|-----------|
| | Land | Other Civil Cases | Men | Women | Land | Other Civil Cases | Men | Women |
| BAUCAU | 33 | 11 | 82 | 8 | 3 | 6 | 12 | 6 |
| SUAI | 52 | 12 | 95 | 27 | 15 | 4 | 26 | 12 |
| TOTAL | 85 | 23 | 177 | 35 | 18 | 10 | 38 | 18 |

Table 2 Accumulative number of cases mediated (February 2018)



BELUN staff interviewing the disputants of a land dispute for mediation, April 2017, Suai

Belun, one of the partnering CSOs, is specializing in land mediation and has been fully cooperating with the PDO to provide their mediation expertise and services. This partnership has helped the PDO resolve its new and old land cases, many of which were pending due to the lack of human and financial resources. Furthermore, addressing land disputes through the Alternative Dispute Resolution could be an optimal choice in Timor-Leste at this point of time. The civil

litigation proceedings remain challenging due to various reasons, such as the incomplete legal framework and limited experiences of legal professionals. Many of land disputes are not exceptional, having been pending in courts for several years. Four statements below illustrate the success stories of resolving land disputes through the mediation provided by the AJCs.⁴

Antonio v. Maria, Suai AJC

“I am Maria, from Bobonaro. I am running a small business (kiosk). (A long time ago) Oscar handed in a land titling certificate in return of USD 30.00. However, the certificate belonged to Antonio (as written in the certificate) and not to him (Oscar), and therefore I kept the certificate until now. In 2015, Antonio and his children forced me to return the parcel of land and the certificate, but I rejected because Oscar did not pay me back USD 30.00. Antonio’s children reported our dispute to the PDO.

⁴ The statements were excerpted, with minor edits, from the quarterly and annual progress reports of Belun submitted to UNDP.

On 25 May 2017, the AJCs facilitated the first mediation where both of us did not budge. The mediators encouraged us to think carefully and consult with our family for the best solution. On 22 August 2017, the AJCs held the mediation for the second time, where Antonio and I could reach an agreement. I agreed to compensate USD 2,000.00 to Antonio as an exchange of Antonio entirely renouncing his claim to the land ownership. We forgave and accepted each other again as relatives (brothers-in-law, aunt and nephew).”



Signing the Agreement between Maria and Antonio (22 August 2017, Suai PDO Office)

Lamberto v. Antonio, Suai AJC

"I am Lamberto, 65-year-old. I had a dispute over a parcel of land with my neighbor Antonio. I have been living in the land from 1976 and built a simple house there for my family. In 1993, I rebuilt my house and that time there was no conflict between us. Then in 1999 when the crisis broke out, we fled to Atambua, Indonesia. After the crisis, we came back to Covalima and stayed in the same house. However, Antonio claimed that he had inherited the land on which we were living from his grandparents. Then he provoked conflicts often with the worst languages and violence destroying our relationship as a neighbor.

We have tried to solve this problem with the local authorities in vain. Therefore, I feel very pleased that we could finally find the solution through the mediation by Access to Justice Clinics. Both of us signed the peace agreement where Antonio agreed to compensate me with US\$500.00 and I agreed not to assert the land tenure anymore.⁵ After the agreement, we could rebuild the hostile relationship and we are now as good neighbor and family as before we got into the conflict.”

5 The ownership of the land in question was proved to belong to Antonio from the evidential documentation.



*Signing the Agreement
between Lamberto and
Antonio (7 April 2017, Suai
PDO Office)*

Joao v. Amaro, Baucau AJC

“I am Amaro and a farmer. Since 1980 I have been living in the two-hectare land in my Village. I have been cultivating a portion of the land for gardening and growing various kinds of vegetables and fruits necessary enough for my family every day. I have also planted teak trees that can be used for building materials. In 2002 when the Timor-Leste became independent, Joao claimed ownership of the land according to the familial history and culture of their ancestors and asked me to surrender the land. I refused because I also felt I had a right derived from the occupation of the land for such a long time.

On 23 November 2017, the AJC team in Baucau facilitated the first mediation, where Joao and I could not reach a mutual agreement as we just defended our own arguments and ignored other options. After two months, on 23 January 2018, we met again at the AJCs for the second mediation. This time, we agreed to split the land. I compromised to give away the vacant land to Joao, and he shall no longer claim the land on which I occupy and manage farming. Hence, we both secured a plot of land to live and garden, which helped bring our strained relationship back to the harmonious one we had 15 years ago. I am very pleased with the AJC program and especially its approach to dispute settlement through mediation.”

Mario v. Agostinho, Baucau AJC

“I am Mario and had a land dispute with Agostinho. It started in 2014 when an officer from the National Cadastral System came to inspect the area. Agostinho claimed 7 meters more into my land crossing the border. As we are relatives, I tried many times to solve the problem through the family custom but he refused and could not control his emotion. So I brought the case to the PDO to use

the formal justice system. The first mediation was held in May 2017, but we could not find a solution. In the second mediation, held in July 2017, we still struggled coming to an agreement, but the mediators encouraged us to solve the case through the traditional justice system, to which we agreed.



Belun staff Interviewing Mr. Mario (August, Baucau)

Personally, I found the mediation very useful as the mediator showed impartiality and neutrality during the mediation processes. They offered similar amount of time to both parties to declare freely. I felt the solution came from us, not from someone else. In addition, I was pleased by the way the mediation was facilitated as the AJC mediator invited our traditional leader to strengthen our declaration and gave time to witnesses to talk. I believe mediation helps disputants communicate and respect each other. The mediator kept reminding us to talk calm and listen to each other. Although the case was not solved through the mediation, I feel better because the mediator helped us to agree to resolve our problem through the cultural system. We improved our communication and reconciled our relationship, which was not good for the last three and a half years. We could solve the problem through the traditional system.”

As implied in the above stories, land disputes are a common problem in Timor-Leste. Specific surveys have shown that approximately 10 percent of the land in the country is under dispute.⁶ The new legal framework regulating the formal land tenure system was enacted in June 2017, and the judiciary is still working on the effective application of these laws.

The surveys mentioned above identify that the majority of community members believe that

⁶ Matadalan ba Rai-Haburas Foundation (2010), *Community voices on the Land: Result of Consultation by Matadalan ba Rai*, p. 188; Bernardo Almeida and Todd Wassel (2016), *Survey on Access to Land, Tenure Security and Land Conflicts in Timor-Leste*, p. 5.

negotiation and mediation led by their local leaders is the most reliable method for the resolution of land disputes and that the involvement of a state representative in the resolution process would secure the legal recognition of the results. The community members and local authorities have also stated that they have insufficient resources and support from the government with regard to the mediation process.

The AJCs have met these needs of the communities by providing the mediation services with state participation and oversight of the PDO. The majority of the cases registered at the AJCs have already attempted the community-based procedures and failed, and yet where necessary, the suco chiefs and spiritual leaders are invited to the AJCs mediation process. The AJCs have also been conducting the Alternative Dispute Resolution training targeting local authorities to improve the community-based procedures and align them with the international human rights standard. More details about the ADR training can be found below in *The Outreach and Awareness-raising Campaigns*.

The Development of the Monitoring Tools

Developing monitoring tools is essential to systematically manage and evaluate a programme. The AJCs being a new initiative, the project developed a new set of the monitoring tools in collaboration among UNDP, PDO, and CSOs as below:

- The cover page of the case registration form;
- The case registration form;
- The online case registration system (SIGAJ);
- The field visit report template;
- The pre- and post-tests as well as evaluation survey forms of ADR training;
- The mediation minutes;
- The Standard Operating Procedure (SOP); and
- The quarterly and annual reporting templates for CSOs.

The first three forms and templates help the AJCs keep track of the status of the cases both online and excel spreadsheets. The rest helps keep a record of the progress of the AJC activities and are used for compiled reporting. The CSOs submit the progress reports to UNDP and PDO in English and Tetun on a quarterly and annual basis.

| | |
|----------------------|----------------------------------------------------------------------------------------------------------------------|
| Indicator 2.2 | % of cases handled by the PDO which are referred through the AJCs |
| Baseline | N/A since AJCs have not been established yet. |
| Target | 60% of cases handled by the PDO by end of project cycle are referred by state and non-state actors through the AJCs. |
| Planned | E. Support CSOs to conduct outreach and awareness-raising among vulnerable |

| | |
|-------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Activities | groups, including women and girls as well as spouses/partners about GBV and rights to access justice. Support CSOs to extend other support services, such as referrals to legal aid, medical clinics, psycho-social support, and women's shelters. |
| | F. Training support to the CSOs partnering with the AJC in skills such as outreach, community education, referrals, case monitoring, and other areas requested by the organizations (estimated attendees: 50 people). |

The previous section for the indicator 2.1 indicates that the AJCs/PDO has handled 85% of the cases registered in the AJCs by providing mediation service (108 cases facilitated for mediation out of 127 cases registered). As mentioned earlier, most of these cases were internally referred from the PDO to the AJCs. However, the outreach campaigns of the partnering CSOs have significantly contributed to raising awareness of the formal justice system, PDO and AJCs' free legal aid scheme among citizens especially those living in rural areas. Although not frequent, some of the participants of the campaigns have put forward their legal concerns where some of the cases were registered in the AJCs for further action. Below shows the activities and results of the campaigns conducted by both CSOs and UNDP and the training provided by UNDP for the AJCs staff including public defenders and CSOs members in the early phase of the project implementation.

The Outreach and Awareness-raising Campaigns

The citizens' knowledge on the PDO is remarkably low according to the survey conducted by UNDP.⁷ This impedes the possibility of using the formal justice system especially by the economically disadvantaged, which the AJCs have been trying to tackle through the robust outreach campaigns. Up until February 2018, the awareness-raising campaigns including Alternative Dispute Resolution training have been participated by 3,742 people (2,337 men and 1,405 women) in the Baucau and Suai Judicial Districts.

Disaggregated by different types of activities, a total 3,040 people (1,754 men and 1,286 women) of various sucos of the Baucau and Suai Judicial Districts participated in the community awareness-raising campaigns undertaken by the three partnering CSOs. Although the methodologies of the campaigns of each NGO varied, main topics addressed include i) types of laws, ii) how to differentiate between criminal and civil cases, iii) roles of rule of law institutions, and iv) conflict resolution procedures through the formal justice system, followed by a Q&A session.

⁷ In Suai, less than half (47.8%) of the respondents have heard of either a lawyer, public defender, or a public prosecutor, and even less respondents (17.8%) were aware of the free-of-charge counseling through the PDO (JSP (2014), *Suai Judicial District Access to Justice Survey*).



JNJ Outreach Campaign, August 2017, Ainaro



JPC Outreach Campaign, February 2018, Manatuto



BELUN Outreach Campaign, December 2017, Baucau



UNDP has conducted its own awareness-raising campaigns to inform of the free legal aid services of the AJCs. The one-day workshops targeted the District Administrators, Sub-District Administrators, Chief of Villages, and Community Policing Officers in 7 Municipalities (Baucau, Suai, Manatuto, Lautem, Ainaro, Manufahi, and Bobonaro), in which a total of 433 people (388 men and 45 women) attended. The workshop received positive feedback from the District Administrators, suco chiefs, and other participants who appreciated the information given in the events and emphasized that the AJCs were one real example to bring justice closer to the communities primarily in the rural area.



AJC Workshop, August 2017, Baucau



AJC Workshop, October 2017, Manufahi



AJC Workshop, November 2017, Lautem



AJC Workshop, January 2018, Viqueque

Belun, in particular, conducted the ADR (especially, mediation) training for suco chiefs and community leaders who have the authority, as per traditional customs, to settle the civil disputes that have arisen in their respective communities. The participants learn about the legal remit of their authority and how to better mediate conflicts. The total 14 training courses, up to February 2018 on the sub-district or suco levels in the Baucau and Suai Judicial Districts, were participated by a total of 269 people (195 men and 74 women), average 98% of whose knowledge on mediation have shown increased according to the pre- and post-tests.



ADR Training, July 2017, Manufahi



ADR Training, December 2017, Covalima



ADR Training, January 2018, Covalima



ADR Training, February 2018, Baucau

Advocating the formal justice system does not negate the value and validity of the informal justice system that is prevalent in the country with better accessibility and acceptance.⁸ The AJCs, in fact, are well equipped to make linkages between both justice systems. The AJCs' awareness-raising campaigns and ADR training are, in fact, good examples which socialize the remit of the authority of the local leaders in conducting the community-based procedures and assist them to be able to mediate in increased conformity with the Constitution and international human rights standards.

Training for AJC staff

Each AJC office is composed of four staff, two from BELUN both in Baucau and Suai and two from JPC in Baucau and two from JNJ in Suai. One of the Belun staff is a trained mediator and the other a coordinator. In the Belun HQs in Dili, the capital of Timor-Leste, are a project manager and a senior mediator based with frequent field trips to Baucau and Suai. In addition to a coordinator, both JPC and

⁸ The legality of the community-based procedures in civil matters is codified in Suco Law (Law No. 9/2016).

JNJ have in-house lawyers who lead the outreach campaigns. The AJCs being structured under the PDO, the public defenders and its judicial officials have various roles as part of the AJCs, such as overseeing the CSO staff, determining the nature of and allocating cases, participating in the outreach campaigns, and providing mediation.

During the reporting period, three international Public Defender Advisors from Brazil have been deployed, on a different timeline, to the PDO.⁹ They have been providing technical assistance to the PDO based on the tripartite agreement among UNDP, PDO, and Brazil on a different funding scheme. Their chief responsibility encompassed the capacity development, training and quality assurance of the PDO. They have also significantly assisted and contributed to the establishment of the AJCs through drafting the AJC regulations and SOP, providing overall guidance, giving a presentation in the outreach campaigns, and organizing training courses for the public defenders and CSO staff. All training courses below were held through the collaboration between these international public defenders and UNDP for the AJC staff, public defenders, and broader audiences in the justice sector:

| | Target Audience | Time and Venue | Course Contents |
|---------------------------|------------------------------------------------------------|------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Induction Training | BELUN, Public Defenders, and Judicial Officials in Dili | 9-10 February 2017, Legal & Judicial Training Center | <ul style="list-style-type: none"> i. Organization and mandate of the PDO; ii. Extra-judicial work of the PDO, the operation and mandate of the AJCs; iii. Conflict sensitivity approach to mediation (UN Resident Coordinator's Office); iv. Mediation of the PDO; v. Human rights approach and standards to mediation and land (UN Office of Human Rights); and vi. Operation of the computerized system of the PDO (SIGAJ) |
| | Public Defenders and Judicial Officials in Baucau and Suai | 13-17 February 2017, PDO | <ul style="list-style-type: none"> i. Extra-judicial work of the PDO; ii. Operation and mandate of the AJCs; iii. Discussions on SOP; iv. Introduction of BELUN staff; and v. Handover and set-up of equipment |

⁹ The Timorese PDO is, to a significant extent, modelled on the Brazilian one, providing the public legal aid service to the indigent.

| | | | |
|----------------------------------------------|--------------------------------------------------------------------------------|--------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | JNJ and JPC | 26-27 April (Baucau) and 4 May 2017 (Suai), PDO | <ul style="list-style-type: none"> i. Extra-judicial work of the PDO; ii. Operation and mandate of the AJCs; and iii. Discussions on SOP |
| Capacity Development Training | Legal professionals including Public Defenders and CSO staff | 11-15 September 2017, Legal & Judicial Training Center | <p>‘The Role of Public Defenders in Civil Cases’</p> <ul style="list-style-type: none"> i. Organization and position of the PDO in legislation and procedures; ii. Issues and application of several civil laws (family, property, and inheritance laws); iii. Extrajudicial work of the PDO; and iv. Application of the constitutional law to the civil proceedings |
| | Legal professionals including Public Defenders and CSO staff | 9-10 October 2017, Ministry of Justice | <p>‘The role of Public Defenders in Safeguarding Human Rights and Social Public Policies’</p> <ul style="list-style-type: none"> i. Corruption and its impact on social public policies; ii. Public defense and human rights in Timor-Leste and Brazil; iii. Role of civil society for the vulnerable groups and AJCs; iv. Criminal punishment and human rights; and v. Mental health in correctional institutions |

Table 3 Training Course provided for the AJC staff

The induction training provided the first encounter between most of the public defenders and judicial officials and the CSO staff and laid out the objectives, mandates, functions, and working structure of the AJCs. The following training courses were designed not only for AJCs staff but other legal professionals to develop the capacity and advocate the work of the PDO. The partnering CSOs have given presentations of their work and reflections in the AJCs at the training ‘The role of Public Defenders in Safeguarding Human Rights and Social Public Policies.’

Challenges & Lessons Learned

Access to the formal justice system is yet restricted in Timor-Leste due to several multifaceted challenges, namely the short history of the formal justice system in place, limited human and financial resources in the justice sector, poverty, poor infrastructure, patriarchal heritage and customs, and language barrier. The AJC initiative was launched to tackle some of these challenges that could be improved through the institutional strengthening, and yet could not remain entirely free from these inherent challenges especially when it comes to its day-to-day implementation.

The Operation of the AJCs

With regard to the operational aspect of the establishment of the AJCs, UNDP has primarily faced challenges in i) the coordination between the PDO and CSOs and ii) the limited resources for the vast geographical coverage of each office. For the first point, establishing a new project requires a significant volume of communication and coordination among the partners over a considerable period of time. Each pilot district PDO office has had its own priorities and preferences with which the project implementation needed to adopt. It was particularly inevitable in the beginning phase of the implementation that there was confusion especially in the specifics of the daily management and operation. Built on the induction training, following-up coordination meetings, learning by doing, and trust gained over time, the roles and responsibilities between public defenders and CSOs staff and working structure and procedures have been better clarified and their collaboration has enhanced.

On the second point, as you can see in the [Map of Timor] on page 6, the geographical coverage of each AJC stretches to, in fact, the most extensive parts of the country with poor connectivity. This has long been a challenge for the PDO given their limited human and financial resources.¹⁰ Having four more staff from the CSOs in each AJC within the PDO structure has helped the PDO comply with their mandate on the extrajudicial work. UNDP has also provided each AJC with one vehicle and one driver to increase the mobility of the AJCs. The four-wheeled vehicles only, however, cannot access remote villages of which roads leading to are too narrow and unpaved. Therefore, UNDP procured two motorbikes for each AJC in June-July 2017, which adequately addressed the issue. Most of all, the PDO and partnering CSOs have shown firm commitments to travel to as many villages as possible however remote they were.

Gender Inequality

As already mentioned in *the Status of the Case Registration* under Output 2, the AJCs' annual data of the case application and participation of the outreach campaigns invariably reflects gender disparity

¹⁰ The total number of public defenders qualified and currently practicing across the country is thirty people only. Moreover, the PDO is not an autonomous entity but subjected to the budget allocation by the Ministry of Justice since structured as a unit under the ministry.

ingrained in the society. The female participation in the AJC campaigns itself needs to be improved, and the programme of the upcoming campaigns should be strengthened by underlining the equal status of women and gender equity in terms of rights, benefits, obligations, and opportunities.

Sustainability

The sustainability of the AJCs is a key to consolidating the efforts to establish a nation-wide legal aid system that provides concerted and consistent services to the citizens. As aforementioned, the AJCs were permanently institutionalized by the passage of the new Article 22 of the Statute of the PDO (Decree Law No. 10/2017), which entered into force in March 2017. In itself is a great achievement and will secure the AJCs' institutional sustainability as the extrajudicial division of the PDO. The main concern, however, would be centered around the sustainability of the human and financial resources to make it function as it is intended when UNDP's support discontinues.

The provision 3 of Article 22 of the above Statute stipulates that the PDO could form a partnership with external organizations to implement the legal aid services. This gives leeway to the PDO until its human and financial capacities enhance to be able to autonomously execute its mandate and functions. This has been the case with UNDP, primarily financing the current activities of the AJCs. However, the funding situation of JSP is stable only until the end of 2018. The PDO and UNDP both ought to work toward mobilizing the resources through the government budget or international development partnership to keep the AJCs functioning.

Impact of the AJCs

The statistical results and success stories of the AJCs collected during the reporting period have demonstrated that there exist great demands from the ground for legal aid and Alternative Dispute Resolution mechanism. Before the AJCs, such services were sporadically available through local organizations, and the PDO, a national institution mandated for the provision of such service across the country, has been constrained due to its limited human and financial resources. It is thus confident to say that the establishment of the AJCs has brought the following impacts to the Timorese society:

Capacity development of the PDO and realizing its extrajudicial mandate

The capacity of the PDO determines the nation-wide provision of the quality legal aid service to the indigent as pledged in the laws and the Justice Sector Strategic Plan 2011-2030. Specifically designed to assist the PDO, the AJCs have contributed to strengthening its extrajudicial work, the distribution of legal information and out-of-court dispute resolution.

Increased access to justice of the vulnerable including the poor and women living in rural areas

The AJCs are, first and foremost, to safeguard access to justice of the economically disadvantaged and

vulnerable people. The collaboration with the CSOs has enhanced the mobility of the AJCs and therefore increased the engagement with the local communities in the rural and remote areas.

Expedited resolution of land disputes through mediation

Despite the land disputes being one of the most common and pressing social issues in the country, many of them remain unresolved and pending for several years in courts. Mediating land disputes at the AJCs has helped to reduce the old and new cases registered in the PDO before initiating the litigation process.

These impacts of the AJCs are significantly pertinent to achieving the Sustainable Development Goal 16 (Peace, Justice, and Strong Institution) in Timor-Leste, one of the youngest and post-conflict states in the world. The scaled-up, continuing and reliable service delivery of the AJCs through the strengthened capacity of the PDO will help gain the trust of the people in the state institutions. Access to justice that is still scarce for many in the country will become widely available. More localized service provision of the PDO/AJCs will promote the peaceful conflict resolution at the grassroots level, preventing the parties to conflicting interests from resorting to violence.

Provisional Financial Statement (April 2016 - February 2018)

| <i>Notes on the budget revised through NCE (AWP) approved on 16 August 2017</i> | <i>Description</i> | <i>Budget (USD)</i> | <i>Expenditure (USD)</i> | <i>Balance (USD)</i> | <i>Delivery Rate (%)</i> |
|----------------------------------------------------------------------------------------------------------|-----------------------------------------------|---------------------|--------------------------|----------------------|--------------------------|
| Output 1 State-owned legal aid services in the pilot judicial districts established. | | | | | |
| | A. Costs for the Establishment of AJCs | | | | |
| | Contract Service Companies (Suai) | 33,278.00 | 35,166.00 | (1,888.00) | 105.67 |
| | Consultants | 15,000.00 | 0 | 15,000.00 | 0.00 |
| | Equipment | 10,000.00 | 5,500.00 | 4,500.00 | 55.00 |
| | Office Furniture | 8,400.00 | 4,654.00 | 3,746.00 | 55.41 |
| | Communication | 2,400.00 | 200 | 2,200.00 | 8.33 |
| | Stationary & Office Supplies | 4,500.00 | 5,209.55 | (709.55) | 115.77 |
| | Material and Goods | 4,200.00 | 5,206.00 | (1,006.00) | 123.95 |
| Additional budget (reallocated from Budget Line D) | AJC Office Construction in Baucau | 3,000.00 | 30,000.00 | (27,000.00) | 1,000.00 |
| | TOTAL (Output 1) | 80,778.00 | 85,935.55 | (5,157.55) | 106.39 |
| Output 2 Access to formal justice services by vulnerable people (including rural women) improved. | | | | | |
| Revised due to NCE (AWP), see Budget Lines 'Project Management' | B. Local Consultants | 12,000.00 | N/A | N/A | N/A |
| Revised due to NCE (AWP), see Budget Lines 'Project Management' | C. Short -term International Consultants | 24,000.00 | N/A | N/A | N/A |

| | | | | | |
|-------------------------------------------------------------|----------------------------------------------|-------------------|-------------------|-----------------|---------------|
| Revised due to NCE (AWP), see Budget Lines A & G | D. Training & Workshop (LTC) | 12,000.00 | N/A | N/A | N/A |
| | E. CSO Support | 130,000.00 | 119,528.67 | 10,471.33 | 91.95 |
| | F. Training & Workshop (for CSOs) | | | | |
| | Stationary | 2,000.00 | 3,757.25 | (1,757.25) | 187.86 |
| | Training Venue | 2,000.00 | 2,167.50 | (167.50) | 108.38 |
| | Printing Material | 1,000.00 | 3,514.00 | (2,514.00) | 351.40 |
| | Material and Goods | 3,000.00 | 8,520.03 | (5,520.03) | 284.00 |
| | Communication | 4,000.00 | 1,003.00 | 2,997.00 | 25.08 |
| Revised due to NCE (AWP), reallocated from Budget Line D | G. Travel (JSP Staff DSA) | 9,000.00 | 7,767.00 | 1,233.00 | 86.30 |
| | TOTAL (Output 2) | 151,000.00 | 146,257.45 | 4,742.55 | 96.86 |
| Project Management | | | | | |
| Revised due to NCE (AWP), reallocated from Budget Lines B&C | Programme Manager (5 months) | 16,115.00 | 16,115.00 | 0 | 100.00 |
| | Programme Associate (8 months) | 10,400.00 | 10,400.00 | 0 | 100.00 |
| | Finance Officer (5 months) | 5,260.00 | 5,284.38 | (24.38) | 100.46 |
| | PR | 2,778.00 | 2,777.78 | 0.22 | 99.99 |
| | Miscellaneous | 1,447.00 | 1,447.00 | 0 | 100 |
| | TOTAL (Project Management) | 36,000.00 | 36,024.16 | (24.16) | 100.07 |
| Project Management & Msc. (DPC) | | 10,000.00 | 9,560.62 | 439.38 | 95.61 |
| GMS Cost (8%) | | 22,222.00 | 22,222.00 | 0 | 100.00 |
| GRAND TOTAL | | 300,000.00 | 300,000.00 | 0 | 100.00 |