



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

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## Committee on the Elimination of Discrimination against Women

### List of issues and questions in relation to the fourth periodic report of Timor-Leste\*

#### Women's rights and gender equality in relation to the pandemic and recovery efforts

1. In line with the Committee's guidance note on the obligations of States parties to the Convention in the context of the coronavirus disease (COVID-19) pandemic, issued on 22 April 2020, please indicate measures implemented by the State party to: redress long-standing inequalities between women and men and give new impetus to the implementation of gender equality by placing women at the centre of the recovery as a strategic priority for sustainable change, in line with the Sustainable Development Goals; meet the needs and uphold the rights of women and girls, including those belonging to disadvantaged and marginalized groups and women in situations of conflict or other humanitarian emergencies; and ensure that, in the context of lockdown measures, whether partial or total, and in post-crisis recovery plans, women and girls are not relegated to stereotypical gender roles. Please indicate measures in place to ensure that all COVID-19 crisis response and recovery efforts, including the recovery and resilience plan: (a) address and are aimed at effectively preventing gender-based violence against women and girls; (b) guarantee the equal participation of women and girls in political and public life, decision-making, economic empowerment and service delivery, in particular in the design and implementation of recovery programmes; and (c) are designed so that women and girls benefit equally from stimulus packages, including financial support for unpaid care roles, that are aimed at mitigating the socioeconomic impact of the pandemic. Please explain how the State party is ensuring that measures taken to contain the pandemic, such as restrictions on freedom of movement or physical distancing, do not limit access for women and girls, including those belonging to disadvantaged and marginalized groups, to justice, shelters, education, employment and health care, including sexual and reproductive health services.

#### Visibility of the Convention and the Optional Protocol thereto

2. Please provide information on the efforts made to give visibility to the Convention, the communications and inquiry procedures provided for under the Optional Protocol thereto and the Committee's general recommendations, so that they are made an integral part of the training of judges, lawyers, prosecutors, police

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\* Adopted by the pre-sessional working group on 2 March 2022.



officers and other law enforcement officials. Please also provide information on measures taken to disseminate the Committee's previous concluding observations.

#### **Legislative framework and definition of discrimination against women**

3. Please indicate any steps taken to introduce a comprehensive definition of discrimination against women that encompasses direct and indirect discrimination and discrimination in the public and private spheres by State and non-State actors. Please provide data on the number of complaints in relation to discrimination on the grounds of sex in the past five years on the basis of existing anti-discrimination provisions (paras. 5 and 6)<sup>1</sup> and the reparations provided to plaintiffs. Please indicate whether the State party envisages adopting a comprehensive law on gender equality and specify the timeline for the adoption of the laws on civil registration, traditional justice and informal justice processes (paras. 6–8).

#### **Access to justice**

4. Please specify how a new law on traditional justice, regulating the relationship between customary and formal justice systems, will ensure that women have a real and informed choice concerning the applicable law and the judicial forum within which they would prefer their claims to be heard. Please also explain any safeguards in place to guarantee that customary and non-customary dispute resolution do not restrict access by women to judicial or other remedies in any area of the law. Please explain the impact of Law No. 1/2017 in preventing delays in the handling of court proceedings in cases of gender-based violence and other violations of women's rights. Please indicate any capacity-building organized for justice system personnel and whether the Convention has been invoked before the courts in recent years.

#### **Women and peace and security**

5. Please indicate the status of implementation of the national action plan on Security Council resolution [1325 \(2000\)](#), the human, technical and financial resources allocated and the capacity-building provided to relevant stakeholders, in particular women mediators.

#### **National machinery for the advancement of women**

6. Please specify the human, technical and financial resources allocated and the mandate of the Secretariat of State for the Support and Socioeconomic Promotion of Women, the gender working groups in ministries and any other gender equality bodies. Please provide updated information on the finalization of the monitoring mechanisms under the Planning, Monitoring and Evaluation Unit, the government financial management information system and the "Road to the Future" (*Dalan Ba Futuru*) database (paras. 30 and 31), as well as on the outcome of the most recent reviews of the implementation of gender policies.

#### **Temporary special measures**

7. Please update the Committee on the areas under the Convention in which women remain underrepresented or disadvantaged and indicate how temporary special measures could help to achieve de facto gender equality in these areas, with a special emphasis on marginalized groups, such as indigenous women and girls.

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<sup>1</sup> Unless otherwise indicated, paragraph numbers refer to the fourth periodic report of the State party [CEDAW/C/TLS/4](#)).

### **Stereotypes and harmful practices**

8. Please provide an update on the measures taken to address gender stereotypes. Please also inform the Committee about any plans to amend articles 1490 and 1500 of the Civil Code (Law No. 10/2011), with a view to raising the minimum age of marriage to 18 years, and about any steps taken to explicitly prohibit polygamy. Please describe the efforts made to register all marriages and to eliminate the payment of bride prices (*barlake*), child and/or forced marriage and polygamous marriage.

### **Gender-based violence against women**

9. Please provide updated data on the number of reported cases of gender-based violence, including domestic violence and intimate partner violence, against women and girls and the number of criminal investigations and prosecutions, as well as the sentences imposed on the perpetrators and the protection orders delivered. Please provide information on any measures taken to criminalize marital rape, rape in de facto unions and incest, introduce adequate sentences and ensure compensation to victims. Please also outline the activities undertaken under the national action plan on gender-based violence 2017–2021 and their impact on the prevalence of gender-based violence against women.

10. Please specify any concrete initiatives to encourage the reporting of cases of gender-based violence against women, in particular any cases of intimate partner violence, and provide an update on the impact of the Timor-Leste National Police gender strategy 2018–2022 on gender-sensitive and victim-centred service delivery, the implementation of the law on witness protection of 2009 and the establishment of a unified administrative data system for gender-based violence (paras. 60 and 66). Please also indicate the number of women in the judiciary and the number of female police officers.

### **Sexual violence against women during conflict situations**

11. Please inform the Committee about the number of women and girls who were victims of rape, sexual slavery and other forms of sexual violence during the Indonesian occupation until 1999 and about the measures taken to ensure that they have access to medical, psychological and reproductive and mental health services or treatment. Please also indicate the steps taken to ensure that the victims receive reparations and that the perpetrators of violations are brought to justice.

### **Trafficking and exploitation of prostitution**

12. Please provide updated information on the status of the establishment of the National Commission to Combat Trafficking in Persons, the adoption of the national action plan on trafficking in humans and the dissemination of the law on preventing and combating trafficking in humans (Law No. 3/2017). Please also specify any progress made in conducting comprehensive research on the prevalence of trafficking and the exploitation of prostitution, in continuing gender-sensitive capacity-building for law enforcement personnel and in improving the effective prosecution and conviction of perpetrators of exploitation of women and girls in prostitution.

### **Participation in political and public life**

13. Please share statistical data on the participation of women and girls at the national and local levels, in particular in decision-making positions, as well as on specific training courses for women and girls on how to engage in and conduct public affairs. Please also provide information on campaigns to raise awareness among

politicians, the media, teachers, community leaders and the general public about the importance of the participation of women in decision-making at all levels.

### **Education**

14. Please outline the measures taken to implement the national policy for inclusive education of 2017, retain girls and women in school at all levels and increase access to preschool education (para. 105). Please also provide updated information on the implementation of the sanitation and hygiene strategy 2020–2025 (para. 108), the adoption of a legal regulation on the re-entry of pregnant girls and young mothers in formal education (para. 118) and the provision of safe transportation to and from school outside urban areas. Please specify how many women and girls who dropped out of school are benefiting from literacy, basic and secondary school programmes at community learning centres (paras. 120 and 126). Please describe the measures taken to overcome persistent gender stereotypes that prevent some parents from sending girls to school, as well as cultural taboos against sexual and reproductive health and rights education. Please also indicate any efforts made to increase access to education for indigenous and rural women and girls.

15. Please provide data on the number of investigations, prosecutions and penalties imposed in cases of violence and abuse in educational settings, including sexual violence and corporal punishment, and indicate how many of these cases were transferred by the Public Service Commission to the police (para. 116). Please also specify the mechanisms put in place to monitor and ensure respect of the guidelines on technical teaching and learning methodology of 2015, the regulation on discipline (government decree No. 29/2017) and the interpretative standards for the determination of faults and their gravity (ministerial order No. 4/2018) (para. 111). Please explain which safeguards are in place to ensure that girls who are victims of violence in school settings have a real and informed choice as to whether they prefer the conciliation process under the regulation on discipline or the formal justice procedures, and that sentences are imposed on perpetrators that are commensurate with the gravity of the crime.

### **Employment**

16. Please explain any measures taken to adopt legislation to guarantee the principle of equal pay for work of equal value and to practically address the gender pay gap, the underrepresentation of women in the formal economy and in decision-making positions and any other form of discrimination against women in recruitment and promotion. Please provide updated information on the participation of women in the social security scheme established by Law No. 12/2016, on the adoption of a law on domestic workers and on any other steps taken to ensure social security protection for women employed in the informal sector. Please provide statistical data on complaints by female workers received by the General Inspectorate of Labour and their outcome, including complaints by women employed in the informal sector and/or relating to sexual harassment in the workplace.

### **Health**

17. Please explain whether any progress has been made to amend article 141 of the Penal Code on abortions and to change the policies and practices of public health facilities to allow girls and women, including unmarried women, access to free modern contraceptives. Please also describe any steps taken to provide women with access to safe abortion as well as post-abortion services and to address baby abandonment and infanticide. Please provide updated statistical data on the maternal mortality rate and on the implementation of the national family health programme and the “Liga Inan” pilot project, in particular with regard to women who are

disadvantaged in their access to health care owing to longer distances to health facilities, their education level or other socioeconomic factors, or to adverse cultural attitudes of their husbands (paras. 153, 154 and 157).

#### **Economic and social benefits and the economic empowerment of women**

18. Please provide updated statistical data, disaggregated by sex, disability and other relevant factors, on the beneficiaries of the general social security scheme, the “*bolsa da mãe*” programme and programmes under the second phase of the Maubisse Declaration on Rural Women (2018–2023) (paras. 171, 174 and 176).

#### **Rural women and indigenous women**

19. Please update the Committee, including through the provision of statistical data, on the adoption of required by-laws and the registration of land ownership by women or expropriation processes affecting them in the context of the implementation of Law No. 13/2017 (law on land) and Law No. 8/2017 (law on expropriation), including with regard to infrastructure projects described in paragraph 204. Please also indicate whether a review of the land registration process is planned to assess its impact, including on the rights of women, in particular rural and indigenous women. Please outline the mechanisms in place to enforce the provisions on non-discrimination and the protection of marginalized groups in articles 4 and 5 of Law No. 13/2017, as well as the provisions protecting affected populations under articles 8, 10, 43, 54, 55 and 57 of Law No. 8/2017.

20. Please explain the measures taken to increase awareness by women of their rights under Law No. 13/2017 and Law No. 8/2017, including indigenous women on their right to register community property. Please also specify how women, including rural women and indigenous women, are consulted in the drafting process of related by-laws, whether relevant laws and by-laws incorporate provisions on the free, prior and informed consent of indigenous peoples and how this principle is respected in practice.

#### **Disaster risk reduction and climate change**

21. Please specify the support provided to women victims of the floods and landslides caused by Cyclone Seroja in April 2021, how the land rights of displaced women are being addressed and which long-term solutions are being proposed to them. Please also provide information on the participation of women, including rural women, indigenous women and women with disabilities, in the design, adoption and implementation of programmes on climate change adaptation, environmental policies and disaster risk reduction in the State party, and related decision-making processes at the local and national levels, as well as how a gender perspective is integrated into these programmes.

#### **Disadvantaged groups of women**

22. Please describe any progress in implementing the second phase of the national action plan on the rights of persons with disabilities 2021–2030, in adopting the draft law on the establishment of a national disability council ([A/HRC/WG.6/40/TLS/1](#), paras. 9 and 10) and in collecting disaggregated data on cases of violence against women and girls with disabilities. Please also provide information on the situation of lesbian, bisexual and transgender women and intersex persons and the legislation, policies and programmes in place to protect and promote their rights.

**Marriage and family relations**

23. Please provide updated information on the prevalence of child marriage, polygamous marriages and church and traditional marriages (not registered under civil law), as well as the number of divorces under a fault-based and a non-fault-based system. Please indicate the progress made to amend or repeal discriminatory laws pertaining to marriage and family relations, including article 1494 of the Civil Code on the waiting period for divorced or widowed women and men, and with regard to traditional inheritance systems, in particular concerning land ownership and ownership of property upon dissolution of a traditional or church marriage. Please explain the protection measures in place to ensure that women are not at a disadvantage if they are in de facto unions or in the case of fault-based divorces.

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