

NGOs ALTERNATIVE REPORT

**Implementation of the Convention on the Elimination of All
Forms of Discrimination Against Women
(CEDAW)**

In Timor-Leste

**Prepared By
NGOs Working Group
On CEDAW Alternative Report**

March 2009

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Glossary

AMKV	Assosiasaun Mane Kontra Violencia / Man's Association against
AMST	Associaçao das Mulheres Socialista de Timor/East Timor Women's Socialist
APSC-TL	Asia Pacific Support Collective - Timor Leste Violence
CAVR	Comissao Amizade Verdade e Reconsiliaçao / Commission for Reception, Truth and Reconciliation in East Timor
CARWG	CEDAW Alternative Report Working Group
CAT	Convention against Torture
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CEDAW-SEAP	CEDAW - South East Asia Program
CERD	Convention on Elimination of Racial Discrimination
CSOs	Civil Society Organizations
CPLP	Comunidade dos Paizes da Lingua Portuguesa / Community of Portuguese Language Countries
CRC	Convention on the Rights of the Child
CVTL	Cruz Vermelha de Timor Leste / East Timor Red Cross
FOKUPERS	Forum Komunikasi Untuk Perempuan Timor Leste / East Timor Women's Communication Forum
FDTL	Forças Armadas de Timor Leste / East Timor Defence Force
GFFTL	Grupu Feto Foin Sae Timor Leste / East Timor Young Women Organization
GR	General Recommendation
HRPJ	Human Rights Purveyors of Justice (Ombudsman)
HDI	Human Development Index
HPI	Human Poverty Index
ICCPR	International Covenant on the Civil and Political Rights
ICESCR	International Covenant on the Economic, Social and Cultural Rights
IWRAW	International Women's Rights Action Watch Asia Pacific
IDP	Internally Displace Person
JSMP	Judicial System Monitoring Programme
NGO	Non-Governmental Organization
PAS	Prontu Atu Serbi / Ready to Serve
PNTL	Policia Nacional de Timor Leste / East Timor National Police
RDTL	República Democrática de Timor Leste / Democratic Republic of Timor-Leste
UDHR	Universal Declaration of Human Rights
UNTAET	UN Transitional Administration in East Timor
UNIFEM	UN Development Fund for Women
UNDP	UN Development Programme
UNMIT	UN Mission in East Timor
UNICEF	UN Children's Fund
TVTL	Televisao de Timor Leste / East Timor Television
VSS	Victim Support Service
WJU	Women Justice Unit

Introduction

After the restoration of Timor-Leste independence on 20 May 2002, the state of Timor-Leste ratified the CEDAW Convention (without reservation) and the Optional Protocol to CEDAW in 2003. The commitment to CEDAW is reaffirmed in Article 17 of the RDTL Constitution related to the equal right for both men and women to equality in all areas of family, political, economic, social and cultural life.

The CEDAW Convention requires the elimination of all aspects of discrimination in women's lives: from education to employment, from family to professional life, from health to rural development. Ratifying CEDAW is an important step to the realization of the better lives of women in Timor-Leste. The ratification requires the State to adopt and to incorporate the CEDAW principles in national legislation, national policies and the national development plan. This is to ensure that women can enjoy their rights as human beings both *de jure* and *de facto*.

The CEDAW Committee mechanism allows non-governmental organizations (NGOs) to submit shadow/alternative report to the CEDAW Committee. Such action aims to provide information that assesses on how far the state has implemented this Convention. This mechanism provides an opportunity for NGOs in Timor-Leste to prepare the alternative report which presents the real life of women in Timor-Leste during the period of ratification of the CEDAW (from 2003 to 2008).

This alternative report is the result of observation and analysis from 87 NGO representatives who work in different areas throughout Timor-Leste. NGO the CEDAW Alternative Report Working Group (CARWG) consists of 16 NGOs that take responsible for writing the alternative report. Data and information of the alternative report are contributed by 312 participants from more than 87 NGOs. This includes women from civil society organization, private sectors, media sector, Internally Displace Persons (IDP) women, academics and local police officers. During the report preparing process, the CARWG received enormous support from UNIFEM CEDAW Southeast Asia Program Timor-Leste and the IRAW Asia Pacific.

The content of the CEDAW Alternative report reflects the work of NGOs in upgrading women's status and changing women's lives. This is because women in Timor Leste face extreme discrimination caused by social, cultural, political and economic system. In this context, the objective is to present alternative data to the CEDAW Committee so they can understand the discriminatory actions faced by Timor-Leste women in their daily lives.

The CEDAW Alternative report consists of three chapters. Chapter one demonstrates the report writing process. Chapter two discusses actual situations of Timorese women in political, human rights, justice and economic context, which based on NGO observations. Finally, chapter three is the most significant part of this report. It provides and demonstrates additional information on discrimination against women in relation to Articles 1 – 16 of the CEDAW. In this chapter, it s facilitates deepened understanding to the CEDAW Committee regarding to the situation of women rights violation, particular discrimination against Timor-Leste women. Also, the CARWG conducts identification on the following nine crucial problems that Timor-Leste women have been extremely discriminated:

1. State Obligation to Eliminate All Forms of Discrimination against Women (Articles 1–5)
2. Women in Political and Public Life (Article 7)
3. Education (Article 10)
4. Health (Article 12)
5. Unemployment, Livelihoods & Private Sector (Articles 11,13,14)
6. Social Services (Articles 13, 14)
7. Justice (Article15)
8. Marriage, Family Life and Culture (Article 16)
9. Violence Against Women (GR 19)

The crucial problems above are major priority areas where the Timor-Leste State should take action promptly in order to eliminate all forms of discrimination against women, as required by the CEDAW. We respectfully ask the distinguished members of the CEDAW Committee to continuously provide information and advice to the Timor-Leste State. As a result, we hope that it will lead to immediate and effective solutions in handling with these significant problems above. Furthermore, we reaffirm that the Timor-Leste State has an obligation to demonstrate an effective enforcement and implementation of the CEDAW Convention based upon its commitment to the United Nations through the ratification of the CEDAW Convention in 2003.

Executive Summary

This NGO report was prepared by the CEDAW Alternative Report Working Group (CARWG) comprised of 15 organizations. Data and information for the report were contributed by 312 participants from more than 87 NGOs, including women from private sectors, media, and women in IDP camps, academicians and local police. The report is the result of an almost one year and four month process.

The CARWG identified nine crucial issues in which Timor-Leste women face extreme discrimination. We respectfully ask the distinguished members of the CEDAW Committee to provide recommendation and advice to the Timor-Leste State. So, it will have a quick and efficient solution for the nine crucial problems.

1. State Obligation to Eliminate All Form of Discrimination against Women (Articles 1-5)

Even though, the Constitution guarantees women's rights and equality, the State has not yet developed a law on gender equality and has not taken actions to eliminate discrimination against women in laws and policies. Some examples include:

- **Electoral Law for Legislative Elections (Law No.6/2006):** Article 12 states that one out of every four candidates in each party's lists for national legislative elections must be a woman. However, parties see the ratio as a mandated number instead of a minimum, and place the woman in the fourth slot in each group. As a result, if only three seats are awarded to that group, the woman will not gain a seat.
- **Combatants for National Liberation (Law No. 3/2006):** This law fails to give recognition to widows who helped during the fight for independence, civilians who suffered human rights abuses, or women survivors of sexual violence.
- **Penal Code (article 141/interruption of pregnancy):** This law states that abortion is illegal. While providing a narrow exception for cases where interruption of pregnancy is the only way to protect the physical or psychological health and life of the mother or fetus, it does not provide an exception for victims of rape and incest. The Catholic Church has had a great deal of influence in passing this and other laws, despite the constitutional separation of church from state article 45 point 1 of the constitution.
- **Regulations on Promoting Human Rights in Schools:** The human rights of students are not fully respected in schools – pregnant students are forced to drop-out and teachers use violence against students.
- **Impunity for Perpetrators of Violence against Women:** In 2007, the Presidents decided to amnesty 94 prisoners, including perpetrators of serious crimes and gender-based violence. Such action promoted a climate of impunity as these prisoners were given amnesty and released after having served only several months in prison. The decision to release these prisoners facilitates the increasing of negative impact on protection of women and child rights and elimination of gender based violence in the community. Consequently, implementation of law enforcement and justice promotion of the justice sector is considering weak.
- **Testimony in Court:** Victims predominantly remain silent in the judicial process because they feel intimidated by the presence of the perpetrators. Many perpetrators are found not guilty and freed because there is not enough evidence to carry on the lawsuit.
- **Gender Mainstreaming Policy (2002-2007):** This has been approved by the Council of Ministers and integrated in the national development plan, but is

ineffective. Gender focal points that have been established generally do not have enough power or decision-making abilities to be effective.

- **Literacy Program and HIV/AIDS National Campaign Program:** These programs do not adequately reach rural areas.
- **Women's in Village Councils:** Larger numbers of women are in village councils, but there are still very few numbers of women chiefs, there is no ongoing leadership training for them.
- **Access to Justice for Women:** Women are not able to access justice because the laws are generally written in Portuguese, which is not understood by the majority of citizens. Also, the laws are not disseminated properly. As a result, women do not know how to file court cases and they are discouraged by their families from pursuing their lawsuit in order to preserve the family pride. There are only 4 district courts in the entire country. Consequently, it is very difficult for people from rural areas, in particular women and girls to go the courts.

Recommendations from the NGOs on Articles 1-5 include the following:

1. The State must involve women's participation in the process of drafting legislation, policies, regulations and procedures and translate all legislation and policies and regulations into Tetum.
2. The State must approve the new domestic violence law, and recognize domestic violence as a public crime, and ensure that there are effective mechanisms established in providing assistance for victims.
3. The State must establish effective data collection systems in all Ministries and conduct analysis of the disaggregated data. Gender focal points in all Ministries must receive trainings, have decision-making powers, and have sufficient financial resources.
4. The State must ensure gender balance and gender sensitivity in all government programs and develop effective indicators to ensure that the program really benefits vulnerable people, including women.
5. The State must incorporate the provisions in the United Nations Security Council Resolution (UNSCR) 1325 on Women, Peace and Security, and UNSCR 1820 on Ending Sexual Violence against Women in Conflict into the Timor-Leste National Action Plan.
6. The State must amend the Law No. 6/2006 to ensure that the temporary special measure provided for women to hold at least one slot out of every four candidates is not abused. Therefore, women are not posted in the last position in the lists of candidates of the party's list. .
7. The State must amend the Law No. 3/2006 to give recognition to widows and women survivors of sexual violence who have suffered during the fight for independence of Timor Leste.

2. Politics and Public Life (Article 7)

There is a number of legislation related to women's participation in political life at the local and national level. In the most recent elections, the number of women on village councils has increased, but women are still not serving in leadership positions at the local or national levels. Women are also not trained to carry out their duties regarding public administration work once they are elected. Only a few women are involved in political party leadership and decision-making processes. Many times, women's interests are not considered and recognized. Cultural constraints remain strong in impeding women to be involved in public life.

One major problem with the legislation is the Law No. 6/2006 regarding the Parliamentary Elections. This law guarantees a temporary special measure for women, requiring political parties to include one woman in each group of four candidates. However, the parties limit the number of women candidates to one out of four, instead of seeing one out of four as a minimum number of women. In addition, the parties generally list the woman candidate in the last position on the list of four. This means, if between one and three seats are allocated to that list, the woman is not given a seat.

Recommendations from the NGOs include the following:

1. The State must amend Law No. 6/2006 so the goal is gender balance in Parliament and not symbolic representation of women in the list of candidates.
2. The State must ensure that training programs will be provided for women who are interested in carrying out the public administration.
3. The State must ensure that leadership and build capacity training program will be provided for women who have been elected for implementing administrative works. So, they can properly carry out their duties.
4. The State must conduct awareness raising and public education campaigns to promote women's leadership.

3. Women's Equal Right to Education (Article 10)

Issues relating to women's rights in education include:

- **Limited school facilities:** Public buildings, including schools, were destroyed by the Indonesian military during the occupation and the immediate aftermath. These facilities have still not been renovated. There is still a lack of school buildings, classrooms, water and sanitation, drinking water, school supplies and materials, and quality teachers in many villages in Timor-Leste.
- **Poor teaching quality:** The quality of teaching in Timor-Leste is still far from people's expectations. Many teachers do not have sufficient capacity in science and Portuguese language teaching. Many do not have teaching background and teaching skills. Teachers are absent from school for many reasons, including being sick, attending traditional ceremonies, attending trainings. They do not taking the job seriously because of low salaries, or lack of transport to go to schools in the rural areas and villages.
- **Language:** Portuguese is the language of instruction in schools, which is an obstacle for education, since the majority of the teachers do not know written and spoken Portuguese very well (only 10% of the population speaks Portuguese fluently). Many teachers use Tetum, which is a co-official language in the Republic Democratic of Timor Leste (RDTL) Constitution. In secondary and tertiary education (university), teachers are still using Indonesian and Tetum to teach. This situation facilitates learning difficulty and creates confusion among students. As result, many students, parents and teachers reduce their commitment in their education.
- **Dropping out:** Many young women in Timor-Leste drop out of schools because of several reasons, including the patriarchal attitude of their parents, economic problems, early marriage, and early pregnancy, taking long distance to schools and follow the family obligations requiring them to stay home. Also, there are other factors facilitating the school drop out of girls and young women like lacking of potable water, lack of sanitation, and security problems.
- **Discrimination in the awarding of scholarships:** The process of awarding scholarships some time is not transparent. Scholarships are announced very late/short

time, which makes it difficult to women who live in the districts and sub-districts to complete applications.

- **School fees at private schools:** Many girls attend private and Catholic schools because there are not enough spaces for them in state schools. So, these girls must pay school fees around US\$5 every month for primary school, this does not yet include other fees requested by private and catholic schools. Girls often drop out of school because their families are not able to pay these fees.
- **Family roles:** In rural areas, many parents don't send their daughters to school because schools are too far away from their homes and they do not want their daughters walking long distances alone.
- **Lack of access to human resources:** Women, particularly rural women, face difficulties in accessing information as well as professional training and thus fall behind men in the professional arena.
- **Illiteracy:** Almost two-thirds of adult women are illiterate. Although, there is a nationwide literacy program run by Timor-Leste and Cuba, there is no exact data about the number of women attending this program, including how many women can read and write, and how they use their knowledge to develop their economy ability. Hence, it can be assumed that there will be an increase in illiteracy in the years to come.

Recommendations from the NGOs include the following:

1. The State must support and encourage girls and young women who dropped out from school to continue their studies and establish informal learning centers, including training centers, so they can develop and increase their capacities.
2. The State must conduct awareness rising on women's right to education regularly.
3. The State must conduct elimination of negative stereotypes about women's role, focusing on changing the patriarchal mentality.
4. The State must conduct capacity building activities for increasing capacity of teachers, particularly in Portuguese language, by providing for long term teacher training in Timor-Leste or abroad.
5. The State must establish good condition and positive learning environments in all schools so that students are eager to focus on the learning process.
6. The State must establish schools in every sub-village, so girls have no need to take long distances walking.
7. The State must establish evening schools for those who have not finished their studies.
8. The State must establish an independent commission to monitor the scholarship program and to ensure that the awarding of scholarships is fair and there is no nepotism.
9. The State must establish a commission to control and to reform the non-formal education system, including regulations for those who are teaching in non-formal education.
10. The State must establish literacy centers at the village and sub-village levels to facilitate women who do not live close to major towns to access to education.
11. The State must provide decent school facilities in order to support women in their learning process.
12. The State must establish a commission to collect data of underage persons, both male and female, who are unable to read and write.
13. The State must establish an effective monitoring and evaluation team in monitoring the effectiveness of the literacy program.
14. The State must establish a database on participation in the literacy program.

15. The State must establish a quantitative and qualitative database, disaggregated by sex, related to school attendance (primary to university), literacy rates, and scholarships.

4. Women's Health (Article 12)

A large number of issues relating to women's health need to be addressed:

- **Limited Access to Health Care Services:** Women in rural areas face difficulties in accessing health care services, because of the distance of health facilities, poor road conditions and limited transportation discourage attendance, in particular for non-urgent conditions and preventive care. Women have to walk for 2-3 hours at times, up and down mountains and across rivers, in order to reach the health care centers. Also, Health workers have to walk through the same route and it is even harder when they have to carry with medical equipment and medicine for their mobile clinical treatment.
- **Economic Factors:** High costs facilitating medication also prevent women from seeking for health care services, including transportation, medication expenses, and sometimes fees for traditional services.
- **Other Factors:** Other facilitating factors that prevent women in accessing to health care include gender inequality in the society; family members are not concerned about women's health, women are unable to make decisions regarding their health. Also, there is a social stigma to seeking for health care.
- **Pregnancy and giving birth:** Pre- and post-natal care is still very limited. Not all health centers have midwives. There is a lack of maternity health centers and ambulances to transport pregnant women from rural areas to sub-district clinics. Most women (almost 90%) give birth at home with support from traditional midwives. Pregnant women are not interested in conducting regular medical checkup. Women do not focus their attention on pregnancies as they consider giving birth to be a normal issue or "an everyday event" thus not requiring specialist care.
- **Maternal mortality rate:** The maternal mortality rate is around 800-840/100,000. Problems that contribute to this rate are included: pregnancy complications, malnutrition, miscarriage, women living far from health centers, lack of medical treatment during the pre- and post-natal periods, unsafe abortions, early pregnancy, and poverty. Induced abortion continues to be performed in secret; 40 per cent of all emergency obstetric care was managing and treating complications from early pregnancy losses (both abortions and miscarriages).
- **Family planning:** There is a very high fertility rate – 7.8%. As a consequence, of the high fertility rate amongst women, the families, compounded with economic problem could not afford to send their children to school. Also, families could not provide enough and nutritious food for them. The State's family planning program has not contributed to solve the fertility problems. Although, women and men recognize the value of birth spacing, there is sometimes disagreement about the use of contraception. Disagreement can result in fighting, infidelity, and divorce. The husband's parents may influence the couple's decision-making due to considerations regarding bride-price, and men are recognized as the heads of their families, thus have an absolute right in making decisions.
- **Women's nutrition:** The income per capita is less than US\$0.50 per household per day. The majority of women are illiterate, lack of skills, lack of local transport (especially because of bad road and bridge conditions). They do not have electric power and there is a lack of merchandise that they can sell in order to earn money and then they can buy nutritious food such as milk, meat, fish, fruits, and vitamins for

pregnancies and breastfeeding. Some customs and traditional beliefs prevent women from eating healthy food that is available, like eggs.

- **Abortion:** The Government, working with the Catholic Church has criminalized abortion in the Penal Code. There is an exception only if the mother's life or health is at risk, with restrictions on who must approve and give consent to the procedure. There is no exception for cases of rape or incest. In addition, the law may allow husbands to determine whether their wives can have abortions, thus removing the decision-making power from the woman. There must be an opportunity for dialogue, discussion and consultation on these issues, with analysis and discussion from a variety of perspectives.
- **Contagious Sexual Diseases and HIV/AIDS:** Men do not want to use condoms and women do not have power to negotiate in using condoms. According to Ministry of Health, since 2001-2009, there are about 120 cases of HIV/AIDS positive and included 17 people who already died. It confirms that the majority of people with HIV/AIDS positives are men, male and female youths. These people have a strong possibility of spreading the disease to others. This can be attributing factor to poverty and unemployment due to the lack of information about the disease, limited condoms using, limited HIV/AIDS testing facilities, and limited access to care. As a result, many women do not have knowledge and access to information regarding HIV/AIDS.

Recommendations from the NGOs on women's health include the following:

1. The State must draft clear and practical guidelines or standard operating procedures for Government health workers in implementing effective health service provision.
2. The State must increase knowledge and ensure well-understanding of community members regarding health issues, including prevention, early intervention, using of health care services, using of modern and traditional medicines effectively. Also, it needs to promote the engagement of men in birth spacing.
3. The State must provide financial support for patient's families in order to meet the costs associated with referral of patients, e.g. transport and food for accompanying family members.
5. The State must ensure the provision of optimal services for pregnant women before being pregnancy, during pregnancy and after giving birth, and increased number of health care facilities, mobile clinics, and waiting houses in areas that have proper facilities and services.
5. The State must conduct campaigns, awareness raising and provide health counseling regarding health education, including reproductive health, family planning, HIV/AIDS and non discrimination services.
6. The State must develop an adequate health care curriculum related to reproductive health education issue in order to teach adolescents in schools.
7. The State must develop a regulation for pregnant adolescents to take leave or being absent from schools and draft guidelines facilitating pregnant adolescent to return to school after giving birth.
8. The State must ensure that the rights of people living with HIV-AIDS are protected and provide Anti Retro Viral medicines without stigma or discrimination;
9. . The State must promote public discussion on abortion issues, including consultation meetings, seminars, meeting and multi-faceted dialogue or round table events in order to encouraging people to speak publicly about such issue throughout the country.

5. Livelihoods, Private Sector, Unemployment (Articles 11, 13, and 14)

Women face many challenges relating to livelihoods and employment:

- **Livelihoods:** Most women work in the household without any payment. Some sell their farming produces in traditional markets and run small businesses. However, transporting their products to the market is always a problem for them. Those who work as farmers can earn money by selling their products. While, some women who work in shops, restaurants, and hotels to earn money for the family. These women are sometimes maltreated by their employers. Women have no power or right to spend the money on what they earn. Their husbands, fathers and brothers have major influence on how to spend the money that the women earn.
- **Private Sector:** The private sector in Timor-Leste is still in the developing stage and it is still not strong. Many women in district, sub-district and village levels face difficulties raising capital for starting a small business. Those who have access to micro credit feel that it is difficult to do the repayment every week. Many women are not yet trained in small business management. Women workers in the private sector face discriminatory attitude from their employers. The employers prefer men because they will not ask for menstruation, maternity or parenting leave.
- **Unemployment:** There are few job opportunities for women. For jobs that are available in the labor market, women often are not able to take up such jobs. This is because, they do not have sufficient employment capacity caused from the lack of opportunity to access to education and to develop their professional skills.

Recommendations from the NGOs include the following:

1. The State must establish a mechanism in supporting local markets by encouraging entrepreneurs in Timor Leste, including hotel owners, restaurant owners, shop owners and supermarket owners to demonstrate their commitment in buying local products from women farmers and women groups in rural areas such as vegetables, fruits and other household products.
2. The State must facilitate transportation for rural women in selling their local products in market areas in sub-district and district levels.
3. The State must establish women's cooperative programs at the grassroots level urgently.
4. The State must increase capacity of women groups in rural areas regarding business management training for effective and successful trading, for example institute or centre for small and medium enterprises should be established for providing capacity building activities (SMEs).
5. The State must allocate capital to women groups or women who are micro-entrepreneurs in order to support sustainable business management and to be survival during their business crisis.
6. The State must support women farmers to get hand tractors that will help them perform efficiently their farming activities.
7. The State must ensure that there are job opportunities and labor markets for women.
8. The State must ensure that women are educated equally at the same level as men and ensure the on-going of capacity building and employment skilled training program for women.

6. Social Services (Articles 13 and 14)

There are many vulnerable populations of women that the State should assist:

- **Widows and prostitution:** The number of widows has increased as a consequence of the war, sickness and accidents. Widows often do not have enough money to sustain their family needs, including food, clothing, shelter and education for their children. Some widows rely on outside employment, particularly sex commercial and

prostitution in order, to earn income. Prostitution has been criminalized after a joint effort by the Catholic Church and the Government. Sometimes security personnel provide protection to women. However, they also sometimes use their power to force women into prostitution and have sexual relations.

- **Orphans and abandoned children:** Some children are abandoned and brought to orphanages. Many orphans have no access to schools and grow up in the streets, where they get involved in gangs that create disturbances in the society. Many problems and small crimes occur including destroying traffic signs, using catapults for hunting people's and animals, stealing things, drinking alcohol. Also, these abandoned children get physical and psychological sicknesses. Some families adopt orphans, but they often treat the orphans as household slaves.
- **Women and potable water:** Half of the population still does not have access to potable water. When women with their babies and young children do not have access to clean water or portable water, they face difficulties in having good health because there is no potable water for drinking, cooking and washing clothes. Those who live near sea sides sometimes have to drink salty water, which makes many women and children get sick.
- **Disabled women:** Disabled women do not receive any treatment, attention or assistance from the State. They rely on assistance and support from their families, in case they have family members to take care of them. Many times, they have no food and other basic necessities.
- **Elderly women:** The Government gives subsidies of US\$ 240 per year for elderly people, but this program is still not implemented effectively because there is a potential for corruption from local officials who falsify documents. The State does not have any other mechanism for responding to the needs of elderly people, who often face extreme discriminations from their families and community members.

Recommendations from the NGOs on social services include the following:

1. The State must establish a program in supporting widows, especially those whose husbands died in the war for national liberation.
2. The State must establish orphanage centers and foster parent systems in all districts in order to take care of the orphans, and ensure that they have adequate nutrition and can regularly attend school.
3. The State must establish a clean, safe potable water system urgently at all levels, including community level and national level, including rural areas.
4. The State must ensure the provision of necessities for vulnerable women, particularly disabled women and elderly women.

7. Women's Equal Right to Justice (Article 15)

In general, the State still not fully developed the formal justice sector in providing the equal rights between men and women under the law:

- **Law:** The approval on the draft of Domestic Violence Law and Civil Code Law are still pending. These laws are still difficult for civil society organizations to access, especially because they are written in Portuguese. NGOs are usually invited to comment on legislation, however, invitations come as late as the day before the public audience, which leaves little time to translate the law from Portuguese language to Tetum language and prepare an analysis. NGO input is not always considered, however input from the Catholic Church is usually taken into consideration.
- **Women's Limited Access to Formal Justice:** Many women do not have information about how to bring their cases to the formal system. Courts are far away

from women's homes (there are only four district courts and one Supreme Tribunal in all of Timor-Leste). It is very difficult for women to access transportation to get to the courts. Women have limited financial support to bring their cases to court, and women themselves do not understand and are not aware of how to use the formal justice mechanism to solve their cases. Police authorities who are supposed to conduct investigations do not have sufficient equipment or transportation to do their work. There is no clear mechanism to protect victims, especially victims of domestic and sexual violence, when the victims proceed with their cases in court.

- **Traditional Justice:** Women often bring their cases (and the police often send cases) to the traditional justice system. This traditional system does not require a lot of money, time or energy to handle the cases, since men resolve the cases and make decisions through a family approach. However, the men do not consider women's feelings as victims and never ask their opinions or involve them in the decision-making process. The traditional leaders of both parties resolve the case through payment of fines or compensations and force victims to accept the decision that has made. After that, both parties drink and eat food to symbolize that the case has already been solved and they have to forgive each other in peace.
- **Family Roles:** Many times, domestic and sexual violence are kept within the family because the family will be ashamed if the information spread out. The family might force the victim to get an abortion when pregnancy is caused. They often resolve the crime through the traditional system, which usually blames the woman, and bring the case to formal courts only as a last alternative.
- **Judiciary Training Center:** This center has created for provide trainings for judges, lawyers, prosecutors, or public defenders. However, gender and women rights issues, including the implementation of CEDAW do not included or integrated in the training program activities.
- **Lack of database:** There is no mechanism in collecting, analyzing and archiving the data and statistics about cases in the court system.

Recommendations from the NGOs on access to justice include the following:

1. The State must draft legislation and regulation in a language that the majority of people can understand, such as Tetum.
2. The State must incorporate gender, women rights and CEDAW issues in the training curriculums of Judiciary Training Center, and create specific or tailored training activities about gender sensitivity and women's rights.
3. The State must establish a database system in courts, police stations, and public prosecutor offices in collecting, analyzing and archiving data.
4. The State must ensure the provision of protection mechanism for witnesses and victims of domestic and sexual violence.
5. The State must draft a law to regulate traditional justice activities and limit the role of traditional spokesmen or traditional leaders in solving crimes like domestic violence, sexual violence, incest, and sexual assault. These crimes should be addressed in courts in the formal justice system and should not through traditional justice mechanisms that facilitating harmful practices against women, young women and girls.

8. Marriage, Family Life and Culture (Articles 2, 5, 16)

The State has not yet developed legislation and regulations which aimed at changing the social and cultural standards that discriminate against women in marriage and family life:

- **Marriage:** Marriage is not only the alliance between two individuals, but seals an intricate set of relationships, obligations and reciprocity between the bride's and groom's extended families and their network of relatives. Often, parents dictate the marriage and family life for their children, adopting a system of arranged marriage. Sometimes, such marriage has arranged as early as when the children are still in their mothers' wombs. Arranged marriage is used to as a strategy in facilitating the parents to maintain good relations with friends and family build relationships with other families help parents settle financial obligations through the dowry. When the girls marry early at their early aged, they often drop out of school and may suffer from health problems because of early pregnancy.
- **Dowry and family life:** There are many different forms of dowry, including buffalo, horses, money, swords, and *belak* (other non-monetary goods such as jewelry, gems, bronze, gold, etc.). When a man pays dowry to a woman's family, the man's family gains a full right to control the women. Because of the dowry system, men often consider women as their property rather than their partners. Women must serve the men's families; vote according to men's choices; work in the kitchen all day during traditional ceremonies and have their meal at midnight after all the people have eaten. Women have no right to civil or cultural privileges and benefits related to their families and social life.
- **Polygamy, Divorce and Domestic Violence:** Polygamy often happens because of the perceived superiority of men, who want to show that they are strong and rich men who can marry more than one woman as they wish. Divorce is a sensitive issue and generally taboo in open forums in Timor-Leste, since Church doctrine does not permit divorce for Catholic marriages. Women feel that it is normal to experience various forms of violence in their family lives, and find that it is very difficult to ask for divorce because of the Catholic doctrine.
- **Access to Family Inheritance:** Daughters do not receive inheritance because women have to leave the family after marriage and they can access their husbands' inheritance. However, married women rarely receive inheritance from their husbands in their own names. As a consequence, women are still face difficulties in enjoying property rights and having any inheritance right.

Recommendations from the NGOs include the following:

1. The National Parliament should approve the Domestic Violence Law immediately, and disseminate information and educate all people in Timor-Leste about this law;
2. The State must draft an anti-dowry law in order to regularize dowry in Timor-Leste;
3. The State must draft a mechanism to address patriarchal system
4. The State must draft legislation regarding marriage;
5. The State must strength the gender mainstreaming policy in all state institutions to promote a culture of equality in all aspects in Timor-Leste;
6. The State must draft legislation with respect to women's right to inheritance of land, and family property should be distributed equally to men and women.

9. Violence against Women (General Recommendation 19)

Timor-Leste leaders often convey their deep concerns about violence against women and outline efforts to combat violence; however, there is no concrete action. The Domestic Violence Law that have drafted for 6 years (2003-2008) ago, now, it has not yet produced any results because it still has not been approved by the National Parliament. Problems related to violence against women include:

- **The Roots of the problem:** There is a power imbalance among women and men in domestic life, society and public institutions. The patriarchal attitudes results in power and absolute control by men over women. Girls and boys are socialized about characteristics of masculinity and femininity from a very early age, and communities internalize this mythology and apply it in their daily lives.
- **Violence in the family:** Because the family has a high position in society, it is difficult to solve the problem of domestic violence, especially through the formal justice system. Families do not consider domestic violence as urgently requiring justice and think it should be solved within the family.
- **Victims and Judicial Process:** The suspect's family always meets the victim's family, begging for pardon and asking the family to withdraw the complaint because of the relationship between the two families. Families often withdraw cases so they are not embarrassed in public, which allows the man to repeat the violence. The victim's weak position can be exploited by the perpetrator. The community and judicial agents often blame the woman for the violence or see it as a private conflict that has no place in the justice system. Police also persuade the victim's family to withdraw complaints and use the traditional system.
- **The Impact of Traditional law:** Most domestic violence is solved within the family, with the spokesmen of both families sitting together to find a solution to the problem based on traditional customs. This means the decisions are normally dominated by men. Often the solution is for the perpetrator to pay a fine or compensation to the victim's family. This phenomenon empowers men to commit violence because when a man has money, horses and buffalos, he is free to do violence against women. This is also because he knows that the victim's family just asks him to pay a fine or compensation. The traditional system can also exclude decision of women victims. Consequently, many women victims do not want to complain about their cases and/or continue their lawsuits against the men who are perpetrators.

Recommendations from the NGOs on violence against women include the following:

1. The State must urgently approve and promulgate the Domestic Violence Law.
2. The State must periodically upgrade judiciary agents' capacity related to gender perspective, CEDAW and women rights issues. These include judges, lawyers, prosecutors, or public defenders and police.
3. The State must ensure sufficient support and facilities for the Vulnerable Persons Unit (VPU), National Police of Timor Leste, including special room for victims, transportation and other related facilities.
4. The State must draft regulations to sanction those who commit any kind of violence against women. This should be included in government and private internal regulations.
5. The State must facilitate a unified national database on violence against women that will assist in formulating policy and national strategies related to violence against women.
6. The State must revise the school curriculum to include gender issues so that students will learn to respect each other as early as possible, especially boys supporting girls.

Details of Executive Summary written in Chapter III.

Chapter I

The Report Writing Process

This NGO report was prepared by the CEDAW Alternative Report Working Group (CARWG). It is comprised of 15 organizations, which include:

Rede Feto (Women's Network), Communication Forum for Timor-Leste Women (FOKUPERS), Alola Foundation, Men's Association Against Violence (AMKV), East Timor Women Popular Organization (OPMT), Academicians, East Timor Women Organization (OMT), East Timor Young Women Group Organization (GFFTL), Judicial System Monitoring Program (JSMP), Ready to Serve Organization (PAS), New Life Foundation (FMF), Sta. Bhakita Orfonato, East Timor Women Socialist Association (AMST), Asia Pacific Support Collective Timor-Leste (APSC-TL), and Women's Caucus in Politic NGO.

The main objectives of the CEDAW NGO report are as follows:

- to present data about the impact of CEDAW implementation in Timor-Leste;
- to provide recommendations in order to improve the situation of Timorese women;
- To ensure that women in Timor-Leste are free from all forms of discrimination during the national development phase.

During the process of writing this report the CEDAW Alternative Report Working Group (CARWG) team carried out our mission according the following phases:

1. Preparation Phase

In the preparation phase, the CARWG team and representatives from civil society organizations (CSOs) received three intensive trainings regarding the Alternative NGO report on the CEDAW. These trainings were held due to the fact that Rede Feto (Women's Network Organization) carried out its responsibility in preparing for the submission of an the CEDAW Alternative Report (CEDAW Shadow Report), which was an independent report from CSOs and other non government sectors to the CEDAW committee in relation to the implementation of CEDAW in Timor-Leste. The first training was conducted by the CEDAW trainers from Australia, the second training carried out by the CEDAW experts from the IWRAP Asia Pacific, and the final training conducted by UNIFEM CEDAW SEAP-Timor-Leste.

The objective of these trainings were: to build the capacity of the CARWG team to disseminate information about the CEDAW at the community level; to conduct observation and monitoring the CEDAW implementation, and to write an alternative report from the NGOs' perspective. These training activities were successfully completed in 2007-2008 with collaboration and cooperation among Rede Feto and UNIFEM CEDAW SEAP - Timor Leste.

2. Data Collection Workshop Phase

In order to ensure that the CEDAW Alternative report was comprehensive, the CARWG participated in a workshop on data collecting with NGO representatives from 13 districts of five regions in Timor Leste. Those regions are: Region one in Dili, which covers districts Aileu and Manatuto; Region two in Suai, which covers Ainaro and Same; Region three in Liquiça, which covers districts Ermera and Manatuto; Region four in Baucau, which covers Viqueque and Lospalos; and Region five for the enclave Oe-Cusse. The

CARWG team held a 2 days workshop in each of the five regions based on nine thematic groups that were identified as the priority issues that needed more attention.

During the workshop the CARWG used the IRAW Asia Pacific survey format as reference and data collection tool for asking questions. So that, each thematic group would know all forms of discrimination against women. Then, each group could get response from participants based on the thematic issues. In total, 312 participants representing 87 NGOs, individuals, academics, private sectors, local police and the media were involved directly in the regional workshops and focus group discussions in order to contribute the data and information needed for writing the report.

Rede Feto, a national network of women's NGOs, also organizes a National Women's Congress every four years. The Second Congress and the Third Congress were held in July 2004 and September 2008. The discussions and inputs from this Congress were also used as data in this report.

3. Data Analysis and Report Writing Phase

After documenting all of the information from the five regional workshops, the CARWG through each thematic group began to analyze the data and link it with the content of the state report. After analyzing the data, a focal point from each thematic group started writing the first draft of the report.

On August 15, 2008, the CARWG held a full-day meeting whose objective was to allow each thematic issue leader/focal point to present their sections of the draft report to the forum in order to get inputs and comments from the other groups. After receiving comments and inputs from other participants, each leader/focal point revised the draft report in order to finalize the first draft of the full report and present it in a national workshop on October 28, 2008. Thirty-one participants representing the five regional workshops were selected and invited to attend this national workshop.

After receiving feedback for the first draft of the full report in the national workshop, the CARWG continued with consolidation for each thematic issue and produced a second report that represented the Timor-Leste NGOs' perspective related to the CEDAW implementation in Timor-Leste. The CARWG finalized the second draft of the report in Tetum in December 2008 and submitted it for translation.

In late March 2009, the CARWG focal points held another consultation meeting in collaboration with the IRAW Asia Pacific to finalize the report. During the consultation meeting, the focal points again presented their sections of the report and the other participants identified gaps in the information and provided additional suggestions and revisions. The focal points spent two additional weeks gathering data and finalizing data of their sections in April 2009. The final report was translated and edited for submission to the CEDAW Committee.

4. Challenges and Obstacles

The NGOs faced many challenges and obstacles in preparing this report. The primary obstacles are:

- **Lack of data and data collection difficulties:** Extensive data is not collected systematically by any government departments. When the CARWG approached the

government from different ministries for data, they had told that such data did not exist. The CARWG developed an extensive structure to collect data information from the rural areas, but had only limited access to the rural areas because of transportation and communication difficulties.

- **Communication difficulties:** Timor-Leste is a small country, but communication is very difficult because of a lack of infrastructure. Few people have internet access outside the capital city, electricity is often out in the rural areas, and lack of transportation and poor roads makes accessing the rural areas difficult.
- **Language:** Although both Portuguese and Tetum are the official languages, few people (only 10% of the population and few representatives of women's NGOs) speak Portuguese. Most people speak Tetum, many speak Indonesian, and some speak English. However, most of the laws are drafted in Portuguese. This makes it extremely difficult for women's groups to access, understand and analyze the texts of the laws. In addition, the fact that the major languages in Timor-Leste are not UN languages means that the report writing process was more difficult because everything had to be translated into English.

The CARWG hopes the CEDAW Committee will read the Shadow Report with these challenges in mind.

Chapter II

General Situation in Timor-Leste

In this part of the report, the CARWG wants to briefly provide background information on Timor Leste in three crucial sectors that influence its people's lives, especially women. These three crucial sectors are: 1) the political situation; 2) human rights and justice; and 3) economic development.

1. Political Situation

Timor-Leste, as a new nation, sees democracy grow everyday in state institutions and at the community level. The multi-party system that has been adopted by Timor-Leste challenges the political maturity of all citizens, especially the leaders during and after parliamentary/legislative elections, presidential elections, and village level elections. Although the democratic process continues to grow in the nation, physical and psychological violence sometimes occurs during electoral campaigns and after the election results are released. The Timorese people are still continuing the learning process of how to live in a democracy in unity, recognizing a diversity of political views.

Currently, the people of Timor-Leste are experiencing social transformation and the transition of mentalities in all areas of their lives. Some Timorese women are very interested in being directly involved in politics. This is because they believe that their direct contribution have crucial points to guarantee that the decision making process will take into account equality. These points include gender perspective, respect for human rights, and the incorporation of the CEDAW principles into national legislation and national policy and the inclusive involvement of local population in political processes at all levels, from village level up to national level.

According to the policy of the Secretary of State for the Promotion of Equality, the State continues to implement gender mainstreaming to integrate gender issues in the government programs and its budget. Some improvement has achieved and it shown by the establishment of a women's network in Parliament and the establishment of the Gender Resource Center (Parliament Resolution of Timor Leste no. 16/2007) within the National Parliamentary Office. Meanwhile, the impact of the political and military crises in 2006 is still affected people's lives, in particular women.

The security situation was largely restored after the establishment of a coalition the government, through the alliance of majority parliamentary, but statements by the opposition leader about the need for another election have sustained fears and insecurity within the country. Particularly, people from IDP (internally displaced person) communities are concerned with their returns, as they assume that there will be renewed tension and the possibility of political violence if the anticipated election happens. Also, sometimes, women do not feel confident and secure in expressing their feelings and ideas because they feel deeply traumatized as a consequence of the violence that has happened during these crises.

A majority of people think that there will be no secure future for the country. They believe that even though Timor-Leste is an independent country, the State is unable to resolve political conflict. Women in particular are unclear about their future in the next coming years. People, especially women, know the Timor-Leste State is making an effort

to combat political violence, but there is no guarantee that political violence or political instability will be prevented.

2. Human Rights and Justice Situation

Timorese people are very familiar with human rights terminology and have high hopes to see these rights and credible justice formalized in their country. After the restoration of independence on May 20th, 2002, the State ratified many international treaties; however, after 6 years from 2003 to 2008 women in Timor-Leste have observed that the State is still not concretely implementing the International Human Rights Conventions, especially the CEDAW Convention.

Recognition of women's rights is expressed in the declarations of policies by State leaders in public forums, but unfortunately the State still has not taken concrete steps to implement the CEDAW Convention by incorporating the CEDAW provisions into national legislation. There is also no effective remedy to tackle with problems of human rights violation.

Even though, the State has established independent institutions, including Ombudsman/Human Rights Purveyors of Justice (HRPJ) such institution does not have absolute autonomy and authority to perform their function in facilitating fair justice and dealing with cases of human right violation effectively. Due to the fact that, the structure and the law related to the Human Rights Purveyors of Justice (HRPJ) which set by the State have limited its autonomy, simply in conducting investigation and following-up cases of other institutions, but not having active function and authorization in conducting law enforcement and compliance. As a result, the HRPJ faces major challenge in referring cases to other institutions which has authorization in taking up action; they did not perform their respective functions and duties effectively.¹

There were many cases of human right violations, including serious crimes that happened during the past 24 years, under Indonesian illegal occupation (1975-1999) and violence after the 1999 referendum. Unfortunately, there is still no resolution or justice for the victims. Paragraph 111 of the State's Common Core Document cites from the CHEGA report of the Commission for Reception, Truth and Reconciliation in East Timor (CAVR) found a lot of evidence about systematic crimes organized by the Indonesian military against the people of Timor-Leste, including women. So far, the State of Timor Leste has not made any serious efforts to follow up on the CHEGA recommendations through the international court, as stated in the State Common Core Document from paragraph 112. The CHEGA report also recommends the other mechanisms such as counseling and compensation for victims. Equally, the State of Timor Leste has not yet done anything to implement recommendations from CHEGA report.²

3. Economic Development

Timor-Leste is the poorest country in Southeast Asia. Economic growth in East Timor can be regarded as incredibly slow. According to the statistic from the Ministry of Finance of Timor Leste, it states that in 2008, the economic growth is 13% and in 2007, income per capita is 0.88 US cent (0.88USD).³

¹ The CEDAW Regional Consultation Workshop in May 2008

² Ibid, page no.13

³ The Ministry of Finance, Timor Leste, June 2009.

Majority population of people in East Timor is Women. They are the poorest group of the society, they are the breadwinner of almost every household, but they are not decision makers in their families. Meanwhile, the participation of women in the labor force is usually low. They usually get lower wages, fewer benefits, and little career prospects. The overall level of participation of women in the labor force is 52%, while the level for men is 69%.⁴ However, it is difficult to determine the number of unemployed women compared to men due to the lack of statistical data.

Generally, rural women in Timor-Leste work in agriculture, farmers in coffee plantations and as rice farmers in rice fields. However, their incomes from agricultural works are very low. In the urban areas, there are many service industries and manufacturing section that often provide more profit and give opportunity toward women. Such situation is a pull factor facilitating and attracting rural women, young women who are school drop-out and other young women who are seeking for employment in the city.

Since the food crisis in Timor in 2007, the price of rice has soared, severely impact the poor rural women. The government sectors, including the Ministries and the industrial sector have provided some economic assistance like subsidies. However, without a decline in the price of rice, the government and private sectors are not able to response the needs of the communities.⁵

About 80 percent of households in Timor Leste earn a living from agriculture. The revenues from oil and gas will be effective in reducing poverty only if they are channeled towards rural development and the accompanying education, healthcare, and job training that allow citizens to improve their lives independently.⁶

According to human development analysis of UNDP, Timor Leste is the UN's newest Member State, which has its ranking on the Human Development Index that lowers than all the ASEAN countries. Half of the population face problem on the lack of safe drinking water. There are about 60 of 1,000 infants who born alive have died before their first birthday. Also, the statistic in 2005 regarding the life expectancy in Timor Leste is at only 55.5 years of age and it is still not improving.⁷

a. Timor-Leste: Human Development Index (HDI) 2005⁸

- HDI value: 0.514
- Life expectancy at birth (years): 59.7
- Adult literacy rate (% ages 15 and older): 50.1 %
- Combined primary, secondary and tertiary gross enrolment ratio: 72.0 %

⁴ Ibid, page no. 13

⁵ Ibid, page no. 13

⁶ "Timor Leste faces development challenges", UNDP newsroom on 8 march 2006

⁷ Ibid, page no. 14

⁸ The UNDP Report on Human Development in Timor Leste: 2007/2008

b. Timor-Leste: Human Poverty Index (HPI) 2004⁹

Focusing on the most deprived in multiple dimensions of poverty. Selected indicators of human poverty for Timor Leste:

- HPI-1: 41.8
- Probability of not surviving past age 40 (%): 21.2
- Adult illiteracy rate (% ages 15 and older): 49.9
- People without access to an improved water source (%): 42
- Children underweight for age (% ages 0-5): 46

C. Another Information from Fukerpers Report Regarding to the Livelihood Situation (source: TL sensus)¹⁰

- Life Expectancy of Timorese Women is 56.6%.
- In every three Timorese women, one woman has malnutrition problem and has poor physical condition.
- 70% of population in Timor Leste lives in rural area.
- In rural areas, many families do not have enough food and face hunger period due to heavy floods in rainy reason (Nov-Feb).
- 64% of population consumes food less than the normal standard.
- Half of population does not access to water and 60% of populations do not access to sanitation.
- In 2005, there are only 41.2% of women who can read and write, while there are about 53.4% of men who can read and write.

⁹ Ibid, page 14

¹⁰ Fukerpers, Timor Leste, May 2008

Chapter III

Implementation of the CEDAW Convention in Timor-Leste

Human rights and fundamental freedoms are given of all human beings. The protection and promotion of human rights is the first priority of the State to take its responsibility. The State has its obligation to promote and protect human rights of all people. Recognition of the importance of women's human rights is obliged the State under ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) of the United Nations.

The advancement of women and the achievement of equality between women and men are a matter of human rights and a condition for social justice and should not be seen in isolation as simply "women's issues". They are the only way to build a sustainable, just and developed society. Empowerment of women and equality between women and men are prerequisites for achieving political, social, economic, cultural and environmental security among all peoples.

In this chapter, the CEDAW Alternative Report Working Group (CARWG) will report on the critical matters that create discrimination for women in Timor-Leste, based on Articles 1-16 of the CEDAW Convention. This report is the result of observation carried out by NGOs related to the State efforts to eliminate all forms of discrimination against women during 6 years (2003-2008), since the CEDAW ratification in 2003.

1. State Obligation to Eliminate All Forms of Discrimination against Women (Articles 1-5, GR 25)

On March 22, 2002, the Constitution of the Democratic Republic of Timor-Leste (RDTL) was approved by 88 members of the Constituent Assembly, elected through general election on August 30, 2001.

The Constitution of RDTL consists of 170 Articles. These Articles provide for equality before the law of all citizens, male and female, with all citizens exercising the same rights and subject to the same duties (Article 16 (1)). Article 17 provides for equality of rights in all areas of family, political, economic, social and cultural life (Article 17). Under Article 6(j), the State commits to promote and guarantee the effective equality of opportunities between women and men. The Constitution also grants equality between women and men in the context of family relations (Article 39), in access to political rights, particularly to public office (Article 63 (2)), as well as in key areas of social and economic life, including the right to work and choose a profession (Article 50).

Timor-Leste has also ratified all of the major international treaties, including CEDAW, CRC, ICCPR, ICESCR, CAT, CERD and UDHR. Article 9 of the RDTL Constitution states that the principles in the international treaties should be reflected in the national laws and legal system, and that national laws that are contrary to these international legal principles are not valid.

Even though, the RDTL Constitution guarantees women's rights and equality, the State

has not developed a national law on gender equality yet and has not taken the correct actions to eliminate all kinds of discrimination against women.

Some examples of such discrimination include:

a. Electoral Law for Legislative Elections (Law No. 6/2006)

Article 12 of the Electoral Law for Legislative Elections (No.6/2006) states that the list of candidates of the party's list from each political party that will compete in a legislative election must have at least one out of every four candidates must be a woman. This Article discriminates against women because political parties interpret it through a patriarchal lens. Parties generally do not nominate more than one woman per every four candidates – there is no effort to ensure gender balance in the slates of candidates. Moreover, parties place the woman in the fourth slot in each group, so that if only three seats are awarded to that group, the woman will not gain a seat. The CARWG understands that the provision of Article 12 of the Electoral Law for Legislative Elections (No.6/2006) is meant to be a temporary special measure for women, but in reality it appears to be indirect discrimination, as in fact it restricts women's participation in the legislative body. This Article violates the principle of non-discrimination and substantive equality in the CEDAW. The provision of Article 12 should stress gender balance as an end goal for the election, instead of simply setting aside a space for women candidates who may or may not gain seats in the election.

b. Combatants for National Liberation (Law No. 3/2006)

The law for Combatants for National Liberation Law No. 3/2006 was adopted on April 12th 2006. This law fails to give recognition and value to widows who helped their husbands during the fight for independence and later remarried. These women raised the issues during the district conferences that they have not been given monetary awards from State. There is a law regarding veterans' pensions, sizeable funds have been allocated for veterans' benefits and former combatants and their families have received medals of commendation. But there has been no recognition of civilians who suffered human rights abuses, of widows, or of women survivors of sexual violence. Moreover, in our society, women who were forced to have sexual relations with soldiers are ostracized as soldiers' leftovers. Often the families of these women consider them to be dirty and so reject them. Without decent work and skills, their situation worsens.

c. Penal Code (Article 141 Interruption of Pregnancy)

The new Timor-Leste Penal Code has been approved by the Council of Ministers. This law states that abortion is illegal. While providing a narrow exception for cases where interruption of pregnancy is the only way to protect the physical or psychological health and life of the mother or fetus, it does not provide an exception for victims of rape or sexual abuse. In addition, the exception requires the authorization and supervision of a medical committee or by a doctor or health professional in a public health establishment, and requires the consent of the pregnant woman and/or her spouse. This may allow husbands to determine whether their wives can have abortions, thus removing the decision-making power from the woman. Regarding to this, the government always consult with the Catholic Church on their views on abortion and do not consider other religions or their own perspectives on abortion. The Timor-Leste Constitution article 45 point 1 clearly provides for the separation between church and state, but in fact the implementation of the laws generally follows what the church says. The State often fails

to see women's perspectives in dealing with abortion and other cases that affect women's lives.

d. Regulations on Promoting Human Rights in Schools

The absence of national regulations on promoting an environment that respects human rights in school allows public and private schools to come out with their own internal regulations and codes. In the district congresses held by the network of women's groups, women raised their concerns that school regulations discriminate against female students who are pregnant, and in some cases are victims of sexual violence that caused them to become pregnant. The school regulations often expel them from school and do not permit them to continue their education after delivering their babies. The teachers also used violence to educate their students. In the district congresses, a participant in the Aileu district stated that students in one school did not attend classes because they are afraid of violence that has been previously practiced in their school.

e. Amnesty for Prisoners

Article 85 point 1 of the RDTL Constitution authorizes the president to exercise his power to give amnesty and remedies to prisoners. In 2007, the President provided amnesty and remedy to 94 prisoners, including perpetrators of serious crimes and gender based violence. The perpetrators of the gender based violence crimes were released after having served only several months in prison, thus not fulfilling the one year sentence that was decided by the court. The decision to release these prisoners has a negative impact on the community, which still considers the justice sector to be weak. This decision will encourage impunity to flourish at the community level. One recommendation from the women's district congresses was to limit presidential power so that the president is not permitted to grant remission to perpetrators of serious human rights violations, especially gender-based violence crimes.

f. Testimony in Court

Article 125 of the Penal Code of Criminal Process provides the option for victim and perpetrators to talk or remain silent in the judicial process. Based on Fokupers experiences in providing assistance to victims in courts, victims predominantly remain silent and prefer not to talk because they see the perpetrators directly and feel intimidated and pressured by the presence of the perpetrators. The consequences are that many of the perpetrators are found not guilty and freed because there is not enough evidence against them. The female victims often become victims again.

g. Gender Mainstreaming Policy (2002-2007)

There is a gender mainstreaming policy (2002-2007) that was approved by the Council of Ministers and integrated in the national development plan. This policy identifies the promotion of gender equality through gender mainstreaming as a key strategy to reduce poverty in the new country. There is an effort to establish gender focal points in all ministries and at the district level, but the gender focal points are not decision makers and are not involved in the planning of the government programs and budget allocation at both the national and district levels. The lack of gender balance in high positions in government offices, the low number of women who get scholarships outside and within the country, and the lack of disaggregated data regarding beneficiaries of government programs are also obstacles for promoting gender equality in government offices.

h. Literacy Program

A literacy program is organized by the Ministry of Education with the goal of ensuring that Timorese women and men are free from illiteracy. Based on the district conference held by the women's groups, the program does not adequately reach rural areas. The limited participation of older people, including women in rural areas, is because of the perception that elderly do not necessarily need to be educated and that it will consume their leisure time so they will not be able to work as much in the fields, thus will not be able to meet their livelihood goals.

i. HIV/AIDS National Campaign Program

The HIV/AIDS National Campaign Program that is conducted by Ministry of Health also does not reach rural areas. In the women's groups' district conference, participants stated that people in rural areas do not know what the disease is and its impact on community health, including women's health. The campaign focused more on sexually transmitted diseases rather than seeing other factors that contribute to the spread of HIV/AIDS. The consequence is the sex workers are blamed as the primary factor for bringing HIV/AIDS into communities.

j. Women in Village Counsel Member

During the village election in 2004-2005, 7 women were elected as heads of villages. There were 22 women who served as hamlet chiefs and 1,300 women were elected as members of village councils. In reality, however, these women still need assistance and further training to enhance their knowledge and skills in decision making. The result of the women's conference at the district level stated that when guests visit the villages, women in village councils are only given domestic tasks to deal with the visit. In general, women in village counsel do not understand their roles and functions and are not involved in decision making processes at the village levels.

l. Language/Dissemination of Laws

The use of the Portuguese language in drafting laws and policies in Timor-Leste, and the lack of recognizing Tetum as another official language (as required in the Constitution) also impedes women's access to justice and marginalizes women who seek justice. Few people in Timor-Leste speak Portuguese (only approximately 10% of the population). The laws are disseminated mostly through government news or magazine, and sometimes a little through radio and TV Timor-Leste (TVTL). The failure to adequately disseminate information on laws to the public both in the rural and urban areas impedes the community from knowing more about the context of the laws and limits their access to justice.

m. Media Information

Even though, the government has built parabola TV in all villages to enable communities to access information, women rarely go to watch TV in their villages due to their workloads, and generally, they have to take care of their children in the evenings. In addition, TV and radio programs generally cover government programs rather than community programs, especially programs that related to women issues.¹¹ Radio

¹¹ currently, TVTL is limited its accessible to audiences as it broadcasts only 4-5 hours a day

programs for women are usually about domestic work, such as how to teach women to cook and act in the family. This educates women to be “good women” who always serve their families, rather than educating women to be independent in order to contribute their knowledge and skills to nation building.

n. Women’s Access to Formal Justice

Rural women in Timor Leste are impeded from accessing formal justice mechanisms. This is because there is a lack of information on laws and justice mechanisms at the community level and the access to formal justice of rural women is limited to only four district courts in Timor-Leste. As a consequence, rural women they often approach to the traditional justice mechanisms in order to settle their disputes instead of the formal justice mechanisms. However, in the traditional justice mechanisms, women’s voices are not heard and women are often blamed for provoking domestic violence, sexual assault or gender based violence. Also, after their disputes or cases already solved or agreed, compensation is given to the family of the woman and not to the woman herself.

o. Traditional Stereotypes: How they affect women’s life

Cultural values, norms and practices constrain women’s full participation in national development and economic growth. An example of the sort of restriction that women face is their limited mobility, in particular in rural communities, requiring the approval or acknowledge of their husbands or fathers and brothers. Women are influenced by the compliance of traditional laws, customs and taboos that do not respect international human rights standards and do not protect women’s rights as witnesses, victims and defendants. Both formal and traditional systems are perceived to be unfair, discriminatory and unfriendly to women in Timor Leste. The practice of “*barlaque*” or “bride price” (dowry) is perceived by women’s organizations to be the root cause of the discrimination that women experience in Timorese society.¹²

Activities undertaken by NGOs:

Although, the implementation of CEDAW is an obligation of the State, NGOs in Timor-Leste have done a great deal of work towards gender equality. Examples of some NGOs efforts include:

1. Rede Feto, an umbrella organization of women’s NGOs, has established an Advocacy Working Group comprised of Rede Feto members and other stakeholders. This working group focuses on advocating for women’s rights, empowering women’s rights, and ensuring that women’s rights are integrated in legislation, planning programs and implementation, and budget allocations in the State’s bodies.
2. For advocacy effort, Rede Feto has published a book, which the titled “*Hau fo Midar Hau Simu Moruk*” (*I gave sweetness and I received bitterness*). This book aims to convey the truth about how Timor-Leste women participated in the fight for independence and how women became widows because their husbands died in the fight against the Indonesian military. The book was launched on March 8, 2007.
3. Rede Feto has conducted trainings for police, the Timor-Leste Defense Force (F-FDTL), teachers and local leaders on issues of women’s rights, gender issues, transformative leadership, the CEDAW and the UN Security Council Resolution 1325.

¹² Ibid, page no. 14

4. Women's Caucus, a local NGO, has been working with the parliamentarian women's group/Caucus parliamentarians and provides training to these parliamentarians on gender responsive budget analysis and the CEDAW. It is supported by UNIFEM and the UNMIT Gender Unit.
5. Rede Feto has conducted the Third National Women's Congress in September 2008. The platform from this congress is to advocate for ensuring that women's issues are a priority in government programs and in its implementation.
6. Rede Feto has established a monitoring team in 2008 that includes the State Secretariat for the Promotion of Equality to ensure that the women's platform from the congress is implemented by the government and by international and national organizations.

Recommendations:

Recommendations from the NGOs regarding provisions from Articles 1-5 of the CEDAW are as follows:

1. The laws, policies and procedures that are drafted by the national parliament and government should involve women's participation to ensure gender perspectives and the CEDAW principles so that the laws are not contradictory with the RDTL Constitution and other international legislation that ratified by the government of Timor-Leste. The legislation should be translated into the Tetum language so that the public, and especially women, will easily understand the contents of the legislation and policies and to assist with easier implementation.
2. The Parliament should approve the domestic violence law and considers that domestic violence is a public crime, and ensure that all mechanisms are set up to assist victims of gender based violence such as provision of shelter for victims and provision of facilities to the police and justice sectors to ensure that women victims of violence are protected under the law.
3. To ensure gender mainstreaming is functioning well in ministries and at the district levels, all ministries should establish data collection systems and analyze the disaggregated data. Gender focal points in all ministries must also undergo regular trainings to have a good knowledge on gender analysis. The people appointed as gender focal points should have decision making powers, which will help ensure gender analysis in the process of planning and implementation of government programs.
4. The State must allocate sufficient financial resources to the gender focal points in districts and in each ministry so that they can implement the programs and activities in order to promote gender equality.
5. The State must ensure gender balance in all government programs and provide indicators to ensure that the program really benefits vulnerable people, including women.
6. The State must ensure that National Action Plan of Timor-Leste incorporates the principles of the UNSCR 1820 on Ending Sexual Violence against Women in Conflict and the UNSCR 1325 on Women, Peace and Security, with particular attention to point 11 which calls for an end to impunity.
7. The Law No. 6/2006 should be amended to ensure that the temporary special measure providing for women to hold at least one slot out of every four candidates is not abused, and that women are not put in the last position in the lists of candidates.

2. Women in Politic and Public Life (Article 7, GR 23)

In this report, our definition of women's participation in politics and the public life is conceived as a women's direct involvement in the process of decision making, includes determining priority problems, analyzing these problems, planning and budget allocation, and also formulate the public policy from the village level up to the national level. Women's participation in the political process and public life should be based on the existence of women in the process not only in number, but also in terms of equality in decision-making power. Temporary special measures must be implemented in all state institutions to ensure that opportunities and participation is equal and fair among women and men.

a. Legal Framework Guaranteeing Women's Political Participation:

The RDTL Constitution

As stated above, the Constitution provides for women's right to equality in all areas of family, political, economic, social and cultural life (Article 17), freedom to choose their family context (Article 39), equality in education (Article 59), right to work (Article 50), social security and social assistance (Article 56), right to health care (Article 57), and participation in political life (Articles 46, 47, 63). The principle of nondiscrimination is stated clearly in the RDTL Constitution Article 16: *'All citizens are equal before the law, shall exercise the same rights and shall be subject to the same duties. No one shall be discriminated against on grounds of color, race, marital status, gender, ethnical origin, language, social or economic status, political or ideological, convictions, religion, education, and physical or mental condition'*.

Timor-Leste ratified all of the major international human rights treaties in 2002. The RDTL Constitution in Article 9 provides that the national laws and legal system in Timor-Leste must adopt the principles which are consecrated in the international treaties. The same Article states that national laws which are contrary to international law principles are invalidated.

b. National Laws Relating to Political Participation

To implement the Constitution and the CEDAW, the state of Timor-Leste, through the national parliament, approved some national laws which clearly regulate women's right to participate in political life. For example,

- Article 8 of Law No. 3/2004 related to political parties states that political parties have an obligation to promote women's participation in political life.
- Article 5 of Law No. 2/2004 related to village elections guarantees a temporary special measure of 3 women in every village council.
- Article 12 of Law No. 6/2006 related to parliamentary elections guarantees a temporary special measure for women, requiring political parties to include one woman in each group of four candidates.

However, this law contains negative impact that affected women rights as it creates the element of discrimination against women. The parties limit the number of women candidates to one out of four, instead of seeing one out of four as a minimum number of women. There should be gender balance in the list of candidates instead of just an attempt to have some representation of women. In addition, the parties generally list the woman candidate in the last position on the list of four. This means if between one and

three seats are allocated to that list, the woman is not given a seat. Therefore, women are symbolically represented on the lists of candidates. This is the contrary to Article 7 of the CEDAW.

Table 1:

Table 1 shows the quantitative direct participation of women in the first legislative body/parliament of Timor-Leste from 2001-2007 (including in creating the Constitution of the Republic Democratic of Timor Leste (RDTL) in 2002).¹³

Political Party	Seats	Women elected	Women in %
Frente Revolucionário de Timor-Leste Independente/FRETILIN	55	17	30.9%
Partido Democratico/PD	7	1	14.3%
Partido Social Democrata/PSD	6	2	33.3%
Associação Social Democratica Timorese/ASDT	6	1	16.7%
Partido Democratico Cristao/PDC	2	0	0%
Klibur Oan Timor As'wain/KOTA	2	0	0%
Partido Nacionalista Timorese/PNT	2	1	50.0%
Partido Povo Timor/PPT	2	0	0%
Partido Socialista de Timor/PST	1	0	0%
Uniao Democratica Cristao/UDC	1	0	0%
Uniao Democratica Timorese/UDT	2	1	50.0%
Partido Liberal/PL	1	0	0%
One Independent	1	0	0%
Total :	87	23	26.4%

Source of data: Caucus NGO, 2004

Table 2:

Table 2 below shows the quantitative direct participation of women in the second legislative body/parliament of Timor-Leste 2007-2012.¹⁴

Political Party / Coalition	Seats	Women elected	Women in %
FRETILIN/Frente Revolucionario de Timor Leste Independente	21	5	23.8%
CNRT/Congresso Nacional de Reconstrucao de Timor Leste	18	6	33.3%
ASDT-PSD/Assosiação Social Democrata Timorese – Partido Social Democrata	11	4	36.4%
PD/Partido Democratico	8	2	25.0%
PUN/Partido Unidade Nacional	3	1	33.3%
KOTA-PPT/Klibur Oan Timur As'wain/Partido Povo Timor	2	0	0%
UNDERTIM/ Unidade Nacional Democratica da Resistencia Timorese	2	0	0%
Total :	65	18	27.7%

Source of data: Caucus NGO, 2007

Table 3:

¹³ Women Caucus, Timor Leste, 2004.

¹⁴ Women Caucus, Timor Leste, 2007.

Table 3 below shows the quantitative direct participation of women in decision making positions in the actual government of the AMP (Alianca Maioria Parlamentariu/ Alliance Majority of Parliamentary) 2007-2012¹⁵

A.	Total Number of Positions in the Government Bodies(Prime Minister/ Vice Minister and Ministers)	Female	Male	Female in %
	<i>19 Position</i>	<i>4 Position</i> (Minister of Finance, Justice, Social Solidarity, and Vice Minister of Health)	<i>15 Position</i> (78.9%)	<i>21.5%</i>
B.	State Secretary	Female	Male	Female in %
	<i>20 Position</i>	<i>1 Position</i> (State Secretary for Promotion and Equality)	<i>19 Position</i> (95%)	<i>5%</i>
C.	District Administrator	Female	Male	Female in %
	<i>13 Position</i>	<i>0 Position</i>	<i>13 position</i> (100%)	<i>0 %</i>
D.	Sub-District administrator	Female	Male	Female in %
	<i>65 Position</i>	<i>0 Position</i>	<i>65 Position</i> (100%)	<i>0 %</i>
E.	Suco/Village Chief	Female	Male	Female in %
	<i>442 Position</i>	<i>7 Position</i>	<i>435</i> (98.41%)	<i>1.58%</i>

Source of data: Caucus NGO, 2009

Based upon the above tables, it is clear there is a substantial gap between the number of men and women in decision-making positions. Also, comparing table one with two shows that very little progress is being made to increase the number of women in elected positions.

c. Women in Village Leadership

The elections at the village level represented a great change for the Timorese people because the law for the village elections gives three seats to women to be members of each village council. However, even though there is a guarantee from the law, in reality the Timor-Leste state does not exert the maximum effort to develop the members' capacity so they can effectively perform their duties as village leader and strong members in the village councils. The village election results show that the number of women in village leadership is not balanced with men. For example, out of the 442 village leaders, only 7 are women. This happens because the majority of population, including older women, thinks that Timor-Leste's women in the local level are not yet ready to be community leaders such as village leaders and hamlet leaders. Many people at the village level still think that a woman's place is in the domestic realm or as a housewife.

¹⁵ Women Caucus, Timor Leste, 2009

d. Challenges Faced by Women in Politic and Public Life

There are many structural, institutional and cultural constraints and factors regarding why the political process still does not accommodate women's interests. The involvement of women in political and public life faces institutional constraints in institutional bureaucracy, political parties, religion institutions, education factor, etc. For example, in political parties, only a few women are involved in party leadership, the party decision-making process, and women's interests are not considered. The political parties do not give opportunities to women to be leaders in actively participating in the political process.

Cultural constraints are also still strong in impeding women to be involved in political and public life. The patriarchy mentality is a main obstacle for women to participate equally with men in political and public life and also in other sectors of national development. This cultural constraint is built systematically through community traditions and interpretation of religious values and public policies which see women's position as not equal in the community. This situation means women are not self confident regarding their potential.

Activities undertaken by NGOs:

Although, the implementation of CEDAW is an obligation of the State, NGOs in Timor-Leste have done a great deal of work towards gender equality. Some Examples of NGO efforts include:

1. The NGO called Women's Caucus have conducted trainings for women who are involved in political parties, women as community leaders, and women in civil society to upgrade their knowledge in the area of political participation.
2. Women's Caucus also conducted training for women as community leaders related to transformative leadership. This training contemplates a complete transformation of politics, society, gender, and culture.
3. Women's Caucus with the IWRAP and UNIFEM has conducted the CEDAW training for members of the national parliament.
4. Women's Caucus, UNIFEM, and UNMIT held training on gender responsive budgeting for the parliamentary women's group.
5. Women's Caucus and other NGOs conducted civic education for voters related to the election.
6. Women's Caucus assists women to be candidates for village council.
7. The NGO called FOKUPERS conducted monitoring and documentation related to 2007 legislative electoral campaign to now how the political parties address women's issue in during campaign.

Recommendations

Recommendations from the NGOs related to women's participation in politic and public life includes the following:

1. The Law No. 6/2006 must be amended to ensure that the temporary special measure providing for women to hold at least one slot out of every four candidates is not abused, and that women are not put in the last position in the lists of candidates. The goal of this law should be gender balance in Parliament and not symbolic representation of women in the list of candidates.

2. The State should ensure that there is provision of training program for women who are interested in running for local or national office.
3. The State should ensure that the training program on leadership and skills building is provided for women who have been elected to office so they can properly carry out their duties.
4. The State must conduct awareness raising and public education campaigns to promote women's leadership and the idea that women can be good representatives of the people at both the community and national levels.

3. Women's Equal Right to Education (Article 10)

Education is a human right and an essential tool for achieving the goals of equality between men and women. Non-discriminatory education benefits both girls and boys and thus ultimately contributes to more equal relationships between women and men. Equality of access to and attainment of educational qualifications is necessary if more women are to become agents of change. Literacy of women is an important key to improving health, nutrition and education in the family and to empowering women to participate in decision making power in society. Investing in formal and non-formal education and training for girls and women, with its exceptionally high social and economic return, has proved to be one of the best means of achieving sustainable development and economic growth that is both sustained and sustainable. To now more about equality and opportunity for women in the area of education based on CEDAW Article 10, and Constitution Articles 16, 17 the CARWG identify significant issues relating to women's rights in education include:

a. Limited School Facilities and Poor Quality of Teaching

After a referendum on August 31, 1999, the Indonesian military and militia destroyed the entire infrastructure in Timor-Leste, including schools and related facilities. After restoration of independence on May 20, 2002, the UN Transitional Administration in East Timor (UNTAET), together with East Timor leaders, built and re-established an educational system in Timor-Leste starting from zero. Since ratification of the CEDAW Convention in 2003, the State has been required to implement the CEDAW for six years.

Based on the results of the Timor-Leste Women's National Congress and also on the CEDAW regional workshops, there is still a lack of school buildings, classrooms, sanitation, drinking water, school supplies materials, and unqualified teachers in many villages in Timor-Leste. The quality of teaching in Timor-Leste is still far from people's expectations. Many teachers have no capacity in science, Portuguese language (*which is one of the official languages of the country and the one in which laws are drafted*) and many do not have a teaching qualifications.

Many unqualified teachers who are teaching in schools choose to be teachers because there were no other jobs available at that time. There are also older teachers that still teaching in schools even though their physical and psychological conditions affect the quality of teaching. Many times the teachers have no creative ideas to develop learning materials and exercises for their students with gender perspective.

The fact that Portuguese is an official language and the language of instruction in schools has become an obstacle for education, since the majority of the teachers don't know written and spoken Portuguese very well (only 10% of the Timorese population speaks

Portuguese fluently). Mostly teachers use Tetum language so that they can teach the subjects in schools. In secondary and tertiary education (university), teachers are still using Indonesian to teach. Another fact is many teachers are absent from school for reasons such as being sick, attending a traditional ceremony, attending training, not taking the job seriously because of the low salary, live in urban areas and do not have transport to go to school in the rural areas and villages.

Educational Facts¹⁶

- Literacy level is rated at 43%, while illiteracy level is 57% and mainly are women
- One in four Timorese children do not attend primary school
- Secondary colleges are gradually being established
- Many of the 7.825 teachers currently employed including the volunteer teachers have had only minimal training and most have no formal teaching qualifications.
- 60% of the population of Timor Leste under 18 years
- 45% of young urban men are unemployed¹⁷
- Majority of school building have very poor condition and educational facilities and resources are very limited.

Database

Currently, only UNICEF has developed a consolidated National Database on Primary Schools as a basis for distribution of food to teachers for school feeding for students and for payment of teachers' incentives. This database is in high demand by other international/national agencies undertaking education activities in East Timor.¹⁸

b. Many Young Girls Drop out From School?

Discrimination against the girls in access to education persists in many areas. These are included owing to customary attitudes, early marriages and pregnancies, gender biased teaching, sexual harassment and lack of adequate accessible schooling facilities in most places in the country. Girls undertake heavy domestic work at a very early age. Girls and young women are expected to manage both educational and domestic responsibilities, often resulting in poor scholastic performance and early drop-out from the educational system. This has long-lasting consequences for all aspects of women's lives. Even though the CEDAW guarantees women's rights to education, in reality many young women in Timor-Leste drop out of school because of the following reasons¹⁹:

1. **Patriarchal mentality of the parents:** Parents give the most attention to their sons and send them to school until the higher level of education because they believe that only sons have a right to education and will be in the best position in the future to provide benefits for the family;
2. **Economic problems:** Many families have insufficient financial resources to support their daughters to school. Families are concerned about saving money for traditional ceremonies but do not spend the money for their daughters to continue their studies through university.
3. **Early marriage:** Families take their daughters out of schools and force them to marry boys who have been chosen by the family, or girls are married because the dowry has already been paid;

¹⁶Source: www.geelong-viqueque.com.au), the Ministry of Education, Timor Leste

¹⁷ There is no statistical data of girls who are unemployed.

¹⁸ UNICEF, Timor Leste, 2005

¹⁹ The CEDAW Regional Consultation Workshop during May and June 2008.

4. **Early pregnancy:** Many girls drop out from basic and secondary education because of early pregnancy;
5. **Long distance from school:** Many rural girls live far from their schools and their parents don't want to send them to school because they are afraid they may be sexually abused going to or from school;
6. **Family obligations:** Many women drop out from universities because they want to have their own family or have to work in order to sustain their family life.

According to the issues above, the government still not implemented a policy to ensure girls and women can complete their formal education up through the university level. For those girls who have dropped out of school, the State has not put in place any policy to encourage them to return to school or to provide guidelines on how they can finish their interrupted studies. There is no statistic data from the State related to the number of women who drop out of school.

c. Awarding of Scholarships

Based on the discussion during the women's congress, public forum discussion, and regional CEDAW workshops, there are significant concerns regarding the government scholarship program for students to study outside of the country. The participants at these events observed that the scholarship process is not transparent; it is sometimes announced only for a short time in the media, which makes it difficult for women who live far from Dili to complete their application documents in the short time provided.

d. School Fees Inconsistency caused Discrimination in Educational System

Article 59 of the RDTL Constitution states that "the State shall recognize and guarantee that every citizen has the right to education, and it is incumbent upon it to promote the establishment of a public system of universal and compulsory basic education that is free of charge in accordance with its ability and in conformity with the law". Despite this provision, and even after ratification of CEDAW in 2003, many girls who study in private and Catholic schools must still pay the school fees US\$ 5 - 10, while those who study in state schools are given free education. Many girls attend private and Catholic schools because there are not enough spaces for them in state schools. Article 59, section 3 of the Constitution also states that "The State shall recognize and supervise private and co-operative education." At the time, there had not yet been any initiative from the state to ask Catholic and private schools to stop asking for fees.

It has been a major concern among civil society for many years regarding the educational fees collected by the Catholic and private schools. Due to the fact that the Catholic Churches have received funding allocation from the government budget that allocated to the civil society organizations, but many parents still have to pay for school fees of their children since all Catholic Churches request them to do it.²⁰

e. Parents' Role Negatively Affect Young Girls Right to Formal Education

Stereotypical thinking related to men's and women's roles is still dominant in Timor-Leste society. In rural areas most parents do not send their daughters to school because of the distance of the school from their houses, since they do not want their daughters to walk the long distance alone. They are worried that their daughters will get sexual assaulted or

²⁰ Ibid, page no.27 and the National Women's Congress in Timor Leste in 2004 and 2008.

subject to other types of violence. The families feel more secure about sending their boys to school and believe that their boys will not get any danger on the way because they trust that boys are strong and can face any kind of problems.

Many girls are older when they start their studies, thus will not finish their basic education or will not want to move on to higher education because they are considered too old.

f. Lack of Women Human Resources

In all schools, countrywide, various facilities to support the students' activities in school are lacking. Girls need school facilities both in formal and non-formal education in order to increase the number of the women who are knowledgeable in a variety of areas. According to Article 59 paragraph 4 of the RDTL Constitution, the government "should ensure the access of every citizen, in accordance to their abilities, to the highest levels of education, scientific research and artistic creativity".

The scholarship program allowing students to attend university only provides for a few people. Many girls have finished their secondary school but cannot find a way to continue their studies in university because their families cannot afford the fees. The State has not yet responded to women who want to continue their study in university. According to the State party report, there is a great need to invest in human resources with professional skills by providing additional professional education / training. But this is still not implemented well, and women, particularly rural women, face difficulties in accessing information as well as professional training and thus fall behind men in the professional arena.

g. Combating Illiteracy

Almost two-thirds of adult women are illiterate in Timor Leste. The Government, through the Ministry of Education under the Department of Non-Formal Education, is now implementing a program to reduce and eliminate illiteracy in Timor-Leste. This program was implemented in 13 districts and 65 sub-districts. The total number of students registered was 9,677; around 85.2% of data had no classification with regard to the sex of the students. There are 43 villages where this program has still not been implemented because of lack of facilities. This program was realized with bilateral cooperation between Timor-Leste and Cuba. Even though this program has already existed for a couple of years, the Ministry of Education has no exact data related to the number of illiterate women who are attending this program. The reality is that many women who are under age are working in the projects or as household keepers in order to earn money, even though they cannot read or write.

The statistical data in the table below, provided by the Ministry of Education, does not provide data related to the number of women participating in the literacy program such as how many women can read and write, and how they use their knowledge to develop their economy ability.

**Table 1:
Statistical data for people that participate in the literacy program²¹**

²¹ The Department of Non Formal Education of the Ministry of Education, Timor Leste (2005).

District	Registered I	Active Participation in Literacy Program	Non Active Participation	Percentage Active Participation	Number Certified
Aileu	250	221	29	88,4%	138
Ainaro	195	185	10	94,9%	185
Baucau	681	653	29	95,8%	620
Bobonaro	643	618	25	96,1%	618
Covalima	221	211	10	95,5%	195
Dili	622	592	29	95,0%	592
Ermera	503	485	18	96,4%	444
Liquiça	432	405	28	93,5%	405
Lautem	229	226	3	98,5%	224
Manatuto	421	343	78	81,3%	343
Manufahi	410	405	5	98,7%	222
Oecusse	0	0	0	0%	0
Vique-que	185	171	14	92,4%	50
Total	4,729	4,515	278	94,21%	4,036

Source of data: The Department of Non Formal Education of the Ministry of Education, Timor Leste (2005)

The table below is the statistical data of the literacy program provided for women specifically. This literacy program has carried out by a local woman NGO named "Grupú Feto Foin Sae Timor Leste" (East Timorese Young Women Organisation) or so called GFFTL. The GFFTL has been carrying out a lot of trainings regarding literacy program

Years	Total Women's students participated in the GFFTL's Literacy Program
2001-2002	211
2002-2003	296
2003-2004	348
2004-2005	246
2005-2006	216
2006-2007	110
2007-2008	214
2008-2009	135

- The total numbers of female students are 1,776 women who participated in the GFFTL's literacy program in Timor Leste during 2001-2009.
- About 1,174 women passed their literacy exams and received certificate. It demonstrates that there are about 1,174 women who are able to read, to write and to conduct basic calculation.
- Many female students did not pass in their exams because they have not yet know on how to read, write and count.
- About 602 female students did not pass their literacy exams and did not received certificate because of many obstacles.
- Obstacles that female students have faced are the lack of free time to continue their studying since they engage with many domestic responsibilities. Many of

them have to look after their children and/or have to go to work in their farms and carry out other household duties.²²

Activities undertaken by NGOs:

Although, the implementation of CEDAW is an obligation of the State, NGOs in Timor-Leste have carried out an impressive works towards gender equality. Examples of NGO efforts include:

1. In order to combat the illiteracy problem in Timor-Leste, the Grupu Feto Foin Sae (GFFTL) NGOs have also implemented a literacy program for both men and women. Also, many other NGOs conducted literacy programs to teach people how to read and write.
2. NGOs conducted a community dialogue program to develop family values that respect girls' right in access to formal education, non-formal education, and non-formal training in order to upgrade their capacity and skills in different areas and use their skills to improve their lives economically.
3. NGOs have conducted a discussion forum and disseminated information related to the CEDAW in building up the people consciousness about how to respect and give opportunity to women to attend formal education, starting from basic education up to the university level.
4. NGOs have lobbied the government in order to include gender and promotion of equality in the basic and secondary curriculum.
5. NGOs have conducted informal training to basic school teachers related to developing topics and exercises with a gender equality perspective.
6. NGOs are holding a variety of trainings in order to increase the capacity of women in all areas.

Recommendations:

Recommendations from the NGOs related to women's equal right to education include the following:

1. The State must draft a policy to assist and encourage the girls who drop out from school in order to continue their study.
2. The State must establish training centers in all 13 districts so that those who drop out from school can develop and upgrade their capacity
3. The State must ensure that advocacy activities will be carried out to educate and to raise awareness on women's right to education, based on Article 10 of the CEDAW to the targeted population regularly.
4. The State must carry out mechanism and implement its work in eliminating negative stereotypes about women's role, focusing on changing the patriarchal mentality.
5. The State must ensure that there is a capacity building program to upgrade teachers' capacity, particularly in Portuguese language, by providing long term teacher training, if possibility, the State should support teachers to continue their studies in Portugal and Brazil so they can improve their Portuguese language skills.
6. The State must establish decent conditions of school facilities and positive learning environments in all schools so that students are eager to focus on the learning process.

²² Statistical data report of GFFTL's Literacy Program 2009, Timor Leste

7. The State must ensure that primary schools will be established at every sub-village based on the number of local population so that the girls do not need to walk a long distance to school.
8. The State must ensure that the evening schools or non-formal education will be established for those who have not finished their studies so people can teach or work during the day and continue their study in the evening.
9. The State must ensure that an independent commission is established to monitor the scholarship program and to ensure that the awarding of scholarships is fair and there is no nepotism.
10. The State must ensure that a commission or a mechanism to control and to reform the non-formal education system will be established and functioned.
11. The State must ensure that literacy centers will be established at the village and sub-village levels to help women who do not live close to major towns.
12. The State must draft regulations for those who are teaching in non-formal education.
13. The State must ensure that provisions of good school facilities are provided in order to facilitate women in their learning process.
14. The State establish a commission or a mechanism to conduct data collection of underage persons, both male and female, who are unable to read and write but have to work in order to provide financial support for their parents regarding the expenses of Timor-Leste traditional ceremony.
15. The State must establish an effective taskforce to monitor and to evaluate the literacy program.
16. The State must establish a database system at the Department of Non-formal Education in conducting data collection of the number of men and women who are involved in the literacy program.
17. The State must establish a quantitative and qualitative database system in conducting data collection on the numbers of girls who attend schools in primary education up to university level, the age of women versus men who are illiterate, and the numbers of men and women who get scholarships to study at the university level.

4. Women's Health (Article 12, GR 24)

Women have the right to the enjoyment of the highest attainable standard of physical and mental health. The enjoyment of this right is vital to their lives and well-being and their abilities to participate in all areas of public and private life. A major barrier for women from Timor-Leste to the achievement of the highest attainable standard of health is inequality, both between men and women and among different groups of women in society.

Many women have different and unequal access to and use of basic health resources, including primary health services for the prevention of maternal mortality, treatment of diseases, malnutrition, anemia, diarrhea diseases, malaria, tuberculosis, and other tropical diseases, unsafe abortion, and reproductive rights. Women also have different and unequal opportunities for the protection, promotion and maintenance of their health.

The Timor Leste State has not yet exerted the maximum effort to fulfill its obligation under Article 12 of the CEDAW to protect and promote women's health and reproductive rights. The 2003 Demographic Health Survey included several aspects of health-seeking behavior. Approximately one in ten households reported not using any health care provider when a household member was ill. Curative health care encounters occurred predominantly in community health centers (58.9%), about a quarter (24.6%) occurred in government hospitals, and 11.4% occurred in private clinics. Some people bypassed

their community health centre and sought care at the nearest hospital instead. The mean travel time to the usual first health care provider was 35 minutes, with travel mostly by walking. Women who reported as “big problems” in accessing health care for themselves identified the following difficulties: distance to health facility (63.6%), having to take transport (62.2%), not wanting to go alone (61.7%), getting money for treatment (59.3%), knowing where to go (26.7%), getting permission to go (17.9%), and concern about the absence of a female provider (4.4%).²³

Following are cases that show the real conditions related to women’s health in Timor-Leste:

a. Limited Access to Health Services

In paragraphs 1082-1088 of the state treaty-specific CEDAW report, the government recognizes many problems that women face everyday in order to access health services. At the NGO CEDAW Regional Consultation Workshops, many NGOs observed that women in Timor-Leste who live in rural areas still face difficulties in access to health services, primarily because of long distances to health care facilities discourage attendance, in particular for non-urgent conditions and preventive care. During the wet season, for example, even short distances can become impassable. In some cases, the long journey stimulates collective action, such as groups of women walking together in order to facilitate, support and protect one another. In the case of serious conditions, as well as during delivery of babies, even short distances may pose significant obstacles.

In rural areas, female health workers are sometimes obliged to travel in pairs to remote locations without communication equipment or transportation. They have to walking for hours in order to carry out their mobile clinical activities. Even though, transportation and fuel are provided, poor roads can cause them to arrive late or have not arrived at all, such problem disappointed waiting clients. According to the Regional Consultation Workshops, specific group mention about outreach activities that had transportation of nurses and midwives and their equipment and drugs, and it was necessary to conduct SISCA (Servico Integrado Saude Comunitária/Community Health Integrated Services). Drug supplies are already unreliable and the situation gets worse during the wet season, when many roads are blocked. In Oecusse, it finds that many people send the patients or members of the patient’s family to Indonesia (Atambua) in order to search for medication. In Baucau, community members may carry medicines in order to prepare for a mobile clinic, which carry out its medication activities by footing from the closest access point to their own road-inaccessible village.²⁴

b. Economic Factors to Women’s Health

Economic factors further complicate access to health care facilities. Various costs are associated with health care seeking. Traditional providers may negotiate a payment (*kasu*) for positive outcomes. In relation to government health providers, there is no evidence of routine charging of the fees. The government health providers did, on occasion, charge for privately administering a service or for offering services during out-of- official hours. Costs were also associated with obtaining medications (traditional or biomedical) and referral to another health facility, including procuring transport and

²³ Data collected from the CEDAW Thematic Group on Health issue during the CEDAW Regional Consultation Workshop in May 2008.

²⁴ Ibid, page no. 27.

accompanying the patient to the facility.²⁵ This situation caused pregnant women face difficulty in obtaining medical treatment, because they have to walk for long distances (2-3 hours at times), walk up and down from the mountain, and cross rivers in the rainy season in order to access the health care centre. In the sub-districts level, women typically relied on traditional birth attendants for delivery.²⁶

Aside from the problems mentioned above, there are other factors that contribute to the problems for women in accessing to the health care services such as: gender inequality, families are not concerned about women's health; women are not decision makers regarding seeking health assistance, patriarchal mentality, and social stigma. NGOs are concerned about the extent to which the government will incorporate and implement its policies that protect women's rights according to Article 12 of the CEDAW.²⁷

c. The Quality of Health Care for Women's Reproductive Rights

Health care services in terms of pre- and post-natal care are still very limited in Timor-Leste because of the lack of qualified human resources in this area. As stated in paragraph 1095 of the Government Report, not all health care centers have midwives – some have only nurses. There are not enough to appropriately and effectively attend to pregnant women. Sometimes pregnant women have to wait for one and a half hours before doing medical checkup. Also, they receive psychological violence from midwives during the process of giving birth. For example, nurses will give more attention to people whom they know or are friendly with; will tell women that they have too many children already; or will say negative things to women who feel pain when give birth by saying: *"when you have sexual relations you never feel pain and scream and now when you give birth you feel pain and scream"*.²⁸

The other big problems are the quality of reproductive health services in Timor-Leste such as lack of maternity places and ambulances to transport pregnant women who in rural areas to sub-district clinics. Currently, there are only ambulances for the 13 districts and a few for sub-districts. The numbers of ambulances are not enough to immediately transport the pregnant women who live in 442 villages countywide. This obstacle is an impediment that increases the maternal mortality rate in Timor-Leste. Another factor that also contributes to the increased mortality rate in all regions comes from women themselves. *For example, most women (almost 90%) decided to give birth at home and ask for a traditional nurse for maternal assistance ; pregnant women are not interested in regular check medical up on their condition with midwives; and women do not pay attention on their pregnancy as they consider that giving birth is a normal event.*

d. Maternal Mortality Rate and Family Planning

Many factors that are mentioned above affect the maternal mortality rate in all regions of Timor-Leste. Based on the demographic data from the Ministry of Health, Timor Leste the mortality rate around 800-840/100,000 (number of deaths per number of live births). Other fundamental problems that also contribute to the mortality rate are: pregnancy complications, malnutrition and miscarriage, women living far from health care centers,

²⁵ Sources: Zwi, A.B., Blignault, I., Glazebrook, D., Correia, V., Bateman Steel, C.R., Ferreira, E. and Pinto, B.M. (2008) *Timor-Leste Health Care Seeking Behavior Study*.

²⁶ Ibid, page no. 23.

²⁷ Public discussion about reproductive health problems of Timorese women during the Women's Congress in Timor Leste in 2004 and 2008.

²⁸ Ibid, page no. 27.

lack of medical treatment during the pre- and post-natal periods, unsafe abortions, early pregnancy, and poverty.

A 2009 study from the Alola Foundation, a local NGO, and the Ministry of Health entitled *Maternal Mortality, Unplanned Pregnancy and Unsafe Abortion in Timor-Leste: A Situational Analysis*, showed that induced abortion continued to be performed in secret and 40 per cent of all emergency obstetric care was managing and treating complications from early pregnancy losses (both abortions and miscarriages). The data also show that 10% person of high tension, 33% because of difficulties giving birth. The demographic health survey in 2003 and the 2004 national census show that Timor-Leste has a very high rate of fertility – 7.8%. In response to this, the State began implementing a family planning program as an intervention strategy to reduce the growth of the population and prevent the high mortality rate of women and children. But these strategies have no impact and still not contributed to solving the high fertility and maternal mortality problem in Timor-Leste.²⁹

Women and men in general recognize the value of birth spacing in relation to the household economy as well as the health of the mother and children. Women usually receive information on birth control methods from health care facilities and inform their husbands. Then, there is a disagreement because usually women want to use contraception, but men do not want to. Disagreement can result in fighting, infidelity, and divorce. The husband's parents may influence the couple's decision-making due to considerations regarding bride-price (dawry). In addition to the concern of potential side effects, often based on what they have learned about other's bad experiences, and potential limitations on future fertility, discourages use of birth spacing methods.³⁰ Unfortunately, the men are generally the heads of their families and have an absolute right in making decision. Women/wives must obey and implement the decisions made by their husbands. From now on, there are still no legislation and regulations from the government to combat such thinking/stereotyping of men's and women's duties according to the implementation of Article 5 of the CEDAW.

e. Cultural Influences on Women's Nutrition

During the NGO CEDAW Regional Consultation Workshops, serious concern on the nutrition problems against women was raised in particular for pregnant women and those who are breastfeeding. According to the result from data collection, the income per capita in Timor-Leste is less than \$0.50 per household per day. Adding to the unemployment problem, women and their families are not capable economically or financially to have proper nutrition to support them in this important time. The majority of women are illiterate, lack skills, lack local transport (especially because of bad road and bridge conditions). They do not have electric power, and there is a lack merchandise for earning money to buy food with full of nutrition such as milk, meat, fish, fruits, and also good quality vitamins for pregnancies and breastfeeding.

In addition, some customs and traditional beliefs in Timor-Leste teach that pregnant women should not eat eggs because it will cause them to have a ruptured uterus. After giving birth, tradition dictates that the new mothers should just drink hot water and some

²⁹ *Maternal Mortality, Unplanned Pregnancy and Unsafe Abortion in Timor-Leste: A Situational Analysis*, Belton, Whittaker and Barkley (2009), Alola Foundation, Timor Leste.

³⁰ *Timor-Leste Health Care Seeking Behavior Study*, Zei, et al (2009), Alola Foundation, the Ministry of Health, Timor Leste. (2009)

alcohol to take out the rest of dead blood in uterus, take a bath with hot water mixed with leaves, cover their bodies thick blankets so not to feel the wind, not wash their hair for 40 days, not eat fish because the baby will get itching, and not eat fruits. These unwritten regulations still exist in Timor-Leste until now.

Based on traditional beliefs and practices, there are also a lot of obstacles for pregnant and breastfeeding women. For instance, it is difficult for mothers to breastfeed the baby for two years.

f. Abortion

Even though, the CEDAW General Recommendation 24 states that the States "have to change the regulations that criminalize abortion, by March 2005" the government together with the Catholic Church hierarchy launched a declaration that recommend criminalization of abortion in the Timor-Leste Penal Code. In this context, the government on behalf of the people (women) and Catholic Church on behalf of the Christians (women) made a decision related to women's fundamental right. The Catholic Church has pushed the government to criminalize abortion. When the government gave opportunity to the civil society organization to intervene with its opinions and ideas, the civil society organizations under the working group called Domestic Violence Law Working Group argued for further exceptions to the rape prohibition to be incorporated into the Penal Code, for example of cases of rape and incest within the families.

Women's rights are enshrined in a number of international conventions that Timor-Leste has ratified. However, the Council of Ministers approved the exception only if mother's life or health is at risk, with restrictions on who must approve and give consent to the procedure. Women in Timor-Leste need time to know all of the issues in detail. There must be an opportunity for dialogue, discussion and consultation on this issue.

Abortion is a multi-faceted issue. Analysis cannot come from the legal perspective only; there obviously must a lot more discussion about this issue in Timor, including: moral philosophical question about when does a life become a life; health aspects related to the consequences of unsafe abortion or unwanted pregnancy; whether greater access to contraception would reduce the need for abortions; political aspects, including the church's role in law making; and whether the government has a right to make decisions about women's bodies.

g. Contagious Sexual Disease and HIV/AIDS

The problem of contagious sexual diseases and HIV/AIDS has become a major issue for Timor-Leste women. These problems continue to grow in parts because male partners do not want to use condoms when having sexual relations and women do not have power to negotiate on using condoms. Although, few cases have been detected or confirmed thus far, the possibility of infection spreading is very likely because of the high rates of poverty, unemployment, lack of information about the disease and how it spreads, limited use of condoms, limited testing facilities, and limited access to health care. Many of the women living in rural areas and even towns do not have proper information about HIV/AIDS.

According to Ministry of Health, Timor Leste, from 2001-2009, there are about 120 cases of HIV/AIDS positive include 17 people who have died. It is confirmed that majority of HIV/AIDS are men and female youths who have the possibility of spreading the disease.

Many factors that facilitate the problem of HIV/AIDS are poverty, unemployment, lack of information about the disease, limited use of condoms, limited testing facilities, and local beliefs combined with a lack of awareness could set the stage for the virus to spread. Many women do not have clear explanation or information about HIV/AIDS.³¹

Based upon the NGO consultation, women represent the majority of people infected with HIV/AIDS. Unfortunately, there is no further information about mother to child transmission.³²

Activities undertaken by NGOs:

Although, the State has its obligation to implement the CEDAW, NGOs in Timor-Leste have carried out an impressive works towards gender equality. Examples of NGO efforts include:

1. PAS (Prontu Atu Serbi/Ready to Serve), a local NGO that plays an important role in providing health services to the community such as the establishment of clinics for the people and establish a close collaboration with the Ministry of Health of Timor Leste regarding HIV/AIDS campaign and other related activities.
2. In coordination with the Ministry of Health, Timor Leste, NGOs and civil society organizations have implemented programs and activities across Timor-Leste to facilitate the improvement maternal and child health. For example, The Alola Foundation works with the Ministry of Health's nutrition working group to provide information on the benefits of good breast-feeding practices and infant and young child feeding.
3. The Mother Support Groups of Alola Foundation work in different communities to conduct peer support counseling in order to nursing the mothers.
4. In December 2007, NGOs worked with the Ministry of Health to establish the program called "Suku Hadomi Inan no Oan" (SHIO), which literally means "Village loves its women and children". Such project is based on the successful program called "Desa Siaga" which means "Alert Village" model in Indonesia. The program raises awareness of the potential dangers of pregnancy and birth for women, encouraging health-seeking behaviors for antenatal check up and delivery. The success of this program relies on the commitment of the village and the collaboration of the local health staffs to implement such "action" and the networks which selected by the community.
5. Similarly, the Health Alliance International (HAI), Timor-Leste Integrated Health Assistance (TAISS), Clinic Café Timor and Fundasaun Timor Hari (FTH) carry out a project, which conduct awareness raising and campaigns on HIV/AIDS among Sex Workers, who are the main target group. Also, some NGOs such as CVTL and CRS conduct a HIV/AIDS prevention program, which focuses on HIV/AIDS education in the community level. .

Recommendations:

Recommendations from the NGOs on women's health include the following:

1. The Government health workers should receive clear guidance in providing effective health care services. They have to be empathy; respect and they need

³¹ Quoted from the interview note of Dr. Milena Lay P. by Diario Nasional on June 3, 2009 (local newspaper of Timor Leste) during the event of International AIDs Day in Timor Leste.

³² This crucial concern was raised and discussed during the CEDAW Regional Consultation Workshop in May 2008 and the National Women's Congress in Timor Leste during 2008.

to have clear communication with patients. They should be more active in conducting health promotion. Also, health care workers who carry out their duties in the communities, they should have positive recognition from community members.

2. The Department of Health Promotion, the Ministry of Health should play a stronger role in improving community understanding of prevention, the use of health care services, and the use of modern medicines. Promoting the engagement of men in birth spacing and improving community understanding of effective use of medicines should be a priority. Education around prevention of common health conditions, and early interventions to reduce severity and complications, would also be of value. The Ministry of Health, working with local authorities and schools, could potentially achieve much in this respect.
3. The State must identify the mechanisms in supporting families to meet the costs associated with referral, e.g. transport and food for accompanying family members, and thus facilitating access to the appropriate level of care should be explored.
4. The State has to guarantee that the maternity waiting houses are established in every health care centres with the decent condition that women feel comfortable to stay with their family members.
5. The State must ensure that provisions of optimal services for pregnant women will be provided before, during and after giving birth with an increased number of health posts, mobile clinics, and waiting houses attached to health posts with proper facilities and services.
6. The State must ensure that proper campaigns will be carried out in coordination with NGOs throughout the country to promote reproductive health, family planning, HIV/AIDS and non discriminatory services; including clear information of contraception.
7. The State must develop an adequate curriculum related to reproductive health education in order to reach adolescents in schools. This should not be integrated with another subject, but should be a separate curriculum.
8. The State must develop a regulation relating to leave for pregnant adolescents from schools and a way for them to return to school after giving birth.
9. The State must ensure that the rights of people living with HIV-AIDS are protected and Anti Retro Viral medicines will be provided without stigma or discrimination against those people.
10. The State must push pressure to business sector to provide leave days for women with menstruation, and women with pregnancy without requiring medical documents and marriage certificate. Women's salaries should not be reduced because of such kinds of leave.
11. The State must ensure that there is a mechanism in conducting capacity assessment and skill building for midwives to increase their capacity and responsibility for providing better and equal services for all pregnant women. Such mechanism also facilitate the prevention of psychological violence of midwives towards pregnant women.

5. Livelihoods, the Private Sector and Unemployment (Articles 11, 13, 14)

a. Women's livelihood opportunities

In Timor-Leste, women's livelihood opportunities should support the notion that women have their own economic power. The state must fulfill its obligation to create conditions to assist women achieve that power through their livelihoods.

Most women in Timor Leste work in their household without receiving any payment. Only few women are involved in economic activities on a daily basis, such as selling produce in traditional markets and running small businesses. The majority of women work as farmers. Women who carry farming works are able to sell their products to earn money. However, those who do household work and do not receive any payment also receive less recognition from the community for their work. This patriarchal mentality negatively affects both men and women in Timor-Leste.

In order to support their families, women in Timor-Leste often undertake alternative activities to earn a living. Based on observations during the NGO CEDAW Regional Consultation Workshop, only few Timor-Leste women have their own income through jobs such as farm work government employment, NGO employment, being a shopkeeper, working as a bar or restaurant waitress, hotel attendant, domestic helper, running small businesses or work in private companies.³³

Sometimes, women work in shops, restaurants, and/or hotels are maltreated by their employers. In general, working hours start from 08.00 am to 07.00 pm but often, employees are requested by the employers to provide additional labor which was not originally agreed before. For examples, workers may not receive food unless they work during overtime or additional hours, and some employer poured hot water on female servants or cutting their hair because the employers do not want their female servants to look or act better than they do.³⁴

According to provision in supporting rural women by the government, many farmer women complaint that when they submitted their proposals to the government in obtaining farming tools like hand tractors and machines for coffee making process, such support were not given to them. In Timor-Lester when a woman has her own livelihood and income, the entire family will benefit from it. On the other hand, reality shows that women have no power or right to spend the money that they earn. Husbands, fathers and brothers have a major influence about how to spend the money earned by women. Among these cases we can see in the following example:

³³ Ibid page 27.

³⁴ Ibid page 27.

"Julia³⁵ is a married woman with 5 children (2 girls and 3 boys). Everyday Julia goes to work at a big shop in Dili. She works from 08.00 – 12.00 in the morning and 02.00 – 06.00 in the afternoon. Her salary is \$75.00 per month. When she receives her salary, she first goes shopping to meet her family's needs, only then her own needs. Even though, she does not earn much, she feels happy about her employer who hired her as a shopkeeper for a year. Her friends always express that Julia is happy. In reality, Julia hides the suffering that she has faced for the last three months. On the day Julia receives her salary; her husband takes her salary and uses it to place bets on cock fighting, playing cards and billiards (gambling). Her husband, named Antonio, does not care about his family life and is more concerned about his own interests. He spends all money, which needs to spend on family matter. If he wins the bet and earns more money, he uses it for drinking and prostitution, but when he loses the bet, he does physical and psychological violence against his wife Julia and his children".³⁶

Additionally, women who earn a livelihood through small businesses and sell local products face various obstacles to sell their local products. The main challenge is finding capital to hire transport to deliver their local product to the main markets in the area. There is usually no public transport to/from the villages and in many places roads are bad and bridges have collapsed.

Women who do have access to the main markets in the area and sub-districts face other obstacles like having to pay for sacks or bags to take their local products from the sub-district to district or from the district to the capital. Even though, the Government of Timor-Leste has created a new policy that stipulates that "*the farmers grow and the Government of Timor-Leste buys*",³⁷ the women in rural areas and in many sub-districts have not benefited directly from this policy yet. Another problem is that women lack skills on developing local products that meet the market needs. For example: weaving the traditional clothes (*tais*), etc.³⁸

b. Women's participation in the Economic and Private Sector³⁹

The private sector in Timor-Leste is still in a developmental stage. Even though, the Government of Timor-Leste recognizes the private sector as an important pillar in development, the state still makes an effort to upgrade the national private sector can contribute to economic growth and poverty reduction. However, only 10% of the owners of small enterprises are women. Many women in Timor Leste still face difficulties in raising their capital to start a small business on their own".

Some women who have had access to micro credit schemes at the grassroots level feel that it is difficult to handle the weekly repayments. At times their businesses do not have enough weekly income, and many of their business fail because they are unable to meet the repayment schedule to the micro credit institution. To date, farmers and civil society organizations, mainly rural women have not received information from the Government of Timor Leste on their interventions with micro credit schemes.

³⁵ This case study is conducted based on the true story; however the name "Julia" and "Antonio" are false names given during the CEDAW Regional Consultation Workshop.

³⁶ Discussion note from the Thematic Working Group on Livelihood issue at the CEDAW Regional Consultation Workshop in May 2008.

³⁷ The national policy of the Ministry of Commercial and Industry, Timor Leste announced in 2008.

³⁸ Ibid page no. 40

³⁹ Ibid page no. 40

Another problem is the lack of understanding the market needs among business start-ups. Many women are not sufficiently trained in small business management. Whereas they are eager to undertake small businesses, they are inadequately prepared to run their businesses. As such, they fail to profile the consumers at the grassroots level who can buy their local products. This affects women's weekly income because they conduct the business in their own village (example: running a kiosk, raising animals, selling hand woven clothes, sewing, weaving, making bread, etc.).

Based on opinions among participants during the NGO CEDAW Regional Consultation Workshops, women in the private sector face discriminatory attitudes from their employers. Employers prefer to recruit men because they will not ask for family, maternity or parenting leave. In reality, employers are not sensitive about women's reproductive rights as workers. The companies make regulations in order to get a profit and do not tolerate women's health, family, or other concerns.

c. Unemployment⁴⁰

- During the CEDAW Regional Consultation Workshops, the participants reported that the number of unemployed women have increased because of the lack of job opportunities provided by the State. Women often lack capacity to meet the criteria for jobs that are available, because they have less access to education, and thus are unable to develop their skills to meet the criteria. The unemployment rate is currently 45% among young urban males.⁴¹ Unfortunately, there is no data regarding young urban females unemployment rate. It can be assumed that there will be an increase in unemployment in the years to come among young women and men in Timor Leste.⁴²

Activities undertaken by NGOs

Although, the implementation of CEDAW is an obligation of the State, NGOs in Timor-Leste have done a great deal of work towards gender equality. Examples of NGO efforts include:

1. NGOs are involved in advocacy to the state and private sectors to reform the system and regulations so they better protect women's rights in the work place.
2. The CEDAW working group raises awareness about women's right to the leaders of companies.
3. NGOs popularize human rights as women's rights in order to build up the consciousness of private sector actors related to women's rights protection, and build respect and value in the private sector activity.
4. In order to develop women's livelihoods, national and international NGOs accomplish a variety of development activities at a grassroots level, such as community organizing, so women can raise themselves up and strengthen their family's economy. NGOs also undertake business management training for women's groups at the district level.

Recommendations

⁴⁰ Ibid page no.40

⁴¹ UNICEF, Timor Leste (2007-2008).

⁴² No additional statistical data on women unemployment. There is only available data on young man unemployment.

Recommendations from the NGOs on livelihoods, the private sector and unemployment include the following:

1. The State must create a mechanism and regulations to encourage all companies in Dili to buy women's local products like vegetables and fruit to be sold in supermarkets, hotels and restaurants.
2. The State must repair the roads to the villages and rural areas and facilitate public transportation so women can bring their local products to sell in the sub-district, district markets or in Dili.
3. The State must urgently set up the women's cooperative program at the grassroots level.
4. The State must provide business management training for women in rural areas so they can run their businesses successfully.
5. The State should provide capital to the groups of women running small businesses so they can more easily ensure that their businesses survive.
6. The State should support women farmers to get hand tractors.
7. The State has an obligation based on the CEDAW to open more job opportunities for women.
8. The State should ensure women are educated on equal levels with men and should develop women's capacity to learn job skills and get jobs.
9. The State should implement a community organizing program related to economic development.
10. The State must ensure that the CEDAW principles in particular non-discrimination, substantive equality and humane treatment of women are incorporated in the national labour law and other related policies regarding to employment of private sectors.

6. Social Services (Articles 13 and 14)

The CARWG held regional CEDAW workshops to obtain better understand on the situation relating to social services in Timor-Leste. The result showed that there are various issues that prevent Timorese women from enjoying their human rights based on the CEDAW principles.

a. The Issue of Widows in Timor-Leste⁴³

The situation of widows has become a big concern in Timor-Lester's society. Widows face many different individual circumstances, which makes it difficult to find a uniform solution for widows' problems. Based on the information that was collected by participants of the CEDAW regional workshops, widows have an enormous responsibility to provide for their children's and family's necessities. Widows often do not have enough money to sustain their families, send the children to school (and/or university) and attend traditional ceremonies. Therefore, some widows rely on outside employment, including commercial sex, in order to get money for their family's necessities.

There is no acceptance in Timorese society for women who work as sex workers. The society, the State, (in particular, the government) and the Catholic Church marginalizes sex work and does not provide any social protection or legal recognition for sex workers. In 2005, the Catholic Church and the first government issued a joint declaration to criminalize prostitution in Timor-Lester's penal code. The influence of the Catholic

⁴³ Ibid page no.40.

Churches has a major impact on the attitudes and decisions of the State on women's rights. Often the State echoes opinions from the hierarchy of the Catholic Church in Timor-Leste rather than responding to civil society and women's organization suggestions or opinions.

Because of economic difficulties, children of widows are sometimes unable to attend school or continue higher education. Often, these families lack nutrition because of the inability to provide nutritious food. Many widows do not possess their own houses and thus have to live with relatives. Because of power relations at home, they face domestic violence on an almost daily basis. This situation causes stress and trauma to many women, and many of them become mentally ill.

The participants in the CEDAW Regional Consultation Workshops stated that the numbers of widows in Timor-Leste have increased because of many different factors: their husbands died after getting sick, in accidents, or were killed during the 24 years of Indonesian occupation.

b. Orphans and abandoned children

Because of various circumstances, children are abandoned and brought to orphanages. Many orphans have no access to schools because no-one wants to pay their school fees or support them in attending school. Also, many children grow up in the street because they do not have parents or families taking care of them and they instead get involved in gangs that create disturbances in society.⁴⁴

During public discussions in various foray related to orphans and street children issues, they many view them as being involved in criminal acts and causing nuisance such as destroying traffic signs, using catapults for hunting animals, stealing, and alcohol abuse. Many of these street children get various sicknesses. Some families adopt orphans but they often treat them as household slaves. The Government of Timor Leste has yet to develop a policy, law or regulation to overcome the problems related to orphans and street children The State does not pay sufficient attention or care to orphans' rights, even though it has ratified the Convention on the Rights of the Child.⁴⁵

c. Women and Potable Water

In Timor-Leste, only half of the population has access to potable water. For example, in Liquiça district, about 109 families of Kaitehu village have to drink salty water because they live close to the sea. The impact of drinking salty has a detrimental effect on the health of the women in the village. Because of the limited access to potable water for women who have babies and children under five years old, for drinking, cooking and washing clothes, children face a variety of health hazards, especially respiratory illness, chronic coughing and diarrhea.⁴⁶

d. Disabled women

⁴⁴ There is no statistical data of orphans and abandoned children in Timor Leste. This current issue came up during the CEDAW Regional Consultation Workshops in 2008.

⁴⁵ Data collected from the discussion on the issue of social services during the CEDAW Regional Consultation Workshop in 2008.

⁴⁶ Ibid page no.43

Disabled women, like the blind, paralyzed or mentally ill women, often do not receive any treatment or attention from the State. There is no mechanism established by the State yet to provide assistance to disabled people. Disabled women and children remain the sole responsibility of their families. Many times they do not have sufficient food and other necessities for their daily lives.⁴⁷

e. Elderly women

Problems faced by elderly (aged over 60 years old) women in Timor-Leste have not yet been adequately addressed by the State. The government only provides subsidies of US\$240 per year per elderly.⁴⁸ However, in reality, the program is not implemented effectively because there is a potential for corruption from local officials who falsify documents. The State has not yet established any other mechanism to respond to the needs of elderly women in Timor-Leste. Many times elderly people face extreme discrimination from their families and community members.⁴⁹

Activities undertaken by NGOs:

Although, the implementation of CEDAW is an obligation of the State, NGOs in Timor-Leste have done a great deal of work towards gender equality. Some examples of NGO efforts include:

1. Civil society in Dili and the districts have established some orphanages to ensure basic need and psychological support for children, providing shelter, food and education (in schools) for them.
2. NGOs have established an organization to meet basic needs and provide psychological support for street children so that they will be protected and able to benefit from rehabilitation activities.
3. NGOs have established organizations for blind people in order to provide support services and to ensure that blind people have access to the necessary material support so that they can enjoy their rights like other people.
4. Many NGOs are involved in programs to provide potable water in local communities. Sometimes however communities could not support the effectiveness of the program by maintaining clean water systems.

Recommendations:

Recommendations from the NGOs on social issue include the following:

1. The State must create a program to support widows, especially those whose husbands died in the war for national liberation, civilians who suffered human rights abuses, or women survivors of sexual violence.
2. The State must open orphanages in all districts in order to take care of the orphans and ensure that they have adequate nutrition and can regularly attend school.
3. The State must urgently establish a clean, safe potable water system for communities in all areas in Timor Leste.
4. The State should provide for the necessities of more vulnerable women, including disabled women and elderly women.

⁴⁷ Ibid page no. 43

⁴⁸ The Ministry of Social and Solidarity, Timor Leste (2008).

⁴⁹ Data collected from the community leaders in selected areas in Timor Leste (2009).

7. Women's Equal Right to Justice (Article 15)

According to Article 15 of the CEDAW member States must guarantee that women and men are equal before the law. Since the ratification of the CEDAW Convention in 2003, the Government of Timor-Leste has, in general, still not fully developed the formal justice sector to provide the same assistance to men and women before the law. Politically, the government has good will in promoting equality before the law. This good will policy is manifested through Article 16 of the RDTL Constitution. However, in reality, there has not yet been significant progress in justice sector in Timor Leste.

a. Law

The Timor-Leste State, through the government and National Parliament, began an initiative to establish laws that will serve women's interests, for example, the drafts of the domestic violence law, civil code, penal code, and the law to protect witnesses, etc. However, until now, the approval of the draft domestic violence law is pending and the drafts. Moreover, the laws are written in Portuguese only and therefore it is difficult for the majority of NGOs to read and comment on them because most NGOs do not sufficiently master Portuguese.

Another obstacle for NGOs in providing ideas or comments to draft laws is that the National Parliament shares invitations to NGOs late – many times they invite women's organizations just one day before the public audience. With only one day's notice, it is difficult for NGOs to attend the meetings, especially because it takes time to translate the draft law. Aside from the basic translation, there is generally not enough time for NGOs to undertake an in-depth analysis of the drafts so they are not ready to take part in the public audience with the National Parliament. Even though many times NGO's ideas and recommendation are not considered by the National Parliament, the government and the National Parliament always receives and considers suggestions and recommendations from the Catholic Church.

b. Women's Limited Access to the Formal Justice System

Timor-Leste has a total of only four functioning courts in four districts — Dili, Suai, Baucau and Oe-Cusse and 1 court of appeal in the capital. The number of courts is extremely limited because of a lack of human resources, including judges, lawyers, prosecutors, defenders, and qualified administration staff. It also means that women have few opportunities to pursue cases in the formal justice system.

In Timor-Leste, many women are not able to access the formal justice system because they do not have any information about the procedure to present cases to the formal justice system. Other obstacles include limited financial support to bring cases to court; and lack of understanding about the formal justice system. A further reason for women's lack of access to the formal justice system is the distance between the courts and their homes. It is difficult to access transportation to get to the courts.⁵⁰

⁵⁰ Data collected from the Thematic Working Group on Justice issue, the CEDAW Regional Consultation Workshop in May 2008.

Police often lack sufficient equipment and transportation to investigate cases related to domestic violence and sexual violence. Even if they wanted to investigate the case, investigators have no means to get the required equipment to villages when the roads are inaccessible or bridges have collapsed. This situation intensifies women's feelings of antipathy towards the formal justice system. This is further aggravated by the lack of clear mechanisms to protect victims, especially victims of domestic and sexual violence, when the victims proceed with their cases in court. There is no specific authority who can address cases of gender based violence. Instead of using the formal justice system, women often bring their cases to the traditional justice mechanisms. However, in the traditional justice mechanisms, many women may face injustice or discrimination. Also, police officials often send cases directly to the traditional justice mechanisms, even though there is no law or regulation to facilitate access for women, and there is no compliance and enforcement mechanism for decisions of these traditional systems.⁵¹

c. Traditional Justice

Before the formal justice system was established by Portuguese colonialists, Timor-Leste had its own traditional justice system to solve cases related to family issues, traditional customs and community matters. This traditional system does not require a lot of money, time, or energy to handle the cases, since men resolve the cases and make decisions through a family approach. For example, in domestic and sexual violence cases, many times the families (men) of the suspect and victim will agree for the family of the suspect to pay a fine using animals and money. They don't consider the women's feelings or views and never ask their opinions as victims or involve them in the decision-making process. The traditional leaders (men) of both parties make the decision to close the case through payment of a fine and force victims to accept the decision made by them. After that, both parties drink and eat food to symbolize that the case has been solved and they have to forgive each other in peace.⁵²

Based on the CEDAW Regional Consultation Workshops, the majority of participants reported that the traditional system perpetuates extreme discrimination against women's fundamental rights as victims to get fair verdicts and also violates women rights to participate in the process of making decisions. Women are not allowed to give their opinions or suggestions. Even though the reality shows that there is major discrimination against women through the traditional justice system, the State has no interest in creating laws and good policies to regulate the activities of the traditional justice in Timor Leste.⁵³

d. Family Roles

Family is one of the most important components of Timor-Lester's society. In Timor-Leste, men are always the heads of the family and women will replace them only if their husbands have died or they have divorced. Many times domestic and sexual violence are kept within the family instead of going to the formal justice system because the family will be ashamed within their community. Sometimes the families of sexual violence victims don't even support them, or even blame them by saying that the victims did not take care of themselves. In addition, they generally resolve the crime through the traditional justice system, which usually blames the woman, and bring the case to the

⁵¹ Ibid page no. 45

⁵² Data collected from the National Women Congress in 2004 and 2008.

⁵³ Ibid page no. 45

formal courts only as a last alternative. Based on participants' opinions given in the NGO CEDAW Regional Consultation Workshops, many families in rural areas still maintain a mentality of shame, thus don't bring domestic and sexual violence cases to be resolved through a formal justice process. They prefer to use the traditional mechanisms to solve domestic and sexual violence cases as mentioned above.

e. Judicial Training Center

In order to upgrade the capacity of judiciary authorities, the Ministry of Justice established a Judiciary Training Center in 2004 to train lawyers or law graduates before they become judges, lawyers, prosecutors, or public defenders. However, gender and CEDAW issues are not included as a subject during the training. Therefore, some judicial authorities do not understand gender issues and still do not integrate CEDAW principles in their daily work.⁵⁴

f. Lack of a Database

Within the court system, there is no mechanism for collecting, analyzing and archiving data and statistics from cases. It is difficult to know how many cases are registered, how many cases are pending, and how many cases have been resolved through the formal justice system. This means it is also very difficult to know the administration system used for distributing cases to key institutions like the police, prosecutors and court institutions. Many cases are pending or lost during the administration process. The short-term recruitment of international judiciary authors will not quickly or effectively contribute to the process of improving court services.

Activities undertaken by NGOs:

Although, the implementation CEDAW is an obligation of the State, NGOs in Timor-Leste have done a great deal of work towards gender equality. Some examples of NGO efforts include:

1. The NGO Judicial System Monitoring Program (JSMP) gives assistance to female victims in criminal and civil cases through a special unit named Women's Justice Unit and Victim Support Services (VSS).
2. The JSMP mission is to monitor the Dili court and focus more attention on women as victims of gender based violence and gives legal assistance to women during the process in the court.
3. The NGOs named PRADET and FOKUPERS provide counseling to victims of sexual violence, domestic violence and accompany them to court during the judicial process.
4. PRADET and FOKUPERS have established a safe house and emergency home to provide shelter, other support, such as counseling women who are victims of different kinds of violence.

Recommendations

Recommendations from the NGOs on access to justice include the following:

⁵⁴ Ibid page no. 45

6. The Ministry of Justice and National Parliament should draft laws and regulation in a language that the majority of people can understand, such as Tetum, which is an official language of Timor-Leste along with Portuguese.
7. Any law that is taken up from the Comunidade dos Países da Lingua Portuguesa (CPLP) must be translated into Tetum so NGOs can review the contents of the law before it is approved by the National Parliament.
8. The Ministry of Justice must include CEDAW principles, gender concept and concerns in the Judicial Training Center curriculum and must create a specific training for judicial authors about gender sensitivity and women's rights.
9. The Ministry of Justice should establish a database in each court, police station, and general prosecutor office in the Republic to collect, analyze and archive data.
10. A good mechanism should be created to provide protection to witnesses as well as victims of domestic and sexual violence.
11. The National Parliament together with Ministry of Justice must create a law to regularize traditional justice and limit the role of traditional leaders in solving crimes like domestic violence, sexual violence, incest and sexual assault. These crimes should be addressed in courts in the formal justice system and not through traditional mechanisms.

8. Marriage, Family Life and Culture (Articles 16, 14, 5, 2, GR no 21)

Culture is the pride of citizens around the world because culture shows the identity of a nation. In Timor-Leste, people valorize the cultural activities as a part of their ancestral beliefs. Rich cultural activities like traditional dance, weaving traditional clothes, traditional music, plaiting, dialects, traditional houses, and rituals are used to earn more income for the State and also increase the income of the household.

However, apart from the rich cultural and natural resources in Timor-Leste, there still exists many discriminatory traditional customs such as *barlake* (paying dowry), *koremotan* ("lifting of the black" – a traditional ceremony held one year after a death, where family members remove their symbolic black clothing), *fetosan-umane* (wife givers-wife takers relationship, where the family giving away their daughter and the family the daughter is marrying into negotiate the dowry and build social linkages and network), death and life ceremonies (cultural ceremonies conducted at births, marriages and deaths). These raise extreme discrimination against women.⁵⁵

At the CEDAW Regional Consultation Workshops, almost 90% of participants expressed that there is extreme discrimination against women through cultural practices in wedding ceremonies and in family life. The traditional beliefs, attitudes and cultural practices are a major obstacle for women to achieve substantive equality based on the CEDAW Convention. Cultural practices related to marriage such as *barlake* (bride wealth) no *fetosan-umane* (wife givers-wife takers relationship) have been advanced as major deterrents to the achievement of women's rights and as a contributing factor to violence against women. Customary practices that stem from the idea of the superiority of men or the stereotyped roles of women and men in society are detrimental to women's rights and may have implications limiting women's participation in traditional power structures and in community development programs, as well as in decision-making in their households, communities and state institutions.

⁵⁵ Ibid page no. 46

Even though, through national and local forums many people raise the issue of *barlake* (bride wealth) and cultural discriminatory practices, the Timor-Leste state has not shown good will in taking actions to develop laws and regulations in order to change the social and cultural standards which discriminate against women. These cultural and traditional practices are a barrier to women's ability to enjoy their human rights in cultural, marriage and family life based on Articles 5, 16, and 2 of the CEDAW . The State, including the government officials still have patriarchal mentality when talking about policies or solutions to eliminate stereotypes about women's and men's roles in the society. Timorese leaders sometimes postpone addressing women problems, saying that political stability is the highest priority and needs to be addressed before the women's situation. ⁵⁶

a. Patriarchal Attitudes

Before independence, Timor-Leste women lived under violent colonialist rule by the Portuguese, Japanese and Indonesians. The politics of colonialist rule include dominating people through violent attitudes, sexual violence and a patriarchal mentality towards issues such as people's right to liberty and democracy.

One result of these colonialist attitudes is the negative impact they had particularly on men who adapted these behaviors and patriarchal thinking to keep their power and control over the women.

These negative attitudes continue to grow in Timor-Leste, and still cause problems in the process of gender development, particularly in cultural, social, economic and political areas. The patriarchal mentality also means that women's rights are not respected or given attention.

b. Marriage in Timor-Leste

Marriage is an important institution in Timor-Leste, and one of the foundations of social organization, particularly in rural areas. Marriage is not only the alliance between two individuals, but seals an intricate set of relationships, obligations and reciprocity between the bride's and groom's extended families and their network of relatives.

The right of women and men to build a family is stated in the Article 39 point 3 and 4, of the Democratic Republic of Timor-Leste Constitution as well as in the Article 16 of the CEDAW. These two legal bases are the foundation for each man and woman to be free and have the right to choose his/her own partner and form a new family.

In spite of this legal foundation, in reality there are many families in which the parents dictate the marriage and family life for their children. Many families still adopt the system of arranged marriage; sometimes as early as when the children are still in their mothers' wombs.⁵⁷

According to opinions of the parents, "when the child is born female, she will be married with a man chosen by her parents, but when the baby is born male, his parents will wait for another birth until they have a girl for marriage partner." Other forms of arranged marriage happen to help the parents maintain good relations with friends and family

⁵⁶ Data collected from the Thematic Working Group on cultural issue, the CEDAW Regional Consultation Workshop in May 2008 and the National Women's Congress in Timor Leste in 2008.

⁵⁷ Ibid page no. 48

relations, using their children as a guarantee for their interests. Another type of arranged marriage is cross-cousin marriage, where a son will marry his maternal uncle's daughter.

Sometimes arranged marriage happens because the parents have certain financial obligations and want to earn more dowries to settle this. In this context, parents use their daughters as objects to reach their interests. It is worse if the parents force their daughters to get married early to satisfy their interests, since the daughter must stop attending primary or pre-secondary school and many of these girls will eventually suffer reproductive health problems because of early marriage and pregnancy.⁵⁸

c. Dowry and family life

Based on the Timor-Leste Women's National Congress, various discussion forums and the NGO CEDAW Regional Consultation Workshops, most participants support the elimination of the dowry system. In the participants' opinions, dowry is the same as selling things in the market, which negates women's dignity as human beings. The participants believed that dowry activities are one of the principal contributory factors that cause discrimination against women and violations of women's rights. However, the Timor-Leste State has not developed laws or regulations to eliminate the dowry practice in Timor-Leste, even though most women convey this as a priority in various discussion forums.

There are many different forms of dowry, including buffalo, horses, money, swords, and *belak* (other non-monetary goods such as jewelry, gems, bronze, gold, etc.), amounts which depend on discussion between the two families. When a man pays dowry to a woman's family, the man's family gains a full right to control the women, based on culture and customs. Many times men and their families expect the women to do whatever they want without refusal. Because of the dowry system, men often consider women as their property rather than their partners.

Because of the dowry system, men and their families have full rights to wealth, land and inheritance. Women have no right to civil or cultural privileges and benefits related to their families and social life. Women must serve the men's families; women must vote according to men's choices; women must work in the kitchen all day during traditional ceremonies and have their meal at midnight after all the people have eaten.⁵⁹

d. Polygamy, divorce and domestic violence

In the Timor-Leste Women's National Congress and the CEDAW Regional Consultation Workshops, participants spoke out against the practice of polygamy and divorce.

Women consider the practice of polygamy to be a sharp sword that hurts women's feelings and builds up discrimination among the women who experience polygamy. At the Regional Consultation Workshops, the participants also declared that no woman feels happy in polygamous relationships because women feel insecure in their daily life. Polygamy often happens because of the perceived superiority of men, who want to show that they are strong and rich and can marry more than one woman as they wish. Sometimes this condition leads to violence and a violation of women's right to peacefully live in the family.

⁵⁸ Ibid page no. 48

⁵⁹ Ibid page no. 48

Divorce is a sensitive issue and generally taboo in open forums in Timor-Leste. Most Timorese people are Catholic, and the Church doctrine doesn't permit divorce for Catholic marriages. After men and women have participated in the sacrament of marriage within the Catholic Church, no one can separate them except God.

Even though the Catholic doctrine doesn't allow for divorce, in reality many women live in cycles of violence within their marriages that mean they are forever victims, with no courage to speak out to get help.

Women feel that it is normal to experience various forms of violence in their family lives. It is very hard and difficult for women to ask for divorce because of the Catholic doctrine, but a small percentage of women who know their rights have had the courage to ask for divorce from their husbands when they have experienced violence in their family lives.

Many times men stigmatize women's organizations that give assistance to divorcee victims of violence, even though the activists are working to help women become free from violence, and not help women to ask for a divorce. The decision for divorce is absolutely in the hands of the victims.

e. Women's Access to Family Inheritance

Based on Timorese custom, sons are generally recognized as the heads of the family, spokespersons, and recipients of the family inheritance. Daughters will not receive inheritance because women leave the family after marriage and she will have access to her husband's money.

However, many cases, even after women get married they still do not have a right to receive inheritance from their husbands in their own names because the husband's inheritance is written in his name.

Therefore, women continue have no inheritance rights because they cannot inherit from their own families and do not have access to the inheritance that belongs to their husbands. Women continue to be treated as second class citizens in their own family and in their husband's family.

Some of the activities undertaken by NGOs:

Although the implementation of CEDAW is an obligation of the State, NGOs in Timor-Leste have done a great deal of work towards gender equality. Examples of NGO efforts include:

1. NGOs have set up programs like popular education, discussion forums, and dialogues with the community, particularly with the traditional leaders, in order to raise awareness and to transform their conservative thinking so they respect women's rights in society, marriage and family life.
2. The NGOs are conducting advocacy related to domestic violence and holding regular discussions with parliamentary women to find out the possibility of creating a law on gender equality in Timor-Leste.

Recommendations

Recommendations from the NGOs on marriage, family life and culture include the following:

1. The Government must rapidly approve the domestic violence law and educate all people in Timor-Leste about this law;
2. The National Parliament should rapidly promulgate the anti-dowry law in order to regularize dowry in Timor-Leste;
3. The State should create a mechanism to address patriarchy;
4. The National Parliament should create a marriage law;
5. The Government must strengthen the gender mainstreaming policy in all state institutions to promote a culture of equality in all aspects in Timor-Leste;
6. The State should create a law with respect to women's right to inheritance of land, and family property should be distributed equally to men and women.

9. Violence against Women (GR 19)

Violence against women is an obstacle to the achievement of the objectives of equality, development and peace. Violence against women violates, impairs and nullifies the enjoyment by women of their human rights and fundamental freedoms.

The issue of violence against women in Timor-Leste is a concern for all parties, including the President of the Republic. Various forms of violence against women exist in Timor-Leste, including gender discrimination, physical violence, psychological violence, economic exploitation, sexual abuse, manipulation of information and incest.

At the Timor-Leste Women's National Congress and the CEDAW Regional Consultation Workshops, the participants identified that various types of violence happen because of the system and the patriarchal mentality that is at the root of Timorese society. This system gives more power and advantages to men to do whatever they want in order to put women in the second class in the community. The attitude also leads to women's dependence on men and gives men the opportunity to perpetrate various kinds of violence against women, since women are not able to leave men due to economic, social and emotional dependence.

At national and international events, Timor-Leste leaders always convey their deep concern related to violence against women and outline efforts to combat violence against Timorese women. But these words exist only in their formal speeches. There is no concrete action to create a national law or take any other action to stop violence against Timor-Leste women. The domestic violence law that was drafted four years ago has not yet produced any results because it still has not been approved by the National Parliament.⁶⁰

a. The Root of the Problem

The problem of violence against women arises from the imbalance among women and men in domestic life, in society and in state institutions. The prevailing patriarchal mentality in society and discriminatory cultural practices are factors that contribute to violence against women. The patriarchal mentality results in power and absolute control by men over women, which closes the way for dialogue and results in violence being

⁶⁰ National Women's Congress in 2004 and 2008 and the CEDAW Regional Consultation Workshops in May 2008.

used to solve problems. Girls and boys are socialized about characteristics of masculinity and femininity from a very early age, and communities internalize this mythology and apply it in their daily lives.

b. Violence in the family

The family is a place that is supposed to provide shelter and love to all members of the family, but in reality most cases of violence comes from the family context and personal relations. Because the cultural mythology elevates the family into a high position in society, it is difficult to solve the problem of domestic violence, especially through the formal justice system. These types of violence are considered to be private conflicts, not a crime. This means that people outside the family are not able to intervene and families do not consider domestic violence as urgently requiring justice. Because of the emotional relations between the victim and perpetrator and their psychological effects, violence will often continue and is difficult to stop.

One case that occurred in the Ermera district was sexual abuse by an uncle of his two underage nieces and his own daughter in the agricultural fields. Eventually, the two nieces complained about the case with the help of the police, but the daughter didn't complain because her family advised her not to be a witness against her father since this would embarrass the family and destroy family relations.⁶¹

b. Statistics on cases of gender-based violence (Fokupers Data)

Based on the reports given by some institutions that give assistance to women, domestic violence cases are the most prevalent, sexual violence cases are second, followed by other types of violence.

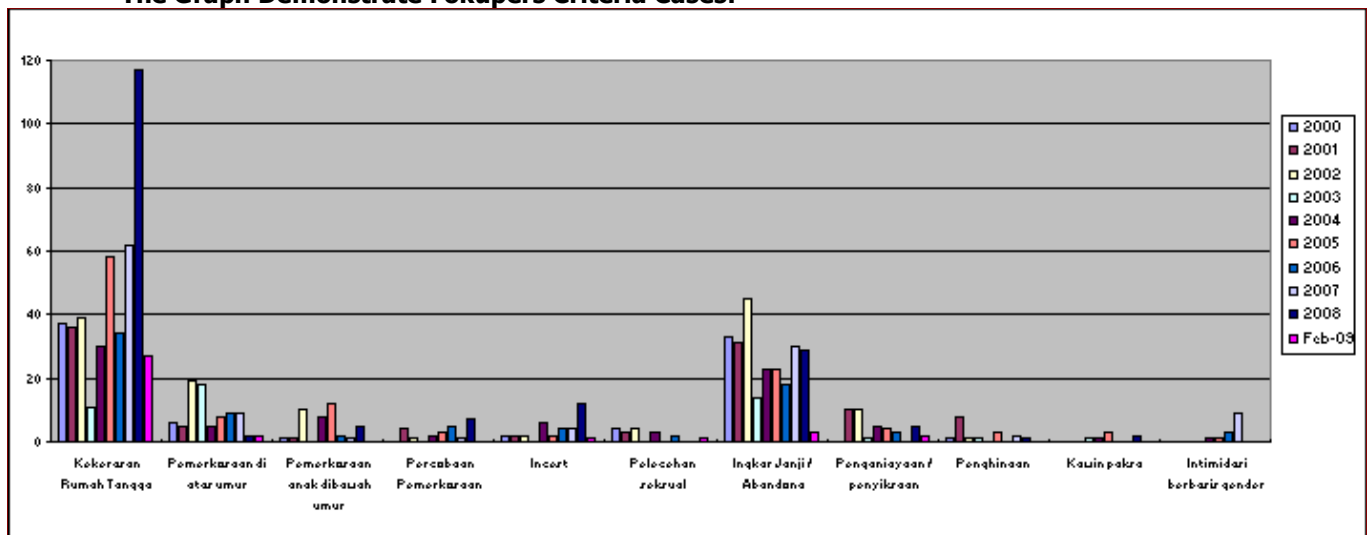
Fokupers is a local NGO that provides counseling, legal and other assistance to victims of violence. Fokupers has been collecting data about its cases since 2000.

Category	Types of violence	Year 2000 to February 2009									
		2000	2001	2002	2003	2004	2005	2006	2007	2008	Feb-2009
Fokupers Criteria type cases:	Domestic Violence	37	36	39	11	30	58	34	62	117	27
	Sexual Violence for Adults	6	5	19	18	5	8	9	9	2	2
	Sexual Violence for under age	1	1	10	-	8	12	2	1	5	
	Intend to do sexual violence	-	4	1	-	2	3	5	1	7	
	Incest	2	2	2	-	6	2	4	4	12	1
	Sexual abuse	4	3	4	-	3	-	2	-	-	1
	Abandonment	33	31	45	14	23	23	18	30	29	3
	Torture	-	10	10	1	5	4	3	-	5	2
	Defamation	1	8	1	1	-	3	-	2	1	
	Obligatory marriage	-	-	-	1	1	3	-	-	2	
	Intimidation Based on Gender	-	-	-	-	1	1	3	9		

⁶¹ Ibid page no. 52

Non Criteria type cases:	Dispute children	-	-	-	-	1	1	3	-		
	Immigration / Trafficking	-	-	-	1	1	1	-	-		
	Murder	-	-	-	-	2	-	-	-	1	
	Murder intimidation	-	-	-	-	-	-	-	-		
	Prostitution	-	-	-	-	-	-	3	-	-	
	Pornography	-	-	-	-	-	-	-	3	-	
	Planning to kill									1	
	Mental Sickness									1	
	Seize of welfare									1	
	Conflict of Political Crises"2006"	-	-	-	-	-	-	-	-	4	
Total		84	100	131	47	88	119	86	129	184	36

The Graph Demonstrate Fokupers Criteria Cases:



The graph above shows that in the cases in which Fokupers provided assistance from 2000 to February 2009, domestic violence is the most problematic issue. Many times victims come to Fokupers with injuries, stress or trauma, and they are often scared and need a secure place to go. The victims that stay in the shelter/safe house sometimes bring their children or people who live with them to escape high-risk situations.

The graph shows that in general, from 2004 until 2008 the number of domestic violence cases increased from year to year. This is because women had increased access and knowledge of information that domestic violence is a crime, and thus chose to bring their cases to the police or relevant authorities.

In 2006, the number of domestic violence decreased because of the political crises which impeded people's movement and their ability to bring their cases to the police. On the other hand, men started to be more aware of not acting violently towards women. Women increasingly have the courage to report their cases, although some women still hold on to the idea that domestic violence is a private matter.

The 2007 Fokupers report related to the complaints received by Fokupers during the year of 2005-2005 shows that types of violence increased, especially domestic violence, which accounted for 75 cases out of the total of 105 cases in 2005; 39 cases out of the total of 59 cases in 2006; and 63 cases out of the total of 129 cases in 2007.⁶²

Pradet, a local NGO has established a safe place program or called "Fatin Hakmatek Programme" (means "safe place" in Tetum). This program provides medical, forensic, counselling, follow-up and referrals to victims of gender-based violence and child abuse. The programme is housed in a special building on the grounds of the national hospital in Dili and is staffed by people with training in nursing, midwifery and counselling. A doctor is available as needed. In 2008, Pradet's safe place program (Fatin Hakmatek) received 216 new cases. The statistics are as follows:⁶³

No.	Type of Case	Number of Cases
1.	Sexual assault	39 cases
2.	Physical assault	22 cases
3.	Domestic violence	126 cases
4.	Trauma	3 cases
5.	Incest	2 cases
6.	Abandonment	24 cases

No.	Institutional Networks that Referred Cases to the Safe Place of Pradet (Fatin Hakmatek)	No. Of Cases
1.	Police (Vulnerable Persons Unit)	185 cases
2.	Self referral	11 cases
3.	Family	6 cases
4.	Hospital	6 cases
5.	Clinic	5 cases

JSMP, The report of the Judicial System Monitoring Program (JSMP) Victim Support Service (VSS) Unit from October 2007 to May 2008 identified 24 domestic violence cases from the total of 50 cases. From Vulnerable Persons Unit (VPU) Crime Statement 2007, there were 215 domestic violence cases from the total of 482 cases in 2007 and 177 domestic violence cases from the total of 283 from January to May 2008.⁶⁴

In Fokupers cases where the perpetrator knows the victims (couples, father, foster father, foster brother, uncle, etc.), victim are almost always under-age children, Sometimes the crime causes pregnancy, and other potential implications for the victims are as follows:

⁶² Fokupers Report (2007), Fokupers, Timor Leste.

⁶³ Pradet, Timor Leste, 2008

⁶⁴ Victim Support Service (VSS) Unit, the Judicial System Monitoring Program (JSMP), Timor Leste, May 2008.

- Trauma (self-isolation, not talking with other people, etc.);
- Withdrawal from school because of social judgment and stigma faced from the community and school;
- Self judgment.⁶⁵

c. Victims and Judicial Process

Many times there are difficulties and obstacles in the judicial process because the suspect's family attempts to find an alternative to bringing the case to court. The suspect's family will try to meet the victim's family, beg for pardon and wait for the family of the girl to withdraw their complaint because of the relationship between the two families.

The victim's family will often relent and withdraw the case in the name of the "family relationship", thinking that they will be considered heartless and unfair if they continue to pursue the case. However, they are not aware that the man has repeatedly perpetrated the violence. They think only about not wanting to open the failures of the family to the public and embarrassing both families.

Many times there is a contradiction between the situation and the reality. The victim demands justice, but is in a weak position so decides not to bring the case forward to the court. The suspect often knows the weaknesses of the victim and uses various methods to close the case, including sometimes by using force and threats. Alternatively, the man will pay some money to the victim to remain quiet. He thus feels that her burden was paid. All of these factors make it difficult for women to access justice because of the cultural values that benefit men.

Even the community and the judicial agents do not support the victims, but rather blame the woman for the violence. Many times the police consider cases of violence as meaningless or as private conflicts that have no place in the justice system. For example, in a case of domestic violence from Liquiça, when the victim reported the case to the police station, the police said: "It's their tradition, they always do it..." This is because this kind of domestic violence happened repeatedly and the police make no effort to process this case.

In many cases the police usually keep persuade the victim and her family to withdraw their complaint, reasoning that it's better to solve this problem in the family atmosphere because the court process will take a long time and requires a lot of money. In the case of an under-age girl in Maliana district, the police themselves mediated between both families in order to solve the problem, but the victim rejected this mediation.

In some cases, the police give more support to the man because they have a family relationship with him or know the man better than the woman. According to the information given in rural areas, many times the police solve cases of violence against women through mediation although they consider violence to be a crime. Sometimes they force the victim to accept mediation. This happens because women lack information and it is therefore difficult to access justice.

For example, in one domestic violence case, Afati (false name), a 44 year old woman, suffered because of her husband's attitude and violent actions during their 24 year

⁶⁵ Fukerpers, Timor Leste

marriage. Because Afati got help from an individual who had a lot of influence and assistance from an NGO, her case was processed in the court. However, her husband received only a one-year sentence in prison, free of conditions.

During the court process, the victim clearly declared all of the things that her husband did to her and the impact on herself, their family and children. The court's decision for such a low sentence was caused partly by the lack of medical records to strengthen the evidence. In addition, the main witness did not give concrete facts about what happened to the victim because there is no appropriate legislation that to assure the security of the witness so many witnesses will not give complete and truthful testimony.

d. Traditional Law and its Impact

Traditionally, most domestic violence against women is solved within the family. This means that both families sit together to find a good solution to the problem based on traditional customs. In the process of resolving the problem, the family spokesman of both sides sit together, which means the conversation is normally dominated by men. They make decisions and often order the man's family to pay a fine to the spokesman of the victim's family.

However, the victims will generally not get anything from this traditional practice, because the decision about her future is made by other people and those who make the decision receive something from the suspect's family. This phenomenon empowers men to commit violence, because whenever a man has money, horses and buffalos, he is free to commit violence against women because he knows he will just be asked to pay a fine.

The system of patriarchy can also contribute to the decision by many victims not to complain about their cases, especially in rural areas, because they have no access to information and they are tied down by traditional dowry. Nina (false name), a 14 year old girl from the Suai district, became pregnant because she had been attacked by her cousin who acts as the village leader. Nina's parents didn't complain to the police because the perpetrator of the sexual violence promised to pay the fine. But in the end, he didn't follow through on the decision and Nina's family kept quiet because they didn't want to extend the problem.

In another case where a woman had already filed a complaint, the woman herself withdrew her case because she was pressured to do so by her own family. Victims are also sometimes scared because if their husbands are sent to prison, no one will sustain their family economically, even though they know the husbands will continue to perpetrate the violence.

Noka (false name) is a 40 year old woman from the Dili district, continually faced domestic violence from her husband. Noka had already complained to the police and her case was in the process of going to the court for a final decision, but she withdrew it because she wanted to make peace with her husband. Even though she closed her case, everyone knew that her husband is a violent man who continues be violent with her everyday.

e. Jugun Ianfu Victims (*Sexual slaves of Japanese soldiers*)

In 2000-2005 Fokupers, Assosiasaun Jurista Timor loro sae, Asosiasaun HAK and Koligasaun Japaun for Timor-Leste (KJTL) conducted research and found 16 survivors of

sexual violence perpetrated by the Japanese military in 1942-1945. The research consisted of interview with 88 women: 15 victims and 73 witnesses.

Based on the research, many of Timorese women received human rights violations, especially domestic violence, including women who were 15 years old and less. Following is the chronology given by victim, named Alicia (false name) a 73 year old woman from Tomanamo Manufahi:

In 1942, Timor-Leste was a strategic base for Australia and Japan for the Second World War. At that time, I was 13 years old. Because we were afraid of war, my family lived in the Tonomano mountain. Suddenly a man who worked for Japan came to me and told a lie: "you have to go down because your parents are waiting for you there". In order to meet my parents, I went down.

Suddenly people arrested me and brought me to the Japan military. At that place, one of the military named Katarake forced me to have sexual relations. They put me on the bed, but I refused and they put me on the ground, they closed my mouth with blanket and the commander named Katarake committed the sexual violation. My entire sarong was full of blood. When I saw they slept, I ran away from that place and slept in the river because I couldn't walk and was in a lot of pain. In the morning when I arrived at home my parents cried because they saw me full of blood and I was afraid because Japan military persons were looking for me.

When Japan military took her, they injected first with a drug so that Alicia could not have any children, said Alicia. *"My husband was very angry because I could not have any children. Then he asked me to accept him to marry my younger sister in order to have children again. Although, it really hurt my feeling, I had to be ready to accept the reality".*

Alicia faced double suffering that she never forgot in her life.

These cases show that Timor-Leste women at that time were not faced with incidental or isolated cases, but with systematic incidents.⁶⁶

Victim Abu Beri (false name), an 80 year old from Raifun-Bobonaro, who died in 2007, said, "If a man is born from a woman why does he violate other women who are like mothers?"

And another victim, Alda (false name), an 80-year-old woman who died in 2005, said, "Since I started my life until I die, I never got any justice; I hope that my children and grandchildren will assist me in accessing to my justice".⁶⁷

Activities undertaken by NGOs:

Although, the implementation of CEDAW is an obligation of the State, NGOs in Timor-Leste have done a great deal of work towards gender equality. Some examples of NGO efforts include:

⁶⁶ Fukerpers, Timor Leste (2005).

⁶⁷ Ibid, page no. 57

1. In 2002, the Civil Society Organizations have led discussions on drafting the Domestic Violence Law. Currently, in June 2009, the Domestic Violence Law already drafted and awaiting for approval by the government.
2. The Civil society Organizations carry out advocacy activities in demanding the government to recognize domestic violence as a public crime and to revise provisions in the Penal Code of Timor-Leste in stipulating that "domestic violence" is a "public crime";
3. The Civil Society Organizations work together in drafting a letter in protesting their Excellency the President of the Republic regarding the amnesty given to criminals, including perpetrators of sexual and domestic violence;
4. Established a Victim Support Service Network in Covalima and Bobonaro districts which involves the government institutions and NGOs that provide assistance to the victims of violence, including the National Police of Timor Leste, hospitals, the Department of Social Services, courts, community leaders, victims and individuals;
5. NGOs carry out sensitization activities in rural communities through training and discussions in order to upgrade their knowledge about gender and injustice;
6. NGOs carry out capacity building activities for judicial authorities to increase their gender sensitivity;
7. NGOs periodically launch reports on violence against women.

Recommendation

Recommendations from the NGOs on violence against women include the following:

1. The National Parliament should recognize that domestic violence is a public crime, and ensure that the Penal Code will be harmonized and incorporated with provisions of the Domestic Violence Law. This will ensure that there is legal instrument that facilitate fair justice to the victims of domestic violence, particular women and children. Also, it will ensure that and will intimidate perpetrators, wrongdoers or those who want to or those who practice violent actions against women.
2. The State should carry out capacity building activities periodically for judicial officials and law enforcement officials, including police officers, public prosecutors, judges, court officials on women rights and gender issues. Therefore, they can provide support effectively on gender based violence cases and other cases of human rights violation against women.
3. The State must ensure sufficient support for the Victims' Protection Unit (VPU), such as a special room for victims, transportation and other facilities. Therefore, the VPU can function well and provide effective protection for women and children.
4. The State must draft internal policies and regulations regarding prevention of sexual harassment, gender discrimination and/or any kind of violation against women in the government institutions and private institutions in order to take effective sanction against wrongdoers or those who commit such actions.
5. The State must facilitate a unified national database on violence against women that will facilitate the government in formulating the national policies and the national strategies related to combating violation against women and gender based violence.
6. The Ministry of Education should revise the primary and pre-secondary school curriculums by including gender issues. Therefore, students will be more gender sensitive toward each other and they will learn to respect each other as early as possible, especially boys supporting girls. Learning these values in schools will help boys and young men know how to respect women as human beings who shall enjoy equal rights when they become adults and form families.

NGO's Profile :