



Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
1 December 2008

Original: English

Committee on the Elimination of Discrimination against Women

Pre-session working group

Forty-fourth session

20 July-7 August 2009

List of issues and questions with regard to the consideration of periodic reports

Timor-Leste

The pre-session working group examined the initial report of Timor-Leste (CEDAW/C/TLS/1).

General

1. In the common core document (HRI/CORE/TLS/2007), the State party acknowledges the difficulties encountered with respect to the collection of data due to the lack of statistical and policy information. Please provide updated information on the status of data collection in the country in general, and explain to what extent such data collection takes place on a sex-disaggregated basis, including in rural and minority populations. Please provide information on the progress made with respect to data collection with regard to the various provisions of the Convention. Please also indicate whether the State party is considering seeking technical assistance to that effect.

Discriminatory laws/provisions

2. The report indicates that according to the terms of article 9 of the Constitution, all international conventions, treaties and agreements to which Timor-Leste is a party are part of the domestic law of the State and that the incorporation of human rights treaties into domestic law of Timor-Leste is an important step towards the full implementation of human rights standards. Please clarify whether discrimination against women in accordance with article 1 of the Convention is prohibited in national legislation and indicate what legal remedies are available. Also indicate whether, and to what extent, the provisions of the Convention have been directly invoked in court cases.



3. According to the report, although the Constitution ensures equality of women before the law and equal protection of women, in reality access by women to justice is limited by several factors, such as their insufficient knowledge of their rights, and lengthy legal processes. In addition, women are often subjected to stigma and social pressure so that disputes are dealt with within the family. Please provide information on the measures taken by the State party to increase legal literacy among women and to raise the awareness of judges and lawyers about gender-based discrimination and the protection of women's human rights through adequate training.

4. Please indicate which measures the State party has taken to address, including through legislation, the modification of customs and practices, such as early or arranged marriages and dowry, which result in discrimination against women, or perpetuate such discrimination.¹

National machinery for the advancement of women

5. Paragraph 171 of the common core document indicates that the State party has demonstrated its commitment to realizing equality between women and men by establishing the Office of the Adviser to the Prime Minister on the Promotion of Equality, in September 2001. The common core document also indicates that the Office does not have its organic law, although its strategic planning activities for 2005 identified the need to draft that law as a priority. Please provide updated information in this regard.

Temporary special measures

6. Paragraph 419 of the common core document states that at the time of submission of the report few temporary laws or measures had been drafted or adopted specifically for the purpose of accelerating equality between women and men. Please provide information on the content of the temporary laws and measures to which the State party is referring and indicate the time frame for the adoption of the laws that had not yet entered into force at the time of submission of the report.

7. The State party's report indicates that in practice women do not have the same access as men to education, political and public life, employment, decision-making and justice. What concrete measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and general recommendation No. 25, has the State party taken to achieve the full development of women, in particular in the above-mentioned areas?

Stereotypes and cultural practices

8. The State party's report indicates that through its national development plan, the Government is committed to developing and improving the quality of textbooks, other material and learning processes, stressing the importance of eliminating gender stereotypes and adopting a relevant curriculum. Please indicate whether time-bound measures have been put in place to address the situation.

¹ The Committee on the Rights of the Child, in its concluding observations adopted on 1 February 2008, recommended that the State party undertake measures to raise the awareness of the harmful effects of early marriage, in particular in communities in which very young girls are given into marriage under customary law practices, with a view to ensuring that girls are not forced into marriage (CRC/C/TLS/CO/1, para. 62).

9. According to the report, there is a dominant patriarchal system in Timor-Leste, which assigns different and unequal roles and responsibilities to men and women. Please provide updated information with respect to measures taken by the Office of the Adviser to the Prime Minister on the Promotion of Equality to eliminate sex roles and stereotyping and achieve gender equality. Please also provide information on the impact of such measures.

Violence against women

10. The State party's report indicates that a draft law on domestic violence has been submitted to the Council of Ministers. Please provide information on the status of the draft law and whether it addresses all forms of violence against women, taking into account general recommendation No. 19. Please also indicate the time frame for the enactment of the draft law.

11. Please indicate what measures the State party has taken to encourage women victims of domestic violence to seek justice through the formal legal system rather than through traditional conflict resolution. Please also provide information about shelters and services available for women victims of violence and whether internally displaced women victims of violence have access to those services.

12. Taking into account Security Council resolution 1325 (2000), please indicate whether both women and men war veterans have benefited from equal recognition and rehabilitation, including medical care.

Trafficking

13. The State party's report indicates that anti-trafficking provisions will be introduced in the draft Penal Code, which was expected to be promulgated in late 2006 or early 2007. Please inform the Committee on the status of the draft Penal Code. The report also states that there are no laws in place to protect the rights of victims of trafficking. Please indicate whether the Government has taken any steps to remedy the situation. Please also indicate whether legal remedies are available for victims of trafficking and whether provisions ensuring the protection of victims and witnesses have been adopted.

14. According to the report, there are no laws in place to regulate the activities of marriage agencies involved in arranging marriages between Timorese and foreign nationals. Please indicate whether the State party is considering adopting such laws with a view to preventing trafficking and sexual exploitation.

15. The report indicates that the inter-ministerial trafficking working group was being restructured at the time of the submission of the report. Please provide information on the mandate and composition of the working group, as well as on any actions taken by the working group to combat trafficking.

Political participation and participation in public life

16. The common core document describes the initiatives undertaken by the Office of the Adviser to the Prime Minister on the Promotion of Equality to increase the participation of women in political and public life, including through training activities and awareness-raising programmes. Please update the Committee on the impact of such measures with respect to the participation of women in all sectors of public life, including political decision-making. What steps are being taken by the

State party to ensure the full implementation of articles 7 and 8 of the Convention, including through temporary special measures in accordance with article 4, paragraph 1 of the Convention and general recommendation No. 25?

Education

17. Please indicate what percentage of primary, secondary and university graduates is female. How do those percentages relate to the proportion of women to men in the country? The report indicates that there is a smaller investment in the education of girls and that there are more boys than girls attending higher levels of education. Please provide updated information on the policies and strategies elaborated by the Ministry of Education to promote the participation of girls in the education system, including on the campaign referred to in the report to change traditional attitudes in families and communities. Please also provide information on any plan to increase the budget allocation for the education of girls and on positive efforts to increase the number of girls and women beneficiaries of scholarships.

18. The report states that early pregnancy puts an end to the education of girls since they are expected to marry, stay at home and look after their child. Please indicate what educational programmes are available for girls and women who have left school before school leaving age and graduation. What are the policies in place to provide enabling conditions for those girls and women so that they may be reintegrated into the formal education system?

Employment

19. The report indicates that, according to the Labour Code, pregnant women are entitled to maternity leave of 12 weeks paid at the rate of two-thirds of their salary. In practice, however, many women do not receive remuneration or lose their former position upon return from maternity leave. Please indicate whether the draft Labour Code foresees sanctions against employers who violate that provision both in the public and private sector. Please also indicate whether there are any State-funded childcare services available for working mothers.

20. The State party's report indicates that equal opportunity for women in the area of employment has been denied by a combination of factors, such as women's lack of formal education and cultural beliefs preventing them from seeking employment outside their home. Please provide information about any Government initiative to address the situation.

Health

21. According to the report, in May 2005, the Government and the Catholic Church issued a joint statement proposing to criminalize abortion in the forthcoming Penal Code. Please provide a copy of the proposed text and indicate its current status. Please indicate what the Government's policy is towards protecting women from the consequences, including death, of unsafe abortion. Please also indicate measures taken to ensure women's access to reproductive health services, including access to affordable contraceptives for both young women and men.

22. Please inform the Committee on the Government's plan to pilot maternity waiting homes in five districts with a view to reducing maternal mortality. Has the plan been implemented? If so, please provide information on the results achieved.

23. According to the report, 90 per cent of women give birth at home without the help of any skilled birth attendant and any emergency obstetric care, which is the main cause of high maternal mortality in the country. Please indicate whether there is any plan envisaged to increase the number of skilled births attendants, particularly in rural areas, through adequate training

Rural women

24. The report indicates that the Government is attempting to address the needs of rural women in its policies in the agricultural sectors. Please provide information on any concrete programme and project developed in that regard. Please also provide information on any Government initiative to provide marketing facilities for products produced by rural women microentrepreneurs and to facilitate their access to credit and land, including land ownership.

Family relations

25. According to the report, a married woman who was not separated by bed and board, should not have any residence other than that of her husband. She is obliged to follow him wherever he deems fit to reside. Please indicate whether according to the Timorese Civil Code, which was being finalized at the time of submission of the State party's report, a married woman has the right to choose her residence.

26. Please provide information to the Committee on steps taken to ensure that the minimum legal age for marriage is the same for women and men and that the waiting period for remarriage following a divorce is also the same.

27. The report indicates that the current lack of clarity on land and property issues creates obstacles to women's economic empowerment. Please provide information on women's de jure and de facto ownership and inheritance of land. Please indicate what measures were taken to eliminate all forms of discrimination against women with respect to ownership, transfer and inheritance of land, in particular women in rural areas. Please also provide information on the status of women with respect to the distribution of marital property upon divorce.

28. Please also indicate whether, according to the Civil Code, women have the right to make contracts, including those relating to credit, real estate and other property, as well as other commercial transactions, in their own name without their husband's consent.

29. The report indicates that a Civil Registration Code was being considered, which would assist in monitoring the compliance with minimum age for marriage provisions. Please provide information on the status and content of that Code.

Amendment to article 20, paragraph 1, of the Convention

30. Please describe progress towards acceptance of the amendment to article 20, paragraph 1, of the Convention.