

# **Law and Justice in East Timor**

## **A Survey of Citizen Awareness and Attitudes Regarding Law and Justice in East Timor**



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With a network of 17 offices throughout Asia, an office in Washington, D.C., and its headquarters in San Francisco, the Foundation addresses these issues on both a country and regional level. In 2003, the Foundation awarded more than \$44 million in grants and distributed over 750,000 books and educational materials valued at almost \$28 million throughout Asia. For more information about The Asia Foundation, visit [www.asiafoundation.org](http://www.asiafoundation.org).

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## **Preface**

This report presents the findings of The Asia Foundation's third national survey in East Timor. The aim of the research was to assess citizen knowledge and attitudes toward law and justice, to identify key issues and challenges, and to provide data to the judiciary, government officials, citizens, and others who are now making critical decisions about the justice sector development in the Democratic Republic of Timor-Leste. The survey was conducted in December 2002 in all districts of East Timor, and consisted of a random, representative countrywide sample of 1,114 in-person interviews. Oversamples totaling 408 additional interviews were conducted in the districts of Baucau, Dili, and Oecussi, as well as among litigants to allow some regional analysis. This survey report also includes the insights of a panel of five respected Timorese legal experts whose discussions contextualized the survey findings through an analysis of East Timor's economic, political, and social conditions. This survey was carried out by Charney Research in New York and ACNielsen in Jakarta. It was funded with the generous support from the U.S. Agency for International Development.

This is the ninth in a series of democracy assessment surveys sponsored by The Asia Foundation in Asia. These include surveys of the Indonesian electorate in 1999 and 2003, the Cambodian electorate in 2000 and 2003, the Indonesian justice sector in 2001, and national voter education surveys in East Timor in 2001 and 2002. These surveys, in English and local languages, can be found at the following website:  
<http://www.asiafoundation.org/publications/surveys/html>.

The specific aims of the law and justice survey were to assess citizens' awareness and attitudes regarding law and justice in East Timor. The survey report findings provide a detailed diagnosis of how dispute resolution currently functions in East Timor, perceptions of law and justice, and the needs and demands of citizens throughout the country.

The survey results are intended for all local and international organizations with shared interests in the development of an independent and effective justice system in the Democratic Republic of Timor-Leste. The survey will also provide a baseline against which justice sector officials and assistance providers can measure the effectiveness of their efforts. For all members of the judiciary, policymakers, academics, students, and members of the global community, it will also contribute to greater understanding of democratic development in the Democratic Republic of Timor-Leste, the first new democracy of the 21<sup>st</sup> century.

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## **Executive Summary**

### **I. Background**

East Timor is the youngest nation of the new millennium. Years of colonial occupation, a brief civil war in 1975, and the destruction of the country in 1999 have left a poorly developed infrastructure, particularly in the legal sector. Two years after gaining freedom from Indonesia and one year after the formal handover of power from the United Nations to the new government of East Timor, access to justice remains a pressing concern. Although a number of courts were established in early 2000 under the United Nations Transitional Administration in East Timor (UNTAET), thus far the services provided by the formal legal system remain inadequate. A number of factors contribute to the continuing lack of public access to justice, including increasing crime rates due to the lack of economic opportunities, the high cost of filing civil cases in the formal courts, negative perceptions regarding the quality of services provided by the courts, and traditional attitudes regarding gender relations and the proper forum for resolving family disputes.

In this context, in December 2002 the Asia Foundation conducted a national public opinion survey on citizens' awareness and attitudes regarding law and justice in East Timor. In addition to establishing a baseline of information against which change can be measured, the results of this survey will guide the direction of program activities aimed at building justice sector institutions and empowering citizens to exercise their legal rights. The Asia Foundation, which is currently implementing an Access to Justice Program in East Timor with funding provided by the U.S. Agency for International Development, is of the view that such programs should be informed not only by the views of legal "insiders" such as judges, lawyers and repeat litigants, but also by the perceptions and experiences of ordinary citizens. The survey findings provide a detailed diagnosis of how dispute resolution currently functions in East Timor and where needs and demands remain unmet, allowing Foundation staff to design legal reform programs that are targeted and responsive to citizens' needs. This is the third national survey conducted by the Asia Foundation in East Timor. The two previous surveys, which were conducted after the 1999 referendum, focused on citizens' knowledge of electoral issues and public affairs.

Following the current survey the Foundation organized a series of five panel discussions among five prominent East Timorese legal experts with extensive experience in the justice sector. Based on their deep knowledge of dispute resolution processes and legal development issues in the East Timor country context, the discussants reviewed the survey results, deepened the analysis, and shed light on unexpected findings.

The December 2002 survey was based on a random, representative countrywide sample of 1,114 in-person interviews. Oversamples totaling 408 additional interviews were conducted in the districts of Baucau, Dili, and Oecussi, as well as among litigants. For the purposes of reporting national results, the oversamples were weighted to their correct proportions of the national population.

This executive summary is divided into two parts. The first part presents key findings of the survey and the second provides background information and local context by prominent East Timorese legal experts and interprets some of the findings.

## **II. Key Survey Findings**

The survey found that:

- Despite the 4 December 2002 unrest in Dili and continued economic woes, on an overall level the national mood remains very positive. The main national concerns are the economy and security. On the local level, people worry about “survival issues” such as jobs, food, and basic infrastructure. Concern about crime and security continues to increase but does not outpace worries about the economy. Most Timorese are worried about the possibility of corruption in the government, particularly in relation to the lack of transparency in government spending.
- The citizenry is divided over whether genuine public participation took place in the Constitutional drafting process. Some East Timorese felt disenfranchised but slightly more were pleased with the process.
- The East Timorese concept of the justice system encompasses both the traditional *adat* process and the formal legal system. For more “minor” offenses, people are most likely to seek justice from the traditional *adat* system, while for more “serious” issues, the formal system seems more appropriate. *Adat* tends to be used for intra-village or familial issues (theft, divorce), while the formal court system is identified as the appropriate forum for disputes involving outsiders, business, government, or crimes of violence. Many Timorese regard the authority of the *chefe do suco* or *liurai* and the traditional *adat* process as interrelated. In contrast, people are more likely to consider the police and the formal legal system as separate entities.
- People are most comfortable and familiar with the *adat* process. While East Timorese generally approve of the formal system, citizens, particularly in the districts, are not familiar with the process of bringing a problem to the district court. There is very low awareness regarding how to engage selected elements of the formal legal system, including public defenders, legal aid organizations, and lawyers. While the courts and the police are well regarded overall, compared with traditional dispute resolution processes, the formal legal system is perceived to be less fair, less accessible, more complex, and a greater financial risk. Moreover, due to the shortage of practicing attorneys, particularly outside of Dili, most East Timorese have no access to legal services. East Timorese feel all aspects of the legal system – both traditional and formal – are in need of some reform in order to cope with the dynamics of their society.
- While the applicable laws in East Timor remain unsettled, citizens are generally aware that a formal system of laws exists and they are familiar the content of

simple laws which grant basic rights or codify moral values. However, respondents express significant uncertainty about whether laws are upheld and respected by the authorities, particularly those laws designed to protect the rights of the accused. Community leaders, rather than the police, are identified as being primarily responsible for maintaining law and order.

- Land disputes are the most common legal issue faced by citizens and most believe the *adat* process (including the village head) is the best venue to seek remedy if family-to-family discussions fail. Domestic violence is the second most-prevalent type of legal problem faced in East Timor and it too is considered by most to be the purview of family negotiations or the traditional *adat* process.
- East Timor is a strongly traditional society. Although there is significant support for gender equality, especially in the formal law, attitudes regarding women vary widely according to respondents' geographic location, education level, income, and gender. Majorities support women advocating for themselves in the *adat* process and holding land rights. Most respondents believe that domestic violence is unacceptable, but the majority favors the traditional *adat* system for such cases, even if the woman is seriously injured. However, nearly two-thirds believe that cases of rape should be prosecuted in the formal courts, as a serious crime.
- Radio is still the farthest-reaching communication tool in East Timor and remains the best option to inform citizens about justice and the legal system. Despite its dominance, however, radio fails to reach a significant portion of the public, especially older, rural, less educated, and low-income East Timorese, and those in Baucau, Oecussi, and the Eastern region. Reaching these segments of the population will require more direct communication, especially face-to-face contact.
- Almost eight in ten East Timorese categorize themselves as literate in at least one language. Tetum is the most well-known and preferred language for general usage and in the formal courts, followed by Indonesian, which is spoken by less than half the citizenry. Portuguese is currently known to seven (7) percent of East Timorese.

## **IIa. The National Mood: Optimism Continues Despite Fears**

The research demonstrated that despite ongoing economic difficulties and a setback for stability in early December 2002, when violence flared in Dili, the mood of the country remains optimistic. About three-quarters of the citizenry (73 percent) feel East Timor is headed in the right direction. These positive feelings are broadly held, but particularly strong among older and rural East Timorese. The top reasons for optimistic feelings about the direction of the country are independence, democracy, and freedom. This represents a significant change from just a year ago, when the "end to violence" was the main grounds for optimism.

About a fifth of the citizenry (20 percent) has a negative opinion on the direction of the country. They tend to be urban residents, particularly in Dili, but also in Baucau and the Eastern region. Their negative views mainly reflect worries about the economy, but fears of violence, political conflicts, and instability also contribute to feelings of pessimism about the future. Those East Timorese who are concerned about violence on a national level are most likely to feel the country is going in the wrong direction (26 percent).

Assessments of East Timor's biggest problems have been extremely fluid over the last two years, reflecting the changing situation in the country. In the aftermath of the post-referendum violence, political conflict and instability were the foremost concerns. In the run-up to independence, citizens worried about the lack of leadership. Currently, with independence an accomplished fact, the top concern is clearly the economy (41 percent). A plurality of East Timorese (38 percent) feel their personal economic situation has deteriorated over the last year, while 33 percent say it has improved.

The country's other top concerns continue to be violence (23 percent) and instability (9 percent). Two-thirds of East Timorese (67 percent) are worried about safety and crime, including 34 percent who are very concerned about these issues. Concern about government corruption is also very much on citizens' minds – nine in ten worry about corruption, including seven in ten who are very concerned about it.

Local problems are also focused on the economy (34 percent), especially to the extent that it affects day-to-day survival. Another 35 percent cite food as the top local concern; followed by 20 percent who mention infrastructure issues such as roads, water and electricity; and 6 percent who are concerned about health care.

### **IIIb. Perspectives on Justice and Rights**

East Timorese demonstrated a basic, though not very specific, understanding of ideas associated with law and justice. Legal rights are understood to ensure freedom and the right to do things. Similarly, the core meaning of human rights to East Timorese is that they are freedoms innately due to human beings, though few respondents could enumerate specific rights, beyond free speech. The most frequent response is that human rights are rights owned since birth, mentioned by 31 percent. The term "justice" evokes notions of equality and fairness (19 percent), law enforcement (15 percent), and rights for all (15 percent). Roughly 20 to 25 percent of the public were unfamiliar with these terms, most often those with no formal education.

Reconciliation is usually understood to involve an apology and forgiveness (33 percent) or peaceful coexistence (17 percent). It is strongly favored and a familiar concept to nearly all survey participants.

The Constitution is described as the basic law for citizens by 28 percent. Despite efforts to promote public participation in the drafting process, however, one-third of respondents were not familiar with the Constitution, particularly women over 35, the uneducated, and residents from small towns, Baucau, and the Western regions. The citizenry is truly



divided over whether there was genuine public participation in the Constitutional drafting process. Forty-four percent (44 percent) of East Timorese believe there was genuine public participation, while 41 percent disagree and another 15 percent are unsure. While some citizens felt disenfranchised (the younger generation, especially younger women), many others felt involved in the process (especially men and Dili residents). There is a clear desire among East Timorese to be involved in important decisions being made in their country, something which should be addressed as the justice sector develops.

The East Timorese concept of justice includes a continuum that embraces both the traditional *adat* process and the formal legal system. Settlement via compensation (as often results from the *adat* process) is acceptable for the resolution of “minor” offenses, such as theft among village neighbors or “family matters” like divorce. East Timorese feel the formal courts should hear more “serious” cases like murder and crimes punishable by imprisonment. Many feel that the formal courts are also appropriate for contract disputes, disputes with government agencies, and police abuses.

### **Iic. Perception and Knowledge of Legal System: Broad Awareness and Positive Assessments**

In terms of broad assessments of the formal legal system, the survey findings were mixed. Despite it being new and severely under-staffed, on the most general level the formal legal system is well regarded by the public – seven out of ten feel it is working well. Most feel that the legal system provides equal treatment regardless of political affiliation, gender, or wealth. In contrast, however, a significant portion of the citizenry (47 percent) lacks the sense that they are protected by the formal legal system. Almost a third of the population feels that the legal system is still corrupt and a fifth believe there are times when it is appropriate for people to “take the law into their own hands.”

Eight out of ten East Timorese recognize community leaders – not the police – as responsible for maintaining law and order. Citizens are aware of basic laws which codify moral principles or grant fundamental rights. For example, more than three-quarters of East Timorese understand that it is illegal for a man to beat his wife if he disapproves of her behavior. Similarly, East Timorese are aware that the law allows free speech. An even higher percentage realizes that the formal law requires that a fair trial be provided to anyone who is arrested. Significant minorities, however, remain unaware of these provisions. Education and geography are the factors most strongly correlated with knowledge of the law.

Despite their optimism about the formal legal system, many feel the laws are not actually enforced, particularly those laws enacted to protect anyone arrested and accused of a crime. Less than half the public (49 percent) believe the law requiring court approval to detain a suspect for more than three days is respected, and only four in ten think the law genuinely protects the accused from police brutality or allows them access to a public defender.

### **IId. Familiarity and Comfort With Legal Institutions: *Adat* Process Most Familiar**

With respect to familiarity with legal institutions, the study found that most East Timorese are comfortable bringing a problem to either the *chefe do suco* or the traditional *adat* process, conflict resolution options that overlap in many cases. The *adat* process is generally described as a fair system that protects rights in general, including women's rights. Most people (77 percent) feel it reflects their values. Some feel, however, that the process is complex (30 percent) or subject to abuse (22 percent). And most (75 percent) acknowledge that it could use some reform. Descriptions of the *chefe do suco* are very similar, except some feel that political interference may be more likely.

Three-quarters of East Timorese say that they know how to bring a problem to the police, though only 37 percent characterize themselves as "very familiar." While the majority has some level of confidence in the police, compared with other major legal institutions, dealing with the police is considered more complex, more subject to political interference, and a greater financial risk.

East Timorese are less familiar with the district courts. Although the formal courts are generally well-regarded, they are not rated as positively as the *adat* process. The formal courts are perceived to be less accessible, less fair, less protective of rights, and less reflective of community values. Only a narrow majority (52 percent) would want a judge or official from the formal court system to come to their area to help settle disputes. It is clear that certain entities within or connected to the system, such as public defenders, legal aid organizations, NGOs and lawyers, are virtually unknown and profoundly inaccessible to most citizens.

East Timorese who are aware of the country's legal institutions (60 percent), as measured by an index based on responses to questions about their familiarity with those institutions, express confidence in them, reflecting the common finding that "familiarity breeds respect." Among those familiar with the traditional *adat* process, some 94 percent are confident in the fairness of the process and 62 percent of this group are very confident. In contrast, among those familiar with the process of bringing disputes to the courts and the police, eighty-one percent are confident in the fairness of the formal courts, and 80 percent express confidence in the police. Among the fairly small minorities who have heard of them, more than three-quarters have confidence in public defenders and more than eight in ten have confidence in legal aid groups.

The general trend is that East Timorese are hopeful that the formal system will be fair, but they are most confident in what they know already works—the traditional *adat* system.

### **IIf. Experience With Law and Justice: Generally Positive Assessments**

Around three-quarters of the public have been involved in some type of dispute over the last three years. The most common disputes were over land (34 percent), followed by domestic disturbances (32 percent), and then theft (28 percent).

About half of these disputes were resolved between the parties involved or their families. After that, the *chefe do suco* or *adat* process served as the main arbiters, followed distantly by the formal courts and the police. Many did nothing about their disputes, primarily because they did not know what to do or did not think anything could be done.

Two-thirds of East Timorese identify the village head as the person who currently decides land disputes, followed by the traditional *adat* process. Nearly three-quarters prefer these traditional means of conflict resolution to the involvement of the formal legal system. East Timorese tend to choose the *adat* process because of a perception that the formal courts only handle large cases. The *adat* process allows the parties to save face and avoid embarrassment and it is in accord with community traditions. Although half of the cases settled through the traditional *adat* process did not involve compensation changing hands, most parties were satisfied with the outcome.

Of the only 11 percent of respondents who had brought disputes to the police, most did so because they considered their dispute to be a serious matter and they believed that they would be treated fairly by the police. Of the relatively few cases brought to the police, almost half were settled and disputants expressed high levels of satisfaction with the process.

Like the police, few respondents had actually brought disputes before the formal courts. Of those who had appeared before the courts, the majority did so to get a fair decision or because they considered the dispute to be serious. Others appeared before the courts because they had no other option; either the law demanded it or someone forced them to go. The majority of cases (59 percent) brought before the courts were settled favor of the plaintiff or the victim. Parties who actually appeared in court were almost as satisfied as those using the traditional *adat* process.

### **IIfg. Women and the Law: Support for Equality in the Law**

A strong majority of East Timorese support gender equality within the law. Most (especially those in urban areas) approve of women speaking for themselves in the traditional *adat* process. A majority of the public also feels that women should be able to hold land, mainly because they support equal rights for men and women. Opposition to women's land rights is strongest among younger men and rural residents, especially in the Central region, Baucau, and Oecussi.

Domestic violence is unacceptable to three-quarters of East Timorese; this is also driven by public support for the concept of equal rights. A majority, however, still considers domestic violence a "family matter" to be dealt with through the traditional *adat* process,

not the formal courts. In contrast, a large majority of East Timorese feel that the formal courts are a more appropriate venue for handling cases of rape.

### **III. Legal Information Sources, Media Use, and Language: Radio and Portuguese Have Limited Reach**

While radio clearly has the most widespread reach of any communication tool in East Timor, it still fails to reach much of the population. Radio RTL is the most popular and accessible station nationally, followed by Radio RTK which mainly reaches Dili listeners.

Those who are least knowledgeable about the legal system tend to have considerably less exposure to information sources, particularly radio and television. They are generally older, rural, less educated, of lower socio-economic status and are also less likely to be literate in either Tetum or Indonesian. Other information sources useful in reaching this population include face-to-face contacts, such as the *chefe do suco*, neighbors, or community members.

While self-described literacy rates of 80 percent are likely inaccurate, it is clear that Tetum is the most well known language among the Timorese public (88 percent speak it and 60 percent claim to read it). Nine out of ten would prefer to use Tetum in court.

Indonesian, the second most popular language in East Timor, is spoken by about 40 percent of the citizenry (especially younger, more educated East Timorese in Dili and the Central region) and 48 percent claim they can read it. After Tetum, Indonesian is the preferred language for use in the formal courts.

At present, Portuguese is spoken by seven percent (as reflected in the survey) of the citizenry – mostly older, educated, higher income Dili residents. Ten percent can read Portuguese. These numbers will grow as school-age children continue to study the language into adulthood.

### **III. Background, Local Context and Interpretation of Selected Survey Findings by East Timorese Group of Experts**

#### **Introduction**

The survey results outlined above were analyzed by members of a panel, established to discuss the survey, its findings, and its implications for the country. The panel was comprised of five respected Timorese legal experts, including two judges, two human rights activists, and two academics with legal backgrounds. A series of five panel discussions were facilitated by The Asia Foundation's senior program officers and a local consultant who participated in the survey.

The discussions, which are summarized below, contextualize the survey findings through an insightful analysis of East Timor's economic, political, and social conditions.

## **Survey Context**

The panel generally agreed that the survey findings accurately reflect the current situation in terms of citizen's perceptions of law and justice in East Timor. However, the group noted that some of the responses may have been influenced by cultural norms and traditional conceptions of justice, not accounted for in the question construction and interpretation. For example, experts have noted a cultural tendency among East Timorese to express their views in terms how they believe things should be, rather than how they truly are. In a paper presented at an Asia Foundation-sponsored conference on Traditional Justice, Nancy M. Lutz noted, "Normative statements, of how things *should* be, are also statements of how things *are not*, a way of registering complaints or expressing injustices in an environment in which direct criticism could be life threatening."

As the survey was conducted in the wake of Indonesia's brutal occupation, East Timorese pride in their newly found independence may have skewed some of the survey results in a positive direction. For example, the formal justice system received ratings of high legitimacy, even though the courts do not function throughout most of the country and people clearly prefer the traditional justice system. While East Timor's new institutions are yet to prove their capacity to deliver, they may represent a break from the past and the hope of a better future. Accordingly, survey responses may have been somewhat influenced by a predominant attitude that no matter how poorly the post-independence government functions, it couldn't possibly be worse than the colonial regime. As the Indonesian courts were notoriously corrupt and inefficient, East Timorese may be unclear on how a fully independent and accountable judiciary should function. Moreover, villagers may have felt reluctant to openly criticize the government as it was still being formed. However, international experience suggests that the next few years will be a critical period in East Timor's development. The good will of the people is likely to dissipate if East Timor's new government fails to demonstrate its commitment and ability to deliver a positive political story.

## **Economic Problems**

Although the East Timorese generally remain optimistic about the future of their country, due to the scarcity of jobs in the formal sector and high unemployment rates, the potential for crime remains a concern. As the survey demonstrates, after the short euphoria following political independence, the economy has become one of the top priorities for most East Timorese. The shortage of jobs and economic opportunities in the villages has led many unskilled, young people to migrate to the capital in search of work. However, as few jobs are available in Dili, this migration has contributed to an increase in rates of both organized and petty crimes.

## **Political Instability**

The survey suggests, however, that crime is not the most pressing concern of the East Timorese. Most respondents view political conflict as the main threat to stability, which

is widely recognized as a precondition for the development of all sectors, including the justice system. East Timorese are all too familiar with the potentially devastating effects of discord among political elites. Reports in the country's dailies covered the nasty personal conflicts among political leaders which preceded the 1975 civil war and the 1999 political disaster. The panel members warned that preventing a repeat of this recent history would require genuine efforts to improve the image of the current political situation, uphold the rule of law, increase public access to justice, and disseminate information about citizens' rights.

### **Formal Legal System**

East Timor adheres to a civil law system, which emphasizes legal products, promulgated by both the executive and the parliament. However, as a result of its long history of occupation by Portugal and then Indonesia, the governing law in East Timor is unsettled. Although article 165 of the Constitution provides that Indonesian law remains the applicable law in the country, confusion persists, particularly in the wake of a recent Appeals Court decision which held that Portuguese law applies as the subsidiary law of East Timor. Based on this decision, a number of district court decisions founded on Indonesian law have been overturned. At this juncture, not only is the law unclear to ordinary citizens, even legal professionals can not be certain of what law governs. It is critical that the parliament decides what law applies.

So far, only four formal courts have been established in East Timor - namely in Dili, Baucau, Suai, and the enclave of Oecussi. A number of judges have been sworn in and public prosecutors and public defenders have been appointed. However, at this point only the Dili district court is fully operational. The other courts are largely dysfunctional due to logistical problems, including the lack of housing available in the districts and transportation difficulties. Judges and public prosecutors assigned to the courts in Baucau, Suai and Oecussi tend to live in Dili and work only when their counterparts (prosecutors and public defender) can coordinate to support the hearing of cases. Most of the hearings are conducted in Dili. Thus, the delivery of justice remains inadequate and cases continue to mount. Due to delay, legal uncertainty, and the high costs involved in lodging a civil case (including a \$75 filing fee), citizens are reluctant to bring disputes to the formal courts. While the survey findings indicated high levels of confidence in the formal legal system, very few citizens have had any experience with the courts.

According to the survey results, the police ranked lowest among the state's legal institutions in terms of citizen confidence. However, compared to international standards, East Timor's police received extraordinarily high approval ratings. This vote of confidence may reflect recent experience with the United Nation's police or local pride in finally having an East Timorese police force, particularly after years of police brutality under Indonesian occupation. Whatever the reason, confidence levels in East Timor's new and inexperienced police force are likely to drop dramatically unless they are effectively trained and professionalized.

### **Lack of “Socialization” of Laws Promulgated by the Parliament**

The survey indicated that most of the population has a basic understanding of the concept of the law and the functions performed by government institutions, including the courts. However, East Timorese have limited knowledge of the substance of the law and the procedures for accessing legal services. And, throughout most of the country there are simply no lawyers available. For most of the population the Constitution and the laws enacted by the government are remote. This is reflected by the East Timorese expression, “*lei Inan iha ona, maybe ami la haré lei nia oan sira*” [the mother of law (constitution) is there, but we have not yet seen the children (organic laws)].

So far, the parliament has enacted only a limited number of laws, many of which structure the overall political situation, such as laws on the establishment of the police force and the general organization of the country. While it is necessary to enact such “umbrella” laws, particularly for a new country, the slow pace of proposing and promulgating more detailed laws has been a common criticism of both the executive and the parliament.

Despite a massive civic education campaign since 1999, implemented primarily by NGOs, information dissemination on the Constitution and the laws promulgated by the government has been very limited. This is due in part to the shortage of government resources for such activities and in part to the lack of legal infrastructure. It is essential that people are informed about the Constitution and other applicable laws which protect citizens’ rights. The government should coordinate with civil society organizations working in the legal sector to disseminate information as broadly as possible to citizens throughout the country.

### **Gender and Women**

Despite Constitutional guarantees regarding gender equity and women’s increasing participation in politics since independence, traditional attitudes regarding the role of women persist, particularly in the villages. Such traditional attitudes, which are justified on the basis of respecting cultural norms, give women little room to actively participate in decision making processes, except for limited household matters. According to the survey results, in Oecussi, most male respondents feel that women should not be given the right to inherit land. And in some areas in the eastern parts of the country, male respondents are opposed to having women “*lia-nain*” (judges) in the traditional justice system. The survey demonstrated that citizens’ views regarding gender issues vary widely, depending on the respondents’ age, gender, education level, income, and place of residence.

Even within the confines of the home, women face intimidation, as reflected by increasing rates of domestic violence, which are estimated to be much higher than ordinary street crimes. Victims of domestic violence are unlikely to seek help, due to fear of facing further repercussions not only from their husbands, but also from their husband’s families and even their own families. The continuing practice of paying hefty

sums of money as bridewealth perpetuates the view that wives are the property of their husbands.

While numerous NGOs have implemented civic education campaigns and capacity building programs focused on women's rights, the reality on the ground in East Timor is that gender equity remains remote. Although well intentioned, these programs have had limited impact, in part because they tend to be donor driven and out of touch with the on-the-ground realities of the situation faced by both men and women. At the same time, adequate legal infrastructure protecting victims of domestic violence is lacking and the legal system lacks the capacity to solve disputes involving gender issues.

To address East Timor's continuing lack of gender equity, it is essential that the government work in partnership with civil society to develop appropriate programs, particularly to resolve disputes involving domestic violence. To be effective and to avoid provoking a backlash, such programs should address issues of concern to both men and women. Members of the panel argued that many people view NGOs advocating for women's rights as meddling in household affairs (*problema uma-laran*) and encouraging women to "revolt against their husbands." This is due to the fact that, in some cases, victims of domestic violence who are assisted by gender-oriented NGOs in lodging complaints with the police end up divorcing. As East Timor is a Catholic society and divorce is taboo in the eyes of the public, such NGOs are viewed negatively by society.

### **Perception of Justice and Access to Legal Documents**

In addition to the problems discussed above - including low levels of legal literacy, the high costs involved in filing cases, logistical problems and court delay - popular perceptions of the justice system may be colored by memories of the legal system under Indonesian rule, when court proceedings functioned primarily to benefit the "haves" through corruption and money laundering. While survey respondents expressed fairly positive sentiments regarding legal institutions, whether they will actually utilize the courts remains to be seen. Perceptions may persist that the courts are generally unproductive and continue to bear some similarities with the past. The failings of East Timor's legal institutions can be attributed in part to their infancy and the lack of available resources. However, negative perceptions about the legal system are also due in part to the courts' inability to deliver efficient and accessible services.

Negative impressions are perpetuated by the fact that formal legal institutions operate in a language unfamiliar to the majority of the population. Moreover, a number of new laws promulgated by the state have been published in only one of East Timor's official languages, Portuguese, which is not well known, even among the literate. The governments' failure to conduct public "consultations" in the process of drafting new laws also contributes to the lack of local ownership and understanding on how the law can provide justice to the people. Consequently, the justice system is perceived to represent the interests of only the few who can afford it. It is critical to change this perception by providing the population with access to legal information in a language they understand.



### **Consequence of Shortcomings in the Formal Legal System**

As a result of the widespread lack of access to justice, the survey indicates that people prefer to resolve civil and minor criminal disputes through informal mediation or the traditional justice system. According to the survey findings, only 9 (nine) percent of both civil and criminal cases have hitherto been brought before the state courts. While this does not necessarily mean that the traditional justice is superior to the state courts, it clearly symbolizes the lack of development in terms of access to justice in the first year of East Timor's independence.

## **Methodology**

## **Methodology**

- The research was conducted in two phases:
  - Phase 1: In-Depth interview and focus group discussion among participants in Dili, October 2002.
  - Phase 2: Quantitative -- national survey, 1,558 in-person interviews, potential citizens in every district in East Timor, November – December 2002.
  - Phase 3: A panel of five respected Timorese legal experts discuss the survey, its findings and implications for the country, in June to August 2003.
- Fieldwork was conducted by The Asia Foundation / East Timor with assistance and supervision from AC Nielsen Indonesia staff.
- This report was drafted by Nicole Yakatan and Craig Charney of Charney Research, New York.

## **Representativeness of the Sample**

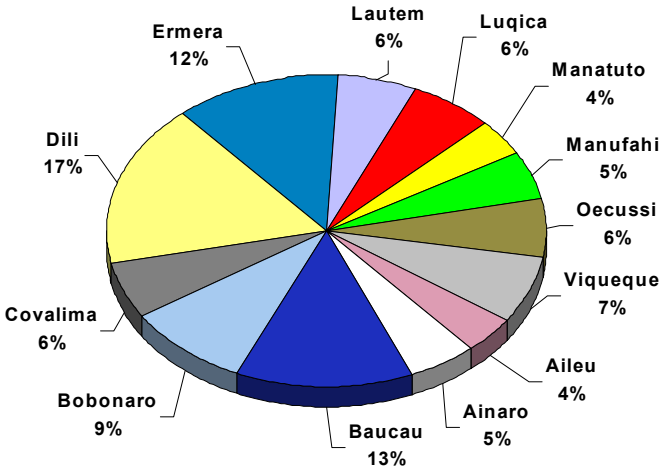
	<b>Actual</b>	<b>Sample</b>
<b>Gender</b> Male/Female	49% / 51%	51% / 49%
<b>Area</b> Urban/Rural	30% / 70%	27% / 73%
<b>Education</b> < Primary / Primary / Secondary +	39% / 33% / 28%	38% / 42% / 19%
<b>Age</b> 17-35 / 35+	50% / 50%	59% / 38%

### **Representativeness of the Sample**

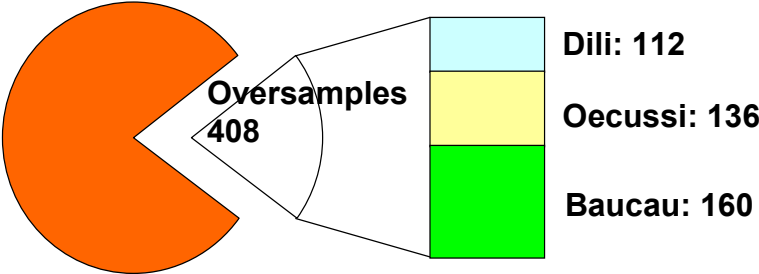
- Because the sample is truly national and random, the survey results represent all parts of the population in their correct proportions. Demographically, the poll results are close to the real population.
- As a result, the survey findings reasonably reflect the public in terms of gender, religion, urban-rural balance, education, and age. The findings regarding public opinion are thus likely to be representative as well, within the survey's margin of error.

# The National Sample

1113 Interviews  
By district



# National Sample and Oversamples



**National Sample  
1114**

## **Sampling Methodology**

- The basic sampling method used for the national representative sample (of 1,114 citizens) was multi-stage random sampling with the following stages:
  - Stage 1 : Selection of *Suco* (village-sized urban and rural administrative units) with probability proportionate to population.
  - Stage 2 : Random selection of *Aldeia* (neighborhood administrative units) by interval method.
  - Stage 3 : Random selection of households, by interval method.
  - Stage 4 : Selection of respondent by Kish Grid.
- *Suco* were selected by statisticians using a Master Frame of all *Suco* provided by the Civil Registry in Dili.
- 8 respondents were selected in each *Suco*; 4 in each of two randomly selected *Aldeia*.
- Foundation interviewers in the field prepared lists of *Aldeia* using information received from the *chefes do suco*. *Aldeia* for inclusion in the study were selected using random-number tables.
- Households in each *Aldeia* were then mapped and listed, and respondent households were then selected by using an interval of 1 in 5 households. A random start-point household was pre-selected by the statisticians.
- All potential respondents in each household were then listed (in age order) and a random Kish Grid procedure was used to select a respondent for interview.
- Potential respondents were defined as adults age 17 and older.
- One respondent was interviewed in each household.
- Oversample respondents were chosen by similar methods in selected districts. In all presentations of national results the oversamples are weighted down to their correct proportion of the national population.
- Following the survey, the Foundation organized a series of panel discussions among five prominent East Timorese legal experts with extensive experience in the justice sector. Based on their deep knowledge of dispute resolution processes and legal development issues in the East Timor country context, the discussants reviewed the survey results, deepened the analysis, and shed light on unexpected findings.

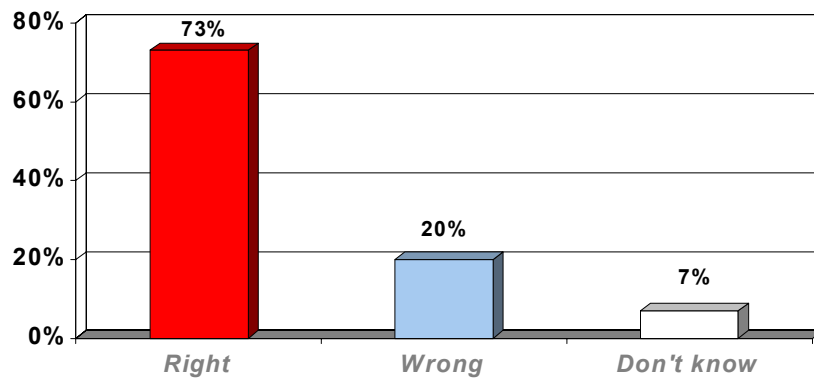
**Part 1:**  
**The National Mood**

## National Mood -- Summary

- Despite violent events in Dili at the end of 2002, optimism about East Timor remains strong and fairly stable. Older, rural East Timorese have the most positive feelings about the direction of the country. However, the pessimism common in Dili over the last few years has increased, very likely driven by a fear of violence.
- Feelings about independence, democracy and freedom are now driving positive impressions of East Timor's direction, a change from the Foundation's last survey, when the "end to violence" was the main motivator for optimism. The economy and unemployment shape the most pessimistic feelings.
- Assessments of East Timor's biggest problems have been fluid over the last few years. Currently, the economy is considered the country's top concern, followed by worries of violence, political conflicts and instability. In addition, East Timorese are apprehensive about the possibility of corruption in the government.
- "Survival issues" like the economy, jobs, food and infrastructure are viewed as the key local problems. Concerns about the economy and food have increased over the last year, as a plurality of East Timorese has felt their personal economic circumstances decline.

## East Timor Direction

*Do you think East Timor is heading in the right direction or the wrong direction?*



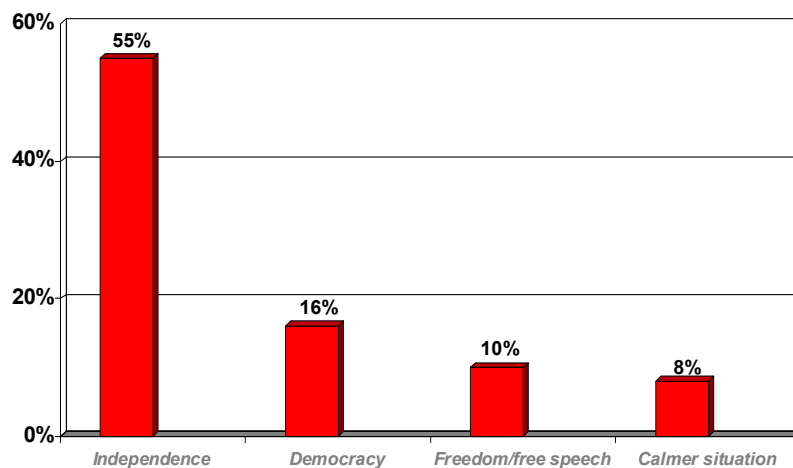
Q. 5 (base: 1114)

## Direction of the Country

- Despite the December 4, 2002 unrest in Dili, East Timorese remain optimistic overall about the direction of the country. About three-quarters of the citizenry (73 percent) feel East Timor is headed in the right direction. Just a fifth (20 percent) believe things are going in the wrong direction and only seven percent are unsure.
- Older East Timorese (77 percent) and especially older men (77 percent) are most likely to be optimistic about the direction of the country, as are those living in rural areas (76 percent).
- Urban East Timorese are considerably more pessimistic about the direction of East Timor. This is especially true of those in Dili (28 percent wrong direction), Baucau (49 percent) and the Eastern region (35 percent). The pessimism among these groups has increased since a similar measurement taken in early 2002, while East Timorese in Oecussi are more optimistic than a year ago.
- East Timorese troubled by violence nationally are most likely to feel the country is headed in the wrong direction (26 percent). Local concerns about education and schools also lead many to worry about the country's direction (25 percent). Similarly, those who feel their personal economic situation has deteriorated are likely to view East Timor's direction negatively (27 percent).

## Reasons for Optimism

*Why do you say that ?  
(Reasons given by 5% or more)*



Q. 6 (base 812)

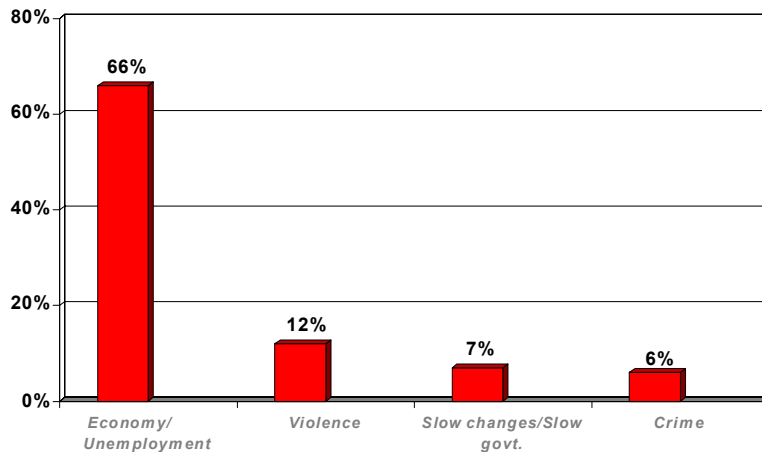


## Reasons for Optimism

- More than half of East Timorese (55 percent) mention “independence” as the top reason for their optimism about the direction of the country. Sixteen percent cite “democracy” and 10 percent “freedom” (including free speech and free movement) as responsible for East Timor’s positive direction. Another eight percent mention a “calmer situation,” “peace,” or “normalization.”
- Independence is particularly important for East Timorese over age 50 (63 percent), the uneducated (59 percent), and those living in urban areas (72 percent), Dili (81 percent), Baucau (62 percent) and the Eastern region (78 percent).
- The top responses represent a dramatic shift from a year ago. In early 2002, 44 percent credited the “end to violence” as the main reason for optimism, followed by economic improvement (21 percent) and then freedom (9 percent). Despite the unrest in Dili in late 2002, the emphasis on violence has decreased significantly. It seems that independence and democracy have provided people with some hope despite an uneasy environment.

## Reasons for Pessimism

*Why do you say that?  
(Reasons given by 5% or more)*



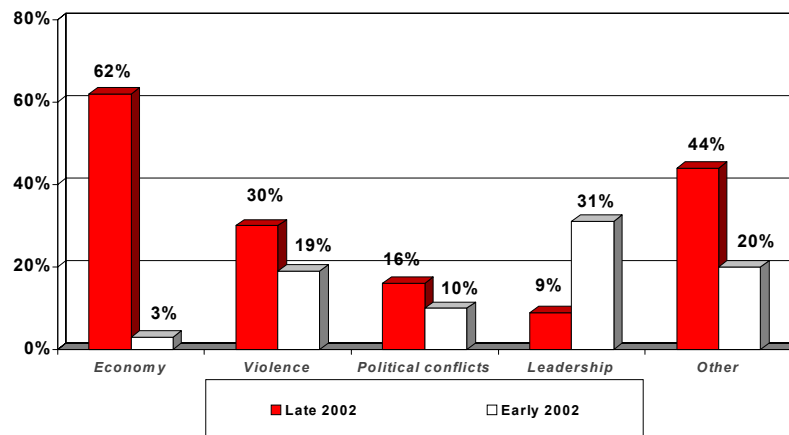
Q. 7 (base 222)

## Reasons for Pessimism

- The economy and unemployment drive most pessimistic feeling among East Timorese. Two-thirds of East Timorese (66 percent) cite economic problems, jobs or unemployment as the reason for their negative assessment of the country's direction. Twelve percent mention violence or disorder, seven percent blame slow change and another six percent specifically cite crime.
- Concern about the economy has grown considerably among pessimists over the last year. In early 2002, just 48 percent mentioned the economy and 27 percent worried about violence.
- Those most concerned about the economy are age 35 and older (75 percent), uneducated (81 percent), as well as those living in Oecussi (70 percent), and the East (72 percent) or Central regions (83 percent).

## East Timor's Biggest Problems, 2002 Trends

*In your view, what is the biggest problem facing East Timor?  
And after that, what is the next biggest problem?  
(Responses combined, all those cited by 5% or more)*



Q. 8/9 (base 1114)

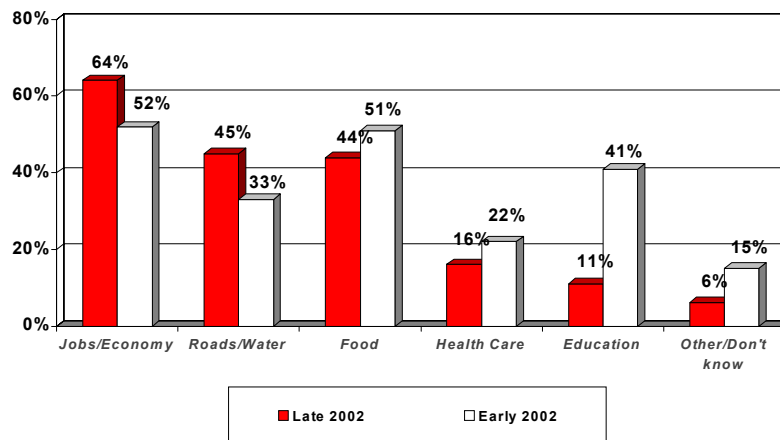
## East Timor's Biggest Problems

- Assessments of East Timor's biggest problems have been extremely fluid over the last few years, reflecting its changing circumstances. In 2001, in the wake of the post-referendum conflicts, political conflict and instability were top concerns of East Timorese. In early 2002, during the political transition, East Timorese were most worried about "lack of leadership" or "weak leadership." By late 2002, with independence established, the top concern has shifted again. Now, a plurality of East Timorese (41 percent) believe the economy is the country's biggest problem, while 22 percent cite violence and nine percent mention political conflicts or instability.

- Those most concerned about the economy are less educated and live in rural or small-town settings (especially in Oecussi or the Central region). They are more likely to be optimistic about the direction of the country.
- East Timorese focused on the problem of violence tend to be more educated men and working women, or urban dwellers (especially Dili and Baucau). They are more likely to be pessimistic about the overall direction of East Timor.

## Biggest Local Problems, 2002 trends

*Which one problem do you feel is the biggest problem facing your local community? And after that, what is the next biggest problem?  
(Responses combined, all those cited by 5% or more)*

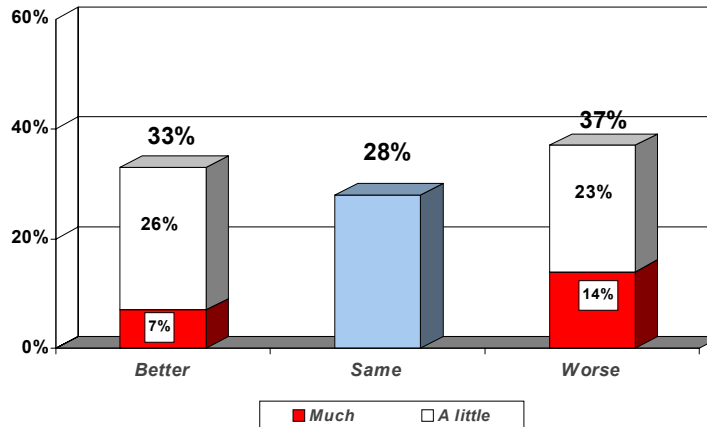


### Biggest Local Problems

- Almost two-thirds of East Timorese (64 percent overall, 35 percent first response) mention the economy as one of the two top local problems facing their communities. Forty-four percent cite food as one of the top problems (34 percent cite it as their first response). Another four in ten (43 percent overall, 19 percent first response) are concerned about local infrastructure such as roads, water and electricity. Health care (16 percent) and education (12 percent) are also mentioned.
- Those most concerned about the local economy tend to be younger, urban, more educated, higher income and Dili or Central region residents. East Timorese worried about food are older, less educated, low income and rural (especially those in Baucau, Oecussi, and the Western region).
- Concern about the economy (+12) and food (+11) have increased over the last year, whereas worries about infrastructure (-8) and health care (-6) have declined slightly. Mentions of education have remained basically constant.

## Economic Situation, 2002 Trends

How would you compare your personal economic situation to a year ago: is it much better, a little better, the same, a little worse, or much worse?



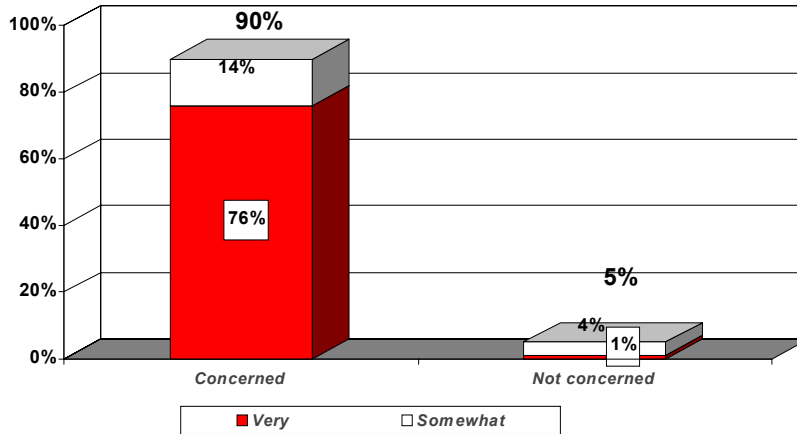
Q. 12 (base 1114)

### Personal Economic Situation

- Reflecting the overall concern about the East Timor economy, a plurality of citizens (37 percent) feel their personal economic situation has deteriorated over the last year, including 14 percent who believe their situation is much worse than it was. A third (33 percent) feel they are doing better than a year ago and 28 percent think their economic situation has been unchanged.
- Residents of Baucau and the East region are most likely to feel their personal economic situations have declined. Citizens in Oecussi and the West region believe their situations have improved.

## **Concern About Corruption, 2002 Trends**

*How concerned are you about corruption in the government: very concerned, somewhat concerned, not really concerned, or not at all concerned?*



Q. 15 (base 1114)

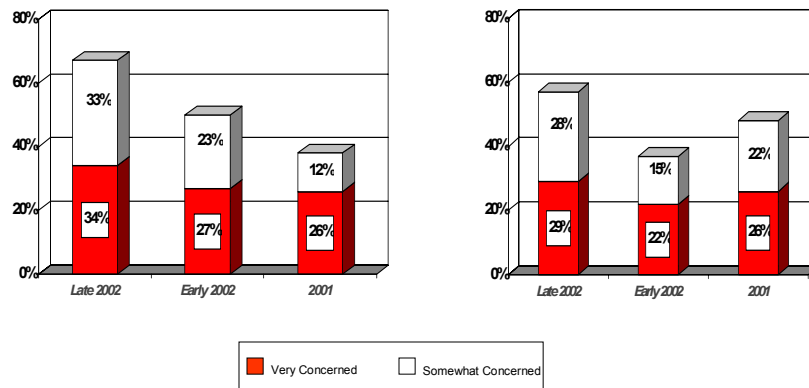
### **Concern About Corruption**

- East Timorese citizens are clearly very alarmed about the possibility of corruption in the government. Nine in ten citizens (90 percent) worry about corruption in the government, including three-quarters of the public who identify themselves as very concerned. Only five percent are not worried about corruption.
- Those most concerned about this issue include younger men (80 percent), more educated citizens (81 percent), higher income earners (81 percent), and residents of Dili (80 percent), Baucau (87 percent) and the Central region (84 percent).

## Concern About Safety/Crime, 2002 Trends

*How concerned are you about safety and crime in Timor Lorosae : very concerned, somewhat concerned, not really concerned, or not at all concerned?*

*How concerned are you about safety on the border?*



### Concern About Safety/Crime

- Two-thirds of East Timorese (67 percent) are worried about safety and crime in Timor-Leste, including 34 percent who are very concerned. Three in ten are less concerned, but just 10 percent are not worried at all about safety or crime. This is a considerable increase in concern since early 2002, when half were worried about personal security (50 percent) and an even larger increase since 2001, when just under four in ten (38 percent) were concerned.
- Concern about border security is now less than worry about personal safety, but has increased overall. In early 2002 and 2001, concerns about border security almost mirrored worries about personal safety (48 percent in early 2002 and 37 percent in 2001). Now, 57 percent are concerned about border safety (29 percent very concerned) – a significant increase but still less than fears about crime. Four in ten are less concerned (16 percent not at all) compared to the Foundation’s most recent survey.

**Part 2:**  
**Perspectives on Justice and Rights**

## **Perspectives on Justice and Rights -- Summary**

- Legal rights are associated by East Timorese with ensuring freedom, order, and respect for each other more often than with specific legal rights. Similarly, human rights are seen as freedoms due to all people, but few are spontaneously mentioned.
- Justice evokes several ideas: fairness, rights, and law enforcement. Reconciliation chiefly involves apology or coexistence.
- The Constitution most often is seen as the country's basic law, but one third of Timorese have no idea what it means despite the efforts to involve the public in its drafting. These tend to be the unschooled, small town residents, older women, and residents in the Baucau and Western regions.
- The public is very divided on the issue of whether genuine public participation took place in the Constitutional drafting process. Younger citizens, women, Baucau and Eastern residents felt the least included in the process, while educated men, older citizens and those in Dili and the Western region gave positive assessments of public participation.
- The East Timorese concept of justice involves a continuum that encompasses both the traditional *adat* process and the formal legal system. While the *adat* process is preferred in certain cases, acceptance of the formal legal system is widespread and the system is generally well-regarded.
- Compensation (such as is often agreed upon in the *adat* process) is accepted as settlement for "minor" cases such as theft. For more "serious" crimes like murder, East Timorese are more likely to feel jail is warranted. Issues like domestic violence elicit a mixed response about appropriate justice.

### **Understanding of Legal Rights**

*When you think of "legal rights," what does that mean to you?*

- **The right to do things: 22%**
- **Freedom: 19%**
- **Regulated by law: 12%**
- **Equal for all people: 10%**
- **Regulation to respect others' rights: 9%**
- **Something I own: 4%**
- **Rule / Constitution: 3%**
- **Other: 5%**
  
- **Don't know: 17%**

*Q.24, base 281*



### **Understanding of Legal Rights**

*When you think of “legal rights,” what does that mean to you?*

- East Timorese understand legal rights as ensuring freedom, order, and mutual respect, but most do not explicitly associate the term with specific legal rights.
- The main associations with legal rights were absence of constraint: the right to do things (22 percent) and freedom (19 percent). In a country with East Timor’s history of repression, this is understandable.
- Beyond that, the term was linked with the notions of equality and protection for all: 12 percent mentioned regulation by law, 10 percent equal rights for all, and 9 percent regulations to protect the rights of others.
- Specific legal rights or sources were mentioned by only a few: property (5 percent) and the law or Constitution (3 percent).
- Almost no one spontaneously cited the traditional civil and political rights (free speech, fair trial, etc), though other questions in the poll showed awareness of these as legal rights.
- Only 17 percent said they had no association with the term. This was most frequent among people with no schooling (35 percent) and women over 35 (30 percent).

*Q25*

### **Understanding of Human Rights**

*When you think of “human rights,” what does that mean to you?*

- **Rights owed since I was born: 31%**
- **Freedom of speech: 16%**
- **Respecting others’ human rights: 14%**
- **Rights to do whatever I want: 4%**
- **Not limited / can’t be disturbed: 3%**
- **Equal rights for men and women: 3%**
- **Unity / development for Timorese: 2%**
- **Participation in human rights program: 2%**
- **Rights based on law: 2%**
- **Other: 3%**
  
- **Don’t know: 18%**

*Q25 (base 269)*

### **Understanding of Human Rights**

*When you think of “human rights,” what does that mean to you?*

- The core meaning of human rights to East Timorese is that they are freedoms innately due human beings, though few enumerate the specific rights encompassed in democratic theory.
- The most frequent response is that human rights are rights owed since one was born, mentioned by 31 percent.
- Closely associated are notions of respecting others’ human rights (14 percent) and rights which cannot be disturbed (3 percent).
- A smaller proportion mentioned specific freedoms as human rights. Free speech was cited most often (16 percent), followed by the right to do as one pleases (4 percent) and gender equality (3 percent).
- Other meanings were cited by 3 percent.
- Some 18 percent said they didn’t know what the term meant. This response was most frequent among those with no schooling (31 percent) and younger rural women (26 percent).

### **Understanding of Justice**

*When you think of “justice,” what does that mean to you?*

- **Fairness / balance / equality: 19%**
- **Law enforcement: 15%**
- **Rights for all: 13%**
- **Should be implemented / not just talk: 7%**
- **Human rights: 6%**
- **Don’t exist yet: 5%**
- **Looking for the truth: 3%**
- **Freedom: 2%**
- **Other: 8%**
  
- **Don’t know: 22%**

*Q.26 (base 282)*

### **Understanding of Justice**

*When you think of “justice,” what does that mean to you?*

- Justice is associated by some East Timorese with notions of fairness and rights, by others with the justice system.
- The most frequently cited meaning was fairness or equality, mentioned by 19 percent.
- Closely associated with this were ideas such as rights for all (13 percent) and human rights (6 percent), as well as freedom (2 percent).
- Some 15 percent thought that justice meant law enforcement. Some 2 percent also see it as establishing the truth through the process of justice.
- Impatience for the establishment of justice is also present. Some 7 percent respond by saying it should be implemented and 5 percent say it does not yet exist.
- Some 22 say they don't know what justice means. This was most frequent among those with no schooling (44 percent) and older rural women (43 percent).

### **Understanding of Reconciliation**

*When you think of “reconciliation,” what does that mean to you?*

- **Apology / forgiveness: 33%**
- **Good thing to implement: 28%**
- **Living together in peace: 17%**
- **Solving problems together: 6%**
- **Back to society / coming home: 4%**
- **United and forgetting the past: 3%**
- **Settling problems by law: 2%**
- **Meetings / dispute settlement: 1%**
- **Other: 3%**
  
- **Don't know: 0%**

*Q.27 (base 281)*

### **Understanding of Reconciliation**

*When you think of “reconciliation,” what does that mean to you?*

- East Timorese have clear ideas on what reconciliation means to them.
- For one third (33 percent), it is apology or forgiveness.
- Others emphasize peaceful coexistence (17 percent), repatriation (4 percent), or uniting and forgetting the past (3 percent).
- Many simply say it is a good thing (28 percent).
- Smaller proportions mention different ways of resolving conflicts: solving problems together (6 percent), through the law (2 percent) or meetings (1 percent).
- Other meanings were cited by 3 percent.
- There was almost no one who could not say what they thought reconciliation meant, most likely a reflection of the traumatic conflicts of the past and the country’s efforts to bind its wounds.

### **Meaning of the Constitution for East Timor**

*People talk a lot in East Timor today about the Constitution. What does the Constitution mean for the country?*

- **Source of law / basic law for citizens: 28%**
- **Way of life / guidance on being citizens: 15%**
- **Law and order: 8%**
- **Rules for an independent country: 7%**
- **Public and government participation: 4%**
- **A good thing: 3%**
- **Effort to develop rules / future law and order; 2%**
- **Other: 1%**
  
- **Don’t know: 33%**

*Q.58*

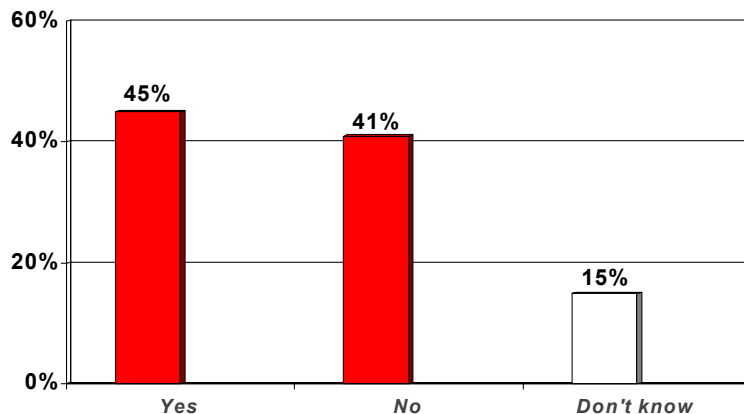
### **Meaning of the Constitution for East Timor**

***People talk a lot in East Timor today about the Constitution. What does the Constitution mean for the country?***

- After the constitution-making process, around two-thirds of East Timorese have some understanding of what the Constitution is.
- However, just 28 percent see it as the source of law or the country's basic law.
- For another 8 percent, the Constitution means law and order, while 7 percent see it as the rules for an independent country.
- To 15 percent, the Constitution is vaguely thought to be a way of life or guidance for citizens.
- A few Timorese focused on the drafting process: 4 percent referred to public and private participation, while 2 percent saw it as an effort to develop rules.
- Some 33 percent did not have any idea what the Constitution meant. These tended to be those with no schooling (58 percent), small town residents (67), and older women in both urban (46 percent) and rural areas (41 percent), as well as residents of the Baucau (44 percent) and Western (43 percent) regions.

## **Participation in Constitution Drafting**

*This year the Constitution was adopted as the highest law in East Timor. Did you feel there was genuine public participation when it was written, or not?*



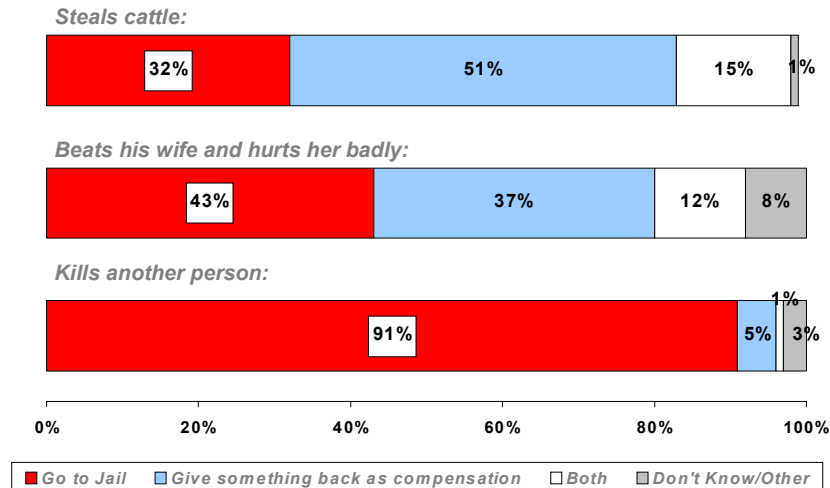
Q. 59 (base 1114)

## Participation in Constitutional Drafting

- East Timor citizens are truly divided over whether there was genuine public participation in the Constitutional drafting process. Forty-five percent (45 percent) of citizens believe there was public participation, while 41 percent disagree. Another 15 percent are unsure.
- Those who believe public participation was a reality include men (49 percent), especially younger men (49 percent), and more educated men (51 percent). Also giving positive assessments of public participation are those over age 50 (42 percent), urban citizens (50 percent), residents of Dili (55 percent) and the West region (53 percent), and those in the top income brackets.
- East Timorese who felt the Constitutional drafting process did not include enough public participation tend to be the youngest citizens (46 percent), especially women under age 35 (45 percent) and educated women (48 percent). Geographically, Baucau residents and those in the East region felt the least included in the Constitutional drafting process.

## Moral Economy of Justice

Suppose someone:



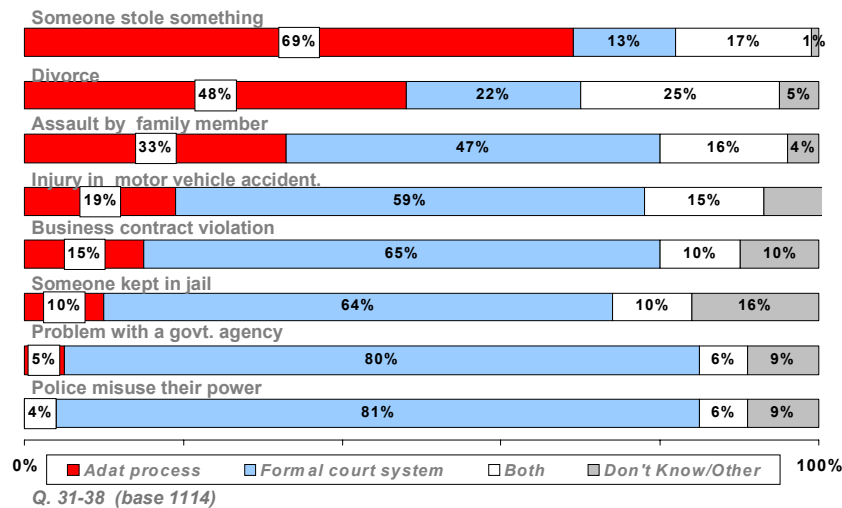
Q. 21, 22, 23 (base 1114)

### Moral Economy of Justice

- For stealing cattle, a slight majority of citizens (51 percent) believe “giving something back as compensation” is an appropriate response. Residents of rural and smaller urban areas, along with less educated citizens and lower income citizens, are most likely to support compensation as punishment in this case. Geographically, the traditional system is strongest in Baucau, Oecussi, the East and Central regions, while citizens in the West are most likely to support a formal legal response and Dili residents prefer a mix of both.
- Domestic violence elicits a more mixed reaction – 43 percent believe the perpetrator should go to jail, while 37 percent think compensation is adequate punishment. Age and education are the major factors on this issue – younger, more educated East Timorese are much more likely to support jail for a man who hurts his wife, while older and less educated citizens believe compensation is preferable. Over half (52 percent) of those over age 50 support compensation, along with 48 percent of those with no formal education.
- However, for murder, nine in ten East Timorese (91 percent) feel jail is warranted. Only in the Central region is there slightly more support for compensation as a settlement in the case of murder, and even there, the preference is less than 10 percent, compared with 5 percent generally.

## Adat Process vs. Former Legal System

*Would you most likely seek justice from an adat process or the formal legal system ?*



**Adat Process vs. Former Legal System**

- The East Timorese concept of justice clearly includes a continuum that encompasses both the *adat* system and the formal legal system. For more “minor” offenses, people are most likely to seek justice from the traditional *adat* system, while for more “serious” crimes, the formal system seems appropriate.
- Likewise, they turn to *adat* for conflicts within family or village, the formal law for those involving outsiders, business or government.
- A majority of East Timorese prefer the traditional *adat* system for cases of theft (69 percent) and a plurality prefer the *adat* system for divorce (48 percent).
- For many other legal issues, however, citizens strongly prefer the formal justice system. This includes cases of assault by a family member (47 percent), a motor vehicle accident (59 percent), incidents of extended incarceration (64 percent) and business contract violations (65 percent).
- In addition, eight out of ten East Timorese believe the formal legal system is the best way to handle problems with a government agency (80 percent) and incidents where police misuse their power (81 percent).

## Rights in Practice

*Please tell me if you agree strongly, agree somewhat, disagree somewhat or disagree strongly that each of the following happens in your area.*

	Strongly agree	Somewhat agree	Somewhat disagree	Strongly disagree	Don't Know
People feel free to express their political opinions in this area.	68%	18%	6%	4%	4%
A person in this area who is arrested will get a fair trial in court.	53%	26%	8%	5%	7%
It is common for husbands to beat their wives in this area.	7%	12%	31%	42%	8%
People in this area are afraid police may arrest them for a crime, even if there is no evidence against them.	7%	14%	28%	40%	11%

Q. 48-51 (base 1114)



## **Rights in Practice**

- Almost nine of ten citizens (86 percent) believe people feel free to express their political opinions. More than two-thirds (68 percent) strongly agree, including 72 percent of younger men and 75 percent of educated citizens. Only the Western region (64 percent) and especially in Oecussi (15 percent) is there appreciably less feeling of freedom to express political opinions.
- Eight out of ten East Timorese (79 percent) feel an arrested person will get a fair trial, including just over half (53 percent) who strongly agree. Educated and higher income citizens, and those in the Eastern and Central regions are most likely to strongly agree. Those in Baucau and especially Oecussi feel an arrested person's rights to a fair trial may not be guaranteed.
- About a fifth of citizens (21 percent) feel that people are commonly arrested for crimes without evidence, although just seven percent (7 percent) strongly agree that this situation occurs in their area. Dili and Western region residents worry about this most.
- Even fewer (19 percent) feel it is common for husbands to beat their wives (seven percent strongly agree). Those in Dili, Baucau and the Eastern region are most likely to feel domestic violence is common in their area.

**Part 3:**  
**Perceptions and Knowledge of Legal System**

## Perceptions and Knowledge of Legal System -- Summary

- The vast majority of East Timorese believe that their community leaders are primarily responsible for law and order in the community. The police are considered as the distant second choice.
- Assessments of the formal legal system are quite positive across the board. Educated, urban citizens are most likely to rate the formal legal system positively but seven in ten overall feel the system is working well. East Timorese feel the system is fair in terms of gender and political affiliation. They approve of laws to protect suspects from police brutality, unfair incarceration and lack of representation in court. However, despite their optimism, many East Timorese do not feel many of these laws are actually in practice.
- Most East Timorese are generally aware that a formal system of laws exists and are familiar with the content of simple laws which grant basic rights or codify moral values. Younger men and educated citizens have the best awareness of the law, and major differences can also be found along geographic lines. Dili residents are most knowledgeable, while those in Oecussi and the Western regions are less so.
- Land disputes are fairly common, especially in urban areas. Most feel the village head is currently responsible for resolving such disputes and the vast majority believe the *adat* process (including the village head) is the preferable way to manage, settle, or resolve such disagreements.

## **Responsibility for Law & Order**

*Who is responsible for law and order in your community?*

	First Choice Only	1st & 2nd choices
Community leaders/Elders/Chefe do Suco	81%	90%
East Timor Police	14%	51%
Citizens	1%	14%
Government (general)	1%	5%
Military	1%	4%
Other/DK	1%	3%

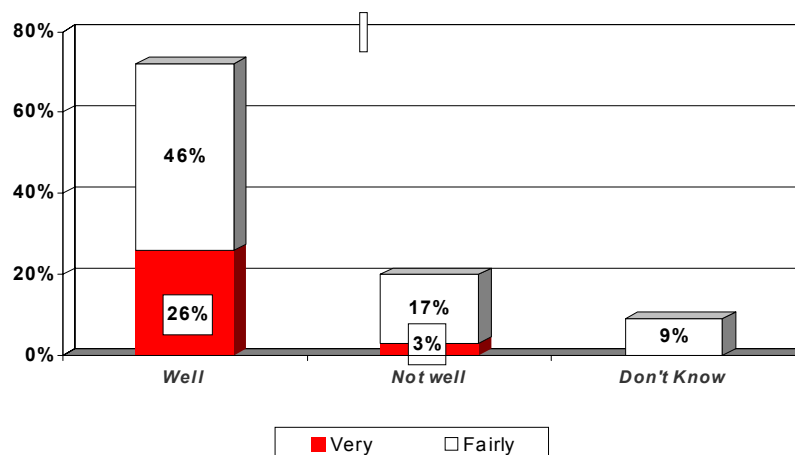
Q. 13 (base 1114)

## Responsibility for Law and Order

- Eight of ten East Timorese (81 percent) feel their community leaders, such as elders, the *chefe do suco* or *chefe do aldeia*, are primarily responsible for law and order in the community. This figure increases to 90 percent when citizens' first and second responses are combined.
- Just 14 percent of the public feels that the East Timor police hold the main responsibility for preserving law and order, although when second responses are factored in, over half of citizens (51 percent) do recognize the police as a second source for law and order after community leaders.
- Only 14 percent (total responses) believe citizens have the responsibility for law and order, along with five percent who cite "government" in general and four percent who mention the military.
- Older men are the most likely to believe community leaders hold the responsibility for law and order (86 percent). Three quarters (75 percent) of the youngest citizens – those under age 25 – agree, but are also more likely (19 percent) to credit the police with a law and order role. This pattern is also found among more educated citizens and non-farmers. Geographically, citizens in Dili, Baucau, Oecussi and the East view community leaders as responsible for law and order, while Central and West citizens give more credit to the police than community leaders.

## Assessment of Formal Legal System

*Generally speaking, if you think about the formal legal system in East Timor – the courts, judges, lawyers, East Timor police, etc. – would you say the formal legal system works very well, fairly well, not very well, or not well at all?*



Q.18 (base 1114)

## Assessment of Formal Legal System

- Overall, seven in ten East Timorese (72 percent) feel the formal legal system of Timor Leste – despite being in its infancy -- is working well. This includes a quarter (26 percent) who believe the system is working very well. Just 20 percent are dissatisfied with the system, and only three percent of those feel it is failing completely. Nine percent of the public is unsure how to assess the formal legal system.
- The more educated citizens are, the more likely they are to rate the formal legal system positively. Similarly, urban and non-farming citizens are more likely to approve of the system than rural citizens and farmers do. Informed citizens who listen to the radio (76 percent) are more positive than those who do not listen (63 percent). In general, citizens who are positive about the direction of the country and those whose personal situations have improved are likely to be positive about the formal legal system as well. Even most of those who were recently involved in legal disputes recently generally approve of the formal legal system.
- Oecussi residents (88 percent) and Central region citizens (79 percent) are most satisfied with the formal legal system, including a third of Central citizens (32 percent) who believe the system is working very well. Dili and Baucau citizens also appraise the system positively. Those in the East (59 percent well, 29 percent not well) and West (63 percent well, 25 percent not well) are somewhat less positive.

## What the Formal Law Allows

*Many people are not sure what the formal law allows. Do you happen to know if the formal law allows this:*

	Yes	No	Don't Understand/ Don't Know
Anyone who is arrested has the right to trial by a fair court.	83%	10%	7%
Everyone is free to say what they like about politics.	77%	14%	9%
A husband can beat his wife if she misbehaves.	18%	76%	6%

Q.28, 29, 20 (base 1114)

## What the Formal Law Allows

- Most East Timorese have a good understanding of what is legal and illegal under the formal law. More than three-quarters of citizens (77 percent) know that the law allows free speech. About the same number (76 percent) understand that it is illegal for a man to beat his wife if he thinks she is misbehaving. An even higher percentage (83 percent) realize that the formal law requires that anyone arrested get a fair trial.
- Men under age 35 have the best understanding of the formal law, while citizens over age 50 have slightly more misconceptions. There is also a correlation between education level and awareness of the formal law – those with no education have less knowledge (by 7-14 percentage points), while those who graduated from primary school or have some post-primary education have greater awareness (3-6 percentage points).
- The largest differences in knowledge of the formal law are apparent among geographic regions. In addition, some laws are more familiar than others. Dili (84 percent) and Central region residents (90 percent) are most familiar with free speech laws, while those in the West (70 percent) and especially Oecussi (28 percent) are not. The laws against domestic violence are most familiar in Baucau (82 percent) and the Central region (84 percent), but less so in the East (71 percent) and the West (69 percent). The right to a fair trial is almost common knowledge in Dili (89 percent), Baucau (88 percent) and the Central region (88 percent), but not as widespread in the West (79 percent) and again, especially in Oecussi (69 percent).

## Opinions of Formal Legal System

*Now I'll read some statements about the formal legal system and ask if you agree or disagree. \**

	Agree	Disagree	Don't Know
I think our formal legal system treats men and women the same.	93%	5%	2%
I am hopeful that the legal system is going to be improved now that we have a government of our own.	89%	7%	4%
I think our formal legal system treats everyone the same, regardless of political affiliation.	88%	9%	3%
I prefer to settle disputes by going to the formal legal system.	62%	33%	5%
I have no sense that I am in any way protected by the legal system.	46%	43%	11%
I would avoid going to the formal legal system if at all possible.	36%	53%	10%
The formal legal system is just as corrupt as it has always been.	31%	55%	14%
I believe that at times the people should take the law into their own hands to deal with disputes or crime.	20%	73%	7%
The formal law only protects the interests of the wealthy and powerful.	12%	84%	5%

*Q. 39-47 \*top two and bottom two boxes*

## Opinions of Formal Legal System

- Specific opinions of the formal legal system are remarkably positive. Nearly nine in ten citizens (93 percent, 76 percent strongly) agree that the system is gender neutral. Eighty-eight percent (68 percent strongly) feel the system treats everyone the same, regardless of political affiliation. About the same percentage (89 percent, 67 percent) are hopeful that the legal system will improve.
- Negative assessments of the system are rejected by more than half of citizens. While 46 percent lack a sense of protection from the formal system, only 22 percent strongly agree. Thirty-six percent would avoid the formal legal system, but just 12 percent feel strongly about avoiding it. Less than a third of citizens (31 percent) characterize the formal system as corrupt (12 percent strongly), and only 12 percent have the perception that the formal law just protects the rich and powerful (6 percent strongly). Those in Dili (and to a lesser extent Baucau and Oecussi) are more likely to express negative assessments of the system than other East Timorese citizens.
- Still, a fifth of the public (20 percent) believes there are times when people should take the law into their own hands (9 percent strongly). They are likely to be less educated and urban citizens, especially in Dili (31 percent), Baucau (24 percent) and Oecussi (40 percent). They also tend to be much more concerned about crime and safety.

## Legal Rights: Practice & Theory

*Do you think the following laws are being followed in your area?  
Do you think they are good or bad laws?*

	Law Followed	Law Not Followed	Good Law	Bad Law
There must be court approval in order for someone accused of a crime to be jailed for more than 3 days.	49%	38%	62%	23%
An arrested person can get a public defender if he can't afford a lawyer.	40%	41%	57%	20%
The law protects an accused criminal from beating by police.	41%	44%	52%	28%

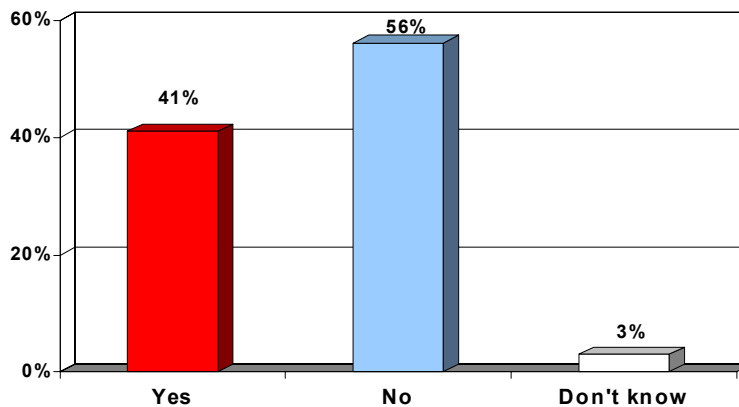
*Q. 52, 54, 56 & Q. 53, 55 & 57 (base 1114)*

## Legal Rights: Practice and Theory

- Despite their optimism about the formal legal system, many East Timorese do not feel the law is actually followed in practice. Only half the public (49 percent) believe the law requiring court approval to jail a suspect for more than three days is being obeyed, and only four in ten (41 percent) think the law actually protects accused people from police brutality or allows an arrested person access to a public defender.
- A majority of citizens approve of these laws, although they are not universally accepted. Six in ten East Timorese (62 percent) believe that requiring court approval for a suspect's extended jail sentence is good, but 23 percent do not, and another 15 percent are unsure. Almost three in five (57 percent) think giving poor people the right to a public defender is a good, but 20 percent disapprove and another 22 percent is unsure. Just over half the public (52 percent) agrees with having a law that protects accused criminals from police beating, but 28 percent characterize it as a bad law, and another 20 percent are unsure.
- Urban, educated citizens are most likely to feel these laws are positive and also most likely to feel they are being followed. Dili residents in particular approve of these laws and are much more likely to believe they are followed in practice than do citizens in other regions of the country.

## Land Disputes

*Are land disputes common in this area?*



Q. 108 (base 1114)

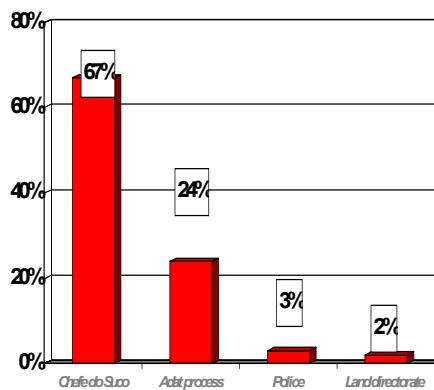


## Land Disputes

- About four in ten East Timorese (41 percent) report that land disputes are common in their area. However, over half (56 percent) do not believe land disputes are a common occurrence.
- Urban dwellers are more likely to consider land disputes common (46 percent) than rural residents (39 percent). Similarly, the lowest income citizens (57 percent) report that land disputes are common, while those in the upper income brackets (39 percent) do not.
- Baucau (55 percent) and Eastern region residents (47 percent) are more likely to say they are experiencing land disputes than citizens in other areas of the country – Dili (41 percent), the Western region (42 percent), Oecussi (34 percent), and the Central region (31 percent). The perception of less land disputes in the western parts of the country may be linked to the clearer demarcation of customary land borders in that region.
- Those who have personally experienced land disputes in the last few years (33 percent of the public) are much more likely to feel such disputes are common (53 percent compared to 41 percent overall).

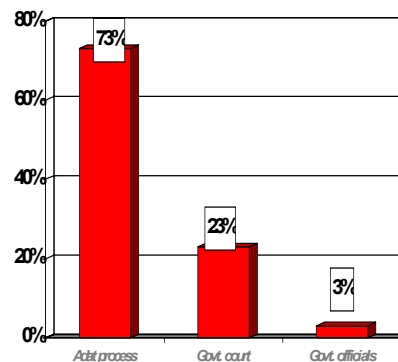
## Decisions on Land Disputes

Who decides land disputes in your area ?



Q. 109, 110 (base 1114)

What do you think is the best way to resolve land disputes in your area-the traditional (adat) process, govt. courts or other govt. officials?



## **Decisions on Land Disputes**

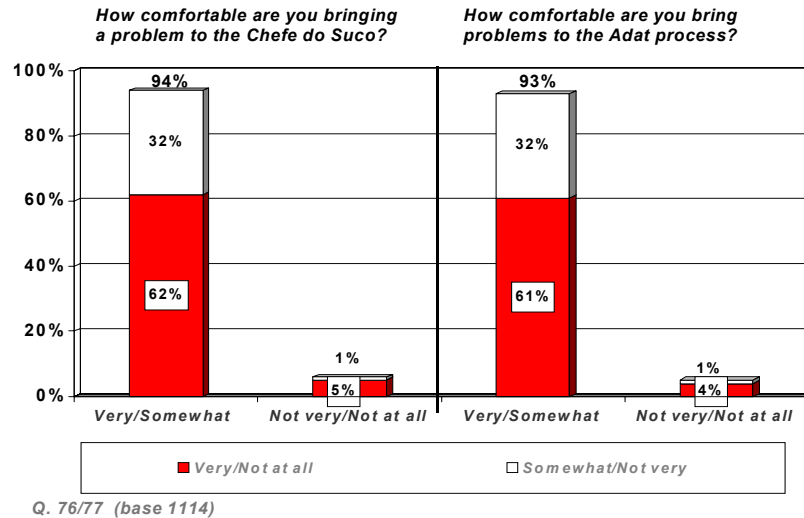
- Two-thirds of East Timorese identify the village head, *chefe do suco* or *chefe do aldeia* as the first person who usually decided land disputes. After the village leader, a quarter cite the *adat* process as the main arbiter of land disputes. Only three percent believe the police usually decide local land disputes and just two percent mention Land and Property or another government agency.
- When first and second responses are tallied, more than eight in ten citizens (86 percent) feel the village head is responsible for land disputes and over half (53 percent) think the traditional *adat* process decides these cases. Just 18 percent feel the police have any role, while 16 percent identify Land & Property or another government agency.
- Nearly three-quarters of citizens (73 percent) believe the traditional *adat* process is the best way to decide land disputes. This response includes the involvement of the village leader or *chefe*. Almost a quarter (23 percent) believe the decision should be made by government courts.
- Those who prefer the involvement of the formal legal system tend to be more educated, higher income, urbanites and working women. In Dili, a majority of citizens (52 percent) prefer government courts to rule on land disputes, while in the rest of the country, most citizens find the traditional *adat* process much more appealing. Some 89 percent of Baucau residents, 97 percent of those in Oecussi, 81 percent in the Eastern region and 78 percent of those in the West believe the *adat* system is the best way to resolve land disputes.

**Part 4:**  
**Familiarity and Comfort with Legal Institutions**

### **Familiarity and Comfort with Legal Institutions -- Summary**

- Most East Timorese are comfortable bringing a problem to either the *chefe* or the traditional *adat* process – in many cases these two conflict resolution options overlap.
- East Timorese are familiar with how to bring a problem to the police, but less familiar with the district court. Most are unaware of public defenders, legal aid organizations, NGOs and lawyers, who know legal institutions and have access to the courts.
- Those East Timorese who are familiar with legal institutions profess overall confidence in them. The traditional *adat* process inspires the most confidence among East Timorese, while the police generate more doubts, though they still enjoy majority trust.
- Support for a judge or official from the formal court system coming to the citizen's area is expressed by a modest majority.
- The *adat* process is generally described as a fair system that protects rights in general, including women's rights. People feel it reflects their values. However some feel the process is complex, subject to abuses and in need of reform. Descriptions of the *chefe* are very similar, except that some feel he may be more subject to political interference.
- The formal courts are well-regarded but generally not rated as positively as the *adat* process. The formal courts are believed to be slightly less accessible, less fair, less protective of rights and less reflective of community values.
- The police receive the lowest ratings for fairness, complexity, political interference, accessibility and financial risk, but citizens still approve of the police overall.

## Comfort with Chefe and Adat Process



### Comfort with *Chefe* and *Adat* Process

- More than nine out of ten East Timorese (94 percent and 93 percent respectively) are comfortable bringing a problem to either the *chefe*, or to the traditional *adat* process. (In many cases these two conflict resolution options overlap.)
- About six out of ten (62 percent, 61 percent respectively) are very comfortable with either the *chefe* or the *adat* process. Those who are most comfortable are older (over age 35 and especially over age 50), less educated, and residents of Baucau, the Eastern region or the Western region.
- In each case, just six percent of citizens report feeling some discomfort bringing an issue before these bodies.
- Those who are less than “very” comfortable with either the *chefe* or the *adat* process tend to be younger, educated men and working women, and residents of Oecussi or the Central region.

## **Familiarity: Former Legal Institutions**

*How familiar are you with the process of bringing a problem to:*

	<b>Very</b>	<b>Some what</b>	<b>Not very</b>	<b>Not at all</b>
To the police	37%	38%	1%	13%
To the District Court	15%	36%	2%	26%
To Legal Aid organizations	9%	23%	4%	36%
To a lawyer	11%	21%	5%	34%

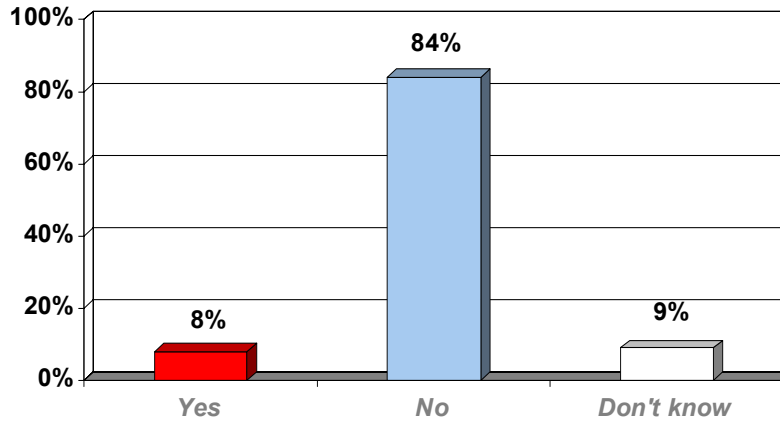
Q. 78-81 (base 1114)

### **Familiarity: Formal Legal Institutions**

- Three-quarters of East Timorese (75 percent) are familiar with bringing a problem to the police, although only 37 percent characterize themselves as “very familiar” with the process. Younger citizens, especially younger men, educated and higher income citizens, Dili and Western region residents are the most knowledgeable about the process of dealing with the police.
- Only half the public (51 percent) is familiar with bringing a problem to the district court, and just 15 percent feel they are “very familiar” with the district court. Men, especially younger men, educated and higher income citizens, and Dili residents are most aware of the district court.
- Legal aid organizations and lawyers are even less familiar for citizens – only a third are knowledgeable about either of them. Just 11 percent are “very familiar” with bringing a problem to a lawyer and only 9 percent are “very familiar” with legal aid organizations.
- Awareness of legal aid organizations and lawyers falls along the same demographic lines as the district court and the police – younger, educated men with higher income, especially those in Dili. All of these subgroups have considerable exposure to radio, which also correlates to familiarity with formal legal institutions.

## **Lawyers in Area**

*Are there any lawyers available in your area?*



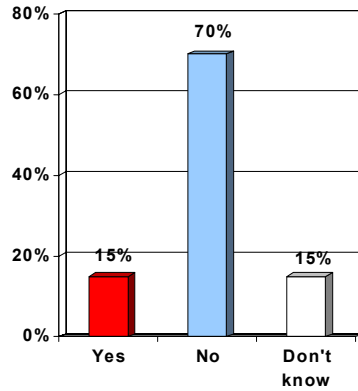
Q. 82 (base 1114)

### **Lawyers in Area**

- More than eight of ten East Timorese citizens (84 percent) do not have ready access to a lawyer because there are no lawyers in their immediate vicinity. Nine percent are unsure if there are any lawyers in their area.
- Just eight percent of citizens are aware of a practicing lawyer nearby. They are concentrated in urban areas, especially Dili (20 percent).

## NGO Assistance

*Would you go to an NGO for assistance in obtaining justice for a problem?*



*Which NGO would you go to?*

*[% of "yes" on previous question]*

	Total
• Yayasan Hak	78%
• LBH TL	19%
• LAIFET	15%
• LIBERTA	12%
• LBH UKUN RASIK-AN	7%
• Other	8%

Q. 83 (base 1114) & Q. 84 (base 160)

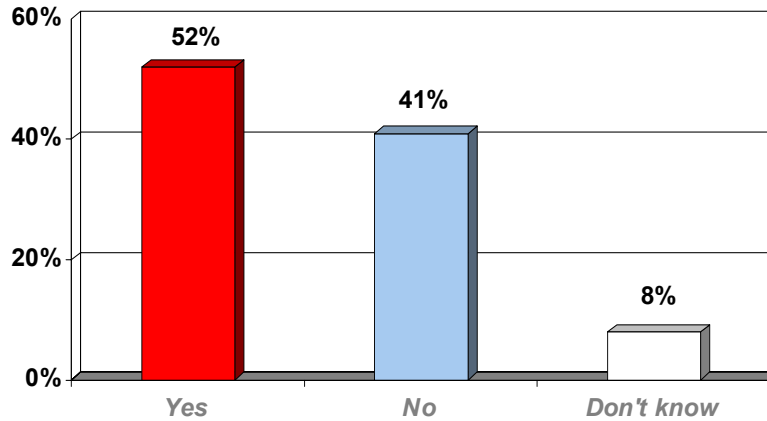
### NGO Assistance

- Only 15 percent of the East Timorese public say they would go to an NGO for assistance in obtaining justice on a legal problem. These citizens tend to be under age 25, educated, employed, and residents of Dili or the Central region.
- Seven out of ten citizens would not go to an NGO, and another 15 percent are unsure. Those least likely to deal with an NGO are over age 50, less educated and lower wage earners, especially in Baucau, Oecussi and the Eastern region. Almost all citizens who lack exposure to radio are unlikely to go to an NGO with a legal problem.
- Of those who would approach an NGO with help on a legal problem, Yayasan Hak is the first choice of 71 percent, and the first or second choice for over three-quarters (78 percent). A fifth (19 percent) would go to LBH Timor Leste (LBH TL) as an option, but only eight percent pick it as their first choice. Other NGOs mentioned included LAIFET (15 percent, 5 percent), LIBERTA (12 percent, 5 percent), and LBH Ukun Rasik An (7 percent, 5 percent).



## **Circuit Court System**

*Would you want a judge or official from the formal court system to come to your area to help settle disputes?*



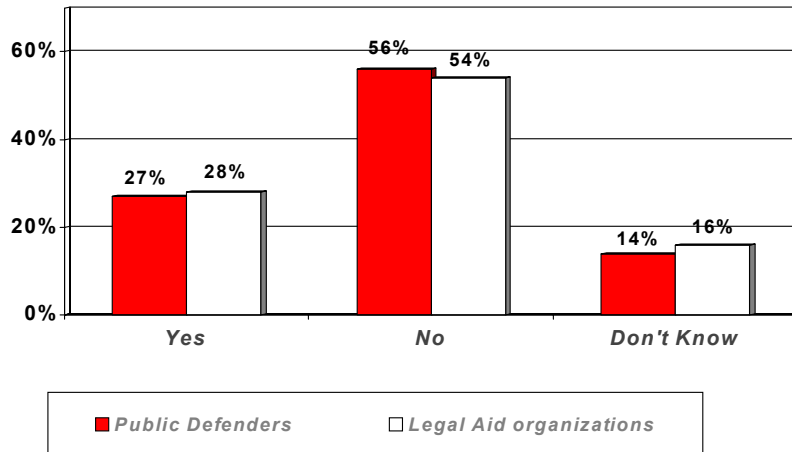
Q. 94 (base 1114)

### **Circuit Court System**

- Half the public of Timorese favor a “circuit court system,” a judge or official from the formal court system coming to the citizen’s area. Over half (52 percent) think this is a good idea, especially urbanites, citizens in Baucau and the Western region.
- Four in ten citizens (41 percent) are not in favor of a “circuit court system,” in which a judge or official from the formal court system comes to the citizen’s area. They are more likely to be in Dili, Oecussi and the Eastern region.

## Awareness: Public Defenders and Legal Aid Organizations

Many people haven't heard of the Public Defenders. How about you? Have you heard of them? And many people haven't heard of Legal Aid organizations. How about you?



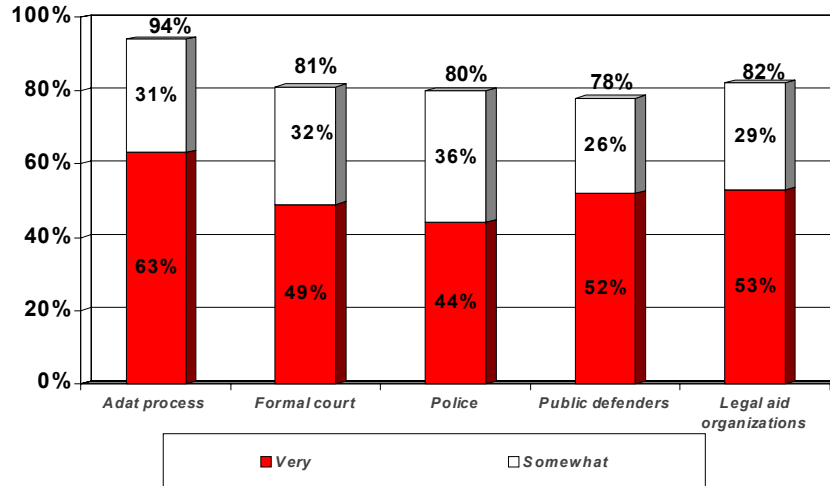
Q. 85/87 (base 1114)

### Awareness: Public Defenders and Legal Aid Organizations

- Public defenders and legal aid organizations are largely unknown outside of Dili. Overall, just over a quarter of East Timorese indicate awareness of either public defenders (27 percent) or legal aid organizations (28 percent). Seven out of ten citizens have never heard of these institutions or are unsure.
- Those least aware of public defenders and legal aid organizations tend to be older (over age 35 and especially those over age 50), rural, less educated (especially those with no formal education), the lowest income earners and those who lack access to radio.
- While over half of Dili residents (56 percent) are aware of public defenders and 29 percent of those in the Western region are, the numbers are considerably lower in the rest of the country. In the Central region, just 23 percent are aware of public defenders; in the Eastern region the figure is 19 percent, in Baucau, 18 percent, and in Oecussi, just 9 percent.
- The same basic awareness pattern follows for legal aid organizations, except that Central region residents identify legal aid groups at a higher rate (34 percent) than the national average. Dili residents (51 percent) are still the most informed, along with Western region citizens (30 percent). The other regions are all below 15 percent.

## Confidence in Legal Institutions

How confident are you of the following institutions?  
(percent saying very/somewhat)



Q. 86, (base 328), 88 (base 338), 89-91 (base 1114)

### Confidence in Legal Institutions

- More than nine of ten East Timorese (94 percent) are confident in the fairness of the traditional *adat* process, including 63 percent who are very confident.
- Eighty-one percent (81 percent) of citizens are confident in the fairness of the formal courts now, and about half (49 percent) are very confident.
- Nearly eight out of ten citizens (80 percent) have confidence in the police now, although just 44 percent are very confident.
- Although citizens lack great awareness of public defenders and legal aid organizations, they still possess confidence in them. More than three-quarters of citizens (78 percent) have confidence in public defenders, including over half (52 percent) who are very confident. More than eight citizens in ten (82 percent) are confident about legal aid groups, including 53 percent who are very confident.
- Of these legal entities, people have most contact with and awareness of the *adat* process and the police. The traditional *adat* process inspires the most confidence, while the police still generate some doubts, especially among young citizens, men under age 35, more educated citizens, urbanites, Dili residents and those in the Eastern region.

## Attitudes to the Adat Process

*Now I want to ask about the Adat process. Do the following sentences describe the traditional process or not?*

	YES	No	Depends	Don't Know
Can be trusted to be fair	91%	6%	3%	0%
Ignores human rights/abuses power	22%	60%	7%	3%
Only helps people w/a lot of money/power	7%	86%	5%	3%
Cannot be relied on for a fair judgment	25%	62%	8%	4%
Reflects values of my community	77%	14%	6%	3%
We risk losing money if we go there	21%	50%	23%	6%
Subject to political interference	14%	63%	14%	9%
Not accessible/requires travel	20%	57%	15%	8%
Too complex	30%	53%	12%	5%
Protects rights	86%	9%	3%	2%
Protects women's rights	86%	8%	3%	2%
Needs reform to be more fair	75%	12%	9%	4%

Q. 96-107 (base 279)

### Attitudes about the *Adat* Process

- People are generally very satisfied with the traditional *adat* process. Nine out of ten East Timorese (91 percent) believe the *adat* process is fair, and 86 percent believe it protects both rights in general and women’s rights. Over three quarters of the public (77 percent) feel the *adat* process reflects the values of their community.
- However, 75 percent of citizens believe the *adat* process could benefit from reform to make it fairer.
- About three in ten (30 percent) feel the *adat* process is too complex, a quarter (25 percent) believe it cannot be relied on for a fair judgment and 22 percent feel it ignores human rights or abuses power.
- About a fifth of the public (21 percent) recognizes a monetary risk of pursuing justice through the *adat* process; about the same number (20 percent) feel it is not accessible because it requires travel.
- The *adat* process is not likely to be considered subject to political interference (14 percent) and few believe it only helps the rich (7 percent).
- Urban dwellers and better-educated men were the likeliest to say that the *adat* process was too complex and could not be trusted, but majorities even in these groups viewed it positively.

## Attitudes to the Chefe do Aldeia

Now I want to ask about the Chefe do Aldeia.  
Do the following sentences describe the Chefe do Aldeia or not?

	YES	No	Depends	Don't Know
Can be trusted to be fair	93%	3%	4%	0%
Ignores human rights/abuses power	20%	70%	6%	3%
Only helps people with a lot of money/power	6%	86%	6%	2%
Cannot be relied on for a fair judgment	26%	58%	11%	5%
Reflects values of my community	80%	12%	6%	3%
We risk losing money if we go there	17%	57%	18%	8%
Subject to political interference	21%	59%	8%	12%
Not accessible/ requires travel	21%	56%	16%	7%
Too complex	24%	58%	11%	7%
Protects rights	87%	9%	3%	0%
Protects women's rights	85%	10%	4%	1%
Needs reform to be more fair	74%	12%	11%	4%

Q. 96-107 (base 272)

### Attitudes to the Chefe do Aldeia

- Descriptions of the *chefes do aldeia* closely follow feelings about the traditional *adat* process, which is not surprising, since in many cases they are intertwined. East Timorese consider their *chefe* to be fair (93 percent), protect rights (86 percent) and women's rights (85 percent), and reflect the values of the community (80 percent).
- Like the *adat* process, three-quarters (74 percent) feel the *chefe* could be fairer. However, 21 percent believe he may be subject to political interference, which is higher than for the *adat* process.
- Opinions of the *chefe* are also similar to the *adat* process on unreliability, fairness (26 percent) and in accessibility (21 percent). Also like the *adat* process, a fifth (20 percent) feel the *chefe* sometimes ignores human rights or abuses his power, but only 6 percent believe he helps only the rich.
- Going to the *chefe* is considered less complex than the *adat* process (24 percent) and less of a financial risk (17 percent).
- The most skeptical about the fairness of the *chefe* were those with primary education or more, particularly if they were under 35. But even in these groups, a majority thought the *chefe* was fair.

## Attitudes to the Police

*Now I want to ask about the police.  
Do the following sentences describe the police or not?*

	YES	No	Depends	Don't Know
Can be trusted to be fair	79%	13%	7%	2%
Ignores human rights/abuses power	20%	66%	10%	4%
Only helps people w/a lot of money/power	10%	75%	12%	3%
Cannot be relied on for a fair judgment	31%	55%	9%	5%
Reflects values of my community	76%	14%	6%	4%
We risk losing money if we go there	29%	44%	18%	9%
Subject to political interference	26%	50%	11%	13%
Not accessible/ requires travel	40%	40%	16%	5%
Too complex	33%	48%	11%	9%
Protects rights	81%	7%	7%	5%
Protects women's rights	80%	8%	8%	5%
Needs reform to be more fair	77%	10%	8%	4%

Q. 96-107 (base 281)

### Attitudes about the Police

- East Timorese citizens approve of the job the police are doing overall, but they do not describe the police as positively as the *chefe* or the *adat* process. Eight in ten (81 percent) feel the police protect rights and 79 percent believe they protect women's rights; these assessments are 5-7 percentage points below the *chefe* and the *adat* process. Seventy-six percent believe the police reflect the values of the community (3-4 percentage points below *chefe* or *adat*).
- While more than three-quarters of citizens (78 percent) feel the police can be trusted to be fair, they are not perceived to be as fair as the *chefe* or *adat* process (13-14 percentage points below the *adat* process or the *chefe*).
- Dealing with the police is also considered more complex (33 percent, 9 percentage points more than the *adat*, 3 percentage points more than the *chefe*), more subject to political interference (26 percent, 12 percentage points more than the *adat*, 5 percentage points more than the *chefe*) and a larger financial risk (29 percent, 8 percentage points more for the *adat*, 12 percentage points more for the *chefe*). In addition, the police are considered much less accessible (40 percent, 20 points more than the *adat* process, 19 more than the *chefe*).

- As with the *chefe* and the *adat* process, about three-quarters of citizens (77 percent) feel the police need reform to be more fair, although just a fifth (20 percent) feel the police ignore rights or abuse power. Ten percent believe police only help people with money or power.
- Rural people were more likely to report that the police were inaccessible or require travel, while urban dwellers were not as concerned (44 percent vs. 30 percent). Older people with post-primary education were the only group where a plurality (48 percent) doubted the fairness of the police.

## Attitudes to the Formal Courts

*Now I want to ask about the formal courts. Do the following sentences describe the formal courts or not?*

	YES	No	Depends	DK
Protects women's rights	82 %	9 %	3 %	5 %
Can be trusted to be fair	82 %	9 %	7 %	3 %
Protects rights	80 %	12 %	4 %	4 %
Needs reform to be more fair	74 %	13 %	7 %	6 %
Reflects values of my community	72 %	15 %	7 %	6 %
Not accessible/ requires travel	41 %	38 %	14 %	7 %
Too complex	37 %	42 %	13 %	9 %
We risk losing money if we go there	31 %	42 %	18 %	9 %
Cannot be relied on for a fair judgment	28 %	57 %	8 %	7 %
Ignores human rights/ abuses power	21 %	69 %	4 %	6 %
Subject to political interference	19 %	51 %	17 %	13 %
Only helps people with a lot of money / power	8 %	76 %	12 %	4 %

Q. 96-107 (base 282)

### Attitudes about the Formal Courts

- The formal court system in East Timor is well-regarded, but descriptions of the formal system are still less positive than assessments of the traditional *adat* system. The formal courts lag in the areas of accessibility, fairness, financial risk, complexity, protecting rights and reflecting the values of the community.
- Eight in ten citizens (82 percent) feel the system protects women's rights (the same as the *adat* process), while almost as many (80 percent) believe the system protects rights in general (six percentage points less than the description for the *adat* process). About the same proportion (82 percent) feel the formal courts can be trusted to be fair (9 percentage points less than *adat*). Just under three-quarters of the public (72 percent) feel the formal courts reflect the values of their community (6 percentage points less than *adat*). Just under three quarters (74 percent) believe the formal courts need reform to be more fair, similar to the *adat* process.

- Four in ten citizens (41 percent) think the formal courts are inaccessible, 20 percentage points more than with the *adat* process. The likeliest to say this are rural people under 35 (53 percent), particularly younger rural women (58 percent), and Central region residents (52 percent).
- Over a third (37 percent) feel the formal courts are too complex (7 percentage points more than *adat*) and 31 percent think the formal courts represent a financial risk (10 percent points greater than *adat*). Uncertainty about fairness of the courts is concentrated among less educated men; this seems to reflect ignorance more than doubt.



**Part 5:**  
**Experience with Law and Justice**

## Experience with Law and Justice -- Summary

- Around three-quarters of citizens have been involved in some kind of dispute over the last three years. The most common disputes in East Timor recently have been land disputes, domestic fights, neighborhood violence, and theft.
- About half of these disputes were solved by the family or families involved, or between the two parties themselves. After that, the *chefe* or *adat* process were the main arbiters, followed distantly by the formal court and the police. Many did nothing about their dispute, primarily because they didn't know what to do or didn't think anything could be done to remedy the situation.
- East Timorese tended to choose the *adat* process because they thought their complaints were "minor," because they wanted to allow all parties to avoid embarrassment, or because it was simply tradition. Half of the cases reached settlement without any compensation changing hands, but most citizens are satisfied with the outcome.
- East Timorese went to the police mainly because they thought their complaint was "serious" and they believed they would get fair treatment. Again, nearly half these cases were settled. A majority of complainants were satisfied, but far fewer than in the *adat* process.
- As with the police, many citizens ended up in the formal court system because they were bringing "serious" disputes and wanted to get a fair decision. Others had no choice, either because the law demanded it or someone forced them to go. Most cases referred to this venue were resolved, and parties are almost as satisfied as they were with the *adat* process.

## Disputes

*Please tell me all those areas of dispute that you, or any of your family, have had problems with or disputes that were difficult to solve during the last 3 years.  
Which of these were most recent?*

	All disputes	Most recent
Land dispute	34%	20%
Domestic fights/Violence	32%	10%
Theft	28%	13%
Non-family fights	18%	9%
Household/neighborhood quarrels	11%	7%
Divorce	9%	6%
Motor Accident	7%	4%
Don't Know/Other/None of the above	29%	31%

Q. 60/61 (base 1114)

## Disputes

- About three-quarters of the public (76 percent) has been involved in some type of dispute in the last three years. Land disputes (34 percent) and domestic fights/violence (32 percent) have been the most common disagreements in East Timor over this time period, followed closely by theft (28 percent). In the last year, 20 percent have been involved in a land dispute, 13 percent in a theft case and 10 percent in a domestic fight.
- Other disputes include violence between non-family members (18 percent), household or neighborhood arguments (11 percent), divorce (9 percent) and motor vehicle accidents (7 percent). In the last year, nine percent have been involved in a fight among non-family members, seven percent in a household or neighborhood argument, six percent in divorce and four percent in a motor vehicle accident.
- Those most likely to be involved in land disputes are younger and educated citizens, especially educated, working women on one hand, and on the other hand those earning the lowest incomes. Land disputes are most common in the Central region.
- Younger urban women are most likely to report being in a domestic fight. Baucau and Oecussi residents were involved in the most domestic disturbances in the last three years. Theft cases are likely to involve younger people, particularly in Dili and Oecussi.

## How Disputes Were Handled

*What did you or your family members do to resolve this most recent problem?  
Anything else?*

	<b>Most recent d i s p u t e</b>
Issue was handled within the family	36%
Took issue to chefe de aldeia	24%
Talked directly to the person(s) I had disputes with	16%
Went to formal court	16%
Did nothing/could not say	14%
Took issue to the adat process	13%
Went to police and filed complaint	12%
Took the issue to a priest	5%
Went to police but did not file complaint	2%
Went to legal aid group/NGO	1%
Other	1%

Q. 62 (base 799)

## How Disputes Were Handled

- More than a third of those involved in a dispute (36 percent) handled the issue within the family or families involved. Another 16 percent dealt directly with the person or people in conflict. Older women and less educated citizens are most likely to deal with disagreements this way, as are those in Baucau, Oecussi and the Western region.
- A quarter of East Timorese (24 percent) who were involved in disputes took their disputes to the *chefe do aldeia* or *chefe do suco*. These citizens are likely to be younger rural men, have a primary education and are working, particularly as farmers, and earning a low income. Eastern and Central region residents are most likely to take their cases to the *chefe*.
- Sixteen percent (16 percent) took their disputes to a formal court. They are much more likely to be urban men, especially in Dili or the Central region.
- Thirteen percent (13 percent) took the issue to a traditional *adat* process (especially in the Eastern and Central regions) and 14 percent went to the police (especially urban men in Dili and the Western region), although just 12 percent actually filed a complaint. Five percent went to a priest, while just one percent went to either a legal aid organization, NGO or somewhere else.
- Fourteen percent (14 percent) did nothing about their dispute. They tended to be women, over age 50, and residents of Oecussi or the Western region.

## Reasons for No Action

*Why did you not pursue an action of any kind?  
[% of the 14% who did nothing about their dispute]*

	All disputes
Didn't know what to do	53%
It was not important enough	10%
It would damage relationship with the other party	4%
It would take too much time	1%
Did not have evidence	1%
It would cause problems for me or my family	1%
Court/Police station too far away	1%
Other/Don't Know/No response	28%

Q. 63 (base 115)

### Reasons for No Action

- Of those who did nothing to deal with their dispute, which was 14 percent of those involved in a dispute, more than half (53 percent) explained their inaction was because they didn't know what to do or didn't think anything could be done to remedy the situation. These are most often rural citizens with little education.
- One in ten (10 percent) believed their dispute was not important enough for any formal action, while 4 percent worried that any action would damage their relationship with the other party.
- One percent each were concerned about causing future problems for themselves or their family, lacking evidence, the time commitment or distance to the court or police station.

## Reasons for Choosing Adat Process

*Can you please tell me, of the following reasons, which ones best describe the reason why you used the Adat process?  
[of the 39% who dealt with their dispute this way]*

	All disputes
The matter was too small to take to formal court	44 %
Traditional process saves face and avoids embarrassment	30 %
In accord with how my community always settled disputes	28 %
Traditional process requires less travel time than formal courts	22 %
To keep the peace/harmony	18 %
Traditional process is a low cost method of resolving disputes	14 %
I had to go there	2 %
Other/Don't Know	2 %

Q. 64 (base 269)

### Reasons for Choosing *Adat* Process

- Among East Timorese with a recent dispute, 39 percent chose to take their disputes to traditional leaders (including *chefe do suco*) or relied on the *adat* process for a resolution.
- More than four of ten (44 percent) East Timorese who took their recent disputes to the traditional *adat* process did so because of a perception that the formal courts only handle large cases. This is especially true of women, those over age 35, urbanites and more educated citizens.
- Three in ten (30 percent) chose the *adat* process because it saves face and allows people to avoid embarrassment. This is especially true of older citizens and rural citizens.
- Twenty-seven percent (28 percent) went through the traditional *adat* process because it is in accord with the way their community usually solves disputes. Older, low income and Dili residents are most likely to chose the *adat* process for this reason.
- About a fifth of citizens (22 percent) identified travel time as the reason they chose the *adat* process, while about the same percentage (18 percent) decided the *adat* process would be a better way to keep peace in the community. Fourteen percent (14 percent) identified the *adat* process as more economical, and two percent were required to participate.

## Reasons for Going to Police

*Can you please tell me, of the following reasons, which ones best describe the reason why you went to the police?  
[of the 11% who dealt with their dispute this way]*

	All disputes
It was a serious matter	43%
Thought I would get fair treatment	39%
Wanted to avoid further conflict/violence	34%
Knew police could tell me what to do next	24%
Didn't know what else to do	11%
Unhappy with adat process	6%
Other/DK	5%

Q. 68 (base 86)

### Reasons for Going to Police

- Overall, only 11 percent of those who had a dispute recently chose to go to the police to seek a remedy. Of those, 9 percent actually filed a complaint.
- More than four in ten (44 percent) went to the police because they thought they would get fair treatment. About the same percentage (43 percent) considered their dispute a serious matter – something that deserved attention from the police.
- Over three in ten (34 percent) East Timorese went to the police did so to avoid further conflict or potential violence. Just under a quarter (24 percent) felt that the police would be able to instruct them what to do next.
- Eleven percent (11 percent) went to the police because they didn't know what else to do, while six percent (6 percent) approached the police because they were unhappy with a prior decision made by the *chefe* or through the traditional *adat* process.

## Reasons for Choosing Formal Court System

*Can you please tell me, of the following reasons, which ones best describe the reason why you went to court?  
[of the 14% who dealt with their dispute this way]*

	All disputes
Thought I would get a fair decision	56%
It was a serious matter	34%
By law had to go there, had no choice	30%
My spouse/relative advised me to do so	14%
Someone forced me to go to court	7%
I needed a formal legal solution	6%
Unhappy with adat process/chefe's decision	1%
Other/Don't Know	4%

Q. 72 (base 110)

### **Reasons for Choosing Formal Court System**

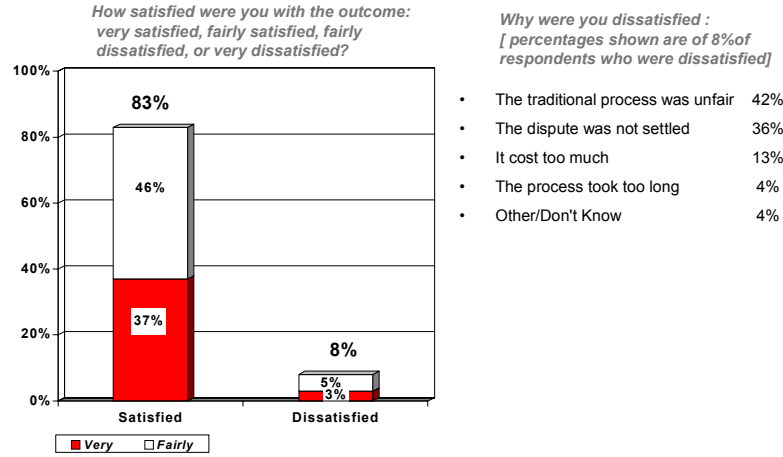
- Among East Timorese with a recent legal dispute, 14 percent went to the formal court system for resolution.
- Over half of those who went to the formal court system (56 percent) did so because they thought they would get a fair decision.
- More than a third (34 percent) went to the formal court because they considered their dispute a serious matter.
- Almost four out of ten (37 percent) felt they had no choice but to appear in the formal court, either because the law demanded it or someone forced them to go.
- Fourteen percent went on the advice of a spouse or relative, while six percent felt they needed a formal legal solution, and one percent were either unhappy with a prior *adat* decision or had other motivations.

### **Outcome of *Adat* Process**

- Thirty-nine percent of East Timorese have had a recent experience with the traditional *adat* process. Of these, nearly half (47 percent) reached a settlement without either party having to physically give anything to the other.
- Almost one in five (18 percent) had to give something to the other party involved and fifteen percent (15 percent) received something from the other party.
- In eight percent (8 percent) of the cases, no settlement was reached, and 13 percent are unsure about the outcome.



## Satisfaction with Adat Process; Why Dissatisfied?



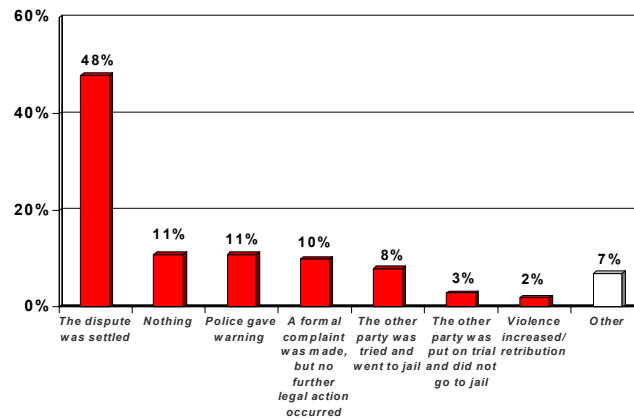
Q. 66 (base 269) & Q.67 (base 23)

### Satisfaction with *Adat* Process

- More than eight of ten complainants (83 percent) who took their dispute through the traditional *adat* process were satisfied with the outcome, including 37 percent who describe themselves as very satisfied.
- Just eight percent were dissatisfied, and only three percent of these were very dissatisfied.

## Result of Going to Police

What was the result of going to the police?

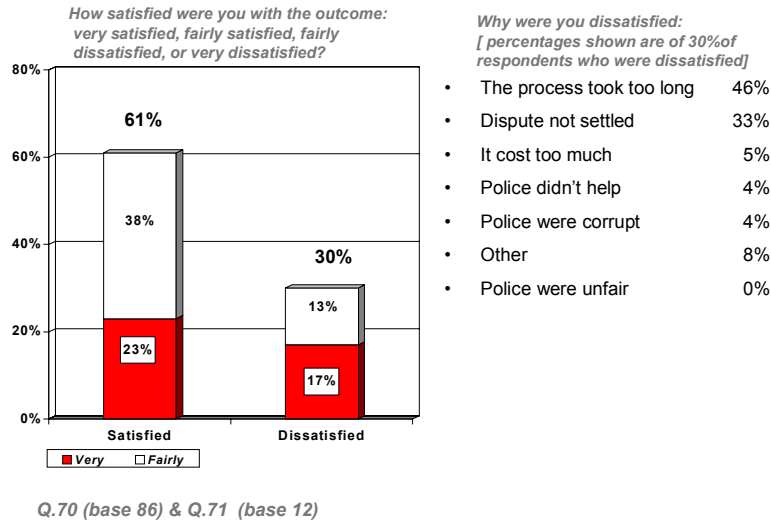


Q. 69 (base 87)

### Result of Going to Police

- Eleven percent of those with a recent dispute went to the police for resolution. Of these, nearly half (48 percent) say their dispute was settled.
- In 11 percent of the cases, nothing happened, while in another eleven percent, the police gave a warning.
- In ten percent of the cases, a formal complaint was filed, but no other legal action occurred.
- A trial occurred In 11 percent of the cases; in eight percent the guilty party went to jail.
- There was increased violence or retribution in two percent of the cases in which the police were involved.

## Satisfaction with Police; Why Dissatisfied?

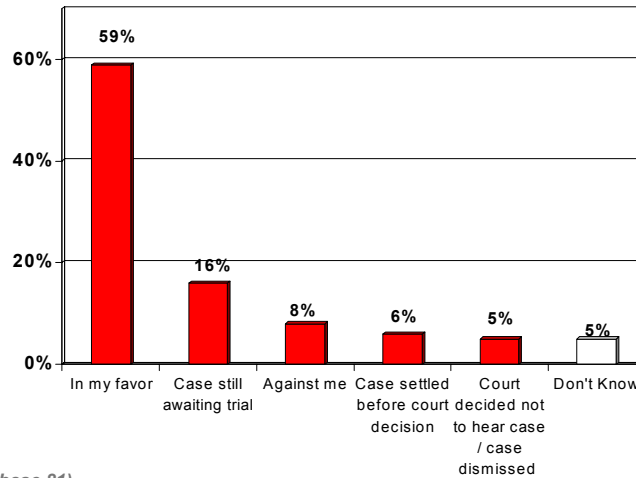


### Satisfaction with Police

- Eleven percent of East Timorese recently involved with a dispute went to the police. Of this group who took their dispute to the police, Six in ten (61 percent) were satisfied with the way the police handled the problem, including almost a quarter (23 percent) who were very satisfied. While this is a fairly positive assessment of the police, it compares to 83 percent who were satisfied with the *adat* process and 37 percent who were very satisfied.
- Three in ten (30 percent) were dissatisfied with the outcome that resulted from police involvement in their dispute, including 17 percent who were very dissatisfied.

## Outcome of Formal Court

*Did the court decide in your favor, or against you?*

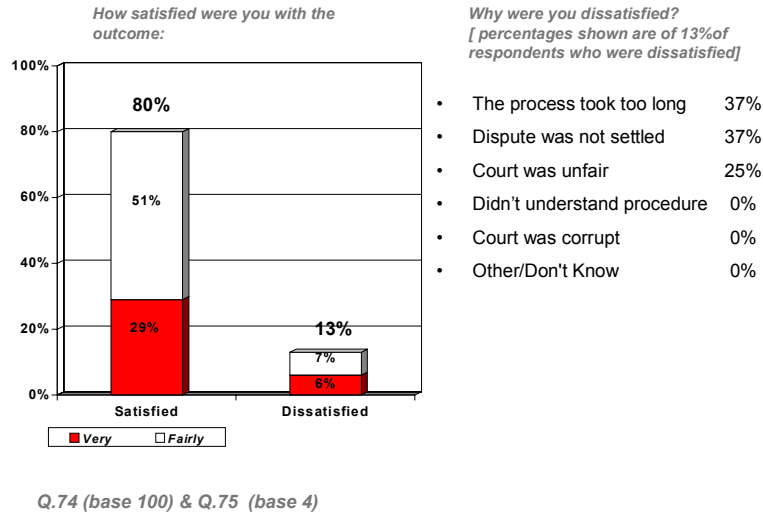


Q.73 (base 81)

### Outcome of Formal Court

- Fourteen percent of those who had a recent dispute used the formal court for remedy. In almost six in ten of those cases (59 percent), the court decided in favor of the plaintiff or victim. In eight percent, the court decided in favor of the defendant.
- In under a fifth of the cases (16 percent) the case is still pending.
- In 6 percent of the cases, the dispute was settled before the court decision, either by traditional arbitration or a guilty plea from the defendant. In 5 percent the court refused to hear the case or dismissed the charges.

## Satisfaction with Formal Court; Why Dissatisfied?



### Satisfaction with Formal Court

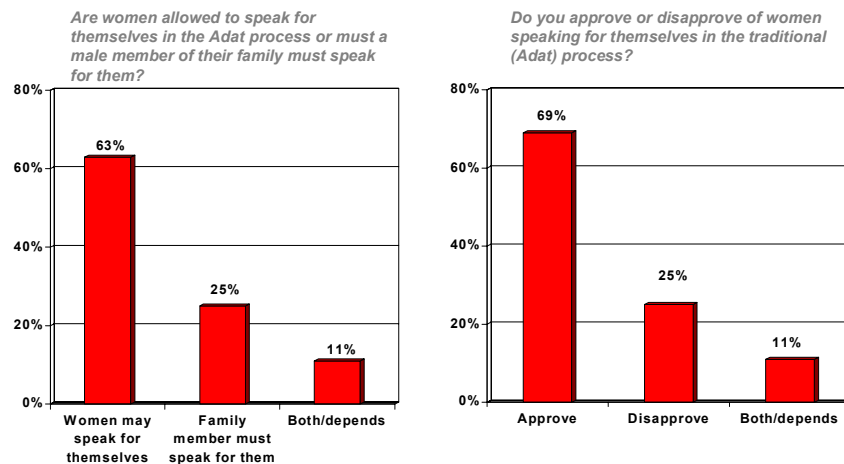
- Eight in ten East Timorese (80 percent) involved in a dispute that went to a formal court were satisfied with the outcome, including three in ten (29 percent) who were very satisfied.
- Just 13 percent were dissatisfied with the outcome in the formal court, and only 6 percent were very dissatisfied.
- Experiences with the formal court were considerably better than experiences with the police (+19 percentage points).
- Opinions of the formal court compare favorably with the traditional *adat* process, where 83 percent were satisfied. However, in the latter, 37 percent were very satisfied, an eight percentage point advantage for the *adat* process.

**Part 6:**  
**Women and the Law**

## Women and the Law -- Summary

- East Timor is a strongly traditional society, but one that provides substantial support for gender equality, especially in the law. A strong majority of East Timorese believe women can and should be able to speak for themselves in the traditional *adat* process. This support is most prevalent among urban citizens.
- A majority of the public also supports women’s rights to land, mainly because they support equal rights for men and women. Opposition to women’s land rights is strongest among younger men and rural citizens, especially in the Central region, Baucau and Oecussi. Opponents mainly cite the tradition that when a woman joins her husband’s clan and household, property decisions become his domain.
- Domestic violence is unacceptable to three-quarters of the East Timorese public; again, this is driven by a belief in equal rights. However, a majority of citizens consider domestic violence a “family matter” that should be heard by the traditional *adat* process rather than the formal court.
- In contrast, however, a large majority of citizens tend to feel that the formal court is a more appropriate venue for cases of rape.

## Women Speaking in the Adat Process



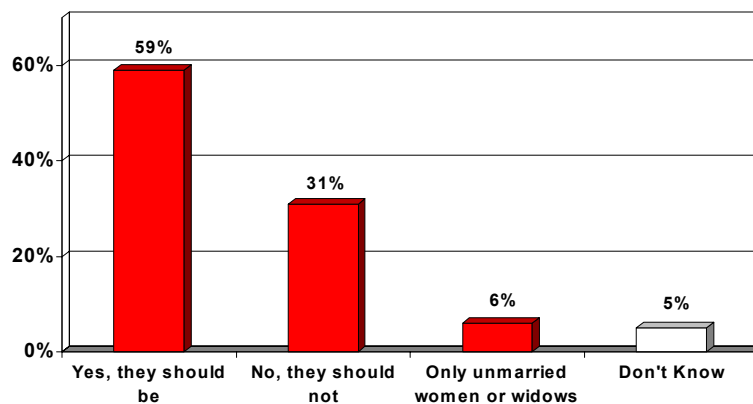
Q. 92, 93 (base 1114)

## Women Speaking in the *Adat* Process

- More than six in ten East Timorese (63 percent) believe that women are allowed to speak for themselves in the traditional *adat* process of their community. In a quarter of the cases, a family member must speak for them, while 11 percent feel it can be both or depends on the situation.
- The differences are mainly along geographic lines, especially the urban/rural split. Three-quarters of urban citizens (76 percent) say a woman can speak for herself, while just 58 percent of rural citizens agree. Similarly, in the Eastern region (70 percent), Western region (73 percent), Baucau (73 percent) and Dili (77 percent), women can represent themselves in the *adat* process, while in Oecussi (53 percent) and the Central region (39 percent), women are less likely to have that option.
- Almost seven in ten citizens (69 percent) approve of a woman being able to speak for herself in the *adat* process, while a quarter (25 percent) disapprove, and 11 percent are unsure or think it depends on the situation. Traditions are strong, and approval of women's participation is split along geographic lines as well. Eight in ten urbanites (82 percent) approve, while just 64 percent of rural residents do. Dili (88 percent) and the Eastern region (80 percent) support a woman's participation the most, while those in Oecussi (52 percent) and the Central region (48 percent) are less enthusiastic. Educated and working women are also likely to approve, while younger, unemployed men are less supportive of women's participation in the *adat* process.

## Women and Land Rights

*Do you think women, including married women whose husbands are living, should be allowed to hold land as men do?*



Q. 111 (base 1114)



## **Women and Land Rights**

- Six out of ten East Timorese (59 percent) believe that women should be allowed to hold land as men do.
- Most interestingly, older citizens (63 percent of those 35+ and 68 percent of those over age 50) are the most supportive of women’s land rights. Younger citizens, especially men under 35 (53 percent) are least supportive, mostly likely because of the high competition for land.
- Urbanites are also supportive of women’s land rights (70 percent), while only 55 percent of rural residents are.
- Dili citizens (76 percent) and those in the Western region (82 percent) believe women should be allowed to hold land as men do, while this figure declines in the Central region (only 47 percent support), Baucau (49 percent) and especially Oecussi (just 7 percent support women’s land rights).

## **Women’s Land Rights: Reasons for Support and Opposition**

*Do you think women, including married women whose husbands are living, should be allowed to hold land as men do? Why do you say that?*

<i>Reasons for Support</i>	<i>Reasons for Opposition</i>
• Everyone should have equal rights 80%	• Women joins husband 61%
• Unfair not to let women hold land 13%	• Tradition/Always done that way 17%
• Women are subservient to men 1%	• Important to keep man’s family land 15%
• Other/Don’t Know 5%	• Man paid bride price 6%

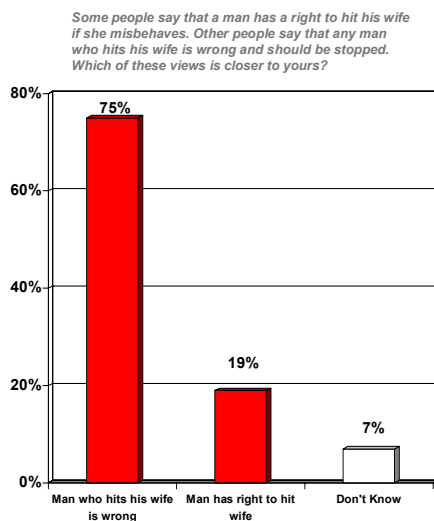
*Q.112 (base = 651) & Q.113 (base = 332)*

## **Women’s Land Rights: Reasons for Support and Opposition**

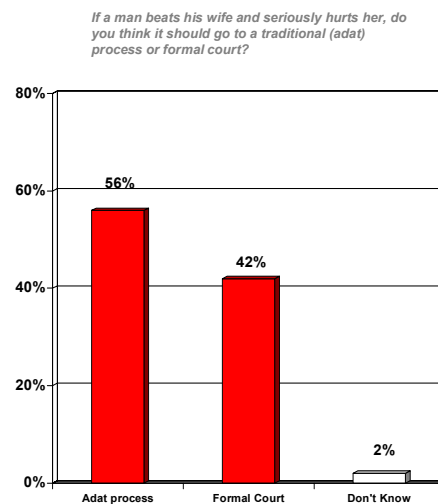
- Desire for equal rights is the main reason for support for women’s land rights. Eight out of ten supporters (82 percent) cite this reason. Dili and Baucau residents, and those in the Central regions feel particularly strongly about equal rights.

- Thirteen percent feel that it is simply unfair not to let women hold land, and five percent cite some other reason, such as the feeling that without land rights, women are made subservient to men.
- Among those who oppose women's land rights, six in ten (61 percent) do so because they hold that a woman joins her husband's household on marriage and land is under his decision making power. Those over age 50 and residents of Baucau and Oecussi are most likely to explain their opposition to women's land rights this way.
- Seventeen percent simply cite tradition and 15 percent say it is important to keep the man's and family's land together. Another 6 percent feel that by paying a brideprice, the man has rights over the woman.

## Domestic Violence



Q. 114/117



### Domestic Violence

- Three-quarters of East Timorese (75 percent) believe that a man who hits his wife is wrong. Those most opposed to domestic violence are younger women (79 percent), educated women (80 percent) and residents of the Central region (82 percent), Oecussi (87 percent) and Baucau (92 percent)

- About a fifth of citizens (19 percent) feel that a man has the right to hit his wife, and another seven percent are not sure. Of this group, those who are more likely to believe that domestic violence is acceptable are those over age 50 (70 percent), younger men (70 percent), and those without any formal education (69 percent). In addition, high acceptance of domestic violence is found among urbanites (66 percent), and residents of Dili (60 percent) and the Western region (62 percent).
- Over half the public (56 percent) feels that if a man beats his wife and seriously hurts her, the case should be addressed by the traditional *adat* process. Just four in ten (42 percent) believe that such a case should be heard in the formal court.
- Those most supportive of the *adat* process in domestic violence cases are over age 35 (62 percent), farmers (72 percent), without formal education (66 percent), and residents of the Western region (60 percent), Eastern region (66 percent) or Baucau (78 percent). Those who prefer the formal court in these instances are educated (48 percent), urbanites (48 percent), especially in Dili (62 percent) and the Central region (50 percent).

## **Attitudes toward Domestic Violence**

*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.  
Why do you say that? (1<sup>st</sup> responses only)*

### **Man has right to hit his wife [19%]**

- It is necessary to “discipline” women this way 44%
- Man has paid brideprice for the woman, she is his 32%
- This is traditional, it reflects our values and the rights of the man 15%
- Other/Don't Know 9%

### **Man who hits his wife is wrong [75%]**

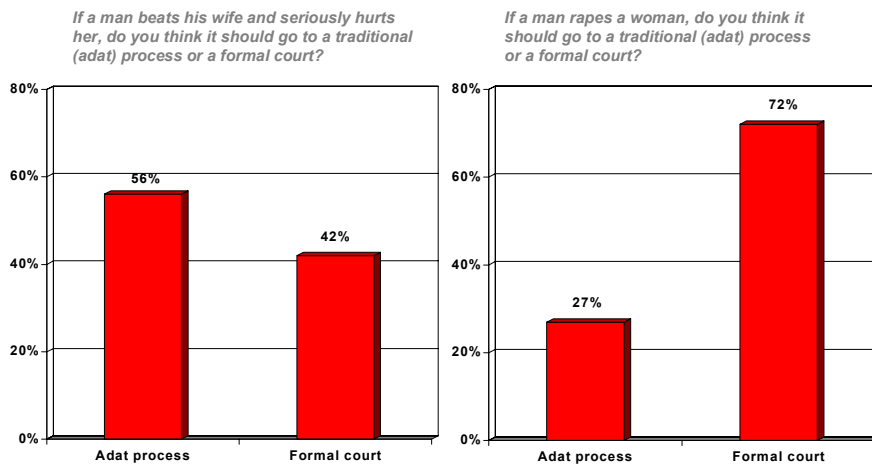
- Women have equal rights, including not being beaten 49%
- It is wrong to hit, there are other ways to communicate 42%
- Only a cowardly man would hit a woman 3%
- Beating women makes men into brutes and encourages violence 1%
- Other/Don't Know 6%

*Q. 115 n = 210/ q. 116 n = 825*

## Attitudes toward Domestic Violence

- Of the 75 percent of East Timorese who oppose domestic violence, about half (49 percent) feel this way because they hold that women have equal rights, including the right to not be hit. This is likely to be true of older women and urbanites, as well as residents of Dili, Baucau and the Eastern region.
- Over four in ten (42 percent) of this group opposed to domestic violence hold that hitting is simply wrong and there are other ways to communicate. Older men, more educated East Timorese and Oecussi residents are most likely to maintain to this view.
- Of the 19 percent of East Timorese who feel that a man has the right to hit his wife if she misbehaves, more than four in ten (44 percent) of this group believe it is necessary to “discipline” women physically. This is especially true of older, less educated and rural East Timorese, especially in Oecussi and the Western region.
- A third of those who accept domestic violence (32 percent) believe it is permissible because if a man paid a brideprice, the woman is his property and he can do whatever he wants with his property. Younger, educated, urban and working women are likely to believe this. Fifteen percent (15 percent) of this group feel that domestic violence is simply traditional, reflecting East Timorese habits and the man’s rights.

## Justice for Rape



Q. 117/118 Base = 1114

## **Justice for Rape**

- While over half of East Timorese (56 percent) favor the traditional *adat* system in a case of domestic violence, even where a woman is seriously hurt, just 27 percent feel the *adat* process is appropriate in the case of rape. These strong supporters of the traditional system tend to be over age 35 (32 percent), especially men over age 35 (36 percent), without a formal education (35 percent), farmers (41 percent) and residents of Oecussi (49 percent) or the Eastern region (50 percent).
- More than seven out of ten East Timorese (72 percent) feel a rape case should be heard in the formal court. Those who feel the formal court is more appropriate tend to be younger, especially those under age 25 (77 percent), educated (78 percent), especially educated women (81 percent), urban dwellers (76 percent), and residents of Dili (85 percent) or the Central region (83 percent).

**Part 7:**

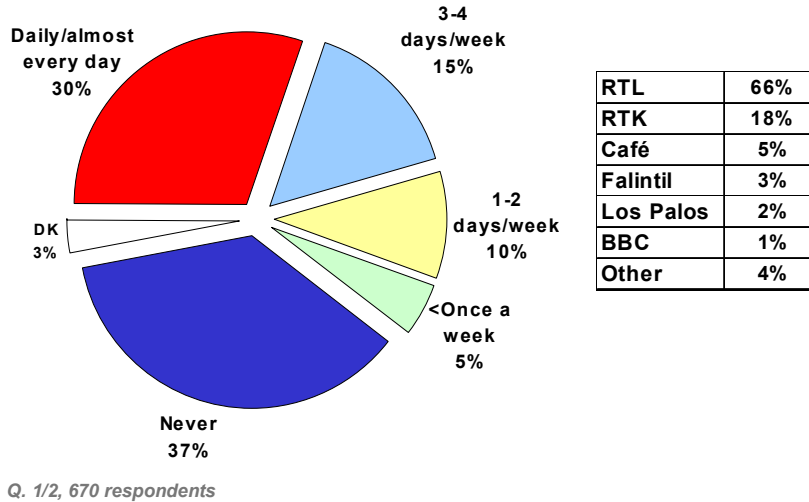
**Legal Information Sources, Media Use and  
Language of Legal Information Sources**

### **Legal Information Sources, Media Use and Language -- Summary**

- Radio still has the most widespread reach of any communication tool in East Timor. Over half the public receives information about the law and legal system from this medium, much more than any other source. Other information sources include the *chefe*, television, newspapers or magazines, and community contacts.
- Radio RTL is the most popular and accessible station. Radio RTK reaches mostly Dili listeners.
- Despite its dominance, radio still fails to reach much of the East Timorese population. Those with the least exposure tend to be older, rural, less educated and low income, especially those in Baucau, Oecussi and the East.
- Tetum is the best-known and most preferred language in East Timor for general usage and in formal court. Indonesian is spoken by less than half the public and preferred mainly by younger, educated East Timorese. Portuguese is currently known to less than 10 percent of East Timorese, and they tend to be older, educated and higher income.
- Almost eight in ten East Timorese categorize themselves as literate in at least one language. Those least likely to be able to read are rural residents with no formal education, older East Timorese, especially older women, and those who live outside Dili or the Central region.
- Those with the least knowledge about the legal system and least institutional familiarity have considerably less exposure to information sources in general (and radio in particular). They are also less likely to be literate in either Tetum or Indonesian.
- Over nine in ten Timorese would prefer to use Tetum in court while four in ten would use Indonesian. Only one in seven would like to use Portuguese.

## Radio Exposure

*How many days a week do you listen to the radio?  
Which radio station do you listen to most often?*



### Radio Exposure

- Six in ten East Timorese (60 percent) listen to the radio at least once in a week. Three in ten (30 percent) listen every day or almost every day. These tend to be younger men, educated and higher income East Timorese, and urbanites – especially those in Dili.
- East Timorese who listen to the radio a few times a week, but not every day, tend to be educated and Central region residents.
- Those with least exposure to radio, who say they never listen, tend to be over age 35, and especially those over age 50, less educated and low income, especially those with no formal education, rural residents, especially in Baucau, Oecussi and the Eastern region.
- Radio RTL is by far the most popular radio station. Two-thirds of listeners (66 percent) tune in to it and it reaches the vast majority residing outside Dili, as well as nearly half of the Dili listeners. Radio RTK has the second-most listeners, with 18 percent – they tend to be mostly in Dili.



## **Info Sources about Law and Legal System**

*Where do you currently obtain information about the law and the legal system?  
(answers cited by 5% or more)*

	1st Response	Total
<b>Radio</b>	<b>40%</b>	<b>53%</b>
<b>Television</b>	<b>16%</b>	<b>17%</b>
<b>None / Do not get information</b>	<b>12%</b>	<b>13%</b>
<b>Village Chief</b>	<b>9%</b>	<b>19%</b>
<b>Neighborhood / community system</b>	<b>5%</b>	<b>12%</b>
<b>Newspaper/Magazine</b>	<b>5%</b>	<b>15%</b>
<b>Family or friends</b>	<b>5%</b>	<b>11%</b>
<b>Other/Don't Know</b>	<b>6%</b>	<b>6%</b>

Q.19 (base 1114)

### **Information Sources about Law and the Legal System**

- Over half of East Timorese (53 percent) get information about the law and legal system from the radio. It is by far the most utilized source of information on this topic. Younger men, educated and high income East Timorese and urbanites are most likely to get this type of information from the radio, as are Dili and Central region residents.
- Seventeen percent of East Timorese have access to television; they are younger, educated, high income and live mostly in Dili. Fifteen percent get information from newspapers or magazines; demographics of the readership closely mirror television viewers, with the addition of the Western region.
- A fifth of East Timorese (19 percent) find the village chief a good resource of information about the legal system – rural women in particular rely on the *chefe*, as do residents of Baucau and the Eastern and Central regions.
- Twelve percent utilize information sources in the neighborhood or community (especially older rural men in the Eastern and Western regions), while eleven percent cite family or friends (mostly rural women in the Eastern and Central regions).
- Thirteen percent do not currently get any information about the law or legal system in East Timor. They tend to be over age 50, without a formal education, low income, and residents of Baucau and Oecussi.

## Spoken Languages

*Which language can you speak?*

Tetum	88%
Indonesian	40%
Mambae	17%
Makasa'e	10%
Portuguese	7%
Baikeno	5%
Kemak	5%
Fata luko	3%
Tetumterik	3%
Tokodede	2%
Nau-eti	2%
Galolen	2%
Tokodede	2%
Other	5%

Q.3 (base 1114)

### Spoken Languages

- Nearly nine of ten East Timorese (88 percent) speak Tetum. In Dili and the Central region, knowledge of Tetum is almost 100 percent, while only eight in ten speak it in Baucau (83 percent) and the Eastern region (81 percent). Tetum is only known by four in ten Oecussi residents (39 percent) – they mostly speak Baikeno (86 percent).
- The usage of Tetum is more than double that of the next most well-known language, Indonesian, which is spoken by 40 percent of the public. Indonesian speakers tend to be under age 35 (49 percent), educated (59 percent), high income urbanites, especially in Dili (74 percent).
- Seventeen percent of the citizenry speaks Mambae. Its usage is largely limited to the Central region, where 60 percent speak it. Ten percent know Makasa'e, which is mostly found in the Eastern region (19 percent).
- Portuguese is spoken by only seven percent of the public, mostly older, educated, higher income and in Dili.

## Literacy

*Which language can you read?*

Tetum	61%
Indonesian	48%
Portuguese	10%
Mambae	6%
Makasa'e	4%
Baikenno	2%
Fata luko	2%
Kemak	1%
Tetumterik	1%
Nau-eti	1%
English	1%
Other	5%
None	9%
Don't Know	12%

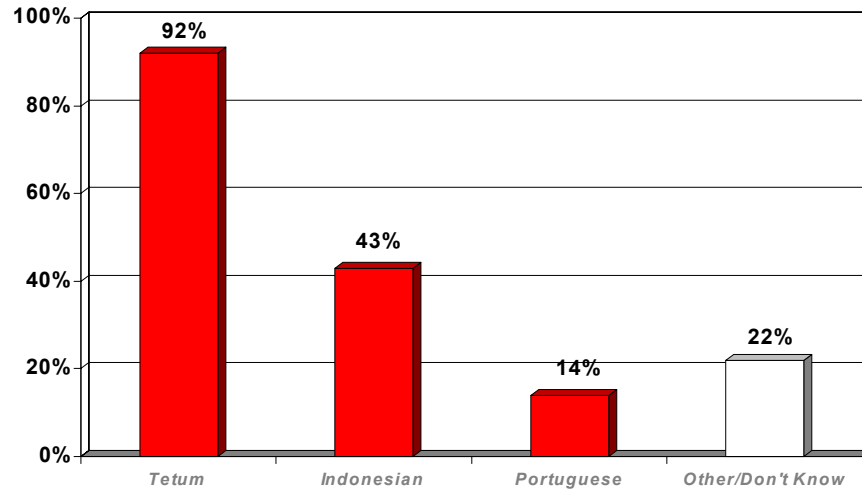
Q.4 (base 1114)

### Literacy

- About 79 percent of the East Timorese public indicate that they can read at least one language. Six in ten (61 percent) read Tetum, while 48 percent can read Indonesian. Only 10 percent can currently read Portuguese.
- Tetum readers are likely to be under age 35 (68 percent), have at least some primary school education (67 percent) or more (78 percent), and live in Dili (75 percent) or the Central region (81 percent).
- Indonesian readers tend to be under 35 as well (60 percent), have completed primary school (68 percent), and also live in Dili (71 percent) or the Central region (53 percent).
- Those who read Portuguese are over age 35 (14 percent), especially those over age 50 (17 percent), and more men (13 percent) than women (8 percent). They are also educated (15 percent finished primary school) and high income (24 percent earn over \$100 a month).
- East Timorese who are least likely to be able to read are over age 35 (31 percent), especially older women (39 percent) and those over age 50 (38 percent). Six in ten of those without any formal education (63 percent) are illiterate. A quarter of those in rural areas, Baucau and the Eastern region (25 percent respectively) cannot read, along with 34 percent in the Western region and 39 percent in Oecussi.

## Language Preference in Formal Court

*In which language would you prefer to use in the formal court?  
(1st and 2nd responses)*



Q. 20 (base 1114)

### Language Preference in Formal Court

- Nine out of ten East Timorese (92 percent) would prefer to use Tetum if they ever had a need to be in formal court. Just over four in ten (43 percent) chose Indonesian, while just 14 percent prefer Portuguese.
- Preference for Tetum reaches across age and education lines. Both older and younger citizens are comfortable with Tetum. Even among those who have had no formal education, 85 percent prefer it in a setting like the formal court to any other languages. Only among Oecussi residents (61 percent) does the preference for Tetum fall below 90 percent of East Timorese.
- Indonesian is likely to be the preference for younger, more educated citizens, especially in Dili and the Central region.
- Portuguese appeals to older East Timorese, educated men and high income earners. Residents of Dili, Oecussi and the Western region are also likely to prefer its usage in formal court.

## **Media Access to Low-Knowledge Groups**

<b>Low Legal Knowledge</b>	<b>Low Institutional Familiarity</b>
• Listens to radio every day/almost every day 22%	• Listens to radio every day/almost every day 20%
• Reads Tetum 37%	• Reads Tetum 56%
• Reads Indonesian 28%	• Read Indonesian 37%
• Gets information on law from radio 31%	• Gets information on law from radio 40%
• Does not get any information on law 25%	• Does not get any information on law 19%

### **Media Access to Low-Knowledge Groups**

- While 30 percent of the East Timorese public overall listens to the radio every day or almost every day, just 22 percent of those scoring in the lowest two categories of the legal knowledge index do. Among those in the lowest category of the institutional familiarity index, just 20 percent listen to the radio as frequently.
- Only 37 percent of low scoring citizens on the legal knowledge index can read Tetum (compared to 60 percent of the voting age population) and just 28 percent are literate in Indonesian (compared to 47 percent overall). Among lower scorers on the institutional familiarity index, 56 percent can read Tetum and 37 percent can read Indonesian.
- A quarter of those with the lowest scores on the legal knowledge index (25 percent) are likely to feel they do not get any information about the law and legal system, compared to 13 percent of the population overall. Only 31 percent of this group gets information from the radio (compared to 53 percent overall). Similarly, only 8 percent gets information from their community, family or friends (compared to 23 percent overall).
- Those with the lowest scores on the institutional familiarity index are also less likely to receive information about the law and legal system (19 percent). Four in ten of them get information from the radio (40 percent), still well below the overall East Timor population.

- Mass media are not likely to be effective in reaching the groups least familiar with the legal system. Reaching these segments of the population will require more direct communication, especially face-to-face contact to provide legal education and appropriate legal education materials.



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