

# Asia Pacific Support Collective of Timor-Leste

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## Fact Finding Report on Sexual Gender Based Violence

Project Name : Mapping Sexual Gender Based Violence (SGBV) Program  
in two Districts

Duration : April 2007 till Mid of July 2007

Partners : UNIFEM – APSC-TL

Project Location : Covalima and Bobonaro Districts

### I. Introduction

Sexual Gender Based Violence (SGBV) is other types of committed crimes against humanity, especially affected most of women and young girls. Sexual Gender Based Violence has proven to be a major constraint on women's capacity to engage effectively in peace building due to physical injuries and psychological trauma as well as for SGBV and reprisals for reporting.

For victims of the SGBV there have been few changes between cases suffered during the military occupation and conflict, when rape occurred as a tool of war, and current types of sexual violence. Women continue to be extremely disempowered and are subjected to sexual violence. The situation of women is particularly precarious in isolated villages which have reportedly developed a culture of sexual abuse. This seems to be especially concentrated in the western border districts, where population are especially vulnerable due to geographical isolation, history of violence and sexual abuse, incest and lack of economic opportunities.

### II. Purposes

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

### III. Objectives

1. To gain a clear and concise information on the root causes and types of cases of SGBV
2. To get clear and concise information on resolution of cases and resources to victims
3. To identify existing victim support services
4. Mapping of organization working on SGBV and any existing gaps.

#### **IV. Activities**

1. Preliminary discussion (3 times meeting)
2. Submission of the proposal
3. Set up the frame work
4. TOR of SGBV discussion
- 5..Draft questioner and discussion
- 6.. Survey location (Covalima, Bobonaro)
7. Field Study (APSC-TL and Unifem) and Literature Review
- 8 Submission of draft of preliminary findings of SGBV baseline study to Unifem on 16 of July 2007.

#### **V. Process and Result**

##### ***Ad.1. Preliminary Discussion***

1. APSC-TL research team involved in the discussion on the SGBV program held 3 times at the UNIFEM Office and the result were: To evaluate women's input into the resolution of recent crises in Timor-Leste, with assessment opportunities for mediation and lesson learned.
  - APSC-TL agrees to involve and to implement the SGBV program during 3 and a half months (April 2007 until mid of July 2007). It also agrees on the identification and mapping of relevant rural development program focus on assessing and establishing linkages to livelihood programs for the victims of SGBV (October – December 2007).
  - APSC-TL prepares project budget estimation to UNIFEM for consideration, in which then UNIFEM will prepare the contract agreement to be signed.
  - APSC-TL prepares the framework of fact finding of SGBV which then to be discussed with UNIFEM.

**Ad.2.** On 28<sup>th</sup> of March 2007, APSC-TL and UNIFEM signed the Agreement on SGBV program.

##### ***Ad.3. SGBV TOR Explanation by Unifem to APSC-TL***

Discussion with UNIFEM on TOR for the SGBV baseline study in relation to the Uganda workshop. This is a global program and will be implemented in 6 countries including Afghanistan and Timor-Leste in Asia; Uganda, Haiti, and other.

The program is aimed at developing community based responses to SGBV and promoting women's engagement in local conflict reconciliation and peace building initiatives.

The program will focus on piloting community based initiatives in the two western border districts of Covalima and Bobonaro where there is a reported prevalence of SGBV which is partially exacerbated by geographical isolation.

The main objectives is to gain clear and concise information of the causes and types of SGBV cases and also the resolution of cases and resources to victims, existing victim support services, mapping of organization working on SGBV and any existing gaps.

From the baseline data and information of this research will constitute additional information for developing the activities of peace-building initiatives and establishing linkages to livelihood programs for victims of SGBV.

#### **Ad.4. Draft SGBV questioners and discussion**

APSC-TL team of SGBV research attended two meetings to prepare and discussed the questionnaires which would further be presented to UNIFEM for further discussion and editing. This is the main tools beside the direct interviews, field survey and observation, etc with local communities and other stakeholders in two districts (Covalima and Bobonaro) for data collection.

#### **Ad.5. Survey and approach in to 2 districts (Covalima, Bobonaro)**

The SGBV team went 3 times to the field for survey and establishing a link and contact person in two districts. The team able to introduce and explain the objective of the research which would enable the stakeholders and the survivors to be freely participated in this research.

#### **Ad.6. Filed Study (APSC-TL and Unifem) and Literature Review**

The research team went to the field 5 times for collecting data and information on SGBV. The team distributed the questionnaires to the stakeholders to fill up, making interviews with local Administrator and Deputies, communities and traditional leaders as well as survivors including those of the main leaders of the Catholic Church. Besides this questionnaires and interviews we also lived and stayed together with the survivors to be able to observe directly on their behavior and also to be able to observe the community attitudes during the study of SGBV. We stayed there for a couple of weeks in two districts and collected the data and discussion with the community.

#### **The result that APSC-TL team got from the field was:**

##### **a) Root causes of SGBV**

The root causes of SGBV that presented was very restrict based on the real context in each of the districts. This includes factors on power and control of opposite sex or gender inequality (mostly from the result of patriarchal system still applied), the influence of Portuguese colonialism, and the annexation by Indonesia, economic dependency, lack of skills to manage small businesses, the system of inequality of rights on lands and properties in traditional and families, lack of sexual education, lack of power in decision making for own self, habit and custom, preservation of traditional deed, consumerism, CDs pornographies, stereotypes, weak of laws and judicial systems, lack of knowledge on gender equality, character and temperament of communities themselves.

## **b) Types of Cases**

Regarding the types and forms of sexual violence presented that one of universal configuration according to the classical concept, is rather to be vary in the context and the elements that used i.e, in Africa there is a genital mutilation and in Covalima district there is a “as almofadas fofas”, it means that “soft pillows” for the guest. The types of sexual violence are incest case, sexual assault, rape, sexual attempt, sexual abuse and sexual exploitation, free consent of parents, (almofadas fofas), internal trafficking, abandonment, and sexual harassment.

## **c) Forms of Case Resolution**

The case resolution is made by formal and traditional system. In the formal system according to the survivors and the respondents that the majority of cases proceed in the court was pending and either without solutions. This is because the judicial actors such as judges, persecutors and public defense, are not staying definitively in districts, even though there is a decent permanent residence for them. The court building is look very well and with complete equipments for implementing and running the activities as well as public hearing and the judgment.

Based on the information collected it is confirmed that all of the judicial actors would only be in the district once in every three months or twice in six months? This has so to be very difficult to proceeds such cases in the court, even the relatives and the families of survivors are very upset and angry. Another significant problem is about getting testimonies/witnesses which whom will able to present the evidences that can prove the truth. The judicial structure it has at the moment has been another issue, and the fact that Covalima district court is still paired by Same, Ainaro and Bobonaro district would unable cases are solved in time.

The traditional resolution form is mediated through dialog and resolved by a process of recognition or acknowledgment of guilty through **fine** or **Kasu-Sala**. In this process the survivor will be a double-victimized, even the survivor has no right in decision and all the fines go to the parents and relatives not to the survivor. One of the traditional conflict resolution forms of Bobonaro District is known by “**Tata, dada Assu ten**”, it means that the victim and the perpetrator *tata* (*bite*) the dog intestine then towing in front of all communities as well as traditional leaders and the elders. In Covalima district is known by **TAA AI**, it means that the traditional leader or community leader should *taa* (cutting of) the tree, after they make the decision.

## **d) Organizations working on SGBV and types of Victims Support services**

There is a safe room in Vulnerable Person Unit (VPU) at Police station to attend the survivors of sexual violence in the process of deposition in Covalima and Bobonaro districts. The hospital of Suai and Maliana and others clinics provided clinics services and treatment to the survivors of sexual violence. The Cannossian Congregation in Suai-Lebos affords temporary support staying for the emergency cases of sexual and domestic violence victims. The Congregation of SSPS has a shelter in Salele with limit capacity of 2 rooms for supporting activities including counseling and accompaniment and empowerment of victims of sexual and domestic violence and other types of violence

against women. There are other activities that SSPS Congregation provides to the women and survivors like sewing, making candles, soaps and biscuits.

There is a referral networking coordinated for providing services to victims of sexual violence which compound numbers of organizations including Caritas Australia, Fokupers, Human Rights Unit, Oxfam, Pradet, Timor Aid, Religious institutions and others.

**e) Weak and Gaps**

The majority of cases that presented to the court were pending. The process of **fine** and **kasu-sala** devalues the dignity of the survivor. The women integrated in the structure of Village Council apart of Communities Leaders, they have no power in decision making within the cases resolution which affected the women, especially in the cases of sexual violence.

The limit capacity for survivors to staying in the shelter. There are no financial sources for the shelter and neither transport to facilitate them to running their activities especially support services.

Lack of communication, information and courage from survivors regarding support services, is affecting them selves. The laws are weak in relation with sexual violation problem, mainly refers the proofs or evidence and testimonies for judiciary process.

There are no clear policies regarding victim's protection and the description of works and responsibilities of government institutions for the referral networking. The coordination between the government and civil society institutions which support and help would only be based on the commitment and the services were incidental. The communities of two districts feel that those practices of patriarchal system could not changed in the short term of life.

One of the fact finding by APSC-TL during the research and the survivor herself voluntarily told a sad story in her life, "*Hau la bele haluha iha hau nia moris tomak bainhira hau nia bin hakiak haruka nia la'en sa'e tiha hau, hafoin sa'e fali nia iha kalan ida deit, iha kama ida deit. Hau nia oan mane sai sasin hosi hahalok aat ida ne'e.... Hateke ba hau nia oan, memória aat mosu fila fali*" ..... I cannot forget in all of my life when my sister who looked after me asked her husband to have sex with me and with her in one night in one bed only. My son was seeing all of this violence.... When I saw my son, the bad memory comes down to me.....

The violence against women is around of a culture of silence and a culture of guilty of women's those selves. In general, the cases of domestic and sexual violence are reported after the intolerable suffering, because of shame, fear and the stigma and be afraid of reprisals. Even though the women always are appointed as guilty of violation which they are victims and censured because of dishonor which affected the image and the dignity of the family.

One of the members of survivors' relative in Covalima district declared among the reasons to commit sexual violation with other girl was driven by the fact that his own wife refused to have sex with him, not take attention to the children and not prepared meals as her obligation.

In Bobonaro district the respondents revealed that women prefer to keep in silence of their sufferings, because the violence that come across or revealed is accepted as a "normal" aspect. It was not easy and so difficult to get an open dialog as happen during the conversation between one of the Village Leader with APSC-TL team about the types and causes of sexual violence. When the Village Leader wants to explain about the cases, one of the community members intervened and said: "*dale fali lia ne'e ka, ne'e ita mak hatene deit...*" it means that why you are talking about this case? It should only be among us who know about this ...no more than...."

In Covalima one of the respondents declared in different way; "*....Violasaun sexual ne'e buat baibain ona iha ne'e, feto sira mós hakarak, sa'e motor deit mos bele, kuarter deit mos bele ....*" It means that sexual violence is a mere simple matter here, women wanted; even for repaying the generosity of someone who have dropped them off by the motorbike, or even for the cost of twenty and fifty cent only..."

This illustration reflects on challenges and the environment that APSC-TL team found in contact with communities of these two districts. After these preparation and discussions between UNIFEM and APSC-TL, especially related with terms of reference (TOR), decide the methodology and guard against of availabilities, good will and participation of respondents for this study, it was a process of reflect and analyses of level of communities related with the research.

Even there are some studies or researches published shown for an opening of communities in relation with the problem of sexual violence, however always exists changes that influenced the way of information are passed on. All this matter depend on the new perspectives and paradigms of respondents them selves about the theme in study. Because the perspectives and paradigms changing according to evolution of the times and the evolution of the person them selves.

For the effective and efficient work, APSC-TL contacted the Nuns' congregation in two locations to become our support group. The Nuns' Congregations towards their mission and moral support have their own certain confidence from the communities about those of the sensitive issues and confidential problems. Following the work plan, APSC-TL team was contacted and interviewed **108** respondents in two districts as being presented in the following table:

Table1. Total respondents in 2 districts Covalima and Bobonaro

Local	Total Respondents	Institutions	Questioner	Interview	Villages & Hamlets
Covalima, Sub-district Tilomar	61	<ul style="list-style-type: none"> <li>* Religious Institutions: 9</li> <li>* Communities Leaders: 8</li> <li>* Traditional Leaders: 2</li> <li>* Community: 4</li> <li>* Education: 6</li> <li>* Local Administration: 3</li> <li>* Health Unit: 1</li> <li>* Human Rights Unit: 2</li> <li>* Police: 3</li> <li>* NGOs: 4</li> <li>* Survivors: 20</li> </ul>	37	24	<p>Village: Maudemo Hamlet: Aitaman, Faularan, Onularan, Besak-oan and Koetau.</p> <p>Village Cassabauc Hamlet: KawaUma, Tabolo and Tavara.</p>
Bobonaro – Maliana and Balibo sub-districts	47	<ul style="list-style-type: none"> <li>* State Secretary: 1</li> <li>* Local Administration: 1</li> <li>* Community Leaders: 5</li> <li>* Community: 9</li> <li>* Traditional leader: 1</li> <li>* Education department: 7</li> <li>* Religious Institution: 4</li> <li>* Health Unit: 1</li> <li>* NGOs: 7</li> <li>* Police: 3</li> <li>* Survivors: 8</li> </ul>	28	19	<p>1. Villages: Holsa, Ritabou and Memo;</p> <p>2. Village: Batu-Gadé;</p> <p>* Hamlet: Lotan</p>
Total Respondents	108		65	43	

### **Ad.6.2. Literature Review**

Many studies made by several International and National NGOs in the perspective to evaluate the phenomena of Gender Based Violence (GBV), include a sexual violence, the prevalence of domestic violence caused by gender inequality, victims support services, challenges of women in the process of formal and non-formal justice and also the sensitiveness of community and the families them selves in this problem to denounce which constitute a crucial in Timor-Leste since that sexual violence happened inside the house for several reasons; one of them is a vulnerability of women as a women/female the opposite sex of men/male.

In review of literature, there are clear definitions on gender based violence (GBV) that includes several types of sexual and domestic violence. The classic concepts about the forms of gender based violence are universal in the countries that most preserve and keep strong line of patriarchal system. The differences vary just in habit of each community, on the other hand is a part of the culture, however for the communities of 2 district refused that these practices and behaviors which caused the gender based violence are considered as factors of culture. The terminology that used become common and appropriate to a context when communities them selves are sensitiveness then analyze the weight and gravity of violations.

All the studies showed that gender based violence, perhaps was a violation against the human rights more generalized and more acceptable. The violence against women and children constitute an obstacle to reduce the poverty. The impacts of violence are traumatic for the survivors and mainly the children who was presence or testify the scene of maltreatment either was victims of psychologically. In general, the perpetrators did not receive punishment even in the formal and traditional judicial systems. Based on the policy paper of domestic legislation presented by Office of Promotion for Gender Equality (OPE) that was approved by the Council of Ministries for the 1<sup>st</sup> Constitutional Government in February 2003 gave references to these problems inclusively the costs for expenditures with health care in solicitation to the courts, polices stations and the schools in terms of the level of instruction and the productivity.

In the literature review only presented a map as references and information for the intervenient deal with this problem which could have sources and resources in development of their activities. Because of the studies that published should be considered with more effectiveness and more responsibility because the cost for these studies was not only expensive but the experiences and statements of respondents as well as fortune, it is revealed in the moment of study as well as the difference of the time, location, and the personalities involves in the study never similar, that's the different of paradigms of the peoples.

Table2. Existing Literature related with GBV

Year	Title / Theme	Organization	Objectives	Out-put	Sustainability	Type of Literature	Location
1999 - 2000	Documentation on SGBV	Fokupers	Advocacy and Victims Support	International Tribunal, formal justice, shelter, women's empowerment and raise awareness	Shelter continue faced many challenges	Report	Covalima and Bobonaro
August 2001	Focus Group report on GBV; Obstacles, and how's in the future	IRC-Gender Based Violence Program	Focus group multi-sectoral: Services information on GBV, Advocacy,	Multi-sectoral group meeting in each district	Temporary project	Research, analyzes and reports	Covalima, Bobonaro and Oecusse.
July 2003	Prevalence from Gender based Violence in Timor-Leste	IRC (Vijaya Joshi and Maggie)	* Produce prevalence data from GBV; * Create recommendation for strategy of advocacy and education * Working together with women's organization and Individuals in 6 districts. Is to increase the	Prevalence data collection on GBV and strategies for advocacy and education	Research and data collection	Research report	Same, Ainaro Covalima, Bobonaro, Manatuto, Oecusse.

			capacity of research methodology				
August 2003	Traditional Justice and GBV	IRC (Aisling Swanie)	<p>*Data collection on local justice system in Timor-Leste to resolve the cases of GBV.</p> <p>*Data collection on police services, formal justice system and those who are working &amp; used local systems and also make recommendation to promote and protect women's right in the context of this systems.</p>	<p>Women's used the justice system in Timor-Leste.</p> <p>Local justice system and formal can match.</p>	Research and data collection during 6 months.	Research report	Ainaro Suai, and Oecusse
August 2003	Determination on gender-based prevalence in population which affected in conflict.	Collaboration among Reproductive Health for Refugees (RHR)	<p>To test the GBV tools this had conflicts in this country.</p> <p>To have an estimation on GBV prevalence specially domestic and sexual violence;</p> <p>Data collection on health</p>	<p>There is data collection on GBV from post conflict places and the data about the impact of mental health and reproductive health;</p> <p>Formation to local</p>	Research during 2 months, July 2 <sup>nd</sup> - August'03	Research report	Dili, Aileu

			<p>and violence;</p> <p>The impact of mental health and the results of reproductive health which used to increase strategies and answers to prevent GBV.</p>	NGOs and Advocacy.			
April 2004	Women in Formal Justice sector	JSMP Judicial System Monitoring Program	<p>Collect and analyzes information related with women and the formal justice;</p> <p>To recommend policies and administrative options to do with obstacles that faced by women in access to the justice.</p>	<p>To ensure that women have equal access to the formal justice;</p> <p>Data collection on obstacles that women faced in access to the justice;</p> <p>Identification of denounced crimes, are more frequently involved women in TL;</p> <p>To collect and data analyses on crimes that involved women in the case</p>	<p>JSMP continue their activities of accompaniment, monitoring the judicial system;</p> <p>Produce monthly or periodic report.</p>	Research report	Dili Districtal Court.

				which process in Dili district Court. To get preliminar y data in Procurado- ria in the process related w/ women; To analyze the legal problems related w/ crimes w/ women in TL.			
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**Reflection**

The community, government institutions and civil society reflected criticism that the main challenge to reduce the practices of sexual violence is the patriarchal system. The communities are tied directly and indirectly with the practices of patriarchal system that still take root when not exist a change. However it is necessary to interact and raise awareness more effectively, increase a quality of life, and develop rural areas. It is extremely important to create initiatives for a dynamic to mobilize the men to promote a culture of "Zero Tolerance" in relation with gender violence.

Dili, 23<sup>rd</sup> of July 2007.-

**Executive Director,**

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