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JSMP Launches Report on Legal Aid in Timor-Leste

On 21 February 2017, through a USAID project named 'Mai Munisípiu', which was formerly known as the 'Ba Distrito' project, JSMP launched a thematic report based on research it has conducted on legal aid in Timor-Leste, which covers both legal aid provided by the Office of the Public Defender (OPD) and legal aid offered by private lawyers.

The report entitled “**Legal Aid in Timor-Leste**” has considered and examined the resources and capacity of the Office of the Public Defender and the private lawyers who are providing legal aid services to the community and has identified the challenges that they face.

The report and research carried out under the 'Mai Munisípiu' project was made possible through the generous support of the American people, though the United States Agency for International Development (USAID), and was implemented by international counterparts.

This research has identified serious problems relating to the accessibility and quality of legal aid and the effect on the rights of citizen to access these services. This report also highlights other problems relating to the selection process, training at the Judicial Training Centre (JTC), and the scope of training and language at the aforementioned training centre. Therefore, this report highlights the need to have ongoing and sustainable training for lawyers in the future.

“This report assesses the real situation and challenges affecting the right to access justice, and quality of legal aid services provided by lawyers. For this reason, the findings of this report provide an important reference point for the relevant institutions in relation to improving the quality of legal aid to ensure the right to a fair trial,” said the Executive Director of JSMP, Luis Oliveira Sampaio.

Everyone has the right to access the courts and the right to legal aid provided by a lawyer. These rights are set out in the Constitution and the Government's Strategic Planning documents for the Justice Sector. Therefore, the Government needs to address the existence of legal aid services to ensure that everyone can access justice, and ensure the quality of this system as well as ensuring there are adequate resources and that these services are of high quality.

Currently there are only 70 trained East Timorese lawyers who work in the organizations that provide legal aid with short term financial support from foreign donors. They mostly provide counseling and representation on legal issues all many levels, but they are only available across a limited geographical area. Timor-Leste has one non-profit organization that specialises in legal aid for women and children who are victims of gender based violence.

“Access to free legal aid for poor and vulnerable people is fundamental to a justice system that is open to all people. It’s important that the government of Timor-Leste finds a way to reinforce this important work that public defenders and private lawyers do,” said Ms. Carolyn Tanner from Counterpart International, Chief of Party for the Mai Munisípiu project.

JSMP recommends that the human resources within the Office of the Public Defender be increased, because many people do not have access to this institution, and it is unable to provide high quality legal aid; JSMP also recommends for the Government to guarantee the provision of sustainable



funding; as well as the immediate discussion and approval of the Draft Law on a Bar Association; consideration should be given to training for private lawyers under the new Bar Association and not under the Ministry of Justice; there should be ongoing high quality training, especially relating to comprehensive training on legal skills such as the preparation of cases, drafting and advocacy.

JSMP also recommends for the Ministry of Justice to lead a project to conduct regular research and reports to map the existence of legal aid services and evaluate them. These reports should be used as a basis for planning and budget allocation.

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USAID works in partnership with the government of Timor-Leste to support broad-based and effective development. Since 2001, USAID has provided over \$318 million in development assistance to Timor-Leste. USAID supports Timor-Leste in its efforts to build a more prosperous, healthy, and democratic country through programs that foster inclusive and sustainable economic growth, especially in the agriculture sector; improve the health of the Timorese people, particularly women and children; and strengthen the foundations of good governance—all areas which are highlighted in Timor-Leste's Strategic Development Plan 2013-2030.

Counterpart International is a global development organization that empowers people and communities to implement innovative and enduring solutions to social, economic, and environmental challenges. For nearly 50 years, Counterpart has been forging partnerships with communities in need to address complex problems related to economic development, food security and nutrition, and building effective governance and institutions. With a presence in 25 countries, every day Counterpart works in partnership with people and communities worldwide to build sustainable solutions to shared challenges. Learn more at www.counterpart.org

The Judicial System Monitoring Programme (JSMP) was established on 28 April 2001 for the purpose of monitoring the trial and judgement process of the Indonesian Ad Hoc Court in relation to the violation of human rights and the Special Panel for Serious Crimes in Timor-Leste. Today, JSMP is the principal NGO in Timor-Leste that monitors the justice system and advocates for legality, transparency, accountability, and strengthening the state of law. JSMP's vision: democratic society which guarantees justice and human rights for all people. JSMP's mission: to work in the spirit of collaboration to promote and protect democracy, law, justice and human rights through monitoring, legal outreach, and advocacy.