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LAW AND JUSTICE IN TIMOR-LESTE
A SURVEY OF CITIZEN AWARENESS AND ATTITUDES REGARDING LAW AND JUSTICE 2013

PRODUCED BY: THE ASIA FOUNDATION
ABOUT THE ASIA FOUNDATION
The Asia Foundation is a nonprofit international development organization committed to improving lives across a dynamic and developing Asia. Headquartered in San Francisco, The Asia Foundation works through a network of offices in 18 Asian countries and in Washington, DC. Working with public and private partners, the Foundation receives funding from a diverse group of bilateral and multilateral development agencies, foundations, corporations, and individuals.

For more information, visit www.asiafoundation.org

This survey was made possible through generous support provided by the Justice Facility (A bilateral cooperation between the governments of Timor-Leste and Australia), The United Kingdom Department for International Development (DFID), and The Asia Foundation. The opinions expressed herein do not reflect the views of the Justice Facility or DFID.

ACKNOWLEDGEMENTS
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<th>ACRONYMS</th>
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<tr>
<td>ALFeLA</td>
<td>Asisténsia Legál ba Feto no Labarik (Legal Assistance for Women and Children)</td>
</tr>
<tr>
<td>AMP</td>
<td>Parliamentary Majority Alliance</td>
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<tr>
<td>ATJ</td>
<td>the Access to Justice Program, implemented by the Asia Foundation and funded by USAID.</td>
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<td>BGK</td>
<td>Bloku Governu Koligasaun – Government Coalition Block</td>
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<td>BMP</td>
<td>Besi Merah Putih Militia (Pro-Indonesia Militia)</td>
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<td>CAVR</td>
<td>Commission on Truth, Reception and Reconciliation</td>
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<td>CFJ</td>
<td>Centru Formasaun Juridika (Legal Training Center)</td>
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<td>CNRT</td>
<td>Conselho Nacional de Reconstrução de Timor (National Congress for Timorese Reconstruction)</td>
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<tr>
<td>CTF</td>
<td>Commission for Truth and Friendship</td>
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<tr>
<td>DFAT</td>
<td>Department of Foreign Affairs and Trade, formerly Australian Agency for International Development</td>
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<tr>
<td>DFID</td>
<td>UK Department for International Development</td>
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<td>DHS</td>
<td>Timor-Leste Demographic and Health Survey 2009-10</td>
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<tr>
<td>F-FDTRL</td>
<td>Falintil-Forças de Defesa de Timor Leste (Timor-Leste Defense Force)</td>
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<td>GDP</td>
<td>Gross Domestic Product</td>
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<td>GoTL</td>
<td>Government of Timor-Leste</td>
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<td>ICG</td>
<td>International Crisis Group</td>
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<td>IDP</td>
<td>Internally Displaced Person(s)</td>
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<td>INGO</td>
<td>International non-governmental organization</td>
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<td>JSMP</td>
<td>Judicial System Monitoring Programme</td>
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<td>KAK</td>
<td>Anti-Corruption Commission</td>
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<td>LADV</td>
<td>Law Against Domestic Violence</td>
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<td>MAE</td>
<td>Ministry of State Administration</td>
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<td>MDGs</td>
<td>Millennium Development Goals</td>
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<td>MoJ</td>
<td>Ministry of Justice</td>
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<td>NAP</td>
<td>National Action Plan on Gender-Based Violence</td>
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<tr>
<td>NGO</td>
<td>Non-governmental organization</td>
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<td>PDHJ</td>
<td>Provedoría for Human Rights and Justice</td>
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<td>PNTL</td>
<td>Policia Nacional de Timor-Leste (National Police of Timor-Leste)</td>
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<td>RDTL</td>
<td>Democratic Republic of Timor-Leste</td>
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<td>SEPI</td>
<td>State Secretariat for the Promotion of Equality</td>
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<td>the Foundation</td>
<td>The Asia Foundation</td>
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<td>UN</td>
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<td>UNESCO</td>
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<td>UNMIT</td>
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<td>United Nations Police</td>
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As in many other former colonies, legal pluralism in Timor-Leste remains both an obstacle and an opportunity to increasing access to justice for the majority of its citizens. It is where these systems intersect, particularly at a time where a critical part of the peace building of a nation involves building people’s trust in the justice system, that often prove the most complex, yet important, to address. Despite many years and tens of millions of dollars spent on reforming the formal system by supporting the physical and human resource infrastructure for formal court actors – benefits thereof are often less prevalent in the lives of ordinary citizens. Understanding not only where people go to address their justice concerns, but also what their perceptions are of the impartiality, effectiveness and accessibility of the system, is of critical importance for policy makers and justice actors alike. The very legitimacy of the state may ultimately hinge on the ability to ensure equal and fair treatment to all citizens by designing and implementing a system which succeeds in reflecting both best practices and local customs and norms.

Understanding the complexities of the justice sector in Timor-Leste is something which has occupied the minds of civil society, academics, practitioners, donors, the government, and most importantly, the people of Timor-Leste. This particular survey, the third of its kind, is however aimed mainly at tracking changes in the awareness and attitudes by the people of Timor-Leste regarding law and justice since independence, as it compares to data collected respectively in 2004 and 2008. On their own, the data presents an important snapshot of perceptions held toward formal and informal justice mechanisms, the police, and security in general. However, it is in the comparison that the data is able to flesh out changes in perceived levels of “comfort” and “confidence” in particular parts of the justice system.

The evolution of initiatives in justice and rule of law over the course of the five years since the last survey spans all areas of the sector. Despite significant concerns and ongoing reports of alleged cases of corruption, including at the highest levels, some progress has been made in reforms within the National Police of Timor-Leste (PNTL) who is moving toward a model of policing which reflect the community-centered nature of Timor-Leste. Persistent issues of discipline and accountability however could still derail a community-centered approach if not addressed. Similarly, discourse around increased access to justice in rural areas including the use of mobile courts under the previous Minister of Justice, and the new Minister’s interest in exploring the need for paralegal or other similar services are positive. Ongoing initiatives at strengthening justice actors and private lawyers’ capacity in legal best practice have resulted in dozens of formally qualified Timorese lawyers. And finally, the passage of landmark legislation aimed at addressing the high rates of domestic violence in Timor-Leste are all positive steps in the right direction, and should be recognized.

Unfortunately, it has been a challenging period for the courts, in part due to the increase in high-profile corruption cases, which would challenge the impartiality of any judiciary, let alone a very young one. While there have been clear examples of high levels of impartiality, recent cases have raised some questions and concerns regarding the difficulties that still remain. In addition, the wide use of pardons by the executive still has not been resolved and therefore could be seen as an outstanding matter in the progress that has been made in the justice sector. These, coupled with the enduring lack of knowledge about the formal justice system by the majority of citizens, will continue to overshadow initiatives for some time to come.
To capture the perceptions of the citizens of Timor-Leste of their justice system, The Asia Foundation conducted a nationwide, representative survey. The aim of this survey is to be able to track the change in perceptions of Timorese toward the justice sector as compared to the 2004 and 2008 surveys. This survey was made possible, in part, with the generous support of the Australian Department of Foreign Affairs and Trade Aid Program (DFAT) and the UK Department for International Development (DFID).

As in previous surveys in 2004 and 2008, the research team conducted one-on-one interviews in a nation-wide, randomized survey. Using international best-practice survey methodology, the teams interviewed 1,126 randomly selected respondents ages 17 and up, from across all 13 districts. The same questionnaire was largely used in the 2013 survey as in the 2008 survey, which in turn were designed using questions from regional surveys conducted by the East and South Asia Barometers as well as other Asia Foundation surveys throughout Asia. This year however, there were two notable changes to the methodology. First of all, this was the first time that the law and justice survey was conducted using tablet computers by interviewers during the in-person interviews. Secondly, the number of variables were increased from a four-point to a five-point scale to reflect best-practice approach in scaled responses (please see the Methodology section for more details).

Given the Foundation in Timor-Leste’s mandate to enhance capabilities of local researchers and research organizations to conduct and perform evidence-based research, the Foundation partnered once-again with locally registered fieldwork partner INSIGHT Consulting. This year, however, we also worked with a new partner, Catalpa International, on data analysis and visualization of material to represent complex data sets in graphs and other info-graphics throughout the report.

The survey report was managed and written by the Foundation’s Country Representative to Timor-Leste, Susan Marx. In addition, the Foundation’s program staff including Kerry Brogan, Deborah Cummins and Todd Wassel all provided valuable feedback, analysis and insight throughout the process. Gobie Rajalingam provided close analysis of all data comparisons between the three surveys and oversaw the quality control of the INSIGHT field teams as well as production of charts and visualization with Catalpa International. Communications officer Lewti Hunghanfoo edited and did initial layout. An independent consultant, Carolyn Tanner reviewed the final draft and provided essential input and feedback on case data as well as other invaluable contributions. The Foundation’s survey consultant Sunil Pillay coordinated the analysis and weighting of data.

Following the release of the survey, the Foundation intends to translate the report into Tetun and conduct a series of stakeholder workshops to present the findings and allow the opportunity for further analysis and discourse on perceptions captured therein. The Foundation trusts that the information contained within these pages is deemed informative, useful and in some small way able to contribute to development of effective policies to Timorese policy makers in the ongoing efforts to improve rule of law and access to justice to its citizens.

SUSAN MARX  
Country Representative  
The Asia Foundation  
Dili, Timor-Leste  
November 2013
EXECUTIVE SUMMARY
In 2013, Timor-Leste is free of conflict and beaming with maturing ideas of how to manage its natural and human resources as part of its aspirational plan to have a healthy, educated population by 2030. To reach this ambitious goal, the government has developed and approved the Strategic Development Plan 2011-2030 (SDP) which sets out a roadmap to becoming an upper-middle income country in 20 years. With a heavy emphasis on physical infrastructure (including heavy fuel-oil electrification system) the plan is often criticized for not adequately addressing matters concerning the environment, non-oil economic development, and education. Specific legal matters, including a resolution to the ongoing criticism of the draft land laws, remain unresolved and activists fear that past injustices will be prolonged without adequate and meaningful public debate and participation in the drafting of this legislation.

In the wake of the 2006 crisis, stability and security became a top priority for the government. The trend of improving security has continued from 2008 to 2013 with many reforms visible in police promotions, training of justice actors, and support to case management systems, and the establishment of a disciplinary management council. That being said, in 2013, a majority of Timorese do not trust the police enough to seek assistance from them first, and most respondents lack basic knowledge of the formal system.

Further challenges remain in health and education with particular concerns for how the country’s current economic trajectory will translate into a sustainable non-oil economy to benefit the growing young population. That being said, Timor-Leste is booming with technological advancement including in mobile phone connectivity, has improved electrification dramatically, and increased school enrollment for children. In the words of one senior government official at an international academic conference, since the recent withdrawal of the United Nations Mission in Timor-Leste (UNMIT) “Timor-Leste is well and truly free for the first time since Portuguese colonial times”.

The 2013 survey data confirms recent literature on the use of local justice processes that despite the gains in the formal justice sector, a greater proportion of people in contemporary Timor-Leste are more confident and comfortable with local justice systems. Reasons cited include accessibility, familiarity, importance of maintaining ancestral practices (68%) and the idea that practices are rooted in the culture and traditions of particular communities (17%), as well as the sacred nature of the practices (7%). The Tetum term for customary justice in Timor-Leste is *lisan* but is also often referred to by the Indonesian term of *adat*. These mechanisms are characterized by non-state, community-level systems led by various chiefs and community elders. Due to the diverse and localized nature in practice across Timor-Leste, there is no homogenous definition of what local justice means. That being said, these practices are typically based on a hierarchy of mechanisms originating at family level, and moving up to the popularly elected *xeke suku*. These processes are premised on collective restorative justice to ensure community reconciliation, rather than retributive justice and individual rights.
The survey confirms that despite 88% of respondents who have knowledge of courts indicating confidence in the courts; the majority of citizens (93%) still feel more comfortable with local administrators of justice—who continue to handle the majority of disputes at the community level. These mechanisms however, still have serious flaws in the administration of justice, with particular reference to matters involving domestic violence and violence against women. Given that community justice is not standardized, it lacks procedures for testimony, witness protection, monitoring, and often does not fully conform to either constitutional or international human rights standards. Local justice by definition is also heavily reliant on personalities rather than standardized norms and procedures, leaving opportunity for inconsistencies and maladministration.

Since the previous survey in 2008, one of the most significant changes affecting local administration of justice in Timor-Leste has been enactment of the Law Against Domestic Violence (LADV) in 2010. Prior to the adoption of the LADV relevant criminal provisions were already available in the Penal Code (Decree Law No. 19/2009) and before then, and to a lesser extent, in the Indonesian Penal Code. However, while some criminal offences are public crimes (for example murder, serious offences against physical integrity and mistreatment of a spouse) prosecutors tended to deal with domestic violence under other crimes that can only be prosecuted upon complaint of the victim (semi-public crimes). The LADV therefore changed the status of the “simple offence against physical integrity” into a public crime if committed in a family context. Effectively, this puts the responsibility squarely on the State to pursue criminal proceedings in cases of violence committed in a family setting, rather than relying on the victim's complaint.

These advances notwithstanding, the system falls short of establishing the necessary legal framework for linking informal practices to the formal justice system, and confusing and contradictory provisions between various pieces of legislation prevail. For instance, Article 55 of the Penal Code which recognizes reconciliation between victim and perpetrator as a general mitigating circumstance. There is also need for legal clarification of the role of suku leaders, who according to Law No. 3/2009 on Community Leadership and Election are mandated to punish perpetrators, along with their roles in promoting mechanisms to prevent domestic violence; provide support to monitoring and protection of victims of domestic violence. The law also provides for suku leaders to resolve disputes, and seek intervention in relation to disturbances which can be settled at a local level and whenever crimes are committed. This does not amount to a mandatory requirement on suku leaders to always refer crimes however there appear to be legal contradictions between this law and the mandated role of the Prosecutor’s Office to investigate crimes. In reality suku leaders are resolving crimes for various reasons including a lack of support from the formal system to respond promptly and effectively to domestic violence. Community authorities clearly have an important role to play in providing ethical guidance and local leadership and potentially protection, but a holistic approach requires discussion about how the informal and formal can work together to maximize protection for victims of domestic violence.

Beyond dispute resolution and conflict prevention, local authorities also play a key role in referring cases to the police and relevant support services. Ongoing efforts to strengthen local authorities’ understanding of their mandate to prevent domestic violence show that when these institutions are empowered with an understanding of their legal responsibilities, they can be very effective. Coordination between the courts, prosec, suku leaders, victims, the police and service providers however remains ad hoc and often happens in an information-vacuum. That being said, it is evident that in the absence of a formal system accessible to all, local justice mechanisms will continue to play a pivotal role in the lives of many Timorese for decades to come. Effectively engaging these authorities, and aligning them with obligations under the Constitution, existing legislation and international norms to ensure quality of care and a “do no harm” approach will prove of paramount importance. While a number of non-government organizations have run paralegal programs, recent discussions within the Ministry of Justice (MoJ) on the potential for a government-backed paralegal program is encouraging for it indicates an admission of the high demand for justice, and a realization by the State that existing mechanisms are not adequate.

12 While the survey does not investigate specific flaws in local justice mechanisms and DV, we can ascertain from the survey that of the 9% of the population that experienced DV, 72% sought assistance from traditional justice mechanisms (including xefe suku, aleia, families, lianain and suku councils), while 16% sought assistance from formal justice mechanisms (including courts, lawyers, NGOs and the PNTL).
As enshrined in the Constitution of Timor-Leste, both the National Parliament as well as the Government is entrusted to make and implement laws. This legislative framework also requires both of these institutions to monitor implementation, proper application, as well as enforcement. While the country has made notable progress in the former, systematic analysis on the effectiveness of legislative implementation, delays in drafting and adoption of key legislation, and other significant challenges remain. Overall delays in implementation of laws remain particularly significant – in some instances nearing ten years between adoption and implementation. A common factor for these challenges is the frequent lack of a well-developed policy framework to guide lawmakers in building consensus on a particular issue, as well as in setting up subsidiary legislation and the necessary institutions responsible for implementation and oversight. The policy shortfall also results in inconsistent implementation wherein some legislation (for instance the LADV) which was subjected to significant consultation, debate, scrutiny, and resources, result in a more concrete result and effective implementation, while other lesser-supported legislation struggle to make it through the system. Of relevance to victims of domestic violence is the witness protection law which was passed in 2009 but has yet to be meaningfully implemented. Monitoring and oversight of implementation remains of particular concern. Though many laws require regularized reporting to occur, structures and capacity to follow-through on these obligations often do not exist, rendering any monitoring of impact impossible.

Over the past five years, since the release of the 2008 survey, significant steps have been made to further develop judicial institutions, including human resources, infrastructure, and oversight in the Timorese justice sector. Despite these efforts, the formal justice system, especially outside the capital Dili, remains under-resourced and largely inaccessible to ordinary citizens, especially women, children, and other marginalized groups. As a result, the majority of Timorese still lack knowledge of and a sense of connection to the formal justice system. While efforts to increase legal awareness and develop legal aid services have assisted communities to better understand and access the formal justice system in the short term, the longer term viability of these arrangements remains in question. Overburdened or limited state justice mechanisms (including continued low levels of qualified prosecutors, judges, and public defenders), coupled with ongoing uncertainties in the policy, legislative, and funding environment all contribute to ineffective coordination and lack of a coherent direction in the overall justice sector.

To further the establishment of a functioning formal justice system, steps have been taken to establish the Supreme Court (including the appointment of Judge Counselors who can serve on the Supreme Court), while the Court of Appeal continues to function as the highest court. The function and structure of the Public Defender’s Office was also formalized, superseding the legislation that had been put in place years before by the Transitional Administration. Timor-Leste has made concerted efforts to address issues of corruption by establishing the Anti-Corruption Commission (KAK) and a number of corruption cases are being publicly pursued by the Prosecutor General. The establishment of KAK has resulted in a shift in the mandate of the Provedoria for Human Rights and Justice (PDHJ).

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14 For example, work on the LADV began in 2001 and the law was finally promulgated in 2010. Confirming the policy and the legal framework on decentralization likewise began in 2002 but has yet to be finalized.
15 UNMIT, p. 40
16 RDTL Parliamentary Law N°. 02/2009 Protection of Witnesses
17 RDTL Decree Law N°. 38/2008 Public Defender’s Office Statute
Court handling of cases has steadily increased in the last five years, though budgetary, administrative and policy constraints continue to threaten access to justice in areas such as Baucau and Covalima. A positive step was when a mobile court initiative began around 2008, though these too were plagued with persistent funding constraints. During the reporting period, there was a notable increase in the number of cases resolved by the courts. JSMP reports indicate that the number of resolved cases from the four district courts increased from 808 in 2010 to 1380 in 2012.\(^\text{18}\) Notably, the number of cases resolved remains highest in Dili which has the highest number of new cases and the largest number of court actors. One of the main reasons for this is the difficulty in getting justice actors to work in the districts, challenges with coordinating hearings in the districts in the absence of all of the necessary court actors. Although the number of judges, prosecutors and public defenders outside of Dili has increased since 2008, the majority of court officials are still Dili based where they have greater amenities than their district based colleagues. During this reporting period, mandatory, full-time training requirements have reduced the number of private lawyers – including non-government legal aid lawyers - in the districts while they live and study full-time in Dili.

The past five years have also witnessed a number of high-profile cases, involving allegations of corruption by members of the government, the attempted assassination of the former President and war crimes and crimes against humanity committed in 1999, placing the nascent judicial system in the spotlight locally and internationally. In 2009, indictments were filed against a number of accused in relation to the 11 February, 2008 attacks on the President and Prime Minister. Twenty-four suspects were sentenced in March 2010 to between nine and 16 years’ imprisonment for crimes including using illegal weapons, destruction, and attempting to murder the President and the Prime Minister. Four of the suspects were acquitted of all charges of involvement in the events. Notably however, the Court did not find who shot the President, or who fired at the Prime Minister’s vehicle.\(^\text{19}\)

The former Vice Prime Minister José Luís Guterres was acquitted by the Dili District Court on May 9, 2011 of corruption and abuse of power charges for allegedly improperly hiring his wife, Arcângelo de Jesus Gouveia Leite, the former Minister of State Administration and Territorial Planning was acquitted in mid-2012 for his alleged improper involvement in a tender process in Baucau district. The panel of judges acquitted the defendant for lack of evidence that he favored or intended to favor a particular bidder in the process.\(^\text{20}\) In another case of alleged corruption the former Minister of Justice, Lúcia Maria Brandão Freitas Lobato, was sentenced to five years’ imprisonment in November 2012 for involvement in a crime relating to improperly awarding a government contract, and ordered to pay the state $4,350 (shared by co-defendant António de Araújo Freitas).\(^\text{21}\) The prosecutor sought twelve years; she was acquitted on many other charges.\(^\text{22}\) In January 2013, the defense team submitted an application for habeas corpus. This acted as a challenge to the Court of Appeal, where the court’s President supported the request, while the other two judges on the panel rejected the defense’s request. Judicial Systems Monitoring Programme (JSMP) questioned the impartiality of the judges on the extraordinary appeal, given that it was the same panel of three judges that decided the original appeal, and believes that the lack of clarity in the Criminal Procedure Code could be problematic in similar cases.\(^\text{23}\) This case also gave rise to a new focus on the need for a Supreme Court; to date the Court of Appeal has been mandated to serve a dual role. The case has resulted in questions or concerns about the impartiality of the number that until recently had been thought to be generally free of interference. Allegations of interference have been reported against different senior judicial figures involved in the case.

It is worth noting that few convictions came following the 2006 crisis in Timor-Leste and most of those convicted eventually received a Presidential commutation of the sentence. In January 2008 the appeal of four F-FDTL soldiers convicted in the manslaughter of eight unarmed PNTL officers on May 25, 2006 was denied.\(^\text{24}\) One notable court conviction involved Vicente “Rai Los” da Conciecão, who was sentenced on October 9, 2009 to 32 months in prison for carrying weapons, corporal offences, and other criminal acts committed during the crisis.\(^\text{25}\)

\(^{18}\) JSMP Overview of the Justice Sector 2010; Overview of the Justice Sector 2011 and Overview of the Justice Sector 2012

\(^{19}\) Equally notable, in August 2010 then President Ramos-Horta subsequently commuted the sentences of all those convicted.

\(^{20}\) ibid


\(^{22}\) ICG, 2013 (p.36)

\(^{23}\) ibid

\(^{24}\) One of these soldiers was later pardoned by President Ramos Horta and the remaining three received a Presidential commutation of their sentences which resulted in their early release and return to duty.

\(^{25}\) His sentence was later commuted by President Ramos Horta in January 2010.
On October 19, 2012 the Dili District Court delivered its judgment in the trial of 15 defendants accused of murder, attempted murder, and aggravated damage in the arson death of six members of Rogerio Lobato’s family in May 2006. Two defendants were convicted of murder, attempted murder, and aggravated damage and sentenced to 24 years imprisonment; the remaining 13 defendants were acquitted. Appeals were filed with the Court of Appeal which, at the time of writing had yet to deliver its judgment. One of the persons convicted is believed to reside in the UK and was tried in absentia.

During this period, the prosecution of war crimes and crimes against humanity committed during 1999 lead to tensions between the government, the Presidency and the judiciary with interference from the government in a judicial process. Former President Jose Ramos Horta – who held the Presidency from 2007 to 2012 – favored forgiveness for those responsible for crimes, while actively opposing prosecution for past crimes on many occasions. The UN Serious Crimes Investigation Unit maintained a small presence in Timor-Leste until 2012 with a limited mandate extending to investigations only. Only a small number of cases were prosecuted in the District Courts. On August 30, 2009, the government authorised the release from prison of Maternus Bere, a militia leader from Suai. Bere was indicted for serious crimes, including the killing of more than 30 unarmed civilians and three priests in Suai Church on September 6, 1999. He was arrested by police when he returned to Suai District for a family funeral. He remained in custody following a judicial hearing to review his detention. His release without authorisation from the Court was described in a public statement by the President of the Court of Appeal as an illegal act. A number of civil society organisations, including the NGO Forum, the Deputy Provedor for Human Rights and Justice, Members of Parliament, and the Bishop of Baucau, publicly criticised the release of the suspect from custody. The United Nations High Commissioner for Human Rights also wrote to the President of the Republic expressing “deep concern” about the release which it stated “appear[ed] to violate Article 160 of the Timor-Leste Constitution, as well as the country’s Penal Code”. The Prime Minister subsequently admitted in the National Parliament that he ordered what he refers to as the “transfer” of Bere to the Indonesian Embassy.

In July 2011, the Dili District Court convicted former militia member Valentim Lavio of crimes against humanity and sentenced him to nine years imprisonment for a murder committed in 1999. The sentence was handed down in July 2011, but the written decision was not made available to the lawyer until August 28, 2011. Lavio was never taken into custody during his trial. On September 26, 2011, his lawyer appealed to the Court of Appeal, but the court declared that the appeal was invalid because it was not lodged within the 15 day limit. The convicted man remained free and it was only on October 17, 2011 that a warrant for his arrest was issued. That warrant was sent on October 20 to the PNTL in Liquisa for execution by which time, the convicted man had fled to Indonesia.

One of the main reasons that the functioning and operation of the formal justice system has improved with regards to case management, reporting, and monitoring, is that there has been a gradual increase in judicial actors across Timor-Leste (Dili, Baucau, Oecussi, and Covalima District Courts as well as the Court of Appeal). This increase is aided by a more concerted and focused training regime, and the return of trainee judges, prosecutors, public defenders, and a small number of private lawyers from overseas legal training. Since 2008 the number of national judicial actors has nearly doubled from only 13 national Judges, 13 Prosecutors, and 11 Public Defenders in 2008 to 31 Judges, 24 Prosecutors, and 22 Public Defenders and 78 Court Clerks throughout the country in 2012/13. A further 33 private lawyers passed the final examination and graduated from the Judicial Training Center (Centro de Formação Jurídica, CTF) in October 2013. A further 35 trainee lawyers are currently enrolled in the training program.

The vast majority of court actors however remain concentrated in Dili, with far fewer qualified individuals serving the needs of the rest of the country, including qualified private lawyers. The JSMP reports that only the Court of Appeal has adequate space, equipment, and staff to work efficiently. According to their 2012 report, district courts still face major obstacles related to human resources, facilities, and other resources. Further to this, transport and equipment constraints continue to limit the provision of legal assistance by the Public Defender to those who need it most.

26 Ibid p. 16
27 The graduating class comprised of 14 females and 19 males.
28 Personal interview, Centro Formasaun Juridika (September 2013). Current enrollees include 10 female and 25 male lawyers.
Legal reform has gained noteworthy momentum with the promulgation of significant pieces of legislation since the last installment of the survey including the Penal Code, the LADV passed in May 2010, and promulgated in July of the same year, and the Law on the Establishment of the KAK in July 2009. Consultation on and drafting of other key laws including a series of land laws are ongoing, though the process remains slow. Public consultation processes are at times viewed as not providing adequate time and information in easily understandable formats to consulted communities. On December 14, 2009, the National Parliament approved a resolution on the implementation of recommendations of the Commission on Truth, Reception and Reconciliation (CAVR) Report, and the report of the bilateral Truth and Friendship Commission. Notably, the draft bills pertaining to Reparations and an Institute of Memory were last debated in Parliament in September 2010 and have not yet been passed. Subsequent article-by-article debate on the draft reparations law and the follow-up institution to the CAVR was postponed in February 2012 after parliamentarians walked out and subsequent sessions failed to achieve quorum.

Like other formal justice institutions in the country, the PNTL is still establishing its role in society, which is particularly challenging within the historic framework of a legacy of mistrust toward uniformed personnel held by many Timorese. Coupled with inadequate investigative skills, unclear leadership structures and a lack of job descriptions, the institution faces significant internal and operational challenges which continue to hamper the effectiveness of the entire organization. Unlike most other justice institutions however, the police remain one of the most visible and often only arms of the State outside of urban centers. A lack of understanding on the role and mandate of the police, and the integral role of state security actors in past violence, linked to ongoing political struggles has historically undermined the legitimacy of the PNTL in the eyes of the community. There does appear to be some progress on this front recently. Since the 2008 survey, the PNTL has undergone a major shift in strategy, with a more concerted shift toward the model of community policing, in lieu of the more militarized rapid response model favored after the 2006 crisis. This model of policing is premised on the building of trust between police officers and local communities, with the aim of mutually resolving conflict and maintaining community harmony, law, and order. A recent breakthrough for advocates of this particular policing approach was the PNTL five-year strategy (2014-2019) which listed community policing as its top priority.

29 http://unmit.unmissions.org/LinkClick.aspx?fileticket=67uhymFErqA%3D&tabid=12032&language=en-US
LEGAL AID SERVICES

Over the past few years, the government has become increasingly aware of the gaps between the formal justice system and the community, and the subsequent need for legal aid to assist with bridging the gap. As such, many steps taken to extend access to the formal justice system are encouraging. Among these, the mobile court initiatives and landmark pieces of legislation, including two decree laws promulgated in 2008 establishing the public defender’s office, the legal framework for private lawyers and a draft legal aid law were an indication of the government’s commitment to addressing the high demand for increased services. The private lawyers’ law – which provides the regulatory framework for lawyers, and mandated additional technical and practical training – was also promulgated in 2008. In 2010, the legal aid sector in Timor-Leste received some welcome attention with the drafting of the “Access to the Courts” law. The role of the PNTL in this perception remains to be seen, as less than 9% of respondents in this survey reported that a member of the police force was the first person from whom they sought assistance for when a crime has occurred, though 26% report that the police have the primary role in maintaining law and order in the community. This is far lower than in the case of both suku and aldeia chiefs who were consulted first (20%) of the time in case of a crime, and believed by 69% of respondents to hold the primary responsibility for maintaining law and order. Despite the absence of a legislative framework and funding modality, the reality is that legal aid services provided by community legal aid services, particularly outside the main capital, remains one of the only ways for people who cannot afford it, to access to the formal justice system. While legal aid services are provided by the Office of the Public Defender as the primary state institution, ideally clients should have the right to choose their own lawyer or even if the public defender is able to provide adequate services. As it currently stands however, the choice is not the client’s as there remains a dual lack of services in the absence of both private lawyers, and public defenders given they are low in number and their current geographic reach is insufficient, with NGO legal aid lawyers assisting to fill the gap. Public defenders remain overwhelmingly in Dili, still do not have a means test mechanism, and are required to continue to prioritize representation of (often male) suspects of crimes. This leaves many gaps for individuals in more remote locations, does not adequately address civil cases and adversely affects women victims of crimes. Even if the Public Defender is significantly staffed up, there will continue to be unmet needs. Given these ongoing challenges, these legal aid services continue to be provided by heavily donor-reliant community-based non-governmental legal organizations.

Given the absence of major security threats or incidents in recent years, coupled with the successful GoTL-led parliamentary and presidential elections in 2012, followed by the peaceful withdrawal of the UN Mission and accompanying UNPOL officers, it is perhaps not surprising that results of the 2013 survey indicate that perceptions of trust and confidence in the police are rising. This sentiment is confirmed in a nationwide Public Opinion Poll conducted by The Asia Foundation in March 2013 that found that 86% of respondents rated security in their area as “very good” or “quite good”. The role of the PNTL in this perception remains to be seen, as less than 9% of respondents in this survey reported that a member of the police force was the first person from whom they sought assistance for when a crime has occurred, though 26% report that the police have the primary role in maintaining law and order in the community. This is far lower than in the case of both suku and aldeia chiefs who were consulted first (20%) of the time in case of a crime, and believed by 69% of respondents to hold the primary responsibility for maintaining law and order.

34 In its first draft the law was called the ‘Access to Justice Law’.
35 Including the former Minister of Justice during her recent corruption trial, JSMP (2012).
36 The Asia Foundation’s USAID-funded Access to Justice Program (2002-2012) ended in September 2012. As the largest donor-funded initiative to support community-based legal aid services, this meant the elimination of much-needed funding from four community-based legal aid organizations located in Baucau, Dili, Oecussi and Covalima, serving eight districts for an average of 300-600 cases per year. To date, no substitute funding has since been secured.
The 2008 private lawyers’ legislation which requires two years of compulsory training for all lawyers (15 months theoretical and nine months practical training), has led to an enormous loss in legal capacity as well as management capabilities of legal aid organizations in the districts. While the law stipulated an original deadline of July 2012 for all lawyers to qualify, delays and preferential treatment to judges, prosecutors, and public defenders necessitated an extension of the deadline to December 2015, to allow all lawyers sufficient time to access the mandatory qualification. Though there clearly remains a critical need for training for private lawyers, the introduction of a mandatory, inflexible training regime has been challenging both technically and logistically for private lawyers. Significantly, it has restricted their ability to provide much-needed, concurrent legal aid, with the exception of those in private practice in Dili who have been able to continue to do some legal case work.

Compared to the general population, women continue to face even greater obstacles in accessing legal services. Lack of knowledge of law, far distances to courts and legal assistance, coupled with the State’s prioritization of legal assistance to defendants all adversely affect women who are typically the victims of crimes. The Asia Foundation, Access to Justice: End of Project Report (December 2012)

Today, despite the absence of a legal aid policy and other significant challenges, many legal aid lawyers continue to work in organizations serving between 600-800 cases per year, largely of the population located outside major capital cities. Organizations in Baucau, Covalima, and Oecusse in particular, are currently struggling under the concurrent funding cuts and training requirements, to recruit and retain qualified lawyers to provide critical services. One of the few organizations that continue to be funded is the first NGO specifically mandated to serve the legal needs of women and children victims of violence AlFeLa. Data from 2012 show that in the period from April-September 2012 alone, legal aid lawyers handled approximately 186 new clients, including 149 criminal and 37 civil cases. Of these cases 58% of the clients were women. Legal aid lawyers, during the same period, handled 186 cases were handled by paralegals in Baucau and Oecusse. Legal aid organizations frequently receive referrals from the PNTL, the Prosecutor’s Office and Public Defenders. While capacity and effectiveness in these organizations remain important matters to address through continued support, training, and in finally establishing the necessary legislative framework and monitoring systems required, they remain a lifeline for many vulnerable and poor. The organizations are also managing to secure the return of qualified lawyers who have finished their compulsory two year training. Legal aid providers continue to handle civil and criminal cases for clients without any other recourse. Services include legal advice, legal assistance and representation and resolution of matters through litigation and non-litigation.

The Access to Justice Program (implemented by the Foundation with funding from the United States Agency for International Development [USAID]) also ran legal education and paralegal programs. While paralegals have shown to be an effective means of addressing legal needs in the most remote areas, they have until recently received less recognition by the Government for their service delivery, and have received no government funding. Recent developments under the new Minister, including a seminar on paralegal programs, holds promise for further expanding legal assistance to previously underserved and hard to reach communities.

Despite their obvious advantages, including strong links to the communities, local language, and cultural ties – legal aid organizations are laden with ongoing challenges relating to standardized case management systems, preparing and using evidence, and making applications to the courts. Many of these challenges are being addressed through the additional training introduced by the Private Lawyers Law however their ability to continue to serve the needs of the most vulnerable in Timor-Leste will continue to be curtailed until their place in the legal aid policy framework of the government is secured and they are acknowledged by the state as legitimate legal aid service providers and integrated into the government’s overall legal aid policy framework.

38 AlFeLa – Asistencia Legal a Feto no Labarik (Legal Assistance for Women and Children) - was formerly the Victim Support Services (VSS) Unit of the Judicial System Monitoring Program (JSMP) until it became an independent organization in January 2013.
KEY FINDINGS
• Confidence in customary as well as the formal justice systems increased in 2013. Compared to 2008, confidence in the formal system increased from 77% to 88% in 2013. This is rebounding past levels (81%) initially measured in 2004. Similarly, at 94%, confidence in local justice mechanisms have returned to the level of 2004 (94%), and increased 9% from 85% in 2008.

• Echoing findings from 2008, the 2013 survey reaffirms the general public’s uniform high level of comfort with customary systems (92% of respondents) but also demonstrated the notably high level of comfort with court resolutions (83%) for those respondents who had heard of a court. This finding reaffirms the general public’s use of local justice mechanisms rather than the formal court system for certain types of cases. In 2013, 92% of respondents felt comfortable with customary systems and 83% of those who had heard of a court, felt comfortable with court resolutions, statistically unchanged from 2008.

• Twenty-five (25) percent of respondents had heard of legal aid (NGOs that provide legal aid services) and 15% would go to an NGO for assistance in obtaining justice for a problem. Of those that indicated they would seek assistance from a legal aid organization, 99% of respondents were confident in legal aid organizations in 2013, compared to 94% in 2008.

• For perceptions of who holds the overall responsibility for making laws in the community, suku chiefs gained preference from 25% in 2008 to 36% in 2013, and aldeia chiefs decreased from 15% in 2008 to 13%. Overall, local leaders (suku chiefs, aldeia chiefs and lia na’ir) are collectively viewed as having primary responsibility for making laws by 52% of respondents, up from 45% in 2008. Comparatively, 22% see this as the responsibility of the National Parliament (an increase from 16% in 2008), and only 6% stated the Government (a drop from 15% in 2008).

• Applying the same methodology as used in 2008, attitudes condoning domestic violence continue to worsen when compared to data in the preceding two surveys. In 2013, 27% of respondents believe a man has absolutely no right to hit his wife, down from 34% in 2008.

• Attitudes towards women’s access to justice have improved only marginally, but remain significantly worse than in 2004. In 2013, 39% of respondents disapproved of women speaking on their own behalf during local justice rulings. This figure is notably lower than 58% in 2008, but remains significantly higher than the 25% who held the same view in 2004. While gender proportions were roughly equal for men and women respondents in 2008, more men (41%) than women (36%) hold this view in 2013.

• Overall, the 2013 survey results on knowledge about the formal justice system closely mirror the low levels of 2008. In 2013, 60% of respondents had not heard of a public prosecutor compared to 58% in 2008. Similarly, in 2013, 53% of respondents had not heard of a lawyer, compared to 54% in 2008.

• The 2013 survey results confirm once again that those with less formal education have lower levels of legal knowledge. The 2013 data show that 73% percent of those completing secondary education have heard of the courts compared to only 40% of those saying they have had no formal schooling. A similar trend is visible in 2008.

• There is a growing trend of respondents with no formal education. The percentage of women with no formal education increased to 51% in 2013, steady from 2008, but up from 24% in 2004. Formal education among men was also low, with 39% of men in 2013 reporting to have had no formal schooling, up from 36% in 2008, and 28% in 2004.

• Basic awareness of the formal system (as defined by knowledge of a court) remained steady for both women and men in the last five years with stark differences continuing between women’s and men’s knowledge, highlighting ongoing concerns regarding women’s knowledge of their options and access to justice. In the 2008 survey, 50% of women said they had heard of a court compared to 68% of men, in 2013 that number remained almost the same with 50% of women and 69% of men having heard of a court. Similarly, in 2008 33% of women said they had heard of a lawyer compared to 48% percent of men, while this figure rose in 2013 to 34% of women and 52% of men having heard of a lawyer.

39 The Timor-Leste Census 2010, Volume 3 indicates that the percentage of the population five years and over who have never attended school is 30.5 percent for men and 37.7 percent for women. (Table 1 Population five years and over by schooling status, administrative unit and sex).
In 2013, percentages for males and females who have heard of a public prosecutor remains almost unchanged from 2008 at 27% of women and 44% of men. In 2013, 36% of respondents had heard of a public prosecutor, compared to 34% in 2008.

On the matter of knowledge of law, in 2013, only 66% of respondents felt that they received adequate information about the law, up from 61% in 2008. A greater proportion of males (72%) than females (59%) felt this way in 2013, up from 65% and 58% respectively in 2008, reinforcing concerns regarding the widening information gap provided to men and women.

The majority of respondents (59%) received information through broadcast media. Compared to the 2008 survey, a greater proportion of respondents receive information about the law from television 37%, in comparison to 24% in 2008, and 21% from radio, in comparison to 38% in 2008. Notably, in comparison to 2004, there has been a downward trend (40% in 2004) in reliance on radio, and an upward trend in reliance on television (16% in 2004). Less than 1% of respondents in 2013 indicate that they received information about the law from the newspaper.

Concerning community leaders, 12% of respondents in 2013 state aldeia chief as the primary source of information about the law, a slight increase from 11% in 2008. This number is comparable to data for ‘village chief’ in 2004 at 9%. There appears to be a growing reliance on suku chiefs for information about the law, up from 5% in 2008 to 13% in 2013.

There is a significant increase of nearly 25% of respondents who prefer Tetum for oral communication (87%) over 62% in 2008. Notably this number more closely resembles the result of 88% in 2004. There is a similar increase in those who indicate Tetum as the preferred language for information through reading materials at 79% in 2013, compared to 52% in 2008.

In 2013, 80% of respondents who had heard of a court, would want a court official to settle disputes in their area. This is lower than 2008 (85%) but still higher than 2004 (54%). Those who did not want an official from the court to settle disputes in 2013 were 12% compared to 10% in 2008 and 41% in 2004.

The percentage of total respondents who say they have accessed the formal court system since independence dropped slightly in 2013 to 10%, compared to 11% in 2008 and 9% in 2004. In 2013, the percentage of people who have heard of a court (59%) remains unchanged from 2008 (59%). For respondents who have heard of a court, 39% reported that there was not a court located in their area. This is a drop of nearly 20% from 60% in 2008. In 2013, 43% of respondents had heard of a lawyer, notably this number is highest in Dili (77%) and lowest in remote districts such as Bobonaro (16%).

The percentage of people who think the formal justice system is designed to help people like themselves, remains high (74%), though down slightly from 2008 (78%).

There is a slight decrease in the belief that the implementation of laws is a good thing that benefits people. In 2008, 75% of respondents believed this, compared to 70% in 2013.

A majority (61%) of people believe that the principle as stated in the RDTL Constitution that “Justice shall not be denied for insufficient economic means” is NOT being upheld – a slight decrease since 2008’s figure of 63%).

40 The distinction between suku and aldeia chiefs were only added in 2008 onwards.
• Very few respondents (approximately 1%) provided comments on the reasons for lack of confidence in the formal court system. Of those, the most commonly held beliefs were that the formal justice system only served the privileged class (50%), and that individuals in positions of power were essentially above the law (19%). Some also felt that a lack of interpretation impacted on court decisions (13%).

• When asked “who is responsible for law and order in your community?” respondents in 2013 overwhelmingly (86%) reported that community authorities (suku chief, aldeia chief, and elders) are primarily responsible for the rule of law in communities. This is only slightly lower than 89% in 2008, but still higher than 81% in 2004 and demonstrates the continuing power and influence of local authorities at the community level. In 2013, the most common reason for confidence in customary systems related to ancestral linkages to the integrity of family structure and fairness (64%), whereas in 2008, custom and tradition was most commonly cited (45%).

• The percentage of people who report that they would take justice into their own hands in the event that a serious problem or large dispute is not resolved using formal law, has risen to 66% up from 54% in 2008. In 2013 there was a strong correlation between wealth and likelihood to take justice into their own hands – 88% of respondents who had a monthly expenditure on basic goods over $400 were willing to take justice into their own hands, in comparison to 51% of respondents with a monthly expenditure under $25. Geographically, 86% of respondents in both Manatuto and Viqueque – districts which do not house a court - were likely to take this stance. The most common manifestations include fighting (63%), making threats (10%), and defamation (10%).

• In comparison to 2008 (90%), attitudes on impunity remain relatively unchanged in 2013 with nearly 89% of survey respondents believing that there is no circumstance under which murder can be justified without punishment.

• Respondents overwhelmingly (81%) believe that their community is safer than 2 years ago. Only 3% felt their community is less safe.

• High ratings of approval of the PNTL remain with 87% of respondents reporting that the PNTL is effective in maintaining security. This number is a slight drop from 94% in 2008. Despite 98% of respondents saying that they have never personally experienced police abusing their power, 53% of respondents say the law protecting accused criminals from being beaten by the police is not being followed in their area, up from 47% in 2008.
JUSTICE CONTEXT
Following the 2006 crisis and 2008 attacks on the President and Prime Minister, Timor-Leste has enjoyed a relatively stable period from 2008-2013. Despite initial concerns about the impact on security, UN peacekeepers withdrew without incident in December 2012 ending a thirteen year presence. In the months leading up to the withdrawal, the government successfully hosted presidential and parliamentary elections, resulting in a return of Xanana Gusmao’s CNRT albeit this time leading a new coalition - Bloku Governu Koligasaun.

Political power in Timor-Leste however remains almost entirely in the hands of a few, risking effective oversight and adequate separation of powers. Timorese society remains highly centralized, very patriarchal and currently has a president closely linked to the security sector, and an inister serving as Minister of Defense. Analysts criticized the recent handling by the government, including by the prime minister and members of parliament, of a high profile homicide in Dili that resulted in a stabbing death perpetrated by a group of youths late at night. The heavy response from the prime minister and members of the security corps and police, including allegations of untoward treatment of suspects while in custody, has brought the matter of treatment of suspects to the surface once more.41

The security context in Timor-Leste is often described as having low levels of crime, but relatively high levels of insecurity.42 This sentiment speaks to the volatility of a nation where the annual GDP and progress toward the Millennium Development Goals (MDGs) do not seem to match up. Even though the petroleum fund has grown to nearly US$13 billion, beyond an increase in electrification, the real impact of the nation’s wealth has not yet resulted in tangible improvements in the lives of ordinary Timorese. Despite its oil wealth, the country is plagued with high rates of unemployment, illiteracy, maternal and child mortality – juxtaposed against the backdrop of a very ambitious national development plan to transform Timor-Leste into an upper middle income country by 2030. This dichotomy manifests itself in crimes related mainly to resource disputes and domestic violence.

That being said, in the wake of successful elections, the drawdown of the UN peacekeepers, and the absence of any significant security threats (domestic or international) the perception of security is positive. How these communities respond to growing pressures of modernization, and the impact on the mechanisms which have traditionally maintained peace and security remains to be seen. As urbanization and higher rates of internal economic migration begins to undermine traditional systems of maintaining security, a new systematic approach will be needed to ensure that security is maintained.

Taking all the progress from the last five years into account and despite the ongoing challenges for providing adequate security and justice, it is perhaps not surprising that in 2013, when respondents were asked whether they felt safer in their community compared to two years ago, 81% reported that they felt safer. Only 3% of respondents think their community is less safe, with district Covalima the only outlier with 12% indicating that their community had become less safe. Overall, 2013’s findings confirm a high perceived level of safety as recorded in 2008 when 87% of respondents reporting they felt safer than two years earlier. The recent police perception survey conducted by the Foundation confirms that 73 percent of general public indicated that the security in their area had “improved”, compared to the previous year. A further 22 percent indicated they felt things are “the same” and a mere 5 percent of respondents to that survey felt that security had gotten worse. When asked how concerned they were about their security in their own locality however, more than half of respondents (54 percent) still said “very concerned”, a further 10 percent “somewhat concerned” and 32 percent were “not concerned”. This may indicate that despite the impression that security has improved in recent years, more than half of respondents nonetheless remain concerned with security.43

41 The case involved the death of one male after a stabbing by a number of youths near the Australian Embassy in Dili. The prime minister allegedly showed up at the scene of the crime personally, and photographs of the suspect in custody soon circulated via social media suggesting maltreatment while in custody.
43 The Asia Foundation, A Survey of Community-Police Perceptions in Timor-Leste 2013
When respondents were asked about their perceptions on who was responsible for making laws that govern their community, by far the highest response at 49% was for traditional leaders including suku chief (36%) and aldeia chief (13%). This is an increase from 2008 (40%), whereby suku chiefs were perceived responsible by 25% of respondents and aldeia chiefs perceived responsible by 15% of respondents. Notably, suku chiefs have gained in importance and aldeia chiefs have fallen. This is likely as a result of the pakote or “package” electoral system in Law No. 3/2009, which effectively shifts the balance of power in favor of suku chiefs, as against other council members including aldeia chiefs. Parliament was selected by 22% of respondents, an increase from 16% in 2008, but the perception of government being responsible for making laws fell to 6% compared to 15% in 2008. In 2013, the PNTL was believed to be responsible for making laws by 5% of respondents.

From the data in 2013, respondents with little or no education are more likely to view community leaders such as suku and aldeia chiefs as being responsible for making laws. For example, only 16% (up from 7% in 2008) of respondents with no formal schooling consider the Parliament accountable for making the laws compared to 32% of respondents with post-secondary education. Though less divisive, 33% (up from 8% in 2008) of respondents with post-secondary education believe suku chiefs are responsible, in line with the 33% (up from 24% in 2008) of respondents with no formal schooling.

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44 In 2013, “no formal schooling” comprised individuals who identified themselves as having “no schooling” or “informal schooling”
RESPONSIBILITY FOR LAW & ORDER
The results of the survey indicate that Timorese continue to identify community leaders, rather than the police (PNTL), as having the primarily responsibility for maintaining law and order. A combination of suku chiefs, aldeia chiefs, and elders were seen by 86% of respondents in 2013 as holding the primary responsibility for maintaining law and order in the community, very much in line with 86% in 2008, and slightly higher than 81% in 2004. Conversely, only 8% of respondents in 2013 believed that the PNTL is responsible for law and order in the community, up slightly from 5% in 2008, but down from 14% in 2004. This slight increase could relate to the passage of time since the 2006 crisis, coupled with the new PNTL strategy for increased visibility, professionalism, and responsiveness among police officers in the communities.

Despite efforts in the security sector, the absence of a clear national security policy, and lack of clear delineation between the roles of the PNTL and the military continue to hamper ongoing efforts. A significant remaining challenge is the lack of state budget dedicated specifically to professionalization for the PNTL which contributes to persistent human resource challenges throughout the police force. That being said, the Secretary of State for Security does have a 2020 vision for PNTL development in line with the government plan.

Within the PNTL, arguments over basic police functions such as whether to establish a special criminal investigation unit are continuing. On the one hand proponents argue for a centralized criminal and case management system, while on the other hand opponents fear increased search and seizure powers could erode citizens’ rights. While ongoing institutional strengthening is largely focused on capacity and skills development, technical capacities in investigative skills, case management, and other specializations remain weak. Coordination and endemic resource constraints mean that police commanders are often left wanting for funds to afford initiatives and equipment.

When it came to who actually maintains law and order in the community, perceptions between suku and aldeia chiefs varied much less than on who holds the responsibility for making the laws. A total of 33% of respondents indicated that it was the suku chief who maintained law and order in their community, compared with 31% who cited the aldeia chief as responsible in their community. For the actual maintenance of law and order, 24% of respondents credit the PNTL (compared to 12% in 2008). Interestingly Covalima has the highest perception of police for the actual maintenance of law (41%) while Lautem the lowest (12%). Conversely, Covalima had the lowest perception of traditional positions of power being responsible for maintaining law and order (52%) and Oecusse had the highest (80%).

46 Traditional positions of power refer to Suku Chiefs, Aldeia Chiefs and Elders
47 Margin of error increases when comparing districts without oversampling, see explanation in Methodology section.
There remains a variance in preference of judicial mechanism depending upon the type of matter being dealt with crime. Data suggest that for unresolved crimes involving, for instance cattle theft, local justice mechanisms (led by community leaders, elders, and family leaders) are preferred 70% of the time. Not a single respondent reported that they would take a case involving cattle either to the court or to a public defender, and only 8% (3 respondents) mentioned they would go to the police in such an event. However, in matters relating to land disputes, the number of respondents who would prefer to use local justice mechanisms for unresolved cases drops to 50%, and those who prefer to take a land dispute to the court, the police or the public defender rise to 36% of respondents. When asked whether the respondent or the respondent’s family had experienced domestic
violence in the last two years only 9% of respondents answered “yes”. It is noteworthy that this reporting rate is significantly lower when compared to other surveys, for example the Timor-Leste Demographic and Health Survey (DHS), which cited that 37.6% of women have experienced physical violence, with more than 75% of married women claiming that the violence was from a partner. A recent police perception study conducted by the Foundation asked a similar question about instances of domestic violence, with a similar response by the general public, but resulted in a starkly different result when compared to the police. While the PNTL responded that domestic violence is the number one problem they deal with in their respective communities, the general public reported an almost identical number (9 percent) to this survey. When compared to other existing data these rates are comparatively low rates of domestic violence.

Of those who reported DV in this survey, 31% would go to the lia naín, 16% would go to the aldeia chief, and 15% would go to families as a first response to experiencing domestic violence. Respondents were equally (12%) as likely to go to no one, as they were to seek assistance from the police. This relatively low reporting rate may be attributable to a number of combined factors, including the world-wide phenomenon of under-reporting for domestic violence, the fact that the Tetum term violensia domestika as asked in the survey is broad and not a term commonly used by the people—compared with the DHS survey which focused on specific behavior such as hitting, burning, and other abuse, as well as a possible fear that the case would be mandatorily reported if they reported it to the enumerator.

48 National Statistics Directorate, Timor-Leste Demographic and Health Survey 2009-2010, Ministry of Finance, December 2010

49 The Asia Foundation, A Survey of Community-Police Perceptions in Timor-Leste 2013, “What do you consider to be the most serious security problem facing the area in which you work today?” (PNTL)
ACCESS TO INFORMATION & PUBLIC AWARENESS OF THE JUSTICE SYSTEM
The importance of ordinary citizens to have adequate access to information about the justice system and the laws that govern their behavior is well established. Broad access to legal information by all members of society promotes fairness, allows people to fully exercise their rights, and forms the bedrock for improving the rule of law in a democratic regime. Yet, in too many societies, including in Timor-Leste, adequate and relevant access continue to elude large portions of the citizenry, including women. As a prerequisite for access to justice, public awareness about legislation, the functioning of a justice system, and citizen’s rights, must therefore be prioritized.

The need for public awareness and outreach, including public participatory processes has been recognized by the MoJ and other actors working to strengthen the justice system in Timor-Leste. As a result, there have been some laudable initiatives to promote public awareness on a number of important legislative and policy issues in the past five years. Most notable is the intensive socialization that was and continues to be conducted on the Law Against Domestic Violence, since its promulgation in 2010. The Secretary of State for the Promotion of Equality (SEPI) has conducted socialization on the law since its promulgation, as have national non-governmental organizations with support of international agencies and bilateral donors. Socialization of the law is a key component of the work envisaged under the government’s National Action Plan on Gender-Based Violence (NAP), which was approved by the government in 2012 and serves as both the implementation plan for LADV and a monitoring mechanism. SEPI itself has conducted socialization sessions including at the village level as have a range of NGOs operating across the country.

The MoJ itself has also endeavored to disseminate information more broadly to the districts through outreach activities and radio programs containing question and answer sessions on relevant justice topics. Notably, 2013 survey data show that television is now the most favored source for obtaining information about the law (37 %) compared to just 24% in 2008 and 16% in 2004. Radio has slipped into second place at 21% (down from 38% in 2008 and 40% in 2004). Data further suggests a steady decline in the use of newspapers to access information. While 5% of respondents in 2004 reported that they used newspapers and magazines to obtain information, that number declined to 2% in 2008 and has dropped further to just 1% in 2013. These figures reflect increases in radio and television coverage across the country. The recent Public Opinion Poll conducted by the Foundation confirms this trend, noting that in general only 1% of Timorese rely on either newspapers or the Internet as a source of news and information. Rapid rates of urbanization and electrification over the past five years, coupled with the continued high rate of illiteracy in Timor-Leste are likely causes for the information trends.

The 2013 survey confirms that many Timorese still rely on local authorities as the main source of information about the law. Data suggest that the suku chief is the third most consulted source (13%) after television (37%) and radio (21%) in 2013. Interestingly, suku chiefs as sources of information about the law more than doubled from 5% in 2008. Collectively, local chiefs (of which comprise suku and aldeia chiefs) have played a greater role in providing individuals information about the law since when the Law and Justice Survey was first conducted in 2004.

51 UNMIT (2012)
52 The Asia Foundation Public Opinion Poll (March 2013). The poll indicate that 35% of Timorese rely on television for news and information, followed by radio (18%), friends and family (16%), suco (15%), the church (5%) and the Internet and newspapers both at just 1%.
In 2013, village chiefs were sought as a main source of information from 26% of respondents, up from 16% in 2008 and only 9% in 2004. Furthermore, data suggests there exists a stark correlation between gender and the level of, and sources of, information. Notably, female respondents were three times as likely to say that they had “no source of information” than male respondents. Similarly, women are more reliant on the aldeia chief and family and friends for information than men, further highlighting the number of barriers that women face in understanding their options and then accessing justice. Finally, despite the passage of five years, and efforts to increase legal knowledge, the overall number of respondents who reported that they do not receive any information about the law has in fact risen slightly from 6% in 2008 to 7% in 2013 (still lower than 12% in 2004).

In the absence of a formal strategy on effective communication among and between various justice stakeholders at the institutional level, outreach and information dissemination remains *ad hoc*. Suggestions to improve communication and awareness-raising about laws and the justice system include more effective use of television and radio, as well as other proven methods for communicating complex justice concepts such as theater, comic books and mobile circus events. In order to accomplish this goal however, the MoJ will have to form strategic partnerships with civil society and other organizations who work throughout the districts in close contact with communities and citizens.

Ultimately, despite outreach initiatives over the past five years, our research shows that the people of Timor-Leste continue to have limited knowledge about the justice system and their legal rights. Notably, despite an increase in justice actors, the passage of dozens of new pieces of legislation, and a number of consultation and socialization processes initiated by the MoJ and other institutions, the percentage of citizens who report knowledge of a court remains unchanged between 2008 and 2013 at just 59%. This number, coupled with perceptions about who is responsible for “making laws” indicate that people in Timor-Leste have little knowledge about the overall system of governance in the country.

Similarly, there is a negligible increase in knowledge about the role of a lawyer from 41% in 2008 to 43% in 2013; and of the public prosecutor, only roughly one in three respondents report they have heard of a public prosecutor (up from 34% in 2008 to 36% in 2013).

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53 UNMIT (2012)  
54 *ibid*
In order to understand the level of awareness among and between respondents, this survey aimed to identify trends relating to gender, education, income, and locality. We were particularly interested in investigating any difference in knowledge about the formal system between districts with a District Court (Dili, Baucau, Covalima and Oecusse) and those which do not have a court located within the district.

First and foremost, across the board, fewer women have knowledge about the various components of the formal justice system than their male counterparts. For instance, while 69% of men have heard of a court, only 50% of women have. Similarly, only 34% of women indicated that they were familiar with what a lawyer is, compared with 52% of men.
Results were similar for the public prosecutor (men: 44% vs. women: 27%) and for local community-based legal aid organizations (men: 31% vs. women: 20%).

Given that women make up the majority of victims for certain types of crimes (specifically intimate partner and other domestic violence crimes), the implications of this is significant, and would indicate a more concerted effort is required on the government’s behalf to ensure that women are able to access information about and access to justice.

Of some concern is that compared to the 2008 data, there does not seem to be any meaningful increase in knowledge of either men or women on any of the formal justice components, and the disparity between the two groups has remained almost identical. The 2013 survey confirms trends previously identified which indicate the residents of Dili, who are younger, and who have a higher level of education are more likely to have heard of formal justice mechanisms than those who live in the districts, have a lower level of formal schooling, or are older.
There is a particularly strong correlation between education level and knowledge of formal institutions. For example, only one in three women with “no schooling” have heard of a court, whereas three of every four women who indicate that they completed secondary school, have heard of a court. For men the numbers were even higher – only one in two men with no formal schooling have heard of a court, whereas almost nine out of ten men who completed secondary school had heard of a court. The percentage of respondents who completed university and have heard of a court was 100% for both men and women.

Education trends between the 2013 and 2008 surveys remain consistent. Rates for no schooling in 2008 were respectively 36% for men and 51% for women. That rate in 2013 is 39% for men and 51% for women.
Conversely, the rates of respondents who report that they have a secondary education level have dropped for men, from 40% in 2008 to 30% in 2013, and remained the same for women at 30% in both 2008 and 2013. The survey does show a rise of 6% for men and a 2% fall in women reporting primary school as their highest level of education. Finally, there is a slight increase in respondents reporting post-secondary schooling from 5% and 2% respectively for men and women in 2008, to 6% and 5% in 2013.
Legal aid in Timor-Leste is often presented as an important attempt to bridge the gap between the informal and formal system where institutions and other state court actors have not yet reached particular communities. Notably, despite providing critical services in communities that would normally be underserved by the formal system, only one in four (25%) of the total respondents have heard of a local NGO providing legal aid services, with two-thirds (66%) of respondents saying that they have not. These numbers are almost identical to those who reported in the affirmative (27%) and negative (66%) in 2008.

Similarly, the proximity of a court in a district does seem to influence the level of familiarity with the institution. Data indicates that Dili continues to have by far the highest percentage of respondents familiar with courts (85%), lawyers (77%), public prosecutor (68%) and legal aid (42%), followed by districts with a court, and finally districts where there is no court. In Dili, 90% of male respondents and 81% of female respondents have heard of a court. Interestingly, only a slightly higher percentage of respondents in districts with a court (Baucau, Covalima and Oecusse) (55%) say that they have heard of a court, compared to those districts without a court where only 51% report they have heard of a court. This is likely attributable to the often immense distances that people even in districts with a court, live from those. Notoriously bad roads, lack of money to pay for transport, and the lack of communication about court activities and services further decrease the likelihood of citizens to make the effort to travel great distances to access a system of justice with which many remain largely unfamiliar. A comparatively higher income and education level in Dili is likely responsible for the higher rates of knowledge of the formal system.

The absence of a marked shift in knowledge of formal justice institutions over five years indicate perhaps just how difficult it is to reform a legal system under any circumstances. Given the additional complexities of a plural legal system plagued by language, facilities, and human resource challenges, change will be even more difficult to achieve.
More than a decade following independence and the adoption of Portuguese as an official language of government, the vast majority of Timorese still do not speak, read or understand it. Statistics on the number of Portuguese speakers in the country remains less than 10%, and has not changed significantly over the past five years. As with the 2004 and 2008 surveys, data in 2013 indicates that Portuguese still does not rank as one of the top three languages spoken in Timor-Leste, with only 7% of respondents indicating an oral preference for Portuguese in 2013. Compared to previous years, the top three languages spoken remain Tetum (87%), Mambae (more than doubling from 6% in 2008, to 14% in 2013) and Bahasa Indonesian (9%).

Despite the fact that the vast majority of Timorese speak Tetum, there are many who, in this ethno-linguistically diverse country, speak neither of these two official languages. While linguistic limitations manifest itself in a number of ways, including in education, trade and everyday communication, it is especially problematic in the law and justice sector. The courts use a combination of Tetum and Portuguese during proceedings, although many suspects, witnesses and victims only converse in regional languages. Portuguese is almost exclusively used for all judicial communication, from legislative development down to simple notifications and court rulings.

According to research by ADB in 2007, the percentage of students failing to demonstrate a minimum level of learning (defined as demonstrating acquisition of 50% of the curriculum, comprised of the skills found to be most easily acquired) is 96%. Asian Development Bank, Economic and Social Development Brief 2007, p. 22.

The Asia Foundation (2012)
UNMIT (2012)
Improvements are being pursued on multiple fronts, including increasing the Portuguese skills of lawyers by conducting all training at the Judicial Training Center in Portuguese, but also in the simultaneous development of Tetum as a legal language, including through the publication of a revised translation of the Constitution by the Court of Appeal. However government funding of interpreters has declined and many people are denied access to justice when they cannot understand the proceedings of their case. A recent case in Baucau had to be dismissed when there was no interpreter available. The director of a respected court monitoring NGO noted that “…the issue of interpreters is a classic problem that continues to occur, and for this reason JSMP requests for the competent institutions to pay serious attention to this issue to ensure that trials can be conducted appropriately.”

In an effort to standardize the use of certain legal terms in Tetum, The Asia Foundation developed a legal glossary of 79 commonly used Portuguese legal terms in 2011. In developing the glossary the Foundation consulted widely with the formal justice institutions, including the President of the Court of Appeal, and the National Linguistics Institute. This glossary is now widely used by justice actors and lawyers alike as a practical guide for effective communication. In an encouraging step, there has been a recent increase in publishing some texts in both Tetum and Portuguese.

When asked to identify the language they most comfortably receive oral information in, 87% of respondents indicated that they prefer Tetum. This number is almost identical to the number of respondents who indicated that they can speak Tetum. As in the 2008 survey, the local dialects of Mambae (14%) and Makassae (11%) respectively ranked second and third for preferred oral language. Conversely, respondents who prefer to receive information in Bahasa Indonesia orally were approximately 9%.

**ORAL PREFERENCE FOR RECEIVING INFORMATION**

<table>
<thead>
<tr>
<th>Year</th>
<th>Village Chief</th>
<th>Radio</th>
<th>Television</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004</td>
<td>9%</td>
<td>40%</td>
<td>16%</td>
</tr>
<tr>
<td>2008</td>
<td>11%</td>
<td>38%</td>
<td>24%</td>
</tr>
<tr>
<td>2013</td>
<td>13.4%</td>
<td>21.2%</td>
<td>37.3%</td>
</tr>
</tbody>
</table>

58 Judicial System Monitoring Programme Trial adjourned because no interpreter available for local dialect. Press Release, 13 September 2013.
59 The Asia Foundation (2012)
Contrasting in 2013, when respondents were asked which language they preferred to read in, the top three languages that respondents preferred were Tetum (79%), Bahasa Indonesia (16%) and Portuguese (15%).

As expected and indicated in the table below, proficiency in being able to read the various dialects is dependent on level of education.

<table>
<thead>
<tr>
<th>LANGUAGE</th>
<th>NO FORMAL</th>
<th>PRIMARY</th>
<th>SECONDARY</th>
<th>POST-SECONDARY</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tetum</td>
<td>61%</td>
<td>88%</td>
<td>97%</td>
<td>97%</td>
<td>79%</td>
</tr>
<tr>
<td>Portuguese</td>
<td>7%</td>
<td>15%</td>
<td>20%</td>
<td>47%</td>
<td>15%</td>
</tr>
<tr>
<td>Indonesia</td>
<td>3%</td>
<td>13%</td>
<td>32%</td>
<td>38%</td>
<td>15%</td>
</tr>
<tr>
<td>English</td>
<td>&lt;1%</td>
<td>&lt;1%</td>
<td>&lt;1%</td>
<td>12%</td>
<td>&lt;1%</td>
</tr>
<tr>
<td>Mambeae</td>
<td>4%</td>
<td>5%</td>
<td>2%</td>
<td>2%</td>
<td>3%</td>
</tr>
<tr>
<td>Makasae</td>
<td>3%</td>
<td>3%</td>
<td>2%</td>
<td>2%</td>
<td>3%</td>
</tr>
<tr>
<td>Galolen</td>
<td>&lt;1%</td>
<td>&lt;1%</td>
<td>&lt;1%</td>
<td>&lt;1%</td>
<td>&lt;1%</td>
</tr>
<tr>
<td>Biaiwea</td>
<td>&lt;1%</td>
<td>&lt;1%</td>
<td>2%</td>
<td>2%</td>
<td>&lt;1%</td>
</tr>
<tr>
<td>Fatoloko</td>
<td>1%</td>
<td>2%</td>
<td>&lt;1%</td>
<td>&lt;1%</td>
<td>&lt;1%</td>
</tr>
<tr>
<td>Tokodeko</td>
<td>&lt;1%</td>
<td>1%</td>
<td>2%</td>
<td>&lt;1%</td>
<td>&lt;1%</td>
</tr>
<tr>
<td>Tetum Terik</td>
<td>&lt;1%</td>
<td>&lt;1%</td>
<td>1%</td>
<td>&lt;1%</td>
<td>&lt;1%</td>
</tr>
<tr>
<td>Kaurui</td>
<td>&lt;1%</td>
<td>&lt;1%</td>
<td>&lt;1%</td>
<td>&lt;1%</td>
<td>&lt;1%</td>
</tr>
<tr>
<td>Nau Eti</td>
<td>&lt;1%</td>
<td>&lt;1%</td>
<td>&lt;1%</td>
<td>3%</td>
<td>&lt;1%</td>
</tr>
<tr>
<td>Other</td>
<td>11%</td>
<td>4%</td>
<td>3%</td>
<td>&lt;1%</td>
<td>7%</td>
</tr>
</tbody>
</table>
The 2013 survey show a huge jump in percentage of Timorese who favor Tetum (79%) for written information, up more than 25% from 53% in 2008. For reading purposes, Bahasa Indonesia remained almost unchanged in second position with 16% (16% in 2008) of respondents preferring to read information in Indonesian. Interestingly, respondents who indicated a preference to receive written material in Portuguese increased to 15%, up from only 3% in 2008.

<table>
<thead>
<tr>
<th>LANGUAGE</th>
<th>2004</th>
<th>2008</th>
<th>2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>TETUM</td>
<td>61%</td>
<td>52%</td>
<td>79%</td>
</tr>
<tr>
<td>BAHASA INDONESIAN</td>
<td>48%</td>
<td>16%</td>
<td>16%</td>
</tr>
<tr>
<td>PORTUGUESE</td>
<td>10%</td>
<td>4%</td>
<td>15%</td>
</tr>
<tr>
<td>MAMBAE</td>
<td>6%</td>
<td>3%</td>
<td>3%</td>
</tr>
<tr>
<td>MAKASSAE</td>
<td>4%</td>
<td>2%</td>
<td>3%</td>
</tr>
<tr>
<td>BAIKENO</td>
<td>2%</td>
<td>2%</td>
<td>1%</td>
</tr>
<tr>
<td>FATA LUKEO</td>
<td>2%</td>
<td>0%</td>
<td>1%</td>
</tr>
<tr>
<td>TETUM TERIK</td>
<td>1%</td>
<td>1%</td>
<td>1%</td>
</tr>
<tr>
<td>ENGLISH</td>
<td>1%</td>
<td>0%</td>
<td>1%</td>
</tr>
<tr>
<td>OTHER</td>
<td>5%</td>
<td>-</td>
<td>7%</td>
</tr>
<tr>
<td>DON'T KNOW</td>
<td>12%</td>
<td>13%</td>
<td>-</td>
</tr>
<tr>
<td>TETUM</td>
<td>61%</td>
<td>52%</td>
<td>79%</td>
</tr>
<tr>
<td>BAHASA INDONESIAN</td>
<td>48%</td>
<td>16%</td>
<td>16%</td>
</tr>
</tbody>
</table>
Timor-Leste’s system of legal pluralism continues to have an enormous impact on the provision of, and attitude toward justice throughout the country. In the end, the attitudes of people toward the system of justice which governs their lives will depend on whether or not it is seen as providing justice and adequate recourse to the ordinary citizen.\textsuperscript{60} The 2013 survey confirms that despite significant progress toward strengthening the formal justice system, people still are using the customary rather than the formal system. Perceived obstacles include physical distance to the courts, transportation costs and court fees, language barriers, cultural norms and traditional power dynamics, coupled with a low public awareness of formal justice mechanisms. It is worth noting that it is common practice for customary mediators to also charge a fee.

As a result, the majority of disputes in the country are still being solved outside the courts, through local customary processes such as mediation or other alternative dispute resolution mechanisms. While it is true that these systems hold many advantages (accessibility, low in cost, more expeditious resolution, and community involvement),\textsuperscript{61} and the Constitution recognizes “...and value[s] the norms and customs of Timor-Leste that are not contrary to the Constitution and to any legislation dealing specifically with customary law”, many concerns remain.\textsuperscript{62} Specifically, concerns about best practice, human rights standards, and equitable treatment for all members of society in such a strictly patriarchal and hierarchical system are not yet adequately addressed. To address the reality of the co-existence of the formal and local systems in Timor-Leste, the MoJ started a consultative process on the legal recognition of customary law in 2008, with an eye toward drafting legislation on customary law and mediation. This process yielded two versions of a draft law, neither one of which have been approved or implemented.

Overall, confidence in both the traditional and formal justice institutions in 2013 have returned roughly to the 2004 levels, after a dip in 2008. The decline in confidence in 2008 can likely be attributed to the national sentiment toward justice and security following the failed attacks on the Prime Minister and President, as well as lingering concerns from IDPs and other victims of the 2006 crisis. Conversely, confidence in security in 2013 is higher following the successful elections in 2012, followed by a peaceful withdrawal of the UN peacekeeping mission.

Specifically, overall confidence in the formal sector has increased from 77% in 2008 to 88% in 2013, compared to 81% in 2004. Despite the slight dip in 2008, the consistently high response seems to demonstrate that confidence in the court system is slowly becoming entrenched among those who are aware, and that if the general public were better informed about the court and its purpose and it was more accessible, these results indicate that there will likely be broad acceptance of formal justice processes.
Similarly, confidence in local justice traditional systems increased from 85% in 2008 to 94% in 2013, mirroring findings in 2004 (94%).

Reasons cited for confidence in the courts related to the perception of fairness of the courts. Twenty-nine percent (29%) of the total respondents thought all decisions from the court are fair. Of those that were confident in the courts, this figure was 56%. A small number of respondents gave reasons for lacking confidence in the formal court systems. Most commonly cited was the perception that the formal justice system only serves people with money (50%), that the law is only applied to ordinary people (19%) and that people perceived to be powerful were essentially above the law (19%). The lack of interpretation and language barriers were also cited by 13% of respondents that lacked confidence in formal court systems as potentially leading to misunderstandings during court hearings and potentially impacting on decisions itself.

Similarly, the survey assessed reasons for confidence in the customary system. Of those who indicated they were confident in local justice mechanisms, 64% were confident because it is from the ancestors who are seen to solve problems and maintain stability within the family. A further 16% responded that it relates to culture, ancestral links and that the justice is “fair”. This is not dissimilar from 45% of respondents in 2008 who cited ancestral and customary links as major reasons. A further response in 2008 however also related to the effective settlement of problems (34%).

Of those who gave reasons for a lack of confidence in the customary system, 99% said it was because they believed decisions were not fair and just, and that discrimination and using money to influence the system played a big role. This is much higher than 2008 where 53% responded that the system lacked neutrality.

The upward trend in confidence in the justice sector (both formal and traditional) is closely linked to the reigning perception that security in Timor-Leste is good. The Foundation’s recent opinion poll show that the vast majority of Timorese (86%) viewed security in their village/community as being “somewhat good” (25%) or “very good” (61%). Given much lower perceptions of other critical services and opportunities, including access to clean water (only 52% good) and opportunities to earn money (50%) this trend is likely to change in the future.

The percentage of respondents who have heard of a court (59%) and would want a court official to settle a dispute is down five percent. In 2008, 85% of respondents with knowledge of the courts indicated their preference for a court official, while this number in 2013 is 80%. A total of 20% of total respondents indicated that they would seek a court official to settle a dispute because of the belief that court officials “can assist in identifying and solving problems according to formal laws faster”.

Confidence in the Fairness of the Traditional Institutions of Justice

<table>
<thead>
<tr>
<th>Level of Confidence</th>
<th>2004</th>
<th>2008</th>
<th>2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>80%</td>
<td>85%</td>
<td>90%</td>
<td></td>
</tr>
<tr>
<td>94%</td>
<td>95%</td>
<td>95%</td>
<td></td>
</tr>
<tr>
<td>100%</td>
<td>94%</td>
<td>95%</td>
<td></td>
</tr>
</tbody>
</table>
Notably, geographic location, age, income level, education and gender did not seem to influence the perception of confidence. However, more women indicated that they “didn’t know” if they are confident in the customary system compared to men. The national average for respondents who do not want a court official to settle a dispute is 8%, though this number is much higher in the districts of Ermera (12%) and Oecusse (16%). These numbers correlate to the proportionately higher ratio of respondents in these two districts who did not believe that the formal justice system was designed to help them. Of total respondents, 13% believed this compared to 19% in Ermera and 30% in Oecusse, who felt that the formal system did not benefit them.63

Of total respondents, 74% think that the formal justice system is designed to help them. The sentiment is highest in Aileu (94%) and lowest in Bobonaro (52%). Bobonaro also had the highest rate (30% compared to 12% overall) of respondents who did not know whether the formal system was designed to help them. These trends indicate that there are certain districts where the formal system is still not well understood at all. Nearly 10% fewer women (70%) than men (79%) believe that the formal justice system is designed to help them, and almost twice as many women (16%) as men (9%) do not know whether it is designed for their benefit.

63 Please see Methodology section for clarification on margin of error when comparing district-level data.
It is well established that despite the existence of the Public Defender’s Office, access to legal assistance outside the major capitals, remains limited. As a result, there is a need for additional, non-state services – which have relied on donor funding – to fill the gap between demand and supply. Donor support to a number of legal aid organizations ended in September 2012. That being said, these organizations continue to operate and provide advice and representation for cases ranging from civil to criminal matters. Data collected during the Foundation’s support to legal aid organizations indicate that they handled between 600-800 cases per year. Despite these efforts by local legal aid organizations, and a concerted effort by multilateral and international organizations to promote legal aid policy and provide more equitable access to justice to underserved communities – the number of Timorese who are aware of these services have actually declined from 27% in 2008 to 25% in 2013.

Notably, only 19% of women have heard of an NGO that provides free legal aid services, compared to 31% of men. As with other trends in knowledge of legal services, there is a strong correlation between education level and knowledge of legal aid services. There is little variation between districts without a court, and those with a court (outside of Dili).

Conversely, of those who have heard of an NGO that provides legal assistance, confidence levels have risen even further from 87% in 2008 to 99% in 2013. This trend correlates with evidence gathered during the Foundation’s evaluation of legal aid assistance, in which clients provided positive feedback on their experience with legal aid providers in their communities, indicating that their contribution is valued – particularly by women and victims of violence who often feel they have no other recourse.

While the Constitution provides equality for all citizens before the law, realizing the implementation of this principle is fraught not only with logistical and technical challenges, but also impacted by social and cultural norms which require a more nuanced application of either formal or customary law. In the absence of a formal justice system that is equally accessible to all citizens regardless of location, gender, education, or income, most Timorese tend to rely on local mechanisms to settle particular types of disputes, some of which may reflect people’s real preferences, others which are reflective of a lack of alternatives. This survey therefore aims to identify trends which may have emerged in the past five years in the level of comfort which Timorese have with the different justice mechanisms available to them.

In 2013, the percentages of respondents who indicated being comfortable with either the traditional or the formal system remain very similar to 2008. Comfort levels for the traditional system in 2013 were 92% compared to 93% five years earlier. Similarly, the level of comfort in resolving problems through the court in 2013 at 83% very closely mirror the 2008 percentage of 84%. The proportion of Timorese who indicated that they are uncomfortable with settling disputes through the formal system is 10% (“not comfortable at all”: 2% and “not comfortable”: 8%), and the percentage of people who did not know whether they are comfortable with the formal system is 7%. This constant trend indicates that the perceptions on the justice system and its accessibility and role in the lives of Timorese have not shifted in the past five years. Those who have access to courts, still feel very comfortable in using them, whereas the percentages of Timorese who feel comfortable using the traditional system remain equally high.

64 The Asia Foundation implemented a USAID-funded Access to Justice Program from 2002-2012 which provided critical financial and strategic support to NGOs who provided legal assistance across the country districts.
65 General Principles, Section 16 of RDTL Constitution
66 Comfort in 2013 is measured as those indicating ‘somewhat comfortable’, ‘comfortable’ and ‘very comfortable’. In 2008, the categories were limited to ‘somewhat comfortable’ and ‘very comfortable’. Please see ‘Methodology’ section for a detailed explanation for the additional category in 2013.
When measuring the level of “comfort”, the 2013 survey includes respondents that are “somewhat comfortable” (4%), “comfortable” (43%) or “very comfortable” (44%) in local justice mechanisms. The percentage of Timorese who feel “not comfortable” with bringing disputes to the customary system remains similar to 2008 at 4% in 2013 (compared to 5% in 2008).

A lower proportion of women indicated being comfortable with either the traditional (women 92% vs. men 96%) or the formal (women 81% vs. men 85%) system.
PUNISHMENT & IMPUNITY TRENDS
Since the last survey, there has been very little progress in the pursuit of justice against defendants for past atrocities. On the contrary, events such as the 2009 release and repatriation of Indonesian citizen Maternus Bere, indicted for serious crimes including the killing of more than 30 unarmed civilians and three priests in Suai Church on September 6, 1999, only fuel the fire of frustration. Following the findings by a Commission of Experts in 2005 who noted the absence of "political will" and Government support for any serious crimes process for past atrocities which occurred, hundreds of arrest warrants remain. Legally speaking, Article 160 of the Constitution clearly provides for criminal proceedings for any crimes from 1974-1999 that are considered as crimes against humanity or genocide, though it falls short of nominating a forum in which to pursue said justice. A separate process led by a special panel of local and international judges, tried those indicted on serious crimes charges committed from January 1 to October 25, 1999. With all the outstanding warrants though, it begs the question about the constitutionality for shutting down the Special Panel prior to it completing its mandate in accordance with Article 163(1). This persistent failure to bring closure in these cases, coupled with instances of judicial interference by the government, strip victims of a voice and brings into question the credibility of the justice system overall. In mid-2008 then President Ramos Horta proposed a draft law providing amnesty to those involved however amidst widespread criticism from civil society organizations and international actors the requisite support was not found and it appears there has been no move on an amnesty law since.

In early 2006 there was a small but promising step forward when the UNMIT Serious Crimes Investigation Team was established to assist the Office of the Prosecutor General to complete outstanding investigations into the atrocities committed in 1999. Unlike the previous Serious Crimes Unit, the role of this team was limited to investigation, with the Office of the Prosecutor General retaining the power for prosecution and oversight of the investigative process. A resulting handful of prosecutions have taken place (see paragraph below); however this small indication of progress has been marred by questionable legal reasoning, the fleeing of convicted perpetrators to Indonesia prior to incarceration, the reported Government-ordered release and subsequent repatriation of Indonesian citizen Maternus Bere indicted on crimes against humanity and the commutation of the sentences of nine prior-convicted perpetrators of crimes against humanity by Presidential decree on May 20, 2008.

Specifically, in March 2010 a former Mahidi militia member, Domingos Noronha "Maubuti" was prosecuted and convicted by Dili District Court for crimes committed during 1999. Notably however he was convicted for manslaughter rather than on the charges of crimes against humanity sought by the prosecution. On July 8, 2011 Dili District Court also convicted Valentim Lávio, an ex-BMP militia member, for crimes against humanity committed in Liquisa district in 1999. However after his appeal was denied it was discovered he had already fled to Indonesia. In October 2012 three other ex-BMP militia were tried for crimes against humanity, also committed in Liquisa district in 1999. On December 11, 2012 they were sentenced to between six and 16 years for crimes including homicide. More recently in 2013 the Dili District Court commenced the trial of eight defendants charged with crimes against humanity for events that took place in Aileu district in 1999. It is believed that there are a larger number of defendants in the case but they are living in West Timor. At the time of writing, this trial was ongoing.

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67 The release from prison of Bere, an Indonesian citizen arrested on an outstanding warrant for serious crimes, to the Indonesian Embassy sparked an outcry for what is viewed as an example of Government interference in the justice process and impunity. The President of the Court of Appeal publically described the government’s decision (as not based on a legal order, and the United Nations High Commissioner for Human Rights wrote to the President expressing “deep concern” about the release which it stated "appear to violate Article 160 of the Timor-Leste Constitution, as well as the country’s Penal Code"). The Prime Minister subsequently confirmed in Parliament that he ordered the release of Bere.

68 UNMIT (2009)


Despite numerous assessments, reports and analysis of the need for closure and implementation of the recommendations of the Commission for Truth, Reconciliation and Reconciliation (CAVR) and Commission for Truth and Friendship (CTF) reports, subsequent legislation is still pending in parliament. Most recently an article-by-article debate on the draft reparations law and the follow-up institution to the CAVR was postponed in February 2012 after parliamentarians walked out and subsequent sessions failed to achieve quorum.\(^{76}\)

Additionally, analysts and human rights advocates remain concerned about the process for granting pardons and commutations. Calls for making these more transparent have not been heard. Up until he left office in July 2012, President Ramos-Horta pardoned or commuted the sentences of at least 185 inmates.\(^{77}\) Included in these numbers were the first nine perpetrators convicted by the Serious Crimes Panel for atrocities committed in 1999, including militia leader Joni Marques. Included as well were some of the only convictions resulting from the 2006 crisis and its aftermath: namely four F-FDTL soldiers convicted of manslaughter for shooting dead eight unarmed PNTL officers; former Minister of Interior Rogério Lobato convicted of distributing weapons to civilians;\(^{78}\) Vicente “Rai Los” da Conceição convicted of carrying firearms and other crimes during the 2006 crisis; as well all of the individuals convicted in relation to the attacks on the President and Prime Minister on February 11, 2008.\(^{79}\) The questionable use of the constitutional power to commute sentences and pardon criminals by the former President has continued to feed the perception that the powerful are not accountable to the law in Timor-Leste. The government and the judiciary have not prioritized the matter, focusing their attention rather on other areas of the security apparatus, most notably on military and police development and interaction.

The survey aimed to gauge whether or not there are certain instances which Timorese believe may justify a serious crime such as murder to go unpunished. Similar to previous years, Timorese remain unequivocal in their response that perpetrators of serious crimes must not go unpunished. In 2013, 89% of respondents believe that there is no circumstance under which murder can be justified without punishment. This number compares with 90% in 2008 and 91% in 2004. The district with the highest percentage of people who thought that there may be instances in which murder could be justified was Ainaro with 10%; the national average for this was 4%; and, in two districts (Oecusse and Lautem) not a single respondent believed there was an instance in which murder could be justified.

Coupled with this high expectation for justice to be done in serious cases, is a rising trend in respondents who say that if a serious problem or a large dispute is not resolved using the formal system, people in their area are likely to take justice into their own hands. Notably this sentiment has risen from 54% in 2008 to 66% in 2013. The response was highest in Viqueque and Manatuto (both 86%) and lowest in Oecusse (41%).

The ICG reports that despite some signs of progress, incidents of misconduct regarding police accountability persist. This problem is exacerbated by a lack of a robust accountability mechanism within the PNTL, and the perception that some police officers are not impartial in violent cases.\(^{80}\) In particular, accountability – both internal disciplinary procedures and criminal investigation – is lacking in cases of police ill-treatment and unauthorized use of firearms. However in cases where individuals are shot, including fatally there seems to be a higher possibility of investigation and prosecution of police officers.

\(^{76}\) http://unmit.unmissions.org/LinkClick.aspx?fileticket=67uhymFEnqA%3D&tabid=12032&language=en-US
\(^{78}\) On May 20, 2008 the President also pardoned former Minister of Interior, Rogério Tiago Lobato who had failed to return from seeking medical treatment abroad after being convicted in 2007 of distributing firearms to civilians and other crimes during the 2006 crisis.
\(^{79}\) Presidential Decree No. 31/2010
\(^{80}\) ICG (2013)
A number of high profile police shootings in 2009, 2011, and 2012, including ones with fatal consequences, have however resulted in convictions of officers including the fatal shooting of a young man in Delta Nova in 2009 by a police officer who was later convicted of homicide. In 2011, a woman was killed by a stray bullet fired by an off-duty police officer at a late night party in Bobonaro. In 2012, a police officer shot and killed a young male student in Hera. He was convicted of homicide, though negligent homicide was sought and rejected by the court.

Along with accountability, police brutality remains an issue in need of attention by the police and security apparatus. To better understand the relationship and challenges between communities and the police in their area, the survey therefore gauged respondents’ views on police brutality. Respondents were asked whether or not, in their opinion, the law which protects suspects from police beatings, is being upheld in their communities. There is a worsening trend as compared to the previous two surveys. In 2013, 53% of respondents believe that the PNTL in their area are not upholding the law on protecting criminals from police brutality. This is an increase of 6% over the 47% reported in 2008 and nearly ten percent higher than stated in 2004 (44%).

In 2013, 53% of respondents said that the law protecting an accused criminal from being beaten by police was not being followed in their area, up from 47% in 2008. The sentiment was by far the highest in district Oecusse (66%), followed by Ainaro (61%) and Dili (61%). Districts that reported the lowest proportion of respondents indicating that the law protecting an accused criminal from being beaten by police was not being followed were Manatuto (32%), Lautem (36%) and Baucau (44%). Despite high percentages of respondents indicating that the law protecting an accused criminal from being beaten by police was not being followed, less than 1% of respondents outside of Dili (and only 2% in Dili) reported that they have personally, or their family, experienced an instance of police abuse of power.

Whether or not people accept police brutality as part and parcel to “maintaining peace,” is a possible explanation for the impression by 88% of respondents that the PNTL is effective at maintaining security in their area. While this is somewhat lower than the 94% who reported the same sentiment in 2008, it remains very high.

Overall, 96% of individuals have confidence in the police, up from 90% in 2008. The proportion of respondents that are “not very confident” in the police has reduced from 6% in 2008, to 3% in 2013.

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81. The police officer was convicted of negligent homicide in 2012, sentenced to four years imprisonment and suspended from the PNTL for the duration of his sentence; Charges against a second police officer were dropped prior to trial.

82. In 2008, confidence was defined by respondents who answered “Very Confident” or “Somewhat Confident”, whereas in 2013 confidence was defined by respondents who answered “Very Confident”, “Confident” or “Somewhat Confident.”
WOMEN’S ACCESS TO JUSTICE
Despite equality before the law, one of the highest rates of female members of parliament in the region, and a number of advances in legislation and policy aimed at improving the lives of Timorese women, their struggle for equitable, healthy lives in a post-independent Timor-Leste continues. Discrimination, lower earning potential, high school drop-out rates, and the perpetuation of a patriarchal system, continue to stifle women's meaningful participation in all aspects of public and private life. Unfortunately, achieving a healthy society will remain out of reach given current funding trends of roughly 4% in health and between 6-7% on education of non-oil GDP. Alarmingly, despite its relative high GDP, Timor-Leste registered the highest in a recent study in Asia and the Pacific at 557 deaths per 100,000 live births.  

Recent research by the Foundation regarding female victims of domestic violence shows a complex story with regard to the resolution of domestic violence cases that goes far beyond simply choosing between “formal” and “local” authorities of justice. Of the twenty-four women interviewed for the report, 92% (twenty-two women) went through a local justice process. Of those, only one reported being satisfied with both the process and the outcome. Amid economic, representation and accessibility concerns, many women admit that their case was heard and “peace made”, but importantly, that it did not stop the violence. The research highlighted both the arbitrary application of definitions based on interpretations of “severity” by those in positions of power, as well as the dependency by the victim on her family to stand up for her rights. Notably, a victim’s family is far more likely to support them in pursuit of their case in a local mechanism, than the formal judicial system.

Since the last survey was conducted in 2008, the government of Timor-Leste adopted various laws and policies aimed at improving the lives of women. Notably, the RDTL Penal Code (2009), the Witness Protection Law, the Law Against Domestic Violence (2010) and subsidiary National Action Plan (2012), consolidated awareness raising efforts around the issues. Similarly, by declaring domestic violence a public crime, Timorese law not only requires that all domestic violence cases must be handled by the formal court system; it also puts the obligation to prosecute on the State rather than on the victim of a crime.

Advances in legislation to combat crimes against women through the justice system notwithstanding – a much more concerted effort is needed to better integrate and encourage women’s participation economically, politically, and socially. While the average fertility rate has declined from 8% in the last survey, to an estimated 6%, women still do not participate equally in the economy. UN data on the female labor force in Timor-Leste show that the percentage of adult females in the labor force in 2011 (38.4%) was actually a fraction lower than it was in 2005 (39%). Only by simultaneously addressing disparities in justice, education, health and jobs, can women take up their rightful place as half the population of Timor-Leste.

More than 12 years since independence from Indonesia, Timor-Leste has an adult (15+) illiteracy rate of nearly 64% (compared to the worldwide average of 17%). This is one of the lowest adult literacy rates in the world, ranking it 134th out of 186 nations according to UNESCO. Unfortunately, with education, comes empowerment, and until educational outcomes are achieved for women and children in Timor-Leste, progress will remain slow in many other areas, including understanding the law, and having adequate access to justice.

A comparison of the data between men and women in 2013 confirms the challenges which remain. While half of women surveyed (51%) have no formal schooling, that number is only 39% for men. These numbers have not shifted since 2008 when 51% of women reported they had no formal schooling, compared to a slightly lower rate of 36% of men. Despite such trends, there has been an interesting shift in educational attainment between 2008 and 2013 regarding primary and secondary education.

While the number of men and women in 2008 who reported a primary level education were roughly the same (17 and 19% respectively) in 2013, 10% more men (25%) compared to women (15%) report that they completed primary school. In 2008 the number of men who had attended secondary school was 41% in comparison to 30% of females. Conversely, in 2013 the proportion of men and women that had attended secondary school was the same (30%).

84 The Asia Foundation, “Ami Sai Vitima Beibeik: ” Looking to the needs of domestic violence victims (2012)
85 This law states specifically that it can apply to spouses, but failure to implement the law effectively prevents women victims of violence from accessing this type of protection
87 UNESCO Institute for Statistics. 2010 data indicate that Timor-Leste has an adult literacy rate of just 56%.
The number of respondents who had attended post-secondary education has risen for both men and women since 2008, but still remains below 10%. In 2008, 2% of women and 5% of men had attended post-secondary education, and had risen to 5% and 6% respectively in 2013.

This data seems to suggest a widening of the education gap between those with little or no formal schooling (defined as no formal schooling and primary schooling) and those who achieve higher levels of education (defined as secondary and post-secondary schooling). Essentially the educated women are becoming more educated but the less educated women (the large majority) are gradually becoming less educated (less are completing primary school). Compared to the results for men you can see that the men are slowly becoming more educated, as compared to themselves previously and to women in the current survey. This is worrying if it is the start of a future trend.

Numerous studies have documented the high prevalence of domestic violence in Timor-Leste. In 2003, the first prevalence survey found that half of the women in the study felt unsafe in their relationship with their husband and one quarter had experienced violence from an intimate partner. The 2009-10 Demographic and Health Survey found that one in three women surveyed experienced physical violence often or sometimes in the 12 months preceding the survey, and that “among ever-married women who have ever experienced physical violence, 74 percent reported that a current husband or partner committed the physical violence against them.”

Findings from the Foundation’s research on the needs of domestic violence victims highlights the complexities women face, particularly when it comes to accessing adequate protective measures. In one particular instance, a woman’s husband comes to her house late at night, threatening to kill her if she does not withdraw a case against him. In addition to fearing for her life, her case is further complicated by the fact that her husband is a former police officer, and therefore the police have been unwilling to arrest or gather evidence against him, leaving her no formal recourse through the courts, or protection from the police.

Despite these egregious rates of domestic violence, a combination of low rates of reporting, low levels of knowledge about the law and justice institutions, inadequate access to justice for victims, the inability of the state to provide support to women who do report (such as security and financial support), and flaws in the current case management system, result in poor outcomes for victims.

88 International Rescue Committee Survey, 2003
90 The Asia Foundation “Ami Sei Vitima Beibeik”: Looking to the needs of domestic violence victims Dili, 2012.
Yet data from local court monitoring NGO, JSMP, indicates that domestic violence cases represent 35 percent of all cases monitored by the organization from July 2010 to June 2013. Over the course of this three year period, domestic violence cases monitored has increased from 25 to 46 percent, and is the largest category of criminal cases monitored by JSMP. Notably, the overwhelming majority of these cases involve female victims. However, obtaining information regarding court decisions and related information in these cases remains difficult. Currently, notifications about court dates, decisions, and the release of defendants from jail are all facilitated manually and are very difficult to come by without the ability to prove a legitimate interest in access to case information – making enforcement, monitoring, and coordination between stakeholders nearly impossible, and according to the leading victims’ support agency, often placing victims at considerable risk.

To illustrate the challenge with inadequate levels of reporting on the issue, despite evidence to the contrary, in the 2013 survey, only 9% of respondents in this survey claim that either they or their family had experienced some form of domestic violence in the last two years. This is down from 15% in the 2008 survey, and in contrast with the DHS survey of 2009-10 which reports that as much as 38% of women in Timor-Leste have experienced physical violence since the age of 15. Given its incongruence with other research and survey results on the prevalence of domestic violence, it seems unlikely that this change represents a real reduction in domestic violence incidents. It is likely that the new legal regime introduced through the LADV has driven reporting rates underground, with respondents who are not yet ready to bring their case to the police afraid to mention it to a data collector. Previous research has indicated that the LADV’s emphasis on bringing domestic violence cases into the formal system, coupled with the inability of different actors to respond in an appropriate and timely manner when cases are taken to the police, is resulting in women losing faith in the system’s capacity to provide them with a solution or protection of some sort.

Insofar as the overall trends in attitudes toward the issue of domestic violence, the percentage of respondents who reported that a man has absolutely no right to hit his wife is trending down. In this way, compared with 34% in 2008 and 75% in 2004 who said a man had no right to hit his wife. Remarkably, more women (13%) than men (11%) reported that a man has a right to hit a woman; and more than half of female respondents (51%) agreed that it depends on the circumstances, that it might be justifiable (compared with 62% of men). Similar relationships were observed in 2008 with more women (24%) than men (18%) believing that a man has a right to hit a woman, and a lower proportion of women (41%) and men (46%) stating that it depends on the circumstances. In other words, a greater proportion of women in 2013 agree that a man can hit his wife, depending on the circumstances.
What this says about society is probably intrinsically linked to the power relationships between men and women, relatively lower education levels and knowledge that women have of various justice institutions and the law compared to men (see Section 4, Legal Awareness).

Attitudes toward women’s participation in local justice processes in Timor-Leste speak to the predominant socialization of a women’s role at home and in Timorese society. While the number of respondents who feel that women should be able to speak during local justice (lisan) processes, increased to 51% in 2013, compared to 2008 (40%) – notably the proportion for men and women is the same (51%).

The percentage of people who disapprove of a woman speaking during lisan rulings declined from 58% in 2008 to 39% in 2013. This percentage was 36% for women compared to 41% for men; a higher proportion of women (13%) versus men (8%) did not know.

When asked when a woman should be allowed to speak during lisan proceedings, the majority of women (56%) and men (64%) said only when the woman is the victim, up from 34% and 35% respectively, in 2008. Only 10% of women and 8% of men believed a woman should have the right to contribute on any issue, compared to 33% and 39% of women and men who felt this way in 2008. The highest number of respondents who feel that a woman should be able to speak out on any issue was 26% in Oecusse and 18% in Manatuto, notably a largely matrilineal district.
DO YOU APPROVE OR DISAPPROVE OF WOMEN BEING ALLOWED TO SPEAK FOR THEMSELVES IN THE ADAT / LOCAL JUSTICE PROCESS, BY GENDER?

<table>
<thead>
<tr>
<th>Year</th>
<th>Male Approve</th>
<th>Male Disapprove</th>
<th>Female Approve</th>
<th>Female Disapprove</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2013</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
The 2013 Law and Justice survey was conducted through in-person interviews using Samsung Galaxy Tablets with a random, representative sample of 1125 citizens, aged 17 years and up, across all districts in Timor-Leste over 23 days from June 28 – July 19, 2013. Fieldwork was completed by INSIGHT Timor Leste, with data analysis and visualization by Catalpa International.

Because the sample is national and random, the survey results represent all parts of the population in their correct proportion. The survey was geographically representative, as elaborated in Table 2 below. Demographically, the poll results are close to the real population, reflecting similar proportions of gender.

### Table 1: Gender Distribution of Respondents

<table>
<thead>
<tr>
<th></th>
<th>2010 Census</th>
<th>2013 L&amp;J Survey</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>50.56</td>
<td>50.04</td>
</tr>
<tr>
<td>Female</td>
<td>49.44</td>
<td>49.96</td>
</tr>
</tbody>
</table>

### Table 2: Geographic Distribution of Respondents

<table>
<thead>
<tr>
<th>District</th>
<th>Sub-Districts Covered in Survey</th>
<th>Total Population</th>
<th>Number of Sampling Points</th>
<th>Number of Respondents</th>
<th>% of National Sample</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aileu</td>
<td>Aileu Kota</td>
<td>44325</td>
<td>5</td>
<td>47</td>
<td>42</td>
</tr>
<tr>
<td>Ainaro</td>
<td>Ainaro</td>
<td>59175</td>
<td>7</td>
<td>62</td>
<td>5.5</td>
</tr>
<tr>
<td>Baucau</td>
<td>Baucau</td>
<td>111694</td>
<td>12</td>
<td>117</td>
<td>10.4</td>
</tr>
<tr>
<td>Bobonaro</td>
<td>Bobonaro</td>
<td>92049</td>
<td>10</td>
<td>97</td>
<td>8.6</td>
</tr>
<tr>
<td>Covalima</td>
<td>Covalima</td>
<td>59455</td>
<td>7</td>
<td>63</td>
<td>5.6</td>
</tr>
<tr>
<td>Dili</td>
<td>Cristo Rei</td>
<td>234026</td>
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<td>247</td>
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</tr>
<tr>
<td>Ermera</td>
<td>Ermera</td>
<td>117064</td>
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<td>124</td>
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<tr>
<td>Liquica</td>
<td>Liquica</td>
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<td>7</td>
<td>67</td>
<td>6</td>
</tr>
<tr>
<td>Lautem</td>
<td>Lautem</td>
<td>59787</td>
<td>6</td>
<td>62</td>
<td>5.5</td>
</tr>
<tr>
<td>Manufahi</td>
<td>Manufahi</td>
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<td>51</td>
<td>4.5</td>
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<td>Manatuto</td>
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<td>44</td>
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<tr>
<td>Oecussi</td>
<td>Oecussi</td>
<td>64025</td>
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<td>70</td>
<td>6.2</td>
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<tr>
<td>Viqueque</td>
<td>Viqueque</td>
<td>70036</td>
<td>8</td>
<td>74</td>
<td>6.6</td>
</tr>
</tbody>
</table>
The overall margin of error for the national sample is 2.92%, at a 95% confidence interval. However, the survey instrument was structured to include a number of follow up questions, particular in regards to specific criminal or civil cases encountered by the respondents, increasing the margin of error in some cases. It is important to note that oversampling has not occurred at the district-level and as such, there exist instances where the reduced sample size of some districts may result in a consequential increase in the margin of error. Given variations in the margin of error, such analyses at the district-level may be inconclusive.

The basic sampling methodology was multi-stage random sampling, employing the following stages:

**Sampling Methodology**

All 13 districts within Timor-Leste were covered in the survey. The proportion of the sample allocated to each district was determined in accordance with that district’s proportion of the national population of adults age 17 and up. Sub-districts were likewise selected according to their proportion of the population within the district.

Within each subdistrict, *sukus* (village-sized urban and rural administrative units) were selected using a proportional to population systematic random sampling method; *aldeias* (neighbourhood administrative units) were then selected in each *suko* using a systematic random probability sampling method.

Survey teams interviewed up to 10 respondents in each selected *aldeia*, equally divided among men and women.

**Sampling Point Substitution**

In 19 instances, it was necessary to substitute a different *aldeia* when the originally selected one was unreachable due to road conditions, specifically if road conditions made vehicle access impossible and travel by foot would have required more than three hours of travel. In each of these cases, a substitute *aldeia* was selected using the above-referenced random sampling method.

**Household Selection**

Households in each *aldeia* were selected using an interval method. In each selected *aldeia*, the survey teams first consulted with the *aldeia* chief in order to obtain their list of *aldeia* households. (All *aldeia* chiefs maintain a hand written list of households and residents in their *aldeia*.)

The teams then calculated the first household on the list to be selected by identifying the date of data collection and adding up the numerals to determine the starting point (e.g., if the date was 12 June, then 1 + 2 + 6 = 9, so the team would start from the 9th household on the *aldeia* chief’s list).

Following the first selected household, the survey teams then selected every 5th household on the lists until the target of 10 households per *aldeia* was reached.

**Respondent Selection**

One respondent was selected for interview in each household. Potential respondents were defined as adults age 17 and older, of the correct gender. As the gender split in the Timor-Leste population is very close to 50-50, the gender of potential respondents was determined by the survey form numbers, odd numbers for women and even numbers for men. All potential respondents in each household were recorded on the Samsung Galaxy Tablet and an electronic randomization calculation was used to select a respondent for interview.

**Respondent Substitution**

If the selected respondent was not available on the first attempt, up to 2 further call backs were made within 24 hours to contact the selected respondent. If the respondent was not available, or in the instance where the respondent decided not to participate in the survey, a new household was randomly selected using the *aldeia* list, and aforementioned randomization steps followed to identify a new respondent.

**Data Collection**

The 2013 Law and Justice Survey data collection was conducted by INSIGHT Consulting and The Asia Foundation. Data was collected over 23 days from June 28 – July 19, 2013.
In 2013, the survey questionnaire consisted of 134 questions and in large part, mirrored questions from the 2008 Law and Justice Survey. Variations between the two surveys are manifest in open-ended questions for respondent’s age, to better capture the complete age spectrum of respondents, and also by increasing the number of variables within questions that previously contained four-point scales in 2008, with five-point scales in 2013. These questions relate predominately to indicators of ‘confidence’, ‘comfort’ and ‘effectiveness.’ While the modification in methodology ensures a best-practice approach in scaled responses, it does indicate that some categories such as ‘very confident’ in 2013 cannot be accurately compared with ‘confident’ in 2008 for instance. In such circumstances, and to ensure comparability between the two surveys, positive indicators (e.g. very confident, confident and somewhat confident) have been grouped to describe respondents feeling ‘confident.’ Similarly, negative indicators (e.g. not confident and not confident at all) have been grouped to describe respondents feeling ‘unconfident’. These have been indicated as footnotes, where relevant in the Foundation’s analysis.

The following Quality Control measures were undertaken by INSIGHT Consulting and The Asia Foundation, during the data collection process.

To ensure each interviewer/numerator was thoroughly scrutinized, at least two sampling points from different aldeias were randomly selected for each interviewer by INSIGHT Consulting Supervisors. Using a separate Quality Control survey, containing 5 select questions, respondents were re-interviewed and responses to the 5 questions compared with original answers. The total number of respondents who were reviewed for quality control through aldeia revisits totaled 113.

Since all survey forms were coded electronically onto Samsung Galaxy Tablets, INSIGHT Consulting used Wi-Fi connection at district-level Timor Telecom offices to upload survey data onto an online cloud platform. Access to the cloud by The Asia Foundation allowed for quality control to be conducted on a daily basis, whereby uploaded data could be monitored for discrepancies or apparent instances of interviewer bias.

Through this process, two interviewers were identified as having unreliable data. INSIGHT Consulting arranged for new randomly selected respondents to be identified in the aldeia, with replacement surveys conducted by new numerators.
RECORD RESPONDENT’S GENDER (DO NOT ASK THE RESPONDENT THEIR GENDER, RECORD BY OBSERVATION)

MALE

FEMALE

1. WHAT IS YOUR AGE? [S]
   ______________________________________________________

2. WHAT IS YOUR MARITAL STATUS? [S] (Read out options to respondent)
   □ Single
   □ In a relationship
   □ Married
   □ Separated or Divorced
   □ Other (Specify) ________________________________
   □ Don’t know (Do not read out)
   □ Respondent chose not to answer (Do not read out)

3. WHERE DO YOU CURRENTLY LIVE?
   DISTRICT: ________________________________
   SUB-DISTRICT: ________________________________
   SUCO: ________________________________

4. WHAT IS THE HIGHEST LEVEL OF EDUCATION THAT YOU HAVE COMPLETED? [S] (Read out options to respondent)
   □ No schooling
   □ Informal education
   □ Attended primary school
   □ Completed Primary school
   □ Attended pre-secondary school
   □ Completed pre-secondary
   □ Attended secondary
   □ Completed secondary school
   □ Diploma
   □ Attended University
   □ Completed University
   □ Graduate School
   □ Don’t know (Do not read out)
   □ Respondent chose not to answer (Do not read out)

5. WHAT DO YOU DO FOR A LIVING? [S] (Read out options to respondent)
   □ Working
   □ Looking for work
   □ Attending school
   □ Housekeeping
   □ Retired
   □ Other [SPECIFY: ________________________________]
   □ Don’t know (Do not read out)
   □ Respondent chose not to answer (Do not read out)

6. WHAT IS YOUR MONTHLY EXPENDITURE FOR YOUR BASIC GOODS? [S] (Do not read out options)
   □ < $25
   □ $26-50
   □ $51-100
   □ $101-150
   □ $151-200
   □ $201-300
   □ $301-400
   □ $401 >
   □ Don’t know (Do not read out)
   □ Respondent chose not to answer (Do not read out)

7. WHICH LANGUAGES DO YOU PREFER TO GET INFORMATION IN ORALLY? [M] (Do not read out options)
   □ Tetun
   □ Potuguese
   □ Bahasa Indonesia
   □ English
   □ Mamba’e
   □ Makasa’e
   □ Galolen
   □ Baikenro
   □ Fataluko
   □ Tokodede
   □ Tetum Terik
   □ Kairui
   □ Nau-Eti
   □ Other [SPECIFY: ________________________________]
   □ NONE
   □ Don’t know (Do not read out)
   □ Respondent chose not to answer (Do not read out)
8. WHICH LANGUAGES DO YOU PREFER TO GET INFORMATION THROUGH READING MATERIALS? [M] (Do not read out options)
   □ Tetun
   □ Portuguese
   □ Bahasa Indonesia
   □ English
   □ Mambâ'e
   □ Makasa'e
   □ Galolên
   □ Baikeno
   □ Fataluko
   □ Tokodesde
   □ Tetum Terik
   □ Kairui
   □ Nau-Eti
   □ Other [SPECIFY: ________________________________]
   □ NONE
   □ Don’t know (Do not read out)
   □ Respondent chose not to answer (Do not read out)

9. DISPUTES AND OTHER PROBLEMS BETWEEN PEOPLE ARE COMMON IN OUR EVERYDAY LIVES.

   DO YOU FEEL THE FORMAL LAWS ARE ADEQUATE TO ADDRESS SUCH PROBLEMS? [S] (Do not read out options)
   □ Yes
   □ No
   □ Don’t know (Do not read out)
   □ Respondent chose not to answer (Do not read out)

10. WHAT IS YOUR PRIMARY SOURCE OF INFORMATION ABOUT THE LAW? [S] (Read out options to respondent)
    □ Radio
    □ Television
    □ Newspapers / Magazines
    □ Family/friends/community
    □ Chefe de Aldeia
    □ Chefe de Suco
    □ Church
    □ NGO
    □ Prosecutors
    □ Public Defender
    □ Lawyers
    □ Police
    □ Other [SPECIFY: ________________________________]
    □ None / do not get information
    □ Don’t know (Do not read out)
    □ Respondent chose not to answer (Do not read out)

11. DO YOU FEEL THAT YOU COULD GET ENOUGH INFORMATION ABOUT THE LAW IF YOU NEEDED IT? [S] (Do not read out options)
    □ Yes
    □ No
    □ Don’t know (Do not read out)
    □ Respondent chose not to answer (Do not read out)

12. WHO IS PRIMARILY RESPONSIBLE FOR LAW AND ORDER IN YOUR AREA? [S] (Do not read out options)
    □ Chefe de Aldeia
    □ Chefe de Suco
    □ Parliament
    □ Police
    □ The Government
    □ The Ministry of Justice
    □ Elders
    □ Other [SPECIFY: ________________________________]
    □ Don’t know (Do not read out)
    □ Respondent chose not to answer (Do not read out)

12A. IS THERE ANYBODY ELSE? [M] (Do not read out options)
    □ Chefe de Aldeia
    □ Chefe de Suco
    □ Parliament
    □ Police
    □ The Government
    □ The Ministry of Justice
    □ Elders
    □ Other [SPECIFY: ________________________________]
    □ Don’t know (Do not read out)
    □ Respondent chose not to answer (Do not read out)

13. WHO IS THE PRIMARY PERSON THAT ACTUALLY MAINTAINS LAW AND ORDER IN YOUR AREA? [S] (Do not read out options)
    □ Chefe de Aldeia
    □ Chefe de Suco
    □ Parliament
    □ Police
    □ The Government
    □ The Ministry of Justice
    □ Elders
    □ Other [SPECIFY: ________________________________]
    □ Don’t know (Do not read out)
    □ Respondent chose not to answer (Do not read out)
13A. IS THERE ANYBODY ELSE? [M] (Do not read out options)

- Chefe de Aldeia
- Chefe de Suco
- Parliament
- Police
- The Government
- The Ministry of Justice
- Elders
- Other [SPECIFY: ________________________________]
- Don’t know (Do not read out)
- Respondent chose not to answer (Do not read out)

14. WHO IS PRIMARILY RESPONSIBLE FOR MAKING THE RULES THAT GOVERN PEOPLES’ LIVES HERE? [S] (Do not read out options)

- PNTL Police
- Elders/Chefe de Suco
- Community members
- Church
- Myself
- My family
- Chefe de Aldeia
- Lia Na’in
- The Government [in general]
- Parliament
- Other [SPECIFY: ________________________________]
- Don’t know (Do not read out)
- Respondent chose not to answer (Do not read out)

14A. IS THERE ANYBODY ELSE? [M] (Do not read out options)

- PNTL Police
- Elders/Chefe de Suco
- Community members
- Church
- Myself
- My family
- Chefe de Aldeia
- Lia Na’in
- The Government [in general]
- Parliament
- Other [SPECIFY: ________________________________]
- Don’t know (Do not read out)
- Respondent chose not to answer (Do not read out)

15. HAVE YOU HEARD OF A COURT? [S] (Do not read out options)

- YES - GO TO Q.16
- NO - GO TO Q.20
- Don’t know (Do not read out) - GO TO Q.20
- Respondent chose not to answer (Do not read out) - GO TO Q.20

(Do not read out options)

16. IS THERE A COURT CLOSE ENOUGH FOR YOU TO USE, IF YOU NEED IT? [S]

- Yes
- No
- Don’t know (Do not read out)
- Respondent chose not to answer (Do not read out)

17. HAVE YOU OR YOUR FAMILY HAD A CASE HANDLED IN COURT SINCE INDEPENDENCE? [S] (Do not read out options)

- YES - GO TO Q.18
- NO - GO TO Q.20
- Don’t know (Do not read out) - GO TO Q.20
- Respondent chose not to answer (Do not read out) - GO TO Q.20

(Do not read out options)

18. WHEN YOU WHERE AT THE COURT, WERE THE COURT PROCEEDINGS CONDUCTED IN YOUR PREFERRED LANGUAGE? [S] (Do not read out options)

- Yes
- No
- Don’t know (Do not read out)
- Respondent chose not to answer (Do not read out)
19. DID YOU OR YOUR FAMILY UNDERSTAND THE PROCEDURES WHILE IN COURT? [S] (Do not read out options)

□ Yes
□ No
□ Don't know (Do not read out)
□ Respondent chose not to answer (Do not read out)

20. HOW COMFORTABLE ARE YOU WITH RESOLVING PROBLEMS THROUGH THE COURTS? [S] (Read out options to respondent)

□ Very comfortable
□ Somewhat comfortable
□ Comfortable
□ Not very comfortable
□ Not comfortable at all
□ Don't know (Do not read out)
□ Respondent chose not to answer (Do not read out)

21. HOW MUCH CONFIDENCE DO YOU HAVE IN THE FAIRNESS OF THE FORMAL COURTS NOW? DO YOU FEEL VERY CONFIDENT, SOMEWHAT CONFIDENT, CONFIDENT, NOT VERY CONFIDENT, NOT CONFIDENT AT ALL? [S] (Read out options to respondent)

□ Very confident
   - GO TO Q.21A
□ Somewhat confident
   - GO TO Q.21A
□ Confident
   - GO TO Q.21A
□ Not very confident
   - GO TO Q.21B
□ Not confident at all
   - GO TO Q.21B
□ Don’t know (Do not read out)
   - GO TO Q.22
□ Respondent chose not to answer (Do not read out)
   - GO TO Q.22
(Do not read out options)

21A. WHY ARE YOU CONFIDENT IN THE FAIRNESS OF THE FORMAL COURT? [OPEN]

_________________________________________________________
_________________________________________________________
_________________________________________________________
_________________________________________________________
_________________________________________________________

21B. WHY ARE YOU NOT CONFIDENT IN THE FAIRNESS OF THE FORMAL COURT? [OPEN]

_________________________________________________________
_________________________________________________________
_________________________________________________________
_________________________________________________________
_________________________________________________________

22A. WHY WOULD YOU WANT AN OFFICIAL FROM THE FORMAL COURT SYSTEM TO COME TO YOUR AREA TO HELP SETTLE DISPUTES? [OPEN]

_________________________________________________________
_________________________________________________________
_________________________________________________________
_________________________________________________________
_________________________________________________________

22B. WHY WOULD YOU NOT WANT AN OFFICIAL FROM THE FORMAL COURT SYSTEM TO COME TO YOUR AREA TO HELP SETTLE DISPUTES? [OPEN]

_________________________________________________________
_________________________________________________________
_________________________________________________________
_________________________________________________________
_________________________________________________________
23. DO YOU THINK THE FORMAL JUSTICE SYSTEM IS DESIGNED TO HELP PEOPLE LIKE YOURSELF? [S] (Do not read out options)
   □ YES
   □ NO
   □ Don’t Know (Do not read out)
   □ Respondent chose not to answer (Do not read out)

24. DO YOU THINK THAT THE IMPLEMENTATION OF THE LAW HELPS PEOPLE LIKE YOURSELF? (Do not read out options)
   □ YES
   □ NO
   □ Don’t Know (Do not read out)
   □ Respondent chose not to answer (Do not read out)

25. HAVE YOU EVER HEARD OF A LAWYER? [S] (Do not read out options)
   □ YES
       - GO TO Q.26
   □ NO
       - GO TO Q.27
   □ Don’t Know (Do not read out)
       - GO TO Q.27
   □ Respondent chose not to answer (Do not read out)
       - GO TO Q.27 (Do not read out options)

26. ARE THERE ANY LAWYERS AVAILABLE IN YOUR AREA? [S] (Do not read out options)
   □ Yes
   □ No
   □ Don’t know (Do not read out)
   □ Respondent chose not to answer (Do not read out)

27. HAVE YOU HEARD OF A PUBLIC PROSECUTOR? (Do not read out options)
   □ Yes
   □ No
   □ Don’t know (Do not read out)
   □ Respondent chose not to answer (Do not read out)

28. HAVE YOU HEARD OF NGOS THAT PROVIDE LEGAL AID SERVICES? [S] (Do not read out options)
   □ YES
       - GO TO Q.29
   □ NO
       - GO TO Q.31
   □ Don’t Know (Do not read out)
       - GO TO Q.31
   □ Respondent chose not to answer (Do not read out)
       - GO TO Q.31 (Do not read out options)

29. WOULD YOU GO TO AN NGO FOR ASSISTANCE IN OBTAINING JUSTICE FOR A PROBLEM? [S] (Do not read out options)
   □ YES
       - GO TO Q.30
   □ NO
       - GO TO Q.31
   □ Don’t Know (Do not read out)
       - GO TO Q.31
   □ Respondent chose not to answer (Do not read out)
       - GO TO Q.31 (Do not read out options)

30. HOW MUCH CONFIDENCE DO YOU HAVE IN LEGAL AID ORGANIZATIONS? [S] (Read out options to respondent)
    □ Very confident
    □ Somewhat confident
    □ Confident
    □ Not very confident
    □ Not confident at all
    □ Don’t know (Do not read out)
    □ Respondent chose not to answer (Do not read out)

31. SUPPOSE SOME PERSON COMMITS MURDER. DO YOU THINK THAT THERE ARE TIMES WHEN THIS PERSON SHOULD BE ABLE TO AVOID PUNISHMENT OR BE FREE FROM COMPENSATING THE VICTIM? [S] (Do not read out options)
   □ YES
       - GO TO Q.30
   □ NO
       - GO TO Q.31
   □ Don’t Know (Do not read out)
       - GO TO Q.31
   □ Respondent chose not to answer (Do not read out)
       - GO TO Q.31 (Do not read out options)
31A. FOR WHAT REASONS SHOULD THIS PERSON BE ABLE TO AVOID BEING PUNISHED FOR SERIOUS WRONGS SUCH AS MURDER THAT THEY HAVE DONE? [OPEN]

_________________________________________________________

_________________________________________________________

_________________________________________________________

_________________________________________________________

_________________________________________________________

32. THE LAW MANDATES THAT “JUSTICE SHALL NOT BE DENIED FOR INSUFFICIENT ECONOMIC MEANS”.

□ Yes
□ No
□ Don’t know (Do not read out)
□ Respondent chose not to answer (Do not read out)

33. IN YOUR AREA, IF A SERIOUS PROBLEM OR LARGE DISPUTE IS NOT RESOLVED USING FORMAL LAW, DO PEOPLE TAKE JUSTICE INTO THEIR OWN HANDS? [S] (Do not read out options)

□ YES
- GO TO Q.34
□ NO
- GO TO Q.35
□ Don’t Know (Do not read out)
- GO TO Q.35
□ Respondent chose not to answer (Do not read out)
- GO TO Q.35 (Do not read out options)

34. WHAT DO PEOPLE DO WHEN THEY TAKE JUSTICE INTO THEIR OWN HANDS? [S] (Read out options to respondent)

□ Fight
□ Make threat
□ Damage property
□ Arson
□ Steal
□ Defame
□ Other [SPECIFY: ________________________________]
□ Don’t know (Do not read out)
□ Respondent chose not to answer (Do not read out)

35. DO YOU APPROVE OR DISAPPROVE OF WOMEN BEING ALLOWED TO SPEAK FOR THEMSELVES IN THE ADAT / LOCAL JUSTICE PROCESS? [S] (Do not read out options)

□ YES
- GO TO Q.35A
□ NO
- GO TO Q.36
□ Don’t Know (Do not read out)
- GO TO Q.36
□ Respondent chose not to answer (Do not read out)
- GO TO Q.36 (Do not read out options)

35A. IN WHAT CIRCUMSTANCES SHOULD THEY BE ALLOWED TO SPEAK? [S] (Read out options to respondent)

□ On any issues been discussed
□ When their family is involved
□ When they are a victim
□ When they are a person being complained about it
□ Other [SPECIFY: ________________________________]
□ Don’t know (Do not read out)
□ Respondent chose not to answer (Do not read out)

36. SOME PEOPLE SAY THAT A MAN HAS THE RIGHT TO HIT HIS WIFE IF SHE MISBEHAVES. OTHER PEOPLE SAY THAT ANY MAN WHO HITS HIS WIFE IS WRONG AND SHOULD BE STOPPED. WHICH ONE DO YOU THINK IS RIGHT? [S] (Read out options to respondent)

□ Man has a right to hit his wife
□ Man has NO right to hit his wife
□ It depends [on case to case]
□ Don’t know (Do not read out)
□ Respondent chose not to answer (Do not read out)

37. HOW COMFORTABLE ARE YOU WITH BRINGING PROBLEMS TO THE TRADITIONAL INSTITUTIONS OF JUSTICE SUCH AS ADAT PROCESS? [S] (Read out options to respondent)

□ Very comfortable
□ Somewhat comfortable
□ Comfortable
□ Not very comfortable
□ Not comfortable at all
□ Don’t know (Do not read out)
□ Respondent chose not to answer (Do not read out)
38. **HOW MUCH CONFIDENCE DO YOU HAVE IN THE FAIRNESS OF THE TRADITIONAL INSTITUTIONS OF JUSTICE?** [S] (Read out options to respondent)

- Very confident  
  - GO TO Q.21A
- Somewhat confident  
  - GO TO Q.21A
- Confident  
  - GO TO Q.21A
- Not very confident  
  - GO TO Q.21B
- Not confident at all  
  - GO TO Q.21B
- Don’t know (Do not read out)  
  - GO TO Q.22
- Respondent chose not to answer (Do not read out)  
  - GO TO Q.22 (Do not read out options)

38A. **WHY ARE YOU CONFIDENT IN THE TRADITIONAL PROCESS?** [OPEN]

____________________________________________________________________________________

____________________________________________________________________________________

____________________________________________________________________________________

____________________________________________________________________________________

38B. **WHY ARE YOU NOT CONFIDENT IN THE TRADITIONAL PROCESS?** [OPEN]

____________________________________________________________________________________

____________________________________________________________________________________

____________________________________________________________________________________

____________________________________________________________________________________

39. **DO YOU FEEL SAFER, AS SAFE OR LESS SAFE IN YOUR COMMUNITY NOW COMPARED TO 2 YEARS AGO?** [S] (Do not read out options)

- Safer
- The same as 3 years ago
- Less safe
- Don’t know (Do not read out)
- Respondent chose not to answer (Do not read out)

40. **HOW EFFECTIVE ARE THE POLICE IN MAINTAINING SECURITY IN YOUR COMMUNITY?** [S] (Read out options to respondent)

- Very effective
- Somewhat effective
- Effective
- Not very effective
- Not effective at all
- Don’t know (Do not read out)
- Respondent chose not to answer (Do not read out)

41. **HOW MUCH CONFIDENCE DO YOU HAVE IN THE POLICE NOW?** [S] (Read out options to respondent)

- Very confident
- Somewhat confident
- Confident
- Not very confident
- Not confident at all
- Don’t know (Do not read out)
- Respondent chose not to answer (Do not read out)

42. **THE LAW PROTECTS AN ACCUSED CRIMINAL FROM BEING BEATEN BY POLICE. IS THIS LAW BEING FOLLOWED IN YOUR AREA?** [S] (Do not read out options)

- Yes
- No
- Don’t know (Do not read out)
- Respondent chose not to answer (Do not read out)

43. **I AM NOW GOING TO READ YOU A LIST OF PROBLEMS AND DISPUTES. COULD YOU PLEASE TELL WHETHER YOU OR ANY OF YOUR FAMILY HAVE EXPERIENCED ANY OF THESE PROBLEMS DURING THE LAST TWO YEARS? THE FIRST IS THEFT OF CATTLE – EXAMPLE: SOMEONE STEALS 3 BUFFALO FROM YOU.** [S] (Do not read out options)

- YES  
  - GO TO Q.34
- NO  
  - GO TO Q.35
- Don’t Know (Do not read out)  
  - GO TO Q.35
- Respondent chose not to answer (Do not read out)  
  - GO TO Q.35 (Do not read out options)
44. IF YES, WHO WAS THE FIRST PERSON, IF ANYONE, YOU SAW TO GET HELP TO RESOLVE IT? (Do not read out options)

- DID NOT go to anyone
- Suco Council
- Chefe de suco
- Chefe de aldeia
- Lia Na’in
- Court
- Prosecutor
- Public Defender
- Lawyer
- Police
- Church
- Priest
- Legal aid organisation LBH
- NGOs
- Family/Families
- Other [Specify: __________________________]
- Don’t know (Do not read out)
- Respondent chose not to answer (Do not read out)

46. IF ‘DIDN’T GO TO ANYONE’ ON Q.44, WHY? [OPEN]

______________________________________________
______________________________________________
______________________________________________
______________________________________________
______________________________________________

45. WHO WAS THE SECOND? [S] (Do not read out options)

- Did not go to anyone
- Suco Council
- Chefe de Suco
- Chefe de Aldeia
- Lia Na’in
- Court
- Prosecutor
- Public defender
- Lawyer
- Police
- Church
- Priest
- Legal aid organization / LBH
- NGOs
- Families / friends
- Other [SPECIFY: ___________________________]
- Don’t know (Do not read out)
- Respondent chose not to answer (Do not read out)

47. HAS IT BEEN RESOLVED? [S] (Do not read out options)

- YES, It has been resolved
- NO, It’s NOT resolved
- Don’t Know
- No Response

48. IF YES, AT Q.47 BY WHOM/WHICH ORGANIZATION WAS IT RESOLVED? [S] (Read out options to respondent)

- Suco Council
- Chefe de suco
- Chefe de aldeia
- Lia Na’in
- Court
- Prosecutor
- Public Defender
- Lawyer
- Police
- Church
- Priest
- Legal aid organisation LBH
- NGOs
- Family/Families
- Other [Specify: ___________________________]
- Don’t know (Do not read out)
- Respondent chose not to answer (Do not read out)
49. WERE YOU SATISFIED WITH THE OUTCOME? [S] (Do not read out options)
   □ YES, It has been resolved  
     - GO TO Q.50A
   □ NO, It’s NOT resolved
     - GO TO Q.50B
   □ Don’t Know
     - GO TO Q.51
   □ No Response
     - GO TO Q.51

50. WHY WERE YOU SATISFIED WITH THE OUTCOME? [OPEN]

50A. WHY WERE YOU SATISFIED WITH THE OUTCOME? [OPEN]

50B. WHY WERE YOU NOT SATISFIED WITH THE OUTCOME? [OPEN]

51. WHOM/WHAT WOULD YOU MOST WANT TO HELP YOU RESOLVE THIS DISPUTE? [S] (Read out options to respondent)
   □ Suco Council
   □ Chefe de suco
   □ Chefe de aldeia
   □ Lia Na’in
   □ Court
   □ Prosecutor
   □ Public Defender
   □ Lawyer
   □ Police
   □ Church
   □ Priest
   □ Legal aid organisation LBH
   □ NGOs
   □ Family/Families
   □ Other [Specify: ________________________]
   □ Don’t know (Do not read out)
   □ Respondant chose not to answer (Do not read out)

52. HOW COULD THE HANDLING OF YOUR PROBLEM, DISPUTE OR CASE BEEN IMPROVED? [OPEN]

53. HAVE YOU OR YOUR FAMILY EXPERIENCED DOMESTIC VIOLENCE IN THE LAST TWO YEARS? [S] (Do not read out options)
   □ YES
     - GO TO Q.54
   □ NO
     - GO TO Q.63
   □ Don’t Know (Do not read out)
     - GO TO Q.63
   □ Respondant chose not to answer (Do not read out)
     - GO TO Q.63 (Do not read out options)
54. IF YES, WHO WAS THE FIRST PERSON, IF ANYONE, YOU SAW TO GET HELP TO RESOLVE IT? (Do not read out options)

□ DID NOT go to anyone  
  - GO TO Q.56
□ Suco Council
□ Chefe de suco
□ Chefe de aldeia
□ Lia Na’in
□ Court
□ Prosecutor
□ Public Defender
□ Lawyer
□ Police
□ Church
□ Priest
□ Legal aid organisation LBH
□ NGOs
□ Family/Families
□ Other [Specify: ____________________________]
□ Don’t know  
  - GO TO Q.57
□ No Response  
  - GO TO Q.57

55. WHO WAS THE SECOND? [S] (Do not read out options)

□ Did not go to anyone
□ Suco Council
□ Chefe de Suco
□ Chefe de Aldeia
□ Lia Na’in
□ Court
□ Prosecutor
□ Public defender
□ Lawyer
□ Police
□ Church
□ Priest
□ Legal aid organization / LBH
□ NGOs
□ Families / friends
□ Other [Specify: ____________________________]
□ Don’t know (Do not read out)
□ Respondent chose not to answer (Do not read out)

56. IF ‘DIDN’T GO TO ANYONE’ ON Q.54, WHY? [OPEN]

_________________________________________________________
_________________________________________________________
_________________________________________________________
_________________________________________________________
_________________________________________________________
_________________________________________________________
_________________________________________________________

57. HAS IT BEEN RESOLVED? [S] (Do not read out options)

□ YES, It has been resolved  
  - GO TO Q.58
□ NO, It’s NOT resolved  
  - GO TO Q.61
□ Don’t Know  
  - GO TO Q.61
□ No Response  
  - GO TO Q.61

58. IF YES, AT Q.57 BY WHOM/WHICH ORGANIZATION WAS IT RESOLVED? [S] (Read out options to respondent)

□ Suco Council
□ Chefe de Suco
□ Chefe de Aldeia
□ Lia Na’in
□ Court
□ Prosecutor
□ Public defender
□ Lawyer
□ Police
□ Church
□ Priest
□ Legal aid organization / LBH
□ NGOs
□ Families / friends
□ Other [SPECIFY: ____________________________]
□ Don’t know (Do not read out)
□ Respondent chose not to answer (Do not read out)
59. WERE YOU SATISFIED WITH THE OUTCOME? [S]  
(Do not read out options)

- YES
  - GO TO Q.60A
- NO
  - GO TO Q.60B
- Don’t Know
  - GO TO Q.61
- No Response
  - GO TO Q.61

60A. WHY WERE YOU SATISFIED WITH THE OUTCOME?  
[OPEN]

_________________________________________________________
_________________________________________________________
_________________________________________________________
_________________________________________________________
_________________________________________________________
_________________________________________________________

60B. WHY WERE YOU NOT SATISFIED WITH THE OUTCOME?  
[OPEN]

_________________________________________________________
_________________________________________________________
_________________________________________________________
_________________________________________________________
_________________________________________________________
_________________________________________________________

61. WHOM/WHAT WOULD YOU MOST WANT TO HELP YOU RESOLVE THIS DISPUTE? [S]  
(Read out options to respondent)

- Suco Council
- Chefe de Suco
- Chefe de Aldeia
- Lia Na’in
- Court
- Prosecutor
- Public defender
- Lawyer
- Police
- Church
- Priest
- Legal aid organization / LBH
- NGOs
- Families / friends
- Other [SPECIFY: ________________________]
- Don’t know (Do not read out)
- Respondent chose not to answer (Do not read out)

62. HOW COULD THE HANDLING OF YOUR PROBLEM, DISPUTE OR CASE BEEN IMPROVED?  
[OPEN]

_________________________________________________________
_________________________________________________________
_________________________________________________________
_________________________________________________________
_________________________________________________________
_________________________________________________________

63. HAVE YOU OR YOUR FAMILY EXPERIENCED POLICE ABUSING THEIR POWER – EXAMPLE: A POLICE OFFICER THREATENS OR HITS YOU OR TAKES YOUR PROPERTY IN THE LAST TWO YEARS? [S]  
(Do not read out options)

- YES
  - GO TO Q.64
- NO
  - GO TO Q.73
- Don’t Know (Do not read out)
  - GO TO Q.73
- Respondent chose not to answer (Do not read out)
  - GO TO Q.73 (Do not read out options)
64. IF YES, WHO WAS THE FIRST PERSON, IF ANYONE, YOU SAW TO GET HELP TO RESOLVE IT? (Do not read out options)

- DID NOT go to anyone
- Suco Council
- Chefe de suco
- Lia Na’in
- Court
- Prosecutor
- Public Defender
- Lawyer
- Police
- Church
- Priest
- Legal aid organisation LBH
- NGOs
- Families / friends
- Other [Specify: ____________________________]
- Don’t know

66. IF ‘DIDN’T GO TO ANYONE’ ON Q.64, WHY? [OPEN]

_________________________________________________________
_________________________________________________________
_________________________________________________________
_________________________________________________________
_________________________________________________________

65. WHO WAS THE SECOND? [S] (Do not read out options)

- Did not go to anyone
- Suco Council
- Chefe de Suco
- Chefe de Aldeia
- Lia Na’in
- Court
- Prosecutor
- Public defender
- Lawyer
- Police
- Church
- Priest
- Legal aid organization / LBH
- NGOs
- Families / friends
- Other [Specify: ____________________________]
- Don’t know (Do not read out)
- Respondent chose not to answer (Do not read out)

67. HAS IT BEEN RESOLVED? [S] (Do not read out options)

- YES, It has been resolved
- NO, It’s NOT resolved
- Don’t Know
- Respondent chose not to answer (Do not read out)

68. IF YES, AT Q.67 BY WHOM/WHICH ORGANIZATION WAS IT RESOLVED? [S] (Read out options to respondent)

- Suco Council
- Chefe de Suco
- Chefe de Aldeia
- Lia Na’in
- Court
- Prosecutor
- Public defender
- Lawyer
- Police
- Church
- Priest
- Legal aid organization / LBH
- NGOs
- Families / friends
- Other [SPECIFY: ____________________________]
- Don’t know (Do not read out)
- Respondent chose not to answer (Do not read out)
69. **WERE YOU SATISFIED WITH THE OUTCOME? [S]** (Do not read out options)

- □ YES
  - GO TO Q.70A
- □ NO
  - GO TO Q.70B
- □ Don’t Know
  - GO TO Q.71
- □ No Response
  - GO TO Q.71

70A. **WHY WERE YOU SATISFIED WITH THE OUTCOME?** [OPEN]

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70B. **WHY WERE YOU NOT SATISFIED WITH THE OUTCOME?** [OPEN]

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70. **WHOM/WHAT WOULD YOU MOST WANT TO HELP YOU RESOLVE THIS DISPUTE? [S]** (Read out options to respondent)

- □ Suco Council
- □ Chefe de Suco
- □ Chefe de Aldeia
- □ Lia Na’in
- □ Court
- □ Prosecutor
- □ Public defender
- □ Lawyer
- □ Police
- □ Church
- □ Priest
- □ Legal aid organization / LBH
- □ NGOs
- □ Families / friends
- □ Other [SPECIFY: ________________________________]
- □ Don’t know (Do not read out)
- □ Respondent chose not to answer (Do not read out)

71. **HOW COULD THE HANDLING OF YOUR PROBLEM, DISPUTE OR CASE BEEN IMPROVED?** [OPEN]

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72. **HAVE YOU OR YOUR FAMILY HAD A DISPUTE OVER WHO IS THE PARENT OF A CHILD – EXAMPLE: A MAN CLIME HE IS NOT THE FATHER OF A CHILD IN THE LAST TWO YEARS? [S]** (Do not read out options)

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73. HAVE YOU OR YOUR FAMILY HAD A DISPUTE OVER WHO IS THE PARENT OF A CHILD – EXAMPLE: A MAN CLAIM HE IS NOT THE FATHER OF A CHILD IN THE LAST TWO YEARS? [S] (Do not read out options)

- YES  - GO TO Q.74
- NO
  - GO TO Q.83
- Don’t Know (Do not read out)
  - GO TO Q.83
- Respondant chose not to answer (Do not read out)
  - GO TO Q.83 (Do not read out options)

74. IF YES, WHO WAS THE FIRST PERSON, IF ANYONE, YOU SAW TO GET HELP TO RESOLVE IT? (Do not read out options)

- DID NOT go to anyone
  - GO TO Q.76
- Suco Council
- Chefe de suco
- Chefe de aldeia
- Lia Na’in
- Court
- Prosecutor
- Public Defender
- Lawyer
- Police
- Church
- Priest
- Legal aid organisation / LBH
- NGOs
- Families / friends
- Other [SPECIFY: ________________________]
- Don’t know (Do not read out)
- Respondent chose not to answer (Do not read out)

75. WHO WAS THE SECOND? [S] (Do not read out options)

- Did not go to anyone
- Suco Council
- Chefe de Suco
- Chefe de Aldeia
- Lia Na’in
- Court
- Prosecutor
- Public defender
- Lawyer
- Police
- Church
- Priest
- Legal aid organization / LBH
- NGOs
- Families / friends
- Other [SPECIFY: ________________________]
- Don’t know (Do not read out)
- Respondent chose not to answer (Do not read out)

76. IF ‘DIDN’T GO TO ANYONE’ ON Q.74, WHY? [OPEN]

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77. HAS IT BEEN RESOLVED? [S] (Do not read out options)

- YES, It has been resolved
  - GO TO Q.78
- NO, It’s NOT resolved
  - GO TO Q.81
- Don’t Know
  - GO TO Q.81
- No Response
  - GO TO Q.81
78. IF YES, AT Q.77 BY WHOM/WHICH ORGANIZATION WAS IT RESOLVED? [S] (Read out options to respondent)

- Suco Council
- Chefe de Suco
- Chefe de Aldeia
- Lia Na’in
- Court
- Prosecutor
- Public defender
- Lawyer
- Police
- Church
- Priest
- Legal aid organization / LBH
- NGOs
- Families / friends
- Other [SPECIFY: ________________________________]
- Don’t know (Do not read out)
- Respondent chose not to answer (Do not read out)

79. WERE YOU SATISFIED WITH THE OUTCOME? [S] (Do not read out options)

- YES
  - GO TO Q.80A
- NO
  - GO TO Q.80B
- Don’t Know
  - GO TO Q.81
- No Response
  - GO TO Q.81

80A. WHY WERE YOU SATISFIED WITH THE OUTCOME? [OPEN]

- Go to Q.80A

80B. WHY WERE YOU NOT SATISFIED WITH THE OUTCOME? [OPEN]

- Go to Q.80B

81. WHOM/WHAT WOULD YOU MOST WANT TO HELP YOU RESOLVE THIS DISPUTE? [S] (Read out options to respondent)

- Suco Council
- Chefe de Suco
- Chefe de Aldeia
- Lia Na’in
- Court
- Prosecutor
- Public defender
- Lawyer
- Police
- Church
- Priest
- Legal aid organization / LBH
- NGOs
- Families / friends
- Other [SPECIFY: ________________________]
- Don’t know (Do not read out)
- Respondent chose not to answer (Do not read out)

82. HOW COULD THE HANDLING OF YOUR PROBLEM, DISPUTE OR CASE BEEN IMPROVED? [OPEN]
83. HAVE YOU OR YOUR FAMILY EXPERIENCED DISPUTE OVER LAND IN THE LAST TWO YEARS? [S] (Do not read out options)

- YES - GO TO Q.84
- NO - GO TO Q.93
- Don’t Know (Do not read out) - GO TO Q.93
- Respondent chose not to answer (Do not read out) - GO TO Q.93

84. IF YES, WHO WAS THE FIRST PERSON, IF ANYONE, YOU SAW TO GET HELP TO RESOLVE IT? (Do not read out options)

- DID NOT go to anyone - GO TO Q.86
- Suco Council
- Chefe de suco
- Chefe de aldeia
- Lia Na‘in
- Court
- Prosecutor
- Public Defender
- Lawyer
- Police
- Church
- Priest
- Legal aid organisation / LBH
- NGOs
- Families / friends
- Other [Specify: _________________________]
- Don’t know (Do not read out)
- Respondent chose not to answer (Do not read out)

85. WHO WAS THE SECOND? [S] (Do not read out options)

- Did not go to anyone
- Suco Council
- Chefe de Suco
- Chefe de Aldeia
- Lia Na‘in
- Court
- Prosecutor
- Public defender
- Lawyer
- Police
- Church
- Priest
- Legal aid organization / LBH
- NGOs
- Families / friends
- Other [SPECIFY: ____________________________]
- Don’t know (Do not read out)
- Respondent chose not to answer (Do not read out)

86. IF ‘DIDN’T GO TO ANYONE’ ON Q.84, WHY? [OPEN]

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87. HAS IT BEEN RESOLVED? [S] (Do not read out options)

- YES, It has been resolved - GO TO Q.78
- NO, It’s NOT resolved - GO TO Q.81
- Don’t Know - GO TO Q.81
- No Response - GO TO Q.81
88. IF YES, AT Q.87 BY WHOM/WHICH ORGANIZATION WAS IT RESOLVED? [S] (Read out options to respondent)

- Suco Council
- Chefe de Suco
- Chefe de Aldeia
- Lia Na’in
- Court
- Prosecutor
- Public defender
- Lawyer
- Police
- Church
- Priest
- Legal aid organization / LBH
- NGOs
- Families / friends
- Other [SPECIFY: ________________________________]  
- Don’t know (Do not read out)
- Respondent chose not to answer (Do not read out)

89. WERE YOU SATISFIED WITH THE OUTCOME? [S] (Do not read out options)

- YES
  - GO TO Q.90A
- NO
  - GO TO Q.90B
- Don’t Know
  - GO TO Q.91
- No Response
  - GO TO Q.91

90A. WHY WERE YOU SATISFIED WITH THE OUTCOME? [OPEN]

90B. WHY WERE YOU NOT SATISFIED WITH THE OUTCOME? [OPEN]

91. WHOM/WHAT WOULD YOU MOST WANT TO HELP YOU RESOLVE THIS DISPUTE? [S] (Read out options to respondent)

- Suco Council
- Chefe de Suco
- Chefe de Aldeia
- Lia Na’in
- Court
- Prosecutor
- Public defender
- Lawyer
- Police
- Church
- Priest
- Legal aid organization / LBH
- NGOs
- Families / friends
- Other [SPECIFY: ________________________________]  
- Don’t know (Do not read out)
- Respondent chose not to answer (Do not read out)

92. HOW COULD THE HANDLING OF YOUR PROBLEM, DISPUTE OR CASE BEEN IMPROVED? [OPEN]
93. HAVE YOU OR YOUR FAMILY EXPERIENCED BEING BEATEN BY A TEACHER IN THE LAST TWO YEARS? [S] (Do not read out options)

○ YES
  - GO TO Q.94

○ NO
  - GO TO Q.103

○ Don’t Know (Do not read out)
  - GO TO Q.103

○ Respondent chose not to answer (Do not read out)
  - GO TO Q.103

94. IF YES, WHO WAS THE FIRST PERSON, IF ANYONE, YOU SAW TO GET HELP TO RESOLVE IT? (Do not read out options)

○ DID NOT go to anyone
  - GO TO Q.96

○ Suco Council
○ Chefe de suco
○ Chefe de aldeia
○ Lia Na’in
○ Court
○ Prosecutor
○ Public Defender
○ Lawyer
○ Police
○ Church
○ Priest
○ Legal aid organization / LBH
○ NGOs
○ Families / friends
○ Other [SPECIFY: ____________________________]
○ Don’t know (Do not read out)
○ Respondent chose not to answer (Do not read out)

95. WHO WAS THE SECOND? [S] (Do not read out options)

○ Did not go to anyone
○ Suco Council
○ Chefe de Suco
○ Chefe de Aldeia
○ Lia Na’in
○ Court
○ Prosecutor
○ Public defender
○ Lawyer
○ Police
○ Church
○ Priest
○ Legal aid organization / LBH
○ NGOs
○ Families / friends
○ Other [SPECIFY: ____________________________]
○ Don’t know (Do not read out)
○ Respondent chose not to answer (Do not read out)

96. IF ‘DIDN’T GO TO ANYONE’ ON Q.94, WHY? [OPEN]

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97. HAS IT BEEN RESOLVED? [S] (Do not read out options)

○ YES, It has been resolved
  - GO TO Q.98

○ NO, It’s NOT resolved
  - GO TO Q.101

○ Don’t Know
  - GO TO Q.101

○ No Response
  - GO TO Q.101
98. IF YES, AT Q.97 BY WHOM/WHICH ORGANIZATION WAS IT RESOLVED? [S] (Read out options to respondent)

- Suco Council
- Chefe de Suco
- Chefe de Aldeia
- Lia Na’in
- Court
- Prosecutor
- Public defender
- Lawyer
- Police
- Church
- Priest
- Legal aid organization / LBH
- NGOs
- Families / friends
- Other [SPECIFY: ________________________________]
- Don’t know (Do not read out)
- Respondent chose not to answer (Do not read out)

100B. WHY WERE YOU NOT SATISFIED WITH THE OUTCOME? [OPEN]

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100. WERE YOU SATISFIED WITH THE OUTCOME? [S] (DO NOT READ OUT OPTIONS)

- YES
  - GO TO Q.100A
- NO
  - GO TO Q.100B
- Don’t Know
  - GO TO Q.101
- No Response
  - GO TO Q.101

100A. WHY WERE YOU SATISFIED WITH THE OUTCOME? [OPEN]

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101. WHOM/WHAT WOULD YOU MOST WANT TO HELP YOU RESOLVE THIS DISPUTE? [S] (Read out options to respondent)

- Suco Council
- Chefe de Suco
- Chefe de Aldeia
- Lia Na’in
- Court
- Prosecutor
- Public defender
- Lawyer
- Police
- Church
- Priest
- Legal aid organization / LBH
- NGOs
- Families / friends
- Other [SPECIFY: ________________________________]
- Don’t know (Do not read out)
- Respondent chose not to answer (Do not read out)

102. HOW COULD THE HANDLING OF YOUR PROBLEM, DISPUTE OR CASE BEEN IMPROVED? [OPEN]

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103. HAVE YOU OR YOUR FAMILY EXPERIENCED VIOLATION OF A BUSINESS CONTRACT IN THE LAST TWO YEARS – EXAMPLE: SOMEONE BUYS SOMETHING FROM YOU AND PROMISES TO PAY YOU LATER, BUT FAILS TO PAY? [S] (Do not read out options)

☐ YES  
- GO TO Q.104

☐ NO  
- GO TO Q.113

☐ Don’t Know (Do not read out)  
- GO TO Q.113

☐ Respondent chose not to answer (Do not read out)  
- GO TO Q.113

104. IF YES, WHO WAS THE FIRST PERSON, IF ANYONE, YOU SAW TO GET HELP TO RESOLVE IT? (Do not read out options)

☐ DID NOT go to anyone  
- GO TO Q.106

☐ Suco Council  
☐ Chefe de Suco  
☐ Chefe de aldeia  
☐ Lia Na’in  
☐ Court  
☐ Prosecutor  
☐ Public Defender  
☐ Lawyer  
☐ Police  
☐ Church  
☐ Priest  
☐ Legal aid organization / LBH  
☐ NGOs  
☐ Families / friends  
☐ Other [SPECIFY: ________________________________]  
☐ Don’t know  
☐ Respondent chose not to answer (Do not read out)

105. WHO WAS THE SECOND? [S] (Do not read out options)

☐ Did not go to anyone  
☐ Suco Council  
☐ Chefe de Suco  
☐ Chefe de Aldeia  
☐ Lia Na’in  
☐ Court  
☐ Prosecutor  
☐ Public defender  
☐ Lawyer  
☐ Police  
☐ Church  
☐ Priest  
☐ Legal aid organization / LBH  
☐ NGOs  
☐ Families / friends  
☐ Other [SPECIFY: ________________________________]  
☐ Don’t know (Do not read out)  
☐ Respondent chose not to answer (Do not read out)

106. IF ‘DIDN’T GO TO ANYONE’ ON Q.104, WHY? [OPEN]

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107. HAS IT BEEN RESOLVED? [S] (Do not read out options)

☐ YES, It has been resolved  
- GO TO Q.108

☐ NO, It’s NOT resolved  
- GO TO Q.111

☐ Don’t Know  
- GO TO Q.111

☐ No Response  
- GO TO Q.111
108. IF YES, AT Q.107 BY WHOM/WHICH ORGANIZATION WAS IT RESOLVED? [S] (Read out options to respondent)

- Suco Council
- Chefe de Suco
- Chefe de Aldeia
- Lia Na’in
- Court
- Prosecutor
- Public defender
- Lawyer
- Police
- Church
- Priest
- Legal aid organization / LBH
- NGOs
- Families / friends
- Other [SPECIFY: _________________________]
- Don’t know (Do not read out)
- Respondent chose not to answer (Do not read out)

109. WERE YOU SATISFIED WITH THE OUTCOME? [S] (Do not read out options)

- YES
  - GO TO Q.110A
- NO
  - GO TO Q.110B
- Don’t Know
  - GO TO Q.111
- No Response
  - GO TO Q.111

110A. WHY WERE YOU SATISFIED WITH THE OUTCOME? [OPEN]

110B. WHY WERE YOU NOT SATISFIED WITH THE OUTCOME? [OPEN]

111. WHOM/WHAT WOULD YOU MOST WANT TO HELP YOU RESOLVE THIS DISPUTE? [S] (Read out options to respondent)

- Suco Council
- Chefe de Suco
- Chefe de Aldeia
- Lia Na’in
- Court
- Prosecutor
- Public defender
- Lawyer
- Police
- Church
- Priest
- Legal aid organization / LBH
- NGOs
- Families / friends
- Other [SPECIFY: _________________________]
- Don’t know (Do not read out)
- Respondent chose not to answer (Do not read out)

112. HOW COULD THE HANDLING OF YOUR PROBLEM, DISPUTE OR CASE BEEN IMPROVED? [OPEN]
113. HAVE YOU OR YOUR FAMILY EXPERIENCED BEEN PHYSICALLY ASSAULTED BY SOMEONE ELSE IN THE LAST TWO YEARS? [S] (Do not read out options)

☐ YES
  - GO TO Q.114
☐ NO
  - GO TO Q.123
☐ Don’t Know (Do not read out)
  - GO TO Q.123
☐ Respondant chose not to answer (Do not read out)
  - GO TO Q.123

114. IF YES, WHO WAS THE FIRST PERSON, IF ANYONE, YOU SAW TO GET HELP TO RESOLVE IT? (Do not read out options)

☐ DID NOT go to anyone
  - GO TO Q.116
☐ Suco Council
☐ Chefe de suco
☐ Chefe de aldeia
☐ Lia Na’in
☐ Court
☐ Prosecutor
☐ Public Defender
☐ Lawyer
☐ Police
☐ Church
☐ Priest
☐ Legal aid organization / LBH
☐ NGOs
☐ Families / friends
☐ Other [SPECIFY: ____________________________]
☐ Don’t know (Do not read out)
☐ Respondent chose not to answer (Do not read out)

115. WHO WAS THE SECOND? [S] (Do not read out options)

☐ Did not go to anyone
☐ Suco Council
☐ Chefe de Suco
☐ Chefe de Aldeia
☐ Lia Na’in
☐ Court
☐ Prosecutor
☐ Public defender
☐ Lawyer
☐ Police
☐ Church
☐ Priest
☐ Legal aid organization / LBH
☐ NGOs
☐ Families / friends
☐ Other [SPECIFY: ____________________________]
☐ Don’t know (Do not read out)
☐ Respondent chose not to answer (Do not read out)

116. IF ‘DIDN’T GO TO ANYONE’ ON Q.114, WHY? [OPEN]

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117. HAS IT BEEN RESOLVED? [S] (Do not read out options)

☐ YES, It has been resolved
  - GO TO Q.118
☐ NO, It’s NOT resolved
  - GO TO Q.121
☐ Don’t Know
  - GO TO Q.121
☐ No Response
  - GO TO Q.121
118. IF YES, AT Q.117 BY WHOM/WHICH ORGANIZATION WAS IT RESOLVED? [S] (Read out options to respondent)

- Suco Council
- Chefe de Suco
- Chefe de Aldeia
- Lia Na’in
- Court
- Prosecutor
- Public defender
- Lawyer
- Police
- Church
- Priest
- Legal aid organization / LBH
- NGOs
- Families / friends
- Other [SPECIFY: ________________________________]
- Don’t know (Do not read out)
- Respondent chose not to answer (Do not read out)

119. WERE YOU SATISFIED WITH THE OUTCOME? [S] (Do not read out options)

- YES - GO TO Q.120A
- NO - GO TO Q.120B
- Don’t Know - GO TO Q.121
- No Response - GO TO Q.121

120. WHY WERE YOU SATISFIED WITH THE OUTCOME? [OPEN]

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120A. WHY WERE YOU SATISFIED WITH THE OUTCOME? [OPEN]

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120B. WHY WERE YOU NOT SATISFIED WITH THE OUTCOME? [OPEN]

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121. WHOM/WHAT WOULD YOU MOST WANT TO HELP YOU RESOLVE THIS DISPUTE? [S] (READ OUT OPTIONS TO RESPONDENT)

- Suco Council
- Chefe de Suco
- Chefe de Aldeia
- Lia Na’in
- Court
- Prosecutor
- Public defender
- Lawyer
- Police
- Church
- Priest
- Legal aid organization / LBH
- NGOs
- Families / friends
- Other [SPECIFY: ________________________________]
- Don’t know (Do not read out)
- Respondent chose not to answer (Do not read out)

122. HOW COULD THE HANDLING OF YOUR PROBLEM, DISPUTE OR CASE BEEN IMPROVED? [OPEN]

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81
123. HAVE YOU OR YOUR FAMILY EXPERIENCED ANY OTHER PROBLEMS IN THE LAST TWO YEARS? [S] (Do not read out options)

- □ YES - GO TO Q.124
- □ NO - GO TO Q.133
- □ Don’t Know (Do not read out) - GO TO Q.133
- □ Respondant chose not to answer (Do not read out) - GO TO Q.133

123A. PLEASE DESCRIBE THE TYPE OF PROBLEM? [OPEN]

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124. IF YES, WHO WAS THE FIRST PERSON, IF ANYONE, YOU SAW TO GET HELP TO RESOLVE IT? (Do not read out options)

- □ DID NOT go to anyone - GO TO Q.126
- □ Suco Council
- □ Chefe de Suco
- □ Chefe de aldeia
- □ Lia Na’in
- □ Court
- □ Prosecutor
- □ Public Defender
- □ Lawyer
- □ Police
- □ Church
- □ Priest
- □ Legal aid organisation / LBH
- □ NGOs
- □ Families / friends
- □ Other [SPECIFY: ________________________________]
- □ Don’t know (Do not read out)
- □ Respondent chose not to answer (Do not read out)

125. WHO WAS THE SECOND? [S] (Do not read out options)

- □ Did not go to anyone
- □ Suco Council
- □ Chefe de Suco
- □ Chefe de Aldeia
- □ Lia Na’in
- □ Court
- □ Prosecutor
- □ Public defender
- □ Lawyer
- □ Police
- □ Church
- □ Priest
- □ Legal aid organisation / LBH
- □ NGOs
- □ Families / friends
- □ Other [SPECIFY: ________________________________]
- □ Don’t know (Do not read out)
- □ Respondent chose not to answer (Do not read out)

126. IF ‘DIDN’T GO TO ANYONE’ ON Q.124, WHY? [OPEN]

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_________________________________________________________
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127. HAS IT BEEN RESOLVED? [S] (Do not read out options)

- □ YES, It has been resolved - GO TO Q.128
- □ NO, It’s NOT resolved - GO TO Q.131
- □ Don’t Know - GO TO Q.131
- □ No Response - GO TO Q.131
128. IF YES, AT Q.127 BY WHOM/WHICH ORGANIZATION WAS IT RESOLVED? [S] (Read out options to respondent)

- Suco Council
- Chefe de Suco
- Chefe de Aldeia
- Lia Na'ın
- Court
- Prosecutor
- Public defender
- Lawyer
- Police
- Church
- Priest
- Legal aid organization / LBH
- NGOs
- Families / friends
- Other [SPECIFY: ________________________________]
- Don’t know (Do not read out)
- Respondent chose not to answer (Do not read out)

129. WERE YOU SATISFIED WITH THE OUTCOME? [S] (Do not read out options)

- YES
  - GO TO Q.130A
- NO
  - GO TO Q.130B
- Don’t Know
  - GO TO Q.131
- No Response
  - GO TO Q.131

130A. WHY WERE YOU SATISFIED WITH THE OUTCOME? [OPEN]

130B. WHY WERE YOU NOT SATISFIED WITH THE OUTCOME? [OPEN]

131. WHOM/WHAT WOULD YOU MOST WANT TO HELP YOU RESOLVE THIS DISPUTE? [S] (Read out options to respondent)

- Suco Council
- Chefe de Suco
- Chefe de Aldeia
- Lia Na'ın
- Court
- Prosecutor
- Public defender
- Lawyer
- Police
- Church
- Priest
- Legal aid organization / LBH
- NGOs
- Families / friends
- Other [SPECIFY: ________________________________]
- Don’t know (Do not read out)
- Respondent chose not to answer (Do not read out)

132. HOW COULD THE HANDLING OF YOUR PROBLEM, DISPUTE OR CASE BEEN IMPROVED? [OPEN]
133. IS THERE ANYTHING YOU WOULD LIKE TO SAY ABOUT THE JUSTICE SYSTEM? [S] (Do not read out options)

☐ YES
   - GO TO Q.133A

☐ NO
   - GO TO Q.134

☐ Don’t Know (Do not read out)
   - GO TO Q.134

☐ Respondant chose not to answer (Do not read out)
   - GO TO Q.134 (Do not read out options)

133A. WHAT WOULD YOU LIKE TO SAY? [OPEN]

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134. FOR QUALITY-CONTROL PURPOSES, WOULD IT BE POSSIBLE TO RECORD YOUR TELEPHONE NUMBER?

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