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PRELIMINARY GENDER AND INCLUSION ANALYSIS FOR TIMOR-LESTE

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The statements and analysis contained in the report “Preliminary Gender and Inclusion Analysis for Timor-Leste” are the work of the Women and Girls Empowered (WAGE) consortium, led by the American Bar Association Rule of Law Initiative (ABA ROLI) in close partnership with the Center for International Private Enterprise (CIPE), Grameen Foundation, and Search for Common Ground (Search). The Board of Governors of the American Bar Association (ABA) has neither reviewed nor sanctioned its content. Accordingly, the views expressed in the report should not be construed as representing the policy of the ABA. Furthermore, nothing contained in this report is to be considered rendering legal advice for specific cases, and readers are responsible for obtaining such advice from their own legal counsel.

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About WAGE

Women and Girls Empowered (WAGE) is a global consortium to advance the status of women and girls, led by the American Bar Association Rule of Law Initiative (ABA ROLI) in close partnership with the Center for International Private Enterprise (CIPE), Grameen Foundation, and Search for Common Ground (Search). WAGE works to strengthen the capacity of civil society organizations (CSOs) and private sector organizations (PSOs) in target countries to improve the prevention of and response to gender-based violence; advance the women, peace and security agenda; and support women’s economic empowerment. In this context, WAGE provides direct assistance to women and girls, including information, resources, and services they need to succeed as active and equal participants in the global economy and public life. WAGE also engages in collaborative research and learning to build a body of evidence on relevant promising practices in these thematic areas. To account for the deeply interconnected nature of women’s and girls’ experiences, WAGE’s initiatives employ approaches that are highly collaborative, integrated, and inclusive. WAGE is funded by the U.S. Department of State Secretary’s Office of Global Women’s Issues.

LEGAL AND CONTEXTUAL ANALYSIS

EXECUTIVE SUMMARY

The constitution and statutory laws of Timor-Leste guarantee equal rights and duties for women and men. However, women continue to experience bias and discrimination in practice, driven by historically patriarchal social norms and customary laws. The highly patriarchal system in Timor-Leste predefines gender roles and power dynamics within households and communities and in the market economy. Men are generally viewed as the heads of households, main providers, and decision-makers, while women are in charge of child-rearing and household chores, which limits their capacity to engage in their own economic activities. Although the government of Timor-Leste considers female entrepreneurs, including women who own micro and small enterprises, as engines of growth, women face greater constraints in developing and scaling their businesses than men, including intertwined gendered business and social challenges. Additionally, women entrepreneurs are still expected to perform their usual tasks at home, and they struggle with profitability as they usually work in low-paying sectors such as handicraft production, kiosk operation, agriculture, and tourism. Timorese women also face a high level of gender-based violence (GBV), rooted in unequal gender norms, poverty, and the country's history of violence connected to its emergence from Indonesian rule. Physical, sexual, emotional, and economic violence are often frequent and severe. Building on strategies and best practices of its local partners, and the existing policies and programs of the government and other stakeholders, the Business and Social Support for Female Entrepreneurs in Timor-Leste (BEST) program seeks to create linkages to address the barriers faced by female microentrepreneurs in starting, maintaining, and expanding businesses.

SECTION 1: LAWS, POLICIES, AND INSTITUTIONAL PRACTICES

1. Legal System

Timor-Leste has a mixed legal system with both formal and informal justice institutions. The Constitution requires the state to “recognize and value the norms and customs of East Timor that are not contrary to the Constitution and to any legislation dealing specifically with customary law.”² Customary justice is a long-standing and layered system in which a dispute is first reported to the family; then subsequently to the leaders of the village, hamlet, or ‘*suco*’ (group of villages); and finally to the ‘*katuas*’ or elders in the community.³ The Timorese appear to prefer to resolve their disputes locally and according to traditional methods. A 2013 survey found that while 88 percent of respondents had confidence in the courts, 93 percent of respondents were “more comfortable” with local administrators of justice.⁴ The state is attempting to improve its influence over these actors.⁵ The initial consultations with WAGE program partners confirmed that domestic violence and other family conflicts are typically resolved within

² CONSTITUTION OF THE DEMOCRATIC REPUBLIC OF TIMOR-LESTE art. 2 (*adopted* 2002) [hereinafter CONSTITUTION].

³ Geneva Center, *East-Timor: Reconciling Formal and Customary Systems Through Evidence-Based Programming*, <https://issat.dcaf.ch/Learn/Resource-Library/Case-Studies/East-Timor-Reconciling-formal-and-customary-systems-through-evidence-based-programming>.

⁴ The Asia Foundation, *Timor-Leste Law & Justice Survey* 8 (2013), <https://asiafoundation.org/resources/pdfs/TimorLesteLJSurvey2013.pdf>.

⁵ Geoffrey Swenson, *Legal Pluralism in Theory and Practice* 15, http://eprints.lse.ac.uk/84520/7/Swenson_Legal%20Pluralism_Published.pdf.

households and women who report such issues to village leaders or other justice actors are often stigmatized.

2. Legal and Policy Framework for Gender Equality

International and Regional Treaties and Domestic Gender Equality Provisions

The Constitution of Timor-Leste, which was adopted in 2002 after the country obtained independence from Indonesia, guarantees equality before the law to all citizens, prohibits gender discrimination, states that “[w]omen and men shall have the same rights and duties in all areas of family, political, economic, social and cultural life,” and proclaims that promoting “an effective equality of opportunities between women and men” is one of ten fundamental objectives of the state.⁶ The Constitution also provides for full equality of rights between spouses, offers special protections to pregnant women and new mothers (including the right to maternity leave), and explicitly references “equality in the exercise of civil and political rights and nondiscrimination on the basis of gender for access to political positions.”⁷ Notably, the drafting of the Constitution was influenced by a civil society working group “Women and the Constitution.” In 2001, the working group developed the “Women’s Charter of Rights” and submitted it, with approximately 10,000 signatures, to the Constituent Assembly. Ultimately, seven of the ten rights articulated in the Charter were incorporated into the Constitutional Bill of Rights. The Charter was also instrumental in centralizing gender issues in the country’s policy debates, increasing women’s political participation, and raising public awareness of the democratic value of gender equality.⁸

In April 2003, Timor-Leste’s parliament ratified the Convention on the Elimination of Discrimination Against Women (CEDAW).⁹ In May 2016, it also ratified the International Labor Organization’s (ILO) Equal Remuneration and Discrimination (Employment and Occupation) Conventions.¹⁰ Timor-Leste has a gender-neutral Code of Business Registration (2006) and laws governing property rights and marriage, as well as a Labor Code prohibiting gender discrimination in employment.

Timor-Leste does not appear to have a separate law on gender equality or a national policy on women, but it does have a legal and policy framework on gender-based violence (GBV). In 2010, the parliament passed Law No. 7/2010 Against Domestic Violence (LADV) and in 2017, the government launched the National Action Plan on Gender-Based Violence 2017-2021 (GBV NAP). The GBV NAP pillars are dedicated to preventing GBV, providing services to GBV survivors, improving access to justice, and monitoring and

⁶ CONSTITUTION arts. 6, 16, 17.

⁷ *Id.* arts. 39, 63.

⁸ Helen M. Hill, *Gender Issues in Timor-Leste and the Pacific Islands: ‘Practical Needs’ and ‘Strategic Interests’ Revisited*, in *New Research on Timor-Leste* 219-20, 272 (M. Leach et al., eds., Hawthorn: Swinburne University Press 2012), https://www.academia.edu/2106571/Gender_Issues_in_Timor-Leste_and_the_Pacific_Islands_Practical_Needs_and_Strategic_Interests_revisited; Sofi Ospina, *United Nations Department of Peacekeeping Operations, A Review and Evaluation of Gender-Related Activities of UN Peacekeeping Operations and their Impact on Gender Relations in Timor Leste* 10 (2006).

⁹ Asian Development Bank, *Timor-Leste: Country Gender Assessment* 101, <https://www.adb.org/sites/default/files/institutional-document/84126/timor-leste-country-gender-assessment.pdf>.

¹⁰ International Labor Organization, *Timor-Leste Ratified the Equal Remuneration Convention, 1951 (No. 100) and the Discrimination (Employment & Occupation) 1958 (No. 111)*, https://www.ilo.org/global/standards/WCMS_479852/lang--en/index.htm.

evaluation.¹¹ It was prepared by the Secretary of State for the Socio-Economic Support and Promotion of Women.

Further, in 2016, the government adopted the National Action Plan on UN Security Council Resolution 1325 on Women, Peace and Security (WPS).¹² The plan focuses on the four WPS pillars of participation, prevention, protection, and peacebuilding, in particular by getting women involved in decision-making and introducing new laws to address gender discrimination, providing assistance to women, and supporting women's economic recovery.¹³

In practice, women continue to experience bias and discrimination, driven by historically patriarchal social values and customary systems explained below. According to women's empowerment civil society organizations (WE CSOs) consulted for this analysis, legal guarantees of equality are not realized, particularly in rural areas, because of budgetary constraints and a lack of rules and regulations facilitating implementation of national laws and policies by local governments.

Discriminatory Laws and Policy Gaps

Under Timor-Leste law, having an abortion or assisting with an abortion are criminal offenses unless the pregnancy creates a danger of death or serious and irreversible harm.¹⁴ In addition, women must wait longer than men to remarry after the death of a spouse.¹⁵

Customary and Religious Laws

Studies indicate that customary laws and justice institutions often embrace sexist norms and practices, such as forced marriage, marriage of minors, dowry-related practices, and discrimination against women with respect to property rights.¹⁶ For example, although women have the same rights as men to govern household affairs under the Civil Code, traditional norms dictate that women join the family of their spouses, take care of the home and look after the children, while men serve as the main income earners.¹⁷ Similarly, although women have equal rights to inheritance under the Civil Code (art. 1896), this is

¹¹ Secretariat of State for the Support and Socio-Economic Promotion of Women, *National Action Plan on Gender-Based Violence 2017-2021*, <https://www.peacewomen.org/sites/default/files/170509-PAN-Eng-s.pdf>.

¹² Women's Int'l League for Peace & Freedom, *Timor-Leste Officially Launches its National Action Plan for United Nations Security Council Resolution 1325 (2000) on Women, Peace and Security*, <https://www.peacewomen.org/resource/timor-leste-officially-launches-its-national-action-plan-united-nations-security-council>.

¹³ Government of the Democratic Republic of Timor-Leste, *National Action Plan for United Nations Security Council Resolution 1325 (2000) on Women, Peace and Security (2016-2020)*, <https://www.lse.ac.uk/women-peace-security/assets/documents/2019/NAP/Timor-Este-NAP-2016-2020.pdf>.

¹⁴ PENAL CODE art. 141 (*adopted 2009*), https://www.undoc.org/res/cld/document/penal-code_html/Penal_Code_Law_No_19_2009.pdf [hereinafter PENAL CODE].

¹⁵ CIVIL CODE art. 1494 (*adopted 2011*), https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=&p_isn=89755&p_country=TMP&p_count=58 [hereinafter CIVIL CODE].

¹⁶ Asian Development Bank, *Timor-Leste: Country Gender Assessment 54-55* (2014), <https://www.adb.org/sites/default/files/institutional-document/84126/timor-leste-country-gender-assessment.pdf> [hereinafter ADB, *Timor-Leste: Country Gender Assessment*].

¹⁷ OECD Development Center, *Social Institutions & Gender Index: Timor Leste* (2019), <https://www.genderindex.org/wp-content/uploads/files/datasheets/2019/TL.pdf>.

jeopardized by the customary norm that property is transmitted to the eldest surviving male heir, rather than the surviving female spouse in the case of customary marriages.¹⁸ It is worth noting that although the constitutional bill of rights incorporated provisions requested by a women’s coalition through the Women’s Charter of Rights, drafters declined to include one on “Tradition and Women’ Rights,” which sought constitutional guarantees to equal inheritance rights, regulation of the dowry system, prevention of violence against women, and the inclusion of women in traditional decision-making processes.¹⁹

3. Institutional Framework for Gender Equality

In 2008, Timor-Leste established the Secretary of State for the Promotion of Gender Equality (currently the Secretary of State for Equality and Inclusion),²⁰ whose office is mandated to advance gender equality in economic, social, cultural, political, and family life. In addition, a variety of non-governmental organizations work on the empowerment of women, including WAGE’s three local partners Alola Foundation, Empreza Di’ak, and Ba Futuru, as well as Forum Komunikasi Untuk Perempuan Lorosae (Fokupers), Grupo Feto Foinsae Timor Lorosae, and the East Timorese Movement Against Violence Towards Women and Children.²¹ Notably, two leading microfinance institutions (MFIs), Moris Rasik and Kaebauk Investment Fund (KIF), focus most of their work on promoting women’s financial inclusion. WAGE plans to engage both of them in the BEST program. During the preliminary consultations, local stakeholders suggested consulting with Rede Feto and the Institute for the Support of Business Development (IADE). Rede Feto is a network of organizations in Timor-Leste working to promote gender equality and women’s empowerment through advocacy, networking, and capacity building. IADE is an autonomous institution under the Ministry of State for the Coordination of Economic Affairs, which provides training to entrepreneurs at different stages of business development.

SECTION 2: SOCIOCULTURAL NORMS, BELIEFS, AND PERCEPTIONS

Timor-Leste has long been a patriarchal society, in which men are expected to be the primary decision-makers and polygyny and forced marriage still occur.²² Rigid gender roles and unequal power relations between men and women are widespread.²³ The majority of cultural groups in Timor-Leste are patriarchal. The Catholic Church has played a significant role in shaping sociocultural norms and contributing to conservative attitudes about sexuality and reproductive health, including the use of contraceptive

¹⁸ *Id.*

¹⁹ Helen M. Hill, *Gender Issues in Timor-Leste and the Pacific Islands: ‘Practical Needs’ and ‘Strategic Interests’ Revisited* 219-20 (2012); *Women and the Reconstruction of East Timor: Campaign to Support Women’ Rights in the Constitution*, 2 THE LA’O HAMUTUK BULLETIN No. 5 (Aug. 2001), <https://www.laohamutuk.org/Bulletin/2001/Aug/bulletinv2n5.html#Campaign%20to%20Support%20Women%20Rights%20in%20the%20Constitution>.

²⁰ Also referred to as the Secretary of State for the Socio-Economic Support and Promotion of Women.

²¹ ADB, *Timor-Leste: Country Gender Assessment* at 96.

²² ADB, *Timor-Leste: Country Gender Assessment* at 6. The law does not expressly sanction or prohibit these practices, although it defines marriage as being between two people and presumes the consent of both parties. CIVIL CODE art. 1467 (*adopted* 2011), https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=&p_isn+89755&p_country=TMP&p_count=58 [hereinafter CIVIL CODE].

²³ The Equality Institute, *Understanding Violence against Women and Children in Timor-Leste: Findings from the Nabilan Baseline Study Main Report* 23 (2016), https://asiafoundation.org/wp-content/uploads/2017/06/nabilan-main-report-screen-2017_06_08.pdf [hereinafter Equality Institute, *Understanding Violence against Women and Children in Timor-Leste*].

methods, and HIV protection and treatment.²⁴ More than 90 percent of the population identify as Catholic.²⁵ Traditional indigenous beliefs and those carried over from Portuguese colonial rule and Indonesian occupation also contribute to the strength of the patriarchy in Timor-Leste.²⁶ To address the gendered inequality and improve gender awareness within Timorese society, the government of Timor-Leste and civil society organizations (CSOs) working within the country are taking steps to improve the country's attitudes towards women, but changes at the local and familial levels are happening slowly.

SECTION 3: GENDER ROLES AND POWER DYNAMICS²⁷

1. Gender Roles and Power Dynamics in the Family and Community

As explained above, the Constitution guarantees the equality of spouses. Under the law, women do not have to obey their husbands and decision-making is a marital obligation.²⁸ Timor-Leste does not have male guardianship laws and parental authority belongs to both parents. Whether the parents are married or not, either can be granted the right to be the legal guardian of their child.²⁹ The Constitution also prohibits discrimination against women in economic matters, including employment,³⁰ and married women have the legal right to pursue employment and manage their own property without interference from their spouses.³¹ According to the Civil Code, "marriage is based on equality of rights and duties between the spouses" and "management of the family falls on both spouses, who shall agree as to the orientation of their life together."³² Both spouses have an obligation to contribute to the family, whether by providing food, labor, or child care.³³

In practice, perceptions about gender roles are based on stereotypes of masculinity and femininity and determine the position of women and men in both private and public life.³⁴ The traditional patriarchal structure of Timor-Leste society dictates that men should be the heads of households (or *xefe familia*) and, therefore, the most powerful and primary decision-makers within the home.³⁵ Under customary law, which remains prominent particularly in rural areas (where over 70 percent of the population resides), men control family resources and decide how money is spent and how land is used. Women do not inherit land and do not participate in traditional decision-making institutions like the council of elders (which resolves family disputes).³⁶ Men are also given greater access to education and employment, while women are

²⁴ *Id.* at 23.

²⁵ *Id.* at 21.

²⁶ *Id.*

²⁷ This section covers two domains of gender analysis as frequently defined by the U.S. government: "Gender Roles, Responsibilities, and Time Use" and "Patterns of Power and Decision-Making."

²⁸ CIVIL CODE art. 1559.

²⁹ *Id.* arts. 136, 1782 & 1786.

³⁰ CONSTITUTION arts. 16-17.

³¹ *Id.* art. 1570.

³² *Id.* art. 1559.

³³ *Id.* arts. 1563-1564.

³⁴ Equality Institute, *Understanding Violence against Women and Children in Timor-Leste* at 22-23.

³⁵ *Id.*

³⁶ International Finance Corporation, *Timor-Leste: Gender & Investment Climate Reform Assessment* 6 (2010), <http://documents.worldbank.org/curated/en/858651468340780482/pdf/784820WP0Box370m0Assessments00Timor.pdf> [hereinafter IFC, *Timor-Leste: Gender & Investment Climate Reform Assessment*].

expected to be “good,” responsible wives and mothers who focus on child-rearing and household chores.³⁷ In essence, women are secondary family members and, by extension second-class citizens in the wider community, with their economic aspirations, educational opportunities, and potential for political engagement limited.³⁸

WAGE local partners confirmed that Timorese women are expected to perform most of the household chores, which include taking care of the children, preparing meals, cleaning, and keeping everything tidy, even if they are engaged in income-generating activities. Women wake up early in the morning to prepare family meals and help their children and husbands get ready for school and work. They are also expected to go home during the mid-day break to prepare and have lunch with the family. Women are also expected to assist their husbands in their work. For example, in farming communities, it is the task of the women to market the produce. The following table illustrates a typical day of a Timorese female entrepreneur as discussed in a focus group with women weavers in Maubara - Liquiçá:

Women’s Roles	Men’s Roles
5:00AM-6:00AM: prepare breakfast and help husband and children get ready for the day 6:00AM-8:00AM: wash the dishes and clean the house 8:00AM-11:00AM: business activity 11:00AM-1:00PM: prepare lunch for the family, wash the dishes 1:00PM-1:30PM: 30 minutes of rest 1:30PM-5:00PM: business activity 5:00PM-7:00PM: prepare dinner for the family, feed the farm animals 7:00PM-8:00PM: wash the dishes, clean the house 8:00PM and onwards: some women continue their weaving at night	Perceived to be economically responsible for the family

In addition, some religious and sociocultural practices in Timor-Leste contribute to the subjugation of women.³⁹ Traditional marital practices, such as *barlake* or *hafolin* and polygyny also impair women’s rights.⁴⁰ *Barlake* or *hafolin* refer to an agreement or exchange between the groom and the bride’s family to allow the marriage to occur. Such agreements often involve the exchange of goods between the families. These transactions essentially equate women to “property” of their new husbands.⁴¹ Polygyny—a form of polygamy where a man has multiple wives—is not as common, but where it occurs, previous wives are usually abandoned or subjugated, and are further stigmatized by and isolated from the community.⁴²

2. Gender Roles and Power Dynamics in the Economy

Timorese women are constitutionally guaranteed equality to men in economic matters.⁴³ According to the Civil Code, “[a]ny person may be a party in any legal relationship, except as otherwise provided by law. This is what defines his or her legal capacity.”⁴⁴ There are no legal barriers to women executing contracts, opening bank accounts, accessing credit, registering businesses, or engaging in other economic transactions.

³⁷ Equality Institute, *Understanding Violence against Women and Children in Timor-Leste* at 22-23.

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Id.*

⁴³ CONSTITUTION arts. 16-17.

⁴⁴ CIVIL CODE art. 64.

As noted above, Timor-Leste is party to ILO Conventions 100 and 111 on Equal Remuneration and Discrimination, respectively.⁴⁵ In compliance with these conventions, in 2012, Timor-Leste adopted a Labor Code prohibiting discrimination in employment on the basis of sex. Accordingly, women are entitled to equal rights with respect to recruitment, hiring, terms and conditions, and training.⁴⁶ There do not appear to be laws specific to advancing female entrepreneurship. The 2006 Code of Business Registration is gender-neutral.⁴⁷

No quotas were identified in the private sector (e.g., for corporate boards). Women's share of managerial jobs across both the public and private sectors is low. A 2015-16 survey by the World Bank showed that only 27 percent of firms in the nonagricultural formal private economy in Timor-Leste had a top female manager, as compared to 21 percent for the East Asia & Pacific region.⁴⁸ According to 2010 data, the Timorese economy is primarily agrarian and women are more active in subsistence agriculture than men, although 70 percent of them do not receive cash income for their services.⁴⁹ This is because subsistence farming is often viewed as a domestic task like child rearing or housework.⁵⁰ Women are also active in trading, "especially in selling their produce to the market and managing kiosks," and own over 40 percent of microenterprises.⁵¹

Women Entrepreneurship

Although female entrepreneurs, including women who own micro and small enterprises (MSEs), are considered engines of growth by the Government of Timor-Leste,⁵² they face greater constraints to developing and scaling their businesses than men, including intertwined, gendered business and social challenges and increased risk of GBV. Poor women, especially in rural villages (*sukos*), face deeply-rooted gender norms and other barriers that limit their autonomy, mobility, and access to and control over productive resources. Girls from poor families are often unable to attend school, and thus many women have low literacy and numeracy, which contributes to limited financial and digital fluency. According to the National Plan for Gender and Private Sector Development, MSEs run by Timorese women struggle to be profitable or provide significant income due to the concentration of their activities in low-paid sectors such as handicraft production, opening a kiosk, agriculture, and tourism. In some villages, there are few active businesses, and money does not circulate, thus giving poorly educated and isolated women few role models. These entrepreneurs tend to develop informal income-generating activities around traditional skills such as cooking, sewing, and craft production. Women's businesses in Timor-Leste are thus generally smaller in terms of size, turnover, and number of employees. Meanwhile, existing business development

⁴⁵ OECD Development Center, *Social Institutions & Gender Index: Timor-Leste* (2019), <https://www.genderindex.org/wp-content/uploads/files/datasheets/2019/TL.pdf> [hereinafter OECD, *SIGI: Timor-Leste*].

⁴⁶ LABOR CODE (LAW NO. 4/2012) art. 6 (*adopted* 2012), https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=9742&p_country=TMP&p_count=58.

⁴⁷ OECD, *SIGI: Timor-Leste*.

⁴⁸ World Bank, *Enterprise Surveys: Timor-Leste* (2015), <https://www.enterprisesurveys.org/en/data/exploreeconomies/2015/timor-leste#gender>.

⁴⁹ IFC, *Timor-Leste: Gender & Investment Climate Reform Assessment* at viii, 1.

⁵⁰ Equality Institute, *Understanding Violence against Women and Children in Timor-Leste* at 22; World Economic Forum, *Global Gender Gap Report 2020* at 335-336 (2020), http://www3.weforum.org/docs/WEF_GGGR_2020.pdf [hereinafter WEF, *GGG Report*].

⁵¹ IFC, *Timor-Leste: Gender & Investment Climate Reform Assessment* at viii, 1.

⁵² Government of the Democratic Republic of Timor-Leste, *National Strategy and Action Plan for Gender and Private Sector 2014-17* at 12, <http://extwprlegs1.fao.org/docs/pdf/tim150789.pdf>.

services tend to be concentrated in urban and peri-urban areas and/or are not well-adapted to the needs of micro-entrepreneurs or women.⁵³

Further, according to local stakeholders consulted for this analysis, many women entrepreneurs tend to rely on business capital support programs run by the government and non-governmental organizations to buy raw materials. For example, the Secretary of State for Equality and Inclusion (SEI) has an ongoing program to provide grants to women groups in rural villages as part of its Economic Empowerment Program. However, this approach does not appear to be sustainable, and women are reporting declining sales of their products. Around 400 women's groups supported by SEI did not do well. For instance, more than 50 percent of the grant recipients were unable to maintain their business. SEI conducted an evaluation of the program in 2017-2019 and had plans to change the approach by differentiating support according to target groups based on the findings, although the results of this evaluation are unknown. Note there is little data available about the sustainability of women's small businesses in Timor-Leste; these types of businesses tend to be monitored informally or women self-report to organizations they receive funds through.

As noted above and below, MFIs in Timor-Leste are providing access to finance to women entrepreneurs, but their services are neither attuned to gender norms and the risk of GBV, nor linked to business and social support services. At the same time, WE CSOs have developed business skills and GBV trainings that reduce Timorese women's and girls' vulnerability to poverty and violence, however these do not always reach microfinance clients. For example, WAGE's local partners Alola Foundation, Empreza Di'ak, and Ba Futuru provide women, including victims of GBV, access to business and livelihoods training, informal savings and loan activities, GBV response and referral, and advocacy training.

The government of Timor-Leste also provides some financial and technical support to increase female participation in cooperatives and rural communities.⁵⁴ In addition to SEI mentioned above, IADE provides training to entrepreneurs at different stages of their business, including through the "Get Ahead" program aimed at teaching rural women with low literacy rates how to overcome obstacles to owning their businesses.⁵⁵ The IADE has also provided funding to women's groups, while the ILO has been working with the government to train female entrepreneurs to better compete for government contracts.⁵⁶ The Oe-cusse Business Incubator (OBI) is another program supported by the Timor-Leste government and UNDP, which aims to establish sustainable development through business and innovation in Oe-cusse.

Where these types of activities are co-located in *sukos* and districts served by MFIs, there is a clear, yet unrealized opportunity to develop mutually-reinforcing linkages between these various institutions to: (i) increase female entrepreneurs' access to, and optimal use of, an improved suite of financial, business, and GBV services; and (ii) improve GBV survivors' access to formal financial services. Building MFIs' and WE CSOs' capacity to develop these linkages, and thus ensure poor, rural women can invest in and successfully manage profitable businesses, can drive progress toward reduction of both poverty and GBV.

⁵³ *Id.*

⁵⁴ OECD, *SIGI: Timor-Leste*.

⁵⁵ *Id.*

⁵⁶ *Id.*

Women in the Labor Force

Women have significantly less access to the labor market than men. They have a harder time finding paid employment and make up a smaller percentage of the labor force: approximately 25 percent of Timorese women are engaged in the labor force, compared with 53 percent of men.⁵⁷ Most women (78 percent in 2015) work in the informal economy and thus do not benefit from workplace rights. Moreover, it is reported that women need higher qualifications than men in order to be hired or promoted.⁵⁸ Further, women's work is often unpaid and otherwise unrecognized, and men's estimated earned income is over three times as much as women's.⁵⁹ This has important consequences for women's independence and financial autonomy.⁶⁰

3. Gender Roles and Power Dynamics in the Political and Civic Life

As noted above, the Constitution explicitly guarantees "equality in the exercise of civil and political rights and nondiscrimination on the basis of gender for access to political positions."⁶¹ Every citizen over 17 years old has the right to vote and to be elected.⁶²

Women make up 38.5 percent of the seats in parliament.⁶³ This is in large part due to a 2006 law which introduced a quota requiring that one in every four candidates for parliament be a woman. This was further amended in 2011 to raise the quota to one in every three candidates.⁶⁴ No quotas appear to exist for other political offices, and women hold only 18 percent of national high offices (e.g., ministers, vice ministers, secretaries of state) according to a 2020 study.⁶⁵ They also lack a voice in local government. For example, 98 percent of the 442 'suco' (village) and 2,336 'aldeia' (hamlet) chiefs are men.⁶⁶ And, although increasing, the percentage of women in civil service positions remains low, at only 29 percent in 2013.⁶⁷

In the past two decades, Timorese women have found increased opportunities to participate in civic life, social movements, and advocacy, thanks in part to the efforts of the Secretary of State for the Promotion of Gender Equality. In 2000, Timor-Leste conducted its first national Women's Congress—a forum for women from all over the country and non-governmental organizations dedicated to empowering women—and established Rede Feto Timor-Leste, an umbrella organization for women's groups. The Women's Congress is held every three to four years to advocate for women's issues.⁶⁸

⁵⁷ Equality Institute, *Understanding Violence against Women and Children in Timor-Leste* at 22; WEF, *GGG Report*.

⁵⁸ OECD, *SIGI: Timor-Leste*.

⁵⁹ Equality Institute, *Understanding Violence against Women and Children in Timor-Leste* at 22; see also WEF, *GGG Report*.

⁶⁰ *Id.*

⁶¹ CONSTITUTION arts. 17, 46, 63.

⁶² *Id.* art. 47.

⁶³ ADB, Timor-Leste: Country Gender Assessment at 89; WEF, *GGG Report*; Inter-Parliamentary Union, *Women in National Parliaments*, <http://archive.ipu.org/wmn-e/classif.htm>.

⁶⁴ SECOND AMENDMENT TO LAW NO. 6/2006 ON THE ELECTION OF THE NATIONAL PARLIAMENT art. 12 (*adopted* 2011), <https://aceproject.org/ero-en/regions/pacific/TL/timor-leste-law-no.-6-2006-on-the-election-of-the/view>.

⁶⁵ WEF, *GGG Report*.

⁶⁶ ADB, Timor-Leste: Country Gender Assessment (2014) at <https://www.adb.org/sites/default/files/institutional-document/84126/timor-leste-country-gender-assessment.pdf> at xvi, 93.

⁶⁷ *Id.*

⁶⁸ ADB, Timor-Leste: Country Gender Assessment at 102.

As noted above, women’s advocacy efforts, consolidated around the “Women’s Charter of Rights,” played a significant role in ensuring inclusion of gender equality provisions in Timor-Leste’s Constitution.⁶⁹ During the 2007 election campaign, a consortium of women’s groups outlined a platform, called the Women’s Political Platform of Women’s Organizations in Political Parties for the Parliamentary Elections 2007, consisting of commitments to action in seven areas: education, economy, health, politics, justice and security, culture, and the media.⁷⁰ This platform was crucial to successfully enacting the domestic violence bill in 2010 and the Penal Code in 2009, which replaced the Indonesian Penal Code.⁷¹ The women’s platform was equally important in the 2012 elections, when all 23 political parties involved in the election endorsed a common platform agreeing to incorporate gender issues into the policies of the new government.⁷² Women’s platforms continue to be generated at the Women’s Congress and impact politics in Timor-Leste.⁷³

SECTION 4: ACCESS TO, USE, AND CONTROL OVER ASSETS AND RESOURCES

By law, men and women in Timor-Leste are to be treated equally in terms of access to assets, resources, opportunities, and services, as in all other aspects of life.⁷⁴ Laws governing the ownership and development of real property are gender-neutral.⁷⁵ Laws applicable to movable property or intellectual property also do not distinguish between men and women.⁷⁶ There do not appear to be any gender-based laws that restrict women’s access to credit, social benefits, or information. In practice, however, women in Timor-Leste have less access than men to many forms of property and economic opportunities.

1. Land Rights

Land tenure in Timor-Leste is quite complex due to the country’s history of occupation by Portugal and Indonesia; changing legal regimes;⁷⁷ the destruction of homes, property titles, and records of land ownership after Indonesian occupation; and the lack of codified laws governing traditional ownership rights and registration.⁷⁸ In the aftermath of the conflict for independence, many individuals took over property (including housing and land) without title or documentation.⁷⁹ In April 2017, the Land Law and related Expropriation Law came into force. These laws attempted to: (i) provide a legal solution to overlapping land claims; (ii) establish rules for long-term land use and informal land use rights; and (iii) detail the process by which the state can expropriate land for public purposes.⁸⁰ The laws also included a limited recognition of

⁶⁹ *Id.* at 91; *see also* above descriptions about the role of the Women’s Charter of Rights.

⁷⁰ ADB, Timor-Leste: Country Gender Assessment at 91; *see also Timor Leste Women’s Platform*, <https://www.etan.org/et2007/june/23/18women.htm>.

⁷¹ *Id.*

⁷² *Id.*

⁷³ International Women’s Development Agency, *Amplifying Women’s Voices in Timor-Leste* (2019), <https://iwda.org.au/amplifying-womens-voices-in-timor-leste/>.

⁷⁴ CONSTITUTION arts. 16-17.

⁷⁵ CIVIL CODE arts. 1264-1304.

⁷⁶ *Id.* arts. 196, 1223.

⁷⁷ Minority Rights Group International, *Timor-Leste*, <https://minorityrights.org/country/timor-leste/> [hereinafter Minority Rights Group International, *Timor-Leste*].

⁷⁸ OECD, *SIGI: Timor-Leste*; Minority Rights Group International, *Timor-Leste*.

⁷⁹ *Id.*

⁸⁰ *Id.*

customary community land rights, which had been officially outlawed during Indonesian occupation, but were nonetheless still recognized informally.⁸¹

Under customary community land right practices, land is owned by the community, with use rights allocated to individuals and passed along family lines.⁸² These rights are generally passed to male family members with women obtaining access only through marriage.⁸³ Further, land is usually registered in the name of a male head of household.⁸⁴ These practices severely undermine women's land rights, and it is estimated that only 20 percent of land is owned by women.⁸⁵

2. Financial Rights During and After Marriage

Although Timor-Leste's Constitution generally puts women and men on equal footing before, during, and after marriage,⁸⁶ deeply ingrained traditions, patriarchal practices, and social expectations result in *de facto inequalities*, especially with respect to domestic labor and dowry-related practices.

As a formal matter, the general provisions of the Civil Code on ownership of property, including movable and immovable assets and intellectual property, do not distinguish between women and men.⁸⁷ With regard to married individuals, spouses manage their own pre-marital property and cannot prohibit one another from taking on the employment of their choice.⁸⁸ Local partners reported, however, that there are instances where a woman's pre-marital property becomes her husband's property because of the traditional practice of registering property under the names of male heads of households. Following a divorce, a husband and a wife each take ownership of their individual, pre-marital property and their respective share of the common marital property.⁸⁹ Prenuptial agreements dictating the division of property are permitted, but in the absence of such agreement all property acquired post-marriage is considered common marital property.⁹⁰ Timor-Leste does not appear to have any laws addressing property rights of unmarried cohabitants.

Timor-Leste's Penal Code prohibits larceny, robbery, and the usurpation of real property, without distinction as to gender.⁹¹ Larceny is punishable by up to 8 years of imprisonment, robbery up to 10 years, and usurpation up to 4.⁹² In practice, however, women sometimes lose property rights upon the death of a husband if the marriage is not officially registered, the property is registered only under the husband's name, or because customary practices of transferring property to the eldest surviving male heir are followed.⁹³

⁸¹ *Id.*

⁸² ADB, Timor-Leste: Country Gender Assessment at 79-80.

⁸³ *Id.* at 80.

⁸⁴ OECD, *SIGI: Timor-Leste*.

⁸⁵ ADB, Timor-Leste: Country Gender Assessment at 82.

⁸⁶ CONSTITUTION arts. 16-17.

⁸⁷ CIVIL CODE arts. 1225, 1237 & 1062-71.

⁸⁸ *Id.* arts. 1569 & 1570.

⁸⁹ *Id.* art. 1582.

⁹⁰ *Id.* art. 1614.

⁹¹ PENAL CODE arts. 251, 253 & 261.

⁹² *Id.*

⁹³ OECD, *SIGI: Timor-Leste*.

3. Access to Credit

Access to credit in Timor-Leste is generally poor.⁹⁴ Microfinance providers are attempting to change this, and the two largest MFIs have extended up to 93 percent of their loans to women.⁹⁵ Women do not appear to face any legal barriers to accessing credit, although they may be disadvantaged by general patriarchal practices that discourage them from working or engaging in non-domestic activities. Low access to collateral considering land rights limitations is also a challenge.

As noted above, the two leading MFIs in Timor-Leste are Moris Rasik and Kaebuk, which WAGE plans to engage. Moris Rasik has organized its clients into two segments: individual clients and group clients. Group clients are characterized by low-income women who come together in solidarity groups, a methodology adapted to the Timor-Leste context from Grameen Bank practices. Individual clients are graduates of solidarity groups or middle-income entrepreneurs. Group clients have access to two types of loans: Loan Biasa (USD 50-5,000 with an interest rate of 18.72 percent per annum) and Loan Special (USD 400-5,000 with an interest rate of 15.60 percent per annum). Individual clients can access Loan SME (USD 500-50,000 with an interest rate of 15 percent per annum) or Loan Hadia Uma (USD 500-2,500 with an effective rate of 15 percent per annum). Kaebuk is currently offering only individual loan products ranging from USD 100 to USD 35,000 for agriculture, education, business, home improvement, and vehicles. Of their 40,730 clients, 71 percent are women, although each borrower is required to have a “supporter” to co-sign the loan agreement. For women borrowers, co-signers are usually their husbands.

4. Access to Essential Services

Women and girls in Timor-Leste face discrimination in education.⁹⁶ The literacy rate for women is lower than that for men, 64 percent versus 72 percent, respectively.⁹⁷ On average, boys get nearly two more years of schooling than girls (5.3 vs. 3.6 years).⁹⁸ Overall, men are likely to be more educated than women across all education levels, with corresponding improved opportunities to obtain skilled employment and higher wages.⁹⁹ According to the WE CSOs consulted, it is customary for families to prioritize sending the male children for tertiary education. This is particularly observed in large households due to economic constraints as tertiary education is expensive in Timor-Leste. This practice can be a contributing factor to the low engagement of women in the formal economy.

Furthermore, on average, women and girls are more likely to be malnourished than men and boys, which suggests gender bias in access to food within households.¹⁰⁰ Pensions for the elderly and disabled appear to be distributed in a gender-neutral manner.¹⁰¹ Timor-Leste has benefits specifically targeting widows and orphans, but they are subject to a poverty requirement and generally have not had much impact on women’s status in Timor-Leste.¹⁰²

⁹⁴ ADB, Timor-Leste: Country Gender Assessment at 78.

⁹⁵ *Id.* at 79.

⁹⁶ Equality Institute, *Understanding Violence against Women and Children in Timor-Leste* at 23.

⁹⁷ WEF, *GGG Report*.

⁹⁸ *Id.*

⁹⁹ *Id.*

¹⁰⁰ Equality Institute, *Understanding Violence against Women and Children in Timor-Leste* at 23.

¹⁰¹ *Id.* at 82.

¹⁰² *Id.*

SECTION 5: GENDER-BASED VIOLENCE (GBV)

1. Prevalence and Forms of GBV

Timor-Leste's history of violence connected to its emergence from Indonesian rule in 1999 has led to a normalization of violence in daily life. According to a 2016 study, 59 percent of Timorese women have experienced physical or sexual violence by an intimate partner in their lifetime, while 47 percent have experienced physical or sexual violence by an intimate partner in the previous year. Domestic violence is frequent and severe,¹⁰³ and its pervasiveness appears to vary across the country. Pursuant to the 2016 Demographic and Health Survey, 58 percent of women experience spousal violence in Ermera and 65 percent in the special administrative region of Oecussi. More than half of ever-married women in Covalima (51 percent), Liquiçá (51 percent), and Manufahi (52 percent) also experienced spousal emotional, physical, or sexual violence.¹⁰⁴ According to WAGE's local partners, the respective percentages are estimated to be lower now, however the exact figures are not possible to obtain because domestic violence is significantly underreported.¹⁰⁵ An earlier study found that only one in four women (24 percent) who experienced violence sought help and those seeking help mostly went to their families (82 percent) or in-laws (27 percent), while only 4 percent went to the police.¹⁰⁶ Child marriage is also common, affecting 19 percent of Timorese girls.¹⁰⁷ So is incest. Domestic violence and sexual assault are considered a reality of everyday life rather than a crime.¹⁰⁸

There are documented links between poverty and GBV prevalence in Timor-Leste. A 2019 study published by the World Bank that looked at both poverty rates and gender equality indicators found that rates of abuse against women are higher in poorer areas of the country.¹⁰⁹ This was confirmed by WAGE's local partners. They noted that households in Timor-Leste have on average 5.3 members, but larger households, including extended families, are common, particularly in rural areas. The limited resources and means to provide for the needs of large families contribute to GBV risks. At the same time, global evidence shows that when women start up new enterprises and become more active, incidences of GBV in the household may increase, as roles and responsibilities in the household and power dynamics begin to shift.¹¹⁰ Women entrepreneurs who experience GBV in the household or community can be forced to abandon their income-generating activities, divert productive resources including credit toward other uses, and/or keep their businesses small and informal. Yet, as women's business revenues increase over time, evidence shows incidence of GBV can also decline. Research by UN Women illustrates that when women and girls have the

¹⁰³ Equality Institute, *Understanding Violence against Women and Children in Timor-Leste* at 149.

¹⁰⁴ General Directorate of Statistics, Ministry of Planning and Finance and Ministry of Health, *Timor-Leste Demographic and Health Survey 2016* at 303 (2018), <https://dhsprogram.com/pubs/pdf/FR329/FR329.pdf>.

¹⁰⁵ See Equality Institute, *Understanding Violence against Women and Children in Timor-Leste* at 25. Reportedly, 66% of women who had ever experienced physical and/or sexual intimate partner violence had not told anyone, while 71% of women who had been raped by a non-partner did not tell anyone in their families, with only 5% reporting incidents to the police and 7% to a healthcare professional.

¹⁰⁶ ADB, *Timor-Leste: Country Gender Assessment* at 55.

¹⁰⁷ UN Women, *Global Database on Violence Against Women: Timor-Leste*, <https://evaw-global-database.unwomen.org/fr/countries/asia/timor-leste#1>.

¹⁰⁸ Equality Institute, *Understanding Violence against Women and Children in Timor-Leste* at 25.

¹⁰⁹ Ririn Salwa Purnamasari, *Gender-Sensitive Poverty Mapping for Timor-Leste: Policy Note (English)* (World Bank Group 2019), <http://documents.worldbank.org/curated/en/143891560928616596/Gender-Sensitive-Poverty-Mapping-for-Timor-Leste-Policy-Note>.

¹¹⁰ Lori L. Heise, *What Works to Prevent Partner Violence? An Evidence Overview* (STRIVE Research Consortium 2011), https://researchonline.lshrm.ac.uk/21062/1/Heise_Partner_Violence_evidence_overview.pdf.

safety and security they need, communities are safer, poverty decreases, development opportunities increase, and entire families benefit.¹¹¹ Therefore, concentrating support to women entrepreneurs in the poorest villages, such as within the western and central districts of Timor-Leste, is critical to enabling them to reduce household poverty and their own vulnerability to GBV.

2. Legal and Institutional Framework for Addressing GBV

Timor-Leste has several laws and policies to prevent and address GBV:

- In 2010, Timor-Leste passed Law No. 7/2010 Against Domestic Violence (LADV) to address physical, sexual, psychological, and economic violence within the family context, regardless of cohabitation status.¹¹² The law recognizes domestic violence as a public crime, provides for education and research on domestic violence (arts. 9-12), and calls for the establishment of shelters and other social services for victims of domestic violence (arts. 15-26).¹¹³ The law further governs criminal prosecutions for domestic violence and provides for restraining orders and witness protection (arts. 35-40).¹¹⁴ Economic violence is defined as “any conduct that involves retention, partial subtraction, or total destruction of personal items, working instruments, impeding work inside or outside the home, personal documents, goods, values and rights or economic resources, including those designed to meet the personal needs and the needs of the household” (art. 2).¹¹⁵ Anyone can report the crime of domestic violence and a victim’s complaint is not required to proceed with investigation and prosecution.¹¹⁶ A study by the Timor-Leste Judicial System Monitoring Program has found that since the passage of the LADV, there has been a dramatic increase in the number of domestic violence cases being brought before courts, perhaps because the LADV requires the police to investigate any allegation of domestic violence.¹¹⁷
- Timor-Leste’s 2009 Penal Code also criminalizes intimate partner violence (spousal and non-spousal)¹¹⁸ in addition to other forms of GBV, including sexual violence and trafficking in persons. Committing sexual coercion or rape “[t]hrough abuse of authority arising from a family relationship, ward or guardianship, or hierarchical, economic or labor-related dependence” is considered an aggravating factor.¹¹⁹ There are some inconsistencies between the Penal Code and the LADV in terms of definitions, processes, and sentencing provisions, which may lead to undesirable interpretations and outcomes, even though the LADV formally supersedes the Code.
- In 2017, Timor-Leste launched the National Action Plan on Gender-Based Violence 2017-2021 (GBV NAP), which superseded GBV NAP for 2012–2014. The GBV NAP represents the country’s

¹¹¹ UN Women, *Fact Sheet: The Global Study on 1325: Key Messages, Findings and Recommendations* (2013), <https://wps.unwomen.org/resources/fact-sheets/Fact-Sheet-and-Key-messages-Global-Study-EN.pdf>.

¹¹² LAW AGAINST DOMESTIC VIOLENCE (LAW No. 7/2010) (*adopted* 2010), https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---ilo_aids/documents/legaldocument/wcms_179323.pdf.

¹¹³ *Id.*

¹¹⁴ *Id.*

¹¹⁵ *Id.*

¹¹⁶ *Id.*

¹¹⁷ Equality Institute, *Understanding Violence against Women and Children in Timor-Leste* at 28. JSMP identified 352 domestic violence cases in three years after the enactment of the LADV, a vast increase from the six cases identified in 2010.

¹¹⁸ PENAL CODE art. 154.

¹¹⁹ *Id.* arts. 171-173.

multisectoral approach to addressing GBV¹²⁰ and explicitly references corresponding obligations under established international standards.¹²¹ The GBV NAP identifies short and long-term goals and outlines how agencies will work together in the education, social services, justice, security, and health sectors to reach those goals.¹²² The GBV NAP identifies the following four priority areas: (i) prevention through awareness raising, education, political and economic empowerment; (ii) services to address the needs of victims that are easily accessible, confidential, and supported by trained professionals; (iii) access to justice through a judicial system that effectively protects victims and investigates, prosecutes, and punishes perpetrators of GBV and domestic violence;¹²³ and (iv) coordination and monitoring that will ensure effective implementation of the GBV NAP.¹²⁴

3. Prevention, Protection & Accountability

The following institutions have mandates to address GBV in Timor-Leste:

- The Office of the Prosecutor-General, which handles prosecution of GBV cases;¹²⁵
- The Vulnerable Persons Unit within the National Police of Timor-Leste, which was created in 2001 to investigate, *inter alia*, crimes of rape, attempted rape, domestic violence, and sexual harassment, and has more than 100 officers;¹²⁶
- The Secretary of State for Equality and Inclusion, whose office is responsible for implementing the LADV;¹²⁷
- The Fatin Hakmetek program, which provides safe and secure locations within hospitals and clinics which offer care, temporary accommodations, and access to specialized services for survivors of GBV;¹²⁸
- Rede Referál, a network of service providers who support and refer survivors of GBV, including victims of domestic violence, sexual assault, and child abuse;¹²⁹ and,
- Major international development projects, like Nabilan implemented by the Asia Foundation and the Spotlight Initiative by the European Union and the United Nations.

¹²⁰ Secretariat of State for the Support and Socio-Economic Promotion of Women, *National Action Plan on Gender-Based Violence 2017-2021*, <https://www.peacewomen.org/sites/default/files/170509-PAN-Eng-s.pdf>.

¹²¹ *Id.* The instruments explicitly referenced in the Preamble to the GBV NAP include: CEDAW; the International Convention on Civil and Political Rights (ICCPR), the International Covenant on Social and Economic Rights (ICESR), the Convention on the Rights of the Child (CRC), and the UN Security Council Resolution 1325 on Women, Peace and Security.

¹²² *Id.*

¹²³ The GBV NAP adopts broad definitions of “Gender Violence” and “Domestic Violence.” “Gender Violence” is defined as “violence against a woman, man or child based on her/his subordinate status in society resulting from (or caused by) his/her gender.” Includes: domestic violence; sexual abuse; dowry-related violence; rape, gender specific traditional practices; non-spousal violence; sexual violence related to exploitation; sexual harassment and intimidation at work, school and elsewhere; and trafficking and forced prostitution.” “Domestic Violence” is defined as “physical, sexual, psychological and economic violence committed within a family context where there is some form of relationship of dependence between the victim and the defendant.”

¹²⁴ *Id.*

¹²⁵ ADB, Timor-Leste: Country Gender Assessment at 42.

¹²⁶ *Id.* at 54.

¹²⁷ *Id.* at 61.

¹²⁸ *Id.* at 62.

¹²⁹ *Id.*

Notwithstanding formal protections and institutions, social norms, traditional justice and governance systems, and even infrastructure impede women’s ability to seek protection from or redress for GBV.¹³⁰ Domestic violence is accepted as a normal part of daily life in Timor-Leste.¹³¹ This view is grounded not only in traditional views on marriage and gender roles, but also in the general normalization of violence due to the country’s turbulent history.¹³² Moreover, the traditional practice of *barlake*, where the groom’s family pays a dowry to the bride’s family, exacerbates the prevalence of domestic violence as it both influences husbands to view wives as property, and diminishes the ability of the wives’ families to protect them.¹³³ WAGE local partners also highlighted that Timorese women commonly rely on their husbands to provide for their families due to limited economic opportunities. This has been cited as the primary reason why women do not report GBV.

Sexual violence is accepted to some extent even among women. In the 2009–2010 Demographic and Health Survey, almost half (47 percent) of women surveyed stated that they believed a man could not control his sexual behavior.¹³⁴ More than one in four women (29 percent) believed marital rape was permissible.¹³⁵ The informal, traditional community-based justice systems—which are often more accessible to women than police or prosecutors—tend to be patriarchal and more accepting of GBV.¹³⁶ There are also physical barriers to women seeking assistance: low numbers of courts, police stations, and officers, as well as scarce legal assistance are all roadblocks to justice.¹³⁷ Finally, women’s unequal economic status and opportunities make it more challenging for them to leave abusive relationships and women in Timor-Leste have reported that financial dependence weakens their relative ‘bargaining’ powers against abusive partners.¹³⁸

SECTION 6: CONFLICT, CRIME, AND EXTREMISM

Timor-Leste became an independent nation in 2002, following over 400 years of Portuguese colonization, 24 years of Indonesian occupation, and 3 years of United Nations transitional administration.¹³⁹ In 1999, Timorese voted by an 80 percent margin for independence from Indonesian rule after a lengthy period of internal strife (wherein Indonesian security forces violently imposed Indonesian rule in the country).¹⁴⁰ There have been other violent periods following Timor-Leste’s independence such as in 2006-2008, which resulted from perceptions of discrimination within the Defense Force against soldiers from the western part of the country.¹⁴¹ The conflict between these security forces finds its origins in the colonial period and was reinforced during the Indonesian occupation. This two-year conflict resulted in 100,000 displaced

¹³⁰ ADB, *Timor-Leste: Country Gender Assessment* at 56.

¹³¹ *Id.*

¹³² *Id.*

¹³³ *Id.* at 58.

¹³⁴ *Id.*

¹³⁵ *Id.*

¹³⁶ *Id.* at 42.

¹³⁷ *Id.*

¹³⁸ Equality Institute, *Understanding Violence against Women and Children in Timor-Leste* at 23; Nabilan, *Beyond Fragility & Inequity* 32-35 (2015), <https://asiafoundation.org/resources/pdfs/EDDVReport.pdf>.

¹³⁹ Equality Institute, *Understanding Violence against Women and Children in Timor-Leste* at 21.

¹⁴⁰ *Id.*

¹⁴¹ *Id.* at 22; DURAND Frédéric, *Three Centuries of Violence and Struggle in East Timor (1726-2008)*, <https://www.sciencespo.fr/mass-violence-war-massacre-resistance/en/document/three-centuries-violence-and-struggle-east-timor-1726-2008.html>.

citizens.¹⁴² Timor's history of conflict and displacement impairs women's ability to work, participate politically, and live their lives free of violence.

Timor-Leste has not experienced terrorist attacks for many years and had the lowest terror risk score in the 2016 and 2017 Global Terrorism Index.¹⁴³ However, internal conflict, particularly in urban areas, persists. Outbreaks of collective violence and the prevalence of illegal gangs and martial arts clubs among young men in urban areas pose considerable challenges to localized peace and can lead to an increased risk of GBV (including harassment) for women.¹⁴⁴

SECTION 7: INTERSECTIONALITY, DIVERSITY, AND INCLUSION

WAGE has identified the following groups of women as facing unique challenges, heightened discrimination, marginalization, or unique gaps in services or opportunities in Timor-Leste.

- Lesbian, bisexual, and transgender (LBT) women (as well as transgender men) can be particularly vulnerable in Timor-Leste because of conservative religious and sociocultural norms.¹⁴⁵ A 2017 survey of young LBT women's and transgender men's experiences found that 86 percent of respondents had experienced both physical and psychological abuse, with zero intervention by any outside agency, including cases of forced marriages with unwanted pregnancies.¹⁴⁶ Same-sex sexual relations have been legal in Timor-Leste since 1975,¹⁴⁷ and the Timorese government has made several public announcements, including before the UN, reaffirming its commitment to upholding the rights of lesbian, gay, bisexual, transgender, and intersex people.¹⁴⁸ Regardless, a lack of knowledge of rights, support services, and economic independence were cited as reasons for LBT women to remain in hiding.¹⁴⁹
- Women with disabilities also face particular challenges in Timor-Leste. The 2010 census reported that 72 percent of people with disabilities in Timor-Leste had never attended school, and of those attending school, only 36 percent were girls.¹⁵⁰ Ra'és Hadomi Timor Oran, a CSO advocating for the rights of the disabled, stressed the relative lack of data about the lives of the disabled in Timor-Leste.

¹⁴² Equality Institute, *Understanding Violence against Women and Children in Timor-Leste* at 22.

¹⁴³ Institute for Economics & Peace, *Global Terrorism Index 105* (2017), <http://visionofhumanity.org/app/uploads/2017/11/Global-Terrorism-Index-2017.pdf>.

¹⁴⁴ Equality Institute, *Understanding Violence against Women and Children in Timor-Leste* at 24.

¹⁴⁵ Rede Feto, *A Research Report on the Lives of Lesbian and Bisexual Women and Transgender Men in Timor Leste* (2017), <https://aseansogieceaucus.org/images/resources/publications/ASC%20-%20Rede%20Feto%20-%20LBT%20Womens%20Lives%20in%20Timor%20Leste.pdf>.

¹⁴⁶ *Id.*

¹⁴⁷ *Id.*

¹⁴⁸ *Id.* at Executive Summary.

¹⁴⁹ *Id.*

¹⁵⁰ *Committee on the Elimination of Discrimination against Women meets with Civil Society Representatives*, OHCHR (Nov. 9, 2015), <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16727&LangID=E>; UNHCR, *Report on the Rights of Persons with Disabilities in Timor Leste (2011)*, https://www.ohchr.org/Documents/Issues/Disability/UNHR_Report2011_en_resize.pdf.

- Rural women also face special challenges in Timor-Leste and are more likely to be in vulnerable jobs¹⁵¹ (87 percent) compared with urban women (54 percent).¹⁵² Rural women are also less than half as likely as urban women to give birth in a hospital or to receive postnatal checkups.¹⁵³

Finally, language, ethnicity, and indigenous status pose special considerations, to be further explored in the program's needs and landscape assessment. The indigenous people in Timor-Leste are made up of a variety of ethnic groups, speaking some sixteen languages.¹⁵⁴ Most indigenous peoples are of Austronesian origin, while some, including the Bunak, Fataluku, and Makasae, are of predominantly Melanesian-Papuan origin.¹⁵⁵ Although the common struggle against Indonesian occupation used to provide a sense of unity to the various peoples of Timor-Leste, in the post-occupation period some tensions have flared.¹⁵⁶ Ethnic divisions, with tensions between the Kaladis of the west and the Firakus of the east are also a source of concern. So is the linguistic divide. Portuguese is used as the language of government administration even though it is spoken by only 39 percent of the population and is the mother tongue of only 0.1 percent.¹⁵⁷

¹⁵¹ Jobs that tend to lack stable income and benefits.

¹⁵² ADB, Timor-Leste: Country Gender Assessment (2014) at <https://www.adb.org/sites/default/files/institutional-document/84126/timor-lestes-country-gender-assessment.pdf> at xv.

¹⁵³ *Id.* at 35.

¹⁵⁴ Minority Rights Group International, *Timor-Leste*.

¹⁵⁵ *Id.*

¹⁵⁶ *Id.*

¹⁵⁷ *Id.* Tetum and Portuguese are the official languages of Timor-Leste, while Indonesian and English are working languages. According to the 2015 census, 91.8% of Timorese have at least some proficiency (reading, writing and /or speaking) in Tetum, compared to 62% in Indonesian, 60.7% in Portuguese, and 39% in English.

DATA SOURCES

Sources of Information	Explanation
Desk Research	Laws, policies, and secondary sources listed in the endnotes.
Key Informant Interviews	Ba Futuru, Empreza Di'ak, Associação Epresarial Das Mulheres Timor-Leste (AEMTL), Moris Rasik Foundation, and Kaebuk Investimentu no Finansas
Consultations	Secretary of State for Equality and Inclusion; Compact Development Team, Millennium Challenge Corporation (MCC); Economic Growth Team, USAID; U.S. Embassy; and Peace Corps
Focus Groups	Focus group discussion with an organized women entrepreneurs group in Maubara, Liquiçá that Alola Foundation has previously worked with (16 women attendees, 15 of which are women entrepreneurs and one Peace Corps volunteer currently living with one of the attendees).
Surveys	N/A
Other	N/A



W A G E

ABOUT

Women and Girls Empowered (WAGE) is a global consortium to advance the status of women and girls, led by the American Bar Association Rule of Law Initiative (ABA ROLI) in close partnership with the Center for International Private Enterprise (CIPE), Grameen Foundation, and Search for Common Ground (SFCG). WAGE works to strengthen the capacity of civil society organizations (CSOs) in target countries to improve the prevention of and response to gender-based violence (GBV); advance the women, peace and security agenda; and support women's economic empowerment (WEE). In this context, WAGE provides direct assistance to women and girls, including information, resources, and services they need to succeed as active and equal participants in the global economy. WAGE also engages in collaborative research and learning to build a body of evidence on relevant promising practices in these thematic areas. To account for the deeply interconnected nature of women's and girls' experiences, WAGE's initiatives employ approaches that are highly collaborative, integrated, and inclusive. WAGE is funded by the U.S. Department of State Office of Global Women's Issues.

