



REPÚBLICA DEMOCRÁTICA DE TIMOR-LESTE

4th Periodic State Party Report

On the

**Convention on the Elimination of All Forms of Discrimination
Against Women (CEDAW)**

-

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Table of 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 Center
CLC	Community Learning Center
CNC	Chega! National Centre
CNE	<i>Comissão Nacional de Eleições</i> (National Elections Commission)
CNR	<i>Centro Nacional de Reabilitação</i> (National Center for Rehabilitation)
CSI	<i>Centru Saúde Internamentu</i> (Community Health Centers with beds)
CSO	Civil Society Organisation
CTF	Commission of Truth and Friendship
DHS	Demographic and Health Survey
DWCP	Decent Work Country Programme
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>Inspeção 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
LAVD	Law Against Domestic Violence
LFS	Labour Force Survey
LJTC	Legal and Judicial Training Center
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. It provides an overview on the legal and policy measures taken towards the implementation of the provisions of the CEDAW Convention and the recommendations issued by the CEDAW Committee in its 2015 Concluding Observations, as well as on remaining obstacles to the enjoyment by women of their rights during the reporting period (2016-2019).

2. Following the CEDAW Committee recommendations, the latter Concluding Observations were translated into Tetum for dissemination to relevant line ministries through the development of booklets and various workshops conducted. They were also brought to the attention of the general public through a TV dialogue on the national public channel in March 2016 gathering representatives of Government and State institutions, Parliament, Judiciary, NGOs and the National University.

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). In the interest of transparency and as a continued commitment to an inclusive process and a multi-stakeholders partnership, the National Human Rights Institution (PDHJ) and Civil Society Organizations (CSOs) were also part of the preparation of the report through their contribution at the occasion of 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, impacting the overall length of the report.

Articles 1: Definition of Discrimination and Legislative Framework

5. In lieu of a comprehensive law on gender equality, the Government is making all efforts to 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)ⁱ, the 2016 Law on the Creation of the Social Security Contributory Regime (Law N° 12/2016 – Art. 6 and 7)ⁱⁱ or the 2017 Law establishing the Special Regime for Definition of Ownership of immovable Property ('Land Law', Law N° 13/2017 – Art.4)ⁱⁱⁱ.

6. In addition to the enactment of the bills on trafficking and land, the expropriation law (Law N° 8/2017) - which includes the creation of the real estate financial fund (Art. 66) - was passed by National Parliament in 2017^{iv}.¹ Regarding Civil Registration, the draft Code is now completed and going through further analysis and consultations prior to submission to the National Parliament^v.²

7. As a crucial issue, consultations are still ongoing related to the adoption of a formal law clearly regulating the relationships between customary and formal justice system. Various initiatives have been undertaken during the reporting period in this regard, especially starting in 2017 under the lead of the Commission for Legislative and Justice Sector Reform. The Ministry for Legislative Reform and Parliamentary Affairs (MRLAP) under the current Government took over this responsibility.^{vi} It is now undertaking research and participatory public consultations across the country until December 2019 to discuss how to harmonise the formal and customary justice systems. The findings will be published in 2020 and are intended to facilitate the development of a Traditional Justice Law. Such a law will aim to allow outcomes of community-based justice processes to be recognized and accepted by the formal justice system. This should enable both justice systems to interact, with their values being mutually recognized, and justice seekers experiencing a straight-forward one avenue process.^{vii}

8. More specifically on mediation, 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. This draft is ready to be submitted for public consultation.^{viii} In the development of the draft law, a specific seminar on ‘Gender Responsive Alternative Dispute Resolution’ was co-organized by MoJ and the Ministry of Defense and Security (now Ministry of Interior - MoI) and supported by UN Women, to ensure the consideration of women’s rights and to make ADR mechanisms benefit women and men equally.^{ix}

Article 2: Policy Measures

Access to Justice

9. The mobile court system is still the main channel to provide access to formal justice and judicial remedies to rural communities by convening hearings in 9 municipalities where fixed courts are

¹ See the related articles under the present report for more information on the enactment and implementation of these laws.

² See ‘Article 16: Marriage and the Family’ of the present report.

not yet established and is considered by the MoJ as the most important programme to provide access to justice in remote areas. The programme contributes to introduce and enhance legal literacy to remote communities, including women, and promotes formal justice in these areas.

10. The number of cases assessed by the mobile courts has been rising each year from 2015 to 2017 (about 10%), totaling above 700 cases since 2018³. 17% of all criminal cases in the first instance are now assessed by the mobile courts. The vast majority of the cases assigned to and resolved by mobile courts are criminal cases. Among these cases, the average of GBV related cases between 2016 and 2018 varied between 46% and 61%, indicating the value of this programme to provide access to formal justice to women victims of violence in rural areas. Overall, women represent about 33% of the total beneficiaries of resolved cases (among approximately 3,000 beneficiary litigants).^x

11. Furthermore, the adoption of the Decree-Law N° 11/2017 to regulate the Use of Official Language and to recognising Tetum in the Justice Sector, is an important step toward facilitating access to justice to a larger share of the population, including women.

Procedures for women for filling complaints

12. Various procedures for filling complaints, including complaints about discrimination against women, are available depending on the nature of the discrimination. 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).⁴ The Referral 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 the labour or education sectors are generally addressed by the General Inspectorate of Labour under the Secretary of State for Vocational Training and Employment (SEPFPOE)⁵ and the General Inspectorate of Education under the Ministry of Education, Youth and Sports (MEJD).⁶ These are both mandated to refer cases to the Court when no solution can be found through mediation.

13. Special attention was given to improve the filling complaint mechanism related to sexual harassment committed by public servants through Innovative technology. In this regard the MoI, Civil Service Commission (*Comissão da Função Pública – CFP*) and SEII, supported by UN Women,

³ Above 2.500 cases treated by mobile courts 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).

⁴ See the section on 'Violence Against Women' under 'Article 5: Sex Roles and Stereotyping'.

⁵ See 'Article 11: Employment' of the present report.

⁶ See 'Article 10: Equality in Access to Education' of the present report.

developed and launched the “ChatBot Rosa” in December 2018 as part of the Government’s strategy to reduce harassment in the public sector and improve the quality of services.

14. The National Ombudsman for Human Rights (*Provedoria dos Direitos Humanos e Justiça – PDHJ*) also improved its complaints filling mechanism as complaints can now be filled online⁷.

15. Beside the formal justice system, two other pathways are generally used by community members to settle their conflicts and disputes. These are ADR processes including customary dispute resolution (or *Lisan/Adat*) and non-customary ADR (generally mediation through Government institutions and civil society). They are both recognized by the formal legal system (Constitution, Law on *Suco* and their leaders, etc.) and considered to be legitimate by community members.^{xi} Despite being mainly facilitated by men (although not exclusively^{xii}), women still largely rely on these processes rather than formal justice.^{xiii} In this regard, the future Traditional Justice Law and the law on informal justice processes⁸ are expected to improve both the connection between the different systems and the provision of ADR services, especially when considering their impact on female community members, for an improved access to justice, specifically in rural areas.

Legal aid

16. Public legal aid is provided by the Office of the Public Defender (OPD) as established by its Statute - revised in 2017 through the Decree-Law N° 10/2017. According to the later, “*the Public Defender's Office is the body [...] 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.^{xiv}

17. 30 full-time public defenders (5 women) and an additional 5 trainees⁹ 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 in its various forms^{xv}.¹⁰

18. One focal point for sensitive cases related to women and for general gender issues within the office was nominated in 2018.^{xvi}

⁷ In addition to the already established procedures by phone and in person in the national and the 4 regional offices.

⁸ See ‘Article 1: Definition of Discrimination and legislative framework’ of the present report.

⁹ Due to graduate by the end of 2019.

¹⁰ Notwithstanding, an important share of victims of violence against women is directly supported by the public prosecutor.

19. As formalized under the NAP-GBV, CSOs are also providing free legal aid, especially to women victims of violence through the referral network. The Government is providing financial support to CSOs in this regard through the Ministry of Social Solidarity and Inclusion (MSSI). In this framework, the main legal aid CSO, ALFeLa, provided legal aid to 1,549 victims (97,5% women and children) between 2015 and 2018 - most of them being criminal cases (only 14% of civil cases).^{xvii} Other national NGOs such as Fokupers and the Alola Foundation are also providing important support in terms of legal aid to women victims of GBV through the Referral Network.^{xviii}

20. The Access to Justice Clinics (AJCs) programme was developed in response to the limited access to the formal justice system, especially for rural population (including women). This programme has been implemented in 2 pilot judicial districts (Suai and Baucau) since 2016 by the OPD, supported by UNDP. The two main objectives are to: i) Establish state-owned legal aid services in the pilot judicial district and; ii) Improve access to formal justice services for vulnerable people (including rural women).

21. Under the new 2017 OPD Statute, AJCs shall provide free legal information and consultation services to citizens across the country (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. The main functions of the ACJ programme are: i) Legal information outreach, ii) Legal consultation ('Mobile Clinics'), iii) ADR (mainly mediation), iv) Referral of cases to other relevant institutions/organizations. As such, AJCs intend to reach out to community members in rural areas, disseminate legal information, receive any cases forthcoming, register those cases, and provide extrajudicial services.

22. In this view, three well-established CSOs¹¹ specializing in land mediation and legal education were selected to partner and support the AJC programme. In addition to their support on mediation and outreach campaigning, the partnering CSOs also identified and trained community members to become 'paralegals,' working as an 'antenna' of the AJCs and providing necessary legal information and options for disputants and GBV victims in the communities. As of 2018, four paralegals in Baucau and five in Suai were already trained and more trainings are conducted in 2019.^{xix}

23. After a year of implementation, a total of 127 cases were registered in the two AJCs (92 land disputes, 30 other types of civil cases, and 5 criminal cases), benefiting to 251 community members. However, only 20% women are part of the beneficiaries, likely to reflect the limited ownership of land

¹¹ Belun, Justice & Peace Commission (JPC) and JNJ Advocacy (JNJ).

by women. In the same period, AJCs also directly facilitated 108 mediation cases, 28 cases of which were resolved¹², benefiting to 56 community members (32% women).^{xx}

Human resources and training of justice actors

24. The Law N°1/2017, establishes a transitional regime for the recruitment of non-Timorese magistrates and public defenders^{xxi} to be integrated in the justice sector and the Legal and Judicial Training Center (LJTC) as mentors, professors and supervisors with the overall objective to train more Timorese justice actors and respond to the qualified judicial human resources challenge, especially in terms of judges and attorneys under the Public Ministry. It intended to mitigate the Resolutions N° 29/2014 and 32/2014 related to the dismissal of international judges in 2014.

25. The MoJ also signed in February 2016 a new co-operation protocol with the Ministry of Justice of Portugal, focusing on the renewal of assistance for training, mentoring and capacity building in different areas of 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% women) to develop the local human and institutional capacity of the justice system.^{xxii} The new statutes of the LJTC also make clear that the objective of recruiting international teachers and trainers is a transitional mechanism to train local teachers and trainers in order to increase the sustainability of the system and justice institutions.^{xxiii}

26. The general training period in LJTC has been increased to 1 year and a half, including a 6 months internship, and new materials covering family law, domestic violence, children's rights and international Human Rights Conventions have been incorporated in the general learnings.^{xxiv}

27. At the time of writing, the number of judges in all tribunals of the country reaches 35 (40% women), the number of Tribunal's Auditors reaches 30 (27% women) and the number of Justice Officials/Court Clerks reaches 86 (27% women).^{xxv} It is due to increase after the graduation of the 13 new trainees of the 6th Magistrates and Public Defenders Course in December 2019 who were already incorporated into the justice system through their internship. According to UNDP, "*national judges have the capacity to resolve straightforward and simple criminal cases without international technical assistance*".^{xxvi} Moreover, the number of private lawyers has increased to 132 professionals.^{xxvii}

28. As provided under the NAP-GBV in application of the 2010 Law Against Domestic Violence (LADV), specific CEDAW and gender trainings have been delivered to judicial actors at the LJTC aiming to increase their knowledge on CEDAW and raise their gender sensitivity in cases involving

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

women. A first training specifically designed for Timorese judges was organized and delivered by UN Women in October 2015. The national women machinery¹³ 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% women) in 2017.^{xxviii} Judges were invited to the training for a 1-day workshop.

29. Despite remaining challenges, it has been observed since 2015 that the consideration of CEDAW provisions and direct reference to the Convention by judges in cases of gender-based violence (GBV) and sexual violence has increased (mostly referring to Articles 1, 2 and 5 of the CEDAW Convention and highlighting that State parties to the Convention must prevent and eradicate discriminatory practices and VAW).^{xxix} JSMP observed since 2016 that discriminatory comments or decisions against women have decreased. In addition, efforts from the public prosecutor and the courts to process pending GBV cases from previous years and ensuring new cases are processed in timely manner were praised.^{xxx}

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

30. In addition to the ACJ programme's legal information outreach¹⁴, Government¹⁵ and State Institutions such as PDHJ are implementing a number of outreach and awareness-raising campaigns at community level to enhance their legal literacy, which include women's rights. More specific campaigns and activities on GBV and 'women, peace and security' issues are being conducted in all municipalities under the prevention pillars of the NAPs on GBV and on Security Council Resolution N°1325.¹⁶ The annually celebrated 16 days campaign of activism against VAW also contributes to wide-spread advocacy to enhance knowledge and behavior change to reduce GBV rates.¹⁷

Resources allocated to enhance access to formal justice

31. In 2015, the justice sector received a significant increase in budget allocation (21%).^{xxxi} This allowed for material and infrastructure improvements of districts courts such as the building of a specific room in the Oecusse district court to enable victims to privately consult with their lawyers and remain separated from the defendant during trial. Material improvement included *inter alia* the

¹³ 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.

¹⁴ The ACJ programme includes an important outreach and awareness-raising component (including ADR training¹⁴), reaching in total more than 6,782 community members (about 40% women) in the 2 municipalities of implementation between 2016 and 2018.

¹⁵ Especially conducted by the National Directorate of Legal Advice and Legislation; the National Directorate of Human Rights and Citizenship; the National Directorate of Registries and Notaries; and the National Directorate of Land and Property, Cadastral Services of the Ministry of Justice.

¹⁶ See the 'Women, peace and security' Section under 'Article 5: Sex Roles and Stereotyping' of the present report.

¹⁷ See the section on 'Violence Against Women' under 'Article 5: Sex Roles and Stereotyping' of the present report.

procurement of additional cars facilitating mobile court proceedings and other operational matters contributing to increasing the physical accessibility of the courts.

32. While substantial financial resources were allocated to District Courts in the 2016-2019 period¹⁸ in order to maintain or enhance the accessibility of the formal justice system especially in remote areas as they hear the majority of cases and conduct the Mobile Courts, no significant infrastructure improvement was achieved in this period.

Article 3: Measures to Develop and Advance Women

National Women Machinery's resources

33. Please refer to the Follow-up State Party report submitted to the Committee in October 2018 for comprehensive information regarding the National Women Machinery's resources for the 2015-2018 period.

34. Efforts to improve the technical capacity of Gender Working Groups (GWG) throughout all line ministries at national level 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 conducted by the Women Machinery reaching 369 public servants (60% women).^{xxxii} The nomination of new GWG members under the new Government is currently pending.

35. Moreover, 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 among all branches of Government. A comprehensive manual was already developed and validated in December 2018 and trainings are expected to begin by 2020.

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

36. Progress has been made to monitor public allocations for gender equality and women's empowerment, in line with recommendations of the Committee. The creation of a Planning, Monitoring and Evaluation Unit (*Unidade de Planeamento, Monitorização e Avaliação - UPMA*) under the Prime Minister's Office through the Decree-Law N°22/2015 has been an important achievement in this view. UPMA acts as the monitoring mechanism to track Government implementation and investment via a new database 'The Road to the Future' (*Dalan Ba Futuru*).

¹⁸ 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.

UPMA is mandated “to connect the annual plans from State Institutions to the General State Budget in a more explicit way and develop financial reporting and monitoring tools.” In the framework of the Program Finance Management (PFM) reform undertaken by the Government, and under UPMA’s lead, the development of a programme budgeting approach has strengthened the Gender-Responsive Budgeting (GRB) system and principles initiated since 2007 in the national budgeting process.

37. Following a two-weeks Training of Trainer on GRB provided by UN Women in 2016, 5 SEII staff are now qualified and provide trainings to line ministries, National Government institutions and municipalities staff.

38. The collaboration between UPMA and SEII led to the development of a gender marker system which is included in the Government Financial Management Information System (FMIS), to facilitate the tracking and proportion of funds earmarked and expended for the promotion of gender equality. While, the mechanism is still in a development process, UPMA and SEII already started to provide gender analysis of the line ministries quarterly reports submitted to Parliament. According to the 2019 1st trimester report, 16% of the executed budget by the Government contributed to Gender Equality (with gender marker “Principal”).¹⁹

39. Following the GRB mechanism, SEII, in coordination with UPMA and DFAT is also analyzing the Annual Action Plans (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 analyzed for 2020.

40. Moreover, SEII is an observer to the Budget Review Committee ensuring that all ministries and agencies mainstream gender and allocate enough resources as part of their overall budget submissions.^{xxxiii} Specific attention is given to the planning, budgeting and implementation of the 3 major gender policies at national level^{20, 21}

¹⁹ In the first trimester of 2019 the state executed US\$166,530,264 (11%) 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.

²⁰ 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.

²¹ Please refer to the Follow-up report for comprehensive information regarding the development of the new Government’s monitoring system.

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

41. The General Directorate of Statistics (GDS), supported by international partners²², has been increasing the availability of sex-disaggregated data in all of its publications, and gender-specific analyses have been developed and published for most of the recent major census and surveys conducted by the GDS²³ providing important source of information for policymaking.

42. 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 Program Finance Management (PFM) reform, provides for the development of a solid system for collecting gender statistics and data by line ministries to measure the gender indicators included in all AAPs and the FMIS as well as the implementation of gender policies toward strengthening a performance orientation of the Government's action.^{xxxiv} The development of the State FMIS and the '*Dalan ba Futuru*' database are expected to facilitate this process.

43. The current Programmatic Budget Structure regulations already require each institution to abide by a standard budget structure outlined in the "Good Governance and Institutional Management" policy which includes gender specific requirements developed by UPMA and SEII. The new system will support the Government to generate gender data and gender sensitive report and will make accountable all public institutions on the implementation of their commitments within their sector.^{xxxv}

Article 4: Temporary Special Measures to Accelerate Equality

(No significant update in the reporting period)

Article 5: Sex Roles and Stereotyping

44. 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 years is close to 7%, with wide variations between municipalities. On the other hand, the 2016 Demographic and Health Survey (DHS) found that 35% of women aged 20–49 had married in their teens compared to 9% of men. In regard to polygamy, the 2016 DHS revealed

²² Such as UNFPA, UN Women, ILO or ADB.

²³ Such as: Gender Analysis of the 2013 Labour Force Survey; Gender Thematic report of the 2015 Population and Housing Census; Gender analyses of the annual Business Activity Surveys, DHS integrate important sections on GBV.

that 4% of women reported their husband or partner had co-wives and 1% of men reported having multiple wives (an increase compared to the 2009/2010 DHS).^{xxxvi}

Initiatives on early child and forced marriages and polygamy

45. At the request of the Female Parliamentarians of Timor-Leste Group (GMPTL) following the 2016 National Conference on Sexual and Reproductive Rights, the Government through the Secretariat of State for Youth and Sports, UNFPA, and Plan International conducted a research in 2017 aiming to identify the root causes leading to teenage pregnancy and early marriage in the country. The findings of the research showed that early marriages were generally the cause of teenage pregnancy, given the conservative attitudes towards teenage relationships in communities. This suggests that young people and their families are pressured to hide the shame of teenage pregnancy by ‘fixing’ it through marriage. Nonetheless, the research stresses that early marriage is not a positive social norm, suggesting that the early marriage issue must be primarily responded through sexual education²⁴ and access to family planning for youth^{xxxvii}.²⁵

46. Regarding the polygamy issue, legal initiatives have been instigated such as the registration by the Civil Registry of all marriages in its various forms which is provided under the draft Civil Registration Code which intends to create the necessary conditions to ensure the effective celebration of marriage for citizens according to civil law. Moreover, it is under consideration to establishing a separate law on marriage and family relations which intends to improve knowledge of the law and its application, as well as to promote, *inter alia*, the “*monogamous character*” of marriage.²⁶

Awareness-raising programmes on discriminatory stereotypes and harmful practices

47. In addition to these legal and legislative considerations with an expected positive impact on polygamy, awareness-raising and parenting education programmes conducted at community-level under the MSSSI policies such as the National Policy on Strengthen the family and the National Policy on Child and Family Welfare^{xxxviii}, supported by UNICEF, are contributing to tackle this issue. These programmes, implemented in 2 municipalities, promote harmony and well-being in the family and

²⁴ Including the concept of consent to sexual relations as some young women are unaware that their consent was even required

²⁵ See the section on ‘Sexual and reproductive health and rights programmes in education’ under ‘Article 10: Equality in Access to Education’ and the section on ‘Family Planning and fertility’ under ‘Article 12: Access to Health’ of the present report.

²⁶ See ‘Article 16: Marriage and the Family’ of the present report.

challenge traditional patriarchal values during community sessions²⁷, especially by emphasizing the significant role of fathers and equal participation of men in the caring and rearing of their children.

48. Social norm change programmes implemented by NGOs as part of GBV prevention strategies under the NAP GBV framework also contribute to reduce discriminatory stereotypes against women and children. The Nabilan program from The Asia Foundation has been particularly active in this sector by implementing a community-based prevention methodology (SASA!)²⁸ which encourages community members to think about the positive effects of balancing power in relationships between women and men by using simple, fun, dialogue-based techniques with community members to define problems and identify solutions.^{xxxix}

49. As an important tool for awareness-raising and confronting gender stereotypes, a number of initiatives targeting the media were implemented. A code of conduct for journalists was developed and socialized to national media editors, newsroom chiefs and journalists through training conducted by Government^{29, xl} or delivered in collaboration with CSOs^{30, xli}. The overall objective of this training was to increase the knowledge of journalists and editors on gender equality issues, prevention of VAW and the related legal framework. In addition, various TV and radio programmes were aired, using also social media such as Facebook for wider dissemination.^{xlii}

50. The Women's Machinery has delivered trainings and socialization activities to approximately 3,000 beneficiaries (about 47% women for 53% men) in all municipalities in the 2015-2019 period. SEII has targeted the police, prison guards and prisoners, teachers and students, line ministries' staff and local administration leaders, the judiciary and communities. While various objectives were followed for each activity, women's rights and general principles of gender equality were systematically addressed, contributing to tackling patriarchal values and discriminatory stereotypes.³¹

51. The education sector is also contributing to awareness-raising on women's rights and discriminatory stereotypes through the inclusion of general human rights in the curricula at all levels from primary school to university level, with the intention of teaching new generations to respect each other and especially respect the dignity of women.^{xliii}

²⁷ More than 11,500 beneficiaries in 2 districts (Ermera and Viqueque) with almost equal participation between men and women.

²⁸ SASA! (Start, Awareness, Support, Action!) ! is a community mobilisation approach to preventing violence against women and HIV, and has been proven to be highly effective in preventing intimate partner violence.

²⁹ Especially by the Secretariat of State for Social Communication (SECOMS) and SEII.

³⁰ Such as Caucus Foundation and Movimentu Feto Foin- Sa'e (MOFFE).

³¹ See the section on 'Violence Against Women' of the present report.

Violence Against Women (VAW)

52. 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% in 2009/10 to 33% in 2016). A similar trend is observed in terms of spousal sexual violence (from 2% in 2009/10 to 5% in 2016).^{xliv} While the findings of the 2015 Nabilan baseline study (solely focused on VAW and conducted across all municipalities of the country) seem to corroborate the rate of physical spousal violence (although slightly higher - 36%), the findings related to sexual spousal violence are significantly higher (31%).^{xlv}

53. Regarding help-seeking behavior of women who experience violence, although not significantly differing, the trend between 2009/10 and 2016 is decreasing as about 24% of women who experience violence seek help in 2009/10 as compared to 20% in 2016. The 2015 Nabilan study reveals that 34% of women had told someone about their experience of intimate partner violence. Among these women, they most often told family members. Less than 25% of these women had told people of authority, such as police, local leaders or medical authority. Even less to NGOs or women's organizations.^{xlvi}

54. On the positive side, the 2016 DHS findings indicate that the acceptance of wife beating³² is decreasing for both men and women (from 86% in 2009/10 to 74% in 2016 for women and from 80.7% in 2009/10 to 51.6% in 2016 for men).^{xlvii} However, the findings of the 2015 Nabilan study show higher rate of acceptance (80% for women and between 70 and 79% for men).^{xlviii}

National Action Plan on Gender-Based Violence 2017-2021

55. After conducting an evaluation of the first NAP GBV in 2015, the National Women Machinery initiated the process of revision of the plan through a broad consultative process at national and municipal levels from April to July 2016.³³ The plan was officially adopted by the Council of Ministers in February 2017.^{xlix}

56. As the president of the inter-ministerial commission on NAP-GBV, SEII is overseeing the monitoring process and is responsible for submitting an annual report on the activities implemented to

³² 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.

³³ Including relevant line ministries and civil society organizations, with the technical and financial support of UN Women, UNFPA, and The Asia Foundation.

Council of Ministers and National Parliament. While the monitoring mechanism is still in development, a monitoring matrix tool has recently been launched to encourage Line Ministries to report on the outcomes of their activities under NAP-GBV. This tool aims to improve outcomes reporting at a system level. SEII will deliver its first outcomes report on NAP-GBV in 2020.³⁴ The 2018 monitoring report has just been finalized and, according to the draft report, close to 350.000 USD was executed in 2018 for the implementation of the plan. This falls significantly below the provisional costing and financial requirements identified, representing only 17% of the 2018 provisional costing³⁵.¹

Awareness-raising

57. The awareness-raising strategy is provided under the first pillar of the NAP – ‘Pillar I- Prevention of GBV’. The prevention activities undertaken under this pillar cover various types of training and awareness-raising community sessions mostly targeting security and justice actors, teachers and school officials, community leaders and general community members. Gender-sensitive curricula and the distribution of related school materials was also undertaken by MoE under this pillar.^{li}

58. In the 2015-2016 period, under the first NAP-GBV, the Women Machinery conducted 19 sessions in 7 municipalities³⁶ as part of the socialization campaign of the Law against Domestic Violence (LADV).^{lii} Overall, about 231.000,00 USD was executed in 2016 only by line ministries such as MoJ, MoI or the Ministry of Education (MoE, now MEJD) for the implementation of the prevention pillar, representing 11% of the overall policy expenditures.^{liii}

59. Under the new NAP GBV, more than 50 awareness activities such as trainings or public meetings were held in 2018 only, either conducted by Government institutions or partnering CSOs³⁷ on diverse topics such as LADV/GBV, access to justice, division of gender roles and harmony within household, CEDAW, SCR 1325, etc., directly reaching close to 8,000 beneficiaries (about 55% women), focusing on the same target groups as the previous NAP but with a particular focus on line ministries and schools in 2018.^{liv}

³⁴ Supported by an international monitoring specialist.

³⁵ 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.

³⁶ More than 1,000 community members were directly reached in this period (40% women).

³⁷ Mainly MoE, MoI, SEII, MSSI, SECOMS for the Government and Aloa Foundation, *Mane ho Vizaun Foun* [Men with new vision], Fokupers, JSMP, etc. and rural women’s groups for civil society.

Due diligence of the State on prevention and judicial process for all crimes against women (such as domestic violence)

60. The Government is committed to address the GBV issue³⁸ using the NAP GBV as the central strategy. Its Prevention Pillar I identified above intends to respond to the State obligation of prevention³⁹, 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.⁴⁰

61. In terms of investigation, the National Police (PNTL) General Command issued Standard Operating Procedures (SOP) in May 2017 for the Community Policing Council, the Vulnerable Police Unit and the *Suco* Police Officers which integrate a gender perspective and emphasize their role in prevention and response to GBV. The establishment in 2015 of a Gender Working Group to coordinate international and national partners for the promotion of gender equality in PNTL facilitated the development and recent launching of a PNTL Gender Strategy for the 2018-2022 period which specifically targets to strengthen PNTL’s capacity to ensure service delivery that is gender sensitive, safe, accessible, free of charge and responsive to victims of GBV.^{lv}

62. A number of trainings were delivered between 2016 and 2018 to the National Police (PNTL), especially to the VPU and Community Police. These trainings were implemented by SEIIs training department, international partners such as UNDP under the ‘PNTL – Strengthening Governance and Service Delivery’ program, and CSOs such as The Asia Foundation, ALFeLa and JSMP. The training focused on the needs of victims, incident report and referral coordination to systematically record GBV cases in coordination with Referral Network.^{lvi}

63. While VPU data indicates a constant increasing trend in reporting sexual violence during the reporting period, the trend in reporting domestic violence overall is less clear although the trend seems to increase from 2017 to 2018 and the 2019 intermediary data record might indicate another rise⁴¹.^{lvii} This rise in reporting of spousal violence may indicate that there is more awareness that domestic

³⁸ Which the current Government expressly committed to implement in its programme : Program of the VIIIth Constitutional Government of Timor-Leste, June 2018 - <http://timor-leste.gov.tl/?p=19915&lang=en&lang=en>.

³⁹ See the previous section.

⁴⁰ In particular under 2 major outputs: “*enhanced capacities of policing, prosecution and institutions to ensure the provision of fender-sensitive, safe, accessible, free, and responsive services for victims/survivors*” and “*strengthened judicial actors’ capacities to ensure gender-sensitive protection and compensation for victims/survivors, as well as to ensure that perpetrators and adequately punished*” - 2017-2021 NAP GBV, pp. 21-22.

⁴¹ From 175 cases of sexual violence in 2015 to 219 in 2018 and already 140 cases up to July 2019. Trend in general domestic violence reporting: 1005 cases in 2015, 984 in 2016, 936 in 2017, 1078 in 2018 and 628 up to July 2019.

violence is not acceptable and that it is a crime, confirming the decreasing rate of acceptance of wife beating provided in the 2016 DHS.

64. With regard to sexual harassment reporting, the development of ‘ChatBot Rosa’⁴² is expected to facilitate GBV reporting in the specific case of sexual harassment by a public servant in the workplace or a public place.

65. 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% reduction of pending cases,⁴³ despite an increase of newly registered cases. This is due to the establishment of standards for individual performance assessment, recruitment of new employees, and vertical and horizontal mobility to enhance institutional transparency and discipline with the support of an international prosecutor.^{lviii} As GBV cases comprise a great share of the criminal cases heard by the justice sector⁴⁴,^{lix} these general improvements - better productivity of the justice sector and reduced delays in prosecuting cases - corroborate the State commitments toward an improved access to justice for women victims of violence. However, formal access to justice for women experiencing domestic violence remains a challenge, especially in rural areas.

66. In regard to punishment, while suspended prison sentences (followed by fines) are still the most common penalties applied by the courts in domestic violence cases, the imposition of additional orders or conditions 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 court during the period of suspended sentence.⁴⁵ These approaches are used to educate the perpetrator and the community, so that the perpetrator does not simply feel free.^{lx} According to JSMP, *“applying conditions or rules of conduct to suspended prison sentences had a positive impact on perpetrators [of domestic violence] and improved outcomes for victims.”*^{lxi}

67. The granting of civil compensation has mainly been observed in domestic violence cases involving a serious offence against physical integrity or sexual assault, although still in a limited number of cases. Even less in domestic violence cases involving a simple offence against physical integrity.

⁴² See the section on ‘Access to Justice’ under ‘Article 2: Policy measures’.

⁴³ From 4,037 cases in 2013 to 2,241 cases in 2016.

⁴⁴ Out of the 6,140 Court convictions in the 2016-2019 period (up to October 2019), 2,837 were related to domestic violence and 572 were related to sexual violence.

⁴⁵ Pursuant to Article 70.1(g) of the Penal Code.

Sexual violence within the family

68. Although sexual violence within the family such as marital rape or incest are not covered by specific provisions of the Penal Code (art. 173 and art. 182) make the family relationship - including de facto unions - constituting of an aggravating factor in cases of crimes of sexual aggression (rape and sexual coercion). Following these articles and depending on the circumstances, the minimum and maximum sentence applicable to sexual violence is raised.⁴⁶

69. Despite these provisions and progress made by the courts to handle general sexual violence cases, the sexual violence reporting rate remains very low⁴⁷ and the specific prosecution of rape within marriage is nearly inexistent in practice^{lxii} mainly due to the absence of reporting by victims.^{lxiii}

70. Nonetheless, significant progress has been made 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. Moreover, judges are making efforts to ensure that sentences of perpetrators reflect the severity of the crime committed and recognizes the suffering endured by the victim.^{lxiv}

Witness protection law

71. While occasional infrastructure developments⁴⁸ contribute to improve the implementation of the 2009 Witness Protection Law, its overall implementation remains narrow. This is largely due to minimal human and financial resources. Consultations are planned by the MoJ on this issue.^{lxv}

Care to victims of violence

72. Efforts related to the protection and services for victims are illustrated by the share of executed budget under the NAP-GBV, where, in 2016, 86% was dedicated to the protection pillar ('provision of services' pillar under the new NAP).^{lxvi}

73. The MSSSI Support programme for victims of GBV and domestic violence - granted based on Court decision - provides financial benefits⁴⁹ and facilitates victim access to support services through

⁴⁶ Article 173, raising the term of imprisonment from 5-15 years to 5-20 years in case of rape and from 2-8 years to 4-12 years for sexual coercion can be used when an abuse of authority arising from family relationship is proven. Otherwise, article 182, raises both the minimum and maximum terms of imprisonment by one third in any case where the victim and the perpetrator are related or just co-habiting.

⁴⁷ Cases involving sexual violence account for only 9% of criminal cases in the courts.

⁴⁸ See the section on Access to Justice under 'Article 2: Policy measures' of the present report.

⁴⁹ 1) One-time cash benefit up to \$100, for transportation of the victim during legal proceedings ; 2) Women victims, accompanied by their children, receive a one-time payment of \$50 to meet immediate needs of their children ; 3) One-time cash benefit of \$100 at the end of the legal process to facilitate reintegration into the community ; 4) One-time cash

the Referral Network. This includes legal and psychological support, which supports the necessary conditions for victims to restructure their lives away from abusers. However, the programme only provides support to a limited number of victims across the whole country (150 in 2018).^{lxvii}

74. The Government in collaboration with social solidarity institutions and NGOs has established ‘Safe Rooms’ in health facilities as secure and protected places for victims and survivors providing temporary accommodation (1 or 2 nights). This includes specialized services to victims of sexual violence, domestic violence, child abuse, abandonment or trafficking. Safe rooms are currently available in 4 municipalities⁵⁰. PRADET’s safe room services reached and supported between 600 and 750 victims in 2018.^{lxviii}

75. 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 whole country. These shelters provide accommodation for a longer period than the ‘Safe Rooms’, as well as an integrated assistance and support to victims of GBV. Psychosocial assistance is provided in addition to ‘life skill’ trainings with the final objective to re-integrate the victims into their community.^{lxix}

76. The newly created *‘Hamahon’* mobile application, developed and implemented with the support of development partners (TAF/UN Women), provides information on services (such as health, justice and social services) that are available to victims of GBV. By developing the accessibility to information related to these services, this innovative technological mechanism is expected to support the Referral Network and to improve service delivery to victims.^{lxx}

77. In 2018, under the framework of the NAP-GBV, Fokupers initiated a support programme to selected women victims of violence (23 women). Victims were provided with economic support (400 USD per person) and business training to support them on how to run small businesses and enhance their financial empowerment after leaving the shelter.^{lxxi}

Data collection system

78. Although research such as the DHS and the Nabilan baseline survey have contributed to an improved amount of data in relation to GBV, playing an important role in improving understanding of VAW in Timor^{lxxii}, a unified administrative data system for GBV centralising NGO, police and justice

benefit of up to \$300 for women abandoned by the husband. The support is based on a recommendation from a Justice Court ; 5) One-time cash benefit of up to \$1,500 for cases that require long-term legal follow-up.

⁵⁰ In the National Hospital, Referral Hospital or Internment Health Centre in Ainaro, Viqueque, Lospalos, and Manufahi.

data has not yet been established. In 2019, SEII began working with the Governance for Development (GfD) program to discuss the feasibility of building a centralised gender database to bring together data from the VPU, court outcomes and prevention services. SEII will receive training from social statisticians from the Australian Bureau of Statistics to support the development of this database.

Violence Against Women During Conflict Situations and their Access to Justice

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

79. Since the majority of primary perpetrators remain outside the Timorese jurisdiction and as a result of Timor's reconciliatory approach, 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.^{lxxiii}

Implementation of the CAVR and CTF recommendations

80. The Chega! National Centre (CNC) was formally established in 2016 by the Decree-Law N° 48/2016^{lxxiv} 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). It also promotes human rights through education and training. It provides advises and recommendations to the Government for inclusion of CAVR and CTF recommendations in national plans. CNC also has direct authority to implement recommendations related to 2 sectors: 'Memory and learning', and 'Rehabilitation and healing' (Decree-Law N° 48/2016 – Art. 6.c and 6.d).

81. Under CNC mandate, survivors of sexual violence, torture and mass atrocities are considered among "*the most vulnerable survivors of human rights violations*" (Art. 6.a). Accordingly, they are to be considered a priority, consistently with the CAVR recommendations.

82. In early stages, the CNC mainly focused on 'Memory and learning', starting by re-introducing the Chega! Report to key Government ministers, including MoJ, MSSI, MEJD and the Minister of Legislative Reform, as well as the President of Parliament.

83. In terms of 'Rehabilitation and healing', especially since 2018, key initiatives conducted by CNC in collaboration with civil society include the following: 1) Establishing the Solidarity Trust Fund Working Group tasked with developing a policy for the establishment and management of such

a fund⁵¹ ; 2) Establishing the Psychosocial Working Group comprised of Government representatives, mental health services and CSOs (ACbit, Pradet and others)⁵² ; 3) Participation in the Stolen Children’s Working Group which involved various State institutions and CSOs from Indonesia and Timor-Leste. This process helped locate approximately 150 disappeared children, and then organized reunions for the children with their families⁵³ ; 4) Partnership with the National Victims’ Association (NVA) formalized in March 2019 through a MoU which ensures the provision of operational funds, office space for the national office within the CNC building and for the branches in all municipalities. The partnership also allows for the ongoing registration process of victims through a newly developed single form of registration⁵⁴ and database expected to be concluded by the end of 2019. CNC has also provided support for NVA’s memorialization events in all 13 districts.^{lxxv}

84. Government is providing financial support for women that were victims of violence during the conflict mainly through the funding by MSSSI of CSOs working with survivors and victims of the conflict such as ACbit and Fokupers⁵⁵. These organizations connect the victims with social and health services or engage them in activities focusing on their livelihoods and memorialising female victims and survivors. The organisations also help educate younger generations to raise awareness of the role of women in the struggle for independence.^{lxxvi} However, no central institution is in charge of supporting the victims of the past conflict.

85. The increase of the CNC budget⁵⁶ will allow greater focus on survivors, especially women, through the implementation of the “Strengthening Survivors” program. Accordingly, CNC is currently developing two projects in cooperation with the Government that are focusing on female victims of sexual violence during the conflict. The first one is a cooperation framework with MoJ to facilitate the civil registration and provision of birth certificate to children of female victims of sexual violence during the conflict as to date, they were generally denied birth certificates for their children. CNC is also working with the Ministry of Health (MoH) to develop a health scheme for victims to get access to international health services, modelled on the veterans’ scheme already in place.^{lxxvii}

⁵¹ Other ways to meet victims’ urgent needs are also considered.

⁵² In this framework, a study on the situation and needs of survivors in six municipalities was commissioned by CNC and conducted by ACbit. While access to the group is currently limited to Dili, its reach should be expanded to the districts in 2020.

⁵³ At the time of writing, a new reunion for another 15 disappeared children was planned for October 2019.

⁵⁴ Which includes information on current health, psychosocial and social status of victims.

⁵⁵ 1.5 million USD granted by MSSSI to CSOs in 2019.

⁵⁶ From 800.000 USD in 2018, to 1,5 million in 2019 and a planned budget of 2.2 million in 2020.

Article 6: Trafficking and Exploitation

Legal and policy framework

86. The Law on Preventing and Combating Human Trafficking was officially adopted by the National Parliament in January 2017 as Law N° 3/2017. This constitutes the fourth amendment of the criminal code and extends criminal liability for trafficking to “legal persons” such as corporations. It also prescribes fines, judicial dissolution, and asset forfeiture as penalties, and authorizes compensation of victims.^{lxxviii}

87. A Counter Trafficking Inter-Agency Working Group, led by MoJ, was set up in June 2016 for the development and enactment of the law and for the coordination of policies on trafficking. The Group has been preparing the creation of the National Commission to Combat Trafficking in Persons as provided under section II of the new Law and, with IOM support, has already prepared a draft of the revised National Action Plan on Human Trafficking. However, as the Commission has not been yet formally established, the new NAP has not yet been adopted.^{lxxix}

88. In 2018 the MoJ, in coordination with district administrators and IOM support, initiated the dissemination campaign of the new law at municipal level, reaching 12 municipalities in 2018. The campaign is still ongoing. The workshops provide local NGOs, local authorities, police, church representatives and students with an introduction to human trafficking issues that relate to Timor-Leste, as well as a session on specific articles of the new law that relate to victim identification and protection.^{lxxx}

Research and data collection on trafficking and prostitution

89. An awareness-raising campaign and training on data collection and monitoring of trafficking in persons (TIP) was delivered by IOM to law enforcement officers, social services staff, NGO staff, judges, prosecutors and relevant Government representatives. Furthermore, the Trafficking Working Group took steps to establish a data-collection sub-working group which will be linked to a monitoring and evaluation sub-working group. The Working Group is noting best practices in data management from NGOs, such as ALFeLa. These various initiatives are expected to improve data collection on trafficking in persons.^{lxxxii} As such, ALFeLa identified and supported victims of human trafficking in 10 cases⁵⁷ in the 2015-2018 period.^{lxxxii}

⁵⁷ Out of the total number of victims supported by the organization already mentioned in the ‘Legal aid’ section under ‘Article 2: Policy Measures’ of the present report.

90. Also, the Government, supported by the IOM Development Fund, developed the Timor-Leste Migration Profile (or Migration Governance Indicators – MGI) which was publicized in 2019. It brings together mobility trends to identify and develop strategies for migration management to strengthen the Government ability to respond to various migration challenges, including combating Human Trafficking and smuggling.^{lxxxiii}

91. However, no comprehensive research on the prevalence of trafficking and exploitation of prostitution has been carried out in the reporting period.

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

92. Investigation into cases of trafficking has been increasing, with more cases being prosecuted than in the previous reporting period. While 9 TIP cases were confirmed in 2017⁵⁸ which involved victims who allegedly were sexually trafficked, 267 cases were unconfirmed⁵⁹ in the same year. In 2018, the police and immigration services reported 64 new confirmed TIP cases. In 2018, 3 cases were prosecuted but none of them resulting in a conviction for the 2017/2018 period.^{lxxxiv} In the whole reporting period, only one prosecution resulted in a conviction with attempted trafficking charges in March 2016.^{lxxxv}

Victim identification, referral, and assistance

93. MSSSI has technical officers in the field in each municipality under its ‘assistance to vulnerable people’ mechanism, and the police has investigators in local communities in all municipalities to help identify victims, especially VPU and community police. Cooperation between MSSSI field staff, police and NGOs has improved through the referral network despite a lack of specific knowledge on trafficking issue and the new law from its members and by communities more generally.^{lxxxvi}

94. In 2018, 115 sex trafficking victims were identified by law enforcement officer and referred to IOM for assistance. The main referrals for the 3 NGO-operated shelters come from law enforcement. While most stakeholders in trafficking issues acknowledge that victim identification remain a challenge, the Working Group is working toward the harmonizing procedures to address the issue. The MoJ is continuing to develop and SOP on victim identification; currently, police have a list of 25 questions to be asked to determine the human trafficking nature of a reported case. Within Dili, the PNTL works with the NGO Pradet, which is the primary victim assistance provider.^{lxxxvii}

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

⁵⁹ Including 65 Timorese identified as victims of sexual trafficking registered by the Alola Foundation.

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

95. Based on the improved legal and policy framework, the Government with the support of IOM, has been working on raising awareness, improving victim identification and improving the development of institutional capacity to combat human trafficking. This framework was conducted the First National Community Engagement Forum on Trafficking in Persons (TIP) in 2018, facilitated by IOM. Further sessions were also delivered to law enforcement officer such as police and immigration officers, judges and prosecutors, as well as to local leaders, social services staff and NGOs in various districts reaching up to 660 people by 2018.^{lxxxviii}

96. 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. Trainings followed a human rights-based approach in line with international standards. It included simulation exercises to enhance victim identification and interviewing skills. 169 members of the border force (UPF) and other border employees were trained by IOM in 2018.^{lxxxix} Various training materials such as the *"Training Handbook on Investigation and Case Preparation of THB Offences"* were also developed in 2018 under the MIEUX initiative to serve as a reference point for operations and training staff, contributing to strengthening national procedures on TIP cases.^{xc}

97. All these initiatives address victim identification and referral, psychosocial support (PSS) and Trafficking in Persons (TIP). They also support stakeholders to strengthen victim protection and referral mechanisms, as well as provide psychosocial support services to TIP victims.

98. Finally, trafficking-specific training has been delivered in 2018 as part of the complementary trainings by the LJTC for judges, prosecutors, and defense attorneys.^{xcii}

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

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

99. The quota mechanism to increase women's participation in politics at the national level was established in 2011 through the 2nd amendment of the Parliamentary Election Law N°6/2006. It is currently still in force. At the occasion of the last 2018 national elections 25 women (38%) were elected in the National Parliament, surpassing 35% of women in Parliament for the third legislature in a row.^{xciii}

100. Beyond the quota mechanism, women's representation in political life at the national level is the result of the strong collaboration between Government institutions, National Parliament, political parties and civil society⁶⁰ with international support. In 2014, this collaboration resulted in the development of the Government's strategy framework on women's participation in political life. 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.^{xciii}

101. Under this framework, Women Congresses were organized in all districts in collaboration with local and international CSOs. The program resumed in 2019 after a break. The congresses contribute to raising awareness on politics and civic education among women from all districts, and increase their involvement in local and national governance by addressing various topics gathered in a Platform of Action.⁶¹ Moreover, one of the main objectives of the programme is to identify women in all districts with potential to become candidates in local/national elections.

102. Other activities and media campaigns implemented at national level in this collaborative framework between Government, international agencies and international, national and local NGOS also contributed to improve women's representation in politics and civic education through TV programmes and debates on women's rights and gender equality⁶².^{xciv}

103. Efforts towards increasing women's participation in electoral processes have also been successful. These efforts, supported especially by UNDP, also resulted in an improved data collection system by the Election Management Body (CNE). This started during the 2017 elections where gender-disaggregated data was recorded for the first time. In the 2018 elections the turnout of women was 48.6%, slightly higher than the 2017 elections thus demonstrating an increase in women's participation in electoral processes.^{xcv}

⁶⁰ Especially the National Women Machinery and the Technical Secretariat for Electoral Administration (STAE) for the Government, the *Grupo das Mulheres Parlamentares de Timor-Leste* (GMPTL) and Commission F for the Parliament, CSOs such as Foundation Caucus, Foundation Patria, Movimentu Feto Foin Sae (Moffe), Rede Feto and women's local organizations in all municipalities, UNDP and UN Women for the international support.

⁶¹ Government Program and National Budget ; Decentralization Law and Local Authorities from a Gender Perspective ; Strengthening of the women network to advocate for the women's congresses platform of action.

⁶² Such as the '*Vota Ba Futuru*' (Vote for the Future) program during the 2017 and 2018 Presidential and Parliamentary elections, or the 'Talks on Women in Politics' programme.

104. Women's participation at the executive level (Ministers/Secretaries of State) remains limited with only between 16% and 21% women in the last 3 Governments during the reporting period.^{xcvi}

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

105. Strong efforts were made to improve the promotion of women in politics at local level. This effort resulted in improved women's representation in local governance. The "100% *Hau Pronto*" campaign - an innovative Government-NGO⁶³ partnership with international support - led to the revision of the *Suco* (village) Law and the electoral process for *Suco* elections^{xcvii}. Under the new law, each *Suco* Council must comprise one female delegate and one female youth representative. The law also makes the participation of women candidates in *Aldeia* (hamlet) chief elections mandatory and includes provisions on polling station workers (Law N° 9/2016 – Art. 65.2 and 65.3).⁶⁴

106. 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. Women's political involvement at *Suco* level is crucial, as *Suco* chiefs identify priorities for development support, coordinate delivery of services and have an important role in dispute resolution and justice, including in domestic violence cases. The campaign identified over 300 women leaders and prepared them to stand for the 2016 Community Leaders' election.^{xcviii} Financial and technical support was provided by the Government to CSOs to implement leadership training for potential women candidates in 3 municipalities, giving them guidance on the electoral law, gender equality, public speaking, campaigning and advocacy. Women were also provided opportunities to be heard and to grow their networks by providing a space to come together and speak with a common voice.^{xcix}

107. As a result, the number of women elected as *Suco* chiefs rose from 11 in 2009, to 21 in 2016 (2.5% to 5%). Additionally, there was a 20-fold increase in the number of women candidates running for office, from 42 in 2009 to 319 in 2016.

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

⁶³ Especially Fundação Rede Feto, Caucus and Ba Futuru.

⁶⁴ The law requires that at least one woman candidate in *Aldeia* Chief elections. If there is no women candidate, the *Aldeia* Assembly Electoral Committee can only continue the electoral process only after consulting with the local women's organisation. As only *Aldeia* council members are eligible in the *Suco* chief election, this is an essential step for women to be able to run for *Suco* Chief.

Remaining challenges

109. The Women Congresses also contributed to raising and gathering the numerous obstacles faced by women in political life. The most common issues cited were: 1) The lack of will from women to be candidate in local elections ; 2) The lack of support, mobilization and motivation from families and communities for women to become local leader, even among women themselves ; 3) The patriarchal system is still dominant within communities ; 4) Culture does not support women's participation in politics and public decision-making ; 5) Communities does not yet have a good awareness to recognize the potential of women as natural leaders ; 6) Women themselves are not yet confident enough to become local leaders and face the related responsibilities.^c

Women, peace and security

Development and adoption of the plan

110. The National Action Plan for the implementation of UNSCR 1325 (NAP 1325) was officially adopted by the Council of Ministers in 2016 as a result of a participatory multi-stakeholder process⁶⁵ initiated in 2013 with a series of learning and consultation events to mobilize the support and involvement of key stakeholders.^{ci}

111. The NAP 1325 shows the commitment of the Government to implement the UNSCR 1325 and the full spectrum of SC's resolutions related to WPS, in addition to the CEDAW Convention and Beijing Platform of Action^{cii}. It is organized around four pillars (Participation, Prevention, Protection and Peacebuilding), with 12 Government institutions involved in its implementation.

112. The plan was developed based on the experiences of Timorese women and men, learning from their lessons and experiences during and after the war, and is tailored to the unique context of the young nation. It also re-affirms that although the war is over, Timorese women continue to struggle to achieve justice and equal rights. As a policy document, the NAP contributes to implementing key recommendations of the CAVR report.

Implementation structure

113. The Ministry of Interior (MoI), as lead coordinator of the NAP 1325, strengthened the NAP 1325 implementation structure. The Structure comprises a Steering Committee, four working groups (one per pillar), the M&E group and a Secretariat to support coordinated implementation of the Plan,

⁶⁵ The joint Government-civil society team gathered over 25 institutions and women's organizations, including academics and development partners and reaching a total of 473 participants (51% women).

staffed by MOI civil servants. 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 for the NAP 1325, identifying priorities for 2018-2019-2020.^{ciii}

Budgeting and monitoring of the plan

114. After important investment for the implementation of the plan in its 1st year of implementation, budget allocation were restrained in 2017/2018.⁶⁶ The recent improvement of the GRB system - which includes a specific focus on the NAP 1325 in the integration of the plan into the ‘*Dalan ba Futuru*’ database⁶⁷ - has translated into increased allocations for the WPS Agenda : 2019 State Budget increased the budget allocation for the NAP 1325 (estimated at USD 391,311) compared to 2018 (USD 221,342).

115. After 2 years of implementation, 14 of the 47 activities under the NAP 1325 (33%) 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 NAP 1325’s results by 2020.^{civ}

Implementation of the plan

116. Various awareness-raising activities were conducted either by line ministries (especially MoI, MoJ, MSSSI and SEII) or CSOs, addressing different issues such as conflict prevention within communities and GBV, transformative leadership of women or the memorialization of the role of women and women victims of the passed conflicts. Various audience were also targeted such as community leaders, line ministries’ staff, judicial actors, civil society, etc.^{cv}

117. More specifically related to conflict prevention, MoI’s National Directorate for Community Conflict Prevention (DNPCC), revised their approach to conflict prevention and resolution, to ensure stronger involvement of women and vulnerable groups. They revised their 5-year strategy’s mission, vision, principles, goals aligning to the NAP 1325 targets and the SDGs. This directorate also developed gender-responsive tools (draft mediation guidelines, mediation and violence monitoring and reporting tools) and training material, adapted with the technical and financial support from UN Women. 10 women mediators - out of 34 - were operating in 2017 under the DNPCC (to be raised to 18 out of 39 in 2019).^{cvi}

⁶⁶ 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.

⁶⁷ See ‘Article 3: Measures to Develop and Advance Women’ of the present report.

118. The social assistance provided to victims of past conflicts by MSSSI and CSOs⁶⁸ as well as the establishment of the Chega! National Center or the inclusion of women in the community peace dialogues conducted by MSSSI contribute to the realization of the peacebuilding objective of the NAP.

119. The National Defence Forces (F-FDTL) appointed a gender focal point in 2016 and through the establishment of the Peacekeeping Training Centre in 2017 have started implementing trainings on Women, Peace and Security; Conflict Related Sexual Violence and Prevention of Sexual Exploitation and Abuse for the peacekeeping trainees.

120. Finally, the 2018-2022 gender strategy established and launched by PNTL⁶⁹ fulfils various objectives of the NAP. This is illustrated especially in 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% quota of women in each recruitment campaign within PNTL.^{cvi} Nonetheless, the current participation rate of women within PNTL already reaches 15% in 2018, which actually represents a steady decline since 2001 where the rate was reaching 18%.

Article 8: Participation at International Level

(No significant update in the reporting period)

Article 9: Nationality

(No significant update in the reporting period)

Article 10: Equality in Access to Education

121. Education is a key priority of the Government. It has been included in the National 2011-2030 Strategic Development Plan (SDP) with a clear mandate for the provision of investment in primary and secondary levels of education, vocational/professional trainings and higher education to support education for all.

⁶⁸ See the section on 'Violence against women during conflict situation' under 'Article 5: Sex Roles and Stereotyping' of the present report.

⁶⁹ See the section on 'Violence Against Women' under 'Article 5: Sex Roles and Stereotyping' of the present report.

Trends in access to Education

122. In 2015, 26% of the population aged 6 years and over had never attended school, with a higher proportion among females (29.4%) than males (22.7%). The rate of attendance at school by age group however shows how access in education has improved significantly for both boys and girls in recent times. Compared to previous years, in 2015 more youth were attending school, and were staying in school longer with 56% of young people between 15 and 24 years old in school.^{cviii} According to administrative data, the enrollment trend of both boys and girls has been regularly raising at primary level, reaching a net enrolment rate (NER) of 86.1% (Grosse enrolment rate - GER: 101.7%) compared to 72% in 2015. At general secondary level, enrollment rose from 45,500 students (51.8% of girls) in 2015 to 49,582 in 2017 (54% of girls) reaching a NER of 28.8% (GER: 57.5%). This has occurred even faster at vocational secondary education: from 6,022 in 2015 (41.2% women) to 12,351 (40.6% women) in 2017, reaching a NER of 7.4% (GER: 14.3).^{cix}

123. 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% at primary level, 117% at secondary – indicating that there are more girls at the appropriate age in school than boys – and 68.5% in vocational secondary level.^{cx} According to the 2015 Census, the gender parity index was 1 at primary level, and 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% of boys repeated their 6th grade compared to 3% of girls in 2016).^{cxii}

Efforts toward retention of girls in schools

124. The National Policy for Inclusive Education adopted by the Ministry of Education (MoE)⁷⁰ through the Government Resolution N° 18/2017 in April 2017 commits to guaranteeing “*the universal right to equitable, quality and long-term learning opportunities, with particular attention to those facing the greatest challenges in this regard*”. The policy acknowledges and emphasises specific gender issues⁷¹. 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 including literacy and recurrent education and develop a healthy environment, capable of protecting children's rights.

125. The policy includes measures to improve the retention rate. It provides that special attention has to be given on “*Teacher training in identifying students at risk of failing or dropping out of school*”

⁷⁰ Now Ministry of Education, Youth and Sports (*Ministério da Educação, Juventude e Desporto* - MEJD)

⁷¹ “*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*”.

and promotes school-parents and school-community collaboration “*to ensure students stay in school*”. These measures are implemented through the Parent’s Councils which are already established in all schools across the country. Moreover, MSSI, supported by UNICEF, raises parents’ awareness through its “family” policies which combine community sessions, group discussions, radio shows and local theatre productions to reinforce positive parenting messages on parenting education, especially in remote municipalities of Viqueque and Ermera. Between 2017 and 2018, these policies reached more than 25,000 parents and caregivers.^{cxii}

126. The Inclusive Education policy also aims to reduce gender disparities at all levels of education by promoting “*the importance of girls' education and awareness of communities in this regard*” as well as to “*strengthen gender equality-oriented socialization at an early age, including in preschool programs*”.^{cxiii} In this regard, efforts have been undertaken by the MEJD, supported by UNICEF, to develop community-led learnings through community pre-schools⁷² as a way of reaching children in remote and isolated communities. This is by increasing access to education and raising awareness of parents on the importance of early child stimulation and education.^{cxiv} In 2015, the Gender Parity Index at this level of education was strongly in favour of girls (1.70).^{cxv}

127. The Government has committed to improving access to adequate safe drinking water, basic sanitation and hygiene facilities, especially for children.⁷³ In the education sector, the MEJD carried out an analysis on the needs of good classrooms for each school, including its projection up to 2025. This analysis formed the basis of the MEJD sanitation and hygiene (WASH) strategy and costed action plan (2020-2025) for pre-schools and basic education. It provides the minimum standards for WASH (50 students per toilets) with separate and adequate toilets and sanitation facilities for girls⁷⁴. The MEJD estimates that overall, 9,000 new toilets are needed, and 2,700 need to be rehabilitated.^{cxvi}

128. School, classrooms and sanitation facilities are continuously being renovated in accordance with budget allocation and support from international partners such as UNICEF. The MoE is also benefiting from the Global Partnership for Education (GPE) conducted by the World Bank and contributes to developing and improving identified issues in the education sector.⁷⁵^{cxvii}

⁷² Especially in the rural and mountainous municipalities of Ermera and Viqueque.

⁷³ See the 2016-2020 National Action Plan for Children in Timor-Leste, the 2017 National Policy for Inclusive Education, the programme of the VIIIth Constitutional Government.

⁷⁴ As well as a cubicle for girls for menstrual hygiene management, and a cubicle for students with physical disabilities in all schools.

⁷⁵ Especially on school management, teacher trainings, curriculum development as well as infrastructure development.

129. Overall, significant progress has been observed in improving water and sanitation in schools. While 70% of public schools had an improved water source in 2016^{cxviii}, this rate has raised to 78% among the 1,426 schools in 2019, providing water to 90% of students in public schools. The MEJD expects to provide access to water in all public schools by the end of 2020.^{cxix} 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.^{cxx}

Physical violence

130. 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. The research was conducted in 2015 in partnership with international and a national CSOs. Findings suggest that physical violence perpetrated by teachers against students is an ordinary and generally accepted practice, primarily for the purpose of punishment. 71% of children in the survey reported having experienced physical violence by a teacher⁷⁶ at school in the last 12 months. In addition to age, experiences of physical violence were also associated with gender (75% for boys / 67% for girls). Regardless of the type of violence or abuse that occurs, the research findings also suggest that priority was generally placed on resolving the situation through mediation and other restorative means.^{cxxi}

131. Following the adoption of ‘Guidelines on Technical Teaching and Learning Methodology for the First and Second Basic Education Cycles’ in April 2015, which refrains teachers from inflicting violence on students, the Inclusive Education policy reiterated the MEJD commitment toward “*nonviolent measures to manage student behavior*”^{cxixii}. Thus a ‘Discipline Regulation of Teacher and Non-Teacher Staff School Establishments’ (Government Decree N° 29/2017, 12th July 2017) was adopted in 2017 followed by a set of ‘Interpretative Standards for the determination of faults committed by teacher and non-teaching school staff and their gravity’ in March 2018 as a practical tool to ensure appropriate implementation of the disciplinary procedure (Ministerial Diploma N° 4/2018, Ministry of Education, 7th of March 2018).

132. A socialization campaign and trainings for school directors, teachers, representatives of the parents and representatives of students was conducted by the General Inspectorate of MEJD on violence in schools and the new regulations with UN Women support. The objective of the campaign was to encourage girls to be brave enough to report their case in one hand and to make clear that sexual violence is a crime which needs to be addressed by the competent authorities in the other hand.^{cxixiii}

⁷⁶ Including being hit (with hand or object), slapped, kicked, pinched or pulled by a teacher.

133. Several initiatives were conducted with regard to 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 the streets of Dili by the Government in collaboration with civil society and UNFPA 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 and involving local authorities and multiple partnerships was launched in the 2 major urban areas of the country (Dili and Baucau) after concluding a scoping study in 2018.^{cxxiv}

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

134. Experiences of sexual violence in educational settings were low (8%) compared to other types of violence (9.7% girls / 7% boys). 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%)⁷⁷. An additional 3% also reported that they knew of a case where a teacher had offered favours or money to a student in exchange of sex.

135. While sexual violence might have been underreported in the survey as a result of the stigma and the normalisation of ‘everyday’ experiences of sexual harassment of girls, formal reporting is even more problematic as nearly inexistent⁷⁸.^{cxxv}

136. Where sexual violence is reported, informal or ‘restorative’ resolutions were generally prioritised over a criminal justice response⁷⁹.^{cxxvi} The new discipline regulations established by the MEJD (Government Decree N° 29/2017) authorized conciliation process as “*an ancillary measure to disciplinary procedure*” which “*can be promoted to restore the healthy environment, peace among school community members and trust in the school, taking into account 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 implemented by the General Inspectorate of Education

137. In relation to sanctions, and following the new disciplinary regulations, the school leaders must refer any reported case of violence to the General Inspectorate at municipal level who is responsible to analyse the severity of the case. It is then generally referred to the Public Service

⁷⁷ Most of these cases were reported by specialised services staff, rather than children, parents or teachers, suggesting that cases of rape may be more prevalent than the actual data.

⁷⁸ More than half (56%) of children who said they had been subject to sexual violence at school, said that they had never told anyone about what had happened. 30% said that they had told a friend or family member, and 13% said that they had told another teacher. Only one said that he had formally reported his case.

⁷⁹ 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 to the victim.

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.^{cxxvii}

138. 33 and 5 cases were processed by the General Inspectorate of Education respectively in 2018 and 2019 at the time of writing. In 2018, 8 cases were related to physical violence, out of which 7 cases were resolved by the General Inspectorate and 1 was referred to the police. Only 1 sexual violence case was processed by the General 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).^{cxxviii}

Re-entry policy

139. The 2017 Inclusive Education policy has a specific focus on pregnant girls and young mothers and highlights “*the right of pregnant girls to continue to attend school, to be respected and to have the same opportunities, regardless of their pregnancy, thus eliminating the existing stereotype*”. Accordingly, the policy aims at raising awareness among adolescent mothers and the school community about the importance of finishing education. The policy aims 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 youth and of teenage mothers in formal education.^{cxxix}

140. Although a formal specific re-entry policy has not yet been adopted, the General Directorate of General Secondary Education from the MEJD, in consultation with SEII, has issued a temporary measure through a formal circular for secondary and TVET schools in all municipalities based on the policy orientation of MEJD to ensure that female students are allowed to return to school after childbirth.^{cxxx} Accordingly, in 2019 the ministry facilitated the reintegration in school of 6 girls after giving birth.^{cxxx} Disciplinary sanctions are provided in the circular 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, with CSOs such as Alola Foundation and the Church are being conducted, to develop the formal re-entry policy.^{cxxxii}

141. In addition, Community Learning Centers (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. The curriculum aims to bring them up to the level of other learners so they can enter mainstream schools or continue their education in the CLC.^{cxxxiii}

Sexual and reproductive health and rights programmes in education

142. Efforts have been made in relation to sexual reproductive health (SRH) education. The new school curricula for pre-secondary and secondary levels currently being developed aims to ensure girls' and boys' understanding of gender equality concepts and integrate SRH education ('*Learning about Myself*' module).^{cxxxiv} It has been piloted in 10 schools in 7 different municipalities.^{cxxxv} ToT for teachers and education professionals has also been delivered by the MEJD at the National Institute for Training of Teachers and Education Professionals (INFORDEPE) with UNFPA's support. Awareness-raising activities and Training of Trainers on SRH have also been delivered by International and local NGOs, targeting students and youth representatives to raise awareness of other students and communities at *Suco* level.^{cxxxvi}

143. Youth that are out of school are also targeted through the development of a manual on healthy relationship, supported by UNFPA, to be used in Youth Centers, to transfer knowledge on SRH, foster positive attitudes and build the skills needed toward healthy relationships.^{cxxxvii}

144. 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.^{cxxxviii}

Illiteracy (particularly among rural women)

145. 64.4% of the adult population (ages 15 and over) is literate (68.7% for men / 60.2% for women). The gender gap between young men and women (84.7% and 84.1% respectively) is narrower and the higher rates than adult literacy indicate that access to basic education has been improved over recent decades. Nonetheless, literacy remains far lower and the gender gap wider in rural areas (58.8% of men and 48.8% of women) than in urban areas (89.7% of men and 85.8% of women).^{cxxxix}

146. Literacy programs and learning in early grades of school has improved, especially due to schools now teaching basic literacy in Tetum⁸⁰.^{cxl} The new curriculum, in line with the national policy on official languages, specifies that the medium of instruction in early basic education is to be in Tetum, with a carefully planned introduction to literacy in Portuguese which becomes the primary language in the third cycle of education. However, the Mother Tongue Based Multilingual Education (EMBLI) pilot project run between 2012 and 2015 has demonstrated that children's academic

⁸⁰ Which is the most widely spoken official language in Timor-Leste. 66% of children speak a different language at home from the language they use at school - 2015 Timor-Leste Population and Housing Census, General Directorate of Statistics (GDS) and United Nations Population Fund (UNFPA), 2015.

performance improves, especially for girls, when they receive early basic education in their primary local language.^{cxli}

147. 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, 26th April 2016), inserted in the framework of recurrent education with international support. The overall objective is to increase the number of out-of-school youth and young adults completing equivalency programs. 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 students⁸¹ 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% women) mostly coming from rural areas had participated by January 2017, gaining essential skills in linguistics (Tetum and Portuguese literacy).^{cxlii}

Article 11: Employment

Labour related trends

148. The 2019 main trends report based on 2010-2013-2016 Labour Force Surveys (LFS) indicates that the working age population, aged between 15 and 64, rose from 627,000 in 2010 to 696,200 and 2013, up to 724,500 in 2016 (representing both in 2013 and 2016 around 60% of Timor-Leste's population). Of these numbers, labour force participation rose from 30.6% in 2013 to 46.9% in 2016, with a significant reduction in the gender gap (from 21.3% women and 39.7% men in 2013 to 40.6% women and 53% men in 2016). Among the working-age population, the share of subsistence foodstuff producers⁸² has meaningfully reduced for both men and women (from 23.5% women and 27.8% men in 2013 to 11.9% women and 18.2% men in 2016). However, from those in the labour force, the trend of vulnerable employment⁸³ has increased from 54.5% in 2013 to 58.0% in 2016, with a rate significantly higher among women (73.6% in 2016) compared to men (47.2%).^{cxliii}

⁸¹ A combination of face-to-face learning and distance learning.

⁸² 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.

⁸³ Vulnerable employment is defined as the sum of the employment status groups of own-account workers and contributing family workers.

149. An increased from 30% to 41% of secure wage employment of the total employments has been observed between 2010 and 2013 (although more rapid for men than for women⁸⁴)⁸⁵. Beyond the overall limited formal employment opportunities, two important factors contribute to limit women's participation in the labour force: gender roles and family duties⁸⁶, as well as education attainment⁸⁷.^{cxliv}

150. At the managerial level, in 2016, 1.6% women held a managerial position (2,000 women) compared with 3.4% men (6,100 men). As such, the share of women holding such position (about 30% through all occupation groups) has been constant between 2013 and 2016.^{cxlv}

Ratification of ILO Conventions

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

Eliminate discrimination in recruitment and promotion against women (monitoring mechanisms)

152. Incentives for recruitment and promotion of women were introduced in the civil service by the Government through different decree-laws⁸⁸ regulating the recruitment and promotion processes by giving preference to women in the event of equality between men and women candidates. Nonetheless, the representation of women in the civil service is still generally lower than men. From a stable 30% proportion of women in civil service for the 2013-2015 period, the trend raised to 34% in 2016, and has been fairly stable since then. Also, in 2019, women are holding 23.1% of managerial positions in civil service.^{cxlvi}

Programmes related to women access to employment

153. Two major labour related policies have been developed in the reporting period which both include objectives in terms of gender and women access to employment. The 2016-2020 Decent Work Country Programme (DWCP) intends to improve access to employment services and income opportunities in the private sector. The National Employment Strategy (NES) 2017 - 2030 which aims

⁸⁴ 49% of employed Timorese men in secure wage jobs compared to 28% of employed women in 2013.

⁸⁵ 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.

⁸⁶ Half of women (50%) out of labour force bringing up this form of work as the main reason for staying out of the labour force, compared to 32% men - Ibid., pp. 19-20.

⁸⁷ Education attainment and literacy remain a factor limiting access to formal employment, although the gender gap is less strong in this area.

⁸⁸ Decree-Law N° 22/2011, 8 June 2011, on 'Contests Regime, Recruitment Selection of Public Administration Officers' - Art. 12.2 ; Decree-Law N° 1/2018, 24 January 2018, on the 'General Regime for Public Officers Career Promotion' - Art. 8.3 ; and Decree-Law N° 41/2015, 16 December 2015, on the 'Distinction and Awards in the Public Service' - Art. 15.3.

at “*increasing the current low labour force participation of the adult population, in particular women*” integrates a focal area on gender mainstreaming, including the CEDAW Committee recommendations, as well as sex-disaggregated indicators and objectives in terms of women labour participation.^{cxlvii}

154. The establishment of a career guidance and employment centre (CEOPs) in each municipality was implemented under the DWCP. The centres are filed with at least 1 qualified counsellor to provide career guidance and facilitate people in the district to access formal employment. The Secretary of State for Vocational Training and Employment (SEPFOPE) is on track to achieve the objective to have at least 30% women counsellors trained by 2020, which is expected to further assist women in accessing formal employment.^{cxlviii}

155. In line with these policies, various initiatives are being implemented to support the development of local potential, such as 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 for the benefit of women’s groups and women in micro and small enterprises or cooperatives⁸⁹.^{cxlix} Employment Intensive Investment Programmes targeting especially rural populations such as the two ILO supported programmes (Road 4 Development and ERA Agro-Forestry) have made major achievements in terms of rural development and women’s inclusion. In 2018, 30% of worker’s days generated were reserved for women and close to 50% of the contractors trained and awarded contracts were women-owned firms. The Ministry of Public Works Guidelines also requests now for local contractors to promote the participation of women and people with disabilities (30% women / 2% people with disability).^{cl}

156. Objectives on women’s participation in SEPFOPE’s labour migration schemes were also included, especially by following the Gender Equality and Social Inclusion Strategy under the Workforce Development Program Timor-Leste (WDPTL), resulting in 27% women involved in the seasonal workers program in Australia, mainly in the hospitality sector.^{cli}

157. Gender principles and women’s employment are also integrated in the legal framework and strategies related to the development of the private sector^{clii} and financial inclusion^{cliii}. As such, the new investment agency (TradeInvest TL) is expected to integrate a gender perspective within its internal (Decree-Law N°45/2015, 30th December 2015 - Art. 16.n) and external operations aimed at improving the business environment, private investment and exports (Art. 6.d and 6.m). In addition,

⁸⁹ Through the SEII programme, 194 groups and 10 NGOs received Public Transfer Funds from 2014 to 2017 reaching a total amount close to 400,000 USD. 584 groups and individuals operating in the areas of commerce, handicrafts and micro and small enterprises are now registered in MTCI database and are eligible to MTCI programmes.

as part of the National Strategy for Financial Inclusion^{cliv}, 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, 12th July 2017 - Art. 11.f).⁹⁰

158. Efforts have been made by the Government on vocational education aimed towards the development of the labour market supply (2nd pillar of the NES) with a strong consideration for gender and social inclusion.⁹¹ Consequently, IADE scaled up its entrepreneurship and training programs with 1,111 trainees (45% women) in general business in 2016.^{clv} Moreover, SEPFOPE intends to increase women's participation in non-traditional careers through TVET training and internships for women in construction and automotive trades. The trend in female enrolment in TVET education in these sectors has been slowly raising (21% in 2014, 29% in 2015), while the proportion of women engaged in programs such as hospitality and administration trainings is generally higher.^{clvi} Overall, during the 2014-2018 period, the proportion of women involved in TVET training programs reached 57% across all professional training sectors.^{clvii}

159. According to SEPFOPE's data for the 2014-2018 period, 39% of women were able to access employment after completing a training program.^{clviii} Nonetheless, the overall proportion of trainees' entry into employment in the same period is limited (about 13%), especially due to the limited formal labour opportunities, especially in rural areas.^{clix}

Social security coverage and maternity protection

160. The first comprehensive and contributory social security scheme for the working-age population of the country was officially adopted in 2016 (Law N° 12/2016, 14th of November 2016), which aims to broaden the protection of workers and their families. The new system is mandatory for all workers in the private formal and public sectors⁹² and follows the 'pay as you go' financing mechanism. It offers provisions for old age, invalidity (Decree-Law N° 17/2017, 24th May 2017), maternity, paternity (Decree-Law N° 18/2017, 24th May 2017) and death (to the benefit of the relatives - Decree-Law N° 19/2017, 24th May 2017).

⁹⁰ For more information on financial inclusion, see the section on 'Strategy on women's economic empowerment' under 'Article 13: Economic and Social Rights' of the present report.

⁹¹ Especially SEPFOPE, the Institute for Business Support (IADE) and Institute for Labour Force Development (INDMO) and the National Institute for Training of Teachers and Education Professionals – INFORDEPE under the MEJD) supported by its development partners such as ILO, Australian Aid, GIZ, ADB and others - Mid-Level Skills Training Project – Gender Action Plan, SEPFOPE/ADB, Workforce Development Program Timor-Leste (WDPTL) – Gender Equality and Social Inclusion Strategy.

⁹² Incorporating those previously covered by the Transitory Social Security Scheme, without harming any attained rights.

161. The scheme is directly linked to wages earned and a period of contribution or time in public service with a generous benefit formula when compared with international standards.⁹³ It began operating in August 2017. 72,789 workers were already enrolled and covered in 2019 at the time of writing, which represents about 20% of the labour force. Close to 66% of registered workers are from the public sector, with just over 33% of the private sector and 0.5% individual workers registered in the system. Women represent 32% of the total registered workers. As of October 2019, parenting benefits have been already paid to a total of 1,147 beneficiaries (about 74% maternity and 26% paternity) while the survivor's pension was paid to 708 beneficiaries (87,5% men and 12,5% women).^{clx}

162. As the important share of women participating in the labor force are in vulnerable employment with no formal work arrangements, it is unlikely that they have access to the formal social security scheme, representing a clear limitation in the enforcement of the labour law and the coverage of social protection.^{clxi}

163. Initiatives such as the development of a draft law on domestic workers by SEPFOPE in collaboration with women's organizations and unions and the rural public work programs represents progress made towards access to formal work arrangements for these specific categories of vulnerable workers which include an important share of women, to provide them with social protection and improve their work conditions.

Monitoring of working conditions of women

164. The General Inspectorate of Labour (*Inspecção Geral do Trabalho - IGT*) is in charge of monitoring the working conditions of workers through inspection visits in companies. In the 2016-2019 period, inspection visits were conducted in 5,725 companies, for a total of 74,726 workers covered, out of which about 22% were women⁹⁴.^{clxii}

Labour related complaints processed by the General Inspectorate of Labour

165. After a very active period in terms of socialization of the law in the 2012-2015 period - just after the enactment of the Labour Code - through awareness-raising sessions on labour related rights conducted by the IGT in all municipalities, efforts were maintained in the 2016-2019 period. In the latter period, the socialization campaign reached more than 1,500 participants (about 40% women) including employers, workers, CSOs and civil servants.^{clxiii}

⁹³ See the 'Article 13: Economic and Social Rights' of the present report.

⁹⁴ 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.

166. In the 2016-2019 period (until Oct. 2019), IGT received 427 complaints, for a total of 721 cases treated by the IGT⁹⁵ which required the direct intervention through inspection visit. Out of the complaints received, 137 complaints (32%) were filed by women. Overall, the majority of cases are related to work contract, minimum salary and overtime work. Other cases are related to annual allowance salary, hours of work, annual leave, national holidays, maternity leave (27 cases), health & hygiene, and accident. Most cases treated by the IGT are settled through the intervention of the inspectors. Where the intervention of the inspector is not enough, a small proportion (9% in the 2012-2017 period) were redirected to the directorate of labour relations for mediation/conciliation, and a very limited number of cases were cancelled by the worker after finding agreement with the employer.^{clxiv}

167. 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 delivered to the company to fix the issue (*Auto Adverténsia*). Finally, in case of significant issue observed or if the problem is not solved by the company after curative measures, the inspectorate imposes a fine to the company (*Auto Notísia*). The trend in terms of fines imposed by the IGT to companies has been drastically raising every year in the reporting period. The IGT observed that these measures contributed to raise awareness significantly among employers about the Labour Code provisions as well as to reduce irregularities related to worker rights⁹⁶.^{clxv}

Gender pay gap

168. 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%.^{clxvi}

169. 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% of employed women compared to 13% of men in 2013), most likely due to competing time pressures to fulfil household responsibilities.^{clxvii}

Article 12: Access to Health

⁹⁵ The number of cases treated by the IGT overcome the number of claimants as some cases may cover various types of issues.

⁹⁶ From a total amount of 113,850.00 USD in 2016 up to 482,062.00 USD up to Oct. 2019.

Abortion

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

Trends in sexual and reproductive health indicators

171. Significant progress regarding sexual and reproductive health (SRH) has occurred during 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.^{clxviii}

172. Moreover, 49% 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% to 57%, and the rate of women making the recommended four or more antenatal care visits increased from 55% to 77%.^{clxix}

173. Important to note that Census trend line for both 2010 and 2015 Census are consistently higher than the 2009-10 and 2016 TLDHSs' data⁹⁷. However, both DHSs and Census show a clear declining trend in child and maternal mortality.^{clxx}

Access to basic health care

174. Following the 2011-2030 National Health Sector Strategy, efforts have been implemented to improve the human resources and health infrastructure to improve the quality of services and physical access to healthcare. This includes training of current staff and training for a number of newly graduated health professionals. Regarding health infrastructure, the strategy aims to continue building new health facilities in the municipalities in accordance with national budget allocation and support from international development partners.

175. As a result, in 2017 the health infrastructure included 6 hospitals, 71 health centres, 43 maternity clinics, 318 health posts and 469 SISca (Integrated Community Health Services).^{clxxi} This infrastructure represents a 66% increase compared with 2010.^{clxxii} Nonetheless, 'Distance to health facility' and 'Having to take transport' have been respectively cited by 46% and 44.4% of women aged

⁹⁷ According to 2015 Census: MMR - 426/100,000 ; IMR – 56/100,000 ; Under 5 Mortality Ratio – 72/1,000.

15 to 49 years as a significant challenge to accessing health care (58% and 56% respectively for women living in rural areas).^{clxxiii}

176. In terms of health practitioners, there were 2,007 health practitioners in the country as of 2017^{98, clxxiv} an improvement of about 15% compared with 2010.^{clxxv} This improvement was 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 staff – nurses, assistant nurses and midwives - density reaches 1.12 per 1,000 inhabitant which remains below the minimum standards.⁹⁹ Overall, the geographical distribution of the medical staff around the municipalities is uneven and widely differ between municipalities.

177. Beyond the problem of physical access to health care facilities, gender related factors are also greatly contributing to inequity in accessing health care for women. For example, a common barrier cited by women was the inability to obtain permission from their partner to go for treatment.¹⁰⁰ Variations of this challenge are also observed based on women’s educational level¹⁰¹ or their socio-economic group^{102, clxxvi}.

178. The “National Family Health Program” (“*Saúde Na Família*”), implemented by MoH since July 2015 and supported by development partners, intends to respond to these issues by bringing a “Comprehensive Service Package of Primary Health Care” to the household. This program includes providing home visits, clinical consultation, and treatment and referrals by a team of health professionals. The program also records the household’s serviced and documents each person’s clinical profile. This data is then entered into an integrated digitalized medical record system.^{clxxvii} In May 2017, medical teams had visited 94% of households and registered the details of 84% of the population at the individual level.^{clxxviii}

Sexual and reproductive health services

179. The reproductive health policy of the MoH is divided into 4 components: 1) Safe Maternal Health; 2) Family Planning; 3) General Reproductive Health; and 4) Adolescent Reproductive Health.^{clxxix}

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

⁹⁹ 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.

¹⁰⁰ Cited by 34.5% of women at national level (20% for urban women to 42% for rural women).

¹⁰¹ From 18.2% for women with secondary education or higher to 47.3% for women with no education.

¹⁰² From 20% for women from the highest wealth quintile to 50% of the lowest quintile.

180. Despite improvement in access to basic health care, adequate RMNCH services remain an issue. While the number of Comprehensive EmONC (Emergency Obstetric and Newborn Care) facilities already met the UN standard in 2015¹⁰³, 7 municipalities had no EmONC facility and at least one third of all CHCs were more than two hours from any EmONC facility. Overall, there were 3.4 EmONC and 2.6 Comprehensive EmONC functional facilities per 500,000 of population, falling short of the recommended level.¹⁰⁴ The efforts implemented under the 2016-2019 Plan of Action to improve EmONC allowed for improvement in terms of Basic EmONC (BEmONC) facilities, from 2 BEmONC facilities in 2015 (both in Dili)^{clxxx} to 11¹⁰⁵ in 2019^{clxxxi}.

181. Beyond the infrastructure improvements, standards and treatment pathways for care during birth and immediate postpartum period were reviewed and updated in 2016 under the 2016-2019 Plan of Action to improve EmONC. These reviews informed ToTs for numerous specific trainings delivered by the National Institute of Health (INS), generally targeting Community Health Centers (CHC) staff.

182. 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 institutions¹⁰⁶ by appointing a full time EmONC training coordinator and designated staff from INS as training focal point. INS has shown its capacity as training and follow up after training organizer, administrative as well as financial including working with multi partners. Capacity of the Clinical Training Site (HNGV) in planning and conduct the clinical practice for improved skilled care on EmONC, including the management of the complication cases, was enhanced and the capacity of clinical preceptors and trainees was improved. Most of the trainees have successfully managed the obstetric complications in their CSIs/CHCs, which have resulted in minimum referral to the referral hospitals.^{clxxxii}

183. Furthermore, after encouraging results of the 2013 ‘Liga Inan’ pilot project initially implemented by NGOs in collaboration with the MoH in 1 municipality, the latter expanded its coverage to all municipalities with the financial support of the Australian Government.¹⁰⁷ This innovative programme contributes to increase utilization of quality skilled care before, during and after delivery by facilitating communication between pregnant mothers and health providers by mobile

¹⁰³ In 2015, the six hospitals of the country were already classified as Comprehensive EmONC (Emergency Obstetric and Newborn Care) facilities.

¹⁰⁴ Recommended level is at least 5 EmONC facilities (including at least 1 CEmONC facility) per 500,000 of population.

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

¹⁰⁶ INS and the clinical training side of the Hospital National

¹⁰⁷ In 2019, the implementing partners Health Alliance International and Catalpa International have begun the process of national handover of the program to the Ministry of Health.

phone¹⁰⁸, 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 programme¹⁰⁹.^{clxxxiii}

Maternal death review

184. A road map was established in 2014 by the MoH supported by UNFPA and WHO 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 and health workers at community level, local authorities, community leaders, NGOs and women groups, as well as other relevant sectors were trained on the SOPs for verbal autopsy.^{clxxxiv}

Family Planning and fertility

185. Despite increased use of modern contraceptive methods¹¹⁰ among married women between 2010 and 2016 (from 21% to 24%) - with comparable rates between rural and urban areas (25% vs 23% respectively) - Family Planning (FP) is still not a common practice and the increasing trend is moderate.^{clxxxv}

186. Among currently married women, the unmet need for contraception has decreased from 32% in 2009-10 to 25% in 2016, while the met need has slightly increased from 22% to 26%. However, the total demand for FP among married women remains relatively limited and has also decreased slightly from 54% in 2009-10 to 51% in 2016 (correspondingly, 49% of married women considering having no need for FP).^{clxxxvi}

187. The 2016 DHS data on women's needs and demand for FP eventually includes data on all women, including sexually active unmarried women. When considering all women, the total demand for family planning drops to 32% (which includes about 16% women with met needs and about 16%

¹⁰⁸ Text messages are also regularly sent to women during and after pregnancy promoting healthy behaviours, including about nutrition, birth planning and pregnancy danger signs, as well as breastfeeding and family planning messages for a 6 months post-partum period.

¹⁰⁹ Among women enrolled in Liga Inan who were called 3 weeks prior to delivery, 53% had a facility delivery compared to only 32% of women who had a facility delivery and were not called.

¹¹⁰ Injectables, used by 12% of married women, are the most common method of contraception.

with unmet needs). When considering solely sexually active unmarried women the total demand escalates to 81%, out of which more than 90% have unmet needs¹¹¹.^{clxxxvii}

188. In regard to fertility, despite a decrease from an average of 5.7 children in 2009-10 to 4.2 children in 2016¹¹², the Total Fertility Rate (TFR) remains among the highest rates in the region.

189. 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.^{clxxxviii} People without children or unmarried people might not be offered FP services due to moral and religious considerations.^{clxxxix}

Underage pregnancies

190. In 2016, according to the DHS, 7% of teenagers aged 15-19 have begun childbearing, 5% have given birth and an additional 2% are pregnant with their first child (1% of teens had sexual intercourse before age 15). Among women aged 20-49, 9.3% gave birth by the age of 18¹¹³.^{cxc} The findings of the teenage pregnancy research¹¹⁴ show that young women have little agency in the decision to engage in sexual relationships.^{cxcii} The relatively high rate of teenage pregnancies, issues such as maternal mortality due to unsafe abortion, baby abandonment or infanticide tend to confirm these findings.

191. As knowledge on reproductive health and more specifically on fertile period is particularly low among women¹¹⁵,^{cxcii} the sexual and reproductive health and rights education programmes are expected to contribute to a reduction in the occurrence of these issues. However, the sensitivity on this subject remain a barrier in their implementation¹¹⁶.^{cxciii}

Malnutrition

192. The prevalence of stunting has declined from 58% to 46% between 2010 and 2016. The prevalence of underweight children has also declined, from 45% to 40%. However, the prevalence of

¹¹¹ The sample of sexually active unmarried women considered in the DHS is small (43 women).

¹¹² Urban and rural fertility have both fallen by 1.4 children since the 2009-10 TLDHS, and fertility has fallen in every age group.

¹¹³ This teenage childbearing rate is similar to the level found in the 2009-10 DHS.

¹¹⁴ See 'Article 5: Sex Roles and Stereotyping' of the present report.

¹¹⁵ Overall, only 8% of women correctly identify the time halfway between two menstrual periods as 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%) and highest among women age 25-39 (11%).

¹¹⁶ See 'Article 10: Equality in Access to Education' of the present report.

undernourished children has increased from 19% to 24%. Prevalence of stunting, undernourishment, and underweight are slightly lower in girls (43%, 22%, and 38%, respectively) than boys (48%, 26%, 43%, respectively). The rates are generally higher in rural areas.^{cxci}

193. 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.^{cxci}

194. 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.^{cxci}

195. In this framework, 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 in order to help increase the consumption of animal food sources to support healthy diets, contribute to tackling malnutrition of children and women of reproductive age.^{cxci}

196. Mother Support Groups (MSG) were established in partnership between the MoH, the European Union and UNICEF in most municipalities. 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 are composed of community volunteers, both women and men, and represent an innovative initiative to overcome the country's problem of malnutrition. They promote women's important roles in the family and in their community as well as encouraging men to participate to improve mothers' and children's health.^{cxci}

Article 13: Economic and Social Rights

Efforts toward a universal social security system

197. The Government has made significant public investments in social protection, contributing to over 15% of the State budget in 2017. The social protection system offers more than 25 different

programs implemented by various Government institutions.¹¹⁷ These include cash transfer schemes, social services to vulnerable groups and free public health and education services. These programs aim to reduce vulnerability, mitigate shocks, support human development and access to essential services. The reach and coverage of universal and rights-based programs (such as the Allowance for the support of the Elderly and Invalid – SAI – and the *Bolsa da Mãe* programme providing support to vulnerable families with children) have the highest coverage rates. Nonetheless, benefits level is relatively modest (see below).

198. A General Social Security Scheme was adopted in November 2016 (Law N° 12/2016)^{cxcix}, replacing the transitional scheme¹¹⁸ and complimenting the set of already existing transitional and non-contributory social protection programs and measures developed over time by the Government¹¹⁹. This is the first social scheme that aims to cover all workers in all sectors and their families,¹²⁰ increasing as such the coverage and protection levels of workers and their families. The scheme provides generous benefits compared to international standards¹²¹.^{cc} However, its coverage is mainly benefiting to those in formal employment (which encompasses a minority of women¹²²).

199. People with disabilities, including women, are eligible for the SAI pension established in 2008 (Decree-Law N° 19/2008), which is currently the most comprehensive social protection program and provides a monthly cash benefit of 30 USD per month¹²³. While 93% of the total population aged 60 or older was benefiting from this scheme in 2017¹²⁴, only about 20% of the total disabled population is benefiting from it (48% women and 52% men)¹²⁵.^{cci} This is largely due to limited awareness and operational issues. Besides, families experiencing extreme vulnerability and female victims of violence are eligible for two MSSSI programmes: cash benefits and protection and financial services. However, the coverage and investment in both programs is limited.^{ccii}

¹¹⁷ Ministries of Education, Justice, Health, Public Works and Social Solidarity, Secretariat of State for Vocational Training and Employment Policies, Secretariat of State for Equality and Inclusion.

¹¹⁸ 2012 Transitional Social Security Scheme to the benefit exclusive of public servants (Law N° 6/2012).

¹¹⁹ Including the elderly and disabled support allowance (SAI), the transitional regime to support state workers and their families in old age, disability and death, maternity and paternity leave, the *Bolsa da Mãe* program and funeral transport services.

¹²⁰ See 'Article 11: Employment' of the present report.

¹²¹ Pensions provided (for old age, invalidity and survivors) aim at a replacement rate of 100% 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% replacement rates.

¹²² See 'Article 11: Employment' of the present report.

¹²³ Equivalent to one third of the minimum wage for public servant.

¹²⁴ Representing a total of 353,280 beneficiaries (56% women / 46% men)

¹²⁵ Representing a total of 32,250 beneficiaries.

200. In 2016, the creation of the National Institute for Social Security was established to centralize the implementation of all social security schemes.^{cciii} In addition, MSSSI (supported by ILO and the Government of Portugal) 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 so far in isolation without a broad strategic vision, the strategy aimed to achieve a more efficient, effective and integrated social protection system. Officially adopted in November 2018, the strategy sets the goals and actions related to social protection, ensuring that all policy developments are in line with the broader 2011-2030 SDP and SDGs. 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.^{cciv}

Bolsa da mãe programme

201. In 2015, about 16% of households in Timor-Leste were headed by females (around 32,000 households), with a relatively consistent distribution across rural and urban areas, and no substantial change since the previous 2010 census.^{ccv}

202. In order to provide social protection to this vulnerable population, the ‘*bolsa da mãe*’ programme was expanded, both in terms of beneficiaries and benefit amount, receiving an important increase in investment. While the programme was covering about 15,000 households in 2011 with an overall budget of 2.5 million USD¹²⁶, it covered 61,705 households (29% of total households) in 2017 and provided benefits to more than 183,000 children (32% of total children) for a budget close to 9 million USD. The benefits include 5 USD per month per child, up to a maximum of 3 children per households, or 60 to 180 USD per year per household.^{ccvi}

203. Significant poverty reduction for female-headed households was observed, which has occurred at a faster pace than for male-headed households¹²⁷. However, the *bolsa da mãe*’s relatively low benefit level potentially limits the programme’s impact on contributing to the poverty reduction in the poorest households.^{ccvii}

Strategy on women’s economic empowerment and financial inclusion

204. In line with the 2011-2030 SDP, the Government recognizes the importance of empowering women and achieving gender in economic life.^{ccviii} SEII’s Women Economic Empowerment

¹²⁶ See Timor-Leste Combined 2nd and 3rd Periodic CEDAW Report, 2013.

¹²⁷ Poverty headcount for male-headed households reduced by 14.2% between 2007 and 2014 as compared to 36.5% for women-headed households - 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.

Programme, implemented in collaboration with line ministries, is contributing to this objective.¹²⁸ This collaboration 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 lives¹²⁹ and provides for measures on women economic empowerment such as “*greater access to credit for rural women*” and “*a commitment to a 30% quota set aside for female beneficiaries as recipients of training in management, marketing, trade and advertising*”.

205. In this framework, in 2019, the President announced 1.5 million USD funding for the new Rotative Cash Transfer programme to support women's groups to develop small businesses. This funding aims to empower rural women in economic life. The programme provides \$10,000 USD to 11-12 women's groups per municipalities. SEII also supports these groups by training them in business development to build sustainable businesses. After one year, the groups are required to pass the funding onto another women's group, to spread the investment for women's businesses broadly.

206. Cooperation with the National Commercial Bank (BNCTL) is also in line with the Maubisse Declaration by contributing to improve access to credit through the Social Business programme which provides micro-credit to cooperatives groups with equal gender division among beneficiaries.^{ccix} Women's access to market has also been considered, especially through the TOMAK programme, in partnership with SEII and UN Women, which already conducted of a ‘Gendered Marketplace Assessment’ in 2018, identifying issues for women in marketplaces.^{ccx}

207. 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 Maubisse Declaration. SEII plays a role in identifying sex disaggregated indicators for all ministries and advocates for investment in the Maubisse Declaration. However, more socialization of the Declaration is still needed to encourage Government to invest funding into this initiative.¹³⁰

208. As an important aspect of economic empowerment, the Central Bank of Timor-Leste (BCTL) developed and adopted the National Strategy on Financial inclusion for the 2017/2022 period based on concrete evidence resulting from the analysis data collected by the BCTL and published in its first Financial Inclusion Report from 2016. The strategy attaches a great importance on women's access to

¹²⁸ See ‘Article 11: Employment’ of the present report.

¹²⁹ See ‘Article 14: Rural Women’ of the present report.

¹³⁰ See ‘Article 3: Measures to Develop and Advance Women’ of the present report.

quality and affordably financial service by promoting and including women-focused action plans¹³¹. The objective is to create an enabling environment that will accelerate women's financial inclusion.^{ccxi}

Financial inclusion of women

209. In 2018, while 65% 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% female clients), while clients of other financial services providers are more balanced between women and men (53% female clients for banks and 49% female clients for Credit Unions).^{ccxii}

Women with Disabilities

Legal and policy framework

210. A consistent legal and policy framework to protect the rights of persons with disabilities (PwD) was developed. After the adoption of the National Policy on the Inclusion and Promotion of the Rights of PwD in 2012, a related National Action Plan (NAP) on the Rights of PwD (2014-2018) was developed to facilitate the implementation of the policy in 10 different sectors.^{ccxiii} Additionally, the Maubisse Declaration¹³² includes specific commitments to eliminate all forms of discriminations against women with disabilities living in rural areas.

211. MSSSI has worked with the Association of Persons with Disabilities in Timor-Leste (ADTL) and its member organizations toward the development of a specific disability law and a National Disability Council for improved implementation and monitoring of the NAP.^{ccxiv} Beside the local legal and institutional frameworks, MSSSI is prioritising the ratification of the UN Convention on the Rights of Persons with Disabilities (CRPD). However, due to regular changes of Government in recent years, this request could not be considered by the Council of Ministers to date.^{ccxv}

212. MSSSI is now conducting the consultation process to develop the 2nd phase (2020-2024) of the NAP, which is expected to be finalized by November 2019. In order to improve ownership and implementation by line ministries, MSSSI is dividing the consultation by sector and has organized specific consultations with each institution.

¹³¹ Such as the creation of the Small and Medium Business Credit Guarantee System as reported under 'Article 11: Employment' of the present report.

¹³² See 'Article 14: Rural Women' of the present report.

Awareness-raising campaigns and capacity building programmes

213. At national level, the International Day of PwD is celebrated annually in all municipalities, increasing the awareness and visibility of PwD to the general public.^{ccxvi} A National Seminar on disability issues is also held annually by the MSSSI, gathering line ministries, and national institutions and Parliament members together with CSOs such as ADTL.^{ccxvii} A recent seminar was also organized on ‘how to better include disability in the 2020 State Budget’.^{ccxviii} These seminars aim to encourage and guide stakeholders, especially line ministries, to include budget for the NAP. These initiatives also contribute to awareness raising among policy makers.

214. At community level, awareness-raising activities are conducted on a regular basis by the National Centre for Rehabilitation (CNR) through its SRIKAR¹³³ programme, targeting the public and community leaders.^{ccxix} Civil Society, supported by MSSSI and the PHD program¹³⁴, is also very active in terms of awareness-raising on the disability issue. In addition, PDOs such as ADTL and Ra’es Hadomi Timor Oan (RHTO) have been working at community level through the RHTO field officers and among the community of PwD, with a majority of women beneficiaries.^{ccxx}

215. In regards to capacity building of social and health workers working with PwD, the CNR is providing continuing trainings and capacity building of its employees, especially in rehabilitation healthcare area through an agreement established with a specialized institute from Indonesia¹³⁵.^{ccxxi} A training needs analysis was undertaken by RHTO, resulting in the PHD programme delivering capacity building programmes for DPO professionals working with PwD.^{ccxxii} This included capacity development training for field officers, many of whom have a disability. Finally, collaboration between the PNDS programme¹³⁶ and RHTO led to disability inclusion training for PNDS facilitators to improve disability inclusive development in rural areas.^{ccxxiii}

Access to inclusive education for women and girls with disabilities

216. Only 33% of disabled young females aged 5-24 years are in school (31.4% for young men), while 55% never attended school (54% 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% PwD are literate with a significant gap between gender (10.5% for women / 20.5% for men).^{ccxxiv}

¹³³ *Serviço de Reabilitação Integrado na Comunidade da Áreas Rurais* - Integrated Rehabilitation Service in the Rural Areas Communities.

¹³⁴ The Partnership for Human Development (PHD), an integrated programme of Australia and Timor-Leste Governments, is particularly active on disability issues, especially by supporting Organizations of Persons with Disabilities (DPOs) such as ADTL and Ra’es Hadomi Timor Oan (RHTO) and other CSOs working on disability issues such as Pradet among others.

¹³⁵ Polytechnical Institute of Kesehatan Surakarta.

¹³⁶ See ‘Article 14: Rural Women’ of the present report.

217. In response, efforts toward improving access to inclusive education for children and PwD were initiated through the development and implementation of the 2017 Inclusive Education Policy and the 2016 National Youth Policy. These policies specifically identify young PwD as a priority target group for educational support.^{ccxxv}

218. Orientation training and mentoring for key education stakeholders was delivered under the PHD programme (with UNICEF support) to improve teaching approaches for PwD. A total of 87 education service providers (about 30% female) were trained.^{ccxxvi} Mentoring and capacity building for school leaders, teachers and mentors were already implemented in 223 schools as of June 2017. 16 mentors were trained with disability-inclusive educational practices and 228 school leaders were made aware of inclusive education and disability methods. This advocacy and training potentially impacted 15,000 students.^{ccxxvii} Nonetheless, more awareness-raising on PwD issues and training on teaching approaches for PwD among education stakeholders is still needed.^{ccxxviii}

219. Other initiatives include university programmes for PwD and scholarship programmes¹³⁷ to facilitate access to higher education.^{ccxxix} Infrastructures development following the new WASH standards in the education sector¹³⁸ (with UNICEF support)^{ccxxx} and awareness-raising of the local Water Facility Management Groups (*Grupu Maneja Fasilidade* - GMF) were also implemented.^{ccxxxi} These initiatives remains however rather limited in scale.

220. Finally, the Dili CLC established by MEJD¹³⁹ provides tailored education for PwD, teaching students with visual impairments in the morning and students who are hearing impaired in the afternoon. This objective aims to integrate PwD with other students in general education.^{ccxxxii}

Access to health for women with disabilities

221. To date, the CNR, established in Dili, is the largest legally mandated service provider specifically dedicated for PwDs. Its SRIKAR outreach programme is doing important work of identification of PwD in rural areas. By 2017, 30% of the identified PwD were referred to the CNR in Dili when considered necessary. The programme also includes assistance through the provision of wheelchairs (117 beneficiaries – 43% women), orthopedic prothesis (168 beneficiaries – 30% women), rehabilitation services based in the community, physiotherapy services, etc.^{ccxxxiii} To improve access

¹³⁷ 6 boys and 5 girls already received scholarship for the first semester of 2017 only, 16 males and 14 females benefited of equivalency exams by June 2017.

¹³⁸ See 'Article 10: Equality in Access to Education' of the present report.

¹³⁹ See 'Article 10: Equality in Access to Education' of the present report.

to health services for PwD, MSSI and MoH were supported in 2017 by the PHD programme to map existing services and referral pathways for PwD in all municipalities.^{ccxxxiv}

222. The PHD programme supported RHTO field officers at community level to identify the needs and facilitate PwD access to various services including maternal and child health services. The ‘Psychosocial Recovery and Development in East Timor’ (PRADET) organization is also supported for its Mental Health Support program, to improve opportunities and determine avenues for people with psychosocial disabilities to access services and family support (55% women beneficiaries).^{ccxxxv}

223. Finally, the evaluation of PNDS infrastructure projects, especially roads and bridges projects, revealed an improved access to health services for 41% of the PwD beneficiaries interviewed. Furthermore, water supply related projects also revealed encouraging results in terms of improved health for PwD¹⁴⁰.^{ccxxxvi} Nonetheless, general access for PwD to most infrastructures and transport, especially in rural areas remains a challenge.^{ccxxxvii}

Measures to address violence against women with disabilities

224. 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 in order to improve referral of women with disabilities victims of violence.

225. The recent UN joint project 2018-2020 ‘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.

226. In this framework, 2 DPOs are developing a toolkit on GBV against women and girls with disabilities, supported by a technical committee including representatives from Government, the GBV Referral network members and DPOs.^{ccxxxviii}

227. Despite positive steps by the Government at policy level and from disability advocacy bodies, there are still challenges for effective implementation. This means the barriers for PwD, especially women, remain high. Lack of funding and understanding of disability issues lead to limited reach of support services, NGOs and service providers, especially in rural areas. As such, the participation in all areas of life for people living with a disability is still significantly limited.

¹⁴⁰ 37 households with a disabled person interviewed.

Article 14: Rural Women

228. As the official national registration process (*Sistema Nacional de Cadastro – SNC*) is ongoing at the time of writing (expected to be finalized by the end of 2019), precise data relating to land ownership for women is not yet available. Nonetheless, estimations generally report that men individually own more land than women.^{ccxxxix}

229. 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, 5th June 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

230. 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 respectively passed by the Parliament on the 5th of June and 26th of April 2017 as the Law N°13/2017 and Law N° 8/2017. The Real Estate Financial Fund¹⁴¹ has been included under the Expropriation Law (art. 66). An additional Decree-Law is further expected for its regulation.

231. In addition to the Article 4 of the land law which formally guarantees equality between men and women, the law also provides for the protection of vulnerable groups (Art.5). The drafting of these laws has been informed by several years of studies and public consultations. Given their impact on people's lives, particular care has been taken to align them with the international Human Rights requirements of which Timor-Leste is party. As such, both, the land law and the expropriation law, directly refer to the Universal Declaration of Human Rights (UDHR), the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the CEDAW Convention.

232. The land law also clearly regulates the declaration of ownership and specifically encourages for declaration of joint ownership for couples (art. 32.7) in order to make sure that women have formal ownership rights over the land. Nonetheless, as the registration process is ongoing, women are facing various barriers in the process due, *inter alia*, to their literacy level being generally lower than men and having a lack of information on the process. As such, these barriers challenge their formal rights

¹⁴¹ Originally considered to be established in a separate piece of legislation.

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.^{ccxi}

Legal framework on eviction and compensations

233. Besides clearly promoting the principles of legality, justice, equality, proportionality, impartiality and good faith as principles to be respected in the procedure of expropriation (art. 8), the Expropriation Law also provides a specific attention to vulnerable groups: the implementation of any procedures under the Law 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).

234. The law also requires that the standard of living of interested parties affected by the expropriation should be at least equal to their previous standard of living (art.8.4). Furthermore, any expropriation must follow the principle of fair compensation for interested parties. This includes for financial costs resulting from expropriation, such as resettlement costs, commercial or other losses as well as the principle of compensation of interested parties for other non-equity values (art.57). Priority is given to compensation through the delivery of alternative real estate (or land reallocation) in order to prevent the loss of livelihoods by affected populations.

235. 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 women in relation with land policies and allocation of land

236. In addition to the compensation system provided under the new legislation detailed above, the Decree-Law N° 5/2011^{ccxli}, recognizes the specific relation between the environment and the Timorese people. This requires that Environmental Impact Assessments (EIA) and Environmental Management Plans (EMP) are mandatory for all infrastructure projects. These initiatives must consider and address the social and economic impacts on affected communities, which includes undertaking a consultation process. Consultation is considered an instrument of the decision-making process in the development of the project, integrating community views including those of rural women where relevant to create the proper conditions for project implementation.

237. In the case of the Tasi Mane Project¹⁴², these legal requirements were duly followed. They conducted and developed, EIAs and EMPs in 2012 involving consultations which largely aimed at informing the community about the nature and location of the planned development.^{ccxlii}

238. Following these plans, an extended land title and clearance was conducted in close coordination with the National Directorate of Land & Properties and Cadastral Services (*Direção Nacional de Terras, Propriedades e Serviços Cadastrais*, DNTPSC) and the Inter-Ministerial Working Group. This included these stakeholders partaking in several meetings, field trips, public consultations and liaising with local authorities, relevant stakeholders and affected communities. Communities were offered two options for financial compensation¹⁴³ in addition to resettlement¹⁴⁴. 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 (SSB) project. Training and skill development programmes were also planned (including English training) for local communities and maximizing participation of local labour¹⁴⁵.^{ccxliii}

239. 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

240. At political level, the Government made an important commitment in favour of rural women by developing and officially adopting the Maubisse Declaration signed in October 2015. This Declaration was approved by the former Prime Minister alongside nine State institutions¹⁴⁶, who agreed to take action toward improving rural women's lives.^{ccxliv} The declaration comprises a set of measures outlined in the 2011-2030 SDP, 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 people with disabilities in rural areas.

¹⁴² The major national petroleum sector project on the south coast involving the Ministry for Petroleum and Mineral Resources, and national oil company TimorGap.

¹⁴³ Either 10% of the supply base profits or 3 USD per square meter for an outright sale of their land.

¹⁴⁴ In Suai, the new resettlement area for the Lohorai affected community has fully completed and handed over to the community in 2017, encompassing 72 new houses and accommodating approximately 324 residents. A plan for an additional 64 new houses, access roads & drainage, water supply system, Chapel, a pre-school and recreational area, with a total area of approximately 5 hectares was completed in 2018.

¹⁴⁵ Additionally, teakwood was also considered in the compensation plan through auction.

¹⁴⁶ Ministry of Agriculture and Fisheries; Secretary of State for Support and Socio-Economic Promotion of Women; Ministry of Commerce, Industry and Environment; Ministry of Public Works, Transport and Communications; Ministry of Tourism, Arts and Culture; Ministry of State Administration; MoH: SEFPOPE; BNCTL.

241. After the first phase of the Declaration, the commitment was renewed in October 2018 for a 5 years' timeframe (2018-2023). The monitoring process of the Declaration was strengthened through its inclusion in the GRB process, supported by UPMA. This second phase is now involving 16 institutions¹⁴⁷, including the BNCTL, with clear objectives for each institution.^{ccxlv}

242. At the operational level, the PNDS programme¹⁴⁸ is greatly 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 and used by the whole community (including women, the elderly and people with disabilities). By 2018, following the objectives established under the strategic plan and the guide for gender and disability inclusion, women represented 40% of the participants in the PNDS socialization processes. In addition, in the selection of priority projects women made up 45.5% of Community Management Teams; 33.5% of PNDS staff at sub-national level after receiving training¹⁴⁹; and 29% of workers on construction projects.^{ccxlv}

243. In terms of infrastructure, by 2018, 26% of the projects built under PNDS came from women priorities and it is estimated that women represent 52% 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.^{ccxlvii}

Article 15: Equality before the Law

(No significant update in the reporting period)

Article 16: Marriage and the Family

¹⁴⁷ In addition to the previously mentioned institutions, the following institutions committed to the second phase of the Maubisse Declaration: Ministry of Planning and Strategic Investment; Ministry of Education, Youth in Sport; Ministry of Higher Education, Science and Culture; Ministry of Social Solidarity and Inclusion; Secretary of State for cooperatives; State Secretary for the Environment; Secretary of State for Land and Property.

¹⁴⁸ The Programa Nasional Dezenvolvimentu *Suku* (PNDS, or, National Program for Village Development) is an initiative of the Government of Timor-Leste that enables communities to choose, design and build small scale infrastructure projects in their village. PNDS is led by the Ministry of State Administration (MAE) and Ministry of Finance (MoF), in partnership with other ministries.

¹⁴⁹ Training has included the topics of conflict resolution, MIS, steel roof frames, finance management, Excel, mobile technical training, livelihoods, the use of basic ICT tools and women's leadership to name a few.

Civil registration and registration of marriage in its various forms

244. 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.

245. In this framework, it is under discussion to incorporate the rules of marriage and family into an autonomous law. The objective is to improve knowledge of the law and its application, as well as to promote the “*monogamous character, consensual rules, equality and the rights and duties of the law, regarding marriage and the family*”.^{ccxlviii}

246. 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 under MoJ are responsible for the transcription/recording in the civil registry/conservatory of catholic and traditional marriages (art. 12.3.d.). The registration of marriage in its various forms (civil, religious and traditional monogamic “*barlaqueado*”) intends to create the necessary conditions to ensure the effective celebration of marriage for citizens according to civil law.

247. Although the draft Civil 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.^{ccxlix}

Minimum age of marriage

248. The amendment of the Civil Code for a raise of the minimum age of marriage is under discussion.^{cccl}

Divorce

249. The divorce system established under the Civil Code 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).

250. The overall divorce procedure will be further detailed for both civil and traditional marriage under the draft Civil Registration Code.^{cccli}

Internuptial period

251. No amendment was processed in the reporting period 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.^{ccclii} 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 or has had a child after the dissolution, declaration

of invalidity or annulment of the previous marriage. In the latter case, the internuptial period is reduced to 180 days as for men.

Legislation related to de facto unions

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

Legal system for practical administration of land (and relationship with traditional system)

253. Following the national registration process (*Sistema Nacional de Catastro – SNC*) and the land law provisions (art. 32.7)¹⁵⁰, married couples are encouraged to make a joint land title by making a statement and take a photo together in their land plots.

254. 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).

255. In case of conflict, art. 39.2 of the Land Law suggests that if “*the disputed cases that cannot be settled by negotiation between the parties, mediation or other forms of agreement, are settled by administrative decision [...]*”. The latter being conducted by the Land and Property Commission. The Decree-Law establishing the later Commission is already developed and approved by the Council of Ministers and will start operating in 2020. The Decree-Law provides that arbitration processes must ensure not to violate women’s rights.^{ccliii}

¹⁵⁰ See ‘Article 14: Rural Women’ of the present report.

Article 1: Definition of Discrimination and Legislative Framework

- ⁱ Law N° 3/2017, 25th Jan. 2017 – Art. 3: Principle of Non-discrimination.
- ⁱⁱ Law N° 12/2016, 14th Nov. 2016 – Art. 6: Principle of Equality / Art. 7: Principle of Equity.
- ⁱⁱⁱ Law N° 13/2017, 5th June 2017 – Art. 4: Equal Rights / Art. 5: Duty of Respect of Vulnerable Groups.
- ^{iv} Law N° 8/2017, 26th April 2017 – Art. 66.
- ^v Ministry of Justice’s response to CEDAW Questionnaire, Sept. 2019.
- ^{vi} Ministry of Justice’s response to CEDAW Questionnaire, Sept. 2019.
- ^{vii} ‘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].
- ^{viii} Ministry of Justice’s response to CEDAW Questionnaire, Sept. 2019
- ^{ix} Seminar Report, Gender Responsive Alternative Dispute Resolution, Dili, 4-5 December 2017, UN Women Timor-Leste, April 2018, p.10.

Article 2: Policy Measures

Access to Justice

- ^x 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.
- ^{xi} 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*.
- ^{xii} 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.
- ^{xiii} Seminar Report, Gender Responsive Alternative Dispute Resolution, Dili, 4-5 December 2017, UN Women Timor-Leste, April 2018, p.21.
- ^{xiv} Response of the Office of the Public Defender to the CEDAW Questionnaire, 16th Oct. 2019.
- ^{xv} Response of the Office of the Public Defender to the CEDAW Questionnaire, 16th Oct. 2019.
- ^{xvi} Interview of Dr. Cancio Xavier, Defensor Público-Geral de Timor-Leste, 09/10/2019.
- ^{xvii} ALFeLa’s response to CEDAW questionnaire, August 2019.
- ^{xviii} 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.
- ^{xix} *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, p. 9.*
- ^{xx} *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.*
- ^{xxi} 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.
- ^{xxii} Interview of Dr. Antonino Gonçalves, Legal and Judicial Training Center (LJTC), 14/11/2019.
- ^{xxiii} Decree-Law N° 18/2016, 22nd of June 2016 - Training Activities Regime of the Legal and Judicial Training Center, – Previously called ‘Legal Training Center’.
- ^{xxiv} Ministry of Justice’s response to CEDAW Questionnaire, Sept. 2019; Interview of Dr. Antonino Gonçalves, Legal and Judicial Training Center (LJTC), 14/11/2019.
- ^{xxv} Response of the Court of Appeal (acting as the Supreme Court) to the CEDAW Questionnaire, 7th Nov. 2019.
- ^{xxvi} Justice System Programme – 2016 Annual Progress Report, UNDP Timor-Leste, March 2017, p.5.
- ^{xxvii} Justice System Programme – 2018 Progress Fact Sheet, UNDP Timor-Leste, p.2.
- ^{xxviii} SEII Training Department data.
- ^{xxix} ‘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-iha-kazu-violensia-domestika_ENGLISH.pdf](http://jsmp.tl/wp-content/uploads/2015/01/JSMPJSMPkongratula-tribunal-tanba-aplika-instrumentu-CEDAW-iha-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 violéncia 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].

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

^{xxxi} 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.

Article 3: Measures to Develop and Advance Women

^{xxxii} 2015-2017 Secretariat of State for the Socio-Economic Support and Promotion of Women, VIth Constitutional Government, July 2017, p.30.

^{xxxiii} 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.

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

^{xxxv} 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.

Article 5: Sex Roles and Stereotyping

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

^{xxxvii} 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.

^{xxxviii} 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.

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^{xli} ‘*SECOMS begins training on the promotion of gender equality*’, Timor-Leste Government website, 27th Sept. 2018 - <http://timor-lesste.gov.tl/?p=20608&lang=en&lang=en> [accessed on 27/09/2019].

^{xlii} 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.

^{xliiii} 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.30.

Violence Against Women

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^{xlvi} 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.

^{xlvii} 2009/2010 DHS, pp. 214-215 and 2016 DHS, pp. 291-292.

^{xlviii} 2015 *Nabilan* Baseline Study, p.86.

- ^{xlix} 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.
- ^l 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.
- ^{li} 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.
- ^{lii} SEII Training department data.
- ^{liii} 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.
- ^{liv} 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.
- ^{lv} Gender Strategy Timor-Leste National Police 2018 – 2022, Timor-Leste National Police (PNTL) General Command, 2019, pp.4-9.
- ^{lvi} 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.
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- ^{lviii} Justice System Programme – 2017 Annual Progress Report, UNDP Timor-Leste, March 2018, p.8.
- ^{lix} Response of the Court of Appeal (acting as the Supreme Court) to the CEDAW Questionnaire, 7th Nov. 2019.
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- ^{lxi} Sentencing and Domestic Violence: Suspending prison sentences with conditions, JSMP, December 2017.
- ^{lxii} Charging, Trials and Sentencing in Cases of Sexual Violence in Timor-Leste 2012-2015, JSMP/The Asia Foundation/Australian Aid, December 2017.
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