

UNMIT Gender Affairs Unit Quarterly Report,

July–September 2007

Executive Summary

Successful presidential and parliamentary elections were held in April and June of 2007 with a record number of women participating in the polls. The high incidence of women voting was largely due to a systematic voter education programme targeting potential women voters. Some best practices in electoral processes were documented.

Out of the 65 member parliament 20 are women. Women also gained three important ministerial positions namely, Finance, Justice and Social Solidarity.

The new IV Constitutional Government's Programme refers specifically to development and the role of women and provides for the raising of society's awareness about women's rights and reinforcing gender perspectives in the conception and assessment of national development policies and strategies. Reference is made in the programme for the need to create special commissions that will deal with, inter-alia, women's justice concerns.

A gender budgeting workshop was carried out for the women parliamentarians on the 22nd of September to assist them analyze the proposed budget of the new government and integrate gender perspectives.

UNIFEM has launched a new campaign entitled "Men against Violence" which aims to have unequivocal statements from the country's leaders that: Violence against women is a crime and that violence against women will not be tolerated.

A one-day national workshop was organized by UNFPA and the Office of the Secretary of State for the Promotion of Equality, on the subject of 'Preventing and Responding to Gender-Based Violence in Timor-Leste.' A total of 63 participants attended including referral partners who provide emergency medical, psycho-social, legal, shelter and other services for victims of domestic violence, sexual assault and child abuse. Other participants included local NGOs, police, women's organizations, representatives from Government, prosecutors and judiciary, Chiefs of Suco (villages) and representatives from IDP camps and communities.

On 5 September, the Secretary of State for Promotion of Equality advised the local media that her department had identified four ministries to be part of a pilot program for implementation of a gender mainstreaming and gender balance initiative. The four ministries are Education, Health, Justice and Agriculture.

The first report to the CEDAW (Convention on the Elimination of all forms of Discrimination against Women) Committee is now complete and is presently awaiting adoption by the Council of Ministers before it is sent to the Committee.

The MDG Fund (Spain and UNDP agreement) has approved a sum of US 5.9 million for promoting gender equality in Timor-Leste. This sum will be utilized to address gender based violence including domestic violence, trafficking and provide conditional cash transfers to female headed households. UNIFEM will be the lead agency for the implementation of this programme.

Policy/Operational Priorities for this Quarter¹

Presidential and Parliamentary Elections

Presidential and parliamentary elections were conducted in April and June under the auspices of the Government of Timor-Leste. A high overall voter participation of 81 per cent out of a total of 529,198 registered voters and 47 per cent for women, were recorded by electoral officers. A generally calm security environment prevailed during the voting which together with a voter education programme specifically targeting women voters, encouraged the high participation of women. The elections resulted in the former Prime Minister José Ramos-Horta being sworn in as the new President on 20 May, succeeding Kay Rala Xanana Gusmão, and the inauguration of a new 65 member Parliament on 30 July 2007. Out of the 65 member parliament 20 are women. Women also gained three important ministerial positions namely, Finance (Emilia Pires), Justice (Lusia Lobato) and Social Solidarity (Maria Domingas Fernandez Alves).

Indeed, it was a commendable achievement to maintain the momentum throughout the three polls. Where observers feared a relative voters' fatigue from one poll to the other, voters in Timor-Leste on the contrary showed eagerness to exercise their right to vote. The disaggregated data by gender sheds light on the active participation of women in the electoral process in Timor-Leste. Beyond the statistics of 49 per cent of the registered voters representing women, it is worth mentioning that 18 women candidates out of a total of 246 women candidates, who contested, won a seat in the parliamentary elections, bringing to 28 per cent the representation of women in the Timor-Leste Parliament.

The current Cabinet encompasses 5 women: 3 Ministers, 1 Vice-Minister and 1 Secretary of State. Women's active participation was also noted in the government election management bodies: STAE and CNE.

25 per cent of the STAE staff posted in Dili during the election period were women whereas they represented 33 per cent of STAE staff in the districts whilst 33 per cent of the CNE Commissioners in Dili were women and 38 per cent in the field.

In keeping with the United Nations policy to promote women's participation in the electoral process, UNMIT pursuant to its mandate under Security Council Resolution

¹ This should refer to any new developments or changes in the contextual environment of the mission, or priorities that build on or deviate from those identified in the previous quarter.

1704, which urges Elections in Timor-Leste to mainstream gender perspectives, facilitated the recruitment of a total of 93 women District Electoral Advisors out of 250.

Women's Political Platform

UNMIT and United Nations agencies supported several initiatives to ensure and secure an inclusive approach to the elections. The United Nations Development Fund for Women (UNIFEM) and the United Nations Development Programme (UNDP) specifically designed several components of the voter education programme to address women voters. UNIFEM took the lead in supporting a Timorese women's NGO to monitor political party manifestos to assess commitments to women's rights and gender equality, and offered support to women in political parties, resulting in the signing of a women's political platform by 12 of the parties. One of the eight presidential candidates was a woman, and one of the 16 parties competing in the parliamentary election, which won three seats, was led by a woman. At the elections, 18 women were elected to the National Parliament out of 65 members, however following the formation of the government and substitution of existing members, the number of female MPs has risen to 20 out of 65.

Support in the form of campaigns on women's empowerment, workshops with women's organizations, potential and actual candidates to the Legislative Elections and women's wing of political parties by UNIFEM, the Office of the Secretary of State for Promotion of Equality, women's organizations such as REDE FETO, Women's Caucus, Alola Foundation and Fokupers proved invaluable in raising awareness about women's rights. The workshops also ensured agreement between women candidates on a women's political platform. REDE FETO, a network of women's organizations campaigned extensively on the Women's Platform for Action adopted at the 2nd Women's National Congress in 2004. Based on the Women's Platform for Action, the women political party representatives adopted a Women's Political Platform which they signed and based their campaign on during the elections and undertook to implement once elected. The Platform covers a wide range of issues ranging from Health, Education and Economic Development to Justice, Security, Culture and Political Participation.

The Women's Political Platform which was signed by 12 of the 14 parties contesting the elections, cut across party lines and is an important undertaking by women to work together on women's empowerment in all sectors and gender equality.

Affirmative Action Policy – a double edged sword

Prior to the 2007 Legislative and Presidential Elections, UNIFEM together with the Office for the Promotion of Equality (now Office of the Secretary of State for Promotion of Equality), REDE FETO the women's network, the National University of Timor-Leste and local women's NGO Fokupers and the Women's Caucus undertook various consultations with stakeholders including leaders of political parties, women's wings and female members of political parties to ascertain ways to support women's participation in the elections. Based on the experience of the village elections, where special reserved

seats for women was introduced into the electoral law, the majority of participants including leaders of political parties, agreed that some form of affirmative action was needed in the electoral law for the legislative elections to encourage and ensure women's participation. Some were not convinced as they argued that women's participation should be based only on merit. Nonetheless the discussion also covered the women's vote and when reminded that women were almost as numerous as male voters, and that it was the intention of the women's organizations to target women voters, political party leaders took notice and were much more amenable to promoting women's participation through affirmative action.

The Law on Election of the National Parliament (Law No 6/2006) includes two affirmative action clauses. Article 12 states that there should be at least one woman in every group of four in the political party list with pain of being rejected if this is not adhered to. In order to counter negative experiences of the Constituent Assembly elections where one political party had placed a woman at the top of its list and had subsequently only one member elected, was compelled to promptly recall the woman official and substitute her for the President of the party (next on the list), the law under Article 13 also states, that any substitution of female elected officials after the elections, had to be done by the next woman on the party list.

An evaluation of women's participation in the elections has confirmed that the affirmative action clauses, has assured women's inclusion in the party lists, since the women's wing of political parties still do not have adequate strength to influence the party decision making processes. This has been true of most parties with the exception of one party whose President is a woman. She has in fact stated that she has found the affirmative action policy and especially the formulation of the wording limiting. Her choice would be to place female candidates in the beginning of the party list. However as her party is new and she has limited number of female members, she had to stagger placement of her female members throughout the list as described by the electoral law (in each group of four) to meet the law's requirements. Another party which had more than 30 per cent female candidates, but which had not met the "in every group of four" criteria had the list rejected, but was reinstated only after changing the order of the placement of female candidates. A review of this form of affirmative action is necessary for future elections.

Promotion of Women's Vote in the Electoral Process

Article 31.2 of the Rules and Procedures governing polling and counting for the 2007 Presidential Elections in Timor-Leste, as well as the Rules of Procedures for the Parliamentary Elections, stipulate that priority should be given to pregnant women, as well as sick, physically challenged and elderly persons in the polling lines. This courtesy is in practice extended to women with infants. Such facilitation, which stems from practices put in place during previous UN-administered elections, was formalized in the above set of Rules and Procedures on the recommendation of the legal advisor of the UNMIT Electoral Affairs Section, and was widely accepted and upheld during the nationally-led 2007 electoral cycle. In a country where the fertility rate is among the

highest in the world (with women having an average of 7.7 children), the priority provided to pregnant women and women with infants, facilitated the polling process of a large number of Timorese women.

The average turnout registered by the recent Election of Timor-Leste which spanned from April to June 2007 saw a record number of 425,970 voters' participation out of 525,398 registered voters. In terms of percentage, this turnout represents 81% of the registered voters. The careful post election analyses conducted indicate that 47% of voters were women against 53% of men. One can conclude that the massive participation of women, unlike in some countries in the South-Eastern Asia Region, is primarily due to the successful campaign in the following areas: voter education; civic education and the positive attitude of national election management bodies. The Voter Education conducted, with the strong involvement of the UNMIT Electoral Assistance Section, UNDP and NGOs, essentially created awareness about the polling exercises and voting procedures among the local population and further disseminated information to the general public and media. The Voter Education materials which were overtly gender sensitive seemed to have played a catalytic role. One poster, read "WOMEN: let us listen to our voices – WOMEN: do not let anybody tell you how to vote – WOMEN: Our vote is secret" whereas another one read: " I can" and another "Our votes will determine the future of our Nation – In order to vote, we need a voter card, whether it is an old one or the new one – If you do not have the Voter Card, you must register now – registration ends on 16/3/2007 – Registration is carried out in the Administration Office in each Sub-District". Word of mouth appears to have been a significant factor, in a country where only about 9 per cent of the population has access to popular media. Women passing information to other women was the normal means of communication. The Voter Education programme was fairly extensively carried out in the whole country with almost every village being targeted at least once. The high number of polling stations and their distribution, in consideration of the geography of Timor-Leste helped. Most women did not have to travel long distances to vote. Both men and women line keepers organized voters' queues giving priority to pregnant women and those with infants during the polling process. This was organized in an orderly fashion with commendable courtesy shown by the voters. Ambulances and other emergency vehicles were on stand-by but were not solicited. The generally calm and secure voting environment encouraged a large voter turnout.

Support to enhance women's participation in the transitional process

The present IV Constitutional Government's Programme's has a section on women's development and their role in the harmonious development of the Timorese society. The provision states that the Government intends to raise society's awareness about women's rights by focusing on the implementation of practices aimed at:

“ Reinforcing the introduction of the gender perspective in the conception and assessment of national development policies and strategies; Reinforcing Women participation in the decision-making bodies in all levels, particularly in the domains of political, economy, social and cultural life and ensuring equal opportunities by relying on positive

discrimination whenever required; Develop and broaden information, communication and education programmes regarding Women's Rights by using national languages and accessible methods (arts and audiovisual techniques) and involving social communication channels in order to raise their levels of awareness and enable them to handle violence reports; Implementing strict policies in order to fight domestic violence, which poses women as the main victims; Supporting female heads of low income families by means of projects aimed at the generation of revenue and self-employment programmes; Reinforcing the capacity of intervention of organizations and groups acting on the defense of Women's Rights, particularly the NGOs, by granting them more resources for the development of activities in favor of Women, such as the fight against poverty, violence and discrimination, access to credit lines, professional training and employment, education, health and the development of revenue-raising activities; Improving articulation and coordination among the several intervening parties, focusing on the optimization of resources and the impact of the feedback."

Whilst the thrust of the provision taken by itself appears positive, women are generally grouped together with elderly women and the vulnerable. The strength, particularly of the women parliamentarians and NGOs is often ignored. Whilst it is true that women in Timor-Leste on the whole have low literacy, health, high maternal mortality and highest fertility in the world, they also work in the fields, are agriculture farmers, micro-entrepreneurs, and do engage in most levels of employment and civic activity.

Gender Budgeting Workshop for Women Parliamentarians 22 September 2007.

To support the activities under the IV Constitutional Government's Transition Programme a transition budget was submitted to parliament for discussion during the second half of September. In order to prepare for the budget discussion, UNIFEM, the Women's Caucus (an NGO) and UNMIT Gender Affairs Unit organized a one day workshop on gender budgeting tools and gender analysis of the budget for women parliamentarians. The programme covered a briefing on the Timor-Leste budget formulation process and cycle, the gender budgeting tools of analysis, monitoring and audit and a workshop to conduct appraisal of the national budget for integrating gender perspectives in the sectors of education and health.

MDG Fund (UNDP-Spain Agreement) for promoting Gender Equality

Pursuant to an agreement between UNDP and Spain, the MDG Funding Facility has agreed to a grant of 5.9 million US dollars for promoting gender equality and women's empowerment in Timor-Leste under the programme " Supporting Gender Equality and Women's Human Rights in Nation-building of Timor-Leste". The programme will support the objective through two pillars 1) protecting women from violence and sexual abuse and 2) protecting them from economic hardship by ensuring access to resources and services.

Pillar I will aim to reduce violence against women by addressing the issues of violence and sexual abuse; and the issue of access to justice, protection and the legal means to fight violence and abuse through:

- adoption and effective implementation of Domestic Violence Law and National Action Plan on gender based violence;
- providing effective mechanisms to prevent trafficking through capacity building of the Government of Timor-Leste and other stakeholders at all levels especially local councils (*Suco* or Village Councils);
- improving support services for victims of gender-based violence.

Pillar II will aim to reduce economic hardship and deprivation of women, addressing the issues of discrimination against women in the equitable access to resources, services and ownership of assets through:

- supporting the development, adoption and implementation of gender responsive budgeting;
- supporting the Government of Timor-Leste in developing a social protection scheme for women headed households through conditional cash transfers;
- supporting *Suco* or Village Councils in identifying and responding to the priority service delivery needs of women and girls.

UN agencies such as UNDP, UNICEF, UNIFEM, UNFPA, and IOM, in partnership with the Government of Timor-Leste will implement the Joint-programme. Other partners include NGOs, faith based groups, and the academe. The programme document has been finalized and submitted to the administrative organ of the MDG Fund.

Gender Mainstreaming and Gender Balance Initiative of the Secretary of State for Promotion of Equality

On 5 September, the State Secretary for Promotion of Equality advised the local media that her department had identified four ministries to be part of the pilot program for implementation of gender mainstreaming and gender balance initiative. The four ministries are Education, Health, Justice and Agriculture. This is the initial pilot attempt to achieve gender mainstreaming and gender balance within the four ministries and will be extended to the other ministries depending on the success of the pilot effort.

Post Election Disturbance and Internal Displacement.

Elections are a fundamental step in consolidating democracy. However the subsequent formation of the government led to a disagreement in the interpretation of the constitutional provisions related to the appointment of the Prime Minister and triggered off public disturbances resulting in significant property damage and displacement of population, through burning of properties and intimidation, however, without any loss of life. Women, men and girls and boys continue to take refuge in makeshift shelters in Internally Displaced Camps. The humanitarian situation continues to present challenges. A fluctuating but significant part of the population, approximately 100,000, including 49,000 women and girls, remain displaced for a significant period, living in poor conditions in camps or with host families.

The overall humanitarian response, led by the Ministry of Social solidarity has been positive, with no outbreaks of disease or shortages of relief items during the first half of 2007, attributable in part to bilateral donor support and mobilization of resources from

the Central Emergency Response Fund. Following continued Government appeals and offers of support, some families have moved into transitional housing. The World Food Programme (WFP) distributed more than 9,000 tons of food, primarily to internally displaced persons (IDPs). Assistance was also provided to displaced women and children by other United Nations country team members, including UNICEF, through its maternal and child health programme, and UNFPA. A consolidated appeal for Timor-Leste was launched on 17 January for the period from January to June 2007 and was revised in July to request an additional \$17.9 million to sustain financial support for the humanitarian response through December 2007.

The presence of the Internally Displaced Camps for a considerable period has caused restlessness among the IDPs and general discontent for apparent inaction on the part of the government. The burning of the land registry and records during the disturbances has caused uncertainty regarding land ownership and adds another dimension to problems related to the return and reinsertion of the IDPs.

Ongoing Activities:

Gender mainstreaming within the mission continues with presentations on gender awareness and gender mainstreaming at induction courses for all new staff members to the mission. These are conducted twice monthly and more frequently when there is a large influx of new staff such as UNPOL following a rotation exercise.

UNMIT continues to give high priority to the zero tolerance policy on sexual exploitation and abuse. The Mission's Conduct and Discipline Unit is providing training for all United Nations personnel in the prevention of sexual exploitation and abuse. A module on harassment in the workplace, including sexual harassment, was included in the induction programme for new staff. During the reporting period, eight allegations of sexual exploitation and abuse were reported, of these three were found to be unsubstantiated, three are under preliminary investigation, one is under investigation by the Office of Internal Oversight Services and one resulted in disciplinary action.

The rights of children and women and gender-based violence continue to be issues of particular concern. An Administration of Justice Support Section, consisting of gender, juvenile and corrections officers, has been established within UNMIT. It will initially focus, in cooperation with the Timorese authorities, on an independent review of the justice sector. UNICEF, UNIFEM and UNFPA continue to support the Office of the Secretary of State for the Promotion of Equality by assisting with the drafting of legislation and policies, engaging in capacity-building and conducting advocacy on issues of concern to women and children, including domestic violence and child protection. Together with the Vulnerable Persons Unit of the national police force, they have further helped the Ministry of Social solidarity and the Ministry of Health to strengthen services for victims of abuse and gender-based violence. The International Organization for Migration (IOM) is supporting the Interagency Counter-Trafficking Working Group, chaired by the Ministry of Foreign Affairs and Cooperation.

A series of 10 trainings on gender-based violence awareness-raising, emergency support services (medical, psycho-social, legal and other), as part of the referral network in addition, to awareness-raising on human trafficking and prevention have been conducted. A total of 249 participants, including representatives from IDP camps, communities, the police, local Chiefs, women's organizations, youth groups and the Church attended. The training took place in Dili and three districts namely, Baucau, Atauro and Liquica and was supported by UNFPA. Partner organizations such as JSMP (legal services), Pradet (trauma counseling and shelter), the Ministry of Social Services (children at risk) and IOM (trafficking) made presentations during this series of training. Further awareness-raising in IDP camps, especially in the eastern districts, has been recommended;

A total of 2300 anti-trafficking posters and 1500 postcards were designed by IOM with the support of UNFPA produced and distributed to UN agencies, local NGOs and their networks, UN CDU, UNPOL/PNTL Community Police, schools, Ministry of State Administration (District Administration) for Suco Councils, MSS, Immigration, Ministry of Foreign Affairs and Cooperation, Ministry of Education and the Secretary of State for Promotion of Equality.

Ongoing one-day trauma support workshops are being provided to Police National Timor-Leste (PNTL), by PRADET, a local NGO specializing in trauma counseling. To date, 1200 police officers have benefited from the training. Introduced as part of screening process in 2006, this series of workshops has now been extended to all members of the PNTL to help them deal with trauma and recognize the difference between the normal reaction to trauma and post-traumatic stress syndrome (PTSD). This training will be expanded to the districts, shortly.

With the support of UNFPA, Pradet and the Ministry of Health have developed a Medical Forensic Protocol for victims of domestic violence, sexual and child abuse. This is in the process of being finalized. Familiarization with the protocol has already begun with seminars for UNPOL/PNTL VPU, community police, JSMP, Fokupers, ICMC, local Suco Chefes and health workers in Dili, Ermera and Manatuto.

There is ongoing support to organizations providing key services (medical, legal, counseling and shelter) to victims of domestic violence, sexual assault and child abuse by referral partners supported by UNFPA. In the period January – June 2007, PRADET received 83 referrals at the Safe House at the Dili National Hospital; the Victim Support Services at JSMP received 64 referrals and Fokupers received 41 cases. PRADET has performed follow-up to their existing case load in Suai and Ainaro during this reporting period.

Meetings have taken place between the Secretary of State for the Promotion of Equality, UNMIT Gender Affairs, Gender Justice, UNFPA and the Domestic Violence (DV) Legal team with a view to incorporating final suggestions to the draft Law on Domestic Violence. Further meetings are due to take place shortly to discuss a strategy to lobby Parliament to pass the DV law. Through a series of live debates on the radio and television networks of Timor-Leste (TVTL, RTTL) with candidates, some initial

lobbying for the DV law in addition to highlighting the problem of GBV in Timor-Leste took place during the recent election campaigns.

CEDAW reporting capacity building.

The first report to the CEDAW Committee is now complete and is presently awaiting adoption by the Council of Ministers before it is sent to the CEDAW Committee. In the meantime UNIFEM has been working with NGOs to empower them to monitor the implementation of the Convention. A three days training workshop was organized and took place from the 25th -27th September for the NGOs to draft the shadow CEDAW report. IWRAW (International Women's Rights Action watch) Asia Pacific, a regional NGO conducted the training.

The Provedoria for Human Rights and Justice (PDHJ) has started consultations with members of civil society and NGOs to create a multidimensional voluntary advisory council, representing in particular vulnerable groups, disabled people, minorities, women and trade unions, to advise the PDHJ on several issues under its mandate.

Enhancing democratic governance peace and security.

UNMIT and the United Nations Country team held a one day retreat on democratic governance on the 28th of September 2007. The rationale for the retreat was to support the Government and relevant institutions, with a view to consolidating stability, enhancing a culture of democratic governance, and facilitating political dialogue among Timorese stakeholders, in their efforts to bring about a process of national reconciliation and to foster social cohesion; assist, in cooperation and coordination with other partners, in further building the capacity of State and Government institutions in areas where specialized expertise is required, such as in the justice sector and to assist in further strengthening the national institutional and societal capacity and mechanisms for the monitoring, promoting and protecting of human rights and for promoting justice and reconciliation, including for women and children, and to observe and report on the human rights situation. Besides UNMIT several members of the UNCT are also directly mandated to work in the area of democratic governance including the justice sector.

The various activities that have so far been carried out in these and related areas are significant but lack the benefit of a strategic framework that will ensure a focus on integrated priority interventions that promote the overall mandate of peace and security. The objective of the retreat was to develop an agreed strategic framework for all United Nations activities in support of the further consolidation of democracy in Timor-Leste as a basis for a subsequent consultation with the relevant Timorese actors of sovereignty, civil society, media, the churches, and bilateral and other multilateral partners. The output of the exercise was a draft strategy for UNMIT and the UNCT to support the people of Timor-Leste in rebuilding democratic governance with a concrete list of priority actions which UNMIT and UNCT will support the implementation of within (1) 6 months – short term, (2) 2 years – medium term, and (3) 5 years – long term.

Seven background strategy papers were prepared to support the discussions on democratic governance. Gender was recognized as a cross cutting theme to be integrated in all papers. The Senior Gender Adviser prepared a paper entitled “Engendering Democratic Governance and Political Culture Transformation”. Other background strategy papers included “Check and balance between the four organs of sovereignty, Democratic culture, Key political and democratic institutions” “Processes and actors – Parliament, elections, Office of the President and political parties”, “Justice, rule of law and human rights”, “Public service (civilian and uniform), transparency, accountability, corruption and decentralization” and “Civil society and media”. Each paper analyzed the current situation, identified the main challenges and proposed time bound strategies for addressing them within six months, two years and five years. The approach adopted a forward looking strategy aimed at developing an overall strategy that will result in a situation where Timorese democracy has a firm and sustainable foundation that will enable the relevant Timorese actors to move the process forward themselves, with decreasing international support.

Decentralization.

The decentralization process is supported by UNDP and the United Nations Capital Development Fund. Pilot local assemblies in four districts were supplied with necessary equipment and technical support. The Office of the Secretary of State for the Promotion of Equality, with assistance from UNIFEM, supported dialogue initiatives involving 727 women to develop linkages between leaders and community support structures for women’s leadership. UNDP also supported the Ministry of State Administration in developing the personnel information management system. Efforts are underway to organize activities to prepare and encourage more women to participate in the local elections scheduled to be held in 2008.

Partnerships and Coordination

Preventing and Responding to Gender-Based Violence

A Referral Partners’ Workshop on ‘Preventing and Responding to Gender-Based Violence in Timor-Leste’ was held in Dili on the 11 September 2007. This was a one-day workshop, organized by UNFPA and the Office of the Secretary of State for Promotion of Equality, (OPE). A total of 63 participants attended, including referral partners who provide emergency medical, psycho-social, legal, shelter and other services for victims of domestic violence, sexual assault and child abuse as well as local NGOs, police, women’s organizations, representatives from Government, prosecutors and judiciary, Chiefs of Suco (villages) and representatives from IDP camps and communities. The workshop was also attended by the Senior Gender Adviser and staff of the UNMIT Gender Affairs Unit.

A basic network of services for victims of domestic violence and sexual assault has been in existence since 1999 and has been further consolidated as a result of the socio-political crisis in mid-2006. At present, this network of services mainly operates in Dili. The

referral process is very informal and has developed organically, with some strategic technical and financial support from UNFPA, the OPE and UNICEF.

The objectives of the workshop were to help participants understand and describe the key concepts and basic issues underpinning all forms of gender-based violence in Timor-Leste, based on existing and forthcoming legislation and provide best practices information on communicating with and offering support to survivors as well as ensuring clarity of roles and responsibilities in the referral process.

The Secretary of State for the Promotion of Equality, the UNFPA Country Representative, the Ministry of Social Services, PRADET, JSMP (Victim Support Services), Vulnerable Persons' Unit of the PNTL and Fokupers all gave presentations on their respective agencies' work and the services they have to offer. The Gender Programme Officer from UNFPA presented a session on 'Understanding Gender-Based Violence' in Timor-Leste in addition to providing an overview of the existing and forthcoming legislation relating to gender-based violence, the draft Law against Domestic Violence and the amendments to the Penal Code. Representatives from the VPU/UNPOL facilitated a session on case studies and identified best practices for referral partners when handling cases of gender-based violence. UNFPA provided participants with contact information for the referral network, distributing cards, posters and lists of referral partners working in both Dili and the districts.

The recommendations from the participants at the workshop called for strengthening of relationships between NGO and Government service providers; increased access to referral services in the districts; increased awareness-raising and training on rights of women for Government, judiciary, police and communities; clearer guidelines and legislation protecting children; strong lobbying for the Domestic Violence Legislation to be passed as soon as possible which involves consulting with the Ministry of Justice and Secretary of State for the Promotion of Equality to discuss ways in which the law can be carried through Parliament; further capacity-building for referral partners, particularly training for health workers, doctors and midwives on performing medical forensic examinations; better follow-up on cases, especially reporting back to the police; greater patience with the police and an appreciation of the length of time it takes for cases to be referred back to the police from the Office of the Prosecutor. At present, it takes 2-3 months for the Prosecutor to issue a warrant for arrest and further collection of evidence in cases of gender-based violence. The recommendations also included better human and financial resources for the police so that they can act more quickly and are more able to respond to the needs of victims. It was recognized that an analysis of existing legislation and procedural rules or the application of the rules governing the current police powers was needed together with an examination of ways in which victims can be encouraged to report crimes of gender-based violence.

In Timor Leste, unlike many post conflict contexts, Sexual and Gender-based Violence (SGBV) is actually one of the most frequently reported crimes. This high reporting level may be attributed to a campaign launched by the former Special Representative of the Secretary General in Timor-Leste, Sergio Viera de Melo, which brought a taboo issue

into the arena of public concern. With support from the advisory office to the Prime Minister of the previous government and women's organizations, sexual and gender based violence has since been debated in public forums as an unacceptable crime. Even though today SGBV is a much more recognized issue than in the past, very few of the cases reported are successfully brought to trial and very few women are given redress for the crimes committed against them. For victims of SGBV there have been few changes between cases suffered during the military occupation and conflict, when rape was used as a tool of war, and current types of sexual violence. Women continue to be extremely disempowered and continue to be subject to violence including sexual violence.

As part of a pilot project entitled Supporting Community-led Initiatives to Promote Women's Engagement in Peace-Building and Prevention of Sexual Violence in Timor Leste, UNIFEM has commissioned a base line research in the two site districts Covalima and Bobonaro. Preliminary findings show that the situation of women is particularly precarious in some aldeias and sucos where women are chained to a cycle of abuse. The violence may begin within the home, including sexual violence, which makes women particularly vulnerable at the onset of adolescence and can offset a cycle of lifelong despair and sexual exploitation in cases where women engage in prostitution or are forced into prostitution for lack of livelihood alternatives. Preliminary findings also suggest the involvement of local authorities in supporting organized prostitution.

The two site districts were chosen because of women's vulnerability due to geographical isolation, history of violence and sexual abuse, incest and lack of economic opportunities. Being border districts there can also be vulnerability to human trafficking, from within the district and to town centers, including the capital Dili, as well trafficking through, from and to Indonesia. The baseline research also examines these and will provide insights and recommendations.

Continuing efforts to raise awareness about the issues surrounding SGBV and available support services for survivors are crucial to combating the problem and form an important component to achieving the overall GOALS of the programme which are:

- Women are protected from sexual and gender based violence in the peace-consolidation period in Timor Leste.
- Women have better access to more gender-sensitive services for reporting and redress
- Women are politically and socio-economically empowered to participate in conflict prevention and peace consolidation addressing the issue of SGBV.

UNIFEM's Men against Violence Campaign

UNIFEM will launch a "Men against Violence Campaign" in November. Part of the communications strategy for the project aims to have unequivocal statements from the country's leaders that violence against women is a crime and that violence against women will not be tolerated.

The campaign will take the form of radio and televised public service announcements with short but strong messages from the identified leaders, as well as posters of the leaders with their arms crossed as a key sign for the campaign with an appropriate stop violence against women message. The campaign supported by UNMIT will be officially launched in November 2007.

The participation of the President of the Republic, President of the National Parliament, Prime Minister, President of the Court of Appeals, Head of the Fretilin Parliamentary bench, Heads of the FFDTL and PNTL together with participation of Bishop Basilio do Nascimento, Head of Hak Foundation, Dr Rui de Araujo and Sr Francisco Xavier do Amaral will promote a strong message. It was deemed appropriate that these men as heads of the State and leaders of the community, provide the first words to the launch of the campaign.

Key Achievements and Impact Analysis

The successful advocacy and electoral participation campaign resulted in a high turnout and polling of women and 18 women were elected to the parliament. This was mainly due to the effort of the UNMIT Electoral team working with the United Nations Country Team (UNCT) particularly UNIFEM and women's NGOs to promote women's participation. Special advocacy efforts were focused on elderly women, pregnant women and mothers with infants. Priority given to pregnant women or women with infants in the polling process encouraged mothers to vote as they did not have to stand in long queues. Facilitation of the participation of older women in the polling process also enabled elderly women to vote. Advocacy to encourage men to vote for women was a unique feature of the electoral process.

Voter registration through the issue of voter identity cards with photographs encouraged women to register for this was the first time they had had a card with their photograph. Many have never been photographed prior to this exercise. Acquisition and retention of voter identity/registration card was an added incentive for women to register. The advocacy effort and strategies utilized had a very positive impact on women's participation in the electoral process. At least four case studies on best practices will be documented.

Sexual Exploitation and Abuse (SEA) training and Transactional Sex Workshop (TSW)

SEA trainings are organized and coordinated by the Integrated Mission Training Centre (IMTC) with support from the Conduct and Discipline Unit (CDU). All new staff recruited to the mission has to compulsorily undergo a one day SEA training provided jointly by the CDU and the IMTC. All newly recruited staff has to further undergo a compulsory two day induction course in which gender awareness, SEA and conduct and discipline issues are dealt with in different sessions.

The SEA trainings are conducted once a week for all civilian international and national staff as well as UN Volunteers, Military Liaison Officers and UNPOL officers. However, in August and in September the SEA training has taken place twice a week in order to accommodate the increasing number of new incoming UNPOL officers caused by troop rotation. Since August, SEA trainings for the national staff have been conducted by the IMTC and CDU National Professional Officers in the local language, Tetum.

UNMIT CDU organized a one day workshop on TSW on the 27 September 2007 for all staff both national and international of UNMIT and the UN agencies, funds and programmes, with the support of the Department of Field Support. The main objective of the workshop was to create an action plan to prevent Transactional Sex in the context of the policy of Zero Tolerance on SEA.

The United Nations, as part of its efforts to prevent sexual exploitation and abuse by its personnel, is conducting a campaign to address transactional sex which accounted for over half of the sexual exploitation and abuse allegations during 2006.

During January and February 2007, the Department of Field Support conducted a needs assessment study in three peacekeeping locations – Democratic Republic of Congo, Haiti and Liberia. The study found that transactional sex varied from one mission location to another and that therefore the United Nations' response to the issue should be tailored to each mission specific context.

A key recommendation of that study was to hold mission workshops which would bring together all stakeholders in each location to identify the nature of transactional sex and a strategy to address this form of sexual misconduct in each location. The UNMIT workshop was one of the first such workshops.

The mission workshop devised a strategy to prevent the occurrence of transactional sex in Timor Leste, taking into consideration that the distinctions between opportunistic transactional sex and a 'relationship' that may be exploitative are often blurred. The resulting strategy will inform the design of the mission campaign which will be targeted at all categories of UN personnel.

The organizers of the workshop defined what constitutes transactional sex. Transactional sex includes street prostitution: persons selling sex from the street; call girls: persons attending a private residence to sell sex, organized by a third party; brothels: venues in which sex is sold and takes place; opportunistic transactional sex: exchanging sex in the context of a social event or venue such as a bar for a material good that has not been pre-negotiated; and relationships established for the purpose of improving lifestyle through the provision of goods and services.

The workshop was designed to be very interactive and provided a good opportunity to assess the situation in the country in Terms of Transactional Sex, as well as a great

opportunity to revisit the context and mechanisms in place and prepare an action plan focused on preventive mechanisms.

Lessons Learned and Challenges

The successful outcome of women's participation in the national elections was a positive lesson in best practice and the DPKO Best Practices Unit together with the Best Practices Unit of UNMIT and UNIFEM will conduct a national validation workshop in best practices to document case studies in the areas of

Polling and counting

-Facilitating the participation of pregnant women or women with infants in the polling process.

-Promoting the participation of older women in the polling process.

-Advocacy to encourage men to vote for women

Voter Registration

-Acquisition and retention of voter identity/registration card as an added incentive for women to register.

Additional two case studies have been identified by UNIFEM, one on affirmative action policy, the other on women's political platforms, details of which are set out below.

Although the conduct of the elections and the establishment of the present government have ushered in some peace and security, there can be no enduring peace and reconciliation without justice. It is often said that justice is a precondition to lasting peace. In the circumstances it is critical that a culture of impunity is not allowed to prevail in Timor-Leste. All recommendations in the Commission of Inquiry report should be expeditiously implemented, including through the formal judicial process. Some progress has been made; however, additional measures need to be taken, such as the passage of a law on the protection of witnesses and adequate provision of personnel for the Prosecutor-General's office. Weaknesses in the judicial sector somewhat undermine public confidence in the rule of law institutions, including the police. In August 2007, 27 judges including four women, prosecutors including 3 women and defenders including two women were sworn in as a first positive step towards increasing the justice system's capacity. UNMIT continues to support the judicial sector, as well as other efforts to strengthen human rights, justice and the rule of law.

Truth and Friendship Commission

A recent closed meeting of the Truth and Friendship Commission, where the current Prime Minister Mr. Kay Rala Xanana Gusmao gave evidence on the 24 September 2007, led civil society organizations and human rights NGOs including women's human rights NGOs such as Association HAK, FOKUPERS, JSMP, ESPADA, HCTL Front Mahasiswa, ETCRN, Forum Asia, Kontras, HRWG, Sec. FONGTIL, ICTJ-Timor-Leste, Lao Hamutuk, SCM-TL to mistrust the Truth and Friendship Commission's credibility and transparency. The closure of the hearing to the public did not suggest openness or transparency in its operations. The NGOs' declared that credibility has to be demonstrated through applying and promoting International Human Rights Law and the

general principles of seeking truth and justice, above all the rights of victims to access information and the truth regarding crimes committed against them.

The evidence being given in hearings, closed to the public, led to the perception that it violates the rights of the victims to truth and justice and might be used as an instrument for impunity and a means to set aside accountability to victims. In reality there have been only a few victims who have given their evidence in public hearings without any consideration given to the question of security or extreme vulnerability of victims. The NGOs rejected the Truth and Reconciliation Commission and called a halt to all activity by the Commission which carries the title of "seeking the truth". The NGOs further called on the governments of Indonesia and of Timor-Leste to implement the recommendations of the CAVR and to resume the prosecution of those responsible for crimes against humanity.

Gender Justice

The present Government's Programme recognizes the importance of providing the necessary legal framework for the minor or medium impact lawsuits which shall be, according to the Government's understanding, taken out of the formal judicial system and use less formal ways to bring justice closer to the communities.

The Government of Timor-Leste also feels it is important to build a non-judicial, nationwide base of commissions for the protection of children, women, elders and youth at risk. This measure may respond to the immediate claims of more vulnerable social groups that cannot wait for the average length of response time for judicial decisions. Such commissions, which are usually based in the government departments of solidarity and social protection, are expected to respond to the problems in partnership with NGOs. On a daily basis, in the areas of legal counseling and attendance to socially-challenged groups, the NGOs are able to meet the demands of the local population more effectively.

However, In the Government's Programme there is also a provision that traditional justice mechanisms may also be strengthened to facilitate easy access to justice in the rural areas. The modalities and rules of operation of these proposed traditional justice mechanisms need to be closely monitored.

The Administration of Justice Unit of UNMIT has one post for a judicial affairs officer specifically designated for gender justice and has identified certain challenges in relation to gender justice. One of the main reasons for not moving forward is related to the inability to overcome difficulty in coordination of actors and activities. A workable coordination system will require training and coordination of several different organs in the penal chain including enforcement, legal bodies and the judiciary which add to the complexity of the task. The serious lack of trained personnel adds an additional dimension to the problem. Furthermore, there is concern that there may be resistance to certain provisions of the laws which challenge traditional views regarding women, family and social structures. One major setback in securing gender justice is the general lack of confidence and trust in the legal system and the judiciary by the public.

Although a certain amount of legal outreach service can be done immediately, the lack of specific laws and services restricts the launch of a full outreach programme. If launched too soon the programme risks a further deterioration of people's confidence in the system if they do not receive the service they have been advised to expect and have come to anticipate.

Some of the actions and strategies recommended by the Justice section to further advance gender justice include assisting in resurrecting the Gender Thematic Working Group in coordination with Gender Affairs and other sections and UN agencies so as to better coordinate efforts, among others, between the group and the Justice Working Group and lending technical support in the realm of gender justice whenever needed. The provision of technical support to agencies such as UNFPA who have been in the forefront of mobilizing action to combat gender based violence against women, in conjunction with the government for the passing of legislations such as the draft Law against Domestic Violence, revision of the Criminal Code with the appropriate amendments corresponding to the Law against Domestic Violence and the Criminal Procedure Code is ongoing. The coordination of a holistic Information Outreach Programme on gender justice through the Public Information Office on the Law against Domestic Violence, the Criminal Code and the Criminal Procedure Code, is necessary once the laws and corresponding services are in place. Coordination with UN agencies, civil society and the government for the development of a mechanism for tracking criminal cases and collecting disaggregated statistics on gender based violence including domestic violence and sexual assault is necessary.

Gender Balance within UNMIT

UNMIT Global figures on civilian staff gender balance indicate 64.5 per cent men and 35.5 per cent women for internationals and 83.5 per cent men and 16.5 per cent women for nationals. As of 31 August 2007, UNMIT consists of a civilian component comprising 323 international staff (115 women), 784 national staff (130 women) and 1,635 police officers (94 women); and 34 military liaison and staff officers (1 woman).

Conclusion

Progress in addressing justice, human rights and preventing gender based violence and responding to the needs of gender based violence is commendable. Several components of UNMIT and the UNCT are engaged with the NGOs to build their capacity in this area and thus have chalked up a significant measure of advance. Progress had been made in the revision of the Criminal Code, Criminal Procedure Code and the draft Domestic Violence Act, presently being considered by the relevant authorities.

Whilst a great deal has been accomplished, a great deal more remains to be done. There is positive energy on the part of the Government, UNMIT and the UNCT towards achieving more, however the implementation capacity remains weak and slow. Physical infrastructure poses a huge obstacle to obtaining reliable information and data and the

provision of services. The majority of the population reside in the districts at times in inaccessible terrain. Media in any form is absent in significant parts of the country and the only means of information is by word of mouth. Advocacy is therefore slow and has to be in alternative forms as the majority of women in the rural areas are illiterate.

The church wields enormous power in the lives of the ordinary Timorese. About 96 per cent of the population is church going devout Catholics. Advocacy through church channels will have significant impact on the population.

The Ministry of Health has a consultant in to draft the training curriculum for midwives. Maternal mortality at a very rough conservative estimate remains at 800 per 100,000 live births. This figure has been obtained as a rough estimate based on mainly accessible areas. The true figure remains unknown. Infant mortality is said to be 83 per 1000 live births. Women on the whole remain chronically anaemic and malnourished. Health care and education remain a priority. A comprehensive social security safety net has to be set in motion as quickly as possible.

Whilst considerable progress has been made in the areas of civil and political rights, economic, social rights lag behind. A holistic approach to human rights as enunciated by the Vienna Declaration on Human Rights that all rights are universal, indivisible, interdependent and mutually supportive, reinforced by CEDAW and the Convention on the Rights of the Child which integrate survival, development and protection rights and which lend support to the vision of the Vienna Declaration needs to be better understood, integrated and applied. The rights based approach to the UNDAF programming process is a positive measure.