



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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Excellency,

In my capacity as Rapporteur for Follow-up on Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honour to refer to the examination of the initial report of Timor Leste at the Committee's forty-fourth session, held in July – August 2009. At the end of that session, the Committee's concluding observations were transmitted to your Permanent Mission (CEDAW/C/TLS/CO/1). You may recall that in the Concluding Observations, the Committee requested Timor Leste to provide, within two years, further information regarding the specific areas of concern identified by the Committee in paragraphs 36 and 38 of the Concluding Observations.

The Committee welcomes the follow-up report received on 17 July 2012, although it was received with an eleven-month delay, under the CEDAW follow-up procedure (CEDAW/C/TLS/CO/1/Add.1). At its fifty-fourth session, held in February 2013 in Geneva, the Committee examined this follow-up report and adopted the following assessment.

The Committee commends the State party for the strategy developed to gather information for the drafting of the follow-up.

Regarding the recommendation made in **paragraph 36** of the concluding observations “to ensure de facto equal access of girls and young women to all levels of education”: The State party mentioned the existence of the National Education Strategic Plan (NESP) 2011 – 2030 which aims to achieving gender equality at all levels of education by 2015, and the development in 2012 of a comprehensive Plan for Gender Equality in Education. The Committee considers that the State party took significant steps to ensure de facto equal access of girls in education, and therefore it considers that the recommendation has **been implemented**.

Regarding the recommendation “to overcome traditional attitudes hampering women and girls in their full enjoyment of their right to education, retain girls in schools”: While the State party provided the Committee with a number of actions taken regarding the full enjoyment of the right of education by girls, it failed to provide information on whether these steps were taken after the issuance of the COBs. The Committee considers that it **did not receive sufficient information** to assess whether the recommendation had been implemented.

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Regarding the recommendation “to implement re-entry policies enabling young women to return to school after pregnancy”: The State indicated that the Draft Child’s Code, submitted to the Council of Ministers for approval on 17 August 2011, prohibits in article 30, Para 2, any kind of “punishment or other disciplinary measures for students on the ground of pregnancy, being the State obliged to ensure that there is a system for attendance, continuation and completion of scholastic studies by pregnant students and mothers”. The Committee considers that the State party has taken some steps to enable young women to return to school after pregnancy, and therefore it considers that the recommendation has **been implemented**.

Regarding the recommendation “to take measures to increase the enrolment of girls at all levels; to introduce temporary special measures, in accordance with article 4, paragraph 1, of the Convention and its general recommendation No. 25; and to encourage the collaboration of parents in the implementation of such measures”: The State party took some steps to increase the enrolment of girls in education. However, except for the provision of 300 to 400 scholarships for women, it failed to indicate other temporary special measures taken to increase the enrolment of girls. The Committee considers that the recommendation has been **partially implemented**.

Regarding the recommendation “to strengthen its efforts to eradicate illiteracy, particularly among rural women, by conducting literacy programmes in local languages as well as Portuguese, involving parents in these measures”: The State party mentioned various programmes to reduce illiteracy but it failed to indicate whether these programmes were launched after the issuance of the COBs. The State party also failed to provide information on the involvement of parents in these programmes. The Committee considers that it **did not receive sufficient information** to assess whether the recommendation has been implemented.

Regarding the recommendation “to provide safe transportation to and from schools”: The State party referred to the Public Concessions program 2009 which provides transport; however, it failed to indicate the measures taken to provide safe transportation to and from schools. The recommendation has **not been implemented**.

Regarding the recommendation “to provide safe educational environments free from discrimination and violence”: The State party indicated that the draft Child’s Code, submitted to the Council of Ministers for approval on 17 August 2011, provides in article 28 that pupils are entitled to have their safety protected when attending school and respect for their emotional, psychological and physical integrity. The State party also indicated that the Ministry of Education will develop a new management and development structure organized on four quality school standards, including “positive school environment”. The Committee considers that the State party took some steps as the draft Child’s Code addresses discrimination and violence against pupils. However, the structure that the State party refers to is not yet in place and additional significant measures need to be taken to provide safe educational environment. The Committee considers that the recommendation has been **partially implemented**.

Regarding the recommendation “to strengthen awareness-raising and training of school officials”: The State party mentioned the “Gender in School sensitization programme” intended to apply a gender sensitive policy in pedagogy. However, it failed to provide detailed information on awareness-raising and training undertaken for school officials. The Committee considers that the recommendation has been **partially implemented**.

Regarding the recommendation “to strengthen awareness-raising of students and sensitization of children through the media”: The State party failed to provide information on awareness-raising of students and sensitization of children through the media. The Committee considers that the recommendation has **not been implemented**.

Regarding the recommendation “to strengthen the establishment of reporting and accountability mechanisms to ensure that perpetrators of sexual abuse and harassment are prosecuted”: The State party took some steps by including in the draft Child Code provisions on the establishment of a formal confidential complaints system. However, the draft code has not yet been adopted and additional significant steps need to be taken in this regard. The Committee considers that the recommendation has been **partially implemented**.

Regarding the recommendation “to ensure that those responsible for the harassment or abuse of girls are prosecuted and punished in accordance with the severity of these crimes that such abuse is viewed as a human rights violation and that girls are provided with support so that they can report such incidents; and to promote the creation of a positive environment that will prevent such abuse from arising, including by encouraging families not to accept the settlement of such cases through the marriage of the girl to the perpetrator”: The State party failed to take steps to ensure that those responsible for the harassment or abuse of girls are prosecuted and punished in accordance with the severity of these crimes and to promote the creation of a positive environment that will prevent such abuse from arising, including by encouraging families not to accept the settlement of such cases through the marriage of the girl to the perpetrator. Indeed, the State party indicated that transfers are the preferred means of sanction applied by the Public Service Commission to perpetrators of violence in schools; and in 2010-11, out of 46 cases of corporal violence and sexual violence in schools, 41 were solved by mediation and only 5 were sent to the tribunal. The Committee considers that the recommendation has **not been implemented**.

Regarding the recommendation “to explicitly prohibit corporal punishment in all settings, including through awareness raising campaigns aimed at families, the school system and other educational settings”: Since the issuance of the Concluding Observations, the State party failed to take steps to explicitly prohibit corporal punishment in all settings. The Committee considers that the recommendation has **not been implemented**.

The Committee recommends that the State party provide, **in its next periodic report**, additional information on steps taken to:

- 1) Overcome traditional attitudes hampering women and girls in their full enjoyment of their right to education, and retain girls in schools;
- 2) Introduce additional temporary special measures to increase the enrolment of girls, in accordance with article 4, paragraph 1, of the Convention and its general recommendation No. 25, and encourage the collaboration of parents in the implementation of such measures;
- 3) Strengthen its efforts to eradicate illiteracy, particularly among rural women, by conducting literacy programmes in local languages as well as Portuguese, involving parents in these measures; and in particular, provide information on the date of launching of the National Equivalence Programme, the “Yes I can” programme, the “step to the front” literacy programme and the Recurrent Education Program, and the impact of these programme on the reduction of illiteracy;
- 4) Provide safe transportation to and from schools;
- 5) Provide safe educational environments free from discrimination and violence, including by adopting the provisions of the Draft Child’s Code in this regard and ensuring their effective enforcement;
- 6) Provide specific awareness-raising and training of school officials and students, sensitization of children through the media and the establishment of reporting;

- 7) Provide accountability mechanisms to ensure that perpetrators of sexual abuse and harassment are prosecuted, including by adopting the provisions of the Draft Child' Code in this regard and ensuring their effective enforcement;
- 8) Ensure that those responsible for the harassment or abuse of girls are prosecuted and punished in accordance with the severity of these crimes, that such abuse is viewed as a human rights violation, and that girls are provided with support so that they can report such incidents; and take measures to promote the creation of a positive environment that will prevent such abuse from arising, including by encouraging families not to accept the settlement of such cases through the marriage of the girl to the perpetrator; and
- 9) Explicitly prohibit corporal punishment in all settings, including through awareness raising campaigns aimed at families, the school system and other educational settings.

Regarding the recommendation made **in paragraph 38** of the Concluding Observations “to step up its efforts to reduce the high rate of maternal and infant mortality”: While mentioning two general plans (the Timor-Leste Strategic Development Plan 2011-2030 and the National Health Strategic Plan 2011-2030) and indicating the signature of a Declaration for Affirmative Action to reduce Maternal and Child Death, the State party failed to indicate the impact of these plans and declaration on the reduction of maternal and infant mortality and to mention concrete and focused measures taken to reduce the high rate of maternal and infant mortality. The Committee considers that the recommendation has been **partially implemented**.

Regarding the recommendation “to assess the root causes of maternal mortality”: The finding of the research projects undertaken by NGOs with the support of the Ministry of Health can be used by the State party to assess the root causes of maternal mortality. The Committee considers that the recommendation has **been implemented**.

Regarding the recommendation “to set targets and benchmarks with a time frame for the reduction of maternal mortality”: The State party failed to set targets and benchmarks with a time frame for the reduction of maternal mortality. The Committee considers that this recommendation has **not been implemented**.

Regarding the recommendation “to make every effort to raise the awareness of, and increase women’s access to health-care facilities and medical assistance by trained personnel, especially in rural areas and in the area of post-natal care in particular”: While providing a lot of general information on the status of women’s access to health-care facilities and the various programmes in place, the State party failed to provide information on concrete measures taken to raise awareness of health-care facilities and medical assistance. In addition, it failed to show how it increased women’s access to health care facilities since the issuance of the COBs. The Committee considers that the recommendation has been **partially implemented**.

Regarding the recommendation “to implement programmes and policies aimed at providing effective access to affordable contraceptives and family planning services so that women and men can make informed choices about the number and spacing of their children; the Committee calls upon the State party to ensure that sex-education programmes are widely promoted and targeted at girls and boys and include special attention to the prevention of early pregnancies”: The State party took some steps by including the family planning programme targeted at both men and women through local radio programmes, the birth spacing film and the National Conference. The Committee considers that the recommendation has been **partially implemented**.

Regarding the recommendation “to review the legislation relating to abortion with a view to removing the punitive provisions imposed on women who undergo abortion, in accordance with the Committee’s general recommendation No. 24 on women and health and the Beijing Platform for Action”: The State party adopted legal provisions allowing abortion in case of danger for the life of the mother. However, it added that the opinion of the woman’s partner needs to be heard. The State party also failed to remove punitive provisions imposed on women who undergo abortion for other reasons. The Committee considers that the implementation has been **partially implemented**.

Regarding the recommendation “to put in place a system of data collection to strengthen the knowledge base for effective policy development and implementation on all aspects of women’s health, including the monitoring of concrete impact”: The State party failed to provide information on the establishment of a system of data collection on all aspects of women’s health. The Committee considers that the recommendation has **not been implemented**.

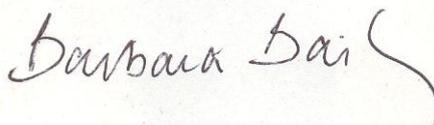
The Committee recommends that the State party provide, **in its next periodic report**, additional information on steps taken to:

- 1) Continue its efforts to reduce the high rate of maternal and infant mortality and set targets and benchmarks with a time frame for its reduction;
- 2) Continue to raise the awareness of, and to increase women’s access to health-care facilities and medical assistance by trained personnel, especially in rural areas and in the area of post-natal care in particular;
- 3) Implement programmes and policies aimed at providing effective access to affordable contraceptives and family planning services so that women and men can make informed choices about the number and spacing of their children;
- 4) Ensure that sex-education programmes are widely promoted and targeted at girls and boys and include special attention to the prevention of early pregnancies;
- 5) Review the legislation relating to abortion with a view to removing the punitive provisions imposed on women who undergo abortion, in accordance with the Committee’s general recommendation No. 24 on women and health and the Beijing Platform for Action; and withdraw the provision according to which, when abortion is allowed, the opinion of the woman’s partner needs to be heard; and
- 6) Put in place a system of data collection to strengthen the knowledge base for effective policy development and implementation on all aspects of women’s health, including the monitoring of concrete impact.

The Committee looks forward to pursuing its constructive dialogue with the authorities of Timor Leste on the implementation of the Convention.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,



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Rapporteur on follow-up
Committee on the Elimination of Discrimination against Women