

Timor Leste government initiatives and civil society in contributing to the prevention of domestic violence

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The term "domestic violence" is used to describe the actions that occur in various relationships. It can include all violations of physical and sexual character, such as pushing, pinching, spitting, kicking, beating, punching, strangulation, burns, assault with objects, stabbings, water use boiling, acid and fire. The results of such physical violence can range from minor injuries to death itself. What begins be apparently minor, an attack may increase in frequency and intensity. The term "domestic violence" also includes psychological and mental violence, which may consist of repeated verbal abuse, harassment, confinement and deprivation of physical, financial and personal needs. Contact with family and friends can be controlled. Rape can take variable forms from society to society. Others use the term to describe only violence against women occurring in the family, and sometimes used to describe a violation in which the victim and the perpetrator have, or have had before, a relationship folks. In this paper, the term "domestic violence" means the physical character of aggression or psychological inflicted on the wife by the husband or sexual partner. In Timor-Leste, domestic violence by definition is defined under the Law Against Domestic Violence (Law No.7/2010) as:

Any act or a result of an act or acts committed in a family context, with or without cohabitation, by a family member against any other family member, where there exists influence, notably physical or economic, of one over another in the family relationship, or by a person against another with whom he or she has an intimate relationship, which results in or may result in harm or physical, sexual or psychological suffering, economic abuse, including threats such as acts of intimidation, insults, bodily assault, coercion, harassment, or deprivation of liberty.

The definition of 'family' within the Law Against Domestic Violence is quite broad, but for the purposes of this report the focus is on "spouses or former spouses," and "people who live or have lived in conditions similar to that of spouses, even without cohabitation."

Some have suggested that it is important to remember that, by legal definition, domestic violence in Timor-Leste does not include sexual assault or harassment outside of family relationships; for example, by strangers or friends or in a work or school context (Trembath et al. 2015). The focus then is on the familial domain that results in 'physical, sexual or psychological suffering' or, of particular relevance to this research, economic violence, which 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.

Forms of Domestic Violence

Timor-Leste's Law Against Domestic Violence (LADV) considered forms of domestic violence such as the following: a) Physical violence which is understood as any conduct which offends bodily integrity or physical health; b) sexual violence is understood as any conduct that induces the person to witness, to maintain or participate in wanted sexual relations, even within a marriage, though intimidations, threats, coercion or use of force, or which limits or nullifies the exercise of sexual and reproductive rights; c) Psychological violence is understood as any conduct that causes emotional damage and reduce self-esteem in order to degrade or control the actions, behaviors, beliefs and decisions of others by threat, embarrassment, humiliation, manipulation, isolation, constant vigilance, systematic persecution, insult, blackmail, ridicule, exploitation, limiting the right to travel or otherwise adversely affecting psychological health and self-determination; d) Economic violence is understood as any conduct that involves retention, partial subtraction, of total destruction of personal

iterna, 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 (LADV, 2010 article 2).

The prevalence of domestic violence in Timor-Leste

Demographic and Health Survey

The Demographic and Health Survey 2009-2010, conducted by the National Statistics Directorate (NSD), relies on reports by Timorese women themselves regarding domestic and family violence. The survey included over 13,000 women between the ages of 15-49. Its findings (NSD 2010) include the following: Approximately one-third of women age 15-49 (38 per cent) have experienced physical violence since the age of 15 (NSD 2010, 228). Twenty-nine per cent of women experienced physical violence often or sometimes in the past 12 months (NSD 2010, 228). The proportion of women who have ever experienced physical violence is highest among women aged 25-29. These women are also more likely to report having experienced physical violence sometimes or often in the past 12 months (NSD 2010, 229). About two per cent of women aged 15-49 have experienced both physical and sexual violence and one per cent of women aged 15-49 have experienced only sexual violence (NSD 2010, 233). The likelihood of having experienced either physical or sexual violence increases with age, from 31 per cent among women aged 15-19 to 49 per cent among women aged 25-29, before declining to 38 per cent among women in their 40s (NSD 2010, 233). Overall, 36 per cent of ever-married women have experienced some kind of violence (physical, sexual, or emotional) by a husband or partner (NSD 2010, 236) Among the various physical acts of violence experienced by women in the past 12 months, slapping was the most commonly reported act, experienced by 28 per cent of women. Fourteen per cent of women were pushed, shaken, or had something thrown at them by their husband or partner (NSD 2010, 237). Domestic violence is not limited to physical and sexual violence. Verbal abuse, restrictions on freedom of movement, and withholding funds can also constitute violent behaviour (NSD 2010, 236). Eighty-six per cent of women and 81 per cent of men thought that domestic violence was in some circumstances justifiable (NSD 2010, 213-15).

International Rescue Committee 2002-2003 Study

The 2002-2003 IRC study, based on social surveys of East Timorese families, provided some of the very first data on gender-based violence in Timor-Leste. Findings include (Joshi and Haertsch 2003, 6): Violence by perpetrators outside the family was significantly lower post-crisis, with a 75.8 per cent decrease in physical violence and a 57.1 per cent decrease in sexual violence. In 2002, 43 per cent of married Timorese women surveyed reported at least one incident of violence by their partners. In 2003, 51 per cent of married Timorese women consulted in the last 12 months said they felt unsafe in their relationship and 25 per cent had experienced violence from an intimate partner. The most common forms of domestic violence were physical abuse such as being hit, kicked, punched, slapped, twisting of the arm or hair pulling (21 per cent); and psychological abuse such as the husband threatening to harm the children or the woman's possessions, the husband stopping his wife from making her own decisions, or making her feel bad about herself (21 per cent). Only two per cent of victims reported such abuse to the police and 84 per cent of respondents felt that family problems should be discussed only with people in the family. Women who married young were at significantly greater risk from some forms of intimate partner violence, especially intimidation and control. The five most common injuries experienced as a result of domestic violence in the last 12 months were 'psychological difficulties such as nightmares, intrusive memories, significant changes in sleep patterns, feeling constantly afraid and scared' (22 per cent); 'loss of consciousness' (13 per cent); bruises, scrapes or welts (12 per cent); 'deep wounds or cuts' (11 per cent); and 'unwanted pregnancy' (9 per cent).

Complaints to the police

In a 2008 survey of police officers, 45 per cent of those surveyed cited domestic violence as the most serious security problem facing the area in which they work – a much higher proportion than for any other crime (Chinn & Everett, 2008, cited in Kovar 2012, 210). The Vulnerable Persons Unit (VPU) is part of the national police of Timor-Leste (see section 5 on initiatives and interventions). The VPU

has been collecting information on gender-based violence since October 2000. Police data demonstrates a high incidence of reports of gender-based violence relative to all other crimes since 2000. Within the category of gender-based crimes, domestic violence was the most frequently reported crime across all districts of the country between 2000 and 2009 (Harris-Rimmer 2009, 2010). In 2008, the VPU adapted its classification of gender-based violence cases. It moved rape from 'domestic violence' to 'sexual offences' and established two new categories of 'assault/domestic' and 'dispute/domestic' in order to better document and understand the nature of cases (Harris-Rimmer 2009). The VPU has since updated its 2008 and 2009 data, which resulted in an upwards revision of the number of cases of domestic violence previously reported for 2008 and showed persistently high levels for 2009. In Dili, VPU reports in 2009 indicate that more than three domestic violence cases were reported per day (1,095 per year). Moreover, they calculate that for every case reported, at least 10 are unreported (Ferguson 2011, 60). In 2009, 679 cases of gender-based violence were reported to the police, of which 462 cases were categorised as domestic violence (UNHCR & UNMIT 2010, cited in Kovar 2012, 210). Harris-Rimmer (2010) states that the VPU data is likely to undercount actual incidents of sexual and gender-based violence. In the case of Bobonaro, for example, statistics for 2008 revealed a low level of family violence. However, a baseline survey of the district in 2007 (see Alves et al. 2009) found that communities in Bobonaro believed that domestic violence is a private issue that should not be discussed in public. In addition, there are some gaps in the overall VPU data as the unit was not operational during the 2006 crisis.

Hospital and NGO service provision

Although hospitals and other health facilities do not generally maintain standardised records on gender-based violence or screen for such violence, hospital emergency room and admissions data can provide information on prevalence of incidents. A TLAVA (Timor-Leste Armed Violence Assessment) survey found that almost one-fifth of all women present at emergency rooms in Dili and Baucau hospitals in the summer months of 2006–08 were recorded as victims of domestic violence, with this proportion rising to one-third for women aged 20–39 years (Harris-Rimmer 2009, 3). Statistics are also collected and maintained on women contacting the various support services provided by NGOs in Timor-Leste. Based on data collected from 2004 to 2009 by FOKUPERS, a local NGO that administers various referral and safe-house programmes (see section 5 on initiatives and interventions), there have been persistently high and increasing levels of recorded domestic violence (Kovar 2012, 210; Harris-Rimmer 2010, 38).

Court reports

Court statistics also indicate the incidence and severity of violence against women. This data is often collated and published by the Timorese legal NGO, Judicial System Monitoring Programme (JSMP) (see section 5 on initiatives and interventions). The organisation's reports provide a key source of information on police and court treatment of gender-based violence (Harris-Rimmer 2009, 3). A 2010 JSMP monitoring report finds that: 'the number of cases of domestic violence and other forms of violence against women continue to increase in all areas within the territory of Timor-Leste. This is evidenced by the number of cases of domestic violence and other types of violence against women that are listed in each court jurisdiction including cases attended to by the JSMP's Victim Support Service (VSS) that show that violence against women and domestic violence in particular are the most prevalent types of violence in Timor-Leste' (JSMP 2010, 3). More specifically, a study conducted by the JSMP from October 2008 to August 2009 found that of the 152 clients of their Victims Support Service, 73 (48 per cent) were victims of domestic violence or physical assault (JSMP 2009, cited in Harris-Rimmer 2010, 38). JSMP's monitoring work in 2003 found that 55 per cent of the total criminal cases heard by the Dili District Court during JSMP's observation period were cases involving women. It also found that there were no final decisions in the cases involving women during this observation period (JSMP 2005, 8). The JSMP also relies on reports to police. Monitoring from 2004 reveals that between January and August 2004, nearly 300 cases of gender-based violence were reported to police (JSMP 2004, cited in O'Reilly and Jevtovic 2008, 21). Kovar (2012) cautions that data drawn from reports to police and to service providers are very likely to understate the extent of domestic violence as only a fraction of crimes are brought to the attention of the police or service providers. In addition, the data provided on cases currently does not offer information on the per

centage of cases that have been pursued before and after the promulgation of the 2010 Law Against Domestic Violence (see section 4 on legislation) or any other data on the sentences applied in domestic violence related cases (Kovar 2012, 211).

The core components of the national framework for preventing and reducing domestic violence in Timor-Leste

The Constitution of Timor-Leste guarantees equality before the law for all citizens, male and female, with all citizens exercising the same rights and being subject to the same duties. It also grants equality between women and men in the context of family relations. Penal Code 2009: Domestic violence and sexual crimes were entered into the penal code in 2009. The code acknowledges all forms of violence as a violation of women's rights to bodily security and integrity and ensures that criminal proceedings do not depend on a formal complaint from the victim. The Law Against Domestic Violence, 2010: Key additions provided by the LADV include a broad definition of domestic violence, an outline of services to be provided, and specific obligations of the police. While the development, passage and promulgation of the LADV remains a significant achievement, in practice it remains underused. This is largely due to lack of awareness; women's concerns over economic dependency; and the belief that domestic violence should be dealt with privately or through traditional justice (Macdonald 2012).

Timor Leste Government Initiatives

The Office of the Secretary of State for the Promotion of Equality (SEPI) is the main government body working on issues of gender-based violence. One of its four core programmes is the strengthening of national capacity to address gender-based violence. Its head sits on the Council of Ministers and is thus able to influence decision-making. The inclusion of women in politics through SEPI has contributed to a growing perception by women that they will receive greater protection (Ferguson 2011). The 'Gender Based Violence Referral Partners Network' was established in 2001 and has been run by SEPI since 2009. The Network brings all major agencies together and coordinates partners around advocacy and service provision.

Vulnerable Persons' Unit, National Police Force

A notable accomplishment of the United Nations administration in Timor-Leste was the establishment of the Vulnerable Persons' Unit (VPU) within the national police force. The VPU functions at the national and district level to handle cases of sexual assault, domestic violence, child abuse and missing persons. It has provided an identifiable access point and designated police officers within the police services for victims of gender-based violence and service providers. This, in turn, has fostered positive collaboration and coordination between the police and NGO service providers (Alves et al. 2009; Robertson 2005).

International development organisation initiative

There is very little information available about the specific roles that international development agencies and international NGOs are playing in addressing gender-based violence in Timor-Leste. Many of their activities seem to be focused on supporting and funding various local NGOs operating in this area and the national government, primarily SEPI. International NGOs have largely been involved in prevention activities, specifically education and awareness-building. Oxfam, Caritas Australia and the International Rescue Committee (IRC) have all undertaken education on gender-based violence and gender issues at the local level (Robertson 2005). UNIFEM has engaged in various prevention activities in Timor-Leste.

Civil society initiatives

Civil society organisations in Timor-Leste remain the primary actors on gender-based violence issues.

Support and service activities

Fokupers Fórum Komunikasi Perempuan Lorosa'e (East Timorese Women's Communication Forum) – FOKUPERS provides the most comprehensive services to victims/survivors of gender-based violence and their families, including specialised counselling, legal advice, court accompaniment, and shelter. Psychosocial Recovery and Development in East Timor – PRADET is a national NGO that specialises in mental health counselling and psychosocial support. It works in partnership with the VPU, Fokupers, JSMP, SEPI, Caritas Australia and other organisations and provides support to clients who suffer from trauma stemming from violence. The organisation works directly with the Ministry of Health in the training of nurses and obstetricians on recovery from trauma. It also provides extensive training and workshops to the police and other service providers. PRADET operates the Safe Room (Fatin Hakmatek) funded by UNFPA, Caritas Australia (and previously the IRC). This involves a crisis service of counselling, medical care and forensic documentation of injuries resulting from gender-based violence. The Judicial System Monitoring Programme (JSMP) is a national NGO that engages in court monitoring and judicial system and legislative analysis; provides legal support and witness support during the court processes; and undertakes extensive training and outreach work (Alves et al. 2009). The JSMP established the Victim Support Service (VSS), which provides information, advice, and support to victims/survivors of gender-based violence in order to empower them and improve their ability to access the formal justice sector. Ellsberg et al. (2008, 39) find that the VSS has helped improve outcomes for women. The JSMP's Women's Justice Unit implemented the project: 'Training for Women about GenderBased Violence and Formal Justice' (2006-2008). Trembath et al. (2010, 134-135) find that: 'In terms of positive impacts, JSMP's training has appeared to have contributed to attitudinal change, moving 6 the community toward the idea that violence against women is a legitimate problem rather than acceptable practice; and to the view that the formal justice system has a role in addressing violence against women.'

Prevention activities

There are various civil society organisations involved in awareness-raising and campaigning and in education and training on violence against women. One of the biggest challenges to public education on gender-based violence is the level of literacy. Many activists recognise the importance of involving the Catholic church, a key institution in the country, in efforts to end gender-based violence, in the hopes that the church can provide moral persuasion against violence (Robertson, 2005). One of the most widely-cited successful public education efforts is the Association of Men Against Violence (AMKV). Its main objective is to sensitise young men and raise community awareness about gender inequality and ending violence against women and girls. (Alves et al. 2009; Harris-Rimmer 2009). AMKV's activities involve group education sessions. The organisation engages the community by helping groups of men to organise around their own priorities, with discussion of violence against women and gender equality arising naturally during these activities (Ellsberg et al. 2008). Alongside support for community education, policies that address women's economic and social disadvantage and promote women's participation in public decision-making and leadership are key to reducing rates of violence against women (Macdonald 2012). There are various organisations engaged in such work. For example, *Feto iha Kbiit Servisu Hamutuk* (Youth Women Working Together – FKSH) works to increase and reinforce women's economic capacity, defend women's rights, and organise women's activities, so as to encourage independence. They hold the view that helping women to find economic independence can contribute to reducing domestic violence. Another organisation is the Alola Foundation, whose vision is for Timorese women to have 'equal status in all aspects of life (access, participation, role in decision-making, enjoyment of benefits of development) through education, community development, health and community leadership' (Trembath et al. 2010, 68).

Conclusion

Overcoming and reducing domestic violence in Timor-Leste requires significant individual, community, and societal shifts, none of which can happen overnight. In other words there should be venues for a change of patriarchal mindset, reduce the power relationship and promote awareness raising campaign activities and get the individuals, community and society to understand that domestic violence is a public crime and nobody can escape from such norms and every single citizen

of Timor Leste are all subjected to obey the LADV (Law Against Domestic Violence) without exception. Long-standing cultural attitudes are entrenched and will be difficult to overcome. Although the road ahead may be long, norms are embodied in laws as well as attitudes, and reforming the legal apparatus is an essential first step in reorienting beliefs and behaviours. At the foundation of the crisis of domestic violence in Timor-Leste is the essentially patriarchal nature of the society, exacerbated by the recent history of violent conflict, which places women in a second class where they are dependent on men and subservient to them. Non-governmental organizations have recognized the centrality of this problem not only to addressing domestic violence, but taking into consideration the issue of stability and prosperity of Timor-Leste. Empowering women and girls to live free from economic, social, and emotional dependency on men will benefit the entire society. Before that can be achieved, however, there is much to be done to better document all cases related to domestic violence and forward the formal justice and punish the perpetrators and provide venues to support victims of domestic violence as well as support victims in either psychological or physical healing.

Bibliography

- Alves, M.D.F. et al. 2009, *Baseline study on sexual and gender-based violence in Bobonaro and Covalima*, Asia Pacific Support Collective Timor-Leste, Dili.
- Ellsberg, M. et al. 2012, *Violence against women in Melanesia and Timor-Leste: Progress made since the 2008 Office of Development Effectiveness report*, International Centre on Research for Women (ICRW).
- Ellsberg, M. et al., 2008, *Violence against women in Melanesia and East Timor: Building ongoing global and regional promising approaches*. Office of Development Effectiveness, AusAID.
- Ferguson, P. 2011, 'Progress in legislating domestic violence and gender-based violence in Timor-Leste', *Geografia: Malaysia Journal of Society and Space* 7(1): 53-64.
- Grenfell, D. et al., 2015, *Beyond fragility & inequity women experiences of the economic dimensions of domestic violence in Timor Leste*, Nabilan Hapara Violensia Domestika Kontra Feto.
- Harris-Rimmer, S. 2010, 'Sexual and gender-based violence', in R. Muggah and E. Lebrun (eds) *Timor-Leste armed violence assessment final report*, Geneva, Small Arms Survey, pp. 37-52.
- 2009, *After the guns fall silent: Sexual and gender-based violence in Timor-Leste* (Issue Brief No. 5). Timor-Leste Armed Violence Assessment.
- Joshi, V. & Haertsch, M. 2003, *Prevalence of gender-based violence in East Timor*, International Rescue Committee East Timor.
- JSMP. 2010, *The importance of having a domestic violence law in Timor Leste*, Judicial System Monitoring Programme (JSMP).
- 2005, *Statistics on cases of violence against women in Timor Leste*, Judicial System Monitoring Programme (JSMP).
- Kovar, A. 2012, 'Approaches to domestic violence against women in Timor-Leste: a review and critique', *Human Rights Education in Asia-Pacific* 3: 207-252.
- Macdonald, A. 2012, 'Violence against women in Timor-Leste: a report from the field', in Australian Domestic and Family Violence Clearinghouse. *Health Impacts: Newsletter* 47: pp. 7-9.
- NSD and ICF Macro 2010, *Timor-Leste Demographic and Health Survey 2009-10*. National Statistics Directorate and Ministry of Finance, Timor-Leste (NSD) and ICF Macro, Dili.
- O'Reilly, J. & Jevtovic, P. 2008, 'On criminal silences: gender-based violence in Timor Leste', *Journal for Women and Policing* 22: 20-26.
- Robertson, K. 2005, *Gender-based violence in Timor-Leste: a case study*, United Nations Population Fund (UNFPA).
- SG's database. 2008. UNIFEM's say NO to violence against women campaign in Timor-Leste.
- Trembath, A., Grenfall, D. & Noronha, C. M. 2010, *Impacts of national NGO gender programming in local communities in Timor-Leste*, Globalism Research Centre, RMIT University, Melbourne, Australia.
- UN Women. 2011, *Violence against women prevalence data: survey*.