

REPÚBLICA DEMOCRÁTICA DE TIMOR LESTE

List of Critical Concerns for the CEDAW Pre-Session (10-14 November 2008)

In Relation to the 44th CEDAW Session (29 June – 17 July 2009)

Prepared by:

NGO's Working Group on CEDAW Shadow Report

The CEDAW convention was ratified and implemented by the State of Timor Leste(TL) 6 years ago, but in fact women's situation is still far from the convention's principles. Based on our consultation result from 13 districts found that 8 critical issues related to extreme discrimination practice against women in Timor-Leste as follows:

1. State Obligation to Eliminate Discrimination Against Women. (art. 1-5);

Areas of Concern :

1. There is no domestic law or policy of the state to eliminate all form of discrimination against women in all sectors of national development. (Specially in women's cultural life).
2. There is discrimination for women's in liberation combatants law.
3. There is no law and national policy to protect and prevent women from human trafficking and sexual exploitation.
4. Some articles of the Timor-Leste's draft penal code still indicate discrimination against women. Eg: State is influenced by the catholic church, and the church wants to criminalize and penalize women that commit abortion and prostitution.
5. National Parliament didn't consider and involve women's organization during consultation process of making law.

Recommendation/Questions to the State:

1. The state must embody the treaty obligations under CEDAW including use of the standards or definitions of discrimination and substantive equality into the national legislation by including anti-discrimination on the basis of sex into the Constitution or enacting specific gender equality legislation.
2. The state must make amendment on the liberation combatants law.
3. The state should approve domestic law on anti human trafficking and create national policy to protect women from sexual exploitation.
4. The state must not penalize and criminalize abortion and prostitution.
5. National Parliament should regularly invite women's organization to give input during consultation processes when they want to pass a law.

2. Violence Against Women (GR 19);

Areas of concern :

1. The state of Timor-Leste has still not approved the Domestic Violence law.
2. Most of TL Women still live in domestic violence cycle and has difficulties for

seeking protection from government, because there is no law concerning domestic violence.

3. There are still a lot of sexual violence (rape, exploitation, harassment) that happens to women in their family and social life.
4. There are many cases that men abandon women after they have babies.
5. Polygamy happens in TL and there is no domestic law and policy to prevent the polygamy practice.
6. Women in IDP camp have experiences of the various form of violence.
7. Sometimes the state and international agencies do not respond to the specific needs of women in IDP camp.

Recommendation/Questions to the State:

1. The state must pass the domestic violence law by 2009, to protect women from gender based violence.
2. The state must make a marriage and family law.
3. The state and international agency should respond to specific needs of IDP women.
4. The state should establish shelters in 13 districts to protect women that experience violence.

5. Women's Equal Access to Education (art. 10);

Areas of concern :

1. Illiteracy is prevalent, mainly affecting young women, adolescence.
2. Many young women dropped out from secondary school because of many reason: Eg: pregnant earlier, do the housework, do the small business or selling things in order to support their family, no money to pay their school fees and buying school materials.
3. Many women can't continue their study at university level because of lack of family economic, forced marriage by the family, and stereotype.
4. Many young women in district and rural area level didn't pass through pre-school/kindergarten because it only exist mostly in Dili.
5. Many young women in rural areas can't continue their school to pre-secondary, secondary and university level because they have no money, their family do not give attention to the importance of the children formal education, particularly for girls. Many families still have patriarchal mentality and continue reinforce women's gender stereotype.
6. Students especially women are not benefited for scholarship from the state. There is no affirmative action from government to increase the number of women beneficiaries in order to get scholarship.

Recommendation/Questions to the State

1. What is its policy on providing enabling conditions to girls and young women so they can have full access to their right to education, knowing this is the context, and also what fastrack/remedial actions for those women and girls who have fallen out of the formal education sector so that they can return to the formal education system.

2. What steps will be taken to address cultural biases within the family that impact educational choice of girls?
3. Affirmative action, scholarships for girls and young women.

4. **Women's Health (art.12);**

Areas of concern :

1. Number of maternal mortality rate increased in regions. It is about 800-840/100.000 of birth. Mothers died because of complicated problems, mal nutrition, hemorrhagic, no access to health facilities, not attend pre and post natal care and also unsafe abortion.
2. The number of women fertilities is high in TL (7.8 %).
3. Women have no power in making decision to have children.
4. Many women are not interest to follow the family planning because afraid to the negative impact of family planning (bleeding, etc).
5. There is a lack of information about family planning from government, and health providers, particularly in rural and remote areas.
6. Many men don't like to use condom, they don't know and don't care about women's reproductive health.
7. Women have mal nutrition and other diseases such as TB, blood pressure, infection because of lack of health facilities and clinic in order to assist pregnant women in rural areas.
8. HIV/AIDS begin more spread in TL and is a big risk for women.
9. No specific health facility to accommodate women with mental health problem.

Recommendation /Question to the state:

1. State should have a clear health policy outlining women's right to healthcare based on a human rights framework including the right to her sexuality and reproduction, including safe maternity, post natal care, abortion, contraception.
2. That the state needs to clarify the amount of resources they are putting into healthcare
3. State needs to play a major role in changing the culture/mindset of men and women on women's sexual and reproductive rights including to the importance of family planning, safe sex, contraception, through....[education, training of providers, ...]
4. State through ministry should have clear strategy to explanation on family planning's benefits and side affects in order to reduce Maternal Mortality Rate and solve response to high fertility rate through IEC materials, campaigns and training.
5. State through Ministry of Social Services and Health should have planning building proper place to accommodate women with mental health problem
6. State should consider women for consulting regarding any of law and policy drafting that relate to women's body (abortion law, prostitution, etc). Also, provide those law ad policies in understandable language.

7. State should guarantee that all health policy and strategies are well implementing through regular monitoring and evaluation coordinate with NGOs and CBOs.

5. Women's in Livelihood & Private Sector (art.11);

Problematic Areas :

1. Women's local product has no value in the market because lack of buyers interest to the local product. There are some imported products available and compete with local's that still not develop. There is no government policy to protect women's local product and it has impacted for women to earn money to fulfill their daily life needs.
2. Women who work in companies receive various discriminations from their boss, low salary, rights to maternity leave, and sexual abuse.
3. Many women are not employed because of lack of job opportunity and there are no productive works for them to earn money.
4. Women in the government employers receive sexual harassment, and discrimination in career promotion, and not involve in the process of making decision. (Men dominated in decision making process).
5. Women have no opportunity to get credit in the bank for business because they have no property and land as a guarantee to realize the credit. All property and land belong to their husband, parents and brothers.

Recommendation /Question to the state:

1. What is its policy on providing enabling conditions to women so they can have full access to have job, and earn money from their local product.
2. The state should make a law on inheritance that enable women to have equal right to land and properties (inheritance law).

6. Married, Family Life & Culture (art.16);

Areas of concern :

1. The Timor-Leste society itself gives no opportunity to women / wives to involve in making any decision related to marriage and family life.
2. Using women as an object for negotiation in the context of paying **dowry** and as an economic exploitation.
3. The consequence of realizing dowry made women not secure in their family life because they faced various violence from their husband and his family.
4. Patriarchal mentality in the TL costume marginalized women in their own development thorough family life, public life, politic, economic, social and cultural life.
5. Cultural Stereotype gives negative impact to women in their global development.

Recommendation /Question to the state:

1. What is the position of the state of family laws and women's role in the family. State must emphasize that the family needs to be a safe space for women and girls, based on equality, non discrimination, non violence, equal roles not based on stereotypes etc so that women can fully benefit from the public environment. This needs to be reflected in laws and policies relating to women and their role in family.
2. What will the state do to abolish dowry practice, promote equal distribution of family wealth and resources (create legislation to do this?)
3. We recommended to the TL state must immediately make a law on 'anti dowry'.

7. Women's Equal Access to Justice, Employment & Politic (art.15, 7, 11);

Areas of concern :

b. Justice:

1. Many women lack of knowledge related to the process of formal justice. Eg: Some times women and their family bring the case of domestic violence and sexual violence not to court but only through traditional system which gives no benefit and also make injustice for women. (It has to solve the case of crimes too).
2. Lack of formal judicial assistance for women because TL has only four courts, Dili, Baucau, Suai and Oe-Cusse. Lack of judiciary authors in those four districts to attend and solve many pendent cases like domestic violence.
3. Portuguese language as an obstacle for judiciary authors those who graduated from Indonesia. Sometimes their interpretation did not match with the law written in Portuguese. The suspects or women victims will suffer of this impact.
4. In the court there is no mechanism of protection for the victim and witnesses.

c. Unemployment:

1. Many women have no skill or capacity on productive and professional work to earn money. Many women not applied for the vacancy job because they are out of criteria compare to men in TL.
2. Many women have no job at the moment.

d. Politic:

1. Women still not have power to involve deeply in the process of making decision in the village level up to national level if compare with men. Even though many women are the members of village council, parliament members and members of government but only a few that understand and have sensibility related to gender issues and fundamental right of women.
2. Even though political party speech in the public that they support women participation in politic but, didn't take concrete action to help women participate directly in the process of decision making both in the parties

- structure and state institutions level.
3. Still many women have no interest in politic. They feel that politic arena is better for men to work with rather than women.
 4. There is discrimination to women stated in election legislative law. It showed in the candidate list that has to put one woman among four men.

Recommendation /Question to the state:

1. The state should create a comprehensive and systematic mechanism to disseminate information about 'formal justice process' to community especially women's.
2. The state should increase number of district court in other 4 district as follows: Same, Viqueque, Maliana and Ainaro.
3. The state should make a domestic law to protect women's victim's and witnesses.
4. Create a law to regulate the judicial traditional system.
5. National parliament should make amendment on legislative election law eg: political party should put two women's between to means in their candidate list to run for election.
6. The state must create a job for women and also build their capacity.

8. Social Services (art.11, 10, 12, 16);

Areas of concern :

1. Many TL women have no access to healthy cleaning water and hygiene standard sanitation.
2. There is no specific place or institutions that take care of adult women and mental health care facility specifically for women.
3. The state still not provide specific places and try to protect the orphans and there is no concrete policy related to problem of street children in TL.

Recommendation/Question

1. The state responsibility to provide clean water to all of Timorese citizen specially women's.
2. The state must establish center for orphans (girls & boys) and street children so they can have equal access to education.
3. The state should establish health institutions that protect women who have mental problem because of long term trauma.

Prepared by: NGO CEDAW working group.
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