



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**

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**Responses to the list of issues and questions with regard to
the consideration of the initial periodic report**

Timor-Leste*

* The present report is being issued without formal editing.



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

Generally it is quite difficult to collect data. In the rural areas in particular, sometimes it is quite difficult to interview women, because when they answer they simply say to wait for their husbands.

Disaggregated data started in 2003 but there have also been difficulties in this. There needs to be 'socialisation' or information given to women and men about gender equality because Timor Leste's culture is strongly patriarchal. Technical support, likely from international organisations, will be very important if socialisation is to happen.

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

The Constitution of the Democratic Republic of Timor-Leste (RDTL) Section 16 (2) and Section 17 states that there should be no discrimination against men or women. A translation of these sections (from Tetun) follows:

Section 16 (2): 'Do not discriminate against people on basis of skin, race, civil status, sex, ethnic origin, language, social or economic position, political views or ideology, religion, education, or physical or mental condition or disability.'

Section 17: 'Women and men have the same rights and obligations in raising families, and in the cultural, societal, economic and political arenas.'

Therefore, any type of national legislation that the Government of Timor-Leste produces is prohibited from including any items that discriminate against women; and, any person who feels they have been discriminated against on basis of sex may put a case to the formal justice system. At this time the Government of Timor Leste does not know of any cases where the provisions of the Convention have been directly invoked in court cases.

Additionally, in the Penal Code, some articles already regulate for prohibition of discrimination, and most of the political leaders in Timor-Leste are discussing having one specific law for discrimination. Government ministers are in consultation with the population on this matter.

To date, there have been no cases where CEDAW has been invoked in the court system, and there is currently no training on CEDAW for judges. However, SEPI would like to work together with international agencies and other institutions to provide this training in the future.

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

Firstly, in non-formal education, the first step is to eliminate illiteracy.

In the Legal Training Center, there are subjects for legal training in human rights, including rights for women and children. Steps taken by the government have included development of literacy programs in all territories, with priority for women, especially so that they can be made aware of their rights as women, and also have access to education, in accordance with section 59 of the Constitution of RDTL. In the Constitution, it states that all people should have the right to basic education. This law can be further used to apply to legal literacy.

In the non-formal education programs, there is a basic three-month literacy program followed by a six-month functional literacy program "Iha Dalan". Iha Dalan is built around different units on topics such as education, health and human rights. In the Human Rights chapter, there is a short unit on "women's security" "seguransa kona ba fetu".

Secondly, in formal education - The Ministry of Education and Culture's Gender Focal Point has included in his 2009 Work Plan to work with Parent Teacher Associations (PTA) and the teacher training program to develop a human rights program for teachers including women's rights. He will discuss with women's non-government organizations how to train the teachers. The Ministry of Education and Culture hopes to collaborate with the teachers in 2009 or 2010.

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

This is shown by the Constitution of RDTL and also the Civil Code Project. The Law gives liberty to man and women to be married at the age of 17 — married without any obligation, which is freedom for a woman to choose a man for her husband, and a man to choose a woman for his wife. For age 16, men and women are allowed to get married if it is authorized by their parents and is registered in the registration office; not permitted for married at the age of 15; The law does not recognize dowry, even though the practice still exists to date, and if any consequences occur from the dowry, the law does not deal with these.

National machinery for the advancement of women

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

In 2007, the IV Constitutional Government decided to promote greater awareness and a full investment in promotion and equality, through the establishment of the Secretary of State for the Promotion of Equality (SEPI). This is also a response to a proposal from the 2nd National Women Congress in July 2004. The Secretary of State for the Promotion of Equality is situated under the Cabinet of the Prime Minister. SEPI is responsible for gender mainstreaming throughout government programs, legislation and departments, and implementation of gender equality in public politics and legislation.

In 2008, the Council of Ministers approved the **Organic Law of SEPI, No.16/2008**, which established SEPI's mandate more widely, when we compare with SEPI's predecessor, the Gabinete Promosaun Igualdade, or the Cabinet for the Promotion of Equality (GAPI). In 2006 GAPI produced the Strategic Plan for five years, from 2006 – 2011, with the participation of the Government of Timor-Leste and its partner Civil Society Organizations. Compared to this plan and based on the experience the previous four years of GAPI activities, SEPI has improved. SEPI has identified five priority sectors to promote the participation of and equality between men and women in economic, social, and political development and culture. Priority areas are as follows:

- I. Implement and promote integrated Gender Strategy in Government, in all Ministries.
- II. Provide political influence, programs and legislation that is essential for gender.
- III. Establish coordination mechanism and working group within the Ministry and, civil society, to facilitate dialogue and consultation, with the aim of better politics, programs and projects that are more effective and efficient.
- IV. Develop and implement strategy of communication to improve the understanding of gender issues within all society.
- V. Develop capacity of SEPI Human Resources and future SEPI institutional development.

As per SEPI's responsibilities, SEPI took part in the Council of Ministers Meeting. In the meeting, SEPI provided pressure on the policies, programs and projects, on a gender perspective. This is in addition to work based on the Strategic Plan, which is establishing two units in SEPI: 1) the Unit of Politics and Development, which is responsible for political development, planning, monitoring and evaluation, and training for coordination and consultancy; 2) the Unit of Administration and Finance, which is responsible for administration, logistics and finance.

On March 19, 2008, the Council of Ministers approved the **Resolution to re-establish and reinforce to draw attention to gender focal points**, at the level of Ministries and Districts, with the objective of establishing a mechanism for uniformities on gender issues in strategic, political and public legislation, and based on a solid analysis of women's experiences in social dimensions, economics, politics, families, culture in all Timorese society.

Temporary special measures

6. *Paragraph 419 of the common core document states that at the time of submission of the report few temporary laws or measures had been drafted or adopted specifically for the purpose of accelerating equality between women and men. Please provide information on the content of the*

temporary laws and measures to which the State party is referring and indicate the time frame for the adoption of the laws that had not yet entered into force at the time of submission of the report.

The Election Law of 2007 states that women must hold 30% of positions in political parties.

At the local government or 'suco' (chiefs) level, 3 of 6 positions must be reserved for women, in addition to this, there is another municipal law, which is still at the public consultation stage, in which it is proposed that in elections between one and three positions should be reserved for women (depending on the final number).

At the Minister / Secretary of State level in government, Ministers and Secretaries are encouraged to give a portion of their salary for scholarships for students for overseas study, including women students. For example, the Minister of Justice has supported 8 students, 3 of which were women, in this manner, this past year.

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

The Secretary of State for Professional Training and Labor established a gender unit in 2004 that is now called the Gender Cabinet, which reports directly to the Secretary of State. It was the task of the gender cabinet to raise awareness of equal treatment for the issue of gender in all programs within the State Secretariat. Through encouraging women to apply for jobs advertised at the Labor Center and providing them with professional orientation, they encouraged women to participate in professional training which more men usually apply for. The participation of women in the project Liman Badaen was, for women, 50% and was specially developed for women in rural area for technical training and employment training.

There is currently no data on how many women have access and do not have access to justice. Civic education is the best way to start to improve the situation with regard to equal rights between men and women. The agency of the public defender provides legal assistance for free; the University Faculty of Law has opened the Law Clinic to facilitate the access of more women to justice and also to access the free advocacy from the Public Defender. The Ministry of State Administration and Territory Reform has stated explicitly that in election of Suco Council members there must be three posts reserved for women. However, these posts are not Decision Making posts, and compared with 2002, there are no women at the District Administrator and Sub District Administrator levels. The election law for Municipal election or Local Government states that in the List of Candidates Name, from no.3, should be women.

To support other Ministries to achieve equality between men and women SEPI works together with Ministry of Education and Culture running a program improved quality of all children through education area; this equality program was featured throughout the local and national media.

Additionally, the Ministry of Economy and Development introduced temporary special measures for women in its microcredit funding by giving priority to women's groups.

Additionally, the Ministry of Education and Culture realizes that there is a need for Temporary Special Measures for girls and women's education. The gender focal point who is also the Director of Planning and responsible for the Strategic Plan, will identify the most urgent priorities and also develop gender indicators for each directorate. Short term issues will be added into the 2010 Annual Action Plan and an adequate budget will be made. Long-term issues will also be identified for the next 5 years and included in the Strategic Plan.

Please also refer to question 6 regarding temporary special measures.

Stereotypes, cultural practices

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

The Ministry of Education and Culture can state that at the primary level, human rights are incorporated in environmental studies. The programme started in 2002. At the pre-secondary and secondary level, the Curriculum Division is still working on the topic of civic education. The Gender Focal Point has not yet been provided with a draft, but has requested to assess the draft and work in consultation with the curriculum developers/ division to ensure gender concerns are taken into account.

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

The State Secretariat for the Promotion of Equality is undertaking a number of measures to eliminate sex roles and stereotyping and achieve gender equality:

- running the program 'Leadership Transformation', the objective being to increase women's participation in politics
- working together with UNFPA and UNIFEM to give education on gender sensitivity on gender-based violence
- preparing the draft of the proposed Domestic Violence law
- maintaining a network of Gender Focal Points in all Government Ministries, to promote gender mainstreaming and a gender perspective throughout the government. There are 13 at the district level, 2 of which are men; and 14 in the Ministries, 3 of which are men.

Violence against women

10. *The State party's report indicates that a draft law on domestic violence has been submitted to the Council of Ministers. Please provide information on the status of the draft law and whether it*

addresses all forms of violence against women, taking into account general recommendation No. 19. Please also indicate the time frame for the enactment of the draft law.

The proposal for the Domestic Violence Law is in the revision phase (by the State Secretariat for the Promotion of Equality). Also, the Domestic Violence Law is delayed, being held in Parliament, until approval of the previous proposal of the Penal Code (harmonization of the Domestic Violence Law and Penal Code Law) is granted. Additionally, the State Secretariat for the Promotion of Equality, together with a legal team working on the revision according to the Penal Code, and based on the State Secretariat for the Promotion of Equality's plan will submit the Domestic Violence Law to the Council of Ministers within this month (March 2009). Thus, the State Secretariat for the Promotion of Equality has a target of 'socialising' the Domestic Violence Law in communities before approval by the National Parliament in Timor in July 2009. Therefore, currently the State Secretariat for the Promotion of Equality is lobbying Parliament to approve the Domestic Violence Law as soon as possible.

The draft Domestic Violence Law covers all forms of violence against women. For example, the definition of domestic violence in Article 3 (Concepts of Domestic Violence) is very broad:

'The concept of domestic violence, in the present law, encompasses any conduct, regardless of the means, whether by action or omission, committed within the family situation as referred to in the following Article, by one against another or other of its members, that provokes directly or indirectly, offence or physical, mental or sexual suffering and having the consequences of, namely, intimidating, punishing, humiliating or keeping the victim in the stereotyped role associated with gender or age or to deny their human dignity, sexual autonomy, economic independence, physical, mental and moral integrity or to affect their personal safety, self-respect or personality, or to diminish their physical or intellectual capacity.'

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

The State has determined that domestic violence is a public crime (in the earlier Penal Code proposal); therefore it is mandatory to process it through the formal justice system/court.

(The definition of domestic violence, Article 3, Section 1, in the proposed Domestic Violence Law reads: 'The concept of domestic violence, in the present law, encompasses any conduct, regardless of the means, whether by action or omission, committed within the family situation, as referred to in the following Article, by one against another or other of its members, that provokes directly or indirectly, offence or physical, mental or sexual suffering and having the consequences of, namely, intimidating, punishing, humiliating or keeping the victim in the stereotyped role associated with gender or age or to deny their human dignity, sexual autonomy, economic independence, physical, mental and moral integrity or to affect their personal safety, self-respect or personality, or to diminish their physical or intellectual capacity.')

The State Secretariat for the Promotion of Equality has worked with non-government organizations (NGOs) (PRADET, a civil society organisation which looks after victims of domestic violence and sexual harassment, FOKUPERS Forum Komunikasi Perempuan (same as Pradet, but, and the Justice

System Monitoring Program, JSMP) to establish a shelter to assist the victims of domestic violence. The issues of shelter and food for victims of domestic violence are included in the law as well, as a package together with the proposed domestic violence law which is now under discussion in Parliament.

At this time, internally displaced persons do not have access to these shelters.

Based on the State Secretariat for the Promotion of Equality's program for 2007, there was a system of selected shelters which were run by national agencies and international and civil society who worked for the Domestic Violence assistance. The shelter program was coordinated by the State Secretariat for the Promotion of Equality, and has weekly meetings to monitor assistance with domestic violence cases. In Timor-Leste there are 7 shelters: the district of Baucau has 1, the district of Oecussi has 1, the district of Dili has 4 and the district of Covalima has 1.

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

The Ministry of Social Solidarity gives the following figures for benefits to war veterans and families of war veterans:

Special pension for the Reform – 242 beneficiaries

Special pension for the Elderly – 255 beneficiaries

Special pension for those Incapacitated in Work – 119 beneficiaries

Special pension for Valour and Distinction – 7 beneficiaries

Special pension for Valour and Distinction of the Reform – 4 beneficiaries

Special pension for Survivors and their Heirs – 10,991 beneficiaries.

From the information available, it is not possible to tell whether both women and men war veterans have benefited from equal recognition and rehabilitation, including medical care.

Trafficking

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

The Penal Code of Law has been revised and is in the consultation phase. If the process goes according to plan, it will be approved in February 2009. At the present time, there are no plans for a specific law for protection of victims of human trafficking but the criminalisation of human trafficking has been included in the proposal of this penal code. Additionally: a law regarding witness protection is currently in the National Parliament for discussion; There is a law on immigration,

no. 72/2005, which also prohibits human trafficking, and states that the government should give protection to victims. The Ministry for Social Solidarity has a specific program for victims of trafficking.

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

Currently, Timor-Leste has no specific law to control arranged marriage between Timorese people and people of other nationalities. However, the Nationality Law no. 9/2002, has a regulation on marriage between Timorese nationals and foreign nationals. It states that men and women who marry a foreign national are allowed to retain status as a Timorese citizen. Additionally, the Civil Code will also address the matter of human trafficking, and the issue of human trafficking and sexual exploitation has been administered as a criminal act in the new penal code proposal. Please also refer to question 13.

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

Please see attached our Terms of Reference for the Trafficking Working Group (Termos de Referencia, Grupo Servisu Trafiku).

Political participation and participation in public life

16 The common core document describes the initiatives undertaken by the Office of the Adviser to the Prime Minister on the Promotion of Equality to increase the participation of women in political and public life, including through training activities and awareness-raising programmes. Please update the Committee on the impact of such measures with respect to the participation of women in all sectors of public life, including political decision-making. What steps are being taken by the State party to ensure the full implementation of articles 7 and 8 of the Convention, including through temporary special measures in accordance with article 4, paragraph 1 of the Convention and general recommendation No. 25?

Participation of women in politics is good, according to the legislative election of 2007. This is shown by the percentage of women being 29% in the National Parliament (NP) and 27% in the Government of Timor-Leste.

Education

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

in families and communities. Please also provide information on any plan to increase the budget allocation for the education of girls and on positive efforts to increase the number of girls and women beneficiaries of scholarships.

In relation to the percentage of women teachers at pre-secondary school (middle school) and high school, women had access to the course from some years ago till the present time. However, it is usually only men in the higher ranks. For this year, the third year of Bachelor graduation prepared by INFPC, there were 180 men and 154 women.

The policy of the Ministry of Education and Culture to strengthen gender equality within the ministry is to improve participation of young girls in the education political system, including giving scholarships for women students, although even this is not sufficient as there are only 25% women at the higher ranks, compared with men. The Ministry of Education has a policy to improve women's participation in the numbers of teachers and students.

Primary Net Enrolment Rate 2004/2005

National	Girls	Boys
	75.2%	77.9%

Source: DNE, 2007 TLSLS

Primary Net Attendance Rate, 2004/2005

National	Girls	Boys
	66.6%	64.6%

Source: DNE, 2007 TLSLS

Primary Net Enrolment Rate, 2006/2007

National	Girls	Boys
	47.4%	52.6%

Source: DNE, 2007 TLSLS

Primary Completion Rate, 2006/ 2007

National	Girls	Boys
	43 %	47 %

Source: DNE, 2007 TLSLS

Primary Repetition Rate 2006/2007

National	Girls	Boys
	44.3%	55.7%

Source: EMIS, 2006/2007

Primary drop-out rate

National	Girls	Boys
	44.4%	55.6%

Source: EMIS, 2006/2007

Pre-Secondary Net Enrolment Rate, 2004/2005

National	Girls	Boys
	32.1%	30.2%

Source: DNE, 2007 TLSLS

Pre-Secondary Net Attendance Rate, 2006/ 2007

National	Girls	Boys
	32.1%	30.2%

Source: DNE, 2007 TLSLS

Pre-Secondary Completion Rate, 2006/2007

National	Girls	Boys
	24.1%	31.6%

Source: DNE, 2007 TLSLS

Secondary Net Enrolment Rate for 2004/2005

National	Girls	Boys
	20.5%	17.4%

Source: DNE, 2007 TLSLS

Secondary Net Attendance Rate for 2006/2007

National	Girls	Boys
	30%	18%

Source: DNE, 2007 TLSLS

Secondary Completion Rate, 2006/2007

National	Girls	Boys
	11.9%	18.3%

Source: DNE, 2007 TLSLS

Children aged 6 years up who never attended school 2006/2007

National	Girls	Boys
	44.8 %	34.4%

Source: DNE, 2007 TLSLS

Gender Ratio of children that never attended school, 2006/2007

Girls	6-11	12-14	15-17
National	0.90	0.80	-

Source: DNE, 2007 TLSLS

Youth Literacy rate (15-24 years old), 2004/2005

Youth Literacy rate	Female	Male	Total
	71%	74%	73%

Source: DNE, Census of Population and Housing, 2004

Adult Literacy Rate (+ 25 years old), 2007/2008

Adult Literacy Rate	Female	Male	Total
	-	-	41,7%

Source: Non Formal Education Directorate, MoE, 2008

National University of Timor-Leste, academic year 2008-2009

	Female		Male		Total
	No.	%	No.	%	
Agriculture	594	40	891	60	1485
Social Politics / Political Science	542	28	1351	71.4	1893
Education	1313	46.6	1504	53.4	2817
Economics	915	44.3	1149	55.7	2064
Technical	156	15	877	85	1033
Centre for Health	148	64.9	80	35.1	228
Rights	14	41.1	20		34
Total	3682	38.5%	5872	61.5%	9554

Source: Servicos de Administracao academica, UNTL, 2008

The Director of Higher Education is willing to implement the future programmes in 2010 and include in the 2010 Annual Action Plan:

- An education campaign to encourage girls to attend school and change the family's perception. The campaign will be twofold, with a campaign at the school and family level, and an audio-visual campaign through TV, radio, newspaper on the commitment of the Ministry of Education and Culture to promote women and girl's education. The recently launched TV Education, an educational channel to reach the 13 districts, which can also be used to develop special programmes and deliver messages on the importance of girls' education.
- Gender Budgeting, with special provision for scholarships for women.

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

The Directorate of Planning at the Ministry of Education will raise this specific issue with the Director General and will work on a special policy to be included in the 2010 Annual Action Plan.

The State Secretariat for the Promotion of Equality has, as part of their annual plan for 2009, plans to have talks with teachers in pre-secondary (years 7, 8 and 9) and secondary (years 10, 11 and 12) schools, at the regional level, to promote awareness of this issue, including the information in the Common Core Document.

Employment

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

Yes, in the draft Labour Code, women who do not receive these maternity benefits can take a case to the Council of Labour Relations (workplace relations). However, to date no women have attempted to make a case to this council on this matter. At this stage the State Secretariat for Promotion of Equality is not aware of any State funded child care services available for working mothers.

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

The State Secretariat for Professional Training and Employment has an understanding of gender equality as it relates to all projects, and encourages participation of women in projects. This dates from the time of the Ministry of State Administration and Territory Reform, which existed before the Public Service had applied gender equality in their policy for employers, according to the Law no.8/2004. This law says that women employees who had delivered a child will be entitled to paid Maternity Leave, and the private sector Worker Organizations, working together with the State Secretariat for Professional Training and Employment, will try their best to introduce Worker Laws to all entities, and acknowledge all necessary problems of the worker that might occur.

Please also refer to the answer for question 7, specifically the paragraph on microcredit funding.

Health

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

Please see attached articles 141 of the new Penal Code text on the criminalization of abortion. The new Penal Code gives exceptions to allow abortions for reasons of health of the mother.

The Ministry of Health has developed a policy named 'the National Policy of Reproductive Health' to provide strategic guidance to all health practitioners for systematic intervention to solve the existing public health problem that is due to the implication of the reproduction cycle, including the issue of abortion.

In relation to unsafe abortion, there is a standard operating procedure (SOP) applied in all hospitals, for the necessary interventions. If a woman shows indicators of having had an unsafe abortion, first the hospital must try to save the life of the mother, and then they must try to prevent the abortion.

The Ministry of Health has established a regular health maternity and family program of pre-natal and ante-natal care. This facilitates all health centres to have health reproduction supplies, intensive dissemination of information and education to community and at-risk groups, schools and church, and other sector and non governmental organizations to share out information and actions to respond to the health reproduction problem.

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

The Pilot Project for Maternity Waiting Homes (Casa das Mae) has been implemented in six (6) districts: Aileu, Ainaro, Lautem, Liquica, Manatuto and Manufahi. Among the Maternity Waiting Homes which have been established, however, 50 per cent are not functioning well due to the mid wife living far away from the Maternity Waiting Homes. This makes it hard for the Homes to function well in delivering babies, and also makes it difficult to conduct examinations of expectant and delivering mothers.

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

Nowadays more than 37 per cent of women who give birth could be assisted by trained health staff. The Government of Timor-Leste has an initiative to expand all Health Centres to provide places for giving birth, because existing Health Centres do not have this facility. The Health Science Institute has carried out new training for midwives, with almost 40 people, in preparation to locate in health facilities which do not currently have a midwife. In relation to **Basic Emergency Obstetric Care**, the Ministry of Health has conducted training for 80 mid wives, or about 40 per cent of the total number of midwives within Timor-Leste. To facilitate and strengthen the existing system, the Ministry of Health is planning to procure a multi-function vehicle to carry out urgent activities and community based activities.

Rural women

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

Please see the attachment: Data for Women's Group Supporting Material from the Ministry of Agriculture and Fisheries.

Family relations

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

According to the new Civil Code proposal: residence ownership will be based on any agreement between the married man and woman; but if there is no agreement between them or they change the original agreement then the court may decide upon request of any of the spouses, that is, the court will have the right to decide. Please also see attachment with draft text of the new Civil Code.

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

The new Civil Code proposal states that men and women are allowed to marry at the same age, at 16 years old but they have to ask for their parents' authorization if they are 16; after a divorce, women should wait 300 days (10 months) to marry again, and men should wait 180 days (6 months) to marry again. Alternatively, after divorce, a woman will be able to marry again after 180 days (6 months) if she does not physically show as pregnant, and any declaration has authorization from the court.

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

The Constitution of the Government of Timor-Leste and the proposal for the new Civil Code attempt to grant the same rights for men and women. The Government of Timor-Leste will prepare a law proposal about the rights of women in relation to marriage, such as that women may have the right to negotiate ownership of land, including contracts and also access to credit. Regarding the inheritance of property - after a divorce, assets have to be divided equally between men and women. When the husband dies first, the inheritance will be divided between his wife and the children, or the inheritance will go to the wife only if they have no children.

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

Please see answer to question 27. Additionally, while single women and men will have the right to negotiate contracts etc, married women and men will have to have the consent of their husband or wife in order to make a contract.

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

(The Civil Registration Code) conducts monitoring on the minimum married age in Timor-Leste. A proposal for Timor Leste's new Civil Code has been finalized, but as the Government of Timor-Leste is still in the process of consultations, it hasn't been approved yet for implementation.

Amendment to article 20, paragraph 1, of the Convention

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

The State Secretariat for the Promotion of Equality is in the process of approaching the Ministry of Foreign Affairs on this issue.
