



Progress in legislating domestic violence and gender based violence in Timor-Leste

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Abstract

The present situation in Timor Leste can only be understood in the historical and cultural context of prior political subjugations. Gender violence is a domestic and community reality in Timor-Leste. It existed in Portuguese colonial times, during the invading Japanese occupation in 1942, during the revolution of 1974, in the 24-year of occupation by Indonesia, which left 180,000 dead and 40% of women and girls as survivors of rape or sexual assault, and since 1999 post-conflict until Independence. Further violence since independence occurred in Dili, the capital, in 2002, 2005, and intensively in 2006, 2007 and 2008. Today, new engines for DV (Domestic Violence) and SGBV (Sexual and Gender-Based Violence) have replaced the previous subjugations of colonialism and military occupations. This paper gives an in-depth analysis of the DV and SGBV outstanding issues, challenges, development and prospects. For the world's newest nation, much progress has been made in legislation promulgated since the restoration of independence in 2002. Now the need is for these various platforms of action to be pervasively socialised with all the citizens of Timor-Leste and for sustainable funding to be made available to achieve these goal. Despite these problems Timorese women have been granted legal empowerment and so been given hope for a better life.

Keywords: domestic violence, gender violence, legal empowerment, sexual and gender-based violence, Timor Leste, women empowerment

“For it to be honest, the Constitution of Timor-Leste should say there is one queue or process for the big important people and another for the small ordinary people. At least then it would be transparent.” Comment from Participant in the “Legal Systems Monitoring Training” sponsored by UNMIT’s HRTJS, 3-11 June 2010.

Introduction

Timor Leste, formerly known as East Timor, was colonized by the Portuguese in the sixteenth century. It lies north of Australia and to the east of the Indonesian archipelago. In late 1975 East Timor declared independence but was invaded and occupied by Indonesia the following year. It became the first new sovereign nation of the 21st century on May 20th 2002 after a violent struggle against the Indonesian militias. It has a population of just over one million and in 2010 was 120th on the United Nations Human Development Index.

The adoption of the Law Against Domestic Violence (Law No. 7/2010) on 3 May 2010, was a significant human rights achievement. The law supplements the provisions in the Timorese Criminal Code which came into force in June 2009 that make domestic violence a public crime and provisions in the Law on Community Authorities (Decree Law No. 5/2004) that require

village chiefs (*chefe de sucos*) to promote awareness of and prevent domestic violence. The State is obliged to investigate and prosecute crimes of domestic violence whether or not the victim files a complaint.

The law defines domestic violence broadly to include physical, mental, economic and sexual mistreatment. It provides protection to family members, including spouses and ex-spouses, ascendants/descendants and domestic workers.

Under the law, victims of domestic violence will be eligible to receive rehabilitative services, including shelter access, legal representation, medical and psychological assistance, and emergency maintenance provisions. Police officers are obligated to investigate domestic violence cases, refer victims to legal and medical services and keep them informed of the status of their cases. They must file a report with the Office of the Public Prosecutor within five days of receiving information about the case.

The law requires the Government to develop a system of services for victims, create a National Action Plan against Domestic Violence, provide training and public awareness programs and incorporate information about domestic violence in school curriculum.

Economic aspects of domestic violence, such as thefts and property damage, and acts of threat and coercion that are included in the scope of the definition of domestic violence are not linked to specific provisions in the Criminal Procedure Code. Finally, the passage of legislation cannot ensure the enforcement of the law, particularly when other key pieces of the legal framework, such as the law on traditional justice mechanisms, are not yet in force'.

Overview

The present situation in Timor Leste can only be understood in the historical and cultural context of prior political subjugations. Gender violence is a domestic and community reality in Timor-Leste. It existed in Portuguese colonial times. Instilling it was part of the patriarchal control of the many by the few. Physical violence as punishment was directed at men and boys; the expectation of a 'soft pillow' on district travel by colonial administrators, foreign merchants and traders, resulted in the sexual exploitation of women and girls.

The invading Japanese forces in 1942 imposed forced labour, torture, execution, rape and sexual slavery on the Timorese. During their brief occupation ending in 1945, more than 40,000, possibly as many as 60,000, died.

After WWII Portugal returned but with the carnation revolution of 1974, they precipitously withdrew from East Timor after over 450 years of colonial hegemony.

This was followed a year and a half later by the invasion and 24-year occupation by Indonesia, which left 180,000 dead and 40% of women and girls as survivors of rape or sexual assault. The final destructive violence in 1999 by the Indonesian TNI and their 22 militias against women and children and property is well documented.

Post-conflict insecurity since 1999 has been continuous; it has impacted particularly on women and girls. Further violence since independence occurred in Dili, the capital, in 2002, 2005, and intensively in 2006, 2007 and 2008. New engines for domestic violence and SGBV (Sexual and Gender-Based Violence) have replaced the previous subjugations of colonialism and military occupations.

Preventing and reducing violence in East Timor: Assessing risk factors

In preventing and reducing violence in East Timor pertinent issues that need to be addressed include: Why do the case numbers continue to increase? What remedies are presently in place, how they can be improved to mitigate the risks and socio-economic costs? Do the caseload

increases reflect the persistent lack of physical and economic security since independence? What contributory role do prostitution, drugs and human trafficking make?

Sexual assault, rape and much domestic violence are not about sex, but about power and control. Sometimes force or arms are used, but violence is perpetrated to provoke feelings of insecurity, in the domestic or public realm, against those perceived to be less strong – by size or age and often by gender.

Preventing and reducing violence in East Timor may benefit from the existence of positive variables in law and policy. These include the following facts:

- i. Timor-Leste Constitution guarantees gender equality (2001); that international conventions relating to gender, DV (Domestic Violence) and SGBV (Sexual and Gender-Based Violence) have been adopted, especially UN 1325; that CEDAW review recommendations are being incorporated in legislative, policy and planning frameworks.
- ii. Village Councils and Community and Sub-District police are responsible for enforcing laws to reduce DV and SGBV. (Local Authorities Law 5/2004)
- iii. Commission on the Rights of the Child. (Established 2009)
- iv. DV is a public crime and must go through formal justice. (Penal Code, June 2009) Witness Protection. (Penal Code, June 2009)
- v. DV legislation, Law 7/2010, (3 May 2010: passed unopposed in Parliament & promulgated 21 June 2010 by President Jose Ramos Horta)
- vi. Policymaking and stakeholder services do seek to protect survivors through forensic, medical and psychosocial support, legal advice and trauma healing.
- vii. Advocacy organizations and NGOs providing support include civil society networks and an increasing number of government and NGO sponsored safe houses for women and children.

In contrast, negative variables for survivors also exist. These include the following:

- a) Legal and medical services are inconsistent due to lack of capacity and sustained funding, especially outside Dili, the capital.
- b) The Vulnerable Persons' Unit – VPU (made up of Timor National Police – PNTL – and United Nations Police – UNPol) receives reports of three cases per day in Dili District. The estimate is that for each reported case, there are at least 10 unreported cases.
- c) Poor communication: part is down to new comers, poor or no handover, lack of coordination between those working in the Ministries, UN agencies, National NGOs and the VPU.
- d) There has been no information to VPU National about the proposed UNFPA/Ministry's Department of Social Services integrated women's and children's victim database, or about the integration of these data base systems.
- e) The VPU records are incomplete and flawed. Lack of capacity and funding has prevented activating a VPU database.

At present the VPU is never able to follow through with cases once they are sent to the Prosecutor's Office, which has to be done within 72 hours of a reported incident, so they never know any results. It is not known whether the case went forward, if the perpetrator was arrested, indicted, went to trial, was convicted or not. Unless they continuously check up with victims, there is also no way to know whether they have sought and received support at all, of what kind and whether or not it has been beneficial.

Prospective policy and planning: VPU reporting, recording, monitoring and evaluation

The planned VPU database will record the following important items:

- i. The type of abuse, give a clear definition/report of the actual injury: verbal abuse, pushing and shoving, assault, sexual assault, and the extent of the abuse. Recidivist offenders.
- ii. Women who suffer serial attacks and who do not leave abusive relationships.
- iii. Patterns of serial attacks on the same person, whether by the same perpetrator or different perpetrators.

The new data base will be stand alone for VPU and the results will mean that it will no longer be UNPol driven, but rather controlled by VPU, making it able to be responsive and to follow through with cases until they are closed. It will also be possible to reverse the trend that has been reported from some districts to VPU National, where double zeros are consistently reported in order to give the impression that "they are doing a good job".

In some districts the cases are simply not reported, or they are referred back to the family for *adat* mediation, because the "judicial process has such a backlog, there will be long delays" for the application of formal justice. There are meant to be monthly reports from each District. If there was accurate reporting VPU National could have better management of resources and give support to PNTL and VPU Units in those districts where the incidents of SGBV (including child assault) and DV are higher.

As can be expected, there are legal challenges that must be grappled with. These include:

- a) Shortcomings in formal Justice: there are only four district courts and insufficient numbers of judges, prosecutors and public defenders.
- b) The traditional justice system is not gender sensitive, and violates the human rights of women and children.
- c) The weak formal and traditional justice systems result in impunity and continue to need remedy.
- d) There is unequal access to justice, the courts and remedy for women, children and marginalised groups – such as bi- and single-sex partnerships.
- e) Use of Portuguese in formal justice although this is now being challenged with the introduction of "legal Tetum".
- f) The impact of polygamy on DV (Domestic Violence) and SGBV (Sexual and Gender-Based Violence) cases.

New challenges: Gendered factors in the rise of DV/SGBV

New set of challenges set to confront any effort at combating domestic violence and sexual and gender-based violence in Timor Leste. These include the following:

- a) Rural to urban drift, especially of male youth further separated men and women in their traditional roles and expectations.
- b) Male youth membership in gangs and martial arts groups also contributed to a rise in tensions.
- c) High levels of male youth unemployment.
- d) Increasing alcohol abuse and street drug use.
- e) The associated and growing phenomena of prostitution and trafficking, with the attendant geometric rise in cases of STDs and HIV/AIDS.
- f) Male social jealousy as an outcome of urban crowding and mounting urban poverty

resulting in property and land ownership disputes.

These mounting challenges were joined by a security crisis within the army and between the army and the police, leading to anarchy and the collapse of the rule of law and justice in early 2006. The first government fell in June 2006 and International Security Forces intervened at the request of the second government – another ‘occupation’ to restore law and order, compromising the post independence attempts to build unity.

In a copycat repeat of 1999 violence and destruction, public buildings and houses were burned and ransacked and upwards of 150,000 people were displaced into over 65 IDP (Internally Displaced People) Camps. The last IDP Camp closed in August 2009 but the ‘transitional shelters’ only closed in February 2010, 15 times longer than the July 2006 UN and Government’s optimistic projected crisis resolution in “just three months”.

The numbers of DV and SGBV cases during and after the IDP crisis rose. The causes are intrinsically related to changing social relations, family breakdown, a destruction of trust and economic hardship, as will be detailed below.

IDP camp closure, gender inequality, DV and SGBV

The goal of humanitarian assistance in Timor-Leste during the crises of 2006 – 2010 became increasingly focussed on IDP camp closure, with the assisted return of IDPs to their communities or to alternative living situations. At least four main issues pertain to the closure of the IDP camps, namely, unresolved issues relating to “unwanted” pregnancies, gender and debt: the exacerbation of domestic violence, gender and government payments to returning IDPS, and schooling in Dili.

(1) Unresolved issues relating to “unwanted” pregnancies

Cases of forced sex, sexual assault and rape were reported in the early months of IDP life, as were instances of “unwanted” pregnancies from these incidents. There was a lack of privacy in two family tents: women reported DV, which they attributed to drunkenness, due to their withholding marital relations. *De facto* family separation and breakdown often occurred as a result of camp life; polygamy was reported rising and was also an issue in DV cases. Family separation led to other types of “unwanted” pregnancies from ‘boyfriend-girlfriend’ relationships in the unusual and exceptional circumstances of camp life.

This separation of family members combined with the closure of many schools for several years. The result was a breakdown of settled domestic life and a rupture in the established routines and patterns of school and work. When schools re-opened, the economic burden of parental unemployment and constrained domestic finance foreclosed educational opportunities for many IDP youth. There was no possibility of resuming schooling: it was too expensive.

New friendships naturally formed in the IDP camps: traditional pressures and reinforced values exerted by parents, neighbours and the community under ‘normal’ times were gone. Mothers could not be everywhere all the time. There was a lack of consistent pastoral care to supervise and protect their daughters. Pregnancies occurred. These children began to be born in the period before the cycle of elections started in 2007. More pregnancies occurred, with some young women coming forward with one child and a second unwanted pregnancy as they left the IDP camps.

This had several social outcomes for all concerned. In many cases, the boyfriend and his family stated, “He is too young to marry: he is only a student; he cannot assume responsibility for the young woman and her child/children”. Some deny paternity. The family of the young women has a loss, in the sense that the prospect of *barlake*, bride-

price dowry, traditionally paid to the bride's family, is foreclosed unless the young man and his family agree to make a payment through traditional mediation in *adat*, non-formal.

These young women have not completed their education and have no skills: prospects for further education and training are complicated by the responsibility they have for their infants. They return to their birth families with their dependent children and thus constitute an additional burden to their families in the context of ever-scarcer resources. At IDP camp closure their situations were even more insecure. Where were they to go and what could they do to support themselves? Some have turned to sex working.

Women's Committees formed by *Rede Feto*, the Women's' Network NGO, did much to change reactive to pro-active camp policies and planning. Subsequent media campaigns using posters, theatre performances and targeted radio programmes in the IDP Camps on DV, SGBV and trafficking also played an important role in reducing violent incidents.

(2) *Gender and debt: the exacerbation of domestic violence*

As the IDP camps closed, stall owners called in debts for payment. Many women IDPs had asked for goods on credit: in some cases the amount owed was more than \$200. Women had every reason to fear as the kiosk owners reported the magnitude of these debts to unknowing husbands or partners. Women assumed and had hoped that part of the return packet provided by the government could be used for debt settlement with the kiosk owners.

Some men become drunk and there were reported instances of domestic violence against women and their children that were alcohol related, due to such debts. The dependency culture of IDP camp life was never mitigated by humanitarian assistance, but rather a stark feature and outcome of it. This dependency created a destructive dynamic of gendered family mistrust. This mistrust remained unresolved. These resentments accompanied family members as they resettled. Women were deprived of access to return payments, by report, either to use for debt repayment or to assist themselves and their children to resettle after leaving the IDP Camps. Some women with children were abandoned.

(3) *Gender and government payments to returning IDPs*

The recurrent distribution of food and non-food items, the provision of electricity, water, sanitation and tents in the humanitarian assistance to IDPs ended with camp closure. The settlement offered by the government to returning IDPs was paid to the male heads of households. The incidents of polygamy increased with men's access to this cash. This led to poor family relations, loss of trust, men refusing familial responsibility, and the abandonment of women and children, causing broken families.

Women IDPs often experienced mental health problems, psychological stress, loss of dignity and confidence, economic insecurity and DV. There were cases of men disappearing with these resettlement funds, as in one instance where a man abandoned his wife, seven children and two minor dependents. The numbers of these cases grew, as there was nothing to constrain them, creating an increased burden on state services.

The sharp rise in the purchasing power of men was also reflected in the acquisition of large numbers of taxis and motorbikes, rather than in repairing houses. This was tangible evidence of the misuse of resettlement funds by men. Cock fighting, gambling, the consumption of alcohol and other gendered leisure pursuits also markedly increased, as did the incidence of DV against women and children. Gendered quarrels over access to money and its use were reported by women in many DV cases. As the resettlement funds

were not being used for shelter, homelessness resulted, creating more gender tension and further hardship, particularly for women and children.

Under a Ministry of Social Solidarity scheme, promulgated for 'security reasons' for the Eastern Districts, the resettlement payments were paid into banks in Baucau and Viqueque. There was no socialization of the policy in advance of the payments to indicate the possibility of women being joint account holders, or sole account holders in the cases of female-headed households. This presented a particularly gendered disequilibrium for women as wives, women who were heads of households and women as grandmothers who had responsibility for dependent daughters with children or "unwanted" pregnancies. The need for gender parity in these resettlement payments was raised and discussed but did not become part of the planning and policy decision-making.

(4) *Schooling in Dili*

Other aspects of gender abuse, particularly domestic violence were exacerbated by the 2006 crisis. Insecurity and inflation served to breakdown the regular visits between parents living in the more inaccessible rural areas or in Oecusse and the male and female children they sent to Dili for schooling. This has particularly impacted on minor female children as illustrated by the case below.

In 2004 a girl of eight was sent by her parents to begin primary school in Dili. Before the crisis, the girl and her brother, a secondary school student, also sent to Dili, had some contact with their parents. The girl lived with two women, one a distant relative. She had no contact with her parents between 2006 and 2008, because of the IDP crisis and financial constraints. During the crisis, as the girl was older, more and more demands were made for her to shop, to clean, to do the laundry and to cook food. When she protested that she wanted to go to school, she was told to do the work. She resisted increasingly and was regularly beaten. She was taken into care after her rural parents were made aware of the seriousness of the situation and with their consent.

Increased vigilance is still needed regarding forced domestic servitude and child labour abuses, domestic violence assaults on children and potentially more serious sexual violence or trafficking risks with rural children being schooled in Dili.

Human rights, gender rights and violence

Impunity for serious crimes of violence against the person and against property has increased in the last decade. This continuing experience of violence, through serial generations, inures young and old to it, by its very transmission. The newness of the state and its attendant political uncertainties has translated to the experience of violence of the new citizens of sovereign Timor-Leste who wait to see what will happen next. An overwhelming need for truth and justice over events of the past continues; this particularly conditions the presently expressed frustrations of sufferers of DV and SGBV, or those who attempt to assist them.

Controlling women and children through violence and the threat of violence has become a culturally accepted assertion of power by Timorese men. In part it is colonially inherited patriarchy well learned and reinforced by the memory of Indonesian violence. Freedom did not mitigate the perpetration or the acceptance of violence. It helped provide the stage for its reassertion, in part as a reclaiming of suppressed 'traditional culture'.

Gender power inequalities are perpetuated at home, at school, at work and at church: 'traditionally' men earn, women serve. Its revival is socially reinforced by *barlake* payments at marriage whereby gender inequality is exacerbated by the unequal payments linking families, not just at the marriage, but in all the subsequent life ritual obligations between the two families: as men give more, women are subsumed as 'property'. VPU reports in 2009 more than 3 DV cases

per day in Dili - 1,095 per year - and they calculate that for every case reported, at least 10 go unreported; 679 cases of SGBV were reported to the police. In 65 incidents involving children under the age of 18 reported to VPU between September 2008 and May 2009, 47 were female, 18 were male. The cases included: 23 rape or attempted rape, 5 incest, 10 other sexual assault, 16 DV and 11 other assault cases.

The lack of justice for female and child survivors of DV and SGBV is an unfortunate outcome of the formal justice system as well as the non-formal, traditional *adat* system. There have been cases of an indigent wife who suffered DV begging for the release of her convicted spouse, as she has no means to support herself and their children. So even with legal support, some women who suffer DV and SGBV withdraw their cases only to become serially assaulted. Also, in Timor-Leste, in divorce, the children go to the husband, not to the wife, part of the reason that women remain in violent marriages. In the future, changes in custody rules and the further economic empowerment of all women will be the most important antidotes. Recidivism by perpetrators in *adat* cases is very common.

Obstacles to formal justice

The language of the law and the courts is Portuguese, spoken by less than 10% of the population, making it difficult for legislators, for public knowledge and for public comment on draft legislation by civil society. It also presents special challenges in court for victims, witnesses – who enjoy no guaranteed protection – and for the accused. Most do not speak or understand Portuguese and therefore find the trial process incomprehensible and intimidating. Meeting the costs of travel, accommodation and food particularly challenges the will of defendants.

There is free legal advice available through the Victim Support Service, VSS, of the Judicial System Monitoring Programme, JSMP, and until recently through *pro-bono* work by legal advisors for Avocats sans Frontiers and still from local Legal NGOs such as CEM in Baucau District, and FFSO in Oecusse District. Police for these reasons often encourage complainants to seek resolution through *adat* traditional justice.

There is growing perception by women that there will be change, however, as articulated in this statement, ‘There is also the opportunity to give protection to women through politics. Like a husband and wife, when the husband goes outside the house and does bad things, there is no law to help the wife. But now there is a representative [SEPI] for them through the inclusion of women in politics.’ Here in lies some hope.

Obstacles to formal justice may relate to *adat* practices regarding DV and SGBV and the the impact of prostitution, trafficking and STIS on DV/SGBV:

(1) *Adat practices regarding DV and SGBV*

The Community Authority law, 5/2004, stipulates that the village and hamlet chiefs are responsible for promoting the creation of mechanisms for DV prevention and supporting initiatives regarding the follow-up and protection of DV victims, and for the condemnation and repression of DV perpetrators in accordance with the gravity and circumstances of each case as well as their punishment and rehabilitation. Most DV and SGBV cases continue to go before the *adat* system of traditional justice.

The *adat* system seeks above all to mitigate public embarrassment, social shame and stigma for the perpetrator, to the detriment of the rights of survivors of DV/SGBV. This results in the perpetuation of cycles of impunity and further violence with little relief or support for female or child survivors as male-dominated decision-makers adjudicate fines to be paid by the male perpetrator to male relatives of the female or child victim.

Blame is often cast on her or on the child and most often, medical or psychosocial

support is not provided. Particularly if the survivor resides far from one of the four regional hospitals, the person is physically and psychologically unsupported. Increasingly if women are pregnant, they resort to abortion.

Although this *adat* system continues to be predominantly male dominated, before the October 2009 second local elections there were eight women village chiefs of 442; now there are 18. Since 2004/5 when, through positive discrimination, women were first elected to local government, some women village chiefs have deliberately sought paralegal training. Their view was better to understand both formal and traditional *adat* justice. They learned about the constitution, human rights, gender equality, the law, the systems of justice and procedural rules and regulations. This knowledge has empowered them to support women constituents who suffer gender-based violence and to command respect within their communities in these *adat* traditional justice leadership roles that have been, heretofore, the exclusive right of men.

Since 2004, many of the 1,360 women local council members were approached by women constituents, for support and advice over problems relating to DV and SGBV. To the extent that they have had transformational gender-based trainings on their roles and duties and on human rights, gender rights and justice, they are able to inform women of their rights in law. The women councillors can also advise how to access advocacy workers from NGOs, district-based gender focal points as well as other service providers, local hospitals and clinics for survivors of DV and GBV. But as the VPU Chief of Manatuto District PNTL emphasised, more socialization about human rights and gender rights with local administrators, legal authorities and traditional justice leaders at the community level is badly needed, to decrease incidences of DV. "In the past, men have always considered that the rights of men and women are not the same. This is the time of independence now. We need to educate people about human rights, and that women's rights are the same as men's."

(2) *The impact of prostitution, trafficking and STIS on DV/SGBV*

Lastly, brief consideration of the complex issues of prostitution, trafficking and STIs/HIV will be given in the context of DV and SGBV. Timorese and foreign men alike have exploited women in Timor-Leste for centuries. Increases in sex working since 1999 partly reflect the large number of arrivals of foreign men. They work in UN missions, international security forces and as foreign workers in agencies and NGOs and since 2007, also as construction workers, primarily from main land China.

Women sex workers cite DV, trauma from rape or sexual assault, unwanted pregnancy, abandonment or divorce and the resulting economic insecurity as the catalysts for entering sex work. The average age to begin was 17, although 2/3rds of those women surveyed began at age 14. Of male sex workers surveyed, half sex work due to economic necessity, half to supplement their other income; 3/4th were under 18. For both men and women under 18, this constitutes statutory rape.

Recent cases in 2009 of foreign pedophiles did not go to indictment or to trial, an indication of the vulnerability of minor aged sex workers and the impunity of the justice system.

The increasing client demand has also been met by more trafficking into Timor of Chinese from Guangdong and Fujian, Thai and Philippine women, whose pimps – often with organized crime involvement – are attracted by the dollar economy. The increase is partly reflected in 15 raids between 2001 and 2004. Despite UN mission zero tolerance policies, they do not work: recently when UNPol officers were found to be trafficking, their contracts were "withdrawn". The raids and UN policies served to deflect sex working off the streets, out of the brothels and into more call-ins, house-based, less-visible activity.

Two way extortion, by bar, club, massage parlor and/or brothel owners and operators and by the police, local security company guards and martial arts groups, all with overlapping memberships have contributed to rising cases of prostitution, drug use and corruption.

Both male and female sex workers experience violence and assert that abuse is a risk, both from clients, the military and the police. No cases have resulted in formal trials of traffickers, there has been no bi-lateral law enforcement, despite trafficking being a transnational crime and without anywhere safe to go, witnesses either return to sex work or leave Timor. IOM, UNHCR and the revived Anti-Trafficking Working Group have begun to implement the regional Bali process, to involve the Embassies in Dili of sending counties and to review for implementation human rights based protection services and to increase the numbers of safe houses and the information and access to these services.

To the extent that the 2006 crisis provided new opportunities for trafficking out of Timorese women and girls, one long-running case failed in court to send a definitive message, although the adoption of the anti-trafficking, anti-people smuggling and anti-organized crime statues in August 2009 will help, but only if properly socialized and enforced.

Sex workers and others note growing safety, health and medical issues. An Oecusse woman Councillor concerned about the growing health risk reported, "There is HIV/AIDS in Oecussi. It is with the youth and the prostitutes, and it also comes from border meetings with TNI, the Indonesian Army, and their former militias, and from people coming from Dili; there is AIDS in the UN."

Failure to use condoms by Timorese clients was reported by both Timorese and Indonesian male and female sex workers. They want monthly STI/HIV tests. They also want a safe house or Resource Centre where they can access condoms, alternate employment counseling, legal advice and assistance regarding their labour rights and immigration problems, as prostitution is legal.

The view is that many HIV cases are unreported due to ignorance and fear but outreach campaigns for Voluntary Counselling & Testing to adolescents and to the Security Forces and to sex workers have been initiated. The increasing incidents of DV and SGBV contribute to sex working as indicated above. Conversely sex working has also contributed to the increasing cases of DV and SGBV.

The positive involvement of women Councillors and women Village Chiefs must be noted. Many of them have deliberately assumed support, monitoring and reporting responsibilities as part of their remit; the assumption of such duties send a signal within their communities and to their women colleagues in the relevant Ministries and in Parliament.

Remedies

(1) Address discrimination and patriarchy

DV and SGBV is a threat to security: there is a need to reduce gender discrimination and to achieve a paradigm shift in attitudes about women's rights by improving civic education outreach for children and adults. This is being addressed by the early warning / early response programme of the INGO, Belun and through the joint government and NGO district-based monitoring and intervention network.

More training is needed through community workshops to stop violence against women and to promote child protection. This is being achieved through the gender responsive rights-based

agenda of SEPI; the UNIFEM handbook for Ministry gender focal points and by District DV/SGBV monitors, sponsored by the Alola Foundation.

Training in gender equality for boys and men at the *suco* level and in schools in all 13 districts needs to be intensified by the NGO Men against Violence – Mane Kontra Violensia. Additional training for men, women and children on the contents and meaning of the Constitution, CEDAW and the laws of Timor-Leste through funding from the Spanish MDG Achievement Fund. Training should target families, teachers, administrators, new *suco* councillors and prospective Metropolitan Assembly members and all political and policy stakeholders at the district and national levels to eliminate specific domestic and work-related discrimination.

Advocacy programmes are needed to promote equal opportunities for income generating and sustainable development through work and advocate the equal right to own land and property, as guaranteed by the Constitution.

(2) Improve respect for the rule of law and address perceptions of unpunished impunity, by improving the quality and quantity of human resources in the justice and security sectors

Mitigate corruption and extortion in the security services and pursue DV and SGBV perpetrators by enforcing the laws, strengthening investigation, supporting indictment, leading without undue delay to trial, sentencing and imprisonment without release or amnesty, to end the present impunity.

Promote accurate record keeping, filing and databases for DV and SGBV. Prioritize long term support for DV and SGBV services with integrated service provision, support for community networks for women and children to include improved data base record keeping by service providers, PNTL and VPU.

Advocate for truth seeking and justice to end impunity for the SGBV crimes of the occupation period, 1974-99, through Parliament's review of the Chega! Report's findings and recommendations submitted to them in 2005 and those of the Truth and Friendship Commission of 2008 as well as for DV and SGBV crimes perpetrated since 1999. Draft laws for the Public Memory Institute and the National Reparations Program 6 July 2010.

Address incidents of SGBV/DV by implementing paralegal training and employment in all 13 districts. The government commitment to invest in rural infrastructure, including access to lower cost telecommunications; improved roads, bridges and public transportation; health, education, water and sanitation service provision.

Provide village-based information outreach on health service provision and support for survivors of DV and SGBV in all 13 districts and for their access to effective formal and survivor-focussed *adat* justice, to be achieved through legal reform.

Support and publicise the IOM-Pradet community-based outreach on the new Anti-trafficking, Anti-people smuggling and Anti-organized crime law of August 2009.

Publicise UNICEF, the Global Fund and MOH campaign and training for village 'cascade' peer education for HIV/AIDS prevention and alcohol and drug prevention advocacy.

Roll out a comprehensive village-based grassroots campaign to disseminate the contents and meaning of the DV law.

Conclusion

The challenge to reduce DV and SGBV in Timor-Leste was taken up by the Third Women's Congress in 2008; by the appointment of national advocates in the campaign to eradicate violence against women and children; by SEPI and by the government (especially women parliamentarians) during each annual 16 days of Activism to eliminate Violence Against Women, in November and December; by UNIFEM; by UNICEF campaigns for child protection and by the

valuable contributions of many service providers and advocates in the NGO community.

For the world's newest nation, much progress has been made in legislation promulgated since the restoration of independence in 2002. Now the need is for these various platforms of action to be pervasively socialised with all the citizens of Timor-Leste and for sustainable funding to be made available to achieve these goal. Despite these problems Timorese women have been granted legal empowerment and so been given hope for a better life.

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