



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**

**Fourth periodic report submitted by Timor-Leste under
article 18 of the Convention, due in 2021***

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Acronyms

AAP	Annual Action Plan
ACJ	Access to Justice Clinic
ADR	Alternative Dispute Resolution
BNCTL	<i>Banco Nacional de Comércio de Timor-Leste</i> (National Bank of Commerce of Timor-Leste)
CAVR	<i>Comissão de Acolhimento, Verdade e Reconciliação</i> (Commission for Reception, Truth and Reconciliation)
CFP	<i>Comissão da Função Pública</i> (Civil Service Commission)
CHC	Community Health Centre
CLC	Community Learning Centre
CNC	Chega! National Centre
CNE	<i>Comissão Nacional de Eleições</i> (National Elections Commission)
CNR	<i>Centro Nacional de Reabilitação</i> (National Centre for Rehabilitation)
CSI	<i>Centru Saúde Internamentu</i> (Community Health Centres with beds)
CSO	Civil Society Organisation
CTF	Commission of Truth and Friendship
DHS	Demographic and Health Survey
DWCP	Decent Work Country Programme
DV	Domestic Violence
EIA	Environmental Impact Assessments
EmONC	Emergency Obstetric and Newborn Care
EMP	Environmental Management Plans
FMIS	Financial Management Information System
FP	Family Planning
GBV	Gender-Based Violence
GDS	General Directorate of Statistics
GER	Gross Enrolment Rate
GMPTL	<i>Grupo das Mulheres Parlamentares de Timor-Leste</i> (Female Parliamentarians of Timor-Leste Group)
GRB	Gender Responsive Budgeting
HNGV	<i>Hospital Nacional Guido Valadares</i> (Guido Valadares National Hospital)
IGT	<i>Inspecção Geral do Trabalho</i> (General Inspectorate of Labour)

ILO	International Labour Organization
INAP	<i>Instituto Nacional de Administração Pública</i> (National Institute of Public Administration)
INS	<i>Instituto Nacional de Saúde</i> (National Health Institute)
IOM	International Organisation for Migration
LADV	Law Against Domestic Violence
LFS	Labour Force Survey
LJTC	Legal and Judicial Training Centre
MAF	Ministry of Agriculture and Fisheries
MDSR	Maternal Death Surveillance Response
MEJD	<i>Ministério da Educação, Juventude e Desporto</i> (Ministry of Education, Youth and Sports) / (ex-MoE – Ministry of Education)
MoH	Ministry of Health
MoI	Ministry of Interior
MoJ	Ministry of Justice
MRLAP	<i>Ministério da Reforma Legislativa e Assuntos Parlamentares</i> (Ministry of Legislative Reform and Parliamentary Affairs)
MSG	Mother Support Groups
MSSI	<i>Ministério da Solidariedade Social e Inclusão</i> (Ministry of Social Solidarity and Inclusion)
MTCI	<i>Ministério do Turismo, Comércio e Indústria</i> (Ministry of Tourism, Trade and Industry)
NAP	National Action Plan
NER	Net Enrolment Ratio
NES	National Employment Strategy
NGO	Non-Governmental Organisation
NVA	National Victims Association
OPD	Office of the Public Defender
OPG	Office of the Prosecutor General
PDHJ	<i>Provedoria dos Direitos Humanos e Justiça</i> (National Ombudsman for Human Rights)
PFM	Program Finance Management
PNTL	<i>Polícia Nacional de Timor-Leste</i> (National Police of Timor-Leste)
PwD	Persons with Disabilities
SDP	Strategic Development Plan

SECOMS	<i>Secretária de Estado para a Comunicação Social</i> (Secretary of State for Social Communications)
SEII	<i>Secretária de Estado para a Igualdade e Inclusão</i> (Secretary of State for Equality and Inclusion)
SEPFOPE	<i>Secretária de Estado da Formação Profissional e Emprego</i> (Secretary of State of Vocational Training and Employment)
SISCa	<i>Serviço Integrado de Saúde Comunitária</i> (Integrated Community Health Services)
SNC	<i>Sistema Nacional de Cadastro</i> (National Registration System)
SOP	Standard Operating Procedures
SRH	Sexual and Reproductive Health
STAE	<i>Secretaria Técnica de Administração Eleitoral</i> (Technical Secretariat for Electoral Administration)
TFR	Total Fertility Rate
TIP	Trafficking in Persons
TVET	Technical and Vocational Educational Training
UN Women	United Nations Entity for Gender Equality and the Empowerment of Women
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNICEF	United Nations Children's Fund
UNTL	<i>Universidade Nacional Timor Lorosa'e</i> (National University of Timor-Leste)
UPMA	<i>Unidade de Planeamento, Monitorização e Avaliação</i> (Planning, Monitoring and Evaluation Unit)
VAW	Violence Against Women
VPU	Vulnerable Persons Unit
WASH	Water, Sanitation and Hygiene
WHO	World Health Organisation

Introduction

1. The present report constitutes the 4th Periodic Treaty-Specific CEDAW Report for consideration by the CEDAW Committee and officially endorsed by the Council of Ministers on the 20th of November 2019.
2. The 2015 Concluding Observations were translated into Tetum for dissemination to relevant line ministries and brought to the attention of the public through a TV dialogue.
3. The report was prepared by the office of the Secretary of State for Equality and Inclusion (SEII) as the outcome of a close collaboration among all relevant line Ministries and national institutions (16 institutions). The National Human Rights Institution (PDHJ) and Civil Society Organizations (CSOs) were also part of the preparation of the report through the national consultative workshop held in October 2019.
4. As the process of updating the Common Core Document has not been completed by the time of development of the present report, all necessary and relevant information was directly included in this treaty-specific document.

Articles 1: Definition of Discrimination and Legislative Framework

5. In lieu of a comprehensive law on gender equality, the Government systematically include specific articles on discrimination and equality in key legal acts such as the 2017 Law against Trafficking in Persons (Law N° 3/2017 – Art. 3),¹ the 2016 Law on the Creation of the Social Security Contributory Regime (Law N° 12/2016 – Art. 6 and 7)² or the 2017 Law establishing the Special Regime for Definition of Ownership of immovable Property ('Land Law', Law N° 13/2017 – Art.4).³
6. In addition to the enactment of the bills on trafficking and land, the expropriation law (Law N° 8/2017) - including the real estate financial fund (Art. 66) – was passed in 2017.⁴ Regarding Civil Registration, the draft Code is now completed and going through further analysis and consultations prior to submission to Parliament.^{6,7}
7. Various initiatives have been undertaken during the reporting period toward the adoption of a formal law regulating the relationships between customary and formal justice systems. The Ministry for Legislative Reform and Parliamentary Affairs (MRLAP)⁸ is now undertaking research and public consultations on how to create interactions between formal and customary justice systems for the development of a Traditional Justice Law.⁹

¹ Law N° 3/2017, 25th Jan. 2017 – Art. 3: Principle of Non-discrimination.

² Law N° 12/2016, 14th Nov. 2016 – Art. 6: Principle of Equality / Art. 7: Principle of Equity.

³ Law N° 13/2017, 5th June 2017 – Art. 4: Equal Rights / Art. 5: Duty of Respect of Vulnerable Groups.

⁴ Law N° 8/2017, 26th April 2017 – Art. 66.

⁵ See the related articles under the present report for more information on the enactment and implementation of these laws.

⁶ Ministry of Justice's response to CEDAW Questionnaire, Sept. 2019.

⁷ See Article 16.

⁸ Ministry of Justice's response to CEDAW Questionnaire, Sept. 2019.

⁹ 'Government to launch national consultations on conciliation and traditional justice', Government of Timor-Leste website, 11th April 2019 – <http://timor-leste.gov.tl/?p=21614&n=1&lang=en> [accessed 25/09/2019].

8. Recognizing the importance of alternative dispute resolution (ADR) mechanisms in accessing justice, including for women, the Ministry of Justice (MoJ) has developed a draft law on informal justice processes, or ‘mediation law’ to act as an umbrella law for all ADR practices. It is ready to be submitted for public consultation.¹⁰ In the development of the draft law, a specific seminar on ‘Gender Responsive Alternative Dispute Resolution’ was organized to ensure the consideration of women’s rights.¹¹

Article 2: Policy Measures

Access to Justice

9. The mobile court system remains the main channel to provide access to formal justice to rural communities by convening hearings in 9 municipalities where fixed courts are not yet established. The programme also contributes to introduce or enhance legal literacy to remote communities, including women, and promotes formal justice in these areas.

10. The number of cases assessed by mobile courts has been rising each year from 2015 to 2017 (about 10 per cent), totalling above 700 cases since 2018,¹² representing 17 per cent of all criminal cases assessed in the first instance. Among criminal cases, the average of GBV cases between 2016 and 2018 varied between 46 per cent and 61 per cent, indicating the value of this programme for women victims of violence in rural areas. Overall, women represent about 33 per cent of the total beneficiaries of resolved cases (among approximately 3,000 beneficiary litigants).¹³

Procedures for women for filling complaints

11. Complaints related to violence against women (VAW) are generally facilitated by the service providers’ Referral Network, established under the first National Action Plan against Gender-based Violence (NAP GBV).¹⁴ The Network guides and supports victims through the reporting (generally to the Vulnerable Person Unit (VPU) of the national police - PNTL), investigation and judicial processes. Complaints related to labour or education are generally addressed by the General Inspectorate of Labour under the Secretary of State for Vocational Training and Employment (SEPFPOPE)¹⁵ and the General Inspectorate of Education under the Ministry of Education, Youth and Sports (MEJD).¹⁶ Both are mandated to refer cases to the Court when no solution can be found through mediation.

12. Special attention was given to improve the filling complaint mechanism related to sexual harassment committed by public servants through innovative technology by developing the “ChatBot Rosa” since 2018.

13. Beside the formal justice system, two other pathways are generally used by community members to settle conflicts. These are ADR processes including

¹⁰ Ministry of Justice’s response to CEDAW Questionnaire, Sept. 2019.

¹¹ Seminar Report, Gender Responsive Alternative Dispute Resolution, Dili, 4–5 December 2017, UN Women Timor-Leste, April 2018, p. 10.

¹² Above 2,500 cases treated for the 2015-2018 period, out of which 1568 cases were resolved – the average number of cases resolved per month remains stable (just above 40 cases resolved per months).

¹³ Justice System Programme – 2017 Annual Progress Report, UNDP Timor-Leste, March 2018, p. 12; Justice System Programme – 2018 Progress Fact Sheet, UNDP Timor-Leste, p. 2.

¹⁴ See ‘Violence Against Women’ under Article 5.

¹⁵ See Article 11.

¹⁶ See Article 10.

customary dispute resolution (or *Lisan/Adat*) and non-customary ADR (mediation through Government institutions and civil society). They are both recognized by the formal legal system and considered legitimate by community members.¹⁷ Despite being mainly facilitated by men (although not exclusively)¹⁸, women still largely rely on these processes.¹⁹ The future Traditional Justice Law and the law on informal justice processes are expected to improve the connection between the different systems and the provision of ADR services.

Legal aid

14. Public legal aid is provided by the Office of the Public Defender - OPD (Decree-Law N° 10/2017), which is “*responsible for providing full and free judicial and extrajudicial assistance to citizens who need it due to their economic or social situation*” (Art. 1.1), covering both civil and criminal matters.²⁰

15. 30 full-time public defenders (5 women) and an additional 5 trainees are currently operating in the 4 judicial districts. In the 2016–2019 period (until October 2019), the civil section of the OPD supported women in 46 cases, all related to divorce. In the same period, the criminal section supported women in 2,796 cases, all related to VAW.^{21,22}

16. The Access to Justice Clinics (AJCs) programme, developed in response to the limited access to the formal justice system, especially for rural populations and piloted in 2 judicial districts (Suai and Baucau) since 2016, provides free legal information and consultation services (Decree-Law N° 10/2017 – Art. 22). It is structured as the OPD’s ‘extrajudicial division’ along with the pre-existing civil and criminal divisions.

17. After a year of implementation, 127 cases were registered by the two AJCs (92 land disputes, 30 other types of civil cases, and 5 criminal cases), benefiting to 251 community members (20 per cent women - likely to reflect the limited ownership of land by women). In the same period, AJCs also directly facilitated 108 mediation cases, 28 cases of which were resolved,²³ benefiting to 56 community members (32 per cent women).²⁴

¹⁷ See for example: D. Babo-Soares, “Nahe Biti: the Philosophy and Process of Grassroots Reconciliation (and Justice) in East Timor”, *The Asia Pacific Journal of Anthropology*, 5(1), 2004; T. Kirk, *Legal Aid Lawyers and Paralegals: Promoting Access to Justice and Negotiating Hybridity in Timor-Leste*, 2014; Cummins, D. (2014) *Local Governance in Timor-Leste*, 76-95; The Asia Foundation (2013) *Timor-Leste Law and Justice Survey*; UNDP (2013) *Breaking The Cycle Of Domestic Violence In Timor-Leste, Access To Justice Options, Barriers And Decision Making Processes In The Context Of Legal Pluralism*; Ba Distrito Baseline Survey (2014) *Local Governance and Access to Justice in Timor-Leste*.

¹⁸ D. Cummins and M.A. Bere, *Women’s multiple pathways to justice: Alternative Dispute Resolution and the impact for women in Timor-Leste*, UN Women Timor-Leste, October 2018, p. 9.

¹⁹ Seminar Report, *Gender Responsive Alternative Dispute Resolution*, Dili, 4-5 December 2017, UN Women Timor-Leste, April 2018, p. 21.

²⁰ Response of the Office of the Public Defender to the CEDAW Questionnaire, 16th Oct. 2019.

²¹ Response of the Office of the Public Defender to the CEDAW Questionnaire, 16th Oct. 2019.

²² Notwithstanding, an important share of victims of violence against women is directly supported by the public prosecutor.

²³ 18 land disputes and 10 other types of civil cases.

²⁴ *Strengthening Rule of Law by Supporting the Establishment of Access to Justice Clinics (ACJs) in Timor-Leste - Final Report for the Government of Japan*, April 2016–February 2018, UNDP/OPD, 14th June 2018, pp. 12–13.

18. In the framework of the NAP-GBV and the Referral Network, CSOs are also providing important support and free legal aid to women victims of GBV.^{25,26}

Human resources and training of justice actors

19. The Law N°1/2017 establishes a transitional regime for the recruitment of non-Timorese magistrates and public defenders²⁷ to be mainly integrated in the Legal and Judicial Training Centre (LJTC) as mentors or professors to respond to the qualified judicial human resources challenge, mitigating the Resolutions N° 29/2014 and 32/2014 related to the dismissal of international judges in 2014.

20. The MoJ signed in 2016 a new co-operation protocol with the Government of Portugal on the renewal of assistance to the justice sector which allowed for the re-opening of the LJTC. At the time of writing, 6 international trainers and mentors are teaching in the LJTC (50 per cent women).²⁸ The new statutes of the LJTC also make clear that the objective of recruiting international trainers is a transitional mechanism to train local human resources and strengthen the sustainability of the justice system.²⁹

21. The number of judges now reaches 35 (40 per cent women), the number of Tribunal's Auditors reaches 30 (27 per cent women) and the number of Justice Officials/Court Clerks reaches 86 (27 per cent women).³⁰ It is due to increase after the graduation of the 13 new trainees of the 6th LJTC course in December 2019. Moreover, the number of private lawyers has increased to 132 professionals.³¹

22. A specific gender training for judges was organized and delivered by UN Women in October 2015. The Women Machinery³² took over this responsibility in 2017 for the 6th Course, providing a 4 days training as part of the complementary trainings to 35 private lawyers (20 per cent women) in 2017.³³

²⁵ The main legal aid CSO, ALFeLa, provided legal aid to 1,549 victims (97,5 per cent women and children) between 2015 and 2018 - most of them being criminal cases (only 14 per cent of civil cases) - ALFeLa's response to CEDAW questionnaire, August 2019.

²⁶ Other national NGOs such as Fokupers and the Alola Foundation are also providing important legal support to victims of GBV - 2018 Annual Report to National Parliament on the Implementation of the 2017-2021 National Action Plan on Gender-Based Violence, Secretariat of State for Equality and Inclusion (SEII), July 2019.

²⁷ Law N° 1/2017, 18th January 2018 - Transitional Recruitment Regime for Non-Timorese Magistrates and Public Defenders and Second Amendment to Law No. 9/2011 of 17 August Approving the Organic of the Board of Auditors of the Supreme Administrative, Tax and Audit Court.

²⁸ Interview of Dr. Antonino Gonçalves, Legal and Judicial Training Center (LJTC), 14/11/2019.

²⁹ Decree-Law N° 18/2016, 22nd of June 2016 - Training Activities Regime of the Legal and Judicial Training Center, - Previously called 'Legal Training Center'.

³⁰ Response of the Court of Appeal (acting as the Supreme Court) to the CEDAW Questionnaire, 7th Nov. 2019.

³¹ Justice System Programme - 2018 Progress Fact Sheet, UNDP Timor-Leste, p. 2.

³² Secretary of State for Support and Socio-Economic Promotion of Women (SEM) from 2015 to 2017, Secretary of State for Gender Equality and Social Inclusion (SEIGIS) from 2017 to 2018 and Secretary of State for Equality and Inclusion (SEII) from 2018 to present.

³³ SEII Training Department data.

23. It has been observed since 2015 that direct references to CEDAW by judges in GBV and sexual violence cases has increased.³⁴ Also, JSMP observed since 2016 that discriminatory comments or decisions against women have decreased and efforts from the courts to process pending GBV cases from previous years and ensuring new cases are processed in timely manner were praised.³⁵

Enhancement of women's awareness of their rights and legal literacy

24. In addition to the ACJ legal information outreach,³⁶ Government³⁷ and State Institutions such as PDHJ are implementing legal literacy campaigns at community level on various topics. The annually celebrated 16 days campaign of activism against VAW also contributes to wide-spread advocacy on GBV issue.³⁸

Resources allocated to enhance access to formal justice

25. In 2015, an increase in the justice budget allocation (21 per cent)³⁹ allowed for material and infrastructure improvements of districts courts such as the building of a specific room in the Oecusse district court for victims to privately consult with their lawyers and remain separated from the defendant. Material improvement included *inter alia* the procurement of additional cars facilitating mobile court proceedings.

26. While substantial financial resources were allocated to District Courts in the 2016-2019 period⁴⁰ in order to maintain the accessibility of the formal justice system in rural areas, no significant infrastructure improvement was achieved in this period.

Article 3: Measures to Develop and Advance Women

National Women Machinery's resources

27. Please refer to the 2018 Follow-up State Party report for comprehensive information regarding the National Women Machinery's resources for the 2015–2018 period.

³⁴ 'JSMP congratulates the court for applying CEDAW in its decision in a case of domestic violence', Press Release, Judicial System Monitoring Programme (JSMP), 12th Feb. 2015 - http://jsmp.tl/wp-content/uploads/2015/01/JSMPJSMPkongratula-tribunal-tanba-aplika-instrumentu-CEDAW-ih-a-kazu-violensia-domestika_ENGLISH.pdf [accessed 25/09/2019]; 'Dili District Court sentences Defendant in case of rape to 10 years and 6 months in prison and orders him to pay compensation pursuant to the Penal Code and CEDAW', Press Release, Judicial System Monitoring Programme (JSMP), 15th Oct. 2015 - http://jsmp.tl/wp-content/uploads/2015/01/PrTribunalDILIKondenatinan10fulan6CEDAW_ENGLISH.pdf [accessed 25/09/2019]; 'Tribunál kontinua aplika instrumentu CEDAW ba krime ho natureza violénsia doméstika', Press Release, JSMP, 18th Feb. 2016 – http://jsmp.tl/wp-content/uploads/2016/01/PrWCJUdesizaun-kazu-VD-referebaCEDAW_TETUM.pdf [accessed 25/09/2019].

³⁵ Overview of the Justice Sector – 2016 Annual Report, Judicial System Monitoring Program (JSMP), April 2017, p. 25.

³⁶ The ACJ programme includes an important outreach and awareness-raising component (including ADR training), reaching in total more than 6,782 community members (about 40 per cent women) in the 2 municipalities of implementation between 2016 and 2018.

³⁷ Especially conducted by the Ministry of Justice.

³⁸ See 'Violence Against Women' under Article 5.

³⁹ 2014 State Budget – Budget Overview (Book 1), Democratic Republic of Timor-Leste, Ministry of Finance, 2014; 2015 State Budget – Budget Overview (Book 1), Democratic Republic of Timor-Leste, Ministry of Finance, 2015.

⁴⁰ Budget of District Courts for the 2016-2018 period according to the response of the Court of Appeal (acting as the Supreme Court) to the CEDAW Questionnaire: 2016: 598,242.11 USD, 2017: 337,239.20 USD, 2018: 232,436.00 USD.

28. Efforts to improve the technical capacity of Gender Working Groups (GWG) toward a better implementation of gender mainstreaming principles, especially into budgeting and Annual Action Plans (AAPs), was implemented mainly between 2015 and 2017 through trainings reaching 369 public servants (60 per cent women).⁴¹

29. A general gender training is being developed by SEII in collaboration with the National Institute of Public Administration (INAP) for the dissemination of gender principles within the Government. A manual was already developed, and trainings are expected to begin by 2020.

Monitoring mechanism of strategic plans on women's rights and gender equality

30. Progress has been made to monitor public allocations for gender equality. The creation of a Planning, Monitoring and Evaluation Unit (UPMA) under the Prime Minister's Office through the Decree-Law N°22/2015 has been an important achievement in this view. UPMA is the monitoring mechanism to track Government implementation and investment via the 'Road to the Future' (*Dalan Ba Futuru*) database. In the framework of the Program Finance Management (PFM) reform, the development of a programme budgeting approach contributes to strengthen the Gender-Responsive Budgeting (GRB) system initiated since 2007.

31. A gender marker system is now included in the Government Financial Management Information System (FMIS) to facilitate the tracking of funds expended for the promotion of gender equality. While, the mechanism is still in development, UPMA and SEII already started to analyse line ministries' quarterly reports submitted to Parliament. According to the 2019 1st trimester report, 16 per cent of the executed budget by the Government directly contributed to gender equality.⁴²

32. SEII, in coordination with UPMA and DFAT is also analysing the AAPs of most Government institutions and municipalities, incorporating indicators disaggregated by sex where relevant. 67 Government institutions' AAPs, in addition to all municipalities' AAP were analysed for 2020.

33. Moreover, SEII is an observer to the Budget Review Committee ensuring that all ministries and agencies allocate enough resources for gender equality as part of their overall budget submissions.⁴³ Specific attention is given to the planning, budgeting and implementation of the 3 major gender policies at national level.⁴⁴

Collection of gender-disaggregated data to assess the impact of GRB and programmes on women

34. The General Directorate of Statistics (GDS), supported by international partners, has been increasing the availability of sex-disaggregated data in all of its

⁴¹ 2015–2017 Secretariat of State for the Socio-Economic Support and Promotion of Women, VIth Constitutional Government, July 2017, p. 30.

⁴² In the first trimester of 2019 the state executed US\$166,530,264 (11 per cent) out of US\$1,428,273,449 allocated, out of which US\$26,619,574 was executed for Gender Equality (with gender marker "Principal") (this amount is calculated after the virement, excluding independent organs that are not yet part of the Program-based budgeting structure.

⁴³ Report on the Implementation of the Sustainable Development Goals: From ashes to reconciliation, reconstruction and sustainable development, Voluntary National Review of Timor-Leste 2019, Government of Timor-Leste, Dili, Timor-Leste, 2019, p.76.

⁴⁴ 1) National Action Plan on Gender-Based Violence; 2) National Action Plan on UNSCR 1325 – Women, Peace and Security; 3) Maubisse Declaration on Rural Women.

publications, and gender-specific analyses have been published for most of the recent census and surveys conducted by the GDS.

35. On the administrative side, the 2017 Gender-Responsive Budgeting (GRB) policy note, developed with international support, and guiding the implementation of gender mainstreaming within the PFM reform, provides for the development of a solid system for collecting gender statistics and data by line ministries toward strengthening a performance orientation of the Government's action.⁴⁵ The development of the State FMIS and the '*Dalan ba Futuru*' database are expected to facilitate this process by making accountable all public institutions on the implementation of their commitments within their sector.⁴⁶

Article 4: Temporary Special Measures to Accelerate Equality

36. (No significant update in the reporting period).

Article 5: Sex Roles and Stereotyping

37. According to the 2015 census data, the proportion of women aged 20–24 who were married or in a union before the age of 18 is close to 7 per cent, with wide variations between municipalities. On the other hand, the 2016 Demographic and Health Survey (DHS) found that 35 per cent of women aged 20–49 had married in their teens compared to 9 per cent of men. Regarding polygamy, the 2016 DHS revealed that 4 per cent of women reported their husband or partner had co-wives and 1 per cent of men reported having multiple wives (an increase compared to the 2009/2010 DHS).⁴⁷

Initiatives on early child and forced marriages and polygamy

38. At the request of the Female Parliamentarians of Timor-Leste Group (GMPTL) following the 2016 National Conference on Sexual and Reproductive Rights, the Government, UNFPA and Plan International conducted a research in 2017 to identify the root causes leading to teenage pregnancy and early marriage in the country. It showed that early marriages are generally the cause of teenage pregnancy. Nonetheless, the research also stresses that early marriage is not a positive social norm, suggesting that this issue could be addressed through sexual education⁴⁸ and access to family planning for youth.^{49,50}

⁴⁵ Gender-Responsive Budgeting Policy Note: Mainstreaming Gender into the Public Financial Management Reform (2017-2021), [no date], pp. 20–21.

⁴⁶ Timor-Leste's Beijing Declaration and Platform for Action (Bpfa) National Review and Appraisal Report (2014-2018), Democratic Republic of Timor-Leste, Secretariat of State of Equality and Inclusion (SEII), 2019, pp. 10–11.

⁴⁷ Gender thematic report – Timor-Leste Population & Housing Census 2015, General Directorate of Statistics – Ministry of Finance / UNFPA / UN Women, 2018, pp. 11–12.

⁴⁸ Including the concept of consent to sexual relations as some young women are unaware that their consent was even required.

⁴⁹ Dr. D. Cummins and Ms. Z. Fonseca, Teenage Pregnancy and Early Marriage - *Research on the Decision-Making Pathways of Young Women in the Municipalities of Covalima, Aileu and Dili*, Secretariat of State for Youth and Sports – Democratic Republic of Timor-Leste/ UNFPA Timor-Leste / Plan International, May 2017.

⁵⁰ See 'Sexual and reproductive health and rights programmes in education' under Article 10, and 'Family Planning and fertility' under Article 12.

39. Regarding the polygamy issue, legal initiatives have been instigated such as the registration by the Civil Registry of all marriages in its various forms provided under the draft Civil Registration Code which intends to ensure the effective celebration of marriages according to civil law.⁵¹

Awareness-raising programmes on discriminatory stereotypes and harmful practices

40. Awareness-raising is conducted through parenting education programmes conducted at community-level under the MSSSI family related policies.⁵² These programmes, implemented in 2 municipalities, promote harmony in the family and challenge traditional patriarchal values during community sessions,⁵³ especially by emphasizing the significant role of fathers and equal participation of men in the caring and rearing of their children.

41. Social norm change programmes implemented by NGOs under the NAP GBV framework also contribute to reduce discriminatory stereotypes. The Nabilan program from The Asia Foundation has been particularly active in this sector by implementing a community-based prevention methodology (SASA!)⁵⁴ which encourages community members to think about the positive effects of balancing power in relationships between women and men.⁵⁵

42. Several initiatives targeting the media were implemented such as the development of a code of conduct for journalists including gender equality principles,⁵⁶ TV and radio programmes aired, and social media used for wider dissemination.⁵⁷

Violence Against Women

43. The 2016 DHS findings on spousal violence within the 12 months preceding the survey indicate a rising trend in spousal violence compared to the 2009/2010 DHS (from 31 per cent in 2009/10 to 33 per cent in 2016). A similar trend is observed in

⁵¹ See Article 16.

⁵² Ministry of Social Solidarity and Inclusion's response to CEDAW questionnaire, Aug. 2019; 2017 Journal of Change in Timor-Leste, UNICEF, Oct. 2018, pp. 8-9; 2018 Journal of Change in Timor-Leste, UNICEF, June 2019, pp. 12-13.

⁵³ More than 11,500 beneficiaries in 2 remote districts with almost equal participation between men and women.

⁵⁴ SASA! (Start, Awareness, Support, Action!) is a community mobilization approach to preventing violence against women and HIV and has been proven to be highly effective in preventing intimate partner violence.

⁵⁵ Ending Violence Against Women and Children in Timor-Leste, The Asia Foundation, 24th July 2019.

⁵⁶ SEII Training department data; 'Government organizes training on gender equality for Editors and Newsrooms chiefs', Timor-Leste Government website, 8th Nov. 2018 - <http://timor-leste.gov.tl/?p=20694&lang=en&lang=en> [accessed on 27/09/2019]; 'SECOMS begins training on the promotion of gender equality', Timor-Leste Government website, 27th Sept. 2018 - <http://timor-leste.gov.tl/?p=20608&lang=en&lang=en> [accessed on 27/09/2019].

⁵⁷ 2018 Annual Report to National Parliament on the Implementation of the 2017-2021 National Action Plan on Gender-Based Violence, Secretariat of State for Equality and Inclusion (SEII), July 2019, pp. 6-31.; Nabilan Program: Ending Violence Against Women In Timor-Leste Progress report 1 July - 31 December 2017 Volume 1, The Asia Foundation.

terms of spousal sexual violence (from 2 per cent in 2009/10 to 5 per cent in 2016).⁵⁸ The findings of the 2015 Nabilan baseline study (solely focused on VAW and conducted across all municipalities) seem to corroborate the rate of physical spousal violence (although slightly higher – 36 per cent), while the findings related to sexual spousal violence are significantly higher (31 per cent).⁵⁹

44. The trend on help-seeking behaviour between 2009/10 and 2016 is decreasing with about 24 per cent of women who experience violence seek help in 2009/10 as compared to 20 per cent in 2016. The 2015 Nabilan study reveals that 34 per cent of women had told someone about their experience of intimate partner violence (mostly to family members). Less than 25 per cent of these women had told people of authority.⁶⁰

45. On the positive side, the 2016 DHS findings indicate that the acceptance of wife beating⁶¹ is decreasing for both men and women (from 86 per cent in 2009/10 to 74 per cent in 2016 for women and from 80.7 per cent in 2009/10 to 51.6 per cent in 2016 for men).⁶² However, the findings of the 2015 Nabilan study show higher rate of acceptance (80 per cent for women and between 70 and 79 per cent for men).⁶³

National Action Plan on Gender-Based Violence 2017–2021

46. The Women Machinery initiated the process of revision of the first NAP GBV through a broad consultative process from April to July 2016. The new plan was officially adopted in February 2017.⁶⁴

47. SEII is overseeing the monitoring process and is responsible before the Parliament. While still in development, a monitoring matrix tool has recently been launched to encourage line Ministries to report on the outcomes of their activities under the NAP-GBV. SEII will deliver its first outcomes report in 2020. According to the 2018 monitoring draft report, close to 350.000 USD was executed in 2018 for the implementation of the plan (representing only 17 per cent of the 2018 provisional costing).^{65,66}

Awareness-raising

48. The awareness-raising strategy is provided under the Pillar I ('Prevention of GBV'), covering various types of training and awareness-raising community sessions targeting security and justice actors, schools, community leaders and general

⁵⁸ 2016 Timor-Leste Demographic and Health Survey, General Directorate of Statistics (GDS) – Ministry of Finance / ICF, 2018, pp. 302-303; 2009-10 Timor-Leste Demographic and Health Survey, National Statistics Directorate (NSD) - Ministry of Finance / ICF Macro, 2010, pp. 236–239.

⁵⁹ Understanding Violence against Women and Children in Timor-Leste: Findings from the *Nabilan* Baseline Study – Main Report. The Asia Foundation, Timor-Leste, 2016, pp. 48–61.

⁶⁰ Understanding Violence against Women and Children in Timor-Leste: Findings from the *Nabilan* Baseline Study – Main Report. The Asia Foundation, Timor-Leste, 2016, p. 112.

⁶¹ Out of the 5 following reasons: if she burns the food, argues with him, goes out without telling him, neglects the children, or refuses to have sex with him.

⁶² 2009/2010 DHS, pp. 214–215 and 2016 DHS, pp. 291–292.

⁶³ 2015 *Nabilan* Baseline Study, p.86.

⁶⁴ 2017–2021 National Action Plan on Gender-Based Violence, Secretariat of State for the Support and Socio-Economic Promotion of Women (SEM), Feb. 2017, p. 13.

⁶⁵ Own calculation based on the information provided in the annual report. However, this evaluation is likely to be far below the actual budget execution due to the weaknesses of the monitoring system and the limited technical and institutional capacities of SEII to comprehensively monitor the plan, both in terms of human and financial resources.

⁶⁶ 2018 Annual Report to National Parliament on the Implementation of the 2017–2021 National Action Plan on Gender-Based Violence, Secretariat of State for Equality and Inclusion (SEII), July 2019.

community members. The revision of curricula and the distribution of related school materials was also undertaken by MoE under this pillar.⁶⁷

49. In the 2015–2016 period, the Women Machinery conducted 19 sessions in 7 municipalities⁶⁸ as part of the socialization campaign of the Law against Domestic Violence (LADV).⁶⁹ About 231.000,00 USD was executed in 2016 by line ministries under this pillar, representing 11 per cent of the overall policy expenditures.⁷⁰ More activities were undertaken under the new NAP GBV, either conducted by Government or partnering CSOs, directly reaching close to 8,000 beneficiaries (about 55 per cent women) in 2018 with a particular focus on line ministries and schools.⁷¹

Due diligence of the State on prevention and judicial process for all crimes against women

50. The Government is committed to address the GBV issue using the NAP GBV as the central strategy. Its prevention pillar intends to respond to the State obligation of prevention,⁷² and Pillar III on ‘Access to Justice for victims/survivors of GBV’ provides a global strategy and detailed activities to improve investigation, prosecution and compensation for victims.

51. In terms of investigation, the National Police (PNTL) General Command issued Standard Operating Procedures (SOP) in May 2017 which integrate a gender perspective and emphasize their role in prevention and response to GBV. The establishment in 2015 of a Working Group for the promotion of gender equality in PNTL allowed the development of the PNTL Gender Strategy 2018-2022 to ensure gender sensitive service delivery and responsive to victims of GBV.⁷³

52. Trainings on the needs of victims, incident report and referral coordination were delivered between 2016 and 2018 to the PNTL (especially to the VPU and Community Police) either by SEII, international partners or civil society.⁷⁴

53. While VPU data indicates a constant increasing trend in reporting sexual violence during the reporting period, the trend in reporting domestic violence (DV) is less clear although the trend seems to increase from 2017 to 2018 and the 2019 intermediary data record might indicate another rise.^{75,76} This may indicate that there is more awareness that DV is not acceptable, confirming the decreasing rate of acceptance of wife beating found in the 2016 DHS.

⁶⁷ 2017-2021 National Action Plan on Gender-Based Violence, Secretariat of State for the Support and Socio-Economic Promotion of Women (SEM), Feb. 2017, pp. 17–18.

⁶⁸ More than 1,000 community members were directly reached in this period (40 per cent women).

⁶⁹ SEII Training department data.

⁷⁰ 2012-2016 National Action Plan on Gender-Based Violence - 2016 Monitoring Report, Secretary of State for Gender Equality in Social Inclusion (SEIGIS), Nov. 2017, p. 5.

⁷¹ 2018 Annual Report to National Parliament on the Implementation of the 2017-2021 National Action Plan on Gender-Based Violence, Secretariat of State for Equality and Inclusion (SEII), July 2019; SEII’s department of GBV prevention data, 2019.

⁷² See the previous section.

⁷³ Gender Strategy Timor-Leste National Police 2018 – 2022, Timor-Leste National Police (PNTL) General Command, 2019, pp.4-9.

⁷⁴ SEII Training department data; Nabilan Program: Ending Violence Against Women In Timor-Leste - 2017 Progress reports, The Asia Foundation; 2013-2019 UNDP Capacity Building Support to Policia Nacional da Timor-Leste, 2018 project fact sheet.

⁷⁵ From 175 cases of sexual violence in 2015 to 219 in 2018 and already 140 cases up to July 2019. Trend in general DV reporting: 1005 cases in 2015, 984 in 2016, 936 in 2017, 1078 in 2018 and 628 up to July 2019.

⁷⁶ Vulnerable Persons Unit - National Police of Timor-Leste (VPU-PNTL) response to CEDAW questionnaire, Aug. 2019.

54. In relation to prosecution, a significant improvement in criminal case clearance by the Office of the Prosecutor General (OPG) was observed between 2013 and 2016 with a 27 per cent reduction of pending cases⁷⁷ despite an increase of newly registered cases. This is due *inter alia* to the establishment of standards for individual performance assessment and the recruitment of new employees.⁷⁸ As GBV cases comprise a great share of the criminal cases,⁷⁹ ⁸⁰ these general improvements corroborate the State commitments toward an improved access to justice, including for women victims of violence. Nevertheless, formal access to justice for women experiencing DV remains a challenge, especially in rural areas.

55. While suspended prison sentences and fines are still the most common penalties applied in DV cases, the imposition of additional orders such as rules of conduct and the payment of civil compensation have raised since 2015 while nearly inexistent prior to this date. To date, these conditions mainly involve periodic reporting to the court⁸¹ so that the perpetrator does not simply feel free.⁸²

56. The granting of civil compensation for DV cases remains rare despite being granted in a limited number of serious offence against physical integrity cases.

Sexual violence within the family

57. Although marital rape or incest are not covered by specific provisions, family relationship – including de facto unions – is constituting of an aggravating factor in cases sexual aggression (art. 173 and art. 182 of the Penal Code), raising the minimum and maximum sentence incurred.

58. Despite these provisions, the sexual violence reporting rate remains low and the prosecution of rape within marriage is nearly inexistent in practice⁸³ mainly due to the absence of reporting by victims.⁸⁴

59. Nonetheless, progress has been observed on the prosecution and sentencing of incest by the courts by concentrating on hearing cases that have been pending for a long time and processing all new cases in a timely manner.⁸⁵

Witness protection law

60. While occasional infrastructure developments⁸⁶ contributed to improve the implementation of the 2009 Witness Protection Law, its overall implementation remains narrow due to minimal human and financial resources. Consultations are planned by the MoJ on this issue.⁸⁷

⁷⁷ From 4,037 cases in 2013 to 2,241 cases in 2016.

⁷⁸ Justice System Programme – 2017 Annual Progress Report, UNDP Timor-Leste, March 2018, p. 8.

⁷⁹ 46 per cent and 9 per cent of court convictions in the 2016-2019 period were related respectively to DV and to sexual violence.

⁸⁰ Response of the Court of Appeal (acting as the Supreme Court) to the CEDAW Questionnaire, 7th Nov. 2019.

⁸¹ Article 70.1(g) of the Penal Code.

⁸² Interview of Dra. Jacinta Correia da Costa, Judge at the Court of Appeal, 01/10/2019.

⁸³ Charging, Trials and Sentencing in Cases of Sexual Violence in Timor-Leste 2012-2015, JSMP/The Asia Foundation/Australian Aid, December 2017.

⁸⁴ Interview of Dra. Jacinta Correia da Costa, Judge at the Court of Appeal, 01/10/2019.

⁸⁵ Incest report, JSMP, Women's Fund Asia/IWRAW Asia-Pacific, 2018, pp. 11–13.

⁸⁶ See 'Access to Justice' under Article 2.

⁸⁷ Ministry of Justice's response to CEDAW questionnaire, August 2019.

Care to victims of violence

61. In 2016, 86 per cent of the executed NAP GBV budget was dedicated to the protection pillar ('provision of services' pillar under the new NAP).⁸⁸
62. The MSSSI Support programme for victims of GBV – granted based on Court decision – provides financial benefits and facilitates victim access to support services through the Referral Network. However, the programme is limited in scope (150 victims supported in 2018).⁸⁹
63. 'Safe Rooms' are currently established in health facilities in 4 municipalities in collaboration between Government and CSOs, providing temporary accommodation (1 or 2 nights) for victims and survivors. PRADET's safe room services reached and supported between 600 and 750 victims in 2018.⁹⁰
64. In addition, 6 new shelters ('*Uma Mahon*') and one Transitional House were established in collaboration between the Government and CSOs between 2014 and 2018, bringing the number of shelters available to 13 across the country. They provide accommodation for a longer period, as well as an integrated assistance to victims with the final objective to re-integrate them into their community.⁹¹
65. The newly created '*Hamahon*' mobile application, supported by development partners, provides information on services available to victims of GBV in support of the Referral Network to improve service delivery to victims.⁹²

Data collection system

66. Although researches such as the DHS and the Nabilan baseline survey have contributed to an improved amount of data on GBV,⁹³ a unified administrative data system for GBV has yet to be established. In 2019, SEII began working on this issue with the Governance for Development (GfD) program and will receive training from social statisticians from the Australian Bureau of Statistics.

⁸⁸ National Action Plan on Gender-Based Violence 2012–2016 Monitoring Report, Secretary of State for Gender Equality in Social Inclusion (SEIGIS), Nov. 2017, p. 5.

⁸⁹ Challenges and Ways Forward to Extend Social Protection to All in Timor-Leste: Assessment-Based National Dialogue report, United Nations - International Labour Organization Indonesia and Timor-Leste/ Ministry of Social Solidarity of Timor-Leste, Dili, 2018, pp. 56–57.

⁹⁰ Timor-Leste's Beijing Declaration and Platform for Action (Bpfa) National Review and Appraisal Report (2014-2018), Democratic Republic of Timor-Leste, Secretariat of State of Equality and Inclusion (SEII), 2019, p. 32.

⁹¹ Inputs from the Consultative Workshop, 17th/18th October 2019; Timor-Leste's Beijing Declaration and Platform for Action (Bpfa) National Review and Appraisal Report (2014-2018), Democratic Republic of Timor-Leste, Secretariat of State of Equality and Inclusion (SEII), 2019, pp. 31-32.

⁹² Government of Timor-Leste, Report on the Implementation of the Sustainable Development Goals: From ashes to reconciliation, reconstruction and sustainable development, 2019 Voluntary National Review of Timor-Leste, Dili: Timor-Leste, 2019, p. 77.

⁹³ Government of Timor-Leste, Report on the Implementation of the Sustainable Development Goals: From ashes to reconciliation, reconstruction and sustainable development, 2019 Voluntary National Review of Timor-Leste, Dili: Timor-Leste, 2019, p. 79.

Violence Against Women During Conflict Situations and their Access to Justice

Justice for victims of sexual violence committed during the Indonesian occupation in 1999

67. Since most primary perpetrators remain outside the Timorese jurisdiction, no prosecution of perpetrators of sexual violence occurred during the reporting period. Nonetheless, the Government, in collaboration with civil society, has instead focused on responding to social justice and recognition aspirations of the National Victims Association (NVA).⁹⁴

Implementation of the CAVR and CTF recommendations

68. The Chega! National Centre (CNC) was formally established in 2016 by the Decree-Law N° 48/2016⁹⁵ and opened in 2017. It is an autonomous agency established to facilitate the implementation of the CAVR recommendations and the Indonesia–Timor-Leste Commission of Truth and Friendship (CTF) by advising the Government and with direct authority to implementing recommendations related to ‘Memory and learning’ and ‘Rehabilitation and healing’ (Art. 6.c and 6.d).

69. Survivors of sexual violence are considered among “*the most vulnerable survivors of human rights violations*” (Art. 6.a) and need to be considered a priority, consistently with the CAVR recommendations.

70. In early stages, the CNC mainly focused on ‘Memory and learning’, starting by re-introducing the Chega! Report to key Government ministers. In terms of ‘Rehabilitation and healing’, key initiatives conducted by CNC since 2018 in collaboration with civil society include: 1) Establishing the Solidarity Trust Fund Working Group; 2) Establishing the Psychosocial Working Group; 3) Participation in the Stolen Children’s Working Group which helped locate approximately 150 disappeared children, and organized reunions with their families;⁹⁶ 4) Partnership with the NVA formalized in March 2019 which allows *inter alia* for the ongoing registration process of victims and database expected to be concluded by the end of 2019.⁹⁷

71. Government is providing financial support for women victims of violence during the conflict mainly through the funding of CSOs working with survivors and victims of the conflict such as ACbit and Fokupers.⁹⁸ These organizations connect the victims with social and health services or engage them in activities focusing on livelihoods and memorialising female victims and survivors. However, no central institution oversees the support to the victims of the past conflict.

72. CNC is currently developing two projects in cooperation with the Government focusing on female victims of sexual violence during the conflict: 1) A cooperation framework with MoJ to facilitate the civil registration and provision of birth certificate to children of women victims of sexual violence during the conflict; 2) the

⁹⁴ Interview of Director Hugo Fernandes, Executive director of the Chega! National Center, 4th Sept. 2019.

⁹⁵ Decree-Law N° 48/2016, 14th December 2016.

⁹⁶ At the time of writing, a new reunion for another 15 disappeared children was planned for October 2019.

⁹⁷ Interview of Director Hugo Fernandes, Executive director of the Chega! National Center, 4th Sept. 2019.

⁹⁸ 1.5 million USD granted by MSSJ to CSOs in 2019.

development with Ministry of Health (MoH) of a health scheme for victims to get access to international health services, modelled on the veterans' scheme.⁹⁹

Article 6: Trafficking and Exploitation

Legal and policy framework

73. The Law on Preventing and Combating Human Trafficking was adopted in January 2017 as Law N° 3/2017 under the initiative of the Counter Trafficking Inter-Agency Working Group set up in 2016. A draft of the revised National Action Plan on Human Trafficking has already been developed with IOM support. However, as the National Commission to Combat Trafficking in Persons as provided under the new law is yet to be formally established, the new NAP has not yet been adopted.¹⁰⁰

74. In 2018 the MoJ, in coordination with district administrators and IOM support, initiated the dissemination campaign of the new law at municipal level. The workshops provide local NGOs, local authorities, police, etc. with an introduction to human trafficking issues especially on victim identification and protection.¹⁰¹

Research and data collection on trafficking and prostitution

75. An awareness-raising campaign and training on data collection and monitoring of trafficking in persons (TIP) was delivered by IOM to law enforcement officers and relevant stakeholders. Moreover, a data-collection sub-working group linked to a monitoring and evaluation sub-working group are planned to be establish under the Trafficking Working Group.¹⁰²

76. A Migration Profile was publicized in 2019 which brings together mobility trends to develop strategies for migration management and strengthen the Government ability to respond to various migration challenges, including Human Trafficking.¹⁰³ However, a comprehensive research on the prevalence of trafficking and exploitation of prostitution has yet to be carried out.

Investigation, prosecution and conviction of perpetrators of sexual exploitation of women and girls

77. More TIP cases have been prosecuted than in the previous reporting period. While 9 cases were confirmed in 2017¹⁰⁴ (sexually trafficked), 267 cases were unconfirmed¹⁰⁵ in the same year. 64 new confirmed TIP cases were reported in 2018. 3 cases were prosecuted but none of them resulting in a conviction for the 2017/2018 period.¹⁰⁶ In the whole reporting period, only one prosecution resulted in a conviction with attempted trafficking charges in March 2016.¹⁰⁷

⁹⁹ Interview of Director Hugo Fernandes, Executive director of the Chega! National Center, 4th Sept. 2019.

¹⁰⁰ MoJ's response to CEDAW questionnaire, Sept. 2019.

¹⁰¹ Timor-Leste Trafficking In Persons Profile 2018, IOM, 2019, p. 3; MoJ's response to CEDAW questionnaire, Sept. 2019.

¹⁰² Timor-Leste Trafficking In Persons Profile 2018, IOM, 2019, p. 7.

¹⁰³ Timor-Leste Trafficking In Persons Profile 2018, IOM, 2019, p. 7; Migration Governance Indicators (MGI): Timor-Leste, IOM, Democratic Republic of Timor-Leste, 2019.

¹⁰⁴ 5 cases involving foreign adult women and 4 cases involving Timorese underage girls victims.

¹⁰⁵ Including 65 Timorese identified as victims of sexual trafficking registered by the Alola Foundation.

¹⁰⁶ Timor-Leste Trafficking In Persons Profile 2018, IOM, 2019, p. 5.

¹⁰⁷ 2016 Trafficking In Persons Report, U.S. Department Of State, June 2016, p. 369.

Victim identification, referral, and assistance

78. Victims identification is generally done by MSSSI's field officers under its 'assistance to vulnerable people' mechanism in collaboration with the police. Cooperation between MSSSI field staff, police and NGOs has improved through the referral network despite remaining weak specific knowledge on this issue.¹⁰⁸

79. In 2018, 115 sex trafficking victims were identified and referred to IOM and the 3 NGO-operated shelters for assistance. As most stakeholders acknowledge that victim identification remain a challenge, the Working Group is working toward harmonizing procedures through a SOP on victim identification.¹⁰⁹

Awareness-raising and training of law enforcement personnel and legal practitioners on trafficking

80. The First National Community Engagement Forum on TIP was conducted in 2018 and facilitated by IOM. Further sessions were delivered to law enforcement officers, and relevant stakeholders in various districts reaching up to 660 people by 2018.¹¹⁰

81. Specific trainings to police and immigration services were delivered in the framework of the two major programmes – the IOM counter-trafficking program and the MIEUX initiative. 169 members of the border force (UPF) and other border employees were trained by IOM in 2018.¹¹¹ Various training materials were also developed in 2018 under the MIEUX initiative.¹¹² All these initiatives address victim identification and referral, psychosocial support (PSS).

Article 7: Participation of Women in Politics and Decision-Making

Promotion of women's representation in political life at national level

82. The current quota mechanism for the parliamentary elections established in 2011 facilitated the elections in 2018 of 25 women (38 per cent), surpassing 35 per cent of women in Parliament for the third legislature in a row.¹¹³

83. In 2014, the collaboration between Government institutions, National Parliament, political parties and civil society with international support resulted in the development of the Government's strategy framework on women's participation in political life.¹¹⁴ Under this framework, Women Congresses were organized in all districts in collaboration with local and international CSOs. Beyond raising awareness

¹⁰⁸ Inputs from the Consultative Workshop, 17th/18th October 2019.

¹⁰⁹ Timor-Leste Trafficking In Persons Profile 2018, IOM, 2019, pp. 6-7.

¹¹⁰ IOM Timor-Leste Counter-Trafficking Program - 10 Facts About Human Trafficking in Timor-Leste, IOM, 2018; IOM Timor-Leste Quarterly Newsletter - July- September 2018, November 2, 2018.

¹¹¹ Timor-Leste Trafficking In Persons Profile 2018, IOM, 2019, pp. 6-7.

¹¹² 2018 Annual Report, MIEUX (Migration EU Expertise) Initiative, June 2019, p. 26.

¹¹³ Statistics from the department of Women Empowerment in Politics, SEII, 2019.

¹¹⁴ 7 priority areas of action were identified as follows: 1) Capacity building and training; 2) Strengthening gender equality in political parties; 3) Infrastructure and logistics; 4) Security of women candidates and voters; 5) Media and communication; 6) Gender responsive budgeting for women in political life; and 7) Strengthening a gender equality culture - Timor-Leste's Beijing Declaration and Platform for Action (Bpfa) National Review and Appraisal Report (2014-2018), Democratic Republic of Timor-Leste, Secretariat of State of Equality and Inclusion (SEII), 2019.

on politics and civic education among women, one of the main objectives of the programme is to identify women with potential to become candidates in local/national elections.

84. Other activities and media campaigns implemented at national level in this collaborative framework also contributed to improve women's representation in politics and civic education through TV programmes and debates on women's rights and gender equality.¹¹⁵

85. Women's participation at the executive level (Ministers/Secretaries of State) remains limited with only between 16 per cent and 21 per cent women in the last 3 Governments during the reporting period.¹¹⁶

Promotion of women's political representation, training and mentoring at local level

86. Strong efforts at local level also improved women's representation in local governance. The "100% *Hau Pronto*" campaign - an innovative Government-NGO partnership with international support - led to the revision of the *Suco* (village) Law and the electoral process for *Suco* and *Aldeia* (hamlet) chief elections.¹¹⁷ Under the new law, each *Suco* Council must comprise one female delegate and one female youth representative and the participation of women candidates in *Aldeia* chief elections became mandatory (Law N° 9/2016 – Art. 65.2 and 65.3).¹¹⁸

87. The campaign further encouraged and prepared women for leadership regardless of party affiliation, with the objective to increase the number of female candidates standing for the 2016 local elections. 300 women leaders were identified and trained in this view.^{119,120} As a result, there was a 20-fold increase in the number of women candidates (from 42 in 2009 to 319 in 2016) and the number of women elected as *Suco* chiefs rose from 11 in 2009, to 21 in 2016 (2.5 per cent to 5 per cent).

88. In terms of local administration, despite an encouraging 24 per cent rate of women as deputy administrator at the municipal level (2 out of 12 municipalities), there are no women administrators.

Remaining challenges

89. The most common issues for the participation of women in political life cited during the Women Congresses were: 1) The lack of support, mobilization and motivation from families and communities for women to become local leader, even among women themselves; 2) The still dominant patriarchal system within communities; 3) Communities do not yet have a good awareness to recognize the potential of women as natural leaders; 4) The lack of will from women to be candidate

¹¹⁵ 2015-2017 activity report, Secretary of State for the Socio-Economic Support of Women (SEM), July 2017; UNDP Electoral Project (LEARN); UN Women 'Women in Politics' programme.

¹¹⁶ Statistics from the department of Women Empowerment in Politics, SEII, 2019.

¹¹⁷ Law N° 9/2016, 8th July 2016.

¹¹⁸ The law requires that at least one woman candidate in *Aldeia* Chief election, failing which, the *Aldeia* Assembly Electoral Committee can only continue the electoral process after consulting with the local women's organization.

¹¹⁹ FINAL 100 per cent *Hau Pronto* List of Potential Female Candidates for 2016 Community Leaders' Election, UN Women data, 13th Sept. 2016.

¹²⁰ Financial and technical support was provided by the Government to CSOs to implement leadership training for potential women candidates in 3 municipalities. - Report on the Implementation of the Sustainable Development Goals: From ashes to reconciliation, reconstruction and sustainable development, Voluntary National Review of Timor-Leste 2019, Government of Timor-Leste, Dili, Timor-Leste, 2019, pp.74-75.

as they are not yet confident enough to become leaders and face the related responsibilities.¹²¹

Women, Peace and Security

Development and adoption of the plan

90. The National Action Plan on UNSCR 1325 (NAP 1325) was officially adopted in 2016, showing the commitment of the Government to implement the full spectrum of the WPS resolutions.¹²² It is organized around four pillars (Participation, Prevention, Protection and Peacebuilding), with 12 Government institutions involved.

91. The plan was developed based on the experiences of Timorese women and men, learning from their experiences during and after the war and re-affirming that women continue to struggle to achieve justice and equal rights. As a policy document, it contributes to implementing key CAVR recommendations.

Implementation structure

92. The Ministry of Interior (MoI), as lead coordinator, strengthened the implementation structure which comprises a Steering Committee, four working groups (one per pillar), the M&E group and a Secretariat. In addition, 27 focal points (17 women and 10 men) have been appointed from the 12 Government institutions and 10 CSOs responsible for implementation, which jointly developed a costing matrix, identifying priorities for 2018–2020.¹²³

Budgeting and monitoring of the plan

93. After important investment in the 1st year of implementation, budget allocation were restrained in 2017/2018.¹²⁴ The recent improvement of the GRB system - which includes a specific focus on the NAP 1325¹²⁵ - has translated into a 56 per cent increased allocation (estimated at USD 391,311 for 2019 compared to USD 221,342 in 2018).

94. After 2 years of implementation, 14 of the 47 activities under the NAP 1325 (33 per cent) were implemented across the 4 pillars of the NAP and 8 activities making progress to achieve the planned results by 2020. Progress is on track to achieve at least half of the plan's results by 2020.¹²⁶

Implementation of the plan

95. Awareness-raising activities targeting community leaders and relevant stakeholders were conducted either by line ministries or CSOs, addressing issues such

¹²¹ Informasaun liga ho emvolvimentu fetu potencial iha nivel politika, policy brief, SEII, 2017.

¹²² National Action Plan on United Nations Security Council Resolution 1325 (2000) on Women, Peace and Security (2016–2020), Ministry of Interior - Democratic Republic of Timor-Leste / UN Women, October 2016, pp. 5–6.

¹²³ 2019 National Contribution to the UN Secretary-General's 2019 Report to the Security Council on Women and Peace and Security, Ministry of Interior, Timor-Leste, 2019, pp. 1–3.

¹²⁴ Monitoring report of the implementation of the 2016 – 2018 National Action Plan on the UN Security Council Resolution N° 1325 on Women, Peace and Security, Ministry of Interior – National Directorate on Community Conflict Prevention, 2018.

¹²⁵ See Article 3.

¹²⁶ 2019 National Contribution to the UN Secretary-General's 2019 Report to the Security Council on Women and Peace and Security, Ministry of Interior, Timor-Leste, 2019, pp. 1–3.

as GBV and conflict prevention within communities, transformative leadership of women or the memorialization of the role of women during the conflict, etc.¹²⁷

96. The MoI revised its approach to conflict prevention and resolution to ensure stronger involvement of women and vulnerable groups. They revised the 5-year strategy's mission, vision, principles, goals aligning to the NAP 1325 targets and the SDGs. It also developed gender-responsive tools and training material, adapted with technical and financial support from UN Women. 10 women mediators - out of 34 - were operating in 2017 (to be raised to 18 out of 39 in 2019).¹²⁸

97. Social assistance provided to victims of past conflicts by MSSSI and CSOs,¹²⁹ the establishment of the Chega! National Centre or the inclusion of women in the community peace dialogues conducted by MSSSI contribute to the realization of the peacebuilding objective of the NAP.

98. The National Defence Forces (F-FDTL) appointed a gender focal point in 2016 who started implementing trainings on WPS issues in the Peacekeeping Training Centre established in 2017.

99. Finally, the 2018-2022 gender strategy established and launched by PNTL¹³⁰ fulfils various objectives of the NAP illustrated by the development of training activities to provide services according to the specific security needs of men and women, or in terms of participation by establishing a 15 per cent quota of women in each recruitment campaign within PNTL.¹³¹ Nonetheless, the current rate of women within PNTL already reached 15 per cent in 2018, representing a steady decline since 2001 (18 per cent).

Article 8: Participation at International Level

100. (No significant update in the reporting period).

Article 9: Nationality

101. (No significant update in the reporting period).

Article 10: Equality in Access to Education

102. Education for all is a key priority of the Government, included in the National 2011–2030 Strategic Development Plan (SDP).

Trends in access to Education

103. In 2015, 26 per cent of the population aged 6 years and over had never attended school, with a higher proportion among females (29.4 per cent) than males (22.7 per cent). The rate of attendance at school by age group however shows how access in

¹²⁷ Monitoring report of the implementation of the 2016 – 2018 National Action Plan on the UN Security Council Resolution N° 1325 on Women, Peace and Security, Ministry of Interior – National Directorate on Community Conflict Prevention, 2018.

¹²⁸ 2019 National Contribution to the UN Secretary-General's 2019 Report to the Security Council on Women and Peace and Security, Ministry of Interior, Timor-Leste, 2019, p.4.

¹²⁹ See 'Violence Against Women During Conflict Situations and their Access to Justice' under Article 5.

¹³⁰ See 'Violence Against Women' under Article 5.

¹³¹ 2018 PNTL statistics.

education has improved significantly in recent times. Compared to previous years, in 2015 more youth were attending school, and were staying in school longer with 56 per cent of young people between 15 and 24 years old in school.¹³² According to administrative data, the enrolment trend of both boys and girls has been regularly raising at primary level, reaching a net enrolment rate (NER) of 86.1 per cent (Grosse enrolment rate – GER: 101.7 per cent) compared to 72 per cent in 2015. At general secondary level, enrolment rose from 45,500 students (51.8 per cent of girls) in 2015 to 49,582 in 2017 (54 per cent of girls) reaching a NER of 28.8 per cent (GER: 57.5 per cent). This has occurred even faster at vocational secondary education: from 6,022 in 2015 (41.2 per cent women) to 12,351 (40.6 per cent women) in 2017, reaching a NER of 7.4 per cent (GER: 14.3 per cent).¹³³

104. Moreover, the gender gap in education has been narrowed, improving or surpassing gender parity in education in almost all regions across the country. According to administrative data, girls to boys ratio reached 96.1 per cent at primary level, 117 per cent at secondary – indicating that there are more girls at the appropriate age in school than boys – and 68.5 per cent in vocational secondary level.¹³⁴ According to the 2015 Census, the gender parity index was 1 at primary level, 1.21 and 1.20 at pre-secondary and secondary education respectively. The difference can be explained by the higher repetition rate of boys (5 per cent of boys repeated their 6th grade compared to 3 per cent of girls in 2016).¹³⁵

Efforts toward retention of girls in schools

105. A National Policy for Inclusive Education was adopted in 2017 by the Ministry of Education (MoE)¹³⁶ through the Government Resolution N° 18/2017 which emphasises specific gender issues.¹³⁷ Its main objectives are, *inter alia*, to improve enrolment rates at all levels of education, reduce the repetition and drop-out rate, strengthen non-formal learning programs and develop a healthy environment, capable of protecting children's rights.

106. It provides to give special attention on “*Teacher training in identifying students at risk of failing or dropping out of school*” and promotes school-parents and school-community collaboration through the Parent’s Councils already established in all schools across the country. Moreover, MSSI, supported by UNICEF, raises parents’ awareness through community sessions, radio shows and local theatre productions to reinforce positive parenting messages, especially in remotes municipalities of Viqueque and Ermera, reaching more than 25,000 parents and caregivers between 2017 and 2018.¹³⁸

107. The policy also aims to promote “the importance of girls' education and awareness of communities in this regard” as well as to “strengthen gender equality-

¹³² Analytical Report on Education – 2015 Timor-Leste Population and Housing Census, General Directorate of Statistics (GDS) – Ministry of Finance / United Nations Children’s Fund (UNICEF) / United Nations Population Fund (UNFPA), 2017.

¹³³ EMIS Ministry of Education – Through ‘2017 Timor-Leste in Figures’, General Directorate of Statistics – Ministry of Finance, Dili, Timor-Leste, 2017, p. 29.

¹³⁴ EMIS Ministry of Education – Through ‘2017 Timor-Leste in Figures’, General Directorate of Statistics – Ministry of Finance, Dili, Timor-Leste, 2017, p. 34.

¹³⁵ Ministry of Education, Youth and Sports, Education and Management Information System (EMIS), 2016 – through: Report on the Implementation of the Sustainable Development Goals: From ashes to reconciliation, reconstruction and sustainable development, Voluntary National Review of Timor-Leste 2019, Government of Timor-Leste, Dili, Timor-Leste, 2019, p.64.

¹³⁶ Now Ministry of Education, Youth and Sports (MEJD)

¹³⁷ “*GBV in and out of school, as well as the early pregnancy of adolescent students, continue to pose real obstacles to the completion of basic education by female students*”.

¹³⁸ MSSI Response to CEDAW Questionnaire, Aug. 2019; 2017 Journal of Change in Timor-Leste, UNICEF, Oct. 2018, pp. 8-9; 2018 Journal of Change in Timor-Leste, UNICEF, June 2019, p. 12.

oriented socialization at an early age”.¹³⁹ Efforts have been undertaken by the MEJD, supported by UNICEF, to develop community-led learnings through community pre-schools as a way of reaching children in remote and isolated communities to increase access to education and raising awareness of parents on the importance of education.¹⁴⁰ In 2015, the Gender Parity Index at this level of education was strongly in favour of girls (1.70).¹⁴¹

108. The MEJD carried out an analysis of classrooms for each school, forming the basis of a sanitation and hygiene (WASH) strategy (2020-2025). It provides the minimum standards with separate and adequate sanitation facilities for girls.¹⁴² Overall, the MEJD estimates that 9,000 new toilets are needed and 2,700 need to be rehabilitated.¹⁴³

109. Generally, significant progress was observed. While 70 per cent of public schools had an improved water source in 2016,¹⁴⁴ this rate has raised to 78 per cent among the 1,426 schools in 2019, providing water to 90 per cent of students in public schools.¹⁴⁵ School-community cooperation was also enhanced through the creation of School Water and Sanitation (BESI) Teams comprised of teachers, parents and students to monitor and repair minor damages.¹⁴⁶

Physical violence

110. A comprehensive research on violence against children in and around educational settings was commissioned by the MoE, the Commission for the Rights of the Child and UNICEF and conducted in 2015 in partnership with international and a national CSOs. Findings suggest that physical violence perpetrated by teachers is a generally accepted practice, primarily for the purpose of punishment. 71 per cent of children reported having experienced physical violence by a teacher¹⁴⁷ at school in the last 12 months. In addition to age, experiences of physical violence were also associated with gender (75 per cent for boys / 67 per cent for girls). The research findings also suggest that priority was generally placed on resolving the situation through mediation and other restorative means.¹⁴⁸

111. Following the adoption of ‘Guidelines on Technical Teaching and Learning Methodology’ in 2015 which refrains teachers from using violence, the Inclusive Education policy reiterated the MEJD commitment toward “*nonviolent measures to manage student behaviour*”.¹⁴⁹ Thus a ‘Discipline Regulation’ (Government Decree

¹³⁹ Ibid.

¹⁴⁰ 2017 Journal of Change in Timor-Leste, UNICEF, Oct. 2018, p. 3.

¹⁴¹ Gender thematic report – Timor-Leste Population & Housing Census 2015, General Directorate of Statistics – Ministry of Finance / UNFPA / UN Women, 2018.

¹⁴² As well as a cubicle for girls for menstrual hygiene management, and a cubicle for students with physical disabilities in all schools.

¹⁴³ Ministry of Education, Youth and Sports, Strategy for WASH in Pre-Schools and Basic Education Schools, Dili: Timor-Leste, 2018b.

¹⁴⁴ Ministry of Education, Youth and Sports, Education and Management Information System (EMIS), 2016 – Through: Report on the Implementation of the Sustainable Development Goals: From ashes to reconciliation, reconstruction and sustainable development, Voluntary National Review of Timor-Leste 2019, Government of Timor-Leste, Dili, Timor-Leste, 2019, p. 85.

¹⁴⁵ Ministry of Education’s response to CEDAW questionnaire, Aug. 2019.

¹⁴⁶ Water, Sanitation and Hygiene in Schools: Bringing communities together in Timor-Leste, *Water, Sanitation and Hygiene in Schools*, UNICEF Timor-Leste, June 2018 – <https://www.unicef.org/timorleste/stories/water-sanitation-and-hygiene-schools-bringing-communities-together-timor-leste> [accessed 09/09/19].

¹⁴⁷ Including being hit (with hand or object), slapped, kicked, pinched or pulled by a teacher.

¹⁴⁸ Study on Violence Against Children In and Around Educational Settings in Timor-Leste, Ministry of Education/UNICEF, 2016, pp. 40–41 / 68.

¹⁴⁹ National Policy for Inclusive Education, Ministry of Education, 2017.

N° 29/2017) was adopted in 2017 followed by a set of ‘Interpretative Standards for the determination of faults [...] and their gravity’ (Ministerial Diploma N° 4/2018, MoE) as a practical tool to ensure appropriate implementation of the disciplinary procedure. A socialization campaign on these new regulations was conducted by the General Inspectorate of MEJD.¹⁵⁰

112. Several initiatives were conducted regarding safe transportation – mostly focused on urban areas – although not specific to the education sector. A first campaign to eliminate VAW in public transports and public spaces was implemented in Dili in the framework of the 2016 16 days campaigns of activism against VAW. More recently, the ‘Safe Cities’ campaign on sexual harassment led by UN Women was launched in the 2 major urban areas of the country (Dili and Baucau).¹⁵¹

Sexual violence and sexual harassment in schools (policy, reported cases and sanctions)

113. Experiences of sexual violence in educational settings were low (9.7 per cent girls / 7 per cent boys) compared to other types of violence. Sexual comments and touching by teachers, and sexual harassment by other children were the most common forms of sexual violence experienced in school. Eight girls (no boys) reported being raped at school (1 per cent).¹⁵² An additional 3 per cent also reported that they knew of a case where a teacher had offered favours or money to a student in exchange of sex.

114. While sexual violence might have been underreported in the survey due to the stigma and the normalisation of sexual harassment of girls, formal reporting is nearly inexistent.^{153,154} Where sexual violence is reported, informal or ‘restorative’ resolutions were generally prioritised over a criminal justice response.^{155,156}

115. The new discipline regulations authorize conciliation process as “*an ancillary measure to disciplinary procedure*” to restore peace while considering the best interests of the student (Art. 50). However, it also makes clear that “*the conciliation procedure is not a substitute for establishing disciplinary liability and may run in parallel*” (Art. 51).

Disciplinary process and data from the General Inspectorate of Education

116. Following the new disciplinary regulations, the school leaders must refer any reported case of violence to the General Inspectorate at municipal level. It is then generally referred to the Public Service Commission (CFP) to determine “mistakes and scale” and the possible administrative sanction. In case of minor mistake, transfer is generally applied. For severe issues, the case is referred to the police.¹⁵⁷

117. At the time of writing, 33 and 5 cases were processed by the General Inspectorate respectively in 2018 and 2019. In 2018, 8 cases were related to physical violence, out of which 7 cases were resolved by the Inspectorate and 1 was referred

¹⁵⁰ MEJD’s Response to CEDAW Questionnaire, Aug. 2019.

¹⁵¹ Safe Cities Scoping Study, UN Women, Dec. 2018.

¹⁵² Most of these cases were reported by specialized services staff, rather than children, suggesting that cases of rape may be more prevalent than the actual data.

¹⁵³ More than half (56 per cent) of children who said they had been subject to sexual violence at school, said that they had never told anyone about what had happened.

¹⁵⁴ Study on Violence Against Children In and Around Educational Settings in Timor-Leste, Ministry of Education/UNICEF, 2016, pp. 57–58.

¹⁵⁵ Cases may be resolved through an apology by the perpetrator, or the payment of compensation to the victim’s family, or through arranging the marriage of the perpetrator with the victim.

¹⁵⁶ Ibid., pp.64-66.

¹⁵⁷ MEJD’s Response to CEDAW Questionnaire, Aug. 2019.

to the police. Only 1 sexual violence case was processed by the Inspectorate in 2018 and referred to the CFP. 5 cases were processed by the Inspectorate in 2019 (3 cases of physical violence and 2 cases of sexual violence).¹⁵⁸

Re-entry policy

118. The 2017 Inclusive Education policy highlights “*the right of pregnant girls to continue to attend school, [...] thus eliminating the existing stereotype*”. The policy aims at raising awareness among adolescent mothers and the school community about the importance of finishing education and to strengthen education programs on reproductive health as well as to develop a specific legal regulation and a plan of action on re-entry of pregnant girls and young mothers in formal education.¹⁵⁹

119. Although a formal specific re-entry policy has yet to be adopted, the MEJD, in consultation with SEII, has issued a temporary measure through a formal circular to ensure that female students are allowed to return to school after childbirth.¹⁶⁰ Accordingly, in 2019 the ministry facilitated the reintegration in school of 6 young mothers.¹⁶¹ Disciplinary sanctions are provided against teachers or school leaders who deny the right to young mothers to reintegrate the education system. Further consultations led by the MEJD in coordination with SEII, CSOs and the Church are being conducted, to develop the formal policy.¹⁶²

120. In addition, Community Learning Centres (CLC) were already established in 9 municipalities to support people who have dropped-out of education to reconnect and complete basic school equivalency. The CLCs will gradually include secondary school equivalency as well.¹⁶³

Sexual and reproductive health and rights programmes in education

121. The new school curricula currently in development for pre-secondary and secondary levels aims to integrate SRH education (*‘Learning about Myself’* module).¹⁶⁴ It has been piloted in 10 schools in 7 different municipalities.¹⁶⁵ ToT for teachers and education professionals has also been delivered by the MEJD with UNFPA’s support.¹⁶⁶

¹⁵⁸ 2018 and 2019 General Inspectorate of Education data, Ministry of Education, Youth and Sport, 2019.

¹⁵⁹ National Policy for Inclusive Education, Ministry of Education, April 2017.

¹⁶⁰ MEJD’s response to CEDAW Questionnaire, Aug. 2019.

¹⁶¹ ‘MEJD Fasilita Estudante Feto Fila Hikas Ba Eskola’, The Dili Weekly, 30 July 2019 – <https://www.thediliweekly.com/tl/notisias/17238-mejd-fasilita-estudante-feto-fila-hikas-ba-eskola> [accessed on the 10/09/2019].

¹⁶² Inputs from the Consultative Workshop, 17th/18th October 2019.

¹⁶³ Report on the Implementation of the Sustainable Development Goals: From ashes to reconciliation, reconstruction and sustainable development, Voluntary National Review of Timor-Leste 2019, Government of Timor-Leste, Dili, Timor-Leste, 2019, p.54.

¹⁶⁴ Timor-Leste’s Beijing Declaration and Platform for Action (Bpfa) National Review and Appraisal Report (2014–2018), Democratic Republic of Timor-Leste, Secretariat of State of Equality and Inclusion (SEII), 2019, p. 22; Report on the Implementation of the Sustainable Development Goals: From ashes to reconciliation, reconstruction and sustainable development, Voluntary National Review of Timor-Leste 2019, Government of Timor-Leste, Dili, Timor-Leste, 2019, p. 56.

¹⁶⁵ 2017 Country Assessment on Sexual Reproductive Health Rights (SRHR) in Timor-Leste, Provedoria dos Direitos Humanos e Justiça (PDHJ), 2017, pp. 18–19.

¹⁶⁶ See for instance: Dr. D. Cummins and Ms. Z. Fonseca, *Teenage Pregnancy and Early Marriage – Research on the Decision-Making Pathways of Young Women in the Municipalities of Covalima, Aileu and Dili*, UNFPA Timor-Leste, May 2017, p. 16.; ‘Fifty students receive TOT training on reproductive and sexual health’, The Dili Weekly, 27 Oct. 2017 – <https://www.thediliweekly.com/en/news/education/14842-fifty-students-receive-tot-training-on-reproductive-and-sexual-health> [accessed on the 10/09/19].

122. Youth that are out of school are also targeted through the development of a manual on healthy relationships, supported by UNFPA, to be used in Youth Centres, to transfer knowledge on SRH.¹⁶⁷

123. These initiatives however were not comprehensive in scope. Despite a legal and policy environment broadly supportive of reproductive health education, cultural taboos and low capacity of teachers on this issue make it difficult to implement and are not systematically addressed by teachers.¹⁶⁸

Illiteracy

124. 64.4 per cent of the adult population (ages 15 and over) is literate (68.7 per cent for men / 60.2 per cent for women). The gender gap between young men and women (84.7 per cent and 84.1 per cent respectively) is narrower and the higher rates than adult literacy indicate that access to basic education has improved. Nonetheless, in rural areas, literacy remains far lower and the gender gap wider (58.8 per cent of men and 48.8 per cent of women) than in urban areas (89.7 per cent of men and 85.8 per cent of women).¹⁶⁹

125. The new curriculum specifies that the medium of instruction in early basic education is Tetum¹⁷⁰ (which contributed to improve literacy programs)¹⁷¹ and establishes a carefully planned introduction to literacy in Portuguese. Nonetheless, the 2012-2015 Mother Tongue Based Multilingual Education pilot project has demonstrated that children's academic performance improves when they receive early basic education in their primary local language.¹⁷²

126. Literacy programs for out-of-school children and continuing education is addressed by a new National Program for Equivalence to Basic Education (Decree-Law N° 30/2016). A curriculum and related learning materials were developed and disseminated in the 9 already established CLCs, and a teacher training process appropriate for mature students was conducted. Flexible delivery methods are offered to students¹⁷³ to enable youth and adults to continue learning while attending work, family, or other responsibilities. 110 Equivalency Programs teachers were trained and 1670 students (55 per cent women) mostly coming from rural areas had participated by January 2017, gaining essential skills in linguistics (Tetum and Portuguese).¹⁷⁴

¹⁶⁷ Draft manual on Healthy Relationships field tested, UNFPA, 27 October 2017 – <https://timor-leste.unfpa.org/en/news/draft-manual-healthy-relationships-field-tested> [accessed on the 10/09/2019]; Official Opening of Training of Trainers at the National Institute for Training of Teachers and Education Professionals (INFORDEPE), UNFPA, 22 April 2019 – <https://timor-leste.unfpa.org/en/news/official-opening-training-trainers-national-institute-training-teachers-and-education> [accessed on the 10/09/2019].

¹⁶⁸ Inputs from the Consultative Workshop, 17th/18th October 2019.

¹⁶⁹ Gender thematic report – Timor-Leste Population & Housing Census 2015, General Directorate of Statistics – Ministry of Finance / UNFPA / UN Women, 2018, p. 34.

¹⁷⁰ Which is the most widely spoken official language. 66 per cent of children speak a different language at home from the language they use at school.

¹⁷¹ Analysis of the Education Sector in Timor-Leste, Ministry of Education, Youth and Sports and World Bank, 2019.

¹⁷² Walter, S.L., The Mother Tongue-Based Multilingual Education (EMBLI) Endline Evaluation Study, Graduate Institute of Applied Linguistics, 2016, p. 38; Report on the Implementation of the Sustainable Development Goals: From ashes to reconciliation, reconstruction and sustainable development, Voluntary National Review of Timor-Leste 2019, Government of Timor-Leste, Dili, Timor-Leste, 2019, p.66.

¹⁷³ A combination of face-to-face learning and distance learning.

¹⁷⁴ Second Chance Education Project – Implementation Completion and Results Report, The World Bank, June 27, 2017.

Article 11: Employment

Labour related trends

127. The trend based on 2010-2013-2016 Labour Force Surveys (LFS) indicates that the working age population rose from 627,000 in 2010 to 696,200 in 2013, up to 724,500 in 2016 (representing around 60 per cent of the population). Of these numbers, labour force participation rose from 30.6 per cent in 2013 to 46.9 per cent in 2016, with a significant reduction in the gender gap (from 21.3 per cent women and 39.7 per cent men in 2013 to 40.6 per cent women and 53 per cent men in 2016). Among the working-age population, the share of subsistence foodstuff producers¹⁷⁵ has meaningfully reduced (from 23.5 per cent women and 27.8 per cent men in 2013 to 11.9 per cent women and 18.2 per cent men in 2016). However, from those in the labour force, the trend of vulnerable employment¹⁷⁶ has increased from 54.5 per cent in 2013 to 58.0 per cent in 2016, with a rate significantly higher among women (73.6 per cent in 2016) compared to men (47.2 per cent).¹⁷⁷

128. An increase in secure wage employment of the total employments (from 30 per cent to 41 per cent) has been observed between 2010 and 2013 (although more rapid for men than for women).^{178, 179} Beyond the overall limited formal employment opportunities, two important factors contribute to limit women's participation in the labour force: gender roles and family duties,¹⁸⁰ as well as education attainment.¹⁸¹

129. In 2016, 1.6 per cent women held a managerial position (2,000 women) compared with 3.4 per cent men (6,100 men). As such, the share of women holding such position has been constant between 2013 and 2016 (about 30 per cent through all occupation groups).¹⁸²

Ratification of ILO Conventions

130. After the ILO Constitution in May 2015, the ILO Conventions 111 and 100 were ratified by the Parliament on the 5th of August 2015 through the Parliament Resolutions N° 11/2015 and 12/2015, then depositing the instruments of ratification to the ILO Director-General on the 10th of May 2016.

¹⁷⁵ Subsistence foodstuff producers are not counted among the labour force in the 2013 LFS as these workers were not engaged in work for pay or profit in line with the new international standards on statistics of work, employment and labour underutilization.

¹⁷⁶ Vulnerable employment is defined as the sum of the employment status groups of own-account workers and contributing family workers.

¹⁷⁷ Timor-Leste Labour Force Surveys 2010-2013-2016 – Main trends based on Harmonized Data, General Directorate for Statistics – Ministry of finance/SEPFOPE/ILO, 2019.

¹⁷⁸ 49 per cent of employed men in secure wage jobs compared to 28 per cent of employed women in 2013.

¹⁷⁹ This data was not collected in the “mini” 2016 Labour Force Survey as the scope of the data was limited to the basic items of a Labour Force Survey.

¹⁸⁰ Half of women (50 per cent) out of labour force bringing up this form of work as the main reason for staying out of the labour force (compared to 32 per cent men).

¹⁸¹ J. Gardner, Gender analysis of the 2013 Timor-Leste Labour Force Survey - A statistical summary of women and men at work in Timor-Leste, SEPFOPE/SEM/ILO/UN Women, 2017, pp. 19-20 / 34.

¹⁸² Timor-Leste Labour Force Surveys 2010-2013-2016 – Main trends based on Harmonized Data, General Directorate for Statistics – Ministry of finance/SEPFOPE/ILO, 2019, p. 58; J. Gardner, Gender analysis of the 2013 Timor-Leste Labour Force Survey - A statistical summary of women and men at work in Timor-Leste, SEPFOPE/SEM/ILO/UN Women, 2017, p. 11 / p. 27.

Programmes related to women access to employment

131. The two major labour related policies developed in the reporting period include gender concerns. The 2016-2020 Decent Work Country Programme (DWCP) intends to improve access to employment services and opportunities in the private sector and the National Employment Strategy (NES) 2017 - 2030 aims at “*increasing the current low labour force participation [...], in particular women*”.¹⁸³

132. The Secretary of State for Vocational Training and Employment (SEPFOPE) is on track to achieve the establishment of career guidance and employment centres (CEOPs) under the DWCP in each municipality with the objective to have at least 30 per cent women counsellors trained by 2020.¹⁸⁴

133. Various initiatives are being implemented to support local potentials through cash transfer programs and business trainings implemented either directly by the Government (MTCI/SEII), or with Civil Society support, for the development of business activities to the benefit of women’s groups.¹⁸⁵ ¹⁸⁶ Employment intensive investment programmes targeting especially rural populations such as the ‘Road 4 Development’ and the ‘ERA Agro-Forestry’ programmes contributed to important achievements in terms of rural development and women’s inclusion. In 2018, 30 per cent of worker’s days generated were reserved for women and close to 50 per cent of the contractors trained and awarded contracts were women-owned firms.

134. Gender principles and women’s employment are also integrated in the legal framework and strategies related to the development of the private sector¹⁸⁷ and financial inclusion.¹⁸⁸ As part of the National Strategy for Financial Inclusion,¹⁸⁹ the creation of the Small and Medium Business Credit Guarantee System (SGC) by the Central Bank of Timor-Leste (BCTL) aims at promoting small and medium-sized enterprises, and is required to facilitate youth and women entrepreneurship (Decree-Law N°23/2017 - Art. 11.f).¹⁹⁰

135. IADE scaled up its entrepreneurship and training programs with 1,111 trainees (45 per cent women) in general business in 2016.¹⁹¹ Moreover, the trend in female enrolment in TVET education in non-traditional careers (construction and automotive trade) sectors has been slowly raising (21 per cent in 2014, 29 per cent in 2015), while the proportion of women engaged hospitality and administration trainings is generally higher.¹⁹² Overall, during the 2014-2018 period, the proportion of women involved in

¹⁸³ National Employment Strategy 2017 – 2030, Democratic Republic of Timor-Leste – VI Constitutional Government, June 2017, p. 6.

¹⁸⁴ 2016–2020 Decent Work Country Programme (DWCP) Timor-Leste, SEPFOPE/Chamber of Commerce and Industry of Timor-Leste/ Timor-Leste Trade Union Confederation/ILO, 2016, p. 18.

¹⁸⁵ The SEII programme benefited to 194 groups and 10 NGOs received Public Transfer Funds from 2014 to 2017 reaching a total amount close to 400,000 USD.

¹⁸⁶ Timor-Leste’s Beijing Declaration and Platform for Action (Bpfa) National Review and Appraisal Report (2014–2018), Democratic Republic of Timor-Leste, Secretariat of State of Equality and Inclusion (SEII), 2019, pp. 37–40.

¹⁸⁷ Law N° 15/2017, 23rd August 2017 (‘Private Investment Law’), art. 4.c.

¹⁸⁸ National Strategy for Financial Inclusion (2017-2022), Central Bank of Timor-Leste, Democratic Republic of Timor-Leste, 2017.

¹⁸⁹ National Strategy for Financial Inclusion (2017-2022), Central Bank of Timor-Leste, Democratic Republic of Timor-Leste, 2017, p. 128.

¹⁹⁰ For more information on financial inclusion, see ‘Strategy on women’s economic empowerment and financial inclusion’ under Article 13.

¹⁹¹ 2016-2017 Decent Work Results – Timor-Leste, ILO – <https://www.ilo.org/IRDashboard/#ace7mjg> [accessed 12/09/2019].

¹⁹² Response of the National Directorate of Professional Training – SEPFOPE to the CEDAW Questionnaire, Nov. 2019.

TVET training programs reached 57 per cent across all professional training sectors.¹⁹³

136. According to SEPFOPE's data for the 2014-2018 period, 39 per cent of women were able to access employment after completing a training program.¹⁹⁴ Nonetheless, the overall proportion of trainees' entry into employment in the same period is limited (about 13 per cent), especially due to the limited formal labour opportunities, notably in rural areas.¹⁹⁵

Social security coverage and maternity protection

137. The first comprehensive and contributory social security scheme for the working-age population was officially adopted in 2016 (Law N° 12/2016) and began to operate in August 2017. It is mandatory for all workers in the private formal and public sectors and offers provisions for old age, invalidity (Decree-Law N° 17/2017), maternity, paternity (Decree-Law N° 18/2017) and death (Decree-Law N° 19/2017).

138. 72,789 workers were already enrolled and covered in 2019 at the time of writing, representing about 20 per cent of the labour force. Close to 66 per cent of registered workers are from the public sector, about 33 per cent from the private sector and 0.5 per cent individual workers. Women represent 32 per cent of the total registered workers. As of October 2019, parenting benefits have been already paid to a total of 1,147 beneficiaries (about 74 per cent maternity and 26 per cent paternity) while the survivor's pension was paid to 708 beneficiaries (87.5 per cent men and 12.5 per cent women).¹⁹⁶

139. As an important share of women participating in the labour force are in vulnerable employment with no formal work arrangements, it is unlikely that they have access to this scheme, representing a clear limitation.¹⁹⁷

140. The development of a draft law on domestic workers by SEPFOPE in collaboration with women's organizations and unions or the rural public work programs represent progresses towards access to formal work arrangements for these specific categories of vulnerable workers which include an important share of women.

Monitoring of working conditions of women

141. The General Inspectorate of Labour (IGT) oversees the monitoring the working conditions of workers through inspection visits. In the 2016-2019 period, visits were conducted in 5,725 companies, for a total of 74,726 workers covered (about 22 per cent women).^{198,199}

¹⁹³ Timor-Leste's Beijing Declaration and Platform for Action (Bpfa) National Review and Appraisal Report (2014-2018), Democratic Republic of Timor-Leste, Secretariat of State of Equality and Inclusion (SEII), 2019, p. 40.

¹⁹⁴ Response of the National Directorate of Professional Training – SEPFOPE to the CEDAW Questionnaire, Nov. 2019.

¹⁹⁵ Ibid., p. 41; Inputs from the Consultative Workshop, 17th/18th October 2019.

¹⁹⁶ 2016–2019 statistics, Instituto Nacional de Segurança Social, República Democrática de Timor-Leste, Nov. 2019.

¹⁹⁷ J. Gardner, Gender analysis of the 2013 Timor-Leste Labour Force Survey - A statistical summary of women and men at work in Timor-Leste, SEPFOPE/SEM/ILO/UN Women, 2017, p. 25.

¹⁹⁸ Inspection visits are related to working conditions monitoring, but also occupational safety and health monitoring, the employment of foreign workers and social security related issues.

¹⁹⁹ 2012-2017 data from the General Inspectorate of Labour, Secretary of State for Vocational Training and Employment (SEPFOPE), Timor-Leste, 23rd Sept. 2019; Complementary response of the General Inspectorate of Labour (SEPFOPE) to CEDAW Questionnaire, 28th Oct. 2019.

Labour related complaints processed by the General Inspectorate of Labour

142. After an active socialization campaign of the law in the 2012-2015 period (following the adoption of the Labour Code), efforts were maintained in the 2016–2019 period (reaching more than 1,500 participants - about 40 per cent women).²⁰⁰

143. In the 2016-2019 period (until Oct.), IGT received 427 complaints, for a total of 721 cases treated²⁰¹ which required the direct intervention through inspection visit (137 complaints (32 per cent) filed by women). Overall, most cases are related to work contract, minimum salary, and overtime work and are directly settled through the intervention of the inspectors. A small proportion (9 per cent in the 2012–2017 period) were redirected to the directorate of labour relations for mediation/conciliation, and a limited number of cases were cancelled by the worker after finding agreement with the employer.²⁰²

144. In terms of curative measures and sanctions, the IGT has a 3 options range. A notification to the company can be issued prior to a possible visit where necessary (*Termus Notifikasaun*). In case of confirmed irregularity observed by the IGT, a warning can be delivered to the company to fix the issue (*Auto Adverténsia*). Finally, in case of significant issue observed, the inspectorate imposes a fine (*Auto Notísia*). The trend in terms of fines imposed to companies has been drastically raising every year in the reporting period.^{203,204}

Gender pay gap

145. According to the 2016 Mini Labour Force Survey, monthly median wages for male reached 235.9 USD per month and 184.0 USD for women. As such, the gender pay gap is 22 per cent.²⁰⁵

146. Factors may include the over-representation of women in typically lower paying industries and occupations, such as hospitality and administration, as well as the high rate of women working part-time (29 per cent of employed women compared to 13 per cent of men in 2013).²⁰⁶

Article 12: Access to Health

Abortion

147. The legal framework related to abortion has not been revised in the reporting period.

²⁰⁰ Response of the General Inspectorate of Labour (Secretary of State for Vocational Training and Employment SEPFOPE) to the CEDAW Questionnaire, 23rd Sept. 2019.

²⁰¹ The number of cases treated by the IGT overcome the number of claimants as some cases may cover various types of issues.

²⁰² Response of the General Inspectorate of Labour (Secretary of State for Vocational Training and Employment SEPFOPE) to the CEDAW Questionnaire, 23rd Sept. 2019; Complementary response of the General Inspectorate of Labour (SEPFOPE) to CEDAW Questionnaire, 28th Oct. 2019.

²⁰³ From a total amount of 113,850.00 USD in 2016 up to 482,062.00 USD up to Oct. 2019.

²⁰⁴ Complementary response of the General Inspectorate of Labour (SEPFOPE) to CEDAW Questionnaire, 28th Oct. 2019.

²⁰⁵ Timor-Leste Labour Force Surveys 2010-2013-2016 – Main trends based on Harmonized Data, General Directorate for Statistics – Ministry of finance/SEPFOPE/ILO, 2019, p.72.

²⁰⁶ J. Gardner, Gender analysis of the 2013 Timor-Leste Labour Force Survey – A statistical summary of women and men at work in Timor-Leste, SEPFOPE/SEM/ILO/UN Women, 2017, p. 28.

Trends in sexual and reproductive health indicators

148. Significant progress on SRH has occurred in the reporting period, particularly in relation to the reduction of maternal and infant mortality rates. Between the 2010 and 2016 Demographic and Health Surveys (DHS) the maternal mortality ratio (MMR) has reduced from 557/100,000 to 195/100,000 live births, the pregnancy-related mortality rate (PRMR) reduced from 557/100,000 to 218/100,000 live births, infant mortality rate (IMR) has reduced from 45/1,000 to 30/1,000 child births, and children under-5 mortality rate reduced from 64/1,000 to 41/1,000 births.²⁰⁷

149. Moreover, 49 per cent of births took place in a health facility (more than double than the 2009-10 proportion), the proportion of births attended by skilled health personnel increased from 30 per cent to 57 per cent, and the rate of women making four or more antenatal care visits increased from 55 per cent to 77 per cent.²⁰⁸

150. Important to note that Census trend line for both 2010 and 2015 Census are consistently higher than the 2009-10 and 2016 DHSs' data.²⁰⁹ However, both DHSs and Census show a clear declining trend in child and maternal mortality.²¹⁰

Access to basic health care

151. In 2017 the health infrastructure included 6 hospitals, 71 health centres, 43 maternity clinics, 318 health posts and 469 SISca (Integrated Community Health Services)²¹¹ representing a 66 per cent increase compared with 2010.²¹² Nonetheless, 'Distance to health facility' and 'Having to take transport' remains cited by 46 per cent and 44.4 per cent of women as a significant challenge to accessing health care (58 per cent and 56 per cent respectively for women living in rural areas).²¹³

152. In terms of health practitioners, there were 2,007 in the country as of 2017,²¹⁴ an improvement of about 15 per cent compared with 2010²¹⁵ supported by the Government of Cuba and the creation of a School of Nursing and Midwifery at UNTL. The physician density is thus 0.63 per 1,000 inhabitants, exceeding the WHO minimum standards, while the non-doctor service delivery staff²¹⁷ density reaches

²⁰⁷ 2016 Timor-Leste Demographic and Health Survey, General Directorate of Statistics (GDS) – Ministry of Finance / ICF, 2018; 2009-10 Timor-Leste Demographic and Health Survey, National Statistics Directorate (NSD) – Ministry of Finance / ICF Macro, 2010.

²⁰⁸ Ibid.

²⁰⁹ According to 2015 Census: MMR - 426/100,000; IMR – 56/100,000; Under 5 Mortality Ratio – 72/1,000.

²¹⁰ 2015 Population and Housing Census – Analytical Report on Mortality (Vol. 6), General Directorate of Statistics (GDS) and United Nations Population Fund (UNFPA), Timor-Leste, 2018.

²¹¹ HIMS, Ministry of Health, 2017 - Through 'Timor-Leste in Figures', General Directorate of Statistics – Ministry of Finance, 2017, p. 40.

²¹² National Strategy for Health Sector (2011-2030), Ministry of Health, Democratic Republic of Timor-Leste, 2011, p. 13.

²¹³ 2016 Timor-Leste Demographic and Health Survey, General Directorate of Statistics (GDS) – Ministry of Finance / ICF, 2018, p. 153.

²¹⁴ 627 physicians, 438 midwives, 561 nurses, 136 nursing assistants, 115 analyst and 130 pharmacists.

²¹⁵ HIMS, Ministry of Health, 2017 - Through 'Timor-Leste in Figures', General Directorate of Statistics – Ministry of Finance, 2017, p. 41.

²¹⁶ National Strategy for Health Sector (2011-2030), Ministry of Health, Democratic Republic of Timor-Leste, 2011, p. 12.

²¹⁷ Nurses, assistant nurses, and midwives.

1.12 per 1,000 inhabitant which remains below the minimum standards²¹⁸ (with wide variations between municipalities).

153. Gender related factors are also contributing to inequity in accessing health care. For example, a common barrier cited by women was the inability to obtain permission from their partner to go for treatment.²¹⁹ Variations are also observed based on women's educational level²²⁰ or their socio-economic group.^{221 222}

154. The “National Family Health Program” implemented by MoH since July 2015, supported by development partners, intends to bring a “Comprehensive Service Package of Primary Health Care” to the household, providing home visits, clinical consultation, treatment and referrals by health professionals.²²³ In May 2017, medical teams had visited 94 per cent of households and registered data of 84 per cent of the population at individual level.²²⁴

Sexual and reproductive health services

155. Despite improvements in basic health care, adequate reproductive, maternal, newborn and child health (RMNCH) services remain an issue. While the number of Comprehensive EmONC (Emergency Obstetric and Newborn Care) facilities already met the UN standard in 2015,²²⁵ 7 municipalities had no EmONC facility and at least one third of all CHCs were more than two hours distance from any EmONC facility. Overall, there were 3.4 EmONC and 2.6 Comprehensive EmONC functional facilities per 500,000 of population.²²⁶ The number of Basic EmONC facilities raised from 2 in 2015²²⁷ to 11²²⁸ in 2019.²²⁹

156. Standards and treatment pathways for care during birth and immediate postpartum period were updated in 2016 and disseminated through ToTs generally targeting Community Health Centres (CHC) staff. Since 2018, 5 batches of training were conducted for a total of 50 midwives and 10 doctors. Additional efforts contributed to strengthen the capacity of training institutions by appointing a full time EmONC training coordinator and designated staff from the National Institute of Health (INS) as training focal point. Capacity of the Clinical Training Site (HNGV)

²¹⁸ WHO recommends a doctor density of 0.55 doctors per 1,000 people and non-doctor service delivery staff of 1.73 per 1000 people.

²¹⁹ Cited by 34.5 per cent of women at national level (20 per cent for urban women to 42 per cent for rural women).

²²⁰ From 18.2 per cent for women with secondary education or higher to 47.3 per cent for women with no education.

²²¹ From 20 per cent for women from the highest wealth quintile to 50 per cent of the lowest quintile.

²²² 2016 Timor-Leste Demographic and Health Survey, General Directorate of Statistics (GDS) – Ministry of Finance / ICF, 2018, p. 153.

²²³ ‘Saúde Na Família’ – Part of Comprehensive Primary Healthcare Package: Success Stories from the field, Ministry of Health/WHO/UNICEF, [no date].

²²⁴ Timor-Leste's Beijing Declaration and Platform for Action (Bpfa) National Review and Appraisal Report (2014–2018), Democratic Republic of Timor-Leste, Secretariat of State of Equality and Inclusion (SEII), 2019, p. 26.

²²⁵ In 2015, the six hospitals of the country were already classified as Comprehensive EmONC (Emergency Obstetric and Newborn Care) facilities.

²²⁶ Recommended level is at least 5 EmONC facilities (including at least 1 CEmONC facility) per 500,000 of population.

²²⁷ Emergency Obstetric and Newborn Care Needs Assessment Timor-Leste, Ministry of Health, 2015, p. 28.

²²⁸ 9 Community Health Centers with beds (CSI) has been upgraded as BEmONC centers in the reporting period.

²²⁹ Interview of Dr. Domingas Bernardo, UNFPA Assistant Representative, 09/10/2019.

for improved skilled care on EmONC, including on the management of the complication cases, was enhanced resulting in minimum referral to hospitals.²³⁰

157. Furthermore, after encouraging results of the 2013 ‘Liga Inan’ pilot project in 1 municipality, its coverage was expanded to all municipalities with the financial support of the Australian Government.²³¹ This innovative programme facilitates communication between pregnant mothers and health providers by mobile phone,²³² increasing access to SRH services and emergency health care, and improving awareness-raising and counselling services, particularly in rural and remote areas. 16,452 women are currently enrolled and a total 53,112 women benefited from this service since 2013. By July 2016, significant improvements were observed in facility delivery rate and post-partum care for women enrolled in the programme.^{233,234}

Maternal death review

158. A road map was established in 2014 by the MoH for the development and implementation of a Maternal Death Surveillance Response (MDSR) System. In 2015, the Maternal Death Review process was established in all hospitals and expanded beyond since 2017. In 2016, verbal autopsy reporting, including for intrapartum and immediate postpartum, was introduced through SOPs. Health workers from the 6 hospitals were trained accordingly on the new MDSR system as well as health workers at community level, local authorities, community leaders, NGOs on the SOPs.²³⁵

Family Planning and fertility

159. Despite increased use of modern contraceptive methods²³⁶ among married women between 2010 and 2016 (from 21 per cent to 24 per cent) – with comparable rates between rural and urban areas (25 per cent vs 23 per cent respectively) – Family Planning (FP) is still not a common practice and the trend is moderate.²³⁷

160. Among currently married women, the unmet need for contraception has decreased from 32 per cent in 2009-10 to 25 per cent in 2016, while the met need has slightly increased from 22 per cent to 26 per cent. However, the total demand for FP among married women remains relatively limited and decreased slightly from 54 per

²³⁰ Interview of Dr. Domingas Bernardo, UNFPA Assistant Representative, 09/10/2019.

²³¹ In 2019, the implementing partners Health Alliance International and Catalpa International have begun the handover process of the program to the MoH.

²³² Text messages are regularly sent to women during and after pregnancy promoting healthy behaviours for a 6 months post-partum period.

²³³ Among women enrolled in Liga Inan who were called 3 weeks prior to delivery, 53 per cent had a facility delivery compared to only 32 per cent of women who had a facility delivery and were not called.

²³⁴ Liga Inan mHealth Program: Impact Evaluation, Health Alliance International (HAI) / Catalpa International, July 2016; Liga Inan Progress Report, Catalpa International, March 2015.

²³⁵ Timor-Leste’s Beijing Declaration and Platform for Action (Bpfa) National Review and Appraisal Report (2014-2018), Democratic Republic of Timor-Leste, Secretariat of State of Equality and Inclusion (SEII), 2019, p. 28; ‘Verbal Autopsy reaching across Timor-Leste’, UNFPA Timor-Leste, Sept. 2017 – <https://timor-lesste.unfpa.org/en/news/verbal-autopsy-reaching-across-timor-lesste> [Accessed on 16/09/2019].

²³⁶ Injectables, used by 12 per cent of married women, are the most common method of contraception.

²³⁷ 2016 Timor-Leste Demographic and Health Survey, General Directorate of Statistics (GDS) – Ministry of Finance / ICF, 2018; 2009–10 Timor-Leste Demographic and Health Survey, National Statistics Directorate (NSD) - Ministry of Finance / ICF Macro, 2010.

cent in 2009-10 to 51 per cent in 2016 (correspondingly, 49 per cent of married women considering having no need for FP).²³⁸

161. The 2016 DHS data on women's needs and demand for FP includes data on all women, including sexually active unmarried women. When considering all women, the total demand for FP drops to 32 per cent (which includes about 16 per cent women with met needs and about 16 per cent with unmet needs). When considering solely sexually active unmarried women the total demand escalates to 81 per cent, out of which more than 90 per cent have unmet needs.^{239 240}

162. Regarding fertility, despite a decrease from an average of 5.7 children in 2009-10 to 4.2 children in 2016,²⁴¹ the Total Fertility Rate (TFR) remains among the highest rates in the region.

163. While physical barriers related to accessing medication and contraceptives remain significant, especially in remote areas, other barriers such as cultural constraints limit access to FP modern methods. Although contraceptives are provided for free in public health facilities, these services are mostly reserved to women who already have children.²⁴² People without children or unmarried people might not be offered FP services due to moral and religious considerations.²⁴³

Underage pregnancies

164. In 2016, 7 per cent of teenagers aged 15-19 have begun childbearing, 5 per cent have given birth and an additional 2 per cent are pregnant with their first child (1 per cent of teens had sexual intercourse before age 15). Among women aged 20-49, 9.3 per cent gave birth by the age of 18.^{244,245} The findings of the teenage pregnancy research²⁴⁶ show that young women have little agency in the decision to engage in sexual relationships.²⁴⁷ The relatively high rate of teenage pregnancies, and issues such as maternal mortality due to unsafe abortion, baby abandonment or infanticide tend to confirm these findings.

165. As knowledge on reproductive health is particularly low among women,^{248 249} the SRH and rights education programmes are expected to contribute to a reduction

²³⁸ 2016 Timor-Leste Demographic and Health Survey, General Directorate of Statistics (GDS) – Ministry of Finance / ICF, 2018, pp.93–97.

²³⁹ The sample of sexually active unmarried women considered in the DHS is small (43 women).

²⁴⁰ 2016 Timor-Leste Demographic and Health Survey, General Directorate of Statistics (GDS) – Ministry of Finance / ICF, 2018, pp. 110–111.

²⁴¹ Urban and rural fertility have both fallen by 1.4 children since the 2009-10 TLDHS.

²⁴² Inputs from the Consultative Workshop, 17th/18th October 2019.

²⁴³ Dr. D. Cummins and Ms. Z. Fonseca, Teenage Pregnancy and Early Marriage - *Research on the Decision-Making Pathways of Young Women in the Municipalities of Covalima, Aileu and Dili*, Secretariat of State for Youth and Sports – Democratic Republic of Timor-Leste/ UNFPA Timor-Leste / Plan International, May 2017, p. 19.

²⁴⁴ This teenage childbearing rate is similar to the level found in the 2009-10 DHS.

²⁴⁵ 2016 Timor-Leste Demographic and Health Survey, General Directorate of Statistics (GDS) – Ministry of Finance / ICF, 2018, pp.69-70.

²⁴⁶ See Article 5.

²⁴⁷ Dr. D. Cummins and Ms. Z. Fonseca, Teenage Pregnancy and Early Marriage - *Research on the Decision-Making Pathways of Young Women in the Municipalities of Covalima, Aileu and Dili*, Secretariat of State for Youth and Sports – Democratic Republic of Timor-Leste/ UNFPA Timor-Leste / Plan International, May 2017, p. 5.

²⁴⁸ Overall, only 8 per cent of women correctly identify the time when a woman is most likely to conceive. By age, knowledge of the fertile period is lowest among women age 15-19 (4 per cent) and highest among women age 25–39 (11 per cent).

²⁴⁹ 2016 Timor-Leste Demographic and Health Survey, General Directorate of Statistics (GDS) – Ministry of Finance / ICF, 2018, p. 95.

in the occurrence of these issues. However, the sensitivity on this subject remain a barrier in their implementation.^{250,251}

Malnutrition

166. The prevalence of stunting has declined from 58 per cent to 46 per cent between 2010 and 2016. The prevalence of underweight children has also declined, from 45 per cent to 40 per cent. However, the prevalence of undernourished children has increased from 19 per cent to 24 per cent. Prevalence of stunting, undernourishment, and underweight are slightly lower in girls (43 per cent, 22 per cent, and 38 per cent, respectively) than boys (48 per cent, 26 per cent, 43 per cent, respectively). The rates are generally higher in rural areas.²⁵²

167. The National Nutrition Strategy 2014-2019 developed and led by MoH has a focus on pregnant women and children under two-years to reduce the burden of malnutrition. It includes a Costed Operational Plan to enable tracking of expenditure on nutrition by sector.²⁵³

168. The Nutrition Collective Impact Pilot (2015-2019), known as '*Hamutuk*', is contributing to improve the nutrition situation by coordinating more than 20 Government institutions and NGOs from multiple sectors to reduce the prevalence of stunting in children under two-years of age. Under this programme, women's groups are recognised for outstanding actions to promote and improve nutrition in their communities.²⁵⁴

169. The MEJD and Ministry of Agriculture and Fisheries (MAF) are planning to significantly reform agricultural secondary schools and develop a nutrition-sensitive curriculum. This aims to build the capacity of rural youth and encourage women to engage in small livestock production for self-consumption and income generation to help increase the consumption of animal food sources.²⁵⁵

170. Mother Support Groups (MSG) were established in partnership between the MoH, the European Union and UNICEF. These aim to empower mothers and families by supporting them to promote key home practices that focus on nutrition to improve maternal and child health. The groups promote women's important roles in their community as well as encouraging men to participate to improve mothers' and children's health.²⁵⁶

²⁵⁰ See Article 10.

²⁵¹ Inputs from the Consultative Workshop, 17th/18th October 2019.

²⁵² 2016 Timor-Leste Demographic and Health Survey, General Directorate of Statistics (GDS) – Ministry of Finance / ICF, 2018, p. 181.

²⁵³ Timor-Leste National Nutrition Strategy 2014-2019, Ministry of Health, Timor-Leste, 2014, pp. 7/40.

²⁵⁴ <https://hamutuk.tl/en/>.

²⁵⁵ Country Policy Effectiveness Analysis, European Union (EU), Food and Agriculture Organization (FAO), and National Council for Food Security Sovereignty and Nutrition (CONSSAN-TL), Timor-Leste, Feb. 2019.

²⁵⁶ Timor-Leste's Beijing Declaration and Platform for Action (Bpfa) National Review and Appraisal Report (2014-2018), Democratic Republic of Timor-Leste, Secretariat of State of Equality and Inclusion (SEII), 2019, p. 26; 2017 Journal of Change in Timor-Leste, UNICEF, Oct. 2018, p. 7.

Article 13: Economic and Social Rights

Efforts toward a universal social security system

171. The General Social Security Scheme²⁵⁷ adopted in 2016, replaced the transitional scheme²⁵⁸ and complements the 25 already existing transitional and non-contributory social protection programs. This is the first social scheme that aims to cover all workers and their families.²⁵⁹ The scheme provides generous benefits compared to international standards.²⁶⁰²⁶¹ However, its coverage is mainly benefiting to those in formal employment (which encompasses a minority of women)²⁶².

172. People with disabilities, including women, are eligible for the Allowance for the support of the Elderly and Invalid (SAII) established in 2008, which is currently the most comprehensive social protection program and provides a monthly cash benefit of 30 USD per month.²⁶³ While 93 per cent of the total population aged 60 or older²⁶⁴ was benefiting from this scheme in 2017 (54 per cent women / 46 per cent men), about 20 per cent of the total disabled population is benefiting from it (48 per cent women and 52 per cent men)²⁶⁵²⁶⁶ due to limited awareness and operational issues.²⁶⁷

173. In 2016, the creation of the National Institute for Social Security was established to centralize the implementation of all social security schemes.²⁶⁸ In addition, MSSI initiated a large participatory dialogue from 2016 to 2018 to develop the first National Social Protection Strategy (2019-2030). As most of the social protection programs were developed in isolation without a broad strategic vision, the strategy aimed to achieve a more efficient and integrated social protection system. Officially adopted in November 2018, the strategy sets the goals and actions related to social protection. In this framework, a Bilateral Cooperation Program was signed with the Government of Portugal from 2019 to 2022, which includes the establishment of a Social Security Reserve Fund to ensure the sustainability of the system.²⁶⁹

²⁵⁷ Law N° 12/2016, 14th November 2016.

²⁵⁸ 2012 Transitional Social Security Scheme to the benefit exclusive of public servants (Law N° 6/2012).

²⁵⁹ See Article 11.

²⁶⁰ Pensions provided (for old age, invalidity and survivors) aim at a replacement rate of 100 per cent of the average wage of the best ten years of contribution for workers who have a full contributory career (30 years) while the minimum standards established by ILO prescribe between 40 and 45 per cent replacement rates.

²⁶¹ Challenges and Ways Forward to Extend Social Protection to All in Timor-Leste: Assessment-Based National Dialogue report, United Nations - International Labour Organization Indonesia and Timor-Leste/ Ministry of Social Solidarity of Timor-Leste, Dili, 2018, p. 21.

²⁶² See Article 11.

²⁶³ Equivalent to one third of the minimum wage for public servant.

²⁶⁴ Representing a total of 353,280 beneficiaries.

²⁶⁵ Representing a total of 32,250 beneficiaries.

²⁶⁶ 2016–2019 statistics, Instituto Nacional de Segurança Social, República Democrática de Timor-Leste, Nov. 2019.

²⁶⁷ Challenges and Ways Forward to Extend Social Protection to All in Timor-Leste: Assessment-Based National Dialogue report, United Nations - International Labour Organization Indonesia and Timor-Leste/ Ministry of Social Solidarity of Timor-Leste, Dili, 2018, pp. 56-65.

²⁶⁸ Decree-Law N°47/2016, 14th Dec. 2016 - Statutes of the National Institute of Social Security (Art. 4.2.a).

²⁶⁹ 'Social Security: A Right for All', Government of Timor-Leste portal, 16 April 2019 - <http://timor-leste.gov.tl/?p=21650&lang=en&n=1> [accessed 17/09/2019].

Bolsa da mãe programme

174. In 2015, about 16 per cent of households were headed by females (around 32,000 households), a fairly stable rate since the 2010 census.²⁷⁰ To cover this vulnerable population, the ‘*bolsa da mãe*’ programme was expanded, both in terms of beneficiaries and benefit amount, receiving an important increase in investment, covering from 15,000 households in 2011 (overall budget: 2.5 million USD)²⁷¹ to 61,705 households (29 per cent of total households) in 2017 and provided benefits to more than 183,000 children (32 per cent of total children) for a budget close to 9 million USD. The benefits reach 5 USD per month per child, up to a maximum of 3 children per households.²⁷²

175. Significant poverty reduction for female-headed households was observed, which has occurred at a faster pace than for male-headed households.^{273 274} However, the *bolsa da mãe*’s relatively low benefit level potentially limits the programme’s impact on poverty reduction in the poorest households.²⁷⁵

Strategy on women’s economic empowerment and financial inclusion

176. Collaboration among the Government toward women economic empowerment has been strengthened under the new phase of the Maubisse Declaration on Rural Women (2018–2023), which commits the Government to improve rural women’s lives²⁷⁶ through several measures such as access to credit or trainings.

177. In this framework, in 2019, the President announced 1.5 million USD funding for the new Rotative Cash Transfer programme to support rural women’s groups to develop small businesses. The programme provides \$10,000 USD to 11–12 women’s groups per municipalities which are trained in business development to build sustainable businesses.

178. Although the Maubisse Declaration does not include indicators yet, the GRB system coordinated by UPMA requires Line Ministries to monitor and report on activities implemented under the Declaration. However, more socialization is still needed to encourage Government to invest funding into this initiative.²⁷⁷

179. As an important aspect of economic empowerment, the Central Bank of Timor-Leste (BCTL) developed and adopted the National Strategy on Financial Inclusion 2017-2022. The strategy attaches a great importance on women’s access to quality

²⁷⁰ Dr. D. Jendrissek, Analytical report on Housing Characteristics and Amenities – 2015 TL Population and Housing Census, General Directorate of Statistics (GDS) / United Nations Population Fund (UNFPA), 2018, p.9.

²⁷¹ See Timor-Leste Combined 2nd and 3rd Periodic CEDAW Report, 2013.

²⁷² MSSI Response to CEDAW Questionnaire, Aug. 2019; Challenges and Ways Forward to Extend Social Protection to All in Timor-Leste: Assessment-Based National Dialogue report, United Nations - International Labour Organization Indonesia and Timor-Leste/ Ministry of Social Solidarity of Timor-Leste, Dili, 2018, p. 45.

²⁷³ Poverty headcount for male-headed households reduced by 14.2 per cent between 2007 and 2014 as compared to 36.5 per cent for women-headed households.

²⁷⁴ Challenges and Ways Forward to Extend Social Protection to All in Timor-Leste: Assessment-Based National Dialogue report, United Nations - International Labour Organization Indonesia and Timor-Leste/ Ministry of Social Solidarity of Timor-Leste, Dili, 2018, p. 15.

²⁷⁵ Ibid. p. 22.

²⁷⁶ See Article 14.

²⁷⁷ See Article 3.

and affordable financial service by promoting and including women-focused action plans.^{278,279}

Financial inclusion of women

180. In 2018, while 65 per cent of the adult population had some access to any financial service (mainly banking and Other Deposit Taking Institutions - ODTIs) with variation across municipalities, the gender breakdown of clients in the financial sector shows that ODTIs' clients are mostly women (88 per cent female clients), while clients of other financial services providers are more balanced between women and men (53 per cent female clients for banks and 49 per cent female clients for Credit Unions).²⁸⁰

Women with Disabilities

Legal and policy framework

181. After the adoption of the National Policy in 2012 and a related 2014-2018 NAP on the Rights of Persons with Disabilities (PwD) covering 10 sectors,²⁸¹ MSSSI is now conducting the consultation process to develop the 2nd phase of the NAP (2020–2024).

182. MSSSI is working with the Association of Persons with Disabilities (ADTL) toward the development of a specific law and a National Disability Council for implementing and monitoring the NAP.²⁸² Beside the legal and institutional frameworks, MSSSI is also working toward the ratification of the UN Convention on the Rights of Persons with Disabilities (CRPD). However, this request could not yet be considered by the Council of Ministers to date.²⁸³

Awareness-raising campaigns and capacity building programmes

183. The International Day of PwD is celebrated annually in all municipalities, increasing awareness and visibility of PwD to the general public.²⁸⁴ A broad National Seminar on disability issues is also held annually by the MSSSI, contributing to awareness raising among policy makers.²⁸⁵

184. At community level, awareness-raising activities are conducted on a regular basis by the National Centre for Rehabilitation (CNR) through its SRIKAR²⁸⁶

²⁷⁸ Such as the creation of the Small and Medium Business Credit Guarantee System. See Article 11.

²⁷⁹ National Strategy for Financial Inclusion (2017-2022), Central Bank of Timor-Leste, Democratic Republic of Timor-Leste, 2017, p. 104.

²⁸⁰ Financial Inclusion Report 2018, Central Bank of Timor-Leste, Democratic Republic of Timor-Leste, 2018, pp.65–72.

²⁸¹ 2014-2018 National Action Plan for People with Disabilities, Ministry of Social Solidarity, Timor-Leste, 2013, p. 23.

²⁸² Progress Report Volume II – January–June 2017, Partnership for Human Development Australia Timor-Leste, July 2017, p.50.

²⁸³ Interview with Director Mateus da Silva, National directorate for the Support of Persons with Disabilities, MSSSI, 23/09/2019.

²⁸⁴ Progress Report Volume I – July–December 2016, Partnership for Human Development Australia Timor-Leste, March 2017, p. 30.

²⁸⁵ 'Semináriu Nasionál ba Asuntus Defisiéntes', Ministry of Social Solidarity and Inclusion website, Timor-Leste, 13th June 2019 - <http://mss.gov.tl/portal/seminariu-nasiona-ba-asuntus-defisientes/> [Accessed 19/09/2019]; 'Semináriu Nasionál Kona-Ba Direitu Ema Ho Defisiénsia', Ministry of Social Solidarity and Inclusion website, Timor-Leste, 13th September 2018 – <http://mss.gov.tl/portal/seminariu-nasiona-kona-ba-direitu-ema-ho/> [Accessed 19/09/2019].

²⁸⁶ Integrated Rehabilitation Service in the Rural Areas Communities.

programme.²⁸⁷ Civil Society, supported by MSSSI and the PHD program,²⁸⁸ is also very active on this matter.

185. The CNR is also providing continuing capacity building of its employees, especially in rehabilitation healthcare area.²⁸⁹ A training needs analysis was undertaken by RHTO, resulting in capacity building programmes for Organizations of Persons with Disabilities (DPOs) staff.²⁹⁰ Finally, collaboration between the PNDS programme²⁹¹ and RHTO led to disability inclusion training for PNDS facilitators to improve disability inclusive development in rural areas.²⁹²

Access to inclusive education for women and girls with disabilities

186. Only 33 per cent of disabled young females aged 5–24 years are in school, while 55 per cent never attended school (with similar rates for young men). Among those who attended school, the drop-out rates are also much higher among children with disabilities. As a result, only 15.3 per cent PwD are literate with a significant gap between gender (10.5 per cent for women / 20.5 per cent for men).²⁹³

187. In response, the 2017 Inclusive Education Policy and the 2016 National Youth Policy identify young PwD as a priority target group for educational support.²⁹⁴

188. Orientation training and mentoring for key education stakeholders was delivered under the PHD program to improve teaching approaches for PwD. A total of 87 education service providers (about 30 per cent female) were trained.²⁹⁵ Mentoring and capacity building on disability responsive learning methods for school leaders, teachers and mentors were implemented in 228 schools as of June 2017, potentially impacting 15,000 students.²⁹⁶

189. Finally, the Dili CLC²⁹⁷ provides tailored education to students with visual and hearing impairments.²⁹⁸

²⁸⁷ Relatório do Centro Nacional de Reabilitação (CNR) 2015–2017, CNR – República Democrática de Timor-Leste, 2017, pp. 30–31.

²⁸⁸ The Partnership for Human Development (PHD), an integrated programme of Australia and Timor-Leste Governments, is particularly active on disability issues, especially by supporting PwD Organizations such as ADTL, RHTO, and more.

²⁸⁹ Relatório do Centro Nacional de Reabilitação (CNR) 2015–2017, CNR – República Democrática de Timor-Leste, 2017, pp. 11–12.

²⁹⁰ Progress Report Volume II – January–June 2017, Partnership for Human Development Australia Timor-Leste, July 2017, p.50.

²⁹¹ See Article 14.

²⁹² Programa Nasional Dezenvolvimentu Suku (PNDS) Support Program – Mid-term Review Final Report, Dili, Timor-Leste, Feb. 2017, p. 10.

²⁹³ Analytical Report on Education – 2015 Timor-Leste Population and Housing Census, General Directorate of Statistics (GDS) – Ministry of Finance / United Nations Children’s Fund (UNICEF) / United Nations Population Fund (UNFPA), 2017, p. 71.

²⁹⁴ 2016 National Youth Policy, Secretary of State for Youth and Sport, Democratic Republic of Timor-Leste, pp. 15–16.

²⁹⁵ 2018 Annual progress report on Empower for Change project to reduce violence and discrimination against women and children with disabilities, UN Partnership on the Rights of Persons with Disabilities, 2019.

²⁹⁶ Progress Report Volume II – January–June 2017, Partnership for Human Development Australia Timor-Leste, July 2017, pp. 46–47.

²⁹⁷ See Article 10.

²⁹⁸ Report on the Implementation of the Sustainable Development Goals: From ashes to reconciliation, reconstruction and sustainable development, Voluntary National Review of Timor-Leste 2019, Government of Timor-Leste, Dili, Timor-Leste, 2019, p. 67.

Access to health for women with disabilities

190. The CNR, established in Dili, is the largest service provider dedicated for PwDs. Its SRIKAR outreach programme is doing important work of identification of PwDs in rural areas. By 2017, 30 per cent of the identified PwDs were referred to the CNR when necessary. The programme also includes assistance through the provision of wheelchairs (117 beneficiaries – 43 per cent women), orthopaedic prosthesis (168 beneficiaries – 30 per cent women), etc.²⁹⁹ A mapping of existing services and referral pathways for PwD in all municipalities was conducted in 2017.³⁰⁰

191. The evaluation of PNDS infrastructure projects,³⁰¹ especially roads and bridges projects, revealed an improved access to health services for 41 per cent of the PwD beneficiaries interviewed. Furthermore, water supply related projects also revealed encouraging results in terms of improved health for PwD.^{302 303} Nonetheless, general access for PwD to most infrastructures and transport, especially in rural areas remains a challenge.³⁰⁴

Measures to address violence against women with disabilities

192. No specific data on violence against women with disabilities is available. However, the new NAP GBV (2017-2021) recognizes the vulnerability of women with disabilities toward violence. While the capacity to respond to their specific needs is limited, the CNR has recently been included in the GBV referral network to improve referral of women with disabilities victims of violence.

193. The 2018–2020 UN joint project ‘Empower for Change’ programme was developed to support the Government and key national institutions such as the CNR or the judiciary, CSOs and DPOs towards reducing harmful attitudes that perpetuate tolerance of discrimination against PwD, especially women and girls, and strengthening capacities of service providers. In this framework, 2 DPOs are developing a toolkit on GBV against PwD, supported by a technical committee including representatives from Government, the GBV Referral network members and DPOs.³⁰⁵

194. Despite positive steps at policy level, effective implementation remains a challenge with strong barriers for PwDs, especially women, and a lack of funding and understanding of disability issues limiting the reach of support services, especially in rural areas. As such, the participation in all areas of life for PwDs is still significantly limited.

Article 14: Rural Women

195. As the official national registration process (SNC) is ongoing at the time of writing, precise data relating to land ownership for women is not yet available.

²⁹⁹ Relatório do Centro Nacional de Reabilitação (CNR) 2015-2017, CNR – República Democrática de Timor-Leste, 2017, pp. 32–34.

³⁰⁰ Progress Report Volume II – January-June 2017, Partnership for Human Development Australia Timor-Leste, July 2017, p. 46.

³⁰¹ See Article 14.

³⁰² 37 households with a PwD interviewed.

³⁰³ Pomeroy J.L., Economic Impacts of PNDS Infrastructure Projects, Ministry of State Administration – PNDS Technical Secretariat, Government of Timor-Leste, July 2018, p. 10.

³⁰⁴ Inputs from the Consultative Workshop, 17th/18th October 2019.

³⁰⁵ 2018 Annual progress report on Empower for Change project to reduce violence and discrimination against women and children with disabilities, UN Partnership on the Rights of Persons with Disabilities, 2019.

Nonetheless, estimations generally report that men individually own more land than women.³⁰⁶

196. The recently passed Land Law determines that land ownership should guarantee equal land rights between men and women and forbid any form of discrimination in land ownership, access, management, administration, enjoyment, transfer or disposition of land ownership (Law N° 13/2017 – Art. 4). Nonetheless, gender disparities in land access are still prevalent and reflect sociocultural norms and practices.

Adoption of the land laws and formal equality in access to land between women and men

197. The Special Regime for the Definition of Ownership of Immovable Property (or ‘land and property law’) and the law on Expropriation for Public Utility (or ‘Expropriation Law’) were passed in 2017 respectively as the Laws N°13/2017 and N° 8/2017. The Real Estate Financial Fund³⁰⁷ has been included under the Expropriation Law (art. 66). A Decree-Law is further expected for its regulation.

198. The land law also provides for the protection of vulnerable groups (Art.5). Attention has been taken to align these laws with the international Human Rights standards. As such, both laws, directly refer to the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the CEDAW Convention.

199. While the land law encourages for declaration of joint ownership for couples (art. 32.7), women face various barriers in the registration process due, *inter alia*, to their literacy level (generally lower than men) and a lack of information on the process, challenging their formal rights to land ownership. The issue is exacerbated for vulnerable women such as young mothers, especially those who have been abandoned or have left their partner, and elderly widows.³⁰⁸

Legal framework on eviction and compensations

200. Besides promoting the principles of legality, justice, equality, proportionality, impartiality and good faith in the procedure of expropriation (art. 8), the Expropriation Law also provides that any expropriation procedure must consider the special needs of vulnerable groups. This includes taking reasonable steps to ensure that information, consultation and participation by such groups is abided by to promote the right to equality and non-discrimination (art. 10).

201. The law requires that the standard of living of parties affected by the expropriation should be at least equal to their previous standard of living (art.8.4) and expropriation must follow the principle of fair compensation on financial costs resulting from the expropriation as well as the principle of compensation for other

³⁰⁶ Almeida B. and Wassel, Survey on Access to Land, Tenure Security and Land Conflicts in Timor-Leste, The Asia Foundation / Van Vollenhoven Institute for Law, Governance and Society, Dec. 2016, p. 17; Gender Equality and Social Inclusion Analysis – Technical Report 8, TOMAK, Dec. 2016, p. 33; Asia Foundation Timor-Leste, Beyond Fragility and Inequity, Women’s Experiences of the Economic Dimensions of Domestic Violence in Timor-Leste, 2015.

³⁰⁷ Originally considered to be established in a separate piece of legislation.

³⁰⁸ Report on the Implementation of the Sustainable Development Goals: From ashes to reconciliation, reconstruction and sustainable development, Voluntary National Review of Timor-Leste 2019, Government of Timor-Leste, Dili, Timor-Leste, 2019, p. 77.

non-equity values (art.57). Priority is given to compensation through the delivery of alternative real estate (or land reallocation) to prevent the loss of livelihoods.

202. Finally, individuals are given the possibility of resorting to arbitration (art. 43) when there is disagreement regarding the amount of compensation, and direct appeal to the court when they consider that the concept of public utility is not fulfilled (art.54/55).

Protection of the interests, consultation and compensation of local communities and rural

203. The Decree-Law N° 5/2011³⁰⁹ recognizes the specific relation between the environment and the Timorese people requiring an Environmental Impact Assessments (EIA) and an Environmental Management Plans (EMP) for all infrastructure projects. These initiatives must consider and address the social and economic impacts on affected communities, which includes undertaking a consultation process.

204. In the case of the Tasi Mane Project,³¹⁰ EIAs and EMPs were conducted and developed in 2012 involving consultations which largely aimed at informing the community about the plan.³¹¹ An extended land title registration and clearance was conducted in close coordination with the National Directorate of Land & Properties and Cadastral Services. Communities were offered two options for financial compensation³¹² in addition to resettlement. As of 31st December 2018, a total of 342 hectares of land were already compensated out of the 1,113 hectares required for the construction of the Suai Supply base project. Training and skills development programmes were also planned for local communities to maximize participation of local labour.³¹³

205. However, no specific incentive nor socio-economic impact study of the overall project or on the compensation process for women has been undertaken to date. As such, it is unclear whether this community consultation process has benefited rural women.

Rural women access to opportunities, basic services and infrastructure

206. At political level, the Government made an important commitment in favour of rural women through the 2015 Maubisse Declaration. This Declaration was approved by the former Prime Minister alongside nine State institutions, who agreed to take action toward improving rural women's lives.³¹⁴ It comprises a set of measures to guide Government's action to ensure that the principles of inclusion, tolerance and gender equality are adhered to and to strengthen the capacity and socio-economic power of rural women and PwDs in rural areas.

³⁰⁹ Decree-Law N°5/2011, 9th Feb. 2011.

³¹⁰ The major national petroleum sector project on the south coast.

³¹¹ Tasi Mane Project – Suai Supply Base – Environmental Impact Assessment, TimorGap/Worley Parsons Resources and Energy, June 2012; Tasi Mane Project – Betano Petroleum Refinery and Beaçõ LNG Plant – Strategic Environmental Impact Assessment, TimorGap/Worley Parsons Resources and Energy, June 2012.

³¹² Either 10 per cent of the supply base profits or 3 USD per square meter for an outright sale of their land.

³¹³ Report & Accounts 2018, TimorGap, Dili, Timor-Leste, 2019.

³¹⁴ Maubisse Declaration (2015-2017), 6th Constitutional Government, Democratic Republic of Timor-Leste, 15th October 2015.

207. The commitment was renewed in October 2018 for a 5 years' timeframe (2018–2023), now involving 16 institutions, including the BNCTL. The monitoring process was strengthened through its inclusion in the GRB mechanism.³¹⁵

208. At the operational level, the PNDS programme³¹⁶ is contributing to facilitate women's access to services, infrastructure and opportunities. The PNDS process seeks to involve the whole community in the planning, decision-making, implementation, operations and maintenance of local infrastructure. A priority of the project is to build infrastructure needed by the whole community (including women, the elderly and PwDs). By 2018, women represented 40 per cent of the participants in the PNDS socialization processes, up to 45.5 per cent of Community Management Teams selecting the priority projects; 33.5 per cent of PNDS staff at sub-national level after receiving training; and 29 per cent of workers on construction projects.³¹⁷

209. In terms of infrastructure, by 2018, 26 per cent of the projects built under PNDS came from women priorities and it is estimated that women represent 52 per cent of the beneficiaries of the overall 1,369 built infrastructure projects, benefiting a total exceeding 220,000 households. The projects relate to basic services in various sectors such as Water & Sanitation; Road, Bridge and Flood Control; Education, Culture & Sports; Health; Agriculture & Food Security.³¹⁸

Article 15: Equality before the Law

210. (No significant update in the reporting period).

Article 16: Marriage and the Family

Civil registration and registration of marriage in its various forms

211. The reform of the civil registration and the overall legal framework on marriage and family laws was considered as a priority in the framework of the legislative reform process.

212. In this framework, it is under discussion to incorporate the rules of marriage and family into an autonomous law to improve knowledge of the law and its application, and to promote the “*monogamous character, consensual rules, equality and the rights and duties of the law*”.³¹⁹

213. Most specifically on civil registration of marriage, the draft Civil Registration Code provides that local delegations of the National Directorate of Civil Registration and Notary are responsible for the transcription/recording in the civil registry of catholic and traditional marriages (art. 12.3.d.) to create the necessary conditions for the effective celebration of marriage according to civil law. Although the draft Civil

³¹⁵ Maubisse Declaration - Phase II (2018-2023), 8th Constitutional Government, Democratic Republic of Timor-Leste, 12th October 2018.

³¹⁶ PNDS (National Program for Village Development) is a Government initiative that enables communities to choose, design and build small scale infrastructure projects in their village.

³¹⁷ Programa Nasional Dezenvolvimentu Suku (PNDS) Support Program – Mid-term Review Final Report, Dili, Timor-Leste, Feb. 2017, p.10.

³¹⁸ Annual Progress Report 2017/2018, National Program for Village Development Support Program, Australian Embassy, Timor-Leste, 2018 – Through July-December 2018 Progress Report – PNDS Development Support Program, Feb. 2019.

³¹⁹ MoJ response to the CEDAW Questionnaire, Sept. 2019; ‘Government analyses Marriage and Family Laws’, Government of Timor-Leste’s website, 23rd Feb. 2017 - <http://timor-leste.gov.tl/?p=17474&lang=en> [accessed 24/09/2019].

Registration Code is yet to be passed due to extended consultations and analysis, the final draft is now ready for presentation before the Council of Ministers.³²⁰

Minimum age of marriage

214. The amendment of the Civil Code for a raise of the minimum age of marriage is under discussion.³²¹

Divorce

215. The divorce system has not been amended in the reporting period. However, beside the litigious divorce system, which involves a “*culpable violation of conjugal obligations*”, the Civil Code prioritizes ‘divorce by mutual consent’ which is a no fault-based divorce system (art. 1652).

Internuptial period

216. No amendment was processed related to the art. 1494 of the Civil Code on the internuptial period during which a man or a woman is not allowed to marry again.³²² As such, the internuptial period remains at 180 days for men and 300 days for women, unless the woman can provide a judicial declaration that she is not pregnant.

Legislation related to de facto unions

217. De facto union has not been legally recognized to date.

Legal system for practical administration of land

218. Following the national registration process and the land law provisions (art. 32.7),³²³ married couples are encouraged to make a joint land title by making a statement and taking a photo together on their land plots.

219. In the process of declaration of ownership, “*agreements resulting from negotiation or mediation in which the parties have agreed on the definitive transfer of the property rights over immovable property shall be valid for the purposes of the declaration of title*” (art. 32.5).

220. In case of remaining conflict, the Land Law (art. 39.2) suggests that it will be “*settled by administrative decision*” conducted by the Land and Property Commission which will start operating in 2020. The Decree-Law establishing the Commission provides that arbitration processes must ensure not to violate women’s rights.³²⁴

³²⁰ MoJ response to the CEDAW Questionnaire, Sept. 2019; Inputs from the Consultative Workshop, 17th/18th October 2019.

³²¹ MoJ response to the CEDAW Questionnaire, Sept. 2019.

³²² MoJ response to the CEDAW Questionnaire, Sept. 2019.

³²³ See Article 14.

³²⁴ MoJ response to the CEDAW Questionnaire, Sept. 2019.