

INITIAL REPORT

CONVENTION ON THE ELIMINATION OF ALL FORMS OF  
DISCRIMINATION AGAINST WOMEN  
(CEDAW)

**SUMMARY**



Material for Presentation to the Council of Ministers

**OFFICE OF THE STATE SECRETARY FOR PROMOTION OF EQUALITY**

2007

## **Introduction**

According to Article 18, the purpose of the present Initial Report is to meet all obligations of the Government of Timor-Leste towards the Convention on the Elimination of All Forms of Discrimination Against Women. The Parliament has ratified this Convention and its respective Optional Protocol, without any reservations, on 16 April 2003. The present report covers the period from the independence on 20 May 2002 to 19 May 2006.

In 2002, the Secretary General, in his second report on the reform of the United Nations, 'Strengthening the United Nations: An Agenda for Further Change' (A/57/387), called for the treaty reporting process to be streamlined. Subsequently, in 2004, guidelines were drafted for a new reporting process (HRI/MC/2004/3), produced and adopted by the Office of the High Commissioner for Human Rights. These guidelines were reviewed the following year (HRI/MC/2005/3) and tested in Timor-Leste under an agreement by the Ministry of Foreign Affairs and Cooperation and the Office of the High Commissioner for Human Rights.

Under these draft guidelines, an expanded Common Core Document was prepared, together with a Treaty-Specific targeted report. The final Common Core Document, as presented as part of the initial CEDAW Report, includes information relating to the legal framework of Timor-Leste, the general framework for human rights protection and congruent provisions drawn from each of the seven core human rights treaties. These congruent provisions include issues such as equality and non-discrimination; remedies; procedural rights; participation in public life and marriage and family life. The CEDAW Treaty-Specific section is intended to identify and focus on specific women's rights issues and should be read in tandem with the Common Core Document in the overall context of human rights promotion and protection in Timor-Leste. The CEDAW Report also contains an annex on available data disaggregated by sex, in areas covered by the Convention, in accordance with the guidelines regarding the form and content of initial reports of State Parties (HRI/GEN/2/Rev. 1/Add. 2).

This initial report seeks to provide an overview of the status of women in Timor-Leste with a view to establishing how far the Government has advanced in meeting its obligations under the Convention. It has been prepared with the assistance of Government, NGOs and civil society as well as UN agencies and draws from a wide selection of research on women's rights, including data, where available, from specific-line ministries and other sources such as the 2004 National Census. It highlights progress made in implementing the Convention as well as describing the current obstacles to and limitations on women's enjoyment of rights in Timor-Leste.

It is hoped that this Initial Report will provide a basis for the preparation of the First Periodic Report, as well as an assessment of future needs and goals in the area of Women empowerment and for the development of policies and plans that enable those goals to be met.

This Report was prepared by the Office of the Advisor of the Prime Minister on the Promotion of Equality, under the guidance and coordination of the Multilateral, Treaties and Human Rights Division of the Ministry of Foreign Affairs and Cooperation.

## **The Process**

A broad five phase process for the development of the treaty reports was developed in 2004 and presented to the Council of Ministers in February 2005. This plan has evolved overtime and remains flexible to evolve as the needs of the program require. Those broad phases established are as follows:

- Phase One: Preliminary planning
- Phase Two: Formal launch and socialization of the treaties and reporting process
- Phase Three: Governmental and community consultation to gather data for treaty reports
- Phase Four: Inter-ministerial consultation on draft reports
- Phase Five: Final edit and review, and submission of reports to Secretary General and Human Rights Committees<sup>1</sup>.

The Ministry of Foreign Affairs and Cooperation had the overall responsibility of coordinating the drafting of reports, with the Office of the Advisor on the Promotion of Equality (OPE) being specifically responsible for drafting the CEDAW report. A considerable degree of technical and financial assistance was received especially from UNIFEM, and there was also support from other United Nations Agencies, including the Human Rights Unit of UNMISSET/UNOTIL, OHCHR, UNDP, UNICEF and UNFPA.

The process for data gathering for the Initial Report included a broad socialization campaign on CEDAW in five districts: Ainaro, Maubara, Baucau, Oecussi and Dili during 2005 and 2006. The socialization included training on the Optional Protocol to the Convention and the drafting of the Shadow Report. These activities were targeted at Government and Civil Society representatives from each district with the goal of increasing their awareness regarding the human rights of women, promoting a deeper understanding of CEDAW and strengthening the capacity to promote the rights of women through the implementation of the Convention at all levels. The results of these discussions, including the concerns raised and the priority recommendations, are included throughout the Report.

In 2004 a CEDAW Working Group was formed, consisting of representatives from the Government and civil society. The purpose of this Working Group was (1) to support the Office for the Promotion of Equality and the CEDAW Reporting Team in the assembly and collection of information for the Initial Report; (2) advising the Office for the Promotion of Equality and the CEDAW Reporting Team in regards to strategies for strengthening partnerships between the Government and civil society in the preparation of the Initial Report; (3) advising the Office for the Promotion of Equality and the CEDAW Reporting Team in regards to the development of public awareness campaigns in order to bring attention to CEDAW and human rights of women, especially in rural areas; and (4) advising in relation to strategies for promoting the use of CEDAW as an advocacy tool within the Government and civil society.

Having ratified the full range of core human rights treaties in 2003 and 2004<sup>2</sup>, Timor-Leste came under both an obligation to implement their provisions and to report to international Committees on progress in the implementation.

According to the Treaty, the CEDAW Initial Report is to be submitted after one year from the ratification, and the periodic reports are to be submitted every four years after the former.

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<sup>1</sup> Following submission of the reports to the Secretary General and relevant treaty body, a list of further questions is usually delivered to the State party for response and a date for formal consideration of the reports is established. It is recommended that a delegation of ministers and/or senior level officials attend the formal presentation to respond to specific questions or issues during this presentation.

<sup>2</sup> International Covenant on Civil and Political Rights (ICCPR);  
 International Covenant on Economic, Social and Cultural Rights (CESCR);  
 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT);  
 Convention on the Elimination of Racial Discrimination (CERD);  
 Convention on the Elimination of Discrimination Against Women (CEDAW);  
 Convention on the Rights of the Child (CRC); and  
 Convention on the Rights of Migrant Workers and their Families (CMW).

### *Tools*

Questionnaires were developed to enable data gathering for the Common Core Document and Treaty Specific Documents. These questionnaires are based on the specific provisions of the respective treaties as well as guidelines for reporting drafted by the OHCHR. The questionnaires were distributed to each government agency, through their respective gender and human rights focal points, and to regional focus groups, including the CEDAW Working Group, as a means to secure inputs from the whole of government, including the district level.

### *Socialization*

According to the original plan, once all documents were drafted and translated into Portuguese, a series of inter-ministerial consultations would be conducted. This was expected to take place in February 2006. However, the plan was interrupted due to the crisis faced by the country.

With the purpose of ensuring an effective socialization program at the community level, the translation of the draft reports into Tetum was also planned, making use of the newly graduated pool of justice sector translators under the auspices of the Ministry of Justice, approved by the Linguistic Institute. The completion of this plan, however, was also postponed due to events in the country last year; however, translation of the CEDAW Report had already begun in 2006 and will recommence, pending final approval of the draft Report by the Council of Ministers.

Taking into account the difficulties resulting from the crisis, the processes of socialization and public consultation on draft reports was cancelled. Nonetheless this does not undermine the participatory nature of the reporting process, considering that the data gathering processes for both the CEDAW and CRC are based on extensive consultation at all levels.

Despite the changes in the original plan, it is important to reiterate that the following activities were conducted from December 2004 – August 2005:

- i. Introductory meetings in each of the thirteen districts to inform participants of the Government's reporting obligations and to encourage district participation in the reporting process.
- ii. Three cycles of regional workshops/focus groups were conducted with Government and Civil Society to gather information for the development of the CCD, CRC and CEDAW Specific Documents.
- iii. Training on the Optional Protocol to CEDAW in addition to Shadow Reporting was provided by representatives of the International Women's Rights Action Watch (Asia Pacific) and supported by the UNIFEM South East Asia Programme.

It should be highlighted that the reports approved by the Council of Ministers and submitted to the United Nations, as well as the comments and recommendations from the Committees will be subject to a process of socialization in due time.

### **Challenges**

There were many challenges in the reporting process, among those were:

- *Challenges in the implementation and coordination of CCD/reform* – this raised significant conceptual challenges. Trying to develop a methodology/questionnaire using

guidelines for the CCD was an enormously difficult process as the CCD concept draws arbitrary distinctions in terms of what information should be placed in different sections of the reports.

- *Changing nature of international and domestic environments* - international treaty body reform is ongoing and constantly evolving making it difficult to know what ultimate structure for reports in future. In addition the domestic context of Timor-Leste is rapidly changing with new laws and policies coming into force everyday.
- *Resource intensive Need* – despite the attempt to simplify the reporting by way of reforms, the new mechanism still requires a high level of resources, thus remaining a challenging process for States.
- *Lack of awareness* – limited knowledge of treaties across government ministries and communities
- *Ownership/Engagement of relevant actors* (including ministers, NGOs, Community) – it is a challenging task to secure whole of government input. Gender and Human Rights Focal Points at the ministerial as well as District Administration levels have made important contributions. However, both the GFPs and HRFOs are often not aware of, or do not have the authority to provide information on certain issues.
- *Lack of information* – an absence of current statistical and policy information
- *Language problems* – translation of reports into three languages (Portuguese for Ministerial approval, Tetum for consultation/socialization and English for submission to United Nations) requires significant resources and risks loss of ideas/information in translation.
- *How to make reporting relevant to development planning?* – A question to consider in the future.

## **Key Findings**

### **OVERALL VIEW ON THE SITUATION OF WOMEN**

#### *The Situation of Timorese Women*

In Timor-Leste there is a dominant patriarchal system that delegates different functions and responsibilities to men and women.

This has consequences at various levels, e.g. there is a smaller investment in the education of girls, and there are more boys than girls attending higher levels of education.

Adult illiteracy rates are higher for women (25%) than for men (22%), according to the data from the 2004 Census.

Women have a smaller participation in the work force and are usually at the lower ranks of the hierarchies, with lower salaries, fewer benefits and less possibility to escalate in their professional careers. Overall women's participation rate in the work force is 52%, while for men it is 69%.

Traditionally women do not participate in decision-making processes, which has repercussions on their preparation and social acceptance of women in politics, translated for instance in the fact that there are only 7 women Chiefs of Suco and 22 Chiefs of Village in the entire country.

Women health is weak, especially in regards to reproductive health. There is a high rate of malnutrition in pregnant women, maternal mortality is estimated at 800 by 100,000 live births and the fertility rate is approximately 7 children by woman. This is added to traditional practises that do not favour the health of the woman and the child.

There is a great incidence of Gender Based Violence, with women being the main victims.

#### *Progress made*

There is a growing awareness about the need to promote the role of women in society at all levels.

There is an increase in the participation of women in key decision-making roles, such as:

Various Ministers and Vice Ministers in core Ministries like State Administration, Planning and Finance and Education and Culture.

26% of Parliamentarians are women

24% of civil servants are women.

The Constitution foresees equal rights and duties for men and women in family, cultural, social, economic and political life. It also ensures protection discrimination based on gender, as well as equal rights and obligations in terms of work and choosing a profession.

In order to ensure these principles the Office of the Advisor of the Prime Minister on the Promotion of Equality was set up, with the mandate of ensuring the implementation of Gender Mainstreaming throughout all the Government.

Significant steps towards the Gender Mainstreaming can be seen in the within some core Sector Investment Programs (SIP) and also in the fact that the Advisor to the Prime Minister on the Promotion of Equality is a permanent member of the SIP Working Groups.

The Electoral Law for Heads of Suco and Suco Councils gives women the possibility to be elected Heads of Suco and to participate in the Suco Councils.

There were gender Training and Awareness raising activities in all relevant Government Institutions and civil society.

Several events and campaigns were organized for raising awareness and addressing specific problems, such as Gender Based Violence, including in the media.

Several publications were completed, such as Gender Mainstreaming Guidelines in the Government, as well as research and training manuals.

## **COMMON CORE DOCUMENT**

### **Part I - General, Factual and Statistical Information**

Includes statistical overview as well as political history, general Constitutional, political and legal structure.

### **Part II – General Framework for the Protection and Promotion of Human Rights**

This part provides basic information about the framework for the acceptance of human rights. It includes information on when and what rights can be suspended, i.e. state of emergency or state of siege, as well as information on any specific laws that limit human rights.

It also includes information on national and specialized agencies in Timor-Leste that work in the area of human rights, including the Office of the Advisor on the Promotion of Equality.

Lastly, this section provides factual information on other areas of interest, such as training and education programs on gender, the role of civil society Women Organizations and Gender Mainstreaming in all sectors of the Government. This section also includes information on the progress made on Gender Mainstreaming, including information on the policies outlined in the National Development Plan, progress made in the various sectors of the Government, the strategy adopted by OPE, the adoption of mechanisms to meet some of the pre-requisites for Gender Mainstreaming, such as gender analysis of legislation and sex-disaggregated data. It also covers the challenges found in the implementation of Gender Mainstreaming and the recommendations and immediate priorities of OPE.

### **Part III – Rights Common to Two or More Treaties**

#### *H) Non-discrimination and equality*

- Disadvantages towards specific groups in Timor-Leste include disadvantages based on gender.
- Even though the Constitution ensures the equality of women before the law and equal protection of women, in reality access to the law by women is limited by several factors, such as few or lack of financial resources; lack of transportation; lack of knowledge of Portuguese, English or Tetum; limited knowledge about their rights protected by law, and the long time involved in completing legal procedures.
- Traditional practises are also an obstacle in terms of accessing the law, especially referring to domestic violence and gender based violence in general. Women are often subjected to stigma and social pressure so that the cases are dealt with within the family.
- It has been noted that the Ministry of Labour and Community Reinsertion can also adopt ‘special measures’ to overcome discriminatory practices and perceptions that hinder women’s equal opportunities and treatment in access to training and jobs as well as terms of conditions of employment. These measures are not considered discriminatory.
- During the elections for the Constituent Assembly in 2001 various affirmative action measures were implemented for promoting the participation of women in the elections. As a consequence 26 percent of the National Parliamentarians are women.
- In 2004 the Law on the Election of Heads of Suco and Suco Councils was approved, ensuring women the right to become Heads of Suco or to be elected to Suco Councils.
- The MLCR, through SSD and together with a local NGO, the Alola Foundation, distributes around 700 scholarships to young women.
- Efforts have been made to develop a domestic violence law that includes a maintenance law, ensuring support to victims of domestic violence and their children.

#### *I) Procedural guarantees (arrest and detention, criminal proceedings, traditional justice)*

- The penal system seeks the rehabilitation of prisoners through social and educational programs. Besides other programs developed by the Ministry of Justice and UNDP, OPE, together with UNFPA, implements an Anger Management program for Violent Criminals.
- Special support services (medical emergency, legal, psycho-social and counselling) are in place to support victims of domestic violence, sexual assault

and child abuse. Key service providers are the Vulnerable Persons Unit (VPU) of the PNTL, Government agencies and NGOs<sup>3</sup>.

➤ Traditional Justice

- The formal dispute resolution system is costly and citizens are unfamiliar with it, thus “*Adat*” enjoys substantial community support. It is often perceived by the community as a more rapid and fair way of settling disputes.
- The structure of the traditional justice system is outlined in this section.
- The Hierarchical structure of the traditional system is evident in the inequalities that result of its application, for instance land inheritance prioritise men.
- Women are not normally included in traditional proceedings. They usually do not receive compensation from the perpetrator in traditional justice; normally this is given to male members of the victim’s family.
- Women are often pressurised by their families or the perpetrator to resolve a dispute, e.g., domestic violence, by traditional means and not use formal mechanisms.
- The use of traditional systems to solve serious crimes involving sexual assault is a cause for concern.
- There is still work to do in order to harmonise the traditional with the formal justice system.

J) *Participation in public life*

➤ Right to nationality

- Constitutional guarantees; laws and regulations governing original and acquired citizenship including means to renounce citizenship.
- Role of the Ministry of Justice in the acquisition of citizenship.
- Equality of citizenship rights is emphasised, i.e. men and women enjoy the same rights, and many foreign nationals married to Timorese women, including Indonesian men, are not denied equal rights.

➤ Right to political participation

- Constitutional guarantee, including right to establish and participate in political parties, right and duty to vote and be elected, non-discrimination in political participation is emphasised.
- Framework of three types of elections set out i.e. Presidential, Parliamentary, Head of Suco and Suco Council.
- Establishment of Independent Electoral Commission with a strong representation of women (25%) to oversee and monitor elections and to receive complaints.
- Equal participation of women is strongly advocated by the Government; they occupy key positions of government including Minister and Vice Minister of State Administration, Minister and Vice Minister of Planning and Finance, Vice Ministers of Foreign Affairs and Education.
- 26% representation of women in Parliament, women in diplomatic posts and increasingly well represented in some ministries within the civil service.
- The 2004 Law on Suco Elections and Councils bestows upon women the right to become a head of village or to be elected to a village council.
- Obstacles to equal political participation include patriarchal culture; lower levels of women’s education coupled with high illiteracy rates; limited time for political participation due to extensive responsibilities within the home.
- The OPE has been active in its efforts to support greater political participation of women in Timor-Leste, through the program, ‘Supporting the Empowerment of

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<sup>3</sup> This issue will be discussed in more details in CEDAW Treaty Specific Document.

Women'. Through the PERWL Programme, implemented with UNIFEM, it has undertaken training of potential women candidates and elected women officials during the period of the Suco elections. It has produced IEC materials and conducted media campaigns to encourage women to participate as candidates and exercise their right to vote in elections.

K) *Social and economic matters*

➤ Living standards

- Timor-Leste remains one of the least developed countries, ranked only 140 on the Human Development Index.
- Two in five people are poor and the poor are mainly concentrated in rural areas.
- Children are the poorest whilst elderly are the least poor.
- Male headed households are consistently better off than female headed-households in terms of education, health and subjective well-being.
- Women are less likely to receive food than men or children.

L) *Marriage and Family Life*

➤ Marriage

- Family relations are governed by a combination of civil, religious, and customary law.
- Training of social workers and professional groups to deal with family relations is limited. Where training has taken place it is in the areas of health, justice and gender-based violence.
- Everyone is theoretically entitled to choose their spouse but there are obvious limitations in respect to marriages between certain members of certain families, for example cousin to cousin, though preferred marriage in Timor-Leste are between mother's and brother's daughter marriage (in effect cousin to cousin).
- Despite increased freedom of choice to marry, often husbands are chosen for a woman at her birth. A girl is not permitted to break the promise made by her parents, even if she does not like or indeed love her intended husband.
- Polygamy is outlawed but the practice continues. However, it is difficult to ascertain the true extent of the problem as the Civil Registry only requires the name of one of the wives to be registered. As a result, 'first' wives are neglected as husband's time and money are spent with and on other families.
- The Constitution affirms equality in family life but traditional roles and understanding prohibit the full realisation of this right; this may be illustrated by the fact that hereditary titles are commonly passed down through the male line.
- Men are assumed as key actors in marriage, taking decisions on behalf of the family. Women are expected to defer to their husbands on most matters, routinely sacrifice for their husbands and be careful not to bring shame to the family.
- Main responsibility of women is to bear children while husband leaves home to find work and provide for his children.
- Gender role are rigidly enforced from a young age which can also result in limited development of women's educational, interpersonal and other life skills.
- Since independence, cultural attitudes are beginning to change with the idea of equality gaining momentum. There is growing expectation for women to speak out on a number of issues.
- Both men and women can divorce according to the law, though the waiting period to enter a new marriage is different for men and women.

- Under traditional law, a man can separate from his wife but must make a significant payment to the wife's family.
  - In some communities, if a woman wishes to separate, a 'substitute' wife must be provided and no payment is required.
  - Timor-Leste, as a strong Catholic society, does not advocate divorce and women are not supported if they wish to divorce.
  - In few cases where divorce does occur this is mainly in families of higher income and for purposes of entering a new relationship.
  - According to the law, men can marry at 18 and women at 15. It is accepted that child marriage takes place in Timor-Leste, mainly in cases where a marriage has been arranged at birth or as a result of extreme poverty where '*barlake*' can be agreed upon.
- '*Barlake*'/Bride price
- Bride price is not illegal and still observed in many districts with exchange of goods between the man's family and the women's family seen as most important in the act of marriage.
  - Women activists claim bride price is the root of discrimination and inequality whilst elders assert it gives value to the women. Reported reality is that it does have ramifications for women in many aspect of married life and once '*barlake*' is paid women are seen as the property of husband.<sup>4</sup> As such, some human rights advocates believe that '*barlake*' is a cause of violence against women.
  - Consultations have suggested also that men feel victimized by pressure to pay substantial sums of '*barlake*'.
  - Whilst many would be reluctant to eliminate '*barlake*', the burden on families is becoming unmanageable.
- Child care
- Constitution provides strong recognition of family, parental and community responsibilities towards a child with customary practice to be respected to the extent compatible with international standards.
  - Equal rights and responsibilities in marriage are ensured in the law, nonetheless customary practice is such that equality does not necessarily exist.
  - In general, there are two types of practices with regards to the upbringing of a child after the death of the father: the patrilineal and matrilineal systems. In a matrilineal system, in the event of the father's death or divorce, the child stays with the mother. The mother holds the primary right concerning decision-making in the child's upbringing. The opposite is true under the patrilineal system. In the event of divorce or the death of the father, and the mother does not re-marry, both the mother and the child continue to be part of the father's family, and the responsibility for the upbringing of the child passes to the paternal extended family. If the mother decides to re-marry, the child continues to stay with the father's family, and in some instances, the mother may lose the right to take care of the child. This could constitute a discriminatory practice for which formal legal and administrative solutions will need to be considered.
  - The justice system is currently in a state of flux with limited state intervention in family affairs to date (usually only where serious breach of child's best interests identified).

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<sup>4</sup> IRC Report 2003 in which women interviewed stated that '*barlake*' had been paid; only 9% said it had a negative influence.

## SPECIFIC DOCUMENT

### CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)

#### ➤ Gender Based Violence (Art. 2 CEDAW)

- Although a pervasive problem, little information existed before 1999 on the nature and extent of Gender Based Violence (GBV) in Timor-Leste. Only recently have women begun to articulate their needs and speak out on a problem that has traditionally been viewed as a private matter within the family.
- Half (51%) of all women consulted in a 2003 study by the International Rescue Committee stated that in the previous 12 months, they had felt unsafe in their relationship with their husband.<sup>5</sup> Almost a quarter of women (24.8%) had experienced violence from an intimate partner.<sup>6</sup>
- According to figures released by the PNTL, 492 cases of ‘domestic violence’ were received in the period from January to October 2005.<sup>7</sup> Of these cases, two-thirds (330) came from Dili district alone. By contrast, statistics from the Office of the Prosecutor General for the same period only refer to 118 cases of ‘maltreatment’ and ‘domestic violence.’<sup>8</sup> This indicates a drop in the number of cases that are brought to the Prosecutor through the police. Reasons for this include shame, economic dependency on the perpetrator, lack of support from family and frequent postponement of cases by the Court.
- There is a lack of uniform data collection standards throughout agencies and organizations working in the area of GBV. Many of the cases reported as ‘domestic violence’ could, for instance, involve sexual abuse of children. This makes it difficult to conduct proper comparative annual analyses or to track the progress of cases.
- Since 2001, OPE with the support of UNFPA, has implemented a project aimed at strengthening the national capacity to address gender-based violence. In the course of this programme, a Law Against Domestic Violence has been drafted and is ready for final presentation before the Council of Ministers once the draft Penal Code has been promulgated. This law goes further than current legal provisions in this area, providing a broader definition of domestic violence, including both direct and indirect physical, mental or sexual maltreatment. It also includes rules governing maintenance payments after a separation due to domestic violence and provides for the establishment of shelters for victims.
- OPE works alongside NGOs, some of which have been working in this area since 1999, to establish and strengthen a basic network of services for victims of domestic violence, sexual assault and child abuse. Key services for victims of GBV can broadly be grouped into the following categories: police (Vulnerable Persons Unit established in 2001); medical; psycho-social and legal services.

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<sup>5</sup> IRC Study ‘Prevalence of Gender Based Violence in East Timor (2003), cited in ‘Traditional Justice and Gender Based Violence’ (IRC 2003), p. 13.

<sup>6</sup> IRC Pilot Study on GBV in East Timor (2003), cited in ‘Traditional Justice and Gender Based Violence’ (IRC 2003), p. 13.

<sup>7</sup> ‘Summario Statistika’, (UNFPA) (10 November 2005). Figures from National Vulnerable Persons Unit.

<sup>8</sup> JSMP, ‘Overview of Timor-Leste Justice 2005’ (January 2006), p. 22.

- It is still very difficult for the majority of women and children living in rural areas in Timor-Leste to seek the services of the referral network as these are mainly located in Dili.
- Currently there are informal networks and communication in place between service providers, but no MOUs or formal referral protocols between them to formalize referrals, which can lead to confusion.
- In 2005-2006, an initial draft of the 'Domestic Violence, Sexual Assault and Child Abuse Protocol for Medical and Forensic Examiners', which is a standard form with instructions and diagrams to collect evidence in domestic violence, sexual assault and child abuse cases was developed by one of the referral network partners. Training of doctors to perform forensic examinations is being carried out.
- In 2005, a programme on controlling anger and violent behaviour for prisoners who had been convicted of sexual and domestic violence, was launched by the OPE in conjunction with UNFPA. It forms part of a rehabilitation and prevention strategy and aims to give violent offenders the skills to avoid violence before they leave prison and return to their communities.
- With support from UNFPA and UNIFEM, OPE has organized training on domestic violence for police, prosecutors, judiciary, Heads of Suco and civil society.
- OPE has also worked with the Association of Men Against Violence' (AMKV), conducting a series of community workshops focused on changing the attitudes of male members of communities towards women and the use of violence, while also creating a space for dialogue between men and women on this issue.
- OPE has undertaken a strong advocacy campaign to combat GBV. This includes the National 16 Days Campaign Against Violence and other media campaigns (television, radio, press) workshops with schools and activities with the Church.
- Although OPE has achieved much, especially in regard to legal developments such as Domestic Violence Law, advocacy on the draft Penal Code, which now criminalizes most sexual crimes and the Decree Law for Suco Leaders, who are now charged with preventing domestic violence in their communities, significant challenges remain. The problem of GBV in Timor-Leste is extensive and resources available to tackle it are currently limited. Admittedly, much work needs to be done in the area of 'hearts and minds', to bring about an attitudinal change within society ensuring GBV of any kind should is not tolerated.

➤ **Cultural Roles and Stereotyping (Art. 5 CEDAW)**

- At the Second Regional Women's Congresses in 2004, participants publicly acknowledged and objected to patriarchal aspects of Timorese culture that have a negative impact on women and prevent them from fully participating in society, e.g., polygamy, 'barlake' and succession.
- Other negative forms of stereotyping include restriction of a woman's mobility in that she can only leave the home on specific occasions, e.g., going to market or attending Church.
- Underage marriages are commonplace.
- A large population is seen as crucial to the success of Timor's development. Both men and women believe that the country has to be repopulated, especially in the wake of the large number of conflict-related deaths during the Indonesian

occupation. This is despite the health risks involved for women in having many children with little birth spacing.

- After birth, women are advised not to feed babies the first breast milk for several months as it is perceived that this milk is ‘contaminated.’ It is also a tradition for many women to wrap up their newborn babies for at least one month, believing that they should stay close to the fire and indoors and not exposed to the outside air.
- A woman’s cultural upbringing is such that she sees it as her duty to tend to the needs of her family first and is unlikely to seek and receive treatment unless she is seriously ill.
- Women are not being encouraged by their families to attend school as it is expected that they will leave their own family once they get married and, as such, there is little point in their husbands’ family benefiting from their education. In many cases there is also a lack of financial means preventing them from pursuing an education.
- Women are not expected or encouraged to become traditional leaders, including women from matrilineal clans. Women can assume leadership roles but only if they prove to be as ‘capable’ or more than a man in the same position.
- Women are often subject to negative sexual stereotypes in the media in Timor-Leste, which often portrays them as victims and does not provide role models for change. Their identities are often published when reporting crimes.
- One of the key programme areas of OPE is to ‘Promote a Culture of Equality in Timor-Leste.’ Achievements in this area include training with media organizations on the principles of gender equality; production of radio programmes on CEDAW; publications providing an account of women’s participation and contributions to the resistance struggle and regular participation in seminars at national, district, and sub-district level, as well as in universities and schools.
- It is not easy to change negative stereotypes of women as these have been assigned to women for a long period of time.
- It is also recognized that there is much within Timorese culture that is of great value and should be preserved.

➤ **Trafficking and Prostitution in Women (Art. 6 CEDAW)**

- Human trafficking in Timor-Leste is a crime punishable by imprisonment. Trafficking of children carries a higher penalty.
- Timor-Leste is a destination country for trafficking for the purposes of sexual exploitation.
- It is not clear if Timor-Leste is a transit country or a country from which women and young girls are trafficked.
- The forthcoming Penal Code has been formulated with the express intention of penalizing those who are involved in crimes of trafficking, sexual exploitation of a third party, prostitution and pornography. However, there are currently no laws in place aimed at specifically protecting the rights of trafficking victims.
- At the time of writing, prostitution itself is not a crime under current Timorese law but, as described above, trafficking for the purposes of prostitution is considered an offence.
- The clients or ‘end-users’ of pornographic material are not penalized under the forthcoming Penal Code. However, if involved in the distribution, dissemination or importing/exporting of such material, they can be penalized.
- According to research, the majority of women engaged in sex work in Dili are Timorese, followed by Indonesian, Chinese, Thai and Philippine women. The average age to begin sex work in the surveyed group was 17 years.

- The majority of women take up sex work as a result of a trauma that deeply affected their lives e.g., previous sexual abuse by a close family member or friend and/or due to economic needs.
- Prostitution exists at the district level, albeit on a smaller scale than in the capital. Often these are very vulnerable women, such as widows, who have no other means to earn a living.
- Violent behaviour towards sex workers is frequent with many women having reported violent incidents that largely stem from client abuse. Many of the women engaged in the sex industry are shunned by the wider community, and isolated, especially in the districts.
- The Government has taken a number of steps to deal with the problem of trafficking in Timor-Leste. It has assigned responsibility to the Migration Department of PNTL for investigating cases of human trafficking under the Immigration and Asylum Act.
- There has been misunderstanding and misapplication of current laws on trafficking. Women engaged in sex work have been charged with trafficking offences and deported without ascertaining whether they were potential trafficking victims.
- The Government has responded to this problem by establishing an Inter-Ministerial Trafficking Working Group, consisting of government representatives such as the Ministry of Foreign Affairs and Cooperation, UN agencies such as IOM and NGOs. This Working Group, which at the time of writing is being restructured, aims to strengthen participation in all government sectors in order to raise awareness of trafficking issues within both Government and civil society. It also aims to provide guidance in the development of policies and procedures to 'facilitate lawful migration and combat irregular migration including the smuggling and trafficking of persons in and out of Timor-Leste'.

➤ **Equality in Education (Art. 10 CEDAW)**

- One of the guiding principles in the Basic Law of the Education System is to ensure the equality of opportunities for both sexes.
- There is discrimination faced by girls in access to education due to traditional practices such as early pregnancy and marriage and heavy household duties.
- There are no gender differences at the primary school level in terms of enrolment; however, there are high drop out rates of girls from pre-secondary school level onwards.
- Heavy domestic chores, long distances from schools, school fees, concerns regarding discipline and lack of bathroom facilities in addition to cultural beliefs regarding education of girls are factors which prevent them from attending school.
- Examination results show that girls are benefiting from education in all age groups, though they tend to fall behind boys in older age groups.
- Women are under-represented in the teaching profession and educational administration.
- Teenage mothers are particularly disadvantaged and have little or no opportunity to return to school once they have had a child. There are few opportunities to help single, pregnant and young mothers who have not been able to acquire basic literacy skills.
- There is currently no systematic and nationwide government-funded programme to improve school attendance of girls in Timor-Leste.
- Efforts to systematically introduce sports activities, especially for girls, at more senior levels have been hampered by limited technical and human resource capacity and insufficient and inadequate equipment.

- There is a general lack of education on Adolescent and Sexual Reproductive Health in schools. The Ministry of Health, with the support of UN agencies, has developed a series of 'Life Skills Workshops' for schools targeting girls on areas such as reproductive health and HIV/AIDS as well as addressing issues such as relationships and gender, communication and decision-making.
- Women are generally under-represented in tertiary education. At this level, they tend to study subjects such as languages, education and economics.
- Gender differences are significant in adult literacy rates. A higher percentage of males than females at all ages above 9 years old are able to read and write.
- Literacy and adult education programmes have been established by different agencies, with varying degrees of success. The Department of Non-Formal Education (DNFE) in the Ministry of Education runs literacy classes in all 13 districts.
- There is difficulty in encouraging women to attend and actively participate in educational programmes. The reasons for their lack of involvement mirror many of the reasons for their lack of participation in political life – little or no support, family and child care responsibilities, lack of time, traditional community events which are considered more important than classes, lack of transport coupled with poor self-confidence in their abilities and the belief that they are 'too old'.
- The reasons women have given for wanting to improve their literacy levels vary from being able to read newspapers, bus signs, tell the time, demonstrate more confidence in buying goods from the shops and markets, understanding the running of their businesses, understanding the Constitution and their rights therein and basic dignity.

➤ **Equality in Employment (Art. 11 CEDAW)**

- According to the 2004 Census, women account for 43% of all subsistence work (fishing and farming), although the percentage is higher in Dili with 66%. It is likely that the true figure is much higher as much of women's income generating work tends to be underestimated or not included in official statistics. Women's work is taken for granted as it is normally unpaid.
- Women face many obstacles which prevent them from taking advantage of opportunities in the informal sector. These include a low level of skills, cultural barriers, lack of time and mobility and a lack of markets for their products.
- According to data from the 2004 Census, women and men accounted for 43% and 57% of the labour force respectively. However, the participation rate for women was lower (52%) than that of men (69%). Currently, approximately 9% of all women are in paid employment, as compared to 13% of men. More men had paid work, especially in Dili.
- Women also had higher unemployment rates than men in the urban centres; one in four women is unemployed in comparison to one in seven men.
- Positions such as administrators, police, teachers and nurses, all of which are gender neutral in theory, favour men over women in practice.
- Of those women who do work, their representation in the Government was 24%; similar numbers were employed by the UN (25%) and NGOs (23%) and just under half of those working in private industry (48%) were women.
- Women's equal opportunity in the area of employment has been denied by a combination of factors, e.g., many women do not apply as they lack the requisite of formal education and experience to be able to compete with men on an equal basis. Also, cultural beliefs prevent women from seeking employment outside the home. Working outside normal hours is not socially acceptable.

- Women in rural and remote areas find it particularly difficult to obtain information about employment opportunities, especially those with high levels of illiteracy.
- Of the jobs that do exist in the public sector, few women are employed and even less at senior levels. Women are mostly concentrated in greater numbers in areas such as education, health, labour and social services, but even in these sectors they constitute a minority.
- To date, there has been no formal labour study carried out in Timor-Leste and no specific information comparing the percentage of women working full-time and part-time.
- Since the approval and adoption of the Civil Service Law in 2004, the Government has been developing complementary Decrees intended to cover matters relating to the career development system, a retirement and pension scheme, leave, as well as appointment and performance appraisal.
- Women are not part of or encouraged to join trade unions. Each of the prominent five trade unions in Timor-Leste has female members, though their participation in these labour unions is still minimal.
- Measures to prevent harmful work are outlined in the current law. However, harmful work in Timor-Leste can also include household work, such as lung disease resulting from smoke or burns from cooking fire. Disease spread through water from working in the fields is also common as well as conditions such as a prolapsed womb from carrying heavy loads.
- Current laws prohibit sexual harassment in the workplace. Consultations with women organizations have indicated that sexual harassment in the workplace in Timor-Leste is a significant problem. The Mediation and Conciliation Division of the Ministry of Labour and Community Reinsertion has received a number of complaints from women.
- The Constitution confers women the right to be exempted from the workplace before and after delivery without any loss of benefits; however, there is no specific law that clearly states that pregnancy or a woman's marital status should not affect her employment security.
- Many women who take maternity leave receive only a small portion of their benefits, do not receive any remuneration, or find that they no longer have a job to return to after the birth of their child. There is no state-funded child care service available for working mothers.

➤ **Equality of Access to Health Care Services (Art. 12 CEDAW)**

- Women are often denied access to health care as the costs associated with their needs are often higher than those of men in the same household. Women have identified getting money as a 'big' problem in accessing medical advice and treatment.
- Women often need their husbands' permission to receive medical treatment.
- A lack of confidence and embarrassment at discussing intimate issues also prevent women from seeking medical assistance.
- Lack of information as to where to find services and long distances to Community Health Centres and Health posts, especially in rural and remote areas are further reasons as to why women do not seek medical treatment.
- The focus of women's health services has been on provision for their reproductive health needs. However, women have faced difficulties in accessing health services for non-reproductive problems such as mental health, e.g., trauma and related psychological disorders.
- Few women are employed in the health service, at the administrative, managerial and service levels, although all midwives are female.

- There is limited pre-natal and post-natal care in the country. 53% of women from the highlands do not receive any antenatal care at all.
- The majority of women (57%) had been attended at least twice during their pregnancy, most in their early stages, before six months. However, according to medical standards, only 14% had an adequate number and timing of visits.
- Access to a skilled birth attendant, especially to emergency obstetric care, is limited in Timor-Leste. As such many Timorese women and their babies are still dying in labour, often at home.
- Complications that can arise during delivery include excessive bleeding, where death can occur within 1-6 hours. This is a particular problem in Timor-Leste as often there is an initial delay in deciding to seek care, followed by a second delay in reaching health services before finally being denied appropriate care due to the fact that there are no blood supplies or doctors present at the nearest health facility.
- Factors contributing to high rates of maternal mortality in Timor-Leste include low utilization of skilled birth attendants; irregular ante-natal check-ups; short intervals between births of children; tuberculosis, malaria and other diseases and a lack of access to essential and emergency obstetric care.
- The overwhelming majority of women (90%) of women give birth at home, followed by 9% in public health facility and a minority (1%) in a private health facility. Traditional medicine continues to play an important role in Timor-Leste.
- The majority of births are assisted by a relative or friend (61%). Next in importance is the Traditional Birth Attendant (19%) followed by a nurse or midwife (16%).
- At the request of the Ministry of Health, UNFPA has designed and begun to implement a training programme for midwives and doctors on basic emergency obstetric and neonatal care. Training is taking place at the National Hospital in Dili and the referral hospitals in Baucau, Suai, Maliana and Oecussi.
- The Government is also planning to pilot maternity waiting homes in five districts, whereby pregnant women enter the hospital two weeks before their due date. This is part of an overall drive to encourage skilled attendants at birth and to enable access to emergency obstetric care in the event of life-threatening complications.
- The knowledge and use of contraception among women in Timor-Leste is very low. There are also very low levels of awareness or knowledge of HIV/AIDS and STIs in Timor-Leste, especially among women.
- The Ministry of Health, again with the support of UNFPA, is in the process of developing a Behavioural Change Communication Strategy for Reproductive Health in 2007 which will focus on a number of areas such as Safe Motherhood, Family Planning, Adolescent and Reproductive Health and HIV/AIDS. It is envisaged that this strategy will form the basis for planning behavioural change communication (BCC) interventions in selected districts and, as a consequence, increase demand for and utilization of health services. The strategy will be implemented through the National Family Planning Promotion Campaign.
- The Ministry of Health is planning to implement a 'Family Health Promoter Programme', in which key individuals such as community leaders will be trained in health promotion. It is hoped that eventual implementation of this programme will raise awareness of health issues, especially in the districts.

➤ **Economic and Social Benefits for Women (Art. 13 CEDAW)**

- In accordance with the guarantees of non-discrimination as asserted in the Constitution, access to credit should be made available without discrimination.

- Women have virtually no access to credit. Women often need references, husband's signature or have difficulty filling out the forms as they are illiterate and, as such, cannot apply for loans.
- Lending facilities tend to target what they consider productive activities and for the most part ignore activities in the informal sector, where the vast majority of women work.
- There is a trend to fund male-dominated activities.

➤ **Rural Women (Art. 14 CEDAW)**

- Just under three-quarters of the total population live in rural areas and women account for 49.7% of the total rural population.
- There are more female headed households in rural than urban areas. These households have been identified among the most vulnerable population.
- In rural areas, just less than 90% of all female employment is in the agricultural sector. 70% of women in agriculture compared with 46% of women in non-agriculture do not receive payment for their services.
- As already noted, rural women face problems in relation to accessing health care, training and education (especially secondary schools and tertiary education) and credit.
- They are less likely to receive ante-natal and emergency obstetric care than women in urban areas. Infant mortality rates are especially high in western districts.
- They are also less likely to discuss matters relating to family planning with their husbands than urban women and a low level of knowledge about sexual health in general increases their vulnerability to STIs and HIV/AIDS.
- Rural women have very high levels of illiteracy.
- The lack of employment and income-generating activities leaves rural women and especially widows in an extremely vulnerable position.
- Access to safe water, sanitation, adequate housing and electricity supply is very low in rural areas, which greatly impacts on the lives of women in these areas.
- Women have a specific responsibility to collect water and oversee its use in their homes, they are not considered to be knowledgeable on water, nor is their knowledge considered necessary. In some rural areas, women have been excluded from decision-making on issues such as location of tap stands or wells as this was viewed as too technical.
- Access to roads and communications is another major constraint facing rural women, with disruption to both road systems and communication, particularly in the higher mountain areas, and particularly during seasonal wet periods.
- Infrequent transportation has a negative impact on productivity; it hinders access to health facilities, schools, markets and information.
- The types of land transactions in which a woman can engage depend on whether she is from a matrilineal or patrilineal family. In matrilineal families, a woman can buy, sell or lease land. The opposite is normally true for women from patrilineal clans.

➤ **Equality for Women before the Law and in Civil Matters (Art. 15 CEDAW)**

- In accordance with the Constitution, women and men shall have the same rights and duties in all areas of family, political, economic, social and cultural life.
- Women have difficulty accessing the formal justice system, e.g., obstacles preventing them from communicating with the police, such as lack of telephones in homes (and external-lines in police stations), lack of transport to and from police stations as well as lack of finance to pursue a case and support from family members and/or family responsibilities. In cases of domestic violence, the alleged abuser often prevents them from leaving the home to report the crime.
- Women have little or no knowledge of their basic legal rights or formal legal mechanisms.
- In case of domestic violence, women often perceive the police as incapable of handling the case, that they haven't received sufficient serious injuries beyond threats or that they will not actually believe them if they report an incident.
- Cases move very slowly through the formal justice system and, as a result, there is no perceived 'justice' for women.
- Women's participation in hearings (traditional or formal) is minimal and often superficial, as they often do not understand the language of the proceedings.
- Rulings handed down in cases often reflect the cultural beliefs and biases of the justice administrator and society as a whole. In domestic violence cases, women are often blamed for causing the violence themselves.
- In theory, women are free to enter into contracts and change residence as stipulated under Art. 15 CEDAW. However, in practice, women enjoy limited ability to engage in matters outside the sphere of the home. In practice, marriage does affect the place where a woman can live, unless she is from a matrilineal line, and then she can live on her own family's property.