

# After the guns fall silent

## Sexual and gender-based violence in Timor-Leste

Sexual and gender-based violence (SGBV) is a pervasive global phenomenon, but is often a politically sensitive and unacknowledged issue.<sup>1</sup> It has serious consequences for the physical, reproductive, and psychological health and social well-being of individuals. It also reflects and reinforces inequalities between men and women.<sup>2</sup> SGBV is increasingly regarded as an impediment to the economic and social development of states.<sup>3</sup>

This *Issue Brief* considers the scale and magnitude of SGBV directed against women and girls in Timor-Leste. It considers the culture of impunity that pervades the country around SGBV and impedes progress on this issue; the lack of ‘enjoyment’ of human rights by women and girls due to SGBV; and the systematic failure of the security and justice system to tackle violations. Focusing on both the pre- and post-independence eras, it synthesizes the evidence to help identify entry points for the prevention and reduction of SGBV. It finds the following:

- Women and girls continue to face a high incidence of SGBV in the post-independence period, as well as prevailing cultural norms that act as an impediment to their full partnership in society and government.
- Documentation of, acknowledgement of, and compensation for previous sexual crimes against women during the occupation are far from complete, and hinder collective healing and understanding of SGBV.
- Traditional and formal justice mechanisms have failed women and girls on SGBV while key legislative reforms on intimate partner and family violence continue to languish in parliament.
- There is a strong need for routine SGBV monitoring by government, police,

hospitals, and service providers, and improved collection of data to inform policy measures.

- The work of the UN Police Vulnerable Persons Unit (VPU) within the Timor-Leste police (Policia Nacional de Timor-Leste—PNTL) should be expanded and further resourced, with outreach to all districts.
- The strong commitment to the prevention of SGBV from several of Timor-Leste’s key civil society organizations is commendable, and developing capacity in service delivery, monitoring, and public education should be supported by the Timorese government and multilateral and bilateral donors.

This *Issue Brief* takes SGBV as encompassing a range of harms, including rape, marital rape, and attempted rape; sexual violence, including assault, abuse, and harassment; sexual exploitation and trafficking; forced marriage; intimate partner and family violence; and harmful cultural practices.<sup>4</sup> This project uses as key terms *intimate partner violence* and *family violence*, in order to capture the unique violence in intimate or committed relationships and violence perpetrated by or experienced from other family members. The term *sexual violence* is used as a broad term, of which sexual assault is one element.

### SGBV in the pre-independence period

Information on the social situation of Timorese women and girls is sparse prior to 1975. Timor-Leste is described as a heavily patriarchal society, influenced by layers of indigenous beliefs and the legacy of Portuguese colonialism and Catholicism, where most females are illiterate subsistence farmers.<sup>5</sup> An ethnographic study of fertility and gender

in Timor-Leste by David Hicks makes several general observations about gender relations, including that masculine is considered superior to feminine, just as the adult (father) is superior to the child,<sup>6</sup> which is borne out by current writing by Timorese women (see Box 1).<sup>7</sup>

#### Box 1 Socio-political factors underlying SGBV in Timor-Leste

There is a lively debate regarding the extent to which existing cultural, political, and social norms condition the disposition of individuals to violence. In Timor-Leste, a range of circumstances, ideas, and attitudes are thought to shape SGBV, including:

- a history and culture of tolerance for male violence within the society;
- weak formal justice and security sectors;
- widespread unemployment and poverty, especially in the districts;
- mass displacement in 1999 and 2006;
- trauma as a result of the occupation period;
- the patriarchal organization of society;
- the practice of bride price (*burlaque*);
- the traditional, male-dominated systems of law and conflict resolution (*adat*);
- widespread male infidelity and polygamy, but an insistence on female chastity;
- alcohol abuse, gambling, and betting on cockfights;
- the woman’s perceived responsibility for a couple’s failure to produce children (infertility);
- family-enforced silence in cases of abuse; and
- a general public presumption that SGBV is a normal part of life.

Source: UNFPA (2005), p. 7.

The majority of information available about Timorese women and girls from 1975 to 1999 concerns their particular experience of sexual violence during the Indonesian occupation. An unverifiable number of Timorese women and girls were abducted, raped, and impregnated by Indonesian soldiers; often kept captive and enslaved; and later rejected by their families. An even more acute form of gender-based violence occurred during the post-referendum violence of 1999: the systematic rape of Timorese women and girls in the context of their forced deportation to West Timorese camps.<sup>8</sup> Testimonies to this effect have been collected by the UN, human rights NGOs such as Amnesty International, the Indonesian Human Rights Commission, journalists, and East Timorese NGOs themselves.<sup>9</sup> Even so, there are no accurate statistics on the scale and distribution of sexual violence during the occupation until 1999 and consequently during the period of forced deportation and internment in West Timor.

One of the key obstacles preventing Timorese women and girls from seeking redress in the post-occupation era is inadequate documentation. Bishop Belo wrote in 2001: 'Up to 3,000 died in 1999, untold numbers of women were raped and 500,000 persons displaced—100,000 are yet to return.'<sup>10</sup> The phrase 'untold numbers of women' is both poignant and literal—the story of women's and girls' experience before, during, and after the 1999 violence remains largely untold, despite the extraordinary efforts of Timorese women advocates.

It is widely known that SGBV during the occupation by Indonesian military and militia groups was politically motivated and systematic.<sup>11</sup> A UN report found that '[r]ape was used by the military as a form of revenge, or to force the relatives out of hiding.'<sup>12</sup> The backdrop of militarization also masked incidents of intimate partner and family violence.

The most comprehensive overview of sexual violence in occupied East Timor appears in chapter 7.7 of the final report of the Commission for Reception, Truth, and Reconciliation (CAVR),<sup>13</sup> also known as the *Chega!* report, which presented both statistics and the experiences of women and girls. The CAVR recorded 853 cases of sexual violence and drew the 'inevitable conclusion' that 'many victims . . . did not come forward to report them to the Commission.'<sup>14</sup> Reasons for under-

reporting include the death of victims and witnesses (especially for earlier periods of the conflict), victims who may be outside Timor-Leste (especially in West Timor), the painful and very personal nature of the experiences, and the fear of social or family humiliation or rejection if their experiences are known publicly. The CAVR ultimately decided that the total number of sexual violations was likely to be several times higher than the number reported.<sup>15</sup>

Other data appears to support a higher incidence of SGBV during 1999. In a 2004 study of 288 Timorese women, one in four reported being exposed to violence during 1999.<sup>16</sup> Leading Timorese women's NGO Forum Komunikasi Untuk Perempuan Timor Lorosa'e (FOKUPERS) documented 46 cases of rape during the 1999 violence: 9 perpetrated by Indonesian soldiers, 28 by pro-Jakarta militias, and 9 by joint attacks by militias and soldiers. Some 18 of these were categorized as mass rapes.<sup>17</sup> 'Many of these crimes were carried out with planning, organization, and coordination,' a FOKUPERS report states.<sup>18</sup> Meanwhile, in the refugee camps of West Timor, to which tens of thousands of women and girls were forcibly deported, a fact-finding team in one study alone found 163 different cases of violence against 119 women. It noted the many serious impacts of sexual violence on women's health, including, but not limited to, death in childbirth, ongoing reproductive health issues, and psychological harm.<sup>19</sup> There is still a campaign to obtain the release of several young women in the West Timor camps who are thought to be held against their will as 'war trophies' by militia leaders.<sup>20</sup>

Despite even this limited acknowledgment of the causes and consequences of SGBV, media reports confirm that the 'victims of militia rape and sex slavery continue to bear the scars of post-ballot violence in Timor-Leste, facing ostracism on their return home.'<sup>21</sup> With the exception of isolated examples such as the book *Buibere*<sup>22</sup> and the CAVR 'Women and the Conflict' hearing,<sup>23</sup> women have not spoken out in public about their experiences. 'What has been violated is their sense of who they are and their possibility of living without fear,' said one advocate in the CAVR report.<sup>24</sup> These experiences of violation and stigmatization have prevented Timorese women and girls from seeking help in the post-occupation period, especially in relation to intimate partner violence and family violence.

## SGBV in the post-independence period

SGBV in Timor-Leste occurs against a backdrop of general poverty and deprivation, especially for women and girls. As of 2009, the country is considered the poorest in Asia and one of the least developed on the planet.<sup>25</sup> According to a UN Development Programme (UNDP) report released in January 2006, 90 out of 1,000 children die before their first birthday, half the population is illiterate, 64 per cent suffer from food insecurity, half lack access to safe drinking water, and 40 per cent live below the official poverty line (an income of USD 0.55 a day).<sup>26</sup> An estimated 95,000 women have been given sterilizing injections since 1975, often without their consent,<sup>27</sup> and over half of women and girls are illiterate.<sup>28</sup>

Maternal mortality rates are particularly high. The incidence of maternal mortality offers an important proxy for the health and social status of women and girls generally. Figures generated by the World Health Organization (WHO) in early 2001 reveal that twice as many women die in childbirth in Timor-Leste as anywhere else in East Asia or the Western Pacific region.<sup>29</sup> According to WHO, only 196 midwives are available for a population of 800,000 and less than a quarter of Timor's women have ready access to a healthcare facility or qualified midwife. UNDP and WHO observe that these figures represent 'an absolute tragedy.'<sup>30</sup>

### Intimate partner violence and family violence

The first National Women's Congress in 2000 identified 'domestic violence' as a priority issue for Timorese women.<sup>31</sup> The issue of SGBV in the home remains the key priority for Timorese advocates and NGOs, who state that high levels of intimate partner violence and family violence are reported in every district.<sup>32</sup> The priority given to the issue by NGOs is based on the understanding that women in Timor-Leste have endured a severe increase in intimate partner violence and family violence and other types of crimes since 1999.<sup>33</sup>

Notwithstanding considerable attention devoted to the issue since 2000, data is incomplete and often anecdotal. The main information sources are complaints to police, hospital emergency room data, court reports, and NGO service providers. Unfortunately, public sources of data about SGBV, despite the basic gender equality mandate of the UN Mission in Timor-

Leste, are typically unreliable or unavailable for public research.<sup>34</sup> Until public vital statistics surveillance systems are strengthened and expanded, NGO referral data remains one of the best sources of primary data on SGBV. The government of Timor-Leste relies heavily on NGO reports for its report to the UN Committee on the Elimination of Discrimination Against Women (CEDAW).<sup>35</sup>

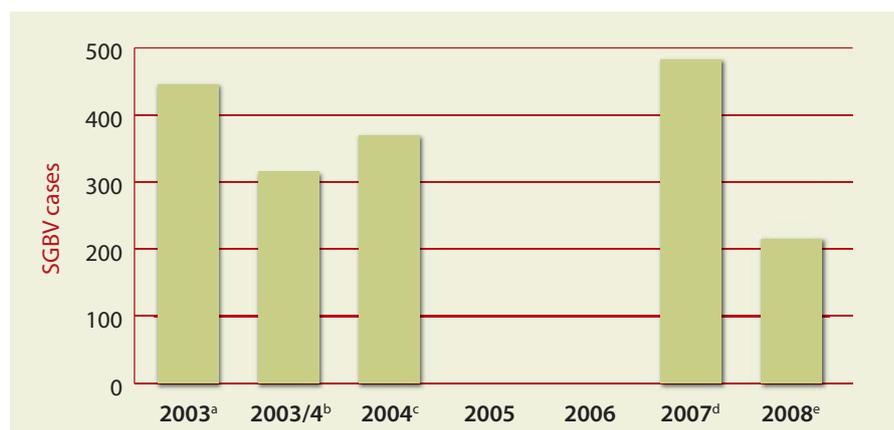
Police data shows a high incidence of SGBV reports relative to all other crimes since 2000. In the establishment of the UN Police Vulnerable Persons Unit (VPU), an effort was made to ensure that most offices had at least one female officer on staff specially trained to facilitate interviews with female victims. The VPU began collecting information on gender-based violence in October 2000, but was not operational during the 2006 crisis and so the data has gaps (see Figure 1).

In 2008 the VPU changed the classification of gender-based violence cases by moving rape from 'domestic violence' to 'sexual offences' and created two new categories of 'assault/domestic' and 'dispute/domestic' to deepen understanding of the nature of cases and to better document and respond to specific complaints. The implications of the changes to coding are not yet clear, but they appear to represent more precision for police responses and consistency with UN global reporting measures on SGBV.<sup>36</sup> Wider interactions with the PNTL and survivors of SGBV outside the VPU have been very mixed, with reports of police in the districts ignoring serious violations occurring in their presence.<sup>37</sup>

Incidents of SGBV can also be extracted from reported hospital admissions, although hospitals and other health facilities in Timor-Leste do not generally maintain standardized records on gender-based violence or screen for SGBV.<sup>38</sup> A TLAVA survey found that almost one-fifth of all women presenting at emergency rooms in Dili and Baucau hospitals in the summer months of 2006–08 were recorded as victims of domestic violence, with this proportion rising to one-third for women aged 20–39 years.<sup>39</sup>

Core support services for survivors are provided by NGOs in Timor-Leste. FOKUPERS and the NGO Psychosocial Recovery and Development in East Timor (PRADET) administer various referral and safe-house programmes and keep statistics on women contacting their services. The government's Department of Social Services has four offices in the country,

**Figure 1** SGBV incidents recorded by the VPU, 2003–08



**Notes:** a Most of the cases in 2003 were classified as 'domestic violence', although the exact number is unspecified.  
b Covers the period July 2003–June 2004, including 201 'domestic violence' cases and 115 'rape' cases.  
c Covers the period January–August 2004.  
d Includes 215 'domestic violence' cases.  
e Includes 161 'domestic violence' cases and 54 'rape' cases.

**Sources:** UNSG (2009), p. 12; UN Shadow Report (2009), p. 65.

but 'lacks sufficient resources and capacity to carry out its mandate of supporting individuals in crisis and providing child protection services'.<sup>40</sup> Their statistics were recently included in the NGO Working Group on CEDAW's shadow report to CEDAW in March 2009 (see Table 1).

The incidence and severity of SGBV can also be found by monitoring court statistics, often collated and published by the Timorese legal NGO Judicial System Monitoring Programme (JSMP). Drawing on two months of court monitoring of women-related cases in the Dili District Court, JSMP found that women-related cases constituted the majority (55 per cent) of all criminal hearings scheduled and that 78 per cent of these involved serious sexual assault.<sup>41</sup> The report of the JSMP Victim Support Service Unit from October 2007 to May 2008 identified 24 domestic

violence cases from the total of 50 cases.<sup>42</sup> JSMP reports remain the main source of information on police and court treatment of SGBV issues.<sup>43</sup>

Finally, a valuable source of information on SGBV includes social surveys of Timorese families by the International Rescue Committee (IRC) in 2002 and 2003<sup>44</sup> in conjunction with a research consortium. Of those surveyed in 2002, 43 per cent reported at least one incident of violence by their partners.<sup>45</sup> In 2003, 51 per cent of married Timorese women said they felt unsafe in their relationship, and also that family disputes and violence perpetrated by a husband against his wife were considered a 'normal' yet very private occurrence within the family.<sup>46</sup>

Women's own attitudes to intimate partner violence and family violence remain

**Table 1** SGBV cases recorded by NGOs, 2000–09

Category <sup>a</sup>	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009 <sup>b</sup>
Domestic violence	37	36	39	11	30	58	34	62	117	27
Sexual violence (adults)	6	5	19	18	5	8	9	9	2	2
Sexual violence (under-age)	1	1	10		8	12	2	1	5	
Intent 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		
<b>Total</b>	<b>84</b>	<b>100</b>	<b>131</b>	<b>46</b>	<b>84</b>	<b>117</b>	<b>80</b>	<b>118</b>	<b>180</b>	<b>36</b>

**Notes:** a The categories reflect FOKUPERS's 11 categories of direct ('criteria') types of SGBV.  
b Includes data for January and February 2009 only.

**Source:** NGO Working Group on CEDAW (2009), pp. 63–64



*Dignitaries, including President Jose Ramos Horta (far left) and Prime Minister Xanana Gusmao (far right) with their signed postcards supporting the approval of the Law against Domestic Violence, 3 November 2009. © JEN WARD / UNIFEM*

disheartening. Over half (51 per cent) of those surveyed in 2003 strongly agreed that 'a man has good reason to hit his wife if she disobeys him'.<sup>47</sup> Unsurprisingly, motivations for seeking assistance to deal with violence are weak. About 45 per cent of respondents strongly agreed with the statement that 'family problems should only be discussed with people in the family' and 51 per cent of women felt that the best way to cope was with support from their families. Most women who did seek help for intimate partner violence and family violence went to their families (32 per cent), while a smaller proportion (5 per cent) turned to 'traditional justice' or the police (3 per cent), or sought to forget about it (9 per cent).<sup>48</sup>

### Politicized sexual violence

As noted above, intimate partner violence and family violence data is rarely disaggregated from sexual violence outside the home, incidents perpetrated by a family member, or child abuse. The 2003 IRC study found that violence committed by perpetrators outside the family was significantly lower after the crisis in 1999, with a 75.8 per cent decrease in physical violence and a 57.1 per cent decrease in sexual violence.<sup>49</sup> However, several acts of abuse of women and children perpetrated by UN peacekeeping forces were documented during this period.<sup>50</sup>

The Dili riots in 2006 again underscored the vulnerability of women in present-day Timor-Leste.<sup>51</sup> The UN Secretary-General stated that 'the mass displacement of people that resulted from the crisis has had particularly adverse effects on women and children, including premature labour and vulnerability to sexual abuse in

overcrowded camps.<sup>52</sup> The last remaining internally displaced persons camp began emptying in June 2009, more than three years after unrest drove an estimated 100,000 people from their homes.<sup>53</sup>

### Trafficking and prostitution

In 2004 the Alola Foundation published the first report on trafficking in people. It found that trafficking was an increasing problem, with Timor-Leste becoming a destination country because of the presence of many international workers, including peacekeepers.<sup>54</sup> There was no evidence at that time that people were being trafficked out of Timor-Leste, although concern exists about this eventuality due to extreme poverty.<sup>55</sup> Prostitution had also increased. The Alola study found that, during the research period, approximately 100 Timorese female and 100 Timorese male sex workers were involved in prostitution in Dili. The report also found that the majority of female Timorese sex workers entered prostitution after being sexually abused, raped, or abandoned by boyfriends or husbands. Many of the sex workers interviewed also reported suffering violence and intimidation in the course of prostitution, including verbal abuse, physical abuse, and rape.<sup>56</sup>

The concluding observations of a 2009 CEDAW report found that the Timor-Leste government should refocus on the effective prosecution and punishment of traffickers.<sup>57</sup> The report also recommends that the government establish specialized support services for women victims trafficked into the country, as well as undertake prevention efforts for trafficking out of the country, including by addressing the root causes of trafficking and improving the economic

situation of women. CEDAW further recommends that Timor-Leste ratify the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children.<sup>58</sup> It finally urges the Timorese government to speedily enact the law regarding witness protection and to include in its next report sex-disaggregated data and information on prostitution.<sup>59</sup>

## Legislative reform

The SGBV situation in Timor-Leste is made much more complex by the lack of clear legal principles and resources to prosecute violations. In November 2002 work began in the Office for the Promotion of Equality, now known as the Office of the Secretary of State for the Promotion of Equality (SEPI), on domestic violence legislation, and the Draft Law against Domestic Violence was promulgated in late 2003.<sup>60</sup> It was approved by the Council of Ministers in August 2009, but had still not passed parliament by November. The Penal Code was passed in March 2009, which criminalizes most sexual crimes,<sup>61</sup> treats such crimes as a violation of women's rights to bodily security and integrity, and ensures that criminal proceedings do not depend on a formal complaint by the victim.

The Draft Law against Domestic Violence outlines the general concept of intimate partner violence and family violence and makes it clear that domestic violence (as defined in the Penal Code) is a public crime. Accompanying legislation establishes the framework for a national network of support centres and services to assist victims of domestic violence, as well as a social security payment. The Draft Law on the Provision of Maintenance establishes a social security system (a pension) for providing maintenance to victims of domestic violence if they are forced to leave the home. This law is based on the fundamental principle of respect for the family unit and the duty to care for family members. The Draft Law on the Provision of Shelters/Support Centres for Victims of Domestic Violence establishes the network of support centres for victims of domestic violence. The objective of this law is to 'strengthen and expand on the existing services already in place in Timor-Leste'.<sup>62</sup>

Enhanced SGBV legislation is desperately needed. Indonesian law, in operation prior to the referendum, also continued to apply under the UN Transitional Administration in East Timor (UNTAET),

except to the extent that it was inconsistent with specified international human rights standards, such as the UN Convention on the Elimination of All Forms of Discrimination Against Women. Under the Indonesian Criminal Code, domestic violence is not a specific offence. Prosecutors must rely on the crimes of maltreatment and torture, and there is no prohibition against threats of violence, attempted assault, or rape within marriage.<sup>63</sup> The 2009 Penal Code is also silent on rape within marriage.

However, UNTAET recognized the importance of introducing rights for victims of violence in its criminal procedure regulation.<sup>64</sup> An investigating judge was given the power to prevent a perpetrator who had been arrested for intimate partner or family violence from living in the family home while the case was investigated and prosecuted; and when convicting a perpetrator of a crime of violence, the judge could order the payment of compensation to the victim.<sup>65</sup> This is still the law today, and these procedures have been built into the Draft Law. Section 37 of the Timorese Constitution states that police can enter homes uninvited if there is reasonable suspicion of a threat to life or of serious physical injury.

### Access to justice for SGBV victims

Aside from the slow pace of legal reform, there are serious limitations on how SGBV issues are dealt with in the formal court system and traditional justice processes. The JSMP stated in 2003 that domestic violence accounts for approximately 40 per cent of all cases before the Criminal Division of the district court system, and yet 'the justice system continues to undervalue the seriousness of such offences. Local communities, police investigators and prosecutors continue to treat many such offences inappropriately by referring them to mediation for resolution.'<sup>66</sup>

Specific challenges include the existence of only a small number of legally qualified Timorese judges, few of whom are women; delays in the appointments of judges; long absences of judges attending training in Portugal; difficulty in skills transfers from international advisors; short-term contracts for international judges, few of whom are women or familiar with SGBV issues; incomplete legislation; legislation that frequently does not correspond to the realities existing in Timor-Leste; and poor planning and a lack of administrative skills in the judicial sector.<sup>67</sup> The JSMP

concluded that 'sexual assault crimes are not being punished as severely as they should be', adding that the 'short sentences being delivered in these cases would not give the victims much faith in the formal justice system, or provide incentive for future victims to endure the difficulties associated with a trial in the formal justice system.'<sup>68</sup>

The inexperience of the fledgling judiciary can be illustrated by the notorious case in 2001 involving one of Timor-Leste's only surgeons, Dr Sergio Lobo, who was arrested after a serious assault on his wife. In spite of having inflicted severe injuries on his wife, Lobo was released from prison and exonerated by the all-male panel of judges, who stated that 'the cultural situation in East Timor allows a man to control the actions of his wife.'<sup>69</sup>

### Traditional law

One outcome of the delay in passing and implementing formal SGBV legislation is the widespread use of *adat*—traditional justice mechanisms at the village level—to deal with domestic violence cases. Timorese and international NGOs have raised concerns about these mechanisms as they relate to SGBV. The mechanisms are not uniform or consistent; they have been used for cases of serious criminal violence, including murder and rape; and since only men can be traditional law judges, patriarchal attitudes are reinforced.<sup>70</sup> Local NGOs report cases where victims have been pressured to accept resolution by traditional means against their will and where suspects have been denied the right to a fair trial.<sup>71</sup>

Many rural communities are still inclined to settle domestic incidents through *adat*, whereby the offended male relatives of the female victim are compensated by the perpetrator with gifts of livestock or other goods.<sup>72</sup> Even if the victim initially notifies the police—and most cases still go unreported—she will often relent, as the imprisonment and humiliation of her breadwinner are not in her long-term interests.<sup>73</sup>

The traditional justice mechanisms reflect traditional views about the role of women and girls in the family. IRC research revealed that many men still regard their wives as their possessions, because they paid a bride price for them. The report reveals that bride prices reach USD 1,900; coupled with male perceptions of female insubordination, this can be enough to spark beatings.<sup>74</sup> The report concludes that 'women's rights are not given adequate consideration ... in local

justice proceedings. Local beliefs systems stipulate the power which individuals may possess, and women are not attributed any of this power, especially in regard to the decision making power in local justice settings.'<sup>75</sup> Timor-Leste's foremost feminist leader and former UNTAET Gender Adviser Maria Domingas Fernandes Alves (known as Micato) has argued that traditional justice should be abolished because it 'limits attempts to develop judicial institutions and undermines the establishment of law and order'.<sup>76</sup>

## Interventions to address SGBV in Timor-Leste

Timor-Leste has a potentially effective national bureaucracy for addressing SGBV. Strengthening national capacity to address gender-based violence is one of SEPI's four core programmes for promoting women's equality and empowering women.<sup>77</sup> The federal government's appointment in 2004 of Gender and Human Rights Focal Points in every district administration and in vital line ministries should also contribute to multi-sectoral coordination around SGBV. However, CEDAW has expressed concern about the lack of adequate financial and human resources to ensure effective functioning of these newly created offices.<sup>78</sup> There is clearly a need for a strong national action plan on SGBV prevention across government agencies.

One positive development is that SEPI obtained a grant of more than USD 5 million to work jointly in 2008–10 on the economic empowerment of women and protection from violence. Activities include strengthening referral systems and agencies in the districts, especially links between the police and NGOs; training and monitoring of *suco* local councils on implementing their new duties to reduce domestic violence; expanding the system of hospital-based safe spaces into districts; and activities to prevent trafficking, provide rehabilitation for perpetrators, and increase men's activism against violence.<sup>79</sup>

In terms of service provision, the Gender Based Violence Referral Partners Network is a public–NGO partnership that routinely brings all major agencies together, and also advocates for improvements with government and donors. In Dili, FOKUPERS provides the most comprehensive services, including specialized counselling, legal advice, court accompaniment, and shelter. The organization is also active in four districts with its community-based gender-based

violence focal points. PRADET is an NGO specializing in mental health counselling and psychosocial support. Its system of 'referral pathways' guides survivors of violence through services.<sup>80</sup> PRADET has also developed a comprehensive forensic protocol specifically for Timor-Leste that can be used to document injuries not only from sexual assault, but also from domestic violence and child abuse. However, obtaining appropriate, private, and secure areas for victims in the national hospital has been an ongoing challenge because of high demands on hospital space.<sup>81</sup>

Since 1999 there have been numerous public education efforts on SGBV, although high levels of illiteracy are a continuing challenge to public education. One of the most successful efforts is the Association of Men Against Violence (AMKV), a purely voluntary men's NGO active in seven districts.<sup>82</sup> All stakeholders, including the government, NGOs, and donors, agree in general terms on the course of action that the country must take to prevent SGBV. However, the resource and logistical challenges to such a reform agenda remain very serious.

## Key challenges

Key SGBV stakeholders have generated a number of policy recommendations for future action necessary to combat SGBV in Timor-Leste. These arise out of the CEDAW 2009 reporting process,<sup>83</sup> NGO advocacy,<sup>84</sup> UN reports,<sup>85</sup> and donor-related outputs.<sup>86</sup> They generally fall into three categories and include: ensuring that women and girls have access to justice, including sensitive police responses in the first instance; ensuring that they have access to adequate support services; and preventing violence against women and girls by changing community attitudes. Five important challenges are reviewed here.

**Improving police reporting and response.** Police training on first responses to SGBV complaints is crucial to ensuring a victim-focused approach necessary to SGBV cases. To achieve this, technical and financial support to the VPU at the national level is required. Standardizing procedures and protocols for SGBV cases are also needed, to make sure medical examinations can be produced as evidence in formal court proceedings. This implies greater logistical support at the district level to all units, along with upgraded police facilities.<sup>87</sup>

**Immediate access to health and trauma services.** While Timor-Leste has a promising referral network, a number

of needs remain, including standardized processes and protocols for the referral of victims; improvement in health response to victims; awareness building for people in positions of authority; and increased access to services for people living outside Dili. Better data is crucial to achieving these goals. CEDAW requires Timor-Leste to undertake the systematic collection of sex-disaggregated data on all forms of violence against women, including domestic violence, as well as research into the extent and root causes of such violence.<sup>88</sup>

### **Reversing the culture of impunity.**

Timorese women have experienced SGBV since 1999 in a particular context—without the services they need to heal as survivors of gender-based violence in armed conflict. The response to rape survivors and their children in Timor-Leste has ranged from denial and silence to efforts to respond to their acute survival needs on the basis of a welfare paradigm that reinforces conservative cultural conceptions. Leadership is required to take up the recommendations on SGBV from the *Chega!* report<sup>89</sup> and address the links with SGBV in the post-occupation period.

**Strengthening the legal process.** A renewed commitment to rule-of-law principles, a gender-sensitive judiciary, and the building of norms and standards around a zero-tolerance approach to SGBV are core elements of legal reform. Clear starting points include passing and implementing the draft laws, properly supporting their implementation, and monitoring their effectiveness. Policies that discourage violence and impose consequences on offenders; provide women with the means to protect themselves and their children from violence; provide women with the information necessary to access their rights; and ensure that women are treated humanely and fairly by justice system personnel are important ancillary components. The increased involvement of women in traditional justice processes is also needed, as are standards and protocols regarding the use of mediation in gender-based violence cases. CEDAW recommends that the aim should be for SGBV cases to be dealt with in the formal penal system.<sup>90</sup>

**Violence prevention.** Prevention of SGBV is an investment in women's and girls' safety, and a commitment by the leadership of Timor-Leste to incremental shifting of attitudes and behaviours would be extremely valuable. This may in fact be the

hardest goal to achieve, given entrenched cultural attitudes to (ascribed) gender roles in Timor-Leste. Measures to prevent violence against women and girls include raising awareness through coordinated efforts at all levels, changing community attitudes about violence, and increasing women's status in society. Government and donors should identify and provide core funding to NGOs with successful and innovative programmes and models, such as the work of the AMKV with Timorese men and boys and the monitoring work of NGOs like PRADET, the JSMP, and FOKUPERS, that could strengthen and replicate interventions nationally. The UN, NGOs, and donors all emphasize the promotion of the economic empowerment of women as a long-term prevention strategy to curb SGBV, including by integrating livelihood supports into gender-based violence services.

## Conclusion

Reducing SGBV in Timor-Leste requires significant individual, community, and societal shifts, none of which can happen overnight. Long-standing cultural attitudes are entrenched and will be difficult to overcome. Although the road ahead may be long, norms are embodied in laws as well as attitudes, and reforming the legal apparatus is an essential first step in reorienting beliefs and behaviours.

At the foundation of the crisis of SGBV in Timor-Leste is the essentially patriarchal nature of the society, exacerbated by the recent history of violent conflict, which places women in a second class where they are dependent on men and subservient to them. NGOs have recognized the centrality of this problem not only to addressing SGBV, but to the very stability and prosperity of Timor-Leste. Empowering women and girls to live free from economic, social, and emotional dependency on men will benefit the entire society. Before that can be achieved, however, there is much to be done to better document and punish SGBV and to support victims in healing.

## Notes

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- 1 Beijing Declaration and Platform for Action, 2005, para. 112.
- 2 UNGA (1992).
- 3 AusAID ODE (2008).
- 4 UNGA (1993).
- 5 Roynestad (2003).
- 6 Hicks (2004).
- 7 NGO Working Group on CEDAW (2009), p. 69.
- 8 UN Special Rapporteurs (1999).
- 9 See UN Special Rapporteurs (1999); ICIET (2000); Amnesty International (2001); KPP HAM (2000); McDonald et al. (2002); FOKUPERS (2000); Godinho (2001).
- 10 Belo (2001).
- 11 Eaton (1999).
- 12 UN Special Rapporteurs (1999), para. 46.
- 13 CAVR (2005).
- 14 CAVR (2005), p. 109.
- 15 CAVR (2005), p. 109.
- 16 Hynes et al. (2004), p. 294.
- 17 FOKUPERS (2000).
- 18 AFP (2000).
- 19 TKTB (2000).
- 20 Farsetta (2001).
- 21 AFP (2000).
- 22 Winters (1999).
- 23 CAVR (2003).
- 24 CAVR (2003), p. 56.
- 25 Ranked 163 in the world out of 193, according to CIA (2008).
- 26 UNDP (2006), p. 2.
- 27 Sissons (1997).
- 28 Boudre (2004).
- 29 WHO (2001).
- 30 UNDP (2002).
- 31 Carey (2001), pp. 255–65.
- 32 Based on FOKUPERS information and anecdotal data; see Peirera (2001); O’Kane (2001).
- 33 Peirera (2001). The IRC report did not find an increase in violence, suggesting that high levels of violence in the home may have been masked by the occupation.
- 34 RDTL (2008), p. 19. See also TLAVA (2009).
- 35 RDTL (2008), p. 19.
- 36 Annual data will now be available from the UN secretary-general’s database on violence against women Timor-Leste country page (UNSG, 2009), but full VPU data from 2000 to 2009 is not publicly available.
- 37 JSMP (2005a; 2005b).
- 38 UNFPA (2005), p. 13.
- 39 TLAVA (2009), p. 1.
- 40 AusAID ODE (2008), p. 197.
- 41 JSMP (2004).
- 42 NGO Working Group on CEDAW (2009), p. 64.
- 43 JSMP (2004; 2005a; 2005b).
- 44 Joshi and Haertsch (2003); Swaine (2003).
- 45 Hynes et al. (2004), p. 294.
- 46 Joshi and Haertsch (2003).
- 47 Swaine (2003), p. 17.
- 48 Swaine (2003), p. 13.
- 49 Joshi and Haertsch (2003); Hynes et al. (2004).
- 50 Murdoch (2006).
- 51 Kearney (2007).
- 52 UNSG (2006), para. 99.
- 53 AFP (2009).
- 54 Alola Foundation (2004).
- 55 Horta (2009).
- 56 Alola Foundation (2004).
- 57 CEDAW (2009), para. 32.
- 58 Timor-Leste has not yet signed the UN Convention Against Transnational Organized Crime.
- 59 CEDAW (2009), para. 32.
- 60 Draft in English available only from the JSMP Web site: <<http://www.jsmp.minihub.org>>.
- 61 Including rape, sexual assault, incest, and child abuse.
- 62 UNSG (2009).
- 63 Indonesian Penal Code, note sec. 285.
- 64 UNTAET had full discretionary powers over the justice sector at this time.
- 65 UNTAET Regulation 30/2000.
- 66 JSMP (2003), p. 7.
- 67 JSMP (2004), p. 9.
- 68 JSMP (2005a), p. 5.
- 69 JSMP (2001).
- 70 Hohe and Nixon (2003).
- 71 Amnesty International (2001), p. 42.
- 72 Amnesty International (2001), p. 42.
- 73 Joshi and Haertsch (2003).
- 74 Swaine (2003), p. 3.
- 75 Swaine (2003), p. 3.
- 76 Amnesty International (2001), p. 42. Other Timorese feminists think that reforming traditional justice to be human rights compliant is the only practical way forward for women to access justice.
- 77 AusAID ODE (2008), p. 110.
- 78 CEDAW (2009), para. 23.
- 79 AusAID ODE (2008), p. 110. See the Men Engage Network.
- 80 AusAID ODE (2008), p. 110.
- 81 AusAID ODE (2008), p. 111.
- 82 AusAID ODE (2008), p. 111.
- 83 CEDAW (2009).
- 84 NGO Working Group on CEDAW (2009).
- 85 UNFPA (2005).
- 86 AusAID ODE (2008).
- 87 Styles-Power, Hamilton, and Hall (2008).
- 88 Decree-Law No. 5/2004, para. 30.
- 89 CAVR (2005).
- 90 CEDAW (2009), para. 47.

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- Parker, Sarah. 2008. 'Commentary on the Draft Arms Law in Timor-Leste.' *East Timor Law Journal*. Available online in English, Tetum, Indonesian, and Portuguese. <<http://www.easttimorlawjournal.org/Articles/Index.html>>
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### Issue Briefs

- Number 1, October 2008  
*Dealing with the kilat: an historical overview of small arms availability and arms control in Timor-Leste*
- Number 2, April 2009  
*Groups, gangs, and armed violence in Timor-Leste*
- Number 3, June 2009  
*Electoral violence in Timor-Leste: mapping incidents and responses*
- Number 4, October 2009  
*Tracking violence in Timor-Leste: a sample of emergency room data, 2006–08*

## TLAVA project summary

The Timor-Leste Armed Violence Assessment (TLAVA) is an independent research project overseen by ActionAid Australia (formerly Austcare) and the Small Arms Survey. Designed in consultation with public and non-governmental partners, the project seeks to identify and disseminate concrete entry points to prevent and reduce real and perceived armed violence in Timor-Leste. The project functions as a Dili-based repository of international and domestic data on violence trends. From 2008 to 2010, the TLAVA is to serve as a clearinghouse for information and analysis with specific focus on:

- the risk factors, impacts, and socioeconomic costs of armed violence in relation to population health—particularly women, children and male youth, and internally displaced people;
- the dynamics of armed violence associated with 'high-risk' groups such as gangs, specific communities in affected districts, petitioners, veterans, state institutions, and potential triggers such as elections; and
- the availability and misuse of arms (e.g. bladed, home-made, or 'craft' manufactured) as a factor contributing to armed violence and routine insecurity.

The project's objective is to provide valid evidence-based policy options to reduce armed violence for the Timorese government, civil society, and their partners. The project draws on a combination of methods—from public health surveillance to focus group and interview-based research—to identify appropriate priorities and practical strategies. Findings are released in Tetum and English. TLAVA *Issue Briefs* provide timely reports on important aspects of armed violence in Timor-Leste, including the availability and distribution of small arms and craft weapons and election-related violence.



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