

TWENTY YEARS ON

TIMORESE WOMEN'S ONGOING STRUGGLE TO BE FREE FROM VIOLENCE



Learning Consortium Knowledge Series:
Learning for Transformation to End Gender-Based Violence

Learning Consortium Knowledge Series is a series of publications based on the findings of a collective 'learning by doing' project, to eliminate gender-based violence in Timor-Leste led by AJAR, FONGTIL and ACbit

Twenty Years On: Timorese Women's Ongoing Struggle to be Free from Violence,
is a product of joint research with the members of the Learning Consortium and students of the Human Rights and Social Justice School.

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Woman from Suai Loro, Timor-Leste/United nations Digital Asset management System/UN7652984

About the Learning Consortium:

With a total of 23 members, the Learning Consortium was established in February 2021, with the aim of strengthening learning for behavioural change, creating policies and transforming culture to end gender-based violence in Timor-Leste. Through exchanges, reflections and learning together, the Consortium organised trainings, workshops, virtual visits (via Zoom), and mentoring programs, and produced manuals on key themes and best practices. The ‘learning by doing’ project was supported by the UN Women Spotlight Initiative.

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Table of Contents

Executive Summary 2

1 Introduction 4

2 Violence against women and impunity 10

3 Methodology 12

4 National contexts: Legal frameworks and trends 14

- National trends of violence against women and girl 22
- Municipal level structure to end discrimination and violence against women and girls 23
- Local governance structure, duties and competencies 24

5 Invisibility and silencing: Snapshot of 4 vulnerable groups 26

- Women and girls with disabilities 28

- Adolescent girls and young women in rural areas, especially single mothers 29
- Womensurvivors of sexual and other gender-based violence during the occupation 30
- Lesbians and bisexual women, and transgender woman and transgender men 32

6 Key findings from Suco-level research 34

7 Recommendations 64

- To the Municipal-level administration 66
- To Chefe Suco and Chefe Aldeia, and Suco Councils 66
- To Government at national level 67
- To National Parliament 67
- To justice sector specifically 68
- To health sector specifically 68
- To the Catholic Church 68
- To Timorese NGOs and civil society organizations 70
- To Timorese media, including social media companies 70
- To international civil society organizations, United Nations agencies, and donors and development partners 70

Annex 70

- Annex 1: Summary of relevant competences of Chefe Suco, Chefe Aldeia and Suco Council. Law 9/2016 Law of Sucos 72
- Annex 2: List of workshops 74
- Annex 3: List of national-level interviews 76
- Selected References 78

Twenty Years On: Timorese Women's Ongoing Struggle to be Free from Violence

Executive summary

Twenty years on from the restoration of independence and the promise of equality and freedom, women and girls in Timor-Leste are facing an epidemic of violence. The levels of violence are among the highest in the world, but this epidemic is largely silent and invisible.

Violence starts in the home, and most women live alongside the perpetrators. Traditional patriarchal norms, along with male-dominated customary practices, silence women and girls in Sucos and Aldeias, building a culture of stigma that surrounds survivors who come forward for justice and help.

2

Despite two full cycles of the National Action Plan on Gender-Based Violence (NAP GBV), and a decade since the Penal Code criminalized domestic violence, and a specific Law on Domestic Violence (LADV), many Suco leaders reflected on how violence continues to limit women's and girls' ability to "*ukun an*", or achieve self-determination, in their own lives.

This report is intended as a practical tool for Timorese activists, advocates and organizations as well as local authorities and government officials and workers at all levels. It is based on participatory action research conducted by 23 NGOs in 21 Sucos, across ten municipalities. It also builds on the work of important previous studies by government agencies and Timorese civil society, as well as academia and United Nations agencies. Based on this research, we identify a number of core findings.

- Up until today, the continuing stigma and exclusion of victims of historic gender-based violence during the Indonesian occupation heavily impacts the lives of survivors and their families. This impunity also contributes to the fact that women and girls today experience a wide range of violence, mainly in the family setting. Root causes are deeply entrenched, especially in more remote rural communities isolated from information and services.

Despite the deep social and economic impact of violence that reverberates across communities, the issue remains largely invisible to national decision-makers due to poor reporting, among other factors.

- Women and girls experience high level and many forms of violence in villages, with most though not all of it committed in the family setting.
- Invisibility and silencing of women survivors creates fertile ground for ongoing impunity and violence.
- There are substantial obstacles to preventing and addressing violence against women and girls in villages. Some innovative approaches are emerging, namely the important contribution of Rede Referral. But impunity is nurtured, and thus violence cultivated. *Lisan*, customary justice, still plays a major role in many communities in case of public crimes of violence against women and girls, especially in rural areas. Overseen by mainly male gatekeepers, the *Lia Na'in*, this contributes to the obstacles.
- There is progress in the response at village level to cases of violence against women and girls but Suco-level structures are overwhelmed and under-resourced. There is an important potential at Suco-level for empowering survivors, modelling non-violent behaviour, reporting and referrals. Many Suco Councils are not clear on their mandate and competency to be involved in social program work, like promotion of gender equality, prevention of domestic violence and support for survivors of domestic violence. Innovative programming and long-term resources must be enabled to bring services and prevention down to the Suco-Level.

Transformative steps should be aimed at the areas which can have the greatest impact for women and girls who face the greatest risks. Based on the Suco workshops and interviews, this report makes a series of recommendations to engage Suco-level actors to become the vanguard for preventing and combating impunity for violence against women.



01



Introduction

A woman at an 'Orange the World' rally holds a sign saying 'its's time to speak out.' United Nations Photo, November 2018

1

Introduction

Twenty Years On

Twenty years on from independence, women and girls in Timor-Leste continue to face some of the highest levels of gender-based violence in the world. In villages, this violence is a silent epidemic, as stigma, shame and taboos are punishing victims and giving a free pass to perpetrators, fueling ongoing cycles of violence. Despite major policy and program commitments to eliminate discrimination and violence against women and girls, the evidence tells us that these are not working in most communities, while women and girls in rural communities are facing severe risks with less support.¹

6

The legacy of widespread and systematic sexual violence throughout the Indonesian occupation - by Indonesian soldiers and Timorese militia - continues to be felt in communities across the country. Many women survivors, and their children, languish without adequate support, and communities have seen that there are no consequences for perpetrators of this violence. While perpetrators enjoy impunity, stigma for victims and their families continues.

1. In 2020, Timor-Leste was ranked 117 (out of 153 countries) in the Global Gender Gap Index published by the World Economic Forum [Footnote: Global Gender Gap Report 2020. World Economic Forum. Timor-Leste country pages 335-6. https://www3.weforum.org/docs/WEF_GGGR_2020.pdf]

In the two decades since the restoration of independence, gender-based violence in Timor-Leste occurs mainly in the household, perpetrated by husbands, boyfriends, fathers, brothers and uncles. When the perpetrator of violence is not an intimate partner or relative, he is often a neighbor known to the woman or girl. In villages, women and girls usually live with, or nearby, their perpetrators. Similar to the past, silence surrounds this violence, which protects the perpetrators from consequences and allows them to continue their violence while others see it as normal.

Women and girls who wish to come forward face shame and stigma - with the fear of exclusion from family, and small, tight-knit communities. Economic dependence on perpetrators and their families makes action even more difficult. The legal system and support services are often distant, a remote promise of protection. Customary practices that exclude women from decision-making further marginalise women and girls. Women and girls also face violence outside the home, including high levels of sexual violence.

This report delivers a picture of the experience of women and girls in Aldeias and Sucos confronting violence on a daily basis, and the efforts of local authorities, organisations and communities to prevent this violence, as well as facilitate assistance for survivors. If Timor-Leste is to live up to its promise to eliminate discrimination and violence against women and girls, it must do much more to help villages, especially rural communities deliver transformative change. A consortium of 23 NGOs dedicated to ending violence against women conducted research to take a snap-shot of challenges and achievements at the suco level. Through workshops and interviews with Suco and Aldeia Chiefs, as well as other members of Suco Councils, we looked at how cases of violence, especially domestic violence, are dealt with when survivors come forward.

02





Violence against Women and Impunity

A family on the border between Timor Leste and Indonesia,
United Nations Photo, July 2012.

2

Violence against women and impunity

In 1993, the UN General Assembly made the UN Declaration on the Elimination of Violence Against Women. This violence is defined in Article 1 as:



“Any act of gender-based violence that results in, or is likely to result in physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life”

10

The Declaration further states that violence against women is a result of gender inequality and discrimination. Historically unequal power relations between men and women lead to men’s domination over women, and the prevention of women’s advancement. Worldwide, violence against women is increasingly recognised as both a public health problem and a human rights violation.²

In March 2000, in the early days after the end of the war and occupation, the Timorese women’s movement held its first ever national congress and identified violence against women as one the most significant problems facing the country. They identified the legacy of 24 years of systematic and widespread violence against

2. The term “gender-based violence” (GBV) is violence directed against a person because of their gender. Gender-based violence is a more inclusive way of looking at how gender roles can be used to target violence towards women and men. GBV usually refers to women victims, but can include violence against men, for example, men and boys may be targeted during conflict; women are targeted for rape and other forms of sexual violence, or LGBTQI people may also be targeted to violence due to their gender. In this report, we use GBV and VAW interchangeably.



women and girls throughout the Indonesian occupation, as well as the ongoing problem of violence in the home.³ More than 20 years later, violence against women and girls continues to be part of everyday life in families and village communities across the country.

Participants in all 21 Sucos identified the family as the place where this violence most commonly occurs, and reported that the level of domestic violence had not reduced in the last 20 years even though there were now more legal tools to deal with it. This is consistent with the few major statistical studies since independence. Since 2008, PNTL has consistently identified domestic violence as the primary security challenge facing them in the localities in which they work.⁴

3. The Women's Movement in Timor-Leste and Potential for Social Change. Sarah Niner and Hannah Loney. Cambridge University Press, online. 13 June 2019.

4. 2018 Timor-Leste Community-Police Perceptions Survey Thematic Brief: Safety and Security. The Asia Foundation. Paragraph 2.3. <https://asiafoundation.org/wp-content/uploads/2021/09/Timor-Leste-Community-Police-Perceptions-Survey-Thematic-brief-safety-and-security.pdf>



Impunity

According to the UN, impunity is “the impossibility, *de jure* or *de facto*, of bringing the perpetrators of violations to account,” (UN Impunity Principles, 2005). Impunity means perpetrators of violations are not subject to any inquiry that might lead to their being accused, arrested, tried and, if found guilty, sentenced to appropriate penalties, and to making reparations to their victims.

The UN Impunity Principles highlight the obligation of states to take effective action to combat impunity—as impunity is a direct result of the failure of the state to investigate violations, and deliver justice to victims of human rights violations. The principles also highlight victims’ right to acknowledgement, the right to justice, to repair their lives and to be guaranteed that these violations will not be repeated. Although the UN Impunity Principles refer specifically to human rights violations, the principles can inform us in our work with survivors of gender-based violence

This paper defines two forms of impunity in Timor-Leste, based on insights from the Suco research.

- **Legal impunity**
when the official legal system fails to investigate, prosecute or adequately

punish those responsible for violence against women and girls.

- **Cultural impunity**

when a range of social, economic and cultural factors contribute to allowing violence against women and girls to keep occurring, without holding male perpetrators to account or protecting and empowering women and girls.

Legal and **cultural impunity** are interconnected, and create the conditions which allow perpetrators to continue their violent behaviour. They contribute to a culture that normalises violence against women and girls within the family and the community, including the norm that violent men face no consequences. Both forms of impunity for violence against women and girls have deep roots in Timor-Leste.

03





Methodology

Avo marta of Suai Loro Timor-Leste, stands in front of her traditional house. UN Photo/Martine Perret.

3

Methodology

The primary methodology of this report is Suco-level participatory action research workshops and interviews. This was complemented by selective national-level interviews and secondary research into key laws of Timor-Leste, official datasets, government policies, strategies and action plans, as well as Timorese and international civil society and United Nations surveys, reports and planning documents. The research was conducted by Learning Consortium members as part of the UN Women-supported Spotlight Project.

- **Suco participatory action research (PAR):** in January and February 2022, 754 people, 393 women and 361 men, participated in 21 Suco workshops, each facilitated by a member of the Learning Consortium. Participants ranged in age from 16 to 75 years, and included women survivors of violence, women and men Chefe Sucos, women and men Chefe Aldeias, and other women and men members of Suco Councils, including *Lia Na'in* and youth delegates, catechists and other religious representatives and members of village communities. In some workshops members of the Suco Police/PNTL, district representatives of the Ministry of State National Suco Development Program (PNDS) and sub-district municipal officials.
- **Suco interviews:** In addition to the workshops, a team of researchers conducted 51 interviews in the 21 Sucos with women survivors of conflict-era and contemporary violence, women and men Chefe Sucos, women and men members of Suco Councils including women and men Chefe Aldeias, one *Lia Na'in*, and women and men activists including youth. Interviews aimed to understand the experience and perspective of a range of interviewees, to better inform issues raised in the group PAR.
- **National interviews and research:** Researchers completed ten interviews with national leaders, activists and experts from the National Parliament, government and civil society. The research team looked at key national laws, policies, action plans and studies.

PAR Methodology: Using a timeline to gain historical perspective on violence against women

Learning Consortium members were provided with a simple manual to facilitate a workshop using the timeline (PAR) tool. The task included facilitating a dialogue on violence against women, using a historical perspective, with follow-on questions to enrich the Suco-level perspective. A team of AJAR volunteers took notes of the process, and conducted follow-up interviews after the workshop. The following were the key questions discussed in the workshop and interviews:

- Creating a timeline, what is the story of violence against women in our Suco throughout Timor-Leste's history from Portuguese, Japanese and Indonesian occupation times, through to our transition to independence, and over the last 20 years since independence? What are the various approaches used by organizations that have been working in Suco to address this problem?
- What are the root causes that have resulted in violence being present through Timor-Leste's history until the present day?
- Is violence against women still happening in our Suco? What have been our responses at the Suco-level? What are the results? Have cases been documented, reported and resolved?
- What do we need to strengthen our efforts to stop violence against women?

During a reflection seminar in Dili on 7 March 2022, draft findings of this research were shared with members of the Learning Consortium. Members of the Consortium, including a group of senior Timorese women activists, helped formulate key findings and recommendations.





National context: Legal framework and trends

04

A woman after voting in the 2012
presidential election. United
nations Photo, April 2021.

4

National context: Legal framework and trends

Twenty Years On

20

Timor-Leste's women's movement emerged in the early days of national awakening in 1974-75, and continued working in the mountains and forests during the early years of the Indonesian occupation.⁵ Later, it was taken forward by urban women, including those who pursued higher education in Indonesia in the 1990s, and women in the diaspora in places like Portugal, Australia and Canada.

When the occupation ended, women across the country came together as a social force, and played a big role in shaping key laws and policies for equality. In March 2000, the first ever national women's congress set the platform for many of the key gender equality provisions in the Constitution and later laws, as well as establishing the network of women's organisations that continues working today: Rede Feto. The Congress identified violence against women and girls, including domestic violence, as a national priority.

See the poster “Ups and Downs: Twenty Years On, Timorese Women’s Ongoing Struggle to Live Free from Violence” which summarizes the achievement and gaps in efforts to end gender-based violence in Timor-Leste.

5. On 28 August 1975, Rosa ‘Muki’ Bonaparte, Isabel Lobato and others established a women's organization within the FRETILIN political party, called the OPMT (Organização Popular de Mulheres de Timor - Popular Organization of Timorese Women). OPMT began organising large numbers of women into literacy classes. Source: Sara Niner, Women and the Politics of Gender in Post-Conflict Timor-Leste: Between Heaven and Earth, 2017. <https://asiafoundation.org/wp-content/uploads/2021/09/Timor-Leste-Community-Police-Perceptions-Survey-Thematic-brief-safety-and-security.pdf>

National plans and strategies

National Strategic Development Plan 2011-2030: Timor-Leste defined its long-term vision to become a “gender-fair society where human dignity and women’s rights are valued, protected and promoted by our laws and culture.”

National Action Plan on Gender-Based Violence: In accordance with requirements under the LADV, Timor-Leste has completed implementation of two NAP GBVs since the Law on Domestic Violence came into force: 2012-2016, and 2017-2021. A new 5-year plan is being prepared. One of the main aims of the 2017-2021 NAP-GBV was to strengthen the delivery of services at the Municipal level, including to Suco and Aldeia communities. The Secretary of State for Equality and Inclusion (SEII) coordinates the all-of-government and civil society implementation of the NAP-GBV.

The NAP-GBV takes a victim-centred approach, meaning that actions prioritise the best interests of the victim - including the safety of the victim - over any other competing concerns. The Plans are based on four pillars:

- Prevention, seeking long term transformation of attitudes, behaviours, practices, norms and power dynamics that contribute toward gender-based violence.
- Provision of services to victims, to ensure that victims/survivors of gender-based violence have access to essential health and social support and services.
- Access to justice, to ensure that victims/survivors’ rights are fully protected through the formal justice system and perpetrators are brought to justice.
- Coordination, monitoring and evaluation, to ensure the effective and efficient coordination, monitoring, evaluation of the implementation of NAP-GBV.

National Action Plan UN Security Council Resolution 1325, Women Peace and Security: In 2016, Timor-Leste launched its first National Action Plan for the implementation of UNSCR 1325(2000), for the period 2016-2020. Consultations for a new plan are underway. The Ministry of Interior is responsible for the overall leadership and implementation of the NAP.

The NAP is part of a global movement for countries emerging out of conflict. It has two main focuses: 1) preventing gender based violence and protecting women and girls from it; and 2) ensuring women participate in all levels of decision-making in governance, security and justice sectors, as well as in peacebuilding work including planning and gender-sensitive budgeting. These are called the four Ps: protection, prevention, participation and

peacebuilding. The NAP is based on the principle that lasting peace is built through inclusion and equality.

The Plan re-affirms that although the war is over, Timorese women continue to struggle to achieve justice and equal rights today. The NAP stated that it aims to contribute to implementing key recommendations of the CAVR report. The NAP also called for dialogue with women at the community level to identify causes and consequences of traditional, customary practices such as *barlake* (bride price). In addition, it called for consultations with women's organisations to ensure laws and policies relating to traditional conflict prevention were gender-sensitive.

Other relevant, cross cutting national action plans include the National Action Plan for People with Disabilities (2021-2030), the National Action Plan for Children (2016-2020), and the National Action Plan for Youth (2018-2022).

At the same time, the Government has not passed a law to introduce a comprehensive definition of discrimination against women that includes direct and indirect discrimination as well as discrimination in the public and private spheres by State and non-State actors - a repeated recommendation of the UN CEDAW Committee.

Making these big commitments real in the lives of women and girls living in the municipalities, in rural and remote communities is perhaps the most significant challenge of the next National Action Plan for Gender-Based Violence in Timor-Leste and all the agencies responsible for implementing it.

National trends of violence against women and girls

For this research, we relied on the most recent annual report by the Secretary of State for Equality and Inclusion (SEII) to the National Parliament on the implementation of the National Action Plan Against Gender-Based Violence, based on 2020 data from PNTL/VPU, the judicial sector, line Ministries and NGOs. We also drew from two key national statistical studies:

- Timor-Leste Demographic and Health Survey 2016; and
- Nabilan Baseline Study by international NGO The Asia Foundation 2016.

The fact that these two seminal studies are eight years old indicates the need to

invest in new national research to inform policies and programs. Nevertheless, evidence from our Suco research suggests that the situation has not improved since this research was completed, and there are continuing high levels of violence against women and girls.

The Nabilan Study provides a more in-depth picture, as it is the only statistically-based national survey focused on gender-based violence completed in Timor-Leste. All studies show that the domestic setting is the most common context for this violence. Data also suggests that violence against women and girls is not decreasing. Further, SEII reports that in 2020 mental health factors especially affecting youth, coupled with stay-at-home orders during the Covid-19 emergency, likely increased domestic violence at the same time as decreasing women's capacity to seek support or report violence.⁶

Municipal level structure to end discrimination and violence against women and girls

The architecture of laws, policies and governance structures for ending violence against women and girls has been developed at national level, and it has been a slow and ongoing process to extend this to the Municipal, Suco and Aldeia levels. *Ukun rasik a'an* was a phrase used often by Suco workshop participants – as they expressed their commitment to work at Suco and Aldeia level to play their role in self-governance, and bring change for women and girls, participants focused on what they described as the limitation on women's and girls' ability to *ukun an*, or achieve self-determination, in their own lives.

The public administration at municipal level is headed by the Mayor, with staff members of key government ministries and agencies present in the municipal administration. The key network established at the Municipal level is the Rede Referral - a network of government ministries and agencies, the PNTL/VPU and NGOs, which provide a complementarity range of services to victims of gender-based violence including policing, safe housing, counseling and mental health services, and legal services. Members of the Rede Referral particularly link to the Chefe Suco, as well as Chefe Aldeias.

6. SEII report to National Parliament on Activities for the National Action Plan Against Gender Based Violence 2020 (hard copy only, not published online); and Violence against women and girls and COVID-19: Key issues and actions for Timor-Leste. UN Women. 2020 (English) <https://asiapacific.unwomen.org/sites/default/files/Field%20Office%20ESEAAsia/Docs/Publications/2020/08/SpotlightTL%20VAWG%20and%20Covid19%20English%203%20Pager%20English.pdf>

Local governance structure, duties and competencies

Local governance and customary processes have been a foundation of village community life throughout centuries of foreign colonial rule and military occupation. Customary traditions, *lisan*, vary greatly across the diverse ethnic communities which make up Timor-Leste, and can also be of variable significance in day-to-day life, especially between urban and rural communities. A common feature is that *lisan* is administered by male customary leaders, *Lia Na'in*.

Since 2004, Timor-Leste has legally mandated Chefe Suco, Chefe Aldeia and Suco Councils.⁷ From the outset in 2004, the role of the Chefe Suco and Chefe Aldeia has included a focus on prevention of domestic violence, as well facilitating support for victims.

Sucos have the legal status of a public association, and are not part of the public administration.⁸ Especially through the Chefe Suco, they link to the organs of the public administration, including line ministries and special programs such as the National Suco Development Program (PNDS) for small-scale local infrastructure managed by the Ministry of State Administration.

Suco and Aldeia Chiefs are elected officials. There are no quotas or other controls for women in these positions, though the law requires that there be female candidates. According to the Ministry of State Administration, women currently hold 21 of the 452 Suco Chief positions, and 102 of the 2,233 Aldeia Chief positions - less than 5% for each position.

Significantly, Suco Councils include a guaranteed level of women's membership and this level increased with the new 2016 Law of Sucos. The original 2004 law required the Suco Council to include two women members, plus a female youth member. In 2009, the law on community leadership added one Lia Na'in to Council membership. In 2016, the Law of Sucos (9/2016) - which consolidated laws on local governance - revised Council membership to include one woman (and one man) from each Aldeia, in addition to the Suco female youth member.⁹

Separately, legislation which governs the National Suco Development Plan,

7. Decree Law 5/2004, <http://mj.gov.tl/jornal/lawsTL/RDTL-Law/RDTL-Decree-Laws/Decree-Law-2004-5.pdf>. The 2004 law was updated in 2009 and again in 2016 to clarify issues such as the legal status of the Suco as well as the duties and competencies of the four organs of local governance, ie adding the Aldeia Assembly

8. Law 9/2016 Art. 4

9. Law No.5/2004; Law 3/2009; Law No.9/2016 Article 10.1 on composition: today composition of the Suco Council is: Chefe Suco, Chefes Aldeia of the Suco; a female delegate from each Suco's Aldeias; a male delegate from each Suco's Aldeias; a female youth representative from the Suco (aged 17-35 years); a male youth representative from the Suco (aged 17-35 years); a *Lian-Na'in*



operated by the Ministry of State, includes gender equality as a guiding principle, and sets a requirement of 40% women's participation in all stages of the program for the small-scale village infrastructure projects it funds.¹⁰

The 2016 Law of Sucos - which consolidated laws on local governance - gives the Suco, as an entity, the competency to sensitize and mobilise the community members to the eradication of domestic violence within the community.

The Chefe Suco and Chefe Aldeia have specific competencies in relation to collaborating with the local administration in the creation of mechanisms to prevent domestic violence, support initiatives to protect and support victims of domestic violence, as well as to eradicate domestic violence, and to inform the police of criminal acts in the community. Chefes Aldeia have an additional broad competency to support strategies and activities that promote gender equality.

10. Decree Law 08/2013: General Regime of the National Program for the Development of Sucos (PNDS) Article 4 (f) <http://mj.gov.tl/jornal/lawsTL/RDTL-Law/RDTL-Decree-Laws/Decree-Law-2004-5.pdf>

05

Woman Collecting Fish at Sunset in Dili District. UN
Photo/Martine Perret.
09 July 2009





**Invisibility and silencing:
snapshot of 4 vulnerable
groups**

5

Invisibility and silencing: Snapshots of four vulnerable groups

In addition to the Suco workshops and interviews, this study highlights four groups who are often invisible and silenced in society. After interviewing national-level advocates and activists, we further focused on how these groups are vulnerable to violence: women and girls with disabilities; adolescent rural girls, especially single mothers; women survivors of Indonesian occupation-era gender-based violence; lesbians and bisexual women; and transgender women and transgender men (LBTT).

Women and girls with disabilities

The first big step is that families must value their children with disabilities, that they invest in them and give them the same opportunities as their other children. Too many families think that a child with a disability cannot have a life. They feel shame. And they lock them away in the home. Girls with disabilities are kept in the home even more than boys with disabilities. They have almost no freedom to go out and play or meet other people. When they are locked up in the house like this, girls with disabilities are at more risk of violence by family members.¹¹

The 2015 Census reports approximately 38,000 people with disabilities, living mostly in the municipalities. However, Timorese activists on disability, question official data-gathering methodology, and the World Health Organization estimates

11. Interview with disability NGO activist.

that in most countries 15% of the population is living with disabilities: this would mean approximately 180,000 people in Timor-Leste.¹² Disabilities include both physical and intellectual and mental health-related disabilities.

There are many forms and consequences of discrimination against people with disabilities in Timor-Leste. Two forms of violence were highlighted in a number of Suco workshops and interviews:

- Sexual violence against girls and women with intellectual disabilities, especially by family members, or neighbours, as they are confined to the home and dependent on care-givers.
- Public bullying and name calling, as a result of negative stereotyping and stigma, exacerbating social exclusion.

Adolescent girls and young women in rural areas, especially single mothers

Adolescent girls in rural areas make up a large proportion of the Timorese population: two-thirds of the total population live in rural areas, and 24% of the total population are adolescents (10 to 19 year-olds). There are around 100,000 adolescent girls in rural areas - a very large cohort who face heightened risk and lower protection factors for violence.¹³ Overall, as of the 2015 census, more than 60% of the total population is under 25 years old.¹⁴

Forms of violence identified through Suco research showed that adolescent girls and young women in rural areas are particularly vulnerable to:

- A potential hidden epidemic of sexual violence: studies show that teenage girls who experience sex at young ages are more likely to have been pressured, coerced or forced into sex, with the likelihood of this leading to unwanted pregnancy.¹⁵

12. World Report on Disabilities. WHO/World Bank, 2011. <https://www.who.int/teams/noncommunicable-diseases/sensory-functions-disability-and-rehabilitation/world-report-on-disability>

13. A Situation Analysis of Children in Timor-Leste: A Snapshot. 2020. Government of Timor-Leste and UNICEF, page 4. <https://www.unicef.org/timorleste/reports/situation-analysis-children-timor-leste>

14. General Directorate of Statistics RDTL and UNFPA (2018): 2015 Timor-Leste Population and Housing Census; Thematic Report Vol. 9; Population Projections by age and sex, National level and Municipality level (2015 - 2030).

15. Teenage Pregnancy and Early Marriage in Timor-Leste. UNFPA. 2017. https://timor-leste.unfpa.org/sites/default/files/pub-pdf/TPM%20REPORT_ENGLISH_LOW%20DEF%20-%2048%20pages.pdf

- Teenage boys and young men who are ill-equipped for fatherhood and may lash out with physical violence.
- When single adolescent mothers are abandoned by the father of the child they face impoverishment, dependency on family members, stigma and social exclusion, including from powerful institutions like the Catholic Church and schools. Suco workshops suggest a pattern of fathers abandoning their children without providing financial support, a form of economic violence to both mother and child.

Women survivors of sexual and other gender-based violence during the occupation



*We suffered violence because of the war for independence. Still our hearts feel sick, and we just sit and do nothing. We still keep thinking about the violence we suffered in earlier times at the hands of Indonesian soldiers. Recently some women survivors have been recognised as Veterans. But many have not. We contribute to this land. The new generation build on our work. We feel both sad and happy about our suffering for independence. We did not have joy, but our children must live with joy... We need to be able to send them to school, and we must teach them to never return to the problems of violence like it was in the times of war. Now it is essential that they go to school, and they can learn the history of survivors like us. **Woman survivor. Suco Mauchiga, Ainaro.***

The Commission for Reception, Truth and Reconciliation in Timor-Leste (CAVR) documented the pervasive and egregious gender-based violence targeting Timorese women and girls throughout the 24-year period of Indonesian occupation. In its final report, *Chega! (Enough!)*, the commission noted that sexual violence in particular had devastating and ongoing effects on the lives of individual women and girls, as well as on families and communities. More than 25% of cases of rape reported to the CAVR occurred in the 1999 campaign of violence committed mostly by Timorese militia, a large number of these in rural communities.

Participants in many Suco workshops identified women survivors in their community who continue to experience severely damaged and disadvantaged lives, and highlighted the issue of stigma passed on to their children. In particular, Sucos in the central and western areas spoke of women survivors of the 1999 campaign of sexual violence by Timorese militia who continue to suffer mental health needs related to trauma, as well as isolation.



Vulnerability factors

- Ongoing untreated physical and psychological health problems, often severe.
- Impoverishment, often due to social exclusion experienced after suffering sexual violence. This is heightened for women who became single mothers as a result of rape.
- Stigma and social exclusion continue to this day in many rural communities, with ongoing compounding negative impacts on women's health and lives.
- Inter-generational impact: stigma, social exclusion, and related heightened poverty has flowed to children, and even grandchildren, of women survivors of conflict-era rape. The impact of these factors, such as loss of education opportunities, increased poverty, and low social status, can leave children of survivors more vulnerable to new forms of violence.

Lesbians and bisexual women, and transgender women and transgender men



*A lot of violence against lesbians is by family members. Families often do not accept their LGBTQI+ children. They say that their LGBTQI+ child is sick. They beat and kick them, they lock them up, they ignore them and cut them off from support. LGBTQI+ children live under a lot of pressure. So many LGBTQI+ young people do not feel safe or secure in their family homes. This forces many to run away which leaves them vulnerable to problems like homelessness, sex work and human trafficking. **LGBTQI+ activist.***

Homophobia drives all forms of violence and protects perpetrators. Lesbian and bisexual women and transgender men respondents to a 2017 Rede Feto study said that they had not heard the word “homophobia”, but when it was explained, they all said that they had experienced it in their homes and communities, and 86% felt that it existed in Timorese society.¹⁶ Through interviews, it was found that women, including trans-women and trans-men, are vulnerable to violence in the home by family members, as well as violence at school and workplace discrimination as well as threats in public places.

16. A Research Report on the Lives of Lesbian and Bisexual Women and Transgender Men in Timor-Leste, Rede Feto. 2017.



06

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KOMUNIDADE
LGBTI

Bernardino Soares

Key Findings from Suco-Level Research

One woman after the vote in the Presidential
election.2012. United Nations photo, April 2012.



6

Key findings from Suco-level research

The following findings are based on Suco workshops across ten municipalities. In these 21 workshops, we heard from 754 people: 393 women and 361 men. This was supplemented by 51 interviews across the 21 Sucos, and 10 national-level interviews. Through this process, we were able to listen to the voices of women survivors of conflict-era and contemporary violence, Chefe Sucos, members of Suco Councils including Chefe Aldeias, *Lia Na'in*, and women activists, including youth. Looking at the overall snapshot of the situation of gender-based violence, we made ten key findings:

Finding 1:

Continuing stigma and exclusion of victims of historic gender-based violence during the Indonesian occupation heavily impacts the lives of survivors and their families until today.

Many women survivors and their children continue to struggle to restore their lives. The repeated patterns of not holding perpetrators to account, contributes to a culture of impunity for violence against women and girls.

Suco discussions reflected on the harsh violence targeted at women and girls under each period of colonial rule and military occupation in Timorese history. Participants spoke of their own and community members' experiences during the Indonesian military occupation, as well village elders' recounting experiences under Portuguese and Japanese occupation. Sexual violence, including sexual slavery, was a common thread across the eras. Agents of the state perpetrated sexual violence with complete impunity, and this impunity

gave men more freedom to continue perpetrating sexual violence.



*During the Indonesian military campaign in 1980, 22 families from my village of Ostico were forced to move to Atauro, and later to Caicoli in Maliana. Women lived under constant threat of rape and torture by Indonesian soldiers. Many women were raped. Some women survivors have been recognised by the Government. Until today, me and my two children have not been officially recognised **Survivor of violence during Indonesian occupation, Suco Ostico, Baucau.***

Women survivors of conflict-era violence, spoke of the inconsistency of government recognition, with some women being officially recognized, leading to financial support such as pensions, while women in the same village who suffered serious violence remained excluded. Many women survivors felt that their suffering had been part of a contribution to the struggle for independence, which was not officially recognized. Many women who had been raped in the war remained single, often as mothers, due to stigma and social exclusion resulting in significant social disadvantage and poverty.



*Many women survivors of past violence suffer stigma and that continues until today. Women who suffered sexual violence by the Indonesian military are often marginalized. They cannot find a husband, no man is willing to partner with them and this really affects their lives including poverty. **Chefe Suco Vesoru, Viqueque.***

*There are many women in that part of the village who suffered violence during the conflict. People always talk about the past, what happened in those times. It's the same in other villages. Some have already died. Their children are always stigmatized by the community and they just have to remain silent. This creates a lot of pressure for the children. It makes them feel heavy, with disturbing thoughts and tension...This is very oppressive, it is like psychological violence. **Woman Activist. Suco Tutuluru, Manufahi.***

Untreated or ongoing trauma of women survivors of sexual violence was often highlighted. In the central and western areas, workshops highlighted that many women survivors of the 1999 campaign of sexual violence by Timorese militia still languish with health problems, inadequate support, and are marginalized in their communities.

Children born of rape, by Indonesian soldiers and Timorese militia, have grown up bearing stigma, and in many places continue to suffer social exclusion. Older women survivors felt that they can make an important national contribution to a culture of non-violence by sharing their stories with

younger generations. Workshops highlighted that there has been no justice for the violence against women and girls during the Indonesian occupation.

Finding 2:

There are many different forms of violence against women and girls in villages, taking place mainly in the family setting.

Across all Sucos, it was found that physical violence focused on husbands beating wives. Beating of children by both parents for routine disciplinary reasons was also reported. A number of Sucos spoke of homicide against women, though whether in situations of domestic or other violence was not always clear. At least one Suco identified a case of a husband killing his wife and child.



*The main type of violence in our village are various types of domestic violence. This includes physical violence, sexual violence, psychological and economic violence. **Chefe Suco. Uma Quic, Viqueque.***

*Cases of domestic violence are very high in our village. This shows that women and men are not yet considered equal. **Chefe Suco Saburai, Maliana.***

*Men continue to oppress women with all sorts of violence. **Chefe Suco Matata, Ermera.***

Sexual violence (harassment, assault and rape) by non-family members was reported by many Sucos, commonly perpetrated by young men. In addition, most Suco discussions spoke of the stigma targeted at women who come forward about violence, especially sexual violence, and the effect this has on their mental health. More than one Suco workshop spoke of cases of young single mothers suiciding after giving birth, in part due to heavy social stigma against them. A number of Sucos also spoke of the toll on mental health of being trapped living in constant fear of domestic violence, for example by husbands when they were drunk.



*The biggest problem is when husbands beat their wives. Because of alcohol and drunkenness men do not think about their wives or the household economy and there is domestic violence. **Chefe Suco Tutuluru, Manufahi.***

It is important to strengthen the law to ensure it is heavy on men when they

*commit violent crimes against women - otherwise if the sanctions continue to be light this opens the door for men to keep committing violence. **Chefe Suku Lau-Hata, Bazartete, Liquica.***

Cases of incest against girls with intellectual disabilities were reported, as well as cases of non-family member perpetration of rape against girls with intellectual disabilities. Other cases of incest against girls were reported by a number of workshops. In addition to incest against children, sexual violence committed by family members was reported in workshops.

Due to stigma and socio-economic pressures, cases of gender-based violence are often unreported. Under this cover of silence, perpetrators are free to continue their violence, which turns into cycles of abuse. Only a small portion of cases are reported to authorities such as members of the Rede Referral, Chefe Aldeia or Chefe Suco, who refer the case to the VPU and others. A culture of silence is deeply embedded in many communities,



*According to our Timorese culture, sexual violence is like a taboo. But we see this problem happening so often and usually the victims do not access the help they need. **Chefe Suco Beneufe, Oecusse.***

Workshops in many Sucos highlighted what they called economic violence, for example withdrawing girls from education for early marriage, or preventing women from leaving the home for activities like training and education. Several villages described economic violence against children, as girls and boys were required to work due to poverty - selling things on the streets due to poverty or in rural areas girls spent long hours in tasks like carrying water and farming.

Certain cultural practices were identified, especially in rural Suco workshops, including the ongoing practice of child marriage of girls, or other forced/obligatory marriages by parents. Polygamy was reported as common in a number of Suco workshops, which they said leads to cases of abandonment of responsibilities of care for children and spouses, as well as leading to direct physical violence. *Barlake*, or bride price, practices were discussed in many workshops - as both a form of structural violence against equality of women, as well as a root cause of other violence. A number of rural Suco workshops reported the practice remains strong, while others reported the practice had been brought to an end in their communities.¹⁷

Unwanted teenage pregnancies were widely reported in workshops, often leading to either early (often child) marriage (*kaben sedu*). Many workshops said in early marriages like this, domestic violence against the girl/woman was common, as young couples were unprepared for family life. Other cases

of teenage pregnancy led to abandonment by fathers who did not provide financial support for the child, leaving young single mothers vulnerable to other forms of violence.

Other patterns of abandonment i.e., fathers leaving without paying alimony/ child support, included situations where fathers traveled overseas for work, cases of men fathering children with women from other villages while they had a family in their home village, and cases of separation and divorce without child support provisions. One village said that men in their village had abandoned their disabled wives without support. Sucos also reported that some single mothers do not register their children for citizenship due to stigma and shaming, leaving both mothers and children disadvantaged.



*We see problems like abandoned women not wanting to register their children as citizens of Timor-Leste, because they are ashamed when it comes to listing the name of the father on the certificate. In our village the problem of abandoned women is increasing. At the time of registering for Covid-19, many women reported that their husbands had left them. Related to this, one of the problems is when men come from other villages and begin relations with a woman here. And it turns out he has a wife in his own village - and we see the low status of second or “little” wife (“fe'en ki'ik”) in our village. It is like the problem of abandonment. **Chefe Suco, Suco Beneufe, Oecusse.***

Finding 3:

Root causes are deeply entrenched, especially in more remote rural communities isolated from information and services.

Workshop participants identified a range of root structural, economic, social and cultural factors. Especially in more remote rural communities, participants highlighted the strong influence of these factors as well as the

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17. Komité CEDAW ONU konsistentemente obriga Governu atu foti asaun ne'ebé efetivu liu hodi hapara prátika perigu ba kaben labarik, barlake no poligamia, inklui ne'ebé foin lalais ne'e iha siklu relatóriu da-4 iha ninia pergunta sira iha fulan-Marsu tinan 2022. Haree relatóriu ikus husi Komité CEDAW, Lista kestaun no pergunta sira relasiona ho relatóriu periódiku dahaat Timor-Leste nian. CEDAW/C/TLS/Q/4 22 Marsu 2022. Pergunta Estereótipu 8 no prátika perigu no Pergunta 23 kona-ba Kaben no relasaun família. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N22/279/65/PDF/N2227965.pdf?OpenElement>

absence of access to counter-factors which would lead to change, such as access to information about the concept of gender equality and government laws, programs and services.

Across all Sucos, participants identified inequality arising from a mix of factors, which they said give women and girls low status in the family and in public life. They said that men dominating women is a key factor behind violence. All Sucos discussed the strong mix of traditional conservative patriarchal values, along with *lisan* customary law and practices maintained by male leaders.

Participants identified a range of daily, practical restrictions on women and girls, which signified the lack of equality in village life. For example barriers to women taking place in family and public decision-making, riding motorbikes or driving cars, walking in public areas at night, being required to eat only after the men and boys had eaten, and standing for public office like Chefe Suco or Aldeia.

Within the family, many workshops reported, patriarchal values prevent women from participating in decision-making. Patriarchal values, a number of rural workshops reported, are behind views which consider women's place to be in the home, and therefore that education for girls is a waste of money. Men's lack of willingness to listen and give consideration to women, often resulted in them resorting to violence when tension or disputes arise.

In terms of domestic violence, many Suco workshops highlighted the normalization of this violence in the community: society considers domestic violence as a matter of "the plate and the fork beating each other, it's normal, so we just hide it without dealing with it".¹⁸

In cases of non-family-member-perpetrated sexual violence, some workshops focused on young men's sense of sexual entitlement toward young women they considered attractive. Many Suco workshops said that *lisan* reinforces this family patriarchy and inequality in communal village life - especially in rural areas.

Economic factors, poverty and financial pressures were also commonly reported as a root cause of male domestic violence against women, when men were not able to handle the pressures linked to meeting family economic



18. Another variation of this saying indicates also how it describes how families keep domestic violence matters within the family - "plates and spoons stay in the home, outsiders must not interfere" Interview with Chefe Suco Saburai, Bobonaro.

needs. Others highlighted that women's economic dependence on their husbands made them more vulnerable to being targeted, and resulted in women being trapped and unable to leave ongoing violent relationships.

The *lisan* practice of male-lineage inheritance was widely reported as being a factor behind the economic dependency of women on their husbands and families, another risk factor of violence. Some Sucos reported that the practice of *barlake* was diminishing as communities received more information and socialization about gender equality. In the matrilineal ethnic culture in areas of Manufahi, participants said that issues of *barlake* and male-lineage inheritance were less significant. Land disputes were also cited by some workshops as leading to violence against women, often related to inheritance issues - for example, when a son-in-law does not receive land from his wife's family, he beats his wife.¹⁹



*Within the family women are discriminated against, such as when it comes to inheritance where women do not have equal rights with men. **Victim of violence. Suco Lau-hata, Posto Bazartete, Liquica.***

*In this Suco, also, there is still a strong patriarchal culture, where men are always the ones who inherit through the family. Though in recent times we see the beginnings of change in families, where they share the inheritance equally between the children. **Delegate Suco Bekora Council, Dili.***

Rates of adolescent girl drop-out from education was highlighted in many workshops, especially in rural areas. This was both a symptom of their low status in families, as well as a factor that leaves them more vulnerable to

19. Under the Constitution, women have equal rights to own land (Art. 16, 17 and 54). In 2017, the Government passed long awaited new land laws, Law 8/Law on Expropriation and Law 13/2017 on the Adoption of the Special Regime for the Ownership of Immovable Property, for the first time recognising customary land rights through the formal legal system. In March 2022, the UN CEDAW Committee emphasised the need to take action to protect rural women's land rights, in particular in terms of awareness raising of women's land rights, including rural women's rights to communal land. The Committee also asked the Government about actions taken with regard to traditional inheritance systems, in particular concerning land ownership and ownership of property upon dissolution of a traditional or church marriage. See latest CEDAW Committee report, List of issues and questions in relation to the fourth periodic report of Timor-Leste. CEDAW/C/TLS/Q/4 22 March 2022. Question 19 Rural and Indigenous Women and Question 23 Marriage and family relations. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N22/279/65/PDF/N2227965.pdf?OpenElement>

exploitation and violence. Workshops highlighted causes of school drop-out, including family poverty, girls' family responsibilities to do farm work, girls required to work long hours doing tasks like carrying water, senior schools being too far away, families believing educating girls is a waste of money when their role is inside the home, and teenage pregnancy.



I always ask my mother and father, why do we talk about culture and customs and spend money on culture, but we have no money for my school? But my mother and father don't respond. **Youth woman activist. Suco Maiquili, Atauro Dili**

Child marriage was reported across rural Suco workshops. A number of factors were cited, including family poverty, as married girls become the responsibility of the husband's family, lack of education opportunities for girls, and *lisan* culture. Many workshops highlighted the issue of unwanted pregnancy among adolescent girls. When early pregnancy led to early marriage, many workshops said this increased the risk of violence in the relationships, as young men lacked the maturity for relationships and family life, including pressures like being unable to support a family. One of the major underlying actors behind teenage pregnancies reported was early school drop-out. In addition, participants highlighted that young couples were unprepared to start sexual lives, as they lacked information, education, and knowledge about sex and reproductive health..



In our village, we have seen girls as young as 12 already having children, forming a family. **Chefe Suco Beneufe, Oecusse.**

I see cases of girls marrying very young. Child and youth marriage happens because girls have very little education and their parents do not have enough money to send their girls to get education. **Chefe Suco Matata, Railaku, Ermera.**

Some workshops highlighted that exposure to pornography on social media led to early, unprepared sexual experimentation by young people, leading to unwanted pregnancies. A number reported extra marital affairs as an issue which led to violence by husbands. There was little discussion about the issue of pressure or coercion against adolescent girls to have sex, and whether early teenage sexual experiences were genuinely consensual.

Finding 4:

Despite strong social and economic impact of violence, reverberating in the community, the issue remains invisible to national decision-makers due to poor data collection and reporting.

Impacts identified by Suco workshop participants:

- Physical injuries to women and girls, even death.
- Mental health, living under constant threat and fear of physical violence; stigma and exclusion by family and community if a victim does come forward due to a culture of blaming women victims; as well as stigma against children of victims of sexual violence, or of single mothers. Workshop participants also mentioned cases of suicide by young women after severe victim-shaming and lack of support.
- Women who leave their violent husbands, or who are abandoned, are left extremely vulnerable economically, with impact on their children, and vulnerable to future exploitation and violence.
- Loss of access to education and future opportunities for young women survivors, especially if they become pregnant from sexual assault.
- Never ending cycles of violence due to impunity: many women and children live in a constant cycle of repeated physical and psychological violence. The pressure to remain silent after suffering violence, and to therefore stay in dangerous and vulnerable situations, increases the risk of more suffering and more violence.
- Disempowerment of women victims and survivors to build a life of dignity in safe conditions, stunting their life opportunities, and often those of their children.
- Intergenerational trauma, stigma, and vulnerability to cycles of violence. Profound impact of violence against mothers and their children, including evidence of increased vulnerability of children who grow up in proximity to violence to suffer future physical violence.

Invisibility and silence - data and reporting

At the same time, much of this violence does not appear in the data and reports routinely delivered to national decision-makers. These reports are typically based on data collected from police reports, which make up a small fraction of cases of violence against women and girls. From the Suco workshops, participants highlighted:

- Most women and girls do not report violence to anyone, and those who

tell someone, usually tell a family member. These cases are not recorded anywhere.

- In cases of incest against girls with intellectual disabilities, families often hide the violence out of a sense of shame.
- When a woman or girl does seek assistance outside the family, the first level of case management and support is usually by the Chefe Aldeia or Suco, often initially mediating between family members, perhaps with the assistance of the *Lia Na'in*. Chefes do Suco do not officially record cases managed in this way and, therefore, they are not included in municipal or national data.
- One interviewee said that women in her village went to the local Catholic Priest to seek protection when threatened by drunk husbands. No data is recorded by Church officials.
- Even if cases are referred to the municipal Rede Referral system, including the police/VPU, they may be resolved either by local authorities and customary practices. Such local resolutions are not recorded in official data.
- It is not clear that all members of the municipal Rede Referral system have consistent reporting methods, and all municipalities complete consistent data recording.



Often when women suffer violence, they are silent. When women and girls talk about violence they have suffered, they are always stigmatized, by their family and colleagues. So, they suffer trauma and are isolated in the community.
Chefe Suco Matata, Ermera.

Finding 5:

Although there is progress in the response at village level to cases of violence against women and girls, Suco-level structures are overwhelmed and under-resourced.

Suco workshops overwhelmingly stated that most women and girls who experience violence remain silent. There were multiple interconnected factors identified behind this, including:

- Normalization of “light” violence, especially in a domestic setting.
- Fear of facing worse violence if they speak up.
- Pressure from families to keep matters in the family - “for the good of the family name” - or between families.
- Internalized shame and fear of stigma, especially relating to sexual violence, including taboos like incest.
- Economic dependency on the perpetrator and his family.
- Fear of her marriage breaking up, including needing to support her

children.

- Lack of understanding of the law and her rights.
- The need to report violence to male local authorities, such as the Chefe Aldeia and Suco, especially in cases of sexual violence.
- Lack of appropriate supportive people or services around her.
- Lack of knowledge about support services and the legal process.
- Lack of trust in the legal system, both the formal legal system, and customary practices.
- Girls and women with disabilities, especially intellectual disabilities, may not be able to speak up for help.

Workshop participants said that when women and girls did speak up about the violence, they usually spoke to a family member or a friend and, in many instances, matters were kept within the family. If she or her family decide to go to authorities, participants said that often this would be to the Chefe Aldeia or Suco. If the village has an *Uma Mahon*, this may be the first place a woman goes for support. Sometimes it may be to an NGO service provider, if they are visiting the community.

From interviews and workshops, it is clear the Chefe Aldeia and Chefe Suco have a complex and difficult role in practice, as they act as the link between victims of violence, their families and what is generally a decision as to whether to pursue the matter through customary justice processes at the Aldeia/Suco level, or report the matter to police and the formal justice system. Under the Law of Sucos (9/2016), the Chefe Suco has the “competency” to inform the police of facts constituting criminal action (Art. 22).

46



*Whenever there are cases of violence against women brought to me, I always seek a solution based on Law 9/2016 on Sucos. The chefe Suco's responsibility to reduce cases in the Suco is important. I always try to resolve cases. But some of these are crimes and we must take them to the legal process so that victims can get justice. In less serious cases, we can resolve these according to cultural practices. For domestic violence we always try mediation to bring the two parties together and all their family members to participate ... **Chefe Suco Ostico, Baucau.***

In effect, it seems a sort of screening process takes place with the Chefes: whether this was a case brought to them is to be resolved at the Suco level according to customary justice, or whether it was a case to be reported to police. In some instances, a hybrid approach was taken, pursuing both tracks. Most Chefe do Suco interviewed said that they made sure a woman survivor knew that she has the right to take a case of domestic violence to the police. They said that they listened to a survivor's wishes. However, given all the pressures on women and girl survivors, more in-depth research with survivors themselves is required to determine what real agency they have in these

decision-making processes.

Chefe Sucos reported that they would contact the municipal Rede Referral for support services once a woman had raised a complaint, such as counseling and other health support. Those Sucos which had an *Uma Mahon* (safe house) reported that this was a very important service.

According to interviews with Chefe de Aldeia and Chefe do Suco, *Lia Na'in* and Suco Council members, factors to be considered in deciding whether to report a matter to police were: the woman's wishes, including if she wished to seek assistance to return to her husband/partner to *simu malu* (accept each other) through mediation, the wishes of her family, whether the violence was "light" or "heavy", and whether they thought they could achieve a satisfactory resolution through customary processes.

In interviews, all Chefes Suco were serious about their responsibilities under the law and generally cited law 9/2016. All said that they are aware that domestic violence matters are now a public crime, though most did not explain how the obligation to report a public crime to police aligned with decisions to deal with domestic violence through customary processes. Some Chefes Suco and Chefes Aldeia noted that they had limited training and knowledge of the law about how to manage cases when they were brought to them.

Some Chefe Suco highlighted that the formal legal system was not able to handle all cases, that it struggled to handle the most serious cases, so that they could not report all cases to police to for legal process - requiring them to screen "grave" or "big" cases (*todan/grave/bo'ot*) cases and "light" or "small" (*ki'ik*) cases. Chefe Sucos also spoke of undertaking customary practices at the same time as reporting a matter to police.

If matters proceeded through customary justice processes, this usually led to bringing the families of husband and wife together as an inter-family resolution, not necessarily focusing on the rights of the harmed woman as such. Suco workshops spoke of cases of sexual violence perpetrated by non-family members being dealt with as an intra-family mediation, through the customary justice process, usually involving "restoration" through the payment of animals, such as buffalo or goats.



*When cases of violence occur, they are brought to the Vulnerable Person's Unit of the police. Three cases have been brought. But they have not received formal justice to resolve the problem. Instead, the police sent the cases back to the village to be resolved by the local authorities and the Lia Na'in. According to culture and customs, they must give \$500 and a buffalo to restore the good name of the family. But women victims feel that this money and the buffalo given to their families is not to support them - they are simply eaten and shared between everyone. Victims themselves continue to suffer. **Woman victim of violence. Suco Matata, Ermera.***

This Suco research was one step to better understand how matters of violence against women and girls in villages are managed. Much more participatory research is required, especially including engaging with survivors as well as local authorities.

Police involvement: Usually, if a matter was brought to the police, according to Suco participants, this was likely to be through the Chefe Suco. The VPU interview conducted for this study indicated that Rede Feto NGO members may inform police of a case, if they are already supporting a survivor. Workshops gave examples of health workers reporting cases to police.



*When violence does occur in the village the local authorities bring these matters to the NGO which works in this area. The National Action Plan to End Gender-Based Violence has helped in training Chefes Suco, but resources and materials have not yet been supplied to the Suco. **Chefe Suco Becora, Dili.***

*I have assisted in two or three cases where the wife was beaten until she was bleeding and had to go to hospital. The woman herself did not bring a case, but the hospital brought the case to the police. **Woman youth activist. Suco Riheu, Ermera.***

Participants spoke of both the VPUs and the Official Suco Police (OPS) as the first point of contact. One Chefe Suco described how in cases of domestic violence he, with Chefe Aldeia, the *Lia Na'in* and Suco Police would consider if customary processes could handle the case: if so, Suco Police observed the customary process.



*When women victims of violence bring their case to me, the Chefe Aldeia, Chefe Suco and Suco Police sit together. Depending on the wishes of the women, we often handle the case ourselves through the iisan culture if she wants to deal with it just at our level. **Chefe Suco Tutuluru, Manufahi.***

Workshops and interviews did not give much detail about what happens once a matter is reported to police. However, a number of workshops spoke about examples given where people did not feel satisfied when police did not pursue a matter, or when they did not hear anything back after long delays, even years. There seemed little understanding of the processes and reasoning behind the police actions. A number of examples where victims felt dissatisfied with lack of police response were actually cases of abandonment, and not domestic violence matters under the criminal law, but civil matters relating to alimony/child support - but none reported support to actually pursue formal legal avenues to seek child support.



The Chefe do Suco and the Suco Council together help victims to take their cases to the police, and some cases are taken to court. We also help some victims mediate, those who decide to pardon the suspect and accept them back. But we can sometimes have problems because local authorities do not really understand the law. So, we are responsible to make socialisation about the law to the community, but we do not really understand how to answer their questions. So, it is important that those who take on the work of local authorities have a proper understanding about the law and the legal system.
Chefe Suco Lahane Oriental, Dili.

Abandonment/single mother cases: In this widely reported social situation, a number of Suco workshops said that many families reported the cases to police without satisfaction, suggesting a lack of understanding between criminal and civil laws, and the complex processes under civil law for obtaining alimony/child maintenance. Police sometimes returned the case to the Suco to be managed by customary practices. Others said families reported the case to the Ministry of Social Solidarity and Inclusion, but without satisfactory results.



In two recent cases of abandonment, families reported the cases to police but, ultimately, they did not get a solution from the legal process. So, the families sat together to resolve this between them, but the single mother was still the victim.
Suco workshop report, Suco Riheu, Ermera.

Finding 6: Customary justice still plays a major role in cases of public crimes of violence against women and girl, especially in rural areas.

Every Suco workshop discussed the role of *lisan* and the customary justice process. Discussions highlighted the diversity in *lisan* according to different ethnic groups across the country, as well as differences between communities in terms of whether *lisan* had adapted or changed in modern times. There were two specific issues raised.

First, the *lisan* practice of *berlake* was discussed in many workshops, and largely identified as a root cause of exploitation and violence against women and girls by husbands and their families. One workshop discussed how the practice was abolished in their village by working with two *Lian Nai'n*. Some workshops reported the practice is no longer used, while others, especially in

more remote areas, said it was still strong. *Lisan* male-lineage land inheritance customs were a major focus of many workshops. Women participants in some rural Suco workshops said that the cost of contributing to routine *Uma Lulik* and *lisan* responsibilities was a financial drain on families, who may prioritize these activities instead of paying for girls' education.



In the workshop, many participants said that in our village the customs and traditional laws are an obstacle to women's rights - women cannot participate in decision making, only men ... These structures allow violence against women to continue. Youth Woman Activist. Suco Saburai, Bobonaro.

Our elder customary leaders always say that women must just cook in the kitchen. And when women come forward, they must stay silent. Suco Council Member, Suco Caicassa, Manufahi.

The problem in our culture of paying berlake, bride price for girls, is that then the wives are powerless, they must simply follow. Once the bride price has been paid, her husband can force her to do whatever he likes. This creates many problems. Woman survivor. Suco Riheu, Ermera.

Second, workshops discussed the issue of how the customary justice system was used to adjudicate or mediate on matters of violence against women and girls. In many workshops, customary justice processes were discussed as a first step (after internal family efforts), and if this process could not achieve a satisfactory result, then the matter was reported to police. Sometimes, the customary process occurred in parallel with simultaneous reporting to police.



When domestic violence occurs, many resolve this first within the household and family itself. Then some will take the matter to the Lia Na'in and Chefe Suco, but if they cannot resolve it then they take it to the Suco police. Suco Police Saburai, Bobonaro.

The Suco Council and the Chefe do Suco, we cannot end violence by ourselves. But we are close to the community, and the community looks for us to discuss the problems they are having in their homes. In community meetings, we always say that it is up to the victim to decide whether to take the case to the Suco. We also tell victims that they can process their case by taking the suspect through the legal way with justice, to the courts. We say this way can reduce cases of domestic violence. But when we continue to handle cases according to traditional customs, we see that domestic violence continues. Suco Council member, Suco Caicassa, Manufahi.

Many workshops reported that customary justice was commonly used in

cases of public crimes, including sexual violence cases outside the family. In almost all rural Sucos, participants reported that customary processes were commonly applied to handle various forms of domestic violence.

Most workshops said that there are many problems associated with *lisan* justice processes for women and girl victims of violence. *Lisan* is controlled exclusively by men, *Lia Na'in*, and does not allow women or girls to participate in decision-making, including in the resolution of complaints about violence against them. Women must be silent and simply accept decisions by the male customary leaders. Decisions focus more on intra-family and communal harmony, restoring the family name, than women's and girl victims' needs. Many workshops identified that the resolution of matters through *lisan* usually resulted in a compensatory/symbolic payment by the perpetrator, for example a buffalo or cash - but that this payment went to a woman victim's family and did not directly benefit her.



*Many women victims of violence don't know about the process for formal justice, so they have their cases handled by lisan, and they just listen and accept the result from the Lia Na'in. Most of them are just silent and follow the Lia Na'in's decision. **Female Youth Member of Suco Council, Manapa, Bobonaro.***

When we follow lisan, women do not have a right to speak. When there is a problem the man sits and talks, and we invite the elder woman and man from the other side to sit and take their place. When a problem occurs in the village, it is first brought to the elders and Lia Na'in to resolve. But if it is a big problem then we take it to the local authorities and ultimately the Suco Police.

Lia Na'in and Member of Suco Council, Matai, Covalima.

*Many victims just accept the culture that they listen to and accept the result from the Lia Na'in. **Young woman youth leader. Manapa, Bobonaro.***

A number of Suco workshops said that at times *lisan* customary resolution of cases of violence against women and girls often led to "resolutions" that did not protect women, but kept them in a situation where they were vulnerable to repeat violence. Others said that the decision to apply customary justice blocked a woman's right to go to the police and formal justice system. Some said *lisan* processes did not provide adequate deterrent for men and that violence recurred after customary processes were undertaken, while others emphasized that *lisan* processes are expensive for victims who must provide animals, such as pigs or chickens, to the *Lia Na'in*. One workshop identified issues of a powerful customary leader himself being a perpetrator of domestic violence, hence he was guaranteed impunity through customary processes. This highlighted the difficulty of women's access to fair process in male-dominated small communities.

Since 2002, the restoration of *Uma Lulik* and the role of *lisan*, have been important elements of the restoration of independence and Timorese identity.²⁰ Following recognition of customary law in the Constitution (Article 2(4)), successive governments have gradually increased formal legal recognition of *lisan* in the life of Sucos, in 2009, by adding one *Lia Na'in* to each Suco Council (Art 5(2d) Law No.3/2009) and, in 2016, by explicitly adding duties and competencies to the Suco in relation to upholding and promoting customs and traditions (Art 5(1d) and Art 6 (1c-f) Law No.9/2016).

Chefe Suco, Chefe Aldeia, Suco Councils and *Lia Na'in* have very little guidance about how to ensure both respect for the place of *lisan* in village life and the constitutional and other legal guarantees of equality for and human rights of women and girls. Especially in rural Aldeia and Suco life, much more work needs to be done to determine if, and how, *lisan* and equality and women's and girls' rights can be mutually reinforcing. Examples in workshops on *Lia Na'in* working to end the practice of *berlake* suggest that *lisan* can be dynamic and adaptable, but much more work would need to be done to ensure this. It is critical that rural women and women's rights organizations play a key role in such a process, including in the development of new policies and laws related to customary justice and laws.²¹

At the same time, national policy-makers, as well as those in the formal justice system, need a much better understanding of how Suco leaders are currently managing cases of public crimes against women and girls through customary practices. At the moment, this is occurring in a widespread manner, contrary to the stated intentions of the National Parliament, which passed the LADV reinforcing the Penal Code which made domestic violence a public crime which obliges authorities to report, investigate and prosecute cases. Much more support is required at the Aldeia and Suco level.

In March 2022, the UN CEDAW Committee issued a question to the Government of Timor-Leste as part of its 4th reporting cycle, which raised concerns about ensuring any new law related to customary justice would not restrict women's rights to take matters of violence to the formal justice process.²²

20. See report of UN Special Rapporteur on indigenous rights following her 2019 visit to Timor-Leste.

21. On the issue of relationship between customary and formal justice systems, see also the report of the UN Special Rapporteur on the rights of indigenous peoples, Victoria Tauli-Corpuz, from her 8-16 April 2019 visit to Timor-Leste, paragraphs 22-38. A/HRC/42/37/Add.2, 2 August 2019. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/232/32/PDF/G1923232.pdf?OpenElement>

22. See latest CEDAW Committee report, List of issues and questions in relation to the fourth periodic report of Timor-Leste. CEDAW/C/TLS/Q/4. Question 4: Access to Justice. 7 March 2022. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N22/279/65/PDF/N2227965.pdf?OpenElement>

Finding 7:

Predominantly male gate-keepers are part of the substantial obstacles to preventing and addressing violence against women and girls in villages.

Obstacles to preventing violence

There are several obstacles that prevent the ending of violence against women and girls in villages. Many of the root causes of inequality and discrimination, which foster violence against women and girls, have a stronger foothold in rural communities than in urban areas where there is more access to modernizing influences such as information and access to support services. Overall, workshop participants identified male dominance and low status of women and girls as the root cause, which is cemented in traditional patriarchal values in the home and public decision-making as well as customary practices such as *berlake*, child marriage, and male-lineage inheritance.

The normalization of violence against women and girls, especially in the domestic setting, was widely cited, captured in a phrase participants used in a number of workshops: “the plate and the fork beating each other is normal, so we just hide it without dealing with it.”

Workshops in rural and especially remote Sucos identified the lack of information (including access to television and internet) and exposure to sustained learning about concepts such as gender equality as well as State laws, policies, and programs, as a major obstacle to change in their communities. Many rural Suco workshops identified a lack of resources dedicated to social education on these key issues resulting in only very limited exposure of community members, especially at the Aldeia level, and limited training for Suco leaders, such as *Chefes* and Suco Council members. *Chefes* and Sucos rely on NGOs for this kind of training, socialization, and education but activities are sporadic and insufficient, due to the uneven presence of NGOs and lack of funding for them to consistently deliver such services across the country.



*We need NGOs to do more training for local authorities so we can better understand the legal process. Then as *Chefe Suco* I ask NGOs like FEEO and AJAR to keep training local authorities esp so that they better understand the legal processes. This will help us support abandoned women better. **Chefe Suco Beneufe, Oecusse.***

Economic impoverishment and dependency of women, especially rural women, were identified as a significant factor, made worse by *lisan* traditions of exclusive male-lineage inheritance of land. Poverty in general was raised by many workshops as a major factor in household stress contributing to conditions for male violence.

Adolescent girls early school drop-out rates were identified as a major factor in rural areas, leading to a range of increased vulnerabilities to violence including increased poverty, sexual violence, unwanted pregnancies and abandonment. A number of workshops identified the lack of education about sex and healthy relationships which left adolescent girls and young women more vulnerable to unwanted pregnancies and violence; some said a sense of shame and shyness about sex contributed to this.

The attitudes and behaviour of men were identified as a major obstacle relating to unequal power, sexual entitlement and the normalization and acceptability of violence against women and girls. At the same time Suco workshops found that many men are trapped without opportunities for personal, social, and economic development which led to a lack of behavioural coping strategies for dealing with pressures.

Some workshops specifically identified the lack of enforcement of the LADV as an obstacle to preventing violence against women and girls, and that the lack of accountability of male perpetrators sends a signal to others that it is acceptable to commit violence against women and girls. When matters did go to court, it was noted, light sentences sent a signal of impunity.

Obstacles once a case of violence has occurred, for a woman or girl to seek support and justice:

Pressure to remain silent. The biggest single obstacle is the pressure on a woman or girl survivor of violence to remain silent and not seek help. This is caused by a myriad of factors. First, there are often strong internalized and family attitudes, which normalize domestic violence. Fears of family members themselves blaming the victim for harming “the dignity of the family”. Fears of more violence and stigma if they do come forward, and how they will live if their marriage or relationship breaks down, are major obstacles. In small tight-knit rural villages, the social implications of bringing a case against a man may have intra-family and community consequences that are especially difficult to manage. Stigma is harder to escape in small rural communities.

Lack of knowledge of rights and where to seek support. Many Suco workshops in rural areas highlighted the lack of understanding of many women of their legal rights, and the processes for seeking assistance. Participants reported that many women do not know about the police VPUs and their role. In civil cases, when fathers leave their wives or girlfriends as single mothers, there was very little understanding of the civil legal process and none reported utilizing the

Civil Code. Rural Sucos consistently reported a direct link between physical remoteness of aldeias, lack of infrastructure like electricity and roads for communications, and lack of information and awareness among community members of laws and support programs.

Male gatekeepers at village level/lack of a safe environment for women and girls to come forward. Reporting sensitive matters, such as sexual violence, to male village leaders can discourage women and girls from coming forward. Workshops said that the lack of a safe environment for women and girl victims in villages to come forward to report cases was a major obstacle.

Financial cost of both formal and customary justice processes. Even if the formal judicial process is in theory free of financial costs for victims, the cost of time away from daily work is prohibitive for many, especially for rural subsistence farmers. The municipal capitals where police and courts are located are far from most rural villages. Equally, a number of Suco workshops said that the cost of the customary system is prohibitive, as women need to deposit animals, such as pigs, and other materials with the *Lia Na'in* for ceremonies. Some participants described the burden of these costs as re-victimizing victims of violence.

Use of customary law processes can block women's access to the formal justice system. A number of workshops spoke of how the tendency to prioritize customary processes closes off women's access to the official legal system. This includes the situation of women beaten by their husbands, being threatened that if they took the matter to the formal justice system, the husband would insist on *berlake* costs being returned to him. This was related to other workshop reports of the lack of enforcement of the LADV.

Uneven understanding among local authorities (Chefe Suco, Chefe Aldeia, Lia Na'in, members of Suco Councils) of the legal framework and how to manage cases. This was commonly reported, including identifying the need for more training for local authorities.

Lack of resources at village level to implement responsibilities under Law No.9/2016. While they are aware of the NAP GBV, the government has provided limited or no resources for them to fulfil their responsibilities at village level. All Sucos reported that they relied heavily on NGOs for the limited support they received.

Police are not present in the community when they are needed, so in many places they are not relied upon. Workshops in rural and remote Sucos spoke of difficulty in relying on police presence to respond to violence. The VPUs are not known or understood by many women in rural communities as they are not accessible. Since police are the frontline of the formal justice system, in terms of visibility, information and protection, this dramatically decreases awareness of, and trust in, as well as accessibility to, the formal justice

system.²³

Delays and lack of information when matters are taken to the formal justice process, and lack of enforcement of the LADV. A number of Suco workshops said that delays and lack of information results when women do take matters to the formal justice system decreases community trust in the system and discourages victims from coming forward. The lack of enforcement of the LADV was identified as a significant obstacle by a number of workshops.

Finding 8: Despite this bleak picture, there are positive initiatives being developed and implemented at the Suco level.

Participants and interviewees spoke of positive changes in their communities in many instances, as well as the ongoing challenges. In general the communities that highlighted positive initiatives were those with more access to information and services from government and civil society; remote rural communities spoke of their isolation from these potential drivers of change.

Villages identified positive initiatives which addressed the root causes of gender inequality and violence, including social attitudes, values and customs. For example, some villages highlighted that in their communities they had achieved a shift away from harmful traditional practices, including *berlake* and male-lineage inheritance. Better access to education for girls was cited by a number of Sucos, including parents changing their attitudes about girls' education. A number of Sucos highlighted the important changes starting to be seen with women members of the Suco Council playing a role in public decision-making including supporting work on violence against women and girls.



We have ended the custom of requiring people to pay berlake. Two Lia Na'ins prepared the way for this ... This has resulted in women and men being

23. This finding is supported by the 2018 Community-Police Perceptions Survey conducted by The Asia Foundation which found “between 2015 and 2018 there was a significant increase in public respondents who agreed PNTL’s presence was too little.” 2018 Community-Police Perceptions Survey. Thematic Brief: Police Performance. The Asia Foundation. https://asiafoundation.org/wp-content/uploads/2021/09/Timor-Leste-Community-Police-Perceptions-Survey-thematic-brief-PNTL_performance.pdf

*considered equal. Now we see a reduction in violence in the village, because women and men give more consideration to each other. The cultural norms which people created can be changed when the norms no longer meet the needs of our times. **Woman activist, Suco Uma Quic, Viqueque.***

*Gradually we see a change in thinking within families, they begin to share their resources and give opportunities to girls the same as for boys. **Chefe Suco Lau-Hata, Bazartete, Liquica.***

Sucos which had participated in sustained socialization, education and training activities on gender equality and the laws by NGOs reported the success of this intensive work in shifting attitudes and empowering rural women. One workshop identified the Catholic Church as playing an important role with local authorities, as well as NGO socialization activities. Ensuring that men actively participate in this socialization, and that men take this seriously, was identified as an important step in men improving their own lives at the same time as building their respect for women's rights. One Suco highlighted an initiative to provide Suco land to families with many children, in order to grow extra food and reduce economic stress as well as ensure better nutrition for children.



*We see changes, like children being able to go to school and transform themselves through knowledge. But there are many who have not yet seen this change. **Male youth activist. Suco Mauchiga, Ainaro.***

*The Suco also makes land available to members of the community who have many children, so that they can plant vegetables to eat and reduce their economic burden. **Chefe Suco Vatuvou, Liquica.***

*NGOs have conducted a lot of socialization in the village about gender equality and violence. Women have participated in all discussions in the village so that they understand the law and the legal process to prevent domestic violence. Women also understand who they need to go to when they do experience violence. Because women and men now have the same understanding, less violence is happening. **Woman activist, Suco Uma Quic, Viqueque.***

The importance of NGO legal aid support to bring cases to the police was also highlighted. One workshop identified the active role of the Office of the Provedor for Human Rights and Justice helping cases be brought to the formal justice system. In some areas participants felt that the municipal Rede Referral worked well with the Chefe Suco to bring cases to the legal process, including especially members of the PNTL/VPU and NGOs. One workshop highlighted the value of the role of the Community Police Council, which worked to train youth and community members in every Aldeia on how to

respond and manage cases of violence against women and girls, including domestic violence. Others called for the strengthening of the Community Police Council as a preventative measure.

The establishment of an *Uma Mahon* or other shelter as a safe place for women and girl victims was cited as a key step by a number of workshops, while many Sucos without an *Uma Mahon* prioritized the need to establish one.



*When a woman or girl in our village experiences violence she goes to the local NGO in the village, KHC, as well as the Uma Mahon which looks after their safety. At the Uma Mahon we give counseling including information that they can go to the police. In addition, women survivors sometimes get counseling from members of the police and local authorities to help them keep on with their lives, and so that they are not excluded from the life of the community. And the NGO KHC always helps victims of domestic violence with small loans. This helps alot, because many women have economic problems and they can use this money to survive. **Coordinator of Uma Mahon, Suco Uma Quic, Viqueque***

Village health services were identified as potentially an important link and support for women survivors of violence. One Suco reported activating the women's health committee to reach out to women in Aldeias, both to find out about situations of violence against women and children and to provide support and increase women's awareness of their rights, especially in relation to domestic violence. Another village highlighted that a new visiting health clinic provided important services for women who could seek a range of support. Others identified health treatment and support by NGOs through the Rede Referral system as key progress in recent years. Another spoke of the importance of the village women's group supporting small-scale livelihood activities as an entry point for women to build networks and gain access to support.



*In our village, we do not have a group like a women's association. But we do have a women's group to make tempe (soy bean food), and through this we can involve women to help them increase their income. We also have our support group which supports mothers through the Ministry of Health - every month we must give information to pregnant women to go to consult health workers. And we have a third group for small loans. **Woman activist. Suco Ostico, Baucau.***

Most of the initiatives identified relied upon external resources and inputs, including access to mass communications for information, reliance on NGOs for training and community education, and funds for Uma Mahon or micro-credit programs. Across the workshops, it was apparent that these

interventions are uneven and not consistently available to all communities, especially in rural areas.

Finding 9:

There needs to be special innovative efforts to combat cultural and legal impunity on violence against women at grassroots and societal-levels.

Through the Suco workshops and interviews two forms of impunity for violence against women and girls became apparent: impunity through the lack of official justice, and impunity through a range of cultural beliefs and practices which shield male perpetrators of violence from being held to account. The factors making up cultural impunity often contributed to a lack of action to seek justice through the legal system.

Legal impunity

The formal justice system is physically and, in some ways, culturally remote from many rural communities. The cultural remoteness, 20 years after independence, is enhanced because of the lack of regular engagement between community members and its agents, such as police. Even when courts are physically accessible, they are not necessarily regarded as a good option for women survivors.

A number of Suco workshops highlighted that in the cases that are reported to police, the response does not build trust in the system: long delays, a lack of information on follow-up, and lenient sentences for the cases that were prosecuted through the court process. Workshop participants reported that lenient and suspended sentences sent a message to violent men to enable them to keep committing violence.

This Suco study did not go deep into women's and girls' experience of the justice system during court procedures. But previous reports have highlighted the relative lack of expertise and focus on issues related to gender among the legal profession and judiciary in Timor-Leste, as well as the lack of adequate facilities.²⁴ This affects women in urban as well as rural areas.

24. Timor-Leste Government's progress in implementing the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) June 2015. Shadow report from NGOs JSMP, PRADET & ALFeLa. June 2015. Page 11. https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/TLS/INT_CEDAW_NGO_TLS_20974_E.pdf

This combination of factors decreases the capacity of the formal justice system to play its required role in reducing violence against women and girls. Suco Chefes expressed awareness of the limited capacity of the formal system to handle a caseload of all instances of violence against women and girls, which partially explained their decision to try to resolve “less serious” cases at the village level.

Even though gender-based violence comprises more than 70% of monitored court cases²⁵ the system is dealing with only a small fraction of criminal violence against women and girls. The experience of Suco workshop participants is validated by data collected in the 2016 Nabilian Baseline Study, which showed that only 5% of men who had raped ever experienced any consequences in the formal justice system.²⁶

The lack of accountability of men through the formal justice system mirrors the experience of a lack of serious efforts to prosecute sexual and other gender-based violence cases which occurred during the Indonesian occupation. Women survivors of conflict era sexual violence, and their communities, have in almost every instance never seen even an attempt to achieve justice for the crimes committed against them.



*It is important to strengthen the law to ensure it is heavy on men when they commit violent crimes against women - otherwise if the sanctions continue to be light this opens the door for men to keep committing violence. **Chefe Suco Lau-hata, Liquica.***

*I think it is better to follow the way of justice. The reason is that if we look at the cases, this is the way to reduce them. Otherwise, cases will just keep increasing if we try to resolve them according to culture and custom - we waste money, waste material like tays, pigs and cows. It is much better if we follow the legal process, this will reduce the cases of domestic violence. **Chefe Suco Caicassa, Manufahi.***

If we take smaller problems to the courts, how will they resolve them, when sometimes they cannot yet resolve the larger cases. What would happen to

25. Overview of the Justice System 2020. Page 31. Justice System Monitoring Project (JSMP). <https://jsmp.tl/wp-content/uploads/Relatoriu-OJS-2020-ENGLISH.pdf>

26. Nabilian Baseline Study, Summary, page 22. The Asia Foundation. 2016. Page 22. <https://asiafoundation.org/wp-content/uploads/2016/05/Nabilian-summary-report-03-06-2016.pdf>

*the smaller cases? Because of this, in the smaller cases the local authorities cooperate with the Lia Na'in to resolve matters inside the village. **Chefe Suco Ostico, Baucau.***

*Whenever there are cases of violence against women, I always seek a solution based on Law 9/2016 on Sucos, and the Shefe Suco's responsibility to reduce cases in the Suco is important. I always try to resolve cases, but some of these are crimes and we must take them to the legal process so that victims can get justice. In less serious cases, we can resolve these according to cultural practices. For domestic violence we always try mediation to bring the two parties together and all their family members to participate...When less serious problems occur, the village local authorities resolve in the village because we cannot only look to the law, we must also look to culture which is part of our village life. If we take smaller problems to the courts, how will they resolve them, when sometimes they cannot yet resolve the larger cases. What would happen to the smaller cases? Because of this, in the smaller cases the local authorities cooperate with the Lia Na'in to resolve inside the village. **Chefe Suco Ostico, Baucau.***

Cultural impunity

There are a complex range of factors which lead women and girl survivors of violence, families, local authorities, and communities to either not take action, or to deal with a case within the family, or according to customary practices rather than the legal system. Combined, the factors create a sort of shield to protect male perpetrators from facing consequences for their actions, though customary resolution may deliver certain consequences in some respects.

This cultural shield for men gives them free reign to continue their violent behaviour against women and girls.



*There are many cases of violence in our community. Many women feel traumatized, scared and isolated, and do not want to talk because they are afraid that their family will blame the victim. Victims are always stigmatized by the community, and the result is that they close themselves off and do not seek justice according to their rights. **Woman youth leader. Manapa, Bobonaro.***

Finding 10:

There is an important potential for empowering survivors, modeling non-violent behaviour, reporting and referrals at the Suco-level. Many Suco Councils are not clear on their mandate and competency to be involved in social program work like promotion of gender equality, prevention of domestic violence and support for survivors of domestic violence. Innovative programming and long-term resources must be enabled to bring services and prevention down to the Suco-Level.

In many workshops, Council members demonstrated confusion as to the functions of the Council in terms of competencies beyond implementing projects under the National Suco Development Program (PNDS), managed by the Ministry of State Administration, which focus on small-scale physical infrastructure project. This confusion seems, at least in some places, to be shared by municipal administrations and NGO workers.

A common recommendation from the Suco workshop was that PNDS should fund non-infrastructure project, so that Suco Councils could support social development programs related to gender equality and reducing violence against women and girls. But this may or may not be the most effective way Suco Councils can work to support gender equality and prevent and address violence against women and girls.



*Compared to previous times things are changing. With the involvement of many NGOs in the village conducting socialisation we see that in recent years violence is reducing. We speak about gender equality in our village, and there is less discrimination and violence. Because people understand that domestic violence damages their dignity, they try hard to be close to their partners to understand each other. With this we will see that our children do not become victims, that women and men find a way to live better lives in their families ... We are seeing that men in the village are not thinking about committing violence anymore. Instead, many are returning to study and to rebuild their lives, so that violence has been greatly reduced. **Coordinator of the Uma Mahon, Suco Uma Quic, Viqueque.***

In fact, the Suco Council mandate is broader than being a management team for PNDS projects. Under the 2016 Law of Sucos, the Chefe Suco prepares a Village Development Plan for Suco Council approval. This Plan could include social programming on matters related to gender equality and responding

to and reducing VAWG, for example to be implemented by NGOs. However, reliable funding sources for such work are not clear to Councils, as line Ministry funding to NGOs to conduct activities in villages is not adequate for nationwide programs.

At the same time, the Chefe Suco and Chefe Aldeia are given substantive duties with regard to reducing domestic violence and increasing gender equality. Chefes do Suco have a wide range of responsibilities, and cannot be expected to advance this work without support from Suco Councils.

This was such a common issue raised in workshops, that it demonstrates that more thorough research into the understanding and practices of Suco Councils is required, and sustained and predictable resourcing for Suco and Aldeia level activities to prevent and respond to violence against women and girls is an urgently needed.





Recommendations

07

Elderly Timorese Woman in Suai
Loro, 2008. UN Photo/Martine
Perret

7

Recommendations

Listening to the voices of survivors, local activists and leaders in Suco workshops and interviews with Suco and Aldeia Chiefs, and other members of Suco Councils, gave insight into our challenges and opportunities to make real impact on the problem of violence against women. These include important lessons for national level policy makers, as well as prospects for innovations at the local level.

To the Municipal administration

- Prioritize resources to support members of Rede Referral at the municipal level, allocating more resources to services, such as *Uma Mahon*, that work to protect survivors in villages, as well as innovative work to transform men's attitudes toward gender relations.
- Provide funding and personnel support to Chefe Suco and Suco Councils who prioritize programs to prevent and respond to violence against women and girls, including support for “barefoot” paralegals to increase women's access to justice.
- Increase the appointment of women municipal mayors, as well as senior positions in line ministries at municipal level.
- Begin socialization of the NAP on People with Disabilities 2021-2030, focusing on prevention of violence and empowerment.

To Chefe Suco and Chefe Aldeia, and Suco Councils

(to be supported by national government)

- Advocate for a comprehensive nationwide training program for Chefe Suco, Chefe Aldeia, members of Suco Councils, and *Lia Na'in*, on addressing gender-based violence, working with civil society to develop innovative

- responses.
- Focus on capacity building and resource investment in Suco Councils, to promote gender equality and lead on local initiatives to prevent gender-based violence.
 - Increase women's representation to elected and appointed positions at Aldeia, Suco, and Municipal levels.
 - Work with *Lia Na'in* to eradicate the practice of *berlake*, focusing on rural and remote communities.
 - Participate in a national socialization campaign on women's equal rights under the 2017 land laws.

To Government at national level

- Pass legislation to introduce a comprehensive definition of discrimination against women, that includes direct and indirect discrimination, as well as discrimination in the public and private spheres, by State and non-State actors.
- Improve the quality of national data, including new data collection methods, as well as updating key national baseline data. This must include recording cases that are not registered with the VPU/PNTL.
- Develop a sustained nationwide awareness raising and behavioural change campaigns, involving men and youth, related to gender equality and gender-based violence.
- Provide reparations for women survivors of Indonesian-era conflict human rights violations.
- Increase investment in programs to reduce poverty and economic dependence of rural women, and create special education programs for rural adolescent girls out of school.
- Undertake a review of laws, policies, and programs related to LGBTQI+ people, including all mainstream gender policies and strategies.
- Ensure implementation of the NAPs on People with Disabilities and Gender-based Violence are resourced at municipal and village levels.
- Make publicly available and accessible, in hard copy and online, all government/State laws, policies, national action plans and key research papers related to gender equality and violence against women and girls including Tetun.

To National Parliament

- Require more detailed and gender-segregated data on gender-based violence gathered by PNTL, all key line ministries, agencies, and civil society organizations.
- Engage actively in socialization of the new NAP GBV in rural and remote areas.
- Ensure that any laws related to harmonizing customary laws with the formal legal system are in full compliance with constitutional and international

legal obligations to protect the equal rights of women and girls.

To Justice sector specifically

PNTL

- Increase resources (officers, transport, communications equipment, and facilities) to OPS and VPU in rural and remote areas.
- Invest in the training of women officers in the OPS and VPU.
- Provide OPS and VPU officers with specialist rights-based training for work with vulnerable groups, especially LGBTQI+ people, and women and girls with disabilities.

Wider justice sector

- Protect the rights of women and girl victims of violence at village level when they bring matters to local authorities.
- Develop legal guidelines for charges and sentencing in domestic violence cases.
- Secure rights of single and abandoned mothers to paternal child support.
- Ensure that harmonizing customary and formal legal systems is effective in protecting the equal rights of women and girls.
- Increase resources to expand access to justice for people with disabilities, and LGBTQI+ people.

To health sector specifically

- Increase the capacity of health services to identify and support women and girl victims of gender-based violence.
- Develop and implement a rights-based sexual and reproductive health policy and strategy, which includes an emphasis on rural women and adolescent girls, including unmarried youth.

To the Catholic Church

- Utilize the outreach of the Church to rural and urban communities to communicate a sustained public stance against violence against women and girls, especially violence in the family setting.
- Accept and communicate a rights-based approach to sexual and reproductive health and education.
- Engage in strong messaging in support of rights, and inclusion of people with disabilities.
- Adopt the inclusive and welcoming position of Pope Francis in relation to LGBTQI+ people.

To Timorese NGOs and civil society organizations

- Introduce a nationwide paralegal support system with para-legal officers, to increase women survivors' access to the formal legal system in municipal towns and rural communities.
- Focus programs related to gender-based violence to provide support to municipal and rural communities where services are most scarce.
- Encourage national-based NGOs to invest in building capacity of municipal-based NGOs and civil society organizations.
- Mainstream human rights and women's NGOs to develop more inclusive policies and programs related to lesbian, bisexual, and transgender women and men, as well as women and girls with disabilities.

To Timorese media, including social media companies

- Support and collaborate in national campaigns related to promoting gender equality, and ending violence against women and girls.
- Promote the leadership of women in all aspects of media work, including public-facing roles and in management.
- Undertake training on addressing stigma and reporting on marginalized and vulnerable groups, including people with disabilities and LGBTQI+ people.

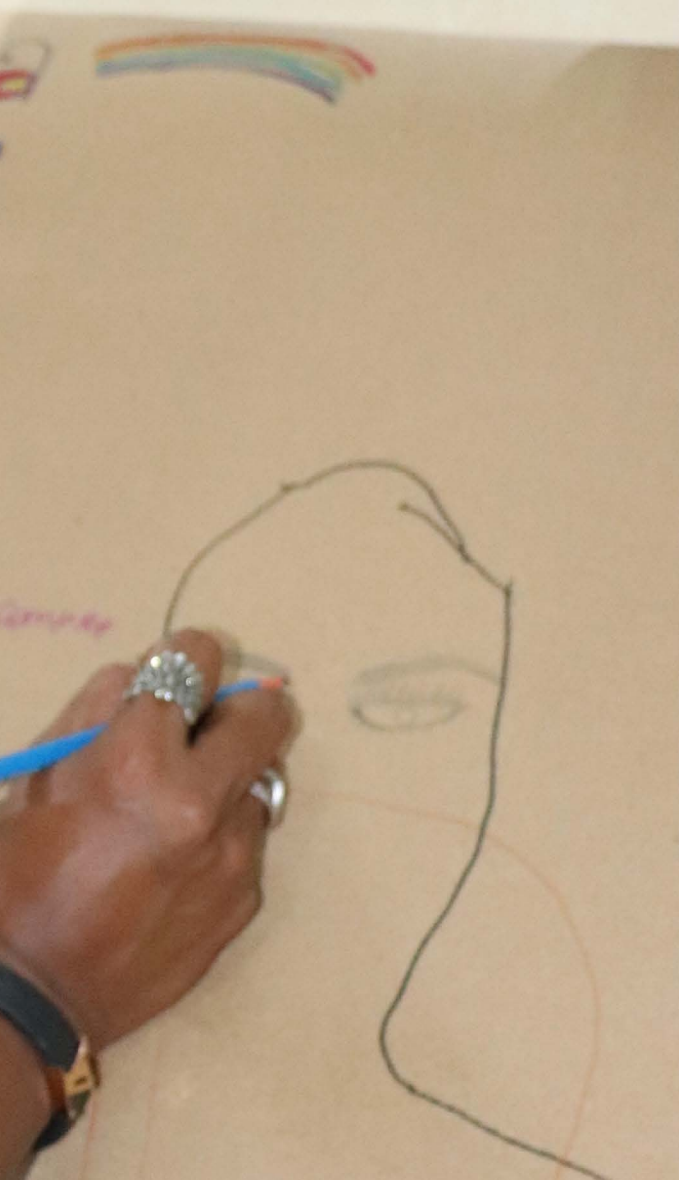
To international civil society organizations, United Nations agencies, and donors and development partners.

- Continue supporting government and national civil society in implementing plans and strategies to end violence against women and girls.
- Advocate and provide technical assistance to the government to address data gaps in relation to marginalized groups, such as LGBTQI+ people and people with disabilities.
- Provide more technical assistance to addressing weaknesses in monitoring and evaluating strategies and plans.
- Assist the government to address the major issue of poor data collection in relation to gender-based violence.
- Advocate and provide technical assistance to the government, to publish and disseminate, in both hard copy and online, all laws, national action plans, policies, strategies, and program documents, including into Tetun.



Richell
CAMPUS
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Annex

One of the participants from the learning consortium during the body mapping training

8

Annex

Annex 1:

Summary of relevant competences of Chefe Suco, Chefe Aldeia and Suco Council. Law 9/2016 Law of Sucos

Overall general competencies of the Suco include to (Arti 6.1.i-l):

- Sensitize and mobilize the community members to the eradication of domestic violence within the community.
- Sensitize the community members to the importance of schooling for children and mobilize the community to the fight against early school withdrawal.
- Inform the Municipal Administration about the existence of underage children at risk in the community, as well as individuals in social exclusion or vulnerability situations.
- Disseminate and stimulate the participation of community members in solidarity and social protection programmes set by the State and the Municipalities.

Chefe Suco's specific competencies include to (Art. 21.1.m-o, and x-z):

- Collaborate with the Local Administration organs and services in the creation of mechanisms for the prevention of domestic violence.
- Support initiatives that aim the protection and support of domestic violence victims and the eradication of domestic violence episodes in the community.
- Inform the Timor-Leste National Police of facts constituting criminal action or administrative offense (misdemeanor).
- Carry out activities to sensitize and mobilize the Suco members to the

- eradication of domestic violence within the community.
- Carry out activities to sensitize the Suco members to the importance of schooling for children and mobilize the community to the fight against early school withdrawal.
- Carry out awareness campaigns to disseminate and stimulate the participation of Suco members in solidarity and social protection programmes set by the State and the Municipalities.

Chefe Aldeia's specific competencies include to (Art. 33.1.h-k):

- Support the elaboration of strategies and activities that aim at the promotion of gender equality, as well as the prevention and eradication of the occurrence of domestic violence episodes amongst Aldeia members.
- Support the creation of mechanisms for protection of domestic violence victims.
- Identify situations of extreme poverty and social exclusion affecting Aldeia members and inform the Suco Chief of these situations.
- Identify situations of underage persons at risk and inform the Suco Chief of these situations.

Council competencies have been narrowed compared to the earlier legislation. Rather than being responsible for conducting activities, Councils are essentially responsible for making recommendations and approvals. For example make recommendations to the Chefe Suco and Aldeias about strategies they should adopt and use of resources to carry out activities within their respective competences (including on domestic violence and gender equality), and make recommendations in relation to services and programs for the Suco, as well as to approve the Village Development Plan prepared by the Chefe Suco (Art. 12).

Annex 2: List of Workshop

No	Workshop title	Implementation date	Suco and Municipality	Name of organising NGO	Total participants
1	Timeline (PAR)	25 January 2022	Uma Quic, Viqueque.	KHC	Total 44 (F: 25; M: 19)
2	Timeline (PAR)	11 February 2022	Suku Becora, Dili	FOKUPERS	Total 32
3	Ending Violence Against Women and Girls	25-26 January, 2022	Suku Caicassa, Manufahi	ALFeLa	Total 20 (F14; M 6)
4	Ending Violence Against Women and Girls and Promoting Gender Equality	24 no 26 January, 2022	Suku Matai, Covalima	CCC	Total 78
5	Timeline (PAR)	24-25 January, 2022	Suku Lahane Oriental, Dili	RHTO	Total 28 (F: 15; M: 11; PwD: 2)
6	Timeline (PAR)	1 February, 2022	Suku Lauhata, Liquiça	Rede Feto	Total 25 (F: 21; M: 4)
7	Timeline (PAR)	29 January, 2022	Suku Makili, Atauro, Dili	Pradet	Total 30 (F: 7; M: 23)
8	Timeline (PAR)	24 January, 2022	Suku Malere, Aileu	RYA	NA
9	Mapping and Addressing Violence Against Women and Girls	24 January, 2022	Suku Manapa, Bobonaro	F-HADEER	Total 32 (F: 13; M: 19)
10	Ending Violence Against Women and Girls	26 January, 2022	Suku Manutasi, Ainaru villa	FONGTIL	Total 65
11	Timeline (PAR)	28 January, 2022	Suku Matata, Ermera	HDI	Total 25

12	Understanding How to Prevent and Stop Violence Against Women and Girls	27 January, 2022	Suku Mauchiga, Ainaro	ACBIT	Total 42
13	Timeline (PAR)	24-25 January, 2022	Suku Miligo, Bobonaro	FHM	Total 42 (F 9 ; M 10; Some not accounted)
14	Understanding How to Prevent GB, Promote Community Participation in Ending GBV, and Understanding Violence Against Women and Girls	26-28 January, 2022	Suku Ostico, Baucau	A-UFD	Day 1 Total: 35 (F 18; M 17) Day 2 Total: 34 (F 21 ; M 13) Day 3 Total: 20 (F 14; M 6)
15	Ending violence Against Women and Girls	24 January, 2022	Suku Riheu, Ermera	IMI	Total 38 (F:8; M: 30)
16	Timeline (PAR)	22 January, 2022	Suku Saburai, Bobonaro	MOFFE	Total 20 (F:11; M: 9)
17	Finding Solutions to End Violence Against Women and Girls	2 January, 2022	Suku Seloikraik, Aileu	SHP	Total 69 (F: 39; M: 30)
18	Ending Violence Against Women and Girls	27-28 January, 2022	Suku Tutuluru, Manufahi	AJAR	Total 45 (F: 19; M: 26)
19	Ending Violence Against Women and Girls	20 January, 2022	Suku Vatuvou, Liquica	FMF	Total 20 (F: 4; M: 16)

20	Local Authorities and PNDS Meeting to Strengthen Women and Children's Voice at Suco Level	24 January, 2022	Suku Vesoru, Viqueque	MHVF	NA
21	Ending Violence Against Women and Girls	30 Jan-1 February, 2022	a. Suku Beneufe, Nitibe ,RAEOA b. Palaban, Pante-Macassar, RAEOA.	FEEO	Day 1 Total: 40 Day 2 Total: 40

Annex 3: List of national-level interviews

- Ze Luis Oliveira, Director Asia Justice and Rights (AJAR), Timor-Leste, Dili, 2 February 2022.
- Manuela Leong Pereira, Director Asosiasaun Chega! Ba Ita (ACbit), Dili, 2 February 2022.
- Maria Domingas Fernandes Alves, Dili 23 February 2022.
- Mana Richella Campos, Coordinator of the CODIVA Sexuality and Gender Identity program, Dili 28 February 2022.
- Maun Joker Matos, Member of CODIVA, Dili 28 February 2022.
- Maria Filomena Babo Martins, National Director for Gender Policy and Inclusion, Dili 1 March 2022.
- Marilia da Silva Alves, Consultant to SEII, Dili 1 March 2022.
- Officer Amelia de Jesus Amaral, PNTL VPU Chief Covalima, Covalima 1 March 2022.
- Silvia Antonia Soares, RHTO. Dili, 3 March 2022.
- Maria Angelina Lopes Sarmiento, Vice President National Parliament. Dili, 4 March 2022.



A woman of survivors kolia on world women day.

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