



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women Sixty-second session

Summary record of the 1357th meeting

Held at the Palais des Nations, Geneva, on Wednesday, 11 November 2015, at 10 a.m.

Chairperson: Ms. Hayashi

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The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined second and third periodic reports of Timor-Leste (CEDAW/C/TLS/2-3; CEDAW/C/TLS/Q/2-3 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Timor-Leste took places at the Committee table.*

2. **Ms. Lemos** (Timor-Leste), introducing the State party's periodic report (CEDAW/C/TLS/2-3), said that because Timor-Leste was still a young, post-conflict country, Timorese women faced numerous challenges and many of them lived in precarious conditions. The Government was committed to improving their lives and safeguarding their rights but was still in the process of building the institutions, capacities, services, financial systems and legal framework that were essential to achieving its gender equality goals. In the period under review, achieving those goals had been made a central focus of the National Strategic Development Plan for the period up to 2030 and a number of new laws that enhanced women's rights had been enacted.

3. The Penal Code adopted in 2009 criminalized domestic violence, spousal abuse, rape, sexual assault, prostitution, trafficking in human beings and other forms of gender-based violence. A dedicated law against domestic violence had been enacted in 2010 and a supporting action plan adopted in 2012. The Civil Code enacted in 2011 had raised the minimum age at which girls could legally be married to 17 years, in line with the minimum age for boys, while the Labour Code, also enacted in 2011, prohibited all forms of gender-based discrimination in employment and upheld the principle of equal pay.

4. Quotas for women's representation in political life had been used with great success and women currently occupied 38 per cent of seats in the national parliament, a percentage that was among the highest in the world. It was hoped that the use of quotas would bring similar increases in women's representation on village and sub-village councils and an NGO-supported campaign to identify potential women candidates for the local elections due in 2016 was currently under way.

5. The Government was committed to gender mainstreaming and gender-responsive budgeting. A cross-sectoral cooperation and coordination mechanism had been established to ensure that gender issues were reflected in policies, plans and budgets at both the national and municipal levels and a comprehensive review of its success to date was due in 2016. In 2015, the State Secretariat for the Support and Socioeconomic Empowerment of Women, which served as the national machinery for women, had already analysed over 40 of the annual action plans presented by the various ministries and secretariats and had put forward recommendations on how best to incorporate a gender perspective and the Committee's previous concluding observations.

6. A number of advances had been achieved within the justice system. The reach of the newly established Public Defender's Office had been extended to all parts of the country; mobile courts were facilitating access to justice in remote communities; and the Ministry of Justice was spearheading municipal-level legal literacy programmes. The Convention was being directly invoked in court and a specific module on its provisions would shortly be added to the Legal Training Centre's syllabus.

7. School enrolment had increased significantly and, in 2011, nearly half of the 90 per cent of school-age children enrolled in basic education had been girls. The gender

balance was also more or less even in secondary, tertiary and technical education. Over a third of the recipients of study abroad scholarships had been women, as had around two thirds of the beneficiaries of the *Sim Eu Posso* (Yes I can) literacy campaign. Parallel advances had been achieved in health care, with infant and child mortality rates falling and access to reproductive and sexual health services rising.

8. In its official programme of work, the current Government had made an express commitment to promote initiatives that would promote more active involvement of women in economic development. Building on that commitment, the State Secretariat for the Support and Socioeconomic Empowerment of Women had developed an economic empowerment strategy for the years ahead that envisaged closer coordination and cooperation with the Ministry of Agriculture, the State Secretariat for Employment and Training and other relevant State bodies. Women in rural areas were a particular policy concern and, on the occasion of the 2015 International Day of Rural Women, the Prime Minister and over 10 Government ministers had signed a shared undertaking, known as the Maubisse Declaration, to promote the advancement of rural women.

9. Despite the advances achieved, the Government was aware that many challenges remained. Women's representation in local politics remained very low, although decentralization and local governance reforms were opening up new opportunities at the municipal level. In spite of the new legislation and action plan for its implementation, gender-based violence remained prevalent, with over two thirds of women having been exposed to some form of such violence. Cases of incest were, unfortunately, unexceptional and the judiciary had only a limited understanding of how to deal with cases of gender-based violence.

10. Early marriages, teenage pregnancies and violence in schools continued to have a serious impact on school dropout rates, although various measures had been adopted to address those problems, including a school readmission programme for girls, increased access to family planning and a zero tolerance policy in respect of corporal punishment and other forms of violence in educational institutions. Birth rates and maternal mortality remained very high, and better quality, more extensive health-care infrastructures were urgently required, including more community-level maternal health centres.

11. The Government was also aware of the urgent need to improve and harmonize data-collection and analysis systems. In those and others areas in which the State party faced persistent obstacles, the delegation looked forward to receiving the Committee's support and guidance.

Articles 1 to 6

12. **Ms. Patten** said that, since none of the State party's new laws contained a comprehensive definition of discrimination in line with the Convention, an update on the parliament's position on the need for a gender equality law and the likelihood of the debate being resumed would be appreciated. She would also like to know whether priority was being given to enactment of the set of land laws that were of critical importance to the protection of women's landownership rights; whether a timetable had been set for their adoption; and whether the State party was close to finalizing its national plan for application of Security Council resolution 1325 (2000) on women, peace and security. In formulating that plan, the State party should give due consideration to the findings of the new study on the resolution's implementation produced by UN-Women and the Committee's new general recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations.

13. Expressing concern about apparent setbacks in the reconciliation process, she asked whether the Office of the Prosecutor General had concluded the investigations into the cases of serious human rights violations committed during the occupation of Timor-Leste placed under its jurisdiction following the dissolution of the Serious Crimes Investigation Team and, if so, what the outcome had been. The arbitrary termination of the contracts of foreign judicial officers and advisers in 2014 had also been a major setback, with serious implications for the prosecution of persons accused of crimes against humanity, since the law stipulated that two international judges should be included in the panels considering such cases. She wished to know whether local judges were empowered to hear cases involving serious human rights violations, how transparency was ensured and what mechanisms were in place to ensure due consultation with civil society organizations working with victims of the conflict.

14. An update on progress in implementing the recommendations of the Commission for Reception, Truth and Reconciliation, issued in 2005, would be useful. For example, had a survivor healing programme been established and a commission for disappeared persons set up, and what had been the outcome of the bilateral meetings between the two countries concerned? She would also like to know when the bill establishing a public memory institution was likely to be adopted, and whether the bill incorporated guarantees of the institution's independence and a definition of its composition.

15. **Ms. Pimentel** said that immediate action was required to improve access to justice for women. At present, the informal justice system, which perpetuated and reinforced traditional social norms, was often their only possible avenue of redress. She asked whether women's NGOs had been consulted about the potential impact of a proposed law on traditional justice that would apparently reduce conflicts between the informal and formal judicial systems and whether a time frame had been set for approval of the draft law, which the report somewhat confusingly referred to as "only a basic idea" subject to further discussion.

16. Information was needed about efforts to enhance the infrastructure and quality of the formal justice system and the availability of legal aid with a view to creating a supportive environment that encouraged women to report offences. Statistical data on the number of judges, prosecutors and public defenders working in Timor-Leste and details of any capacity-building initiatives to increase their familiarity with international human rights instruments would likewise be appreciated.

17. She would like to know whether a mechanism for reviewing and monitoring gender-insensitive judgements, for example, in divorce and property cases, had been established and whether the authorities planned to enhance the powers of the Ombudsman for Human Rights and Justice in order to ensure effective redress for victims of gender-based discrimination. Because the Ombudsman's current powers were limited to recommendations, its ability to provide real protection was similarly restricted.

18. **Ms. Lemos** (Timor-Leste) said that the Government recognized the need for a law that upheld women's rights and protected them against discrimination. The draft land laws would be debated in the parliament before the end of 2016. Particular attention would be given to provisions that would guarantee women's right to access land.

19. **Mr. Vital** (Timor-Leste) said that the Ministry of Justice was working on harmonizing the customary and formal justice systems. The Judicial Training Centre was seeking to increase the number of qualified judges, prosecutors and other members of the judiciary. Measures to improve the judicial infrastructure included plans to expand the coverage provided by district courts.

20. **Ms. Lemos** (Timor-Leste) said that the Government was of the opinion that a separate act on gender equality was not required. The definition of discrimination provided in the Convention had been incorporated into national law and was part of the domestic legal framework. Furthermore, the provisions of the Convention were regularly invoked by the courts.

21. **Ms. Saldanha** (Timor-Leste) said that the Government was finalizing its work on a national action plan for the implementation of Security Council resolution 1325 (2000), with support from UN-Women. She expected that the plan would be submitted to the Council of Ministers by the end of 2015.

22. **Ms. Soares** (Timor-Leste) said that the Government continued to face difficulties in its efforts to search for the disappeared and other persons who had gone missing during the conflict in the country. A bill on the establishment of an institution for that purpose was still pending. She stressed the need to take into account post-conflict realities when addressing the situation of victims of human rights violations who had survived the war and the issue of reparations. Nevertheless, her Government was working with the Government of Indonesia and civil society groups, victims and relatives of the deceased to recover the remains of the dead.

23. **Ms. Da Costa** (Timor-Leste) said that 32 court cases in that connection were still pending owing to the lack of international judges.

24. **Ms. Lemos** (Timor-Leste) said that although the Government was making every effort to ensure access to justice, the country was still young and much remained to be done to advance the process of judicial reform.

25. **Mr. Vital** (Timor-Leste) said that the Ministry of Justice was working with other ministries to disseminate the national laws to local communities and translate them into the local languages. It had also been endeavouring to raise public awareness about gender equality and provide training on gender issues to judicial staff. Gender issues were a part of the curriculum of the Legal Training Centre.

26. **Ms. Da Costa** (Timor-Leste) said that no laws had been enacted to harmonize the customary and formal justice systems. Measures were taken to ensure that victims of gender-based violence received adequate compensation and legal assistance and efforts had been made to encourage victims of such violence to bring their cases to court.

27. **Ms. Patten** said that she would like further information about the status of cases still pending following the departure of international judges and about the bill on establishing a public memory institute. Further information would also be appreciated on the extent to which the remedies provided to victims of the conflict had been effective. She asked whether the State party could explain why draft legislation on compensation for victims was still pending and whether the Government envisaged establishing a trust fund from which to provide such compensation.

28. **Ms. Pimentel** said that the Government should consider introducing legislation to harmonize the customary and formal justice systems. She asked what measures the Government was taking to address the shortage of judges, prosecutors and lawyers. What steps were being taken to improve access to the formal justice system, particularly given the small number of complaints filed by women?

29. **Ms. Zou Xiaqiao** said that only a very small percentage of women who suffered gender-based violence sought legal aid or contacted the police. What was the Government doing to help remove the obstacles that stood in the way of women's access to justice, namely the lack of legal literacy, language barriers, the shortage of district courts and the high cost of legal aid, especially in rural areas? She asked why the legislation on witness protection adopted in 2009 had never been implemented.

30. **Ms. Da Costa** (Timor-Leste) said that 32 cases involving 222 persons accused of serious crimes were still pending. The majority of the persons charged with the crimes were living in Indonesia or in unknown locations in Timor-Leste. That situation, along with the shortage of international judges, made it difficult to bring the perpetrators to justice.

31. **Mr. Vital** (Timor-Leste) said that there were only 20 or so applicants for the 45 places available each year on the training courses provided by the Legal Training Centre. It was therefore difficult to meet targets for the appointment of judicial staff. Currently, there were 34 judges, 33 prosecutors, 30 public defenders and 72 private lawyers in Timor-Leste. The Legal Training Centre would further improve the training provided and recruit more candidates to become judges, prosecutors and lawyers.

32. He agreed that there were obstacles to women's access to justice in rural areas. The Ministry of Justice had drafted a legislative proposal on the provision of legal translation services and court interpreters in order to facilitate proceedings and improve access to justice.

33. **Ms. Guterres** (Timor-Leste) said that the bill on compensation to victims of conflict was still pending. The Government was currently focusing its efforts on victims who were veterans of the national liberation movement in view of the limited capacity and budget of the State. With respect to the disappeared, the President's Office was working with the Government of Indonesia to implement the recommendations made by the Timor-Leste Commission for Reception, Truth and Reconciliation and the bilateral Commission for Truth and Friendship in order to bring the perpetrators of violent acts during the conflict to justice. The Government was also involved in negotiations with Portugal on bringing back the international judges mentioned earlier.

34. **Ms. Pomeranzi** asked to what extent revenues generated by the exploitation of natural resources had been used to promote gender equality and improve the quality of life of girls and women. She said that, in order for gender-responsive budgeting to be effective, the officials involved must have a high level of political authority and advanced technical capacities. She would appreciate more information on public institutional and budgetary resources allocated to the Secretary of State for the Socioeconomic Empowerment of Women and on the financial support it received from United Nations agencies. Data on the results obtained through gender-responsive budgeting over the past three years would be welcome.

35. **Ms. Zou Xiaqiao** said that the State party was to be congratulated on its adoption of a number of temporary special measures designed to encourage women's participation in political life and to improve their employment and training opportunities. She would welcome specific examples of any mechanisms put in place to monitor the implementation of quotas for the recruitment and training of women under the National Village Development Programme and the Roads for Development Programme and on the impact of such quotas on women. She asked whether the Government had any plans to introduce temporary special measures to tackle occupational segregation and to better protect groups of vulnerable women who faced obstacles in the way of education, employment and health care.

36. **Ms. Lemos** (Timor-Leste) said that efforts to achieve gender equality currently focused mainly on the economic empowerment of women. The budget of the Secretary of State for the Socioeconomic Empowerment of Women was low because the body's role was limited to encouraging ministries to carry out gender mainstreaming. Each ministry set its own gender-responsive budget. The Secretary of State for the Socioeconomic Empowerment of Women had taken part in work to prepare the 2016 budget and provided recommendations on the allocation of public funds to promote

gender equality and currently worked with international agencies, such as the UN-Women and the United Nations Population Fund (UNFPA).

37. As to article 4, paragraph 1, of the Convention, the various Government ministries and bodies had introduced a number of temporary special measures, such as quotas for women in terms of recruitment and representation in political processes.

38. **Mr. Henrique Da Silva** (Timor-Leste) said that, in 2011, the Secretary of State for the Socioeconomic Empowerment of Women had replaced its system of ministry and municipality-level gender focal points with a gender working group mechanism. The body received limited financial support from UN-Women and UNFPA and its budget had decreased significantly over the past few years. The Secretary of State also played an important role in building the gender-mainstreaming capacity of ministries and municipalities and provided technical assistance, training and information on gender-responsive budgeting and the development of relevant guidelines.

39. **Ms. Saldanha** (Timor-Leste) said that the Ministry of the Interior took into account the gender perspective when designing its programmes. The Ministry had introduced quotas for the recruitment of women and had raised awareness among girls of the existence of employment opportunities in the public sector.

40. **Ms. Das Doreis** (Timor-Leste) said that article 21 of the Constitution stipulated that persons with disabilities enjoyed the same rights as non-disabled persons. The Government funded efforts to address disability issues and provided benefits to women with disabilities through the Ministry of Social Solidarity.

41. **Mr. Pires** (Timor-Leste) said that, thanks to the temporary special measures introduced in the field of education, women enjoyed equal access to university education. Almost half of the students currently enrolled at university were women, as were more than two fifths of existing university graduates. However, more must be done to provide girls wishing to stay in school with access to financial support and scholarships.

42. **Ms. Pimentel**, turning to the issue of the State party's obligations under articles 2 (f) and 5 of the Convention, said that the Government must take action to stamp out traditional customs and practices such as the bride price (*barlake*), early marriage and polygamy and to challenge women's deep-rooted acceptance of domestic violence. She asked whether a comprehensive awareness-raising strategy had been developed, including through school curricula, the media and information and communications technology, with clear goals and timetables for the modification or elimination of legislation and cultural practices and stereotypes that discriminated against women. As to violence against women, she wished to know whether any studies had been carried out by the State party on cases of gender-based violence. The State party might want to consider publishing a gender-impact statement with every budget. She asked how many cases of domestic violence had been referred to the Public Prosecutor's Office by the Vulnerable Persons Units, how frequently the budget of those Units was reviewed and increased and how Unit officers were trained to deal with gender-based violence.

43. She asked whether the National Action Plan on Gender Based Violence stipulated that justice system professionals must be trained to comply with international standards on competence, efficiency, independence and impartiality. She asked what steps had been taken to ensure that gender issues did not give rise to delays in the court process, what mechanisms were available to allow the State to hear women in a timely, continuous and effective fashion and what had been done to establish a unified system for the collection of data on and the reporting of gender-based violence.

44. **Ms. Jahan** said that the State party was to be congratulated on the criminalization of both trafficking in persons and the exploitation of prostitution, the establishment of an inter-agency trafficking working group and the ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol). However, trafficking in persons remained widespread in the State party and the Government had not yet developed a multifaceted approach to the issue, involving legislative and policy measures. She asked why the adoption of the Law for the Prevention, Suppression and Punishment of Trafficking in Persons had been delayed and when it would take place. She asked whether the Law complied with the Palermo Protocol, whether it addressed the needs of women victims and witnesses and whether it provided clear guidelines for its implementation in all areas of prevention, protection and punishment. She asked when the National Action Plan on Human Trafficking would be finalized and implemented, what steps had been taken to increase funding for police anti-trafficking units, what technical and financial assistance was being provided by development partners in that regard and what mechanisms were in place for the effective investigation, prosecution and punishment of perpetrators. Law enforcement officers and judicial officials must be provided with gender-sensitive training. She asked whether allegations that police officers had conspired with traffickers and demanded sexual favours during police raids had been investigated.

45. She wished to know what was being done to establish a procedure for the identification of women victims of human trafficking and to increase the number of shelters for them. The delegation should describe any steps that had been taken to enable foreign victims who were unwilling to return to their countries of origin for fear of retribution to obtain temporary residence permits.

46. Noting that the State party's report contained insufficient data on the exploitation of women involved in prostitution, she asked how work visa arrangements were monitored, whether regular inspections were carried out to identify possible victims and whether programmes were in place to help women who wished to escape the sex industry.

47. **Ms. Lemos** (Timor-Leste) said that efforts were being made to eliminate gender stereotypes by disseminating Act No. 7/2010 on domestic violence, which contained provisions to that effect, and by creating ministerial gender working groups tasked with promoting the incorporation of a gender perspective in government policies.

48. Marital rape was considered an offence under the Criminal Code and the Government was cooperating with civil society to implement the National Action Plan on Gender-based Violence. Moreover, women were encouraged to aspire to decision-making positions and, with that objective in mind, to take part in capacity-building activities.

49. **Mr. Pires** (Timor-Leste) said that a new curriculum had been introduced in primary and secondary education with a view to breaking down gender stereotypes and fostering respect for gender equality and diversity.

50. **Mr. Henrique Da Silva** (Timor-Leste) said that steps were being taken to promote gender sensitivity in the media and to include information on gender-based violence in the training provided to legal officials and civil servants. The National Action Plan on Gender-based Violence was being evaluated and a budget had been set aside for non-governmental organizations (NGOs) that were active in the area of prevention.

51. **Ms. Ximenes** (Timor-Leste) said that the Vulnerable Persons Unit was responsible for receiving complaints of domestic violence, referring cases to the

prosecution authorities and facilitating victims' access to medical treatment and shelters. Members of the Unit had attended training courses organized by NGOs and by the United Nations Children's Fund. Since 2010, the Unit had handled a total of 3,651 cases.

52. **Ms. Da Silva Suriano** (Timor-Leste) said that the bill on the prevention, suppression and punishment of trafficking in persons was still being prepared and that, in the meantime, assistance was being provided to victims in accordance with Act No. 7/2010 on domestic violence.

53. **The Chairperson**, speaking as a member of the Committee, said that the delegation should explain the delay in adopting the bill.

54. **Ms. Soares** (Timor-Leste) said that the bill was considered a priority and was before a parliamentary committee on constitutional affairs.

55. **Ms. Da Costa** (Timor-Leste) said that, under the Criminal Code, individuals who exploited prostitution — those not involved in prostitution itself — were held liable for the offence. One of the major challenges faced by the investigative authorities was the collection of evidence, a lack of which had, in some cases, led to suspects being acquitted.

56. **Ms. Pomeranzi** said that she would appreciate information on any plans to monitor the implementation of gender policies and to strengthen the role of the Secretary of State for the Socioeconomic Empowerment of Women, including through the provision of additional funding.

57. **Ms. Acar**, noting reports that not a single protection order had been issued in cases of violence against women despite being provided for by domestic law, invited the delegation to explain why and to describe efforts to raise awareness of such cases among the general public and the judiciary.

58. Turning to the issue of incest, she said that she would appreciate information on relevant legal provisions, judicial practice, court rulings and training. Any further details on mediation in domestic violence cases in the formal and informal justice systems would also be welcome.

59. **Ms. Pimentel** said that she had received no reply to her question on the measures adopted to set up a unified system for the collection of data on gender-based violence. The delegation should also elaborate on the training given to teachers to help them deal with cases of sexual abuse against girls and on any plans to include marital rape as a specific offence in the Criminal Code.

60. **Ms. Jahan** sought clarification on the status of the bill on the prevention, suppression and punishment of trafficking in persons and asked the delegation to provide a time frame for its adoption. In reference to paragraph 152 of the periodic report, she asked why none of the raids conducted in bars in Dili had resulted in the prosecution of traffickers and what steps had been taken to provide law enforcement officers with training in the early identification of victims.

61. She said that she had not heard responses to her questions on efforts to enable foreign victims of trafficking to obtain temporary residence permits and on programmes to help women who wished to leave the sex industry.

62. **Ms. Schulz** asked whether disability would be taken into account if and when the Government established a unified system for the collection of data on gender-based violence, whether the police and judiciary received training in dealing with women and girls with disabilities who were the victims of violence and that the extent to which such victims had access to hotlines, complaint mechanisms and shelters.

63. **Ms. Zou** Xiaoqiao said she would like to have clarification on whether the Secretary of State for the Socioeconomic Empowerment of Women had decision-making powers and whether gender focal points had been appointed in government ministries and institutions at the district and village levels. She also invited the delegation to comment on reports of sexual abuse by the police and military and to outline how the Government intended to tackle the issue.

The meeting rose at 1 p.m.