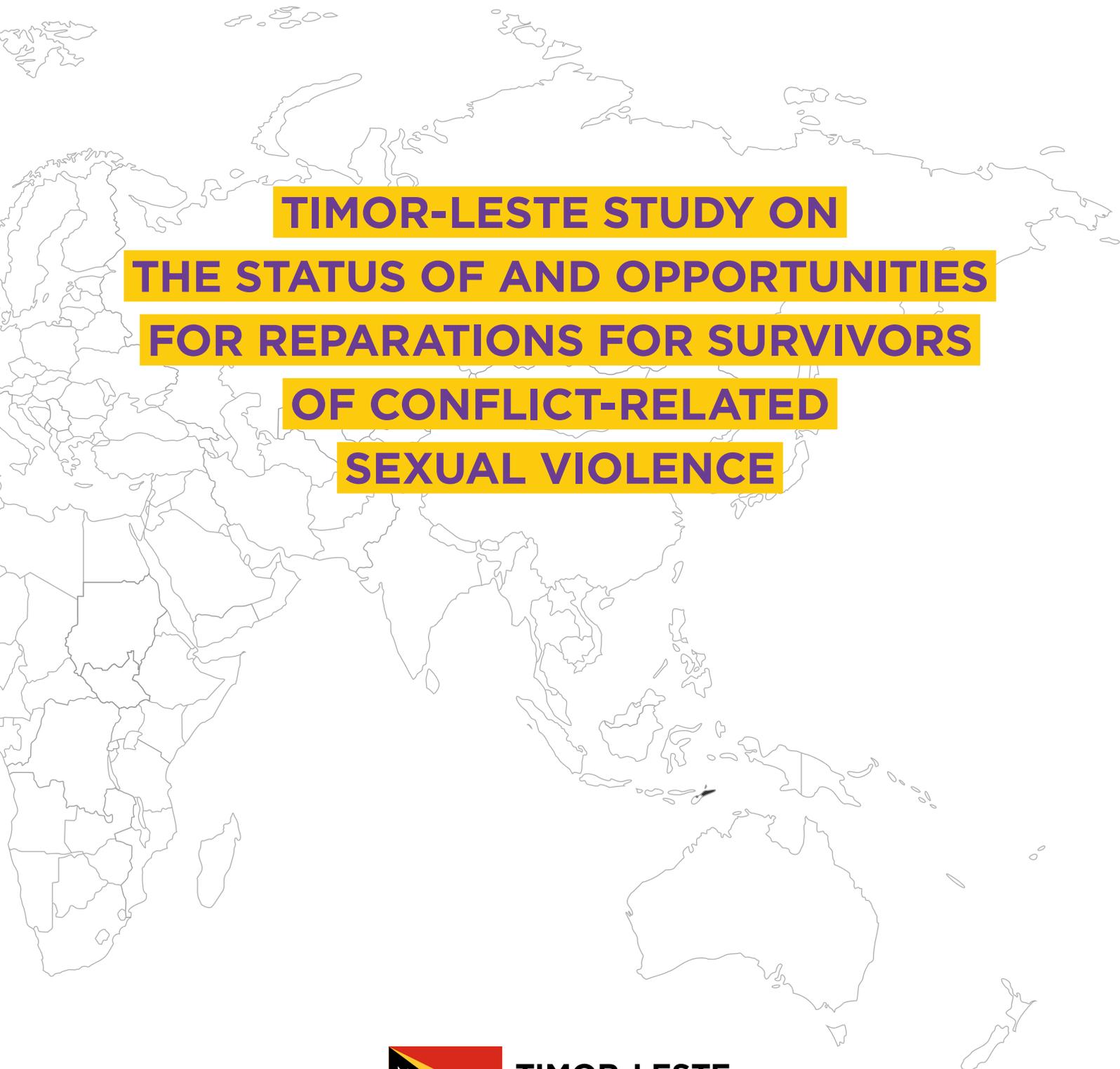


TIMOR-LESTE STUDY ON THE STATUS OF AND OPPORTUNITIES FOR REPARATIONS FOR SURVIVORS OF CONFLICT-RELATED SEXUAL VIOLENCE







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SEXUAL VIOLENCE**



TIMOR-LESTE

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ACRONYMS

ACbit	<i>Assosiasaun Chega! Ba Ita</i> (Enough! For Us Association)	INTERFET	International Force for East Timor
AJAR	Asia Justice and Rights	JSMP	Judicial System Monitoring Program
ALFeLa	<i>Asisténsia Legál ba Feto no Labarik</i> (Legal Assistance to Women and Children)	Komnas HAM	<i>Komisi Nasional Hak Asasi Manusia</i> (National Human Rights Commission, Indonesia)
ASEPPOL	Association of Ex-Political Prisoners	KPP-HAM	<i>Komisi Penyelidik Pelanggaran HAM di Timor Timur</i> (Commission on Human Rights Violations in East Timor, Indonesia)
CAVR	Commission for Reception, Truth and Reconciliation	LGBTQI+	Lesbian, gay, bisexual, transgender, queer, intersex, plus
CEDAW	Convention/Committee on the Elimination of All Forms of Discrimination against Women	MSSI	Ministry of Social Solidarity and Inclusion
CNC	<i>Centro Nacional Chega!</i> (Chega! National Centre)	NGO	Non-governmental organisation
CNRT	<i>Conselho Nacional da Resistência Timorese</i> (National Council of Timorese Resistance)	NVA	National Victims' Association
CoE	United Nations Commission of Experts	OECD	Organisation for Economic Cooperation and Development
CRSV	Conflict-related sexual violence	OHCHR	United Nations Office of the High Commissioner for Human Rights
CSO	Civil society organisation	PAR	Participatory action research
CTF	Commission for Truth and Friendship	SOGIESC	Sexual orientation, gender identity and expression and sex characteristics
Falintil	<i>Forças Armadas da Libertação Nacional de Timor-Leste</i> (Armed Forces for the National Liberation of East Timor)	TBO	<i>Tenaga Bantuan Operasi</i> (military operations assistant, Indonesian military)
Fokupers	<i>Forum Komunikaun ba Feto Timor Loro Sa'e</i> (Communication Forum for Timorese Women)	UN	United Nations
Fretilin	<i>Frente Revolucionaria de Timor Leste Independente</i> (Revolutionary Front for an Independent East Timor)	UNDP	United Nations Development Programme
GBV	Gender-based violence	UNFPA	United Nations Population Fund
ICC	International Criminal Court	UNGA	United Nations General Assembly
ICTJ	International Center for Transitional Justice	UNHRC	United Nations Human Rights Council
		UNSC	United Nations Security Council
		UNSCR	United Nations Security Council Resolution
		UNTAET	United Nations Transitional



Women survivors in Baucau Municipality holding aubaku – a basket used to carry bukae which are provisions for a long journey, 2018
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EXECUTIVE SUMMARY

“The independence of Timor-Leste was built on the suffering of our bodies.” – M, Timorese survivor of conflict-related sexual violence¹

The Democratic Republic of Timor-Leste comprises half of the island of Timor, the western half of which is administered by Indonesia. The conflict in Timor-Leste can be traced back to its struggle for independence from Portuguese colonial rule. After gaining independence in 1975, Timor-Leste faced a turbulent period marked by political unrest and instability.²

Soon after independence, neighbouring Indonesia invaded and occupied Timor-Leste, which resulted in a brutal period characterised by human rights abuses, forced displacement and sexual violence. Resistance against the Indonesian occupation persisted throughout the years, mobilising various political and guerrilla movements. The conflict began to gain international attention, leading to diplomatic efforts and calls for self-determination.³

In 1999, a United Nations-administered referendum was held in which the majority of Timorese voted for independence. However, the election results were met with a violent backlash from pro-Indonesian militia groups, resulting in widespread sexual violence, killings and destruction.⁴ This prompted international intervention, including the deployment of peacekeeping forces that helped restore stability and paved the way for the establishment of Timor-Leste as an independent nation in 2002.⁵

The conflict in Timor-Leste left a deep wound within the country, creating a legacy of human rights

violations, trauma and socio-economic challenges. The process of healing, reconciliation and rebuilding is ongoing, with efforts to address the past and promote justice.

Timor-Leste has implemented numerous transitional justice initiatives to address the impact of the conflict on Timorese society. The Timor-Leste Commission for Reception, Truth and Reconciliation (CAVR) was established in 2001 to uncover the truth about human rights violations between 1974 and 1999.⁶ It conducted extensive investigations, documented testimonies and produced a comprehensive report on the atrocities committed and recommendations for reparation and reconciliation.⁷ Criminal justice mechanisms, including the Special Panels for Serious Crimes, have also been established in order to pursue accountability.

The Timorese serious crimes proceedings have been subject to numerous criticisms and have failed to bring perpetrators to justice.⁸ Additionally, these processes have failed to repair the lives of survivors and victims. Despite the recommendations of the CAVR, to date no comprehensive reparation programme has been established for any of the victims of the conflicts between 1975 and 1999.⁹

Conflict-related sexual violence (CRSV) was widespread and systematic during the conflict between 1975 and 1999. Today, survivors of CRSV are living in precarious conditions. Some victims of the

1 Quotes from survivors are from: ACbit-AJAR, ‘PAR workshop’ (Dili, 4-7 July 2022).

2 AJAR and Transitional Justice Asia Network, ‘Transitional justice: Timor-Leste case study’ (October 2017), p. 3, https://asia-ajar.org/wp-content/uploads/2022/03/CS-TJ_Timor-Leste_English.pdf, accessed 29 June 2023.

3 Ibid.

4 Ibid.

5 Ibid.

6 Ibid., p. 4.

7 CAVR, ‘Chega! The final report of the Timor-Leste Commission for Reception, Truth and Reconciliation (CAVR), (November 2013), <http://chegareport.org/Chega%20All%20Volumes.pdf>, accessed 16 June 2023.

8 Ibid., p. 5.

9 Ibid., p. 6.

conflict have received recognition or assistance as part of the “Valorisation of the Resistance” initiatives while others have not. Such initiatives have prioritised, on the most part, male veterans and have largely neglected survivors of CRSV.¹⁰ As a result, key civil society actors continue to support and advocate for reparations for survivors of CRSV.

The harm caused to survivors of CRSV, their children born of rape and families and communities continues to be profoundly damaging. Many survivors suffer ongoing, often undiagnosed and untreated physical and mental health problems. Many became impoverished as a direct result of CRSV: stigmatised by families and communities; and excluded from key social-economic structures such as marriage, family life and access to land and resources. Moreover, many were forced to be single mothers and live lives facing extreme social exclusion.

This report considers four other groups of victims of CRSV who have been largely overlooked by official investigations and commissions: male survivors of sexualised torture in detention, members of the “stolen children” taken to Indonesia by soldiers, civilian functionaries and charitable organisations; men who were recruited as boys to work as logistics assistants for the Indonesian military and lived with soldiers in military camps and barracks; and LGBTQI+ people. Work with survivors in these groups is only at a preliminary stage, and the findings of this research indicate that much more needs to be done to give survivors safe opportunities to come forward to share information and receive support. At this stage, information about the needs and recommendations for these neglected groups is far less detailed than for women survivors of CRSV.

Interviews conducted with survivors have revealed that victims and their children face stigma, discrimination and social barriers that hinder their integration into society and economic opportunities. The compounded effects of interrupted education, lack of employment, health issues and the absence of victim-centred programmes contribute to the economic hardships faced by survivors. To address these immediate challenges, urgent interim assistance measures are crucial. However, for these measures

to be truly transformative, the full and effective participation of survivors in the mapping, design, implementation and monitoring and evaluation processes is essential.

There have been limited efforts to address the long-term needs and consequences faced by survivors of CRSV. Notably, no provisions have been made for interim relief or reparations to address the multitude of harms experienced by survivors and the ongoing impacts of these violations. In light of these findings, this Study offers significant recommendations on reparations, emphasising the importance of addressing the most urgent needs of survivors. These recommendations also highlight the opportunities for relevant stakeholders to uphold the right to reparation for survivors of CRSV.

Government agencies are urged to adopt and implement the reparation recommendations put forth by the CAVR. It is essential to establish clear judicial and administrative procedures that enable survivors to access the reparations they are entitled to. Furthermore, the government is encouraged to consistently promote feminist leadership and inclusive politics, to recognise and support marginalised groups including LGBTQI+ survivors, male survivors and children born of rape – ensuring gender equality in decision-making processes. Full and effective participation of survivors of CRSV should be facilitated in policy design, particularly in the realm of transitional justice. Special attention should be given to advancing the development of reparations policies and frameworks to address the specific needs of survivors.

Humanitarian and development actors should continue integrating gender equality and inclusion into their work. There is a need for improved strategic coordination among civil society organisations (CSOs), UN agencies and government ministries to support and accompany survivors of CRSV during the conflict-era in Timor-Leste. Additionally, the international community plays a crucial role in supporting Timor-Leste CSOs. This support should encompass long-term, flexible funding and technical assistance for reparation initiatives, survivor solidarity networks and accountability efforts. Donors must

¹⁰ RDTL, Constitution of the Democratic Republic of Timor-Leste (20 May 2002), sec. 11(3). This is further explored in this Study in Section VI: Avenues for reparations.

adapt to the needs of Timorese organisations and build on the experience of civil society actors who are working to ensure the rights of CRSV survivors to receive redress.

Finally, a key recommendation is to ensure government (and cross-party) support for the current process of the *Centro Nacional Chega!* (CNC)-chaired National Working Group on Reparations to enable it to complete policy and programme proposals. Advocacy to the Working Group should focus on ensuring that women and other CRSV survivors are

fully engaged and supported to co-create reparation policy and programmes. Providing specific gender expertise to the Working Group and the CNC can be an effective strategy to achieve this. Ongoing support should also be mobilised for further outreach, research and action with especially marginalised and under-supported survivors to ensure inclusion in future policies and programmes – in particular male survivors of sexual torture, former child logistics assistants to Indonesian soldiers, LGBTQI+ people, and members of the “stolen children” generation still in Indonesia.



Survivors share their feelings and experiences during a participatory research activity in Rotuto, 2020

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I. BACKGROUND AND METHODOLOGY

| 1.1. Background

1.1.1. About the project

As part of a Global Reparations Study, Asia Justice and Rights (AJAR) and *Assosiasaun Chega! Ba Ita* (ACbit), in collaboration with Global Survivors Fund (GSF), have conducted a study to identify the reparation needs of survivors of CRSV in Timor-Leste, as well as the opportunities for delivering reparation to survivors through judicial and administrative processes. This Study presents and analyses existing information on survivors' perceptions and expectations for reparations, and offers practical, concrete, and context-specific recommendations to policymakers and other relevant actors at national and global levels to inform the design and delivery of survivor-centred reparation in Timor-Leste.

The Timor-Leste Study also seeks to establish whether CRSV survivors have already received any form of assistance and/or reparation through former government programmes or from civil society initiatives, and if so, what lessons can be learned from those experiences to inform the design and delivery of comprehensive reparations in the future, including the potential delivery of interim reparative measures. As an objective in itself, the Timor-Leste Study aims to increase the understanding and awareness of survivors' right to reparation and to create further momentum for the delivery of meaningful survivor-centred reparation to CRSV survivors in Timor-Leste.

The Timor-Leste Study is part of a global study on reparations (the Global Reparations Study) launched by GSF in 2020, which focuses on the status of and opportunities for reparation for survivors of CRSV in over 20 countries. The Global Reparations Study is a multi-actor effort led by GSF in collaboration with over 40 local and international partners, including survivors' networks and groups. It seeks to make recommendations for further action based on survivors' needs and aspirations, and to identify potential support available among key actors and concrete action to enhance access to reparation for CRSV survivors around the world.

1.1.2. About the project partners



Asia Justice and Rights (AJAR) is a regional non-profit organisation with headquarters based in Jakarta, Indonesia, focused on strengthening human rights in Asia and the Pacific. Founded in 2012, AJAR's mission is to build cultures based on accountability and justice, and to prevent the recurrence of state-sanctioned human rights violations. AJAR emphasises south-south learning through regional trainings, workshops, exchanges, research studies and advocacy initiatives. AJAR applies a theory of change that envisages four building blocks – awareness raising, capacity development, social capital and policy change. For more information, visit <https://asia-ajar.org>.



Assosiasaun Chega! Ba Ita (ACbit – Enough! For us Association) is a Timorese non-governmental organisation (NGO) established in 2010 for the purpose of bringing the legacy of the CAVR, particularly its recommendations, to life in the community. Established by human rights activists with a strong background in the Timorese women's rights movement, ACbit centres much of its work supporting women survivors of conflict-era violence. The saying "*Chega! Ba Ita*", in the Tetun language "Enough! For us", underlines its belief that the CAVR report, *Chega!*, was written based on the experiences and voices of the people, for the people. It is not a document that should be shelved and forgotten but a living document to be understood, debated, acted on and re-invented for generations to come. For more information visit: <https://chegabaita.org>.



Global Survivors Fund (GSF) was launched in October 2019 by Dr Denis Mukwege and Ms Nadia Murad, Nobel Peace Prize laureates in 2018. Its mission is to enhance access to reparations for survivors of conflict-related sexual violence around the globe, thus seeking to fill a

gap long identified by survivors. GSF acts to provide interim reparative measures in situations where states or other parties are unable or unwilling to meet their responsibilities. GSF also advocates for duty bearers, as well as the international community, to develop reparations programmes, and provides expertise and technical support to guide states and civil society in the design of reparations programmes. GSF's survivor-centred approach is the cornerstone of its work. For more information, visit www.globalsurvivorsfund.org.

1.1.3. Acknowledgements

This report was drafted by AJAR, in close collaboration and consultation with ACbit. GSF provided necessary guidelines and input to the drafting and editing process. AJAR and ACbit are deeply grateful for the assistance of those who agreed to be interviewed and provided input in this Study. Most interviewees' names are kept confidential to protect their safety and security. We would also like to thank all survivors for their courage and determination in participating in this Study. In doing so, they have ensured that the findings are meaningful and in line with the lived realities of those affected by CRSV. Special thanks to the following organisations and groups for their invaluable contributions: ALFeLa Foundation, ASSEPOL, *Fundasaun* CODIVA, members of the LGBTQI+ community, Fokupers, National Victims' Association, PRADET and members of the "stolen children". AJAR and ACbit would like to acknowledge the support of Bread for the World for research conducted on gender and reparations in Timor-Leste (2021) as part of a regional study conducted by the Transitional Justice Asia Network (TJAN), whose work and insights informed and provided nuance to the analysis. Thank you to all who collectively contributed to the outcome of this Study.

1.2. Methodology

1.2.1. Aim of the Timor-Leste Reparations Study

This Study aimed to identify what current avenues are available in Timor-Leste for accessing reparation for CRSV, what gaps between access and survivors' needs

exist, and how such gaps can be mitigated to ensure timely access to reparations for all survivors of CRSV.

1.2.2. Specific objectives of Timor-Leste Reparations Study

1. Reflect to the extent possible the scope and nature of sexual violence committed during or related to the conflict period.
2. Identify and assess legal and administrative remedies in place for awarding reparations to survivors of CRSV.
3. Identify and analyse survivors' perspectives, needs and expectations in relation to reparation and interim reparative measures.
4. Identify gaps between current access to reparations and survivors' needs, and determine opportunities for, as well as possible challenges to, access to reparations in Timor-Leste.
5. Provide contextual recommendations for ensuring that reparations and interim reparative measures are provided to survivors of CRSV in Timor-Leste.

1.2.3. Study methods

This Study is based on both field research and extensive desk-based research, which examined the scope and extent of sexual violence crimes committed during the conflict in Timor-Leste between 1974 and 1999, the harms and enduring consequences on victims. The researchers reviewed domestic and international legal instruments, policy documents, judicial decisions, academic commentary and civil society reports. For example, the final report of the Commission for Reception, Truth and Reconciliation in Timor-Leste (CAVR), "*Chega!*" (Enough!), was a foundational document for this Study given its detailed recommendations for reparation.¹¹ Reference was also made to the 2008 final report of the bilateral Commission for Truth and Friendship (CTF), "*Per memoriam ad spem*" (From memory to hope).¹² Other

11 CAVR, 'Chega! The final report of the Timor-Leste Commission for Reception, Truth and Reconciliation (CAVR)' (November 2013), <http://chegareport.org/Chega%20All%20Volumes.pdf>, accessed 16 June 2023. All references to any of the volumes of the Chega! report made in this study refer to this version (hereafter abbreviated as 'Chega!').

12 CTF, 'Per memoriam ad spem: Final report of the Commission of Truth and Friendship (CTF) Indonesia-Timor-Leste' (31 March 2008), <https://cja.org/wp-content/uploads/downloads/Per-Memoriam-Ad-Spem-Final-Report-of-the-Commission-of-Truth-and-Friendship-Indonesia-Timor-Leste.pdf>, accessed 29 June 2023.

key reports from the United Nations commissions of inquiry and investigations in the immediate aftermath of the 1999 violence were also used as sources, as was the 2000 report of the Indonesian National Human Rights Commission (*Komisi Nasional Hak Asasi Manusia*, Komnas HAM)¹³ and the 2005 report of the United Nations Commission of Experts.¹⁴

This Study also drew upon crucial reports from Timorese NGOs as well as from international NGOs including the International Center for Transitional Justice (ICTJ), Amnesty International, Human Rights Watch, the Judicial System Monitoring Program (JSMP), *Lao Hamutuk*, AJAR and ACbit. These reports provided researchers with an understanding of the legal and policy frameworks for awarding reparations; the existing gaps and opportunities for providing reparation; and socio-political and cultural factors that should be considered when designing and delivering reparation to survivors. The background research formed a crucial foundation for the fieldwork in terms of identifying the gaps that the data collection process could address.

This Study is also based on the findings from a four-day participatory action research (PAR) workshop conducted in 2022 in Jakarta, Indonesia, with 31 women survivors of CRSV during the 1974 to 1999 conflict years in Timor-Leste. Participant survivors were mostly from rural communities across Timor Leste who have gradually developed relationships with ACbit since the organisation began support work more than ten years ago. In addition to the PAR workshop, 57 other women survivors participated in semi-structured interviews about their experiences, their current condition, situation and needs, and their thoughts and wishes in relation to reparations. From this group, three persons born of rape were also interviewed. Finally, more than 20 other participants – not necessarily survivors of CRSV – from various groups in a situation of vulnerability took part in separate focus group discussions and semi-structured interviews.



Among the women survivors

31 participated in a participatory action workshop (PAR)

57 participated in semi-structured interviews

AJAR AND ACBIT'S PARTICIPATORY ACTION RESEARCH¹⁵

Valuing and committing to the goals of survivor participation, AJAR and ACbit have developed grassroots tools that reflect their commitment to involve survivors as active agents for change, and not merely as vestiges of atrocities. As part of this methodology, objectives that are beneficial to victims are included: to empower survivors, facilitate a collective healing process and build solidarity and networking.

AJAR and ACbit created workshops as spaces for survivors to develop critical thinking in relation to norms used to maintain impunity. The exercises and ideas behind them move the beneficiaries toward greater balance between individual and community experiences, between attention to civil-political and economic-social rights, and between experiences of violence during and after conflict. This methodology also seeks to balance attention given to healing, empowerment and advocacy at both individual and community levels.

13 Komnas HAM (Indonesian National Human Rights Commission), 'Executive summary report on the investigation of human rights violations in East Timor' (31 January 2000), <https://reliefweb.int/report/indonesia/executive-summary-report-investigation-human-rights-violations-east-timor>, accessed 29 June 2023.

14 UN Independent Special Commission of Inquiry for Timor-Leste, 'Report of the United Nations Independent Special Commission of Inquiry for Timor-Leste' (Geneva, 2 October 2006), <https://www.ohchr.org/sites/default/files/Documents/Countries/COITimorLeste.pdf>, accessed 29 June 2023.

15 For more information on AJAR's participatory action research (PAR) modules, see AJAR, 'Stone and flower: A guide to understanding and action for women survivors', Unlearning Impunity Series (2015), <https://asia-ajar.org/resources/%25format%25stone-flower-a-guide-to-understanding-and-action-for-women-survivors/>, accessed 8 October 2023; and AJAR, 'Mosaic: A manual for rebuilding lives and communities after torture', Unlearning Impunity Series (2017), <https://asia-ajar.org/resources/manual-guidelines/mosaic-a-manual-for-rebuilding-lives-and-communities-after-torture/>, accessed 8 October 2023.

TOOLS USED IN THE PARTICIPATORY ACTION RESEARCH (PAR) WORKSHOP¹⁶

1. Stone and Flower

Participants are invited to choose a stone or a flower to describe whether the rights to truth, justice, healing and a life free from violence existed in their personal, family and community life – a grassroots interpretation of transitional justice. Their reasons for choosing a stone (if negative) or a flower (if positive) are discussed in the group.

2. Mosaic

Using pieces of broken tiles (on which participants have previously created “paintings of gratitude”), survivors are asked to build something new. Through this process, they are able to build a collective vision of what can be transformed after conflict.

3. Mountain of Strength and Vulnerability

Participants are asked to identify other survivors in their community and try to rank them based on their levels of empowerment and vulnerability. After this ranking, participants are invited to reflect on what factors contribute to these conditions and brainstorm ways to empower themselves and other survivors.

For many women survivors, these activities were built on previous experience in group research and advocacy activities with ACbit and were a way to share an update on their situations and needs. The workshops also continued to build their confidence and capacity to speak up and advocate on their own behalf and together with other women survivors.

To update information about other groups of CRSV survivors, a range of focus group discussions and some semi-structured interviews were conducted as preliminary steps to develop a better understanding of survivors’ experiences of the harms suffered and engage with their expectations for reparations.

AJAR and ACbit undertook perhaps the first ever research with members of Timor-Leste’s LGBTQI+ community – specifically identifying gay men and transgender women who lived through the conflict years as teenagers and adults.¹⁷ The aim of these one-on-one interviews and small group discussions was to begin to develop a picture of the experiences of LGBTQI+ people and gain a sense of the types and scale of CRSV experienced as well as the number of survivors today. Participants recollected experiences of gay men and transgender women during the conflict, without necessarily giving personal testimonies as victims of CRSV. A total of 12 people participated (ten survivors and two LGBTQI+ community facilitators who provided supporting information) in the interviews and focus group discussions.

In addition, AJAR conducted a focus group discussion with three men, two members of the association for former political prisoners (ASEPPOL) and one member of the National Victims’ Association (NVA), all of whom had been detained during the conflict and shared information about their experiences of sexual torture while in detention. While former male political prisoners have generally had a strong voice in earlier transitional justice processes,¹⁸ little emphasis has been placed on investigating CRSV against men held in detention or providing follow-up support. The CAVR documented considerable testimonies of sexual torture against men in detention; nevertheless, it concluded that the rape of men was less common than of women.¹⁹ Some men spoke about both their direct experiences of sexual torture and what they

16 See AJAR, ‘Stone and flower: A guide to understanding and action for women survivors’, Unlearning Impunity Series (2017), <https://asia-ajar.org/resources/books-research/stone-flower-a-guide-to-understanding-and-action-for-women-survivors/>; and AJAR, ‘Mosaic: A manual for rebuilding lives and communities after torture’, Unlearning Impunity Series (January 2017), Module 9: Mosaic, p. 95 and Module 14: Mountain of strength and vulnerability, p. 122, <https://asia-ajar.org/resources/books-research/mosaic-a-manual-for-rebuilding-lives-and-communities-after-torture/>, accessed 28 August 2023.

17 In the timeframe of this Study, it proved challenging to identify lesbian and bisexual women and transgender men in the age group who were adults or adolescents during the conflict period. For an explanation of these obstacles, see Section 3.3.2: Profile and mapping of victims.

18 For example, Jacinto Alves, a leading member of ASEPPOL, was a commissioner in both the CAVR and CTF.

19 CAVR, ‘Chega! Vol. III, Part 7.7: Rape, sexual slavery and other forms of sexual violence’ (November 2013), para 366, <http://chegareport.org/Chega%20All%20Volumes.pdf>, accessed 16 June 2023. At the same time, the CAVR found widespread reports of sexualised torture of men, in acts such as beating two male victims while their genitals were tied together; burning the victim’s flesh, including the victim’s genitalia with cigarettes or a gas lighter; and applying electric shocks to different parts of the victim’s body, including the victim’s genitalia. For more information, see CAVR, ‘Chega! Vol. III, Part 7.4: Arbitrary detention, torture and ill-treatment’ (November 2013), para 808.95, <http://chegareport.org/Chega%20All%20Volumes.pdf>, accessed 16 June 2023.

witnessed. This early data collection process suggests that more needs to be done to determine the scale of this type of CRSV against men and to identify and support individual survivors.

The Study also considers the perceptions of a group of children that during the conflict years were taken to Indonesia from Timor-Leste and are usually referred as the “stolen children”. Regarding this topic, the researchers relied on previous research by ACbit and AJAR, as well as a new focus group discussion with nine survivors held in Jakarta in June 2022. Since the post-1999 large-scale repatriation programmes to Timor-Leste (which concluded in the early 2000s), there has been little government or NGO engagement with East Timorese people who remained in West Timor. Due to the limited engagement with under-represented groups, the researchers supplemented the information gathered with their own knowledge and experience in undertaking previous work on similar issues in the region.

This Study is not a mapping of victims of CRSV, and it does not seek to establish the total number of CRSV victims. It does, however, seek to indicate the patterns in the forms of sexual violence committed, the enduring impact on victims and their perceptions of reparations and accountability.

1.2.4. Study limitations

A key challenge of this Study was the representation of LGBTQI+ survivors in the group of participants. This limitation reflects the fact that there are relatively few CSOs from Timor-Leste that explicitly work with the LGBTQI+ community, as the experiences and voices

of members of the community are often silenced. Therefore, this Study does not claim to represent the experiences and perspectives of all LGBTQI+ survivors of CRSV affected by the conflict in Timor-Leste.

As a first step to creating a safe space for LGBTQI+ survivors of CRSV, this Study conducted interviews and a focus group discussion with LGBTQI+ people aged between 33–70 years, who were adults or adolescents during the conflict years. Participants learned about this Study through outreach and word of mouth via trusted sources. In this context, the sample of interviewees was limited, and the majority of interviewees did not necessarily speak as CRSV victims but spoke more generally about the conditions and experiences of LGBTQI+ people during the conflict years. Participants came from a range of municipalities, but all now reside in the capital, Dili. Although this Study has aimed to incorporate perspectives from various participants across different areas, certain regions have not been explicitly mentioned or represented. Some participants highlighted that they and other LGBTQI+ people played an active role in the resistance but did not mention this specifically in relation to CRSV. At this stage of research, given the obstacles identified above and by the 2017 Rede Feto study, ‘A research report on the lives of lesbian and bisexual women and transgender men in Timor-Leste’,²⁰ it has not been possible to identify older lesbians, bisexual women and transgender persons to listen to and document their experiences, including potentially of CRSV. This is an area requiring further outreach and research in partnership with Timorese LGBTQI+ organisations. Overall, generalisations are made in this Study for LGBTQI+ people that may not apply to different individuals or groups.

20 Iram Saeed and Bella Galhos, ‘A research report on the lives of lesbian and bisexual women and transgender men in Timor-Leste’ (Rede Feto and ASEAN SOGIE Caucus, 2017), <https://aseansogiec caucus.org/images/resources/publications/ASC - Rede Feto - LBT Womens Lives in Timor Leste.pdf>, accessed 29 June 2023.



Co-researchers doing mosaics during a participatory action research workshop. Mosaic is used as a tool to build a collective vision of what can be transformed after conflict, Dili, 2022.
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II. INTRODUCTION

CRSV has been a main feature of armed conflicts and political upheavals in Timor-Leste and across the world, with devastating consequences for survivors. Like many other conflicts, sexual violence during Timor-Leste's 24-year conflict was widespread and endemic, used to inflict pain on communities and systematically target civilians. Today, women and other survivors of CRSV in the Timor-Leste conflict are facing new struggles in their lives as they age, still feeling forgotten by the state.

Sexual violence has grave physical, psychological and socio-economic impacts for survivors, their families and communities. Today, reparation for survivors of CRSV remains elusive. There has been minimal progress in Timor-Leste towards redressing or mitigating the harms suffered by survivors of sexual violence. It has been nearly 50 years since the start of the conflict when the sexual violence began, and over 20 years since it has ended. Most survivors range in age from their mid-30s to their 70s, while children born of rape range in age from their 20s to their 40s. Victims continue to endure the consequences of the harms that they have suffered without redress.

In order to address this gap, AJAR, ACbit and GSF undertook comprehensive research on the status of and opportunities for reparation for survivors in Timor-Leste.

This Study outlines the scale and nature of the CRSV, its enduring impact on the lives of survivors, including an illustration of their situations, needs and priorities, measures taken by the state of Timor-Leste and civil society to support survivors in the fulfilment of their right to reparation. It also identifies gaps in information and knowledge about survivors from certain groups and suggests key strategic considerations for a successful approach to both interim and full reparation for survivors of CRSV.

The Study incorporates results of preliminary research into CRSV against groups largely overlooked by previous investigations: LGBTQI+ survivors, boys who were recruited as logistics assistants to the Indonesian military, girls and boys taken to Indonesia during the conflict as part of the "stolen children" generation and men sexually tortured in detention. It also seeks to address the gap in engagement with women survivors in Indonesian West Timor. Overall, the Study assesses the scope of CRSV in Timor-Leste, its enduring impact on various victim groups and opportunities for providing interim and long-term reparation to survivors.

This Study seeks to better understand how to meet the needs of survivors in terms of reparation. It provides an analysis of the key policy, legal and practical obstacles that survivors face to obtaining reparation in Timor-Leste. It also seeks to describe the scope and modalities of CRSV in Timor-Leste in the historical context of the 1974–1999 conflict, as well as the profile of the victims and perpetrators. Further sections reflect on survivors' perceptions, needs, priorities and expectations in relation to reparations and the risks they face. It also explores measures of interim assistance that survivors have been able to access in the last two decades, including the urgent reparations scheme of the Commission for Reception, Truth and Reconciliation in Timor-Leste (CAVR) and any other forms of assistance. Furthermore, the international and domestic legal and policy frameworks relevant for the implementation of a reparations programme in Timor-Leste are included, as well as an analysis on the status of implementation of reparations so far, outlining the main challenges and responsibilities for duty bearers. In the next two sections, there is an analysis of the current opportunities for and threats to establishing a reparations programme in Timor-Leste. The last sections offer recommendations and steps forward for a diverse range of stakeholders on the implementation of interim measures and reparations for survivors.



III. CONFLICT-RELATED SEXUAL VIOLENCE IN TIMOR-LESTE

3.1. Context

Timor-Leste²¹ has a population of around 1.3 million, with almost half of the population being under the age of 18.²² More than 70% of the population lives in rural areas.²³ It has the highest population growth rate and total fertility rate in Southeast Asia.²⁴ The island country straddles Asia and the Pacific, which can be seen in its cultural and linguistic diversity. Despite being abundant in oil and gas resources, Timor-Leste remains one of the poorest countries in Asia, and in 2021, government studies found that 55% of the population lives in “multidimensional poverty”.²⁵

began.²⁷ Conflict between Timorese political parties escalated into a six-week civil war in August 1975, leading to the deaths of around 3,000 people.²⁸ The leftist Revolutionary Front for an Independent East Timor party (*Frente Revolucionaria de Timor Leste Independente*, Fretilin) prevailed and declared independence in November 1975. In December 1975, amidst the height of the Cold War, neighbouring country Indonesia invaded East Timor despite formal UN condemnation and recognition of the Timorese people’s right to self-determination.²⁹ Indonesia occupied the territory until 1999, facing armed political struggle throughout the occupation from the Timorese resistance.

3.1.1. Decolonisation and invasion by Indonesia

Portugal colonised Timor-Leste in the 16th century and maintained its rule there until the 1970s.²⁶ When Portugal overthrew its own authoritarian regime during the 1974 Carnation Revolution, a hasty decolonisation process

3.1.2. The 24-year armed conflict: Mass violations against civilians

The armed conflict passed through various phases, with shifting patterns of violence against civilians. The CAVR found that the largest waves of violence against civilians, including sexual violence, had occurred in

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- 21 In 2002, upon the restoration of independence, the country was officially named Timor-Leste. During the Portuguese colonial era, the territory was internationally known as Portuguese Timor. Following Indonesia’s 1975 invasion, Indonesia purported to annex the territory as its 27th province named Timor Timur (East Timor). However, this annexation received scant international recognition, and internationally the territory was known as East Timor, and the United Nations agenda referred to “The Question of East Timor”. In this Study, the country is generally referred to by its modern name, Timor-Leste, though “East Timor” is used at times to refer to the territory during the period of illegal occupation by Indonesia and the period of United Nations transitional administration from October 1999 to May 2002.
- 22 General Directorate of Statistics Timor-Leste, ‘2015 Timor-Leste Population and Housing Census’ (Dili, 2015), https://timor-leste.unfpa.org/sites/default/files/pub-pdf/2015%20Population%20Projection%20Report_0.pdf, accessed 29 June 2023. For more information, see Timor-Leste National Institute of Statistics, ‘Timor-Leste Population and Housing Census 2022 Main Report’ (Dili, May 2023), https://timor-leste.unfpa.org/sites/default/files/pub-pdf/final-main-report-tlphc-census_2022.pdf, accessed 29 June 2023. See General Directorate of Statistics Timor-Leste, available at: <http://timor-leste.gov.tl/?p=30931&lang=en>, accessed 29 June 2023.
- 23 Ibid. Rural population refers to people living in rural areas as defined by national statistical offices. It is calculated as the difference between total population and urban population. In Timor-Leste, most areas outside the capital Dili and the 13 municipal capital cities/towns are effectively rural. See United Nation’s Department of Economic and Social Affairs, ‘World Urbanization Prospects 2017 Timor-Leste country profile’, <https://population.un.org/wup/Country-Profiles/>, accessed 29 June 2023.
- 24 See United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP), ‘Overview of Internal Migration in Timor-Leste’ (2016), <https://bangkok.unesco.org/sites/default/files/assets/article/Social%20and%20Human%20Sciences/publications/Brief%209%20-%20Country%20Brief%20-%20Timor-Leste.pdf>, accessed 29 June 2023. Timor-Leste growth rate of 2.2% annually; fertility rate of 5.5%.
- 25 RDTL, ‘Poverty in Timor-Leste 2014’. These figures were re-analysed by the National Statistics Office in 2021 in Timor-Leste Ministry of Finance and UNICEF, ‘Options paper: Understanding and measuring multidimensional poverty 2021 in Timor-Leste’ (November 2021), <https://www.unicef.org/timorleste/media/4466/file/MDP%20paper%20update%20Dec2021.pdf>, accessed 29 June 2023.
- 26 For the main source of this section’s historical snapshot of the conflict, its political context and impact on human rights, see CAVR, ‘Chega! Vol. I, Part 3: History of the conflict’ (November 2013), <http://chegareport.org/Chega%20All%20Volumes.pdf>, accessed 16 June 2023.
- 27 Portugal accepted the listing of Portuguese Timor as a Non-Self-Governing Territory under UNGA Resolution 1542 (XV) (15 December 1960) in 1974 after the Carnation Revolution. See: <https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/153/16/PDF/NR015316.pdf?OpenElement>, accessed 27 October 2023.
- 28 CAVR, ‘Chega! Vol. I, Part 1: Introduction’ (November 2013), para 15, <http://chegareport.org/Chega%20All%20Volumes.pdf>, accessed 16 June 2023.
- 29 UNGA Resolution 3485(XXX) (12 December 1975), <http://www.worldlii.org/int/other/UNGA/1975/122.pdf>, accessed 27 October 2023.

the early years of the conflict during the period of mass military operations throughout the territory (1975–1981) and in 1999, both prior to and following the independence referendum in East Timor.

Large-scale displacement of the Timorese population took place following the December 1975 Indonesian invasion, with tens of thousands of civilians seeking refuge with resistance forces in Timor-Leste's mountainous interior.³⁰ Aerial bombardments and starvation ultimately forced the civilian population down into Indonesian military-controlled areas in the late 1970s, as mass famine took a heavy toll.³¹ In the 1980s, the Indonesian military extended its territorial reach to all villages, creating a pervasive militarisation of society, including the development of paramilitary and intelligence networks made up largely of East Timorese men. Rural communities were especially vulnerable to violence, widespread rape and other forms of CRSV were perpetrated by soldiers and auxiliary forces. Indonesian forces also forcibly displaced many rural communities, committing massacres of civilians as they sought to break links between the armed resistance and the civilian population.³²

During the late 1980s and early 1990s, Indonesia opened its previously closed borders to the world. Young Timorese women and men pursued university education in Indonesia, as new urban and youth waves of the resistance grew.³³ Public demonstrations against the occupation began, and students took to the streets calling for an end to the occupation. This culminated in the 1991 Santa Cruz massacre of young demonstrators which proved a turning point in drawing international attention to the ongoing abuses in East Timor.³⁴

Throughout the conflict, the Indonesian military, civilian administrators, and charitable and religious organisations took Timorese children from their families, placing them in institutions such as orphanages in Timor-Leste and Indonesia. The CAVR concluded that thousands of children were abducted. In addition, thousands of children, especially adolescent boys, were recruited in the early 1980s to act as operations assistants to Indonesian soldiers.³⁵ They lived with soldiers in military installations and camps and were subjected to horrendous warlike conditions.³⁶

3.1.3. Gradual shift towards a UN-supported resolution

The end of the Cold War, with the collapse of the Soviet Union in 1991, led to the end of the support provided to Soeharto's anti-communist, authoritarian regime by countries such as the United States and Australia.³⁷ Subsequently, the 1997 Asian financial crisis caused a significant increase in the total poverty rate, which led to a popular uprising in Indonesia and resulted in the authoritarian leader stepping aside.³⁸ This shift, and the 5th May 1999 Agreement between Indonesia and Portugal, set the stage for Indonesia to accept a UN-organised referendum for self-determination in accordance with international law.³⁹ On 30 August 1999, despite widespread violence and intimidation against the pro-independence movement, the people of East Timor voted overwhelmingly for independence from Indonesia in the UN-organised referendum known as the Popular Consultation.⁴⁰

30 CAVR, 'Chega! Vol. I, Part 1: Introduction' (November 2013), para 18, <http://chegareport.org/Chega%20All%20Volumes.pdf>, accessed 16 June 2023.

31 CAVR, 'Chega! Vol. I, Part 3: History of the conflict' (November 2013), para 306, <http://chegareport.org/Chega%20All%20Volumes.pdf>, accessed 16 June 2023. See also 'Chega! Vol. II, Part 7.3: Forced displacement and famine'.

32 Ibid., pp. 235-254.

33 Ibid., p. 259.

34 Ibid., pp. 265-266.

35 CAVR, 'Chega! Vol. III, Part 7.8: Violation of the rights of the child' (November 2013), paras 40-42, <http://chegareport.org/Chega%20All%20Volumes.pdf>, accessed 6 July 2023.

36 Ibid., para 70.

37 CAVR, 'Chega! Vol. II, Part 7.1: The right to self-determination' (November 2013), para 107, <http://chegareport.org/Chega%20All%20Volumes.pdf>, accessed 9 August 2023.

38 For a useful timeline of 1997-1999 events in Indonesia, see Washington Post, 'Indonesia special report: Indonesia timeline' (n.d.), <https://www.washingtonpost.com/wp-srv/inatl/longterm/indonesia/timeline.htm>, accessed July 2023.

39 For the official text of the Agreement between the Republic of Indonesia and the Portuguese Republic on the Question of East Timor, see Annex to UN Secretary General, 'Question of East Timor – Report of the Secretary-General' A/53/951 – S/1999/513 (5 May 1999), <https://digitallibrary.un.org/record/1492926?ln=en>, accessed July 2023.

40 For more information, see UN Secretary General, 'Letter Dated 3 September 1999 from the Secretary-General Addressed to the President of the Security Council' (3 September 1999) S/1999/944, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N99/255/00/PDF/N9925500.pdf?OpenElement>, accessed July 2023.

3.1.4. Final wave of mass violence against civilians, 1999

In response to the results of the vote, a coordinated campaign of mass violence was unleashed by militias under the control of the Indonesian military. In two to three weeks, up to 1,500 people were killed.⁴¹ Numerous massacres, widespread rape and other forms of CRSV were committed, more than 250,000 people were forcibly displaced to the Indonesian side of the island, and 200,000 to 300,000 more fled to the mountainous interior for safety.⁴²

Under intense international pressure, Indonesia accepted the results of the ballot and allowed a UN-mandated multinational peacekeeping force to intervene and stabilise the situation. On 15 September, the UN Security Council mandated the Australian-led International Force East Timor (INTERFET), which was deployed on 20 September 1999.⁴³ The UN Human Rights Commission convened a special session concerning the mass human rights violations – only the fourth special session held in the Commission’s 50 years.⁴⁴ On 25 October 1999, the UN Security Council established the UN Transitional Administration in East Timor (UNTAET) as the executive and legislative authority and a multidimensional peacekeeping mission with more than 8,000 troops.⁴⁵ UNTAET administered the territory until the restoration of independence in May 2002.⁴⁶

3.2. Contemporary gender norms and conditions in Timor-Leste

Timor-Leste is characterised by a patriarchal social structure, with men enjoying greater freedoms and more of a dominant role in society. The majority of Timor-Leste’s population lives in rural communities, where traditional and conservative values centred around patriarchy can be even stronger and *lisan*, or customary law and practice, is largely male-dominated.⁴⁷ This has contributed to harmful practices which has minimised women’s status in society and contributed to the tolerance of gender-based violence (GBV) committed against women. The country’s gender inequality issues are further reflected in the Global Gender Gap Report of the World Economic Forum (WEF), in which Timor-Leste ranked 117 out of 153 countries in 2020, and 95 out of 146 in 2023.⁴⁸

Child marriage is particularly prevalent in Timor-Leste and is commonly reported in rural areas where 70% of the population lives.⁴⁹ The Committee on the Elimination of All Forms of Discrimination against Women (CEDAW) has consistently pressured Timor-Leste to take more effective action to end the harmful practices of child marriage, *berlake* (bride price) and polygamy, including most recently in the fourth reporting cycle in March 2022.⁵⁰

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- 41 CAVR, ‘Chega! Vol. I, Part 3: History of the conflict’ (November 2013), p. 299, <http://chegareport.org/Chega%20All%20Volumes.pdf>, accessed 6 July 2023.
- 42 Geoffrey Robinson, ‘Annex 1: East Timor 1999: Crimes against humanity. Report commissioned by the United Nations Office of the High Commissioner for Human Rights (OHCHR) in Chega! (November 2013), p. 2633, <http://chegareport.org/Chega%20All%20Volumes.pdf>, accessed 6 July 2023.
- 43 UNSC, ‘Resolution 1264 (1999) S/RES/1264 (15 September 1999), <https://digitallibrary.un.org/record/285615?ln=en>, accessed 16 September 2023. INTERFET was a multinational force made up of 22 contributing nations tasked to restore peace and security in East Timor, support the UN Mission in East Timor (UNAMET) and facilitate humanitarian assistance operations until a UN peacekeeping mission could be deployed.
- 44 Commission on Human Rights, ‘Report on the Fourth Special Session Economic and Social Council’ E/1999/23/Add.1 E/CN.4/1999/167/Add.1 (23-27 September 1999), <https://www.un.org/esa/documents/ecosoc/docs/1999/e1999-23a.pdf>, accessed July 2023.
- 45 UNSC, ‘Resolution 1272 (1999) S/RES/1272 (25 October 1999), <https://digitallibrary.un.org/record/291410?ln=en>, accessed 16 September 2023. See also UNTAET, ‘Fact Sheet 18: Peacekeeping Force’ (28 February 2002), <https://reliefweb.int/report/indonesia/unttaet-fact-sheet-18-peacekeeping-force>, accessed July 2023.
- 46 RDTL, ‘On the verge of national liberation – Chronology’ (August 2009), http://timor-leste.gov.tl/wp-content/uploads/2010/03/Crono_ultimos_passos_libert_nac_EN1.pdf, accessed July 2023.
- 47 See comments of Chefe Suco, Lia Nai’n and Suco Council members reported in AJAR, ‘Twenty years on: Timorese women’s ongoing struggle to be free from violence’ (Jakarta, 2022), <https://asia-ajar.org/wp-content/uploads/2022/06/20-year-report-eng-30052022-WEB.pdf>, accessed July 2023.
- 48 WEF, ‘Global Gender Gap Report 2020’ (Geneva, 2020), https://www3.weforum.org/docs/WEF_GGGR_2020.pdf, accessed July 2023; WEF, ‘Global Gender Gap Report 2021’ (Geneva, 2021), https://www3.weforum.org/docs/WEF_GGGR_2021.pdf, accessed July 2023; WEF, ‘Global Gender Gap Report 2022’ (Geneva, 2022), https://www3.weforum.org/docs/WEF_GGGR_2022.pdf, accessed July 2023; and WEF, ‘Global Gender Gap Report 2023’ (Geneva, 2023), https://www3.weforum.org/docs/WEF_GGGR_2023.pdf, accessed 10 October 2023. See also OECD (Organisation for Economic Cooperation and Development), ‘Social Institutions and Gender Index (SIGI) 2019 global report: Transforming challenges into opportunities’ (8 March 2019), https://www.oecd-ilibrary.org/development/sigi-2019-global-report_bc56d212-en, accessed 10 October 2023.
- 49 Root causes are deeply entrenched, especially in more remote rural communities isolated from information and services. See AJAR, ‘Twenty years on: Timorese women’s ongoing struggle to be free from violence’ (Jakarta, 2022), <https://asia-ajar.org/wp-content/uploads/2022/06/20-year-report-eng-30052022-WEB.pdf>, accessed July 2023.
- 50 CEDAW, ‘List of issues and questions in relation to the fourth periodic report of Timor-Leste’ CEDAW/C/TLS/Q/4 (17 March 2022), <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N22/279/65/PDF/N2227965.pdf?OpenElement>, accessed July 2023.

Moreover, women and girls in Timor-Leste have limited access to reproductive health services. For example, many health workers create obstacles for unmarried women to receive sexual health information and services.⁵¹ Studies have found that the Catholic Church exercises significant influence in reproductive health services and decision-making capacities at all levels of society, from national health policies to reproductive decisions made by Timorese individuals.⁵² It is also important to note that abortion is criminalised in most circumstances, including for survivors of rape.⁵³ This inhibits women and girls from having any reproductive autonomy and worsens gender inequalities in Timorese society.

There is also a pervasive intolerance towards LGBTQI+ people in Timor-Leste's society, which has resulted in violence against this community.⁵⁴ Timorese LGBTQI+ activists report high levels of violence and discrimination, perpetrated by family members and by powerful institutions such as the Catholic Church and the police.⁵⁵ The 2017 Country Assessment on Sexual Reproductive Health Rights in Timor-Leste, conducted by the Office of the Provedor for Human Rights and Justice and the United Nations Population Fund (UNFPA), highlighted that LGBTQI+ people were especially vulnerable to GBV.⁵⁶ There has been some progress in this area. For example, the gradual post-independence emergence of a Timorese LGBTQI+ rights movement, largely Dili-based, has taken shape in the past decade, especially since the 2016 first-ever national LGBTQI+ congress and the 2017 first major public Pride march (and subsequent annual marches).⁵⁷

In 2012, the government of Timor-Leste launched its first National Action Plan (NAP) on Gender-Based Violence (GBV), describing such violence as a "pervasive problem"; it launched a revised NAP in 2017 and finalised a new ten-year NAP in September 2022.

Despite a promising plan in theory, given the scale of contemporary GBV in Timor-Leste, too few resources have been allocated and too low a priority placed by departmental and agency decision-makers on concrete measures to eradicate this violence. For example, the national police service has refused to allocate adequate financial resources, equipment and senior personnel to the Vulnerable Persons Unit, which is the frontline response to domestic violence. The result is a persistent failure to reduce such violence, with some evidence suggesting the situation is worsening.

Despite the NAPs, successive governments and the justice system have shied away from specifically addressing many forms of contemporary sexual violence. Instead, they largely reinforce social taboos and prejudices and allow impunity for perpetrators. Examples of this include: the failure to introduce marital rape as a crime; light sentences for domestic violence; the lack of protection for children, especially girls and children with disabilities; the failure to address sexual violence against lesbian, bisexual and transgender women and LGBTQI+ rights in general; the failure to concretise specific child protection legislation; the lack of legal consequences for male perpetrators of rape; and the lack of practical legal redress for pregnant women and adolescent girls who are abandoned by the father to care for children without support.⁵⁸

51 Ibid.

52 Esther Richard, 'The Catholic Church and reproductive health and rights in Timor-Leste: Contestation, negotiation and cooperation' (2014) 17(3) *Culture, Health and Sexuality* 343, <https://doi.org/10.1080/13691058.2014.966255>.

53 In 2009, Timor-Leste adopted a penal code that permitted abortion to save a woman's life and health. However, just over a month after ratification, Decree-Law No. 19/2009 was passed, with 13 highly restrictive amendments to art. 141 (Termination of Pregnancy). World Health Organization, 'Abortion policy landscape: Timor-Leste', <https://apps.who.int/iris/bitstream/handle/10665/338768/factsheet-timor%20leste-eng.pdf?sequence=12&isAllowed=y>, accessed July 2023.

54 AJAR, 'Interview with LGBTQI+ Activist A' (Codiva, 28 February 2022).

55 Iram Saeed and Bella Galhos, 'A research report on the lives of lesbian and bisexual women and transgender men in Timor-Leste' (Rede Feto and ASEAN SOGIE Caucus, 2017), <https://aseansogiecawcus.org/images/resources/publications/ASC - Rede Feto - LBT Womens Lives in Timor Leste.pdf>, accessed July 2023.

56 Office of the Provedor for Human Rights and Justice and UNFPA, 'Country assessment on sexual reproductive health rights in Timor-Leste' (December 2017), pp. 25-26, https://timor-leste.unfpa.org/sites/default/files/pub-pdf/Country%20Assessment%20on%20SRHR_English%20%28%29.pdf, accessed July 2023.

57 When the conflict ended in 1999, there were no Timorese LGBTQI+ NGOs or community-based organisations. In 2002, there was an attempt to include sexual orientation as grounds for non-discrimination in the new constitution, but this failed. In 2016, a nascent LGBTQI+ public movement emerged, resulting in considerably more visibility for LGBTQI+ people, at least in the capital Dili, and with some uneven support from certain government sections.

58 AJAR, 'Twenty years on: Timorese women's ongoing struggle to be free from violence' (Jakarta, 2022), <https://asia-ajar.org/wp-content/uploads/2022/06/20-year-report-eng-30052022-WEB.pdf>, accessed July 2023.

As participants in village-level workshops report, contemporary sexual violence remains a taboo subject shrouded in silence and the government refuses to name the problem or take effective action to respond to or prevent it. A sense of shame is instead transferred to victims, and under-reporting is rife as male perpetrators continue to express high levels of sexual entitlement and enjoy high levels of impunity from the lack of or ineffective action by the legal system.

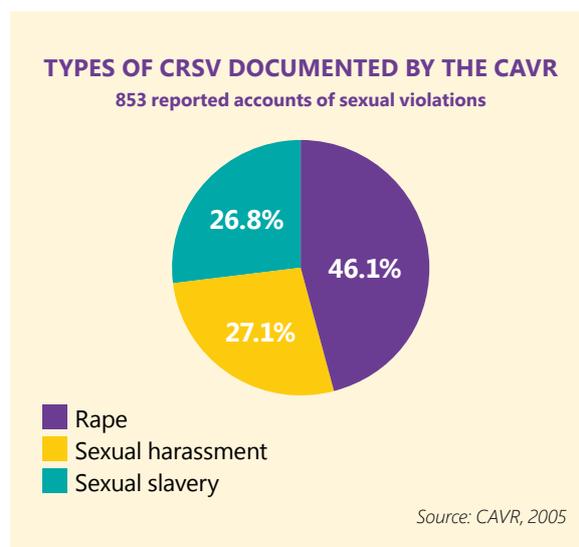
3.3. Nature and scope of CRSV

3.3.1. Scale, scope, forms and patterns of the crimes

CRSV in Timor-Leste was widespread throughout the 24 years of occupation. In its 2005 final report, the CAVR found that rape occurred in every year of the Indonesian occupation and in every district/municipality,⁵⁹ as well as in West Timor, Indonesia.⁶⁰ The CAVR recorded that 51% of reported rapes were committed during the invasion and the initial years of the occupation, 23% occurred between 1985 and 1998, and the remaining 26% of rapes were committed during the ballot-related violence in 1999.⁶¹ Districts/municipalities with high numbers of rapes, the CAVR found, also tended to have relatively high levels of sexual slavery and other forms of sexual violence.⁶²

The CAVR documented 853 reported accounts of sexual violations. The patterns of CRSV documented by the CAVR indicate that rape was the most commonly reported violation, at 46.1% (393 out of 853) of all sexual violence acts documented by the Commission. Rape was followed by sexual harassment

and other acts of sexual violence at 27.1% (231/853) and sexual slavery at 26.8% (229/853) of all reported acts of sexual violence.⁶³ The CAVR concluded that, due to a range of factors, the number of cases of rape and other forms of CRSV are significantly higher and likely to involve thousands of women and adolescent girl victims.⁶⁴



Another important pattern highlighted by the CAVR is a direct correlation between the use of CRSV and the pursuit of military objectives.⁶⁵ The Commission found that women and girls were often targeted because of their perceived link to the pro-independence movement, including due to the roles played in the movement by their male family members. In this way, rape was a form of “proxy violence”.⁶⁶ Between 1985–1998, the CAVR found that there was a significant decrease in the number of reported rapes, largely due to the decrease in military operations and presence.⁶⁷

59 During the period of Indonesian occupation, the local administrative term “kabupaten” was used; during the UN transitional period and the early years following the restoration of independence, the term “district” was used; and in 2009, “district” was replaced by “municipality”. These changing terms did not involve redrawing of local boundaries, though some adjustments have been made during different periods.

60 CAVR, ‘Chega! Vol. III, Part 7.7: Rape, sexual slavery and other forms of sexual violence’ (November 2013), para 34, <http://chegareport.org/Chega%20All%20Volumes.pdf>, accessed July 2023.

61 Ibid., para 47.

62 Ibid., para 34. Note, the CAVR employed a working definition of sexual violence as “any violence, physical or psychological, carried out through sexual means or by targeting sexuality. This definition of sexual violence includes rape, sexual slavery and other forms of sexual violence such as sexual torture, public sexual humiliation and sexual harassment” (ibid., para 16).

63 Ibid., para 7.

64 CAVR, ‘Chega! Vol. III, Part 7.7: Rape, sexual slavery and other forms of sexual violence: Findings’ (November 2013), para 26, <http://chegareport.org/Chega%20All%20Volumes.pdf>, accessed July 2023.

65 CAVR, ‘Chega! Vol. III, Part 7.7: Rape, sexual slavery and other forms of sexual violence’ (November 2013), paras 53–92, <http://chegareport.org/Chega%20All%20Volumes.pdf>, accessed July 2023.

66 Ibid., para 37.

67 Ibid., paras 93–94.

In 1999, before and especially after the Popular Consultation, the CAVR reported that there was a spike in the number of reported rapes. Of those occurring after the vote, 81% of rapes took place in communities in the western districts (nearest the Indonesian border).⁶⁸ Timorese militia members were the group responsible for the largest number of these rapes, followed by various elements of the Indonesian armed forces and police.⁶⁹

Sexual enslavement has been documented in East Timor by Indonesian security forces and their auxiliaries. The CAVR found that: *"Members of the Indonesian security forces and their auxiliaries were involved in widespread and systematic rape, sexual torture and acts of sexual violence (other than sexual slavery) directed mainly towards vulnerable East Timorese women."*⁷⁰ In addition, the CAVR found that: *"Throughout the invasion and occupation there was a persistent practice of forcing East Timorese women to become, in effect, the sexual slaves of military officers. [...] These activities were conducted openly, without fear of reprisal, inside military installations, at other official sites and inside the private homes of women who were targeted."*⁷¹ These situations often continued for years, with officers raping women on a daily basis. There were also cases *"were women were 'passed on' by officers to their replacements or to other officers"*.⁷² The enslavement of East Timorese women was encouraged by senior officials, and commanders often participated.⁷³

East Timorese women also suffered from other extremely brutal forms of sexual violence and torture, followed by individual or gang rape by members of the Indonesian security forces. The sexual torture perpetrated on them *"often included mutilation of women's sexual organs, [insertion] of objects into vaginas, burning nipples and genitals with cigarettes,*

use of electric shocks applied to the genitals, breasts and mouths, forcing detainees to engage in sexual acts, rape of pregnant women, rape of women while blindfolded with their hands and feet bound, and the use of snakes to instil terror in victims".⁷⁴

Sexual violence has been widely documented in detention. Arbitrary detention exposed victims to many other violations including sexual torture.⁷⁵ Women and girls have testified to cases of their genitals being beaten, being stripped and detained naked for long periods including in front of assembled male soldiers, being burned with cigarette butts, being forced to bathe in front of soldiers and being forcibly sexually touched and raped in detention.⁷⁶

Moreover, former male detainees that participated in the focus group discussion organised by AJAR highlighted their experiences of CRSV in detention. The male survivors revealed that experiences of sexual torture, including forced nudity, beatings targeting genitals and inserting objects into the penis, was common. Participants said that male detainees were forced to conduct real or mock sexual acts with other detainees and that female detainees were forced to handle the genitals of male detainees, as a means of abusing both. The CAVR has also highlighted the testimony of a former male detainee detailing his experience in 1984 when he was forced, under threat of death, to perform oral sex on an Indonesian soldier and to another Timorese auxiliary.⁷⁷ He also testified that his brother was orally raped by a different Indonesian soldier.⁷⁸

There have also been reports of CRSV in refugee camps located in West Timor. Documentation from the West Timor Humanitarian Team (*Tim Kemanusiaan Timor Barat*, TKTB) non-governmental organisation (NGO), from February through mid-

68 Ibid., para 139.

69 Ibid., p. 1955.

70 Ibid., para 360.

71 Ibid., para 366.15.

72 Ibid., para 15.

73 Ibid., paras 364.14, 366.17.

74 Ibid., para 363.6.

75 Ibid., para 38.

76 See for example, *ibid.*, paras 61, 76, 78, 294.

77 CAVR, 'Chega! Vol. III, Part 7.7 Rape, sexual slavery and other forms of sexual violence' (November 2013), pp. 1931-1932, <http://chegareport.org/Chega%20All%20Volumes.pdf>, accessed July 2023.

78 Ibid.

May 2000, indicates high levels of sexual violence against women in the camps, mostly by East Timorese members of the Indonesian army and militia members who exercised control over the camps.⁷⁹ The NGO notes that cases of sexual slavery within the camps are a continuation of violations that initiated in Timor-Leste at the time of the ballot – not in the refugee camps.⁸⁰

Rape and other forms of CRSV have been perpetrated against Timorese children. Patterns of sexual violence against children overwhelmingly occurred in two significant instances: against “stolen children” and against children recruited as military operations assistants. The term “stolen children” refers to the thousands of children forcibly transferred from Timor-Leste to Indonesia by soldiers, civilian government officials, the government, and charitable and religious organisations. The majority of stolen children were transferred between 1976 and 1979, but there have been reports of transfers around the mass violence of 1999.⁸¹ In both cases, many children have been subject to mistreatment, exploitation and sexual violence.⁸² AJAR has conducted workshops with stolen children that reiterate that some children have been subjected to sexual violence.⁸³

Largely during the early years of the conflict, between 1976 and 1981, thousands of children were recruited as military operations assistants (known as TBOs, *Tenaga Bantuan Operasi*), either coercively or with the promise of food. The CAVR noted that “*although there were cases of TBOs as young as six, male teenagers appear to have been the most heavily represented group among children*”.⁸⁴ The CAVR recorded very few

testimonies of former TBOs detailing acts of CRSV.⁸⁵ However, subsequent AJAR work with survivors from this group indicates that sexual violence was perpetrated against some boys serving as TBOs.⁸⁶

3.3.2 Profile and mapping of victims

Women, girls, men and boys have all been subject to CRSV. Women and girls in rural and remote communities were especially vulnerable given the widespread territorial presence of the Indonesian military and their Timorese proxies. Sexual violence was also perpetrated against women and girls in Indonesian West Timor in 1999. The ages of female survivors from Timor-Leste ranges from as young as 12 years old to women in their 80s.⁸⁷

The CAVR found that women and girls were also targeted with CRSV due to their direct role in the resistance, perceived links to the resistance or knowledge about the resistance. Moreover, they were often targeted with sexual violence because of their relationships with resistance fighters (as wives, sisters or daughters).⁸⁸

While most of the reported sexual violence has been perpetrated against women and girls, other affected groups include stolen children, child TBOs, male detainees and LGBTQI+ people. As part of the focus group discussions conducted in Jakarta, Indonesia, with nine former “stolen children”, they indicated that sexual violence was perpetrated against children regardless of gender. Girls were especially vulnerable to violence by members of families with whom

79 Ibid., para 266. The TKTB reported 15 cases of polygamy, nine of which it said suggested conditions of sexual slavery.

80 Ibid.

81 CAVR, ‘Chega! Vol. III, Part 7.8: Violation of the rights of the child’ (November 2013), paras 333-342, 358-359, 396-410, <http://chegareport.org/Chega%20All%20Volumes.pdf>, accessed July 2023.

82 Ibid., paras 343-395, 416-419.

83 Focus group discussion with nine Timorese survivors of child abductions during the conflict (Jakarta, 29 June 2022).

84 CAVR, ‘Chega! Vol. III, Part 7.8: Violation of the rights of the child’ (November 2013), para 32, <http://chegareport.org/Chega%20All%20Volumes.pdf>, accessed July 2023.

85 CAVR, ‘Chega! Vol. III, Part 7.7: Rape, sexual slavery and other forms of sexual violence’ (November 2013), para 83, <http://chegareport.org/Chega%20All%20Volumes.pdf>, accessed July 2023.

86 Focus group discussion with nine Timorese survivors of child abductions during the conflict (Jakarta, 29 June 2022); Focus group discussion with four male political detainees/torture survivors (Dili, 31 August 2022).

87 For references generally for this section of this report, see ‘Chega! Vol. III, Part 7.7: Rape, sexual slavery and other forms of sexual violence’ (November 2013), <http://chegareport.org/Chega%20All%20Volumes.pdf>, accessed July 2023.

88 CAVR, ‘Chega! Vol. III, Part 7.7: Rape, sexual slavery and other forms of sexual violence’ (November 2013), paras 61, 73-76, <http://chegareport.org/Chega%20All%20Volumes.pdf>, accessed July 2023.

they stayed.⁸⁹ In addition, information from NGOs suggests that boys taken to Indonesia by soldiers who they served as logistics assistants were vulnerable to sexual violence both in Timor-Leste and after being taken to Indonesia.⁹⁰

There is evidence suggesting that former child logistics assistants to Indonesian soldiers (TBOs), including those exposed to prolonged periods of service, living with individual soldiers or in military installations, were subject to CRSV.⁹¹ Moreover, the CAVR has documented widespread sexual violence against male and female detainees.⁹² This was affirmed by recent participatory action research (PAR) discussions with women survivors for this Study, where some participants said that they knew men in their communities who had been sexually violated when they were detained and tortured but remained silent due to the social stigma associated with cultural notions of masculinity.⁹³ This was further substantiated by interviews for this Study with former male detainees and members of ASEPPOL and the National Victims' Association (NVA).

It is important to recognise that sexual violence has also been used against members of the LGBTQ+ community. Limited work has been done to engage with LGBTQ+ people who experienced the conflict years as adults or adolescents. The gradual post-independence emergence of a Timorese LGBTQ+

rights movement took place after the CAVR's conclusion. Equally, UN recognition and the gradual protection of LGBTQ+ rights only began to develop from about 2006, after the close of the CAVR. This limited the attention of international organisations and expertise in this field during the main period of transitional justice truth-seeking and serious crimes investigations in Timor-Leste.⁹⁴

In order to address this gap, this Study engaged with a small group of LGBTQ+ people, some of whom reported experiences of transactional sex work with Indonesian military officers during the conflict years. It is likely that some of these relations involved coercion due to the power imbalance between the individuals and the military personnel. Other cases may also have involved survival sex because gay men and transgender women were pushed to the margins of Timorese society. Overall, there is a lack of engagement, investigation and reporting of the experiences of LGBTQ+ people, and greater engagement would likely reveal more cases of CRSV.

There is a general issue of under-reporting of sexual violence in East Timor. The CAVR found significant under-reporting of rape and other CRSV against women and girls due to many factors, including the crippling stigma survivors face in their communities.⁹⁵ Some survivors continue to face family pressure to remain silent.

89 ACbit-AJAR, 'PAR workshop' (Dili, 4-7 July 2022).

90 Discussion with AJAR team (29 June 2022).

91 CAVR, 'Chega! Vol. III, Part 7.4: Rape, sexual slavery and other forms of sexual violence' (November 2013), para 296, <http://chegareport.org/Chega%20All%20Volumes.pdf>, accessed 8 August 2023.

92 CAVR, 'Chega! Vol. III, Part 7.4: Arbitrary detention, torture and ill-treatment' (November 2013), paras 61, 73-76, <http://chegareport.org/Chega%20All%20Volumes.pdf>, accessed July 2023.

93 ACbit-AJAR, 'PAR workshop' (Dili, 4-7 July 2022).

94 The United Nations essentially did not include LGBTQ+ rights within international norms and standards until after the close of the CAVR. Bodies such as the Office of the High Commissioner for Human Rights (which was active in its support of the CAVR) had little focus or expertise in LGBTQ+ rights. This began to change in 2006 following the work of UN High Commissioner for Human Rights Louise Arbour, after years of LGBTQ+ community lobbying. This change at the United Nations largely began in 2003, when Brazil tabled a resolution in the Human Rights Commission supporting LGBTQ+ rights. The motion was strongly opposed, and the resolution was dropped. In 2006, Louise Arbour gave a ground-breaking keynote address at the large international LGBTQ+ rights conference in Montreal, supporting LGBTQ+ equality rights within international norms and standards. As her term was nearing its end, she authorised a study on sexual orientation rights – the current-day UNOHCHR Free and Equal global campaign stems from this initiative. For text of High Commissioner Arbour's speech, see https://montreal2006.info/en_louise_arbour.html. See OHCHR portal for LGBTI People: <https://www.ohchr.org/en/topic/lgbti-people>. Also in 2006, in response to well-documented patterns of abuse, a distinguished group of international human rights experts met in Yogyakarta, Indonesia, to outline a set of international principles relating to sexual orientation and gender identity. The result was the Yogyakarta Principles: a universal guide to human rights which affirm binding international legal standards with which all states must comply. For full text of the Yogyakarta Principles, see <https://yogyakartaprinciples.org/>. All these initiatives took place after the CAVR had closed. One result of this timing was that entities such as the OHCHR and international human rights NGOs supporting the work of the CAVR, such as the ICTJ, did not generally incorporate awareness or inclusion of targeted violence against LGBTQ+ people in conflict situations.

95 CAVR, 'Chega! Vol. III, Part 7.7: Rape, sexual slavery and other forms of sexual violence' (November 2013), para 366.26, <http://chegareport.org/Chega%20All%20Volumes.pdf>, accessed July 2023. See: Findings: Total number of victims of sexual violations (p. 2040): "The Commission notes the inevitable conclusion that many victims of sexual violations did not come forward to report them to the Commission. Reasons for under-reporting include death of victims and witnesses (especially for earlier periods of the conflict), victims who may be outside Timor-Leste (especially in West Timor), the painful and very personal nature of the experiences, and the fear of social or family humiliation or rejection if their experiences are known publicly."

The stigma associated with reporting acts of sexual violence is greater when it comes to men and boys. This largely explains the limited reports of male sexual violence throughout the conflict and particularly in detention. The situation is even worse for members of the LGBTQI+ community, as they were largely marginalised and isolated during the conflict. Despite current civil society advancements, including the Dili-based LGBTQI+ rights movement, the experiences of LGBTQI+ survivors of CRSV have been largely neglected.

3.3.3 Profile of perpetrators

Indonesian soldiers and their Timorese proxies were overwhelmingly responsible for widespread CRSV against women and girls. Of the total sexual violations documented from the CAVR statement-taking process, 93.3% of sexual violations were attributed to Indonesian security forces and their auxiliaries, 2.5% to members of the resistance from the Fretilin party (2.5%) and 1.2% to their armed branch, the Armed Forces for the National Liberation of East Timor (*Forças Armadas de Libertação Nacional de Timor-Leste*, Falintil), who made up the most significant portion of Timorese political parties and organisations.⁹⁶

The CAVR found that “*Indonesian soldiers and paramilitary support personnel, such as members of Hansip (Pertahanan Sipil/Civil Defence) and militia, were the perpetrators in almost all cases of reported rape*” and that in “*a number of cases of individual and collective rape, perpetrators were identified by name or by the army or militia unit to which they belonged*”.⁹⁷ The CAVR further highlighted that the Indonesian police also committed CRSV,⁹⁸ though to a lesser extent than the military and military auxiliaries.⁹⁹ It also found that civilian officials and teachers committed CRSV.¹⁰⁰

It has been documented that in the first years of the conflict, resistance forces committed war crimes, including torture and executions. The Commission recorded five cases of rape by members of Timorese politically linked armed groups during the 1975 internal armed conflict and its aftermath.¹⁰¹ The Commission also found that there were at least three cases of rape by Falintil, targeting women of families they considered informers or traitors in the early period after the invasion. Although the Commission reported that it did not receive testimonies or other evidence of widespread rape by resistance forces,¹⁰² it must be acknowledged that it would be extremely difficult for victims to speak up against members of these forces.

96 CAVR, ‘Chega! Vol. III, Part 7.7: Rape, sexual slavery and other forms of sexual violence’ (November 2013), para 7, <http://chegareport.org/Chega%20All%20Volumes.pdf>, accessed July 2023. Fretilin, the Timorese Democratic Union (União Democrática Timorense, UDT) and Apodeti were Timorese political parties formed during the hasty decolonisation process. They participated in the brief, violent civil war of 1975 that was principally fought between Fretilin and the UDT. Falintil was the armed wing of Fretilin and later the broader resistance coalition.

97 Ibid., para 47.

98 Note, until 1 April 1999, under Indonesian law, the police force was part of the military, effectively subservient to military command. This means that for almost the entire length of the 24-year occupation, the police were part of the military.

99 CAVR, ‘Chega! Vol. III, Part 7.7: Rape, sexual slavery and other forms of sexual violence’ (November 2013), para 365, <http://chegareport.org/Chega%20All%20Volumes.pdf>, accessed July 2023.

100 Ibid., para 363.12.

101 Ibid., para 358.1.

102 Ibid., paras 40-46. Note, in post-1999 Timor-Leste, it would have been extremely difficult for a victim to speak up against the heroic and fêted resistance forces, and it is possible that there is a level of under-reporting of these sexual violations.



Poster and stills from the short animated film *Konta Sai (Speak Out)*, illustrating the story of a woman survivor, 2021.

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IV. SURVIVORS' PERCEPTIONS, NEEDS, PRIORITIES AND RISKS

4.1. Impact of CRSV on survivors, families and communities

"During the period of conflict in Timor-Leste, sexual violence had a profound impact on its victims and on the general community [...] Long after the incident itself, sexual violence continues to affect the lives of survivors in their physical and mental well-being and in their social status."¹⁰³

Sexual violence has lasting physical, psychological social and economic consequences for survivors. Most survivors of sexual violence suffer from additional human rights violations which continue to impact their lives such as abuse, displacement and other forms of cruel, inhumane and degrading treatment. Additionally, the stigma faced by survivors affects how they are treated by their families and communities and increases their vulnerability to further abuse. This section highlights some of the key impacts of CRSV on victims.

4.1.1. Impacts on physical health

Many women and girls have suffered severe physical harm from CRSV and other GBV, which in some cases has led to death. As documented by the CAVR, many women and girls endured gang rapes, repeated or serial rapes over years by multiple perpetrators, and sexual slavery. Rape was often accompanied with severe beatings. Survivors told accounts of being raped while pregnant, which in some cases lead to miscarriages. Many survivors reported unwanted pregnancies due to rape, with a broad range of damaging consequences for themselves and their children.

"My health problems are not only psychological. They are also physical. Because they beat me so badly when they raped me, my back is very bad."
– Survivor O

"I still feel stress and trauma from the violence I suffered. My heart feels so heavy. And I have problems with my head and back from the beatings." – Survivor AAi

"As well as the trauma, I continue to suffer physical health problems. My body is sick. I always cough a lot. I have been to a doctor, but I don't have enough money to keep up the treatment. So I just continue to be sick."
– Survivor A

"When I became pregnant after the Indonesian soldier raped me, my own family members beat me and injured my back and arms."
– Survivor C¹⁰⁴

The CAVR also documented the impact of untreated sexually transmitted diseases on rape survivors, including severe pelvic infections and long-term reproductive health problems such as sterility and cancer.¹⁰⁵ Survivors of rape and their families report the existence of an unidentified—"female illness" causing death after incidents of rape.¹⁰⁶ Other family members have testified about victims dying as a result of unsafe abortions after rape.¹⁰⁷

"During the war, me and my two daughters were tortured and raped. We are still stigmatised by the community. People say bad things about us. In 2000, after the war was over, I was even beaten by the community." – Survivor L

103 CAVR, 'Chega! Vol. III, Part 7.7: Rape, sexual slavery and other forms of sexual violence' (November 2013), para 316, <http://chegareport.org/Chega%20All%20Volumes.pdf>, accessed July 2023.

104 AJAR-ACbit, 'PAR workshop report' (Dili, July 2022).

105 CAVR, 'Chega! Vol. III, Part 7.7: Rape, sexual slavery and other forms of sexual violence' (November 2013), paras 317-322, <http://chegareport.org/Chega%20All%20Volumes.pdf>, accessed July 2023.

106 Ibid., para 320.

107 Ibid., paras 323-326.

Moreover, 20–40 years after the incidents of rape, survivors still report severe physical health issues. Given the lack of medical care, especially in rural areas, some women still suffer undiagnosed and untreated gynaecological health issues related to CRSV such as urinary incontinence. Many victims from earlier periods of the conflict passed away with untreated gynaecological issues, such as fistulas, caused by rape. Other survivors report physical disabilities due to the beatings which accompanied rapes, such as back, shoulder, arm and leg problems. Some survivors recounted being badly beaten by their family members after they became pregnant from rape. Most survivors had little or no medical treatment at the time of the violations and have had limited healthcare since.¹⁰⁸

As the survivors age, many state that their physical disabilities are compounding and having a greater impact on their ability to do manual labour such as working in the fields for subsistence farming.¹⁰⁹

4.1.2. Impacts on psychological and mental health

Mental health and well-being concerns amongst CRSV survivors continue to be at crisis levels;¹¹⁰ a long silent crisis persists with little acknowledgement and only ad hoc support.¹¹¹ Many women survivors have shown extraordinary resilience to build lives for themselves and their children, and most still report ongoing mental health struggles. These struggles have two sources: first, the sexual violence itself and, second, the severe social stigma and ostracism imposed on survivors by their families, communities and institutions after the violence – amplified further by the neglect of the state.

"People in the community still talk sometimes, saying bad things about me. But I try not to listen, because this will ruin my health again." – Survivor AAi

"I was repeatedly abused in many locations. I felt so bad, but could not talk about it to anyone. This destroyed my health. I don't speak with my family any longer." – Survivor JBa

"After I gave testimony to the CAVR both my family and members of the community blamed me. When I recall what happened, I feel like I am losing my mind, and my chest and whole body hurt." – Survivor Do

The CAVR emphasised that it repeatedly heard of the long-term mental health consequences of rape. It found that for some women CRSV survivors, the continued lack of security, lack of mental health services and overwhelming feelings of rage, shame, isolation and guilt led to the development of long-term mental health illnesses.¹¹²

Survivors present a wide spectrum of mental health issues, ranging from mild issues with persistent symptoms to disabling health issues. For many survivors, mental health issues are aggravated by the added social pressures of shame and stigmatisation.

The mental health issues and social pressures create further barriers for survivors to seek assistance. Similarly, impoverishment, often exacerbated by the CRSV and the subsequent stigmatisation and marginalisation, is a further obstacle to survivors seeking the assistance they require and effectively rebuilding their lives.

108 ACbit-AJAR, 'PAR workshop' (Dili, July 2022).

109 Ibid.

110 In 2000, an independent preliminary survey of trauma and torture was conducted through interviews with heads of households in communities across all districts in Timor-Leste. Of the 1,033 respondents surveyed, 97% said that they had experienced some traumatic event and 34% were classified as having PTSD; 20% believed they would never recover from their experiences; and 41% believed they would recover only with help. Only 5% of respondents said they had been raped, but 57% said that they had been tortured, and this may have included rape given the stigma imposed on victims of sexual violence. See Jens Modvig et al., 'Torture and trauma in post-conflict East Timor' (2000) 356(9243) *The Lancet* 1763, [https://doi.org/10.1016/S0140-6736\(00\)03218-9](https://doi.org/10.1016/S0140-6736(00)03218-9), accessed 16 June 2023.

111 The CAVR documented the severe long-term trauma and mental health consequences for many women survivors of CRSV (CAVR, 'Chega! Vol. III, Part 7.7: Rape, sexual slavery and other forms of sexual violence' (November 2013), paras 327-332, <http://chegareport.org/Chega%20All%20Volumes.pdf>, accessed July 2023; CAVR, 'Chega! Vol. IV, Part 10: Acolhimento and victim support' (November 2013), <http://chegareport.org/Chega%20All%20Volumes.pdf>, accessed July 2023. In 2016, in Timor-Leste's first National Action Plan for the UNSC Resolution 1325 on Women, Peace and Security 2016-2020, the Plan highlighted the ongoing consequences of trauma and stigmatisation for many women survivors, especially those living in rural areas (Ministry of Interior in partnership with UN Women, 'National Action Plan on United Nations Security Council Resolution 1325 (2000) on Women, Peace and Security' (October 2016), pp. 11-13, <http://1325naps.peacewomen.org/wp-content/uploads/2020/12/NAP-WPS-Engls-FINAL-12-July-2017-timor.pdf>, accessed July 2023).

112 CAVR, 'Chega! Vol. III, Part 7.7: Rape, sexual slavery and other forms of sexual violence' (November 2013), paras 327-332, <http://chegareport.org/Chega%20All%20Volumes.pdf>, accessed July 2023.



The living situation of a woman survivor in the interior and mountainous Manufahi region, 2020.

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4.1.3. Socio-economic impacts

"In the community, people always say bad things about us and discriminate against us victims of sexual violence. This is worse if we became pregnant from the rape by Indonesian soldiers. This still affects us psychologically. But we know this is not what we wanted. It is a result of the war. We are also human - the war took away our dignity." (PAR group discussion notes)

"I was 12 when my older sister and I were tortured and raped by the Indonesian military [...] The community still scorns me and my sister." – Survivor S

"I was raped by an Indonesian soldier and had a child. In 1999, my own family members tied me up and beat me. Since then, I have lived alone with my child. The community still discriminates against me and my child." – Survivor R

"The community still does not really accept me or my family. Only my mother accepts me and treats me as her daughter and gives me love." – Survivor M

"My family stay away from me. They always call me the Indonesian soldiers' girl and keep their distance. Only my mother accepts and loves me." – Survivor M

The familial and social impacts on CRSV victims is profound. A culture of victim-blaming is widespread.¹¹³ Especially in small, rural communities, stigma and ostracism has curtailed the victims' life opportunities at every level. The CAVR found that *"victims of sexual slavery experienced the most extreme forms of social isolation"*.¹¹⁴

"People in the community speak badly about me, saying things like I was the Indonesian soldiers' girl and that I am worthless. But I was 12 years old, I was raped for five months; my body was sacrificed to save my family and this country." – Survivor S

Many survivors recount becoming estranged from their families, largely due to victim-blaming, which had deep social and economic impacts in a society that revolves around the extended family unit. Victim blaming by family members was particularly damaging given that many survivors felt that they were protecting their families, and sometimes wider communities, by bearing the brunt of CRSV by soldiers and militia.¹¹⁵

Some survivors recalled being beaten by family members when they became pregnant from rape. Female survivors of all ages were deprived of the possibility of marrying in the future, especially if they became pregnant. This prevented them from building families and participating fully within society. Sometimes, just one family member, usually the mother, showed survivors compassion and love. Many survivors spoke of how critical this limited support was in providing them with the strength to keep going.

Married women who were raped and experienced other forms of CRSV, including sexual slavery, faced diverse reactions from their husbands. Some said their husbands were supportive and that they were able to form a tight family unit in the face of wider community stigmatisation.¹¹⁶ Others said that their husbands abandoned them following the CRSV, which effectively tore their family units apart and left women survivors highly vulnerable and socio-economically disadvantaged.¹¹⁷

¹¹³ This culture of victim-blaming is highlighted by the CAVR in a sub-section of its findings of sexual violence. See CAVR, 'Chega! Vol. III, Part 7.7: Rape, sexual slavery and other forms of sexual violence' (November 2013), paras 337-343, <http://chegareport.org/Chega%20All%20Volumes.pdf>, accessed July 2023. Subsequent NGO work with women survivors consistently highlights this ongoing culture of stigmatisation and ostracism, including the recent NGO Consortium study on violence against women and girls in village communities to mark the 20th anniversary of the restoration of independence. See AJAR, 'Twenty years on: Timorese women's ongoing struggle to be free from violence' (Jakarta, 2022), <https://asia-ajar.org/wp-content/uploads/2022/06/20-year-report-eng-30052022-WEB.pdf>, accessed July 2023.

¹¹⁴ CAVR, 'Chega! Vol. III, Part 7.7: Rape, sexual slavery and other forms of sexual violence' (November 2013), para 337, <http://chegareport.org/Chega%20All%20Volumes.pdf>, accessed July 2023.

¹¹⁵ Ibid., paras 20-21, 25, 366.

¹¹⁶ Ibid., paras 354-357.

¹¹⁷ Ibid., para 353.

Single mothers and their children lack economic security and are often excluded from land inheritance, which generally follows the male lineage system. In rural areas, this has led to poverty and has had damaging economic impacts on intergenerational livelihoods.¹¹⁸

Many girl victims of rape have dropped out of school due to the physical, mental health and stigmatising impacts of CRSV. Those who became pregnant were not allowed to continue their education. Girls were stripped of their rights to education and future economic opportunities due to the impact of CRSV.¹¹⁹ The issue of social stigma and ostracism has perhaps been felt more profoundly in small, tight-knit rural communities. Through acts of exclusion and stigmatisation, communities continue to re-victimise survivors.¹²⁰ The impact of so many women being prevented from participating fully in social and economic activities in their most productive years has severely damaged the social and economic well-being of communities.

Another largely unexplored dimension is the impact on families of CRSV against men, in particular sexual torture in detention and, potentially, sexual violence against adolescent TBO boys. Specific studies established links between men's experience of torture during the conflict and their subsequent peacetime perpetration of intimate partner violence.¹²¹ The 2016 Nabilan base study found domestic violence against women and children in Timor-Leste to be pervasive.¹²² It is reasonable to posit, based on these studies, that untreated trauma from sexual torture, as well as other acts of torture and mistreatment, is part of the cause of male survivors' violent behaviour – causing cycles of violence and ongoing suffering, with wider

consequences for family members and family life. These factors have still not been adequately studied, documented or addressed.

4.1.4. Impacts of CRSV on children born of rape

Children born of rape commonly experience the stigma imposed on their mothers. Twenty years after the end of the conflict, many say that the stigma continues to impact their lives as adults. The CAVR highlighted the deep impact of the actions of the Catholic Church on both the women victims of sexual slavery and their children, as they were ostracised and their children denied baptism.¹²³

"Even today I still experience discrimination in the community, including from my husband's family. They also discriminate against my two children."
– Survivor B

"My children and I still do not live freely, because people in the community speak badly about us and treat us as if we are worthless. My children always feel this pressure when they are out in public in the community." – Survivor M

"Survivors' children continue to suffer, both in stigma and in poverty. Many couldn't complete their education – in their communities they were discriminated against and left out. Now they can't get jobs, they don't have good housing and they can't give their mothers the support they need." (PAR group discussion notes)

- 118 Rede ba Rai and the Global Initiative for Economic, Social and Cultural Rights, 'Parallel report submitted to the UN Committee on the Elimination of Discrimination against Women' (2015), https://static1.squarespace.com/static/5a6e0958f6576ebde0e78c18/t/5b33e2ee03ce64094cad8322/1530127086891/INT_CEDAW_NGO_TLS_21719_E.pdf, accessed July 2023. For an analysis of land inheritance customs and women's access to land, see also Pyone Myat Thu, Steffanie Scott and Kimberly P. van Niel, 'Gendered access to customary land in East Timor', in Sara Niner (ed.), *Women and the politics of gender in post-conflict Timor-Leste: Between heaven and earth* (Routledge, 2017), <https://doi.org/10.4324/9781315657387>.
- 119 Susan Harris Rimmer, "'Orphans' or 'veterans' ? Justice for children born of war in East Timor' (2006), https://repositories.lib.utexas.edu/bitstream/handle/2152/28000/2006_harris_rimmer.pdf?sequence=2, accessed July 2023.
- 120 AJAR, 'Twenty years on: Timorese women's ongoing struggle to be free from violence' (Jakarta, 2022), <https://asia-ajar.org/wp-content/uploads/2022/06/20-year-report-eng-30052022-WEB.pdf>, accessed July 2023. Ministry of Interior in partnership with UN Women, 'National Action Plan on United Nations Security Council Resolution 1325 (2000) on Women, Peace and Security' (October 2016), pp. 11-13, <http://1325naps.peacewomen.org/wp-content/uploads/2020/12/NAP-WPS-Engls-FINAL-12-July-2017-timor.pdf>, accessed July 2023.
- 121 Susan Rees et al., 'Risk of perpetrating intimate partner violence amongst men exposed to torture in conflict-affected Timor-Leste' (2018) 5 *Global Mental Health* e23, <https://doi.org/10.1017/gmh.2018.16>. See also Robert Brooks et al., 'Explosive anger in post-conflict Timor Leste: Interaction of socio-economic disadvantage and past human rights-related trauma' (2018) 131(1-3) *Journal of Affective Disorders* 268, <http://dx.doi.org/10.1016/j.jad.2010.12.020>.
- 122 The Asia Foundation, 'Understanding violence against women and children in Timor-Leste: Findings from the Nabilan Baseline Study' (Dili, May 2016), https://asiafoundation.org/wp-content/uploads/2016/05/UnderstandingVAWTL_main.pdf, accessed July 2023.
- 123 CAVR, 'Chega! Vol. III, Part 7.7: Rape, sexual slavery and other forms of sexual violence' (November 2013), para 351, <http://chegareport.org/Chega%20All%20Volumes.pdf>, accessed July 2023.



Members of the Pirilampu group hold a night of reflection on their experiences, advocacy and future in Liquisa, October 2022.

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In 2016, AJAR conducted PAR workshops with 22 children born of conflict-related rape to help identify their current needs and priorities. Participants identified four main issues: (1) difficulties in accessing citizenship documents; (2) childhood poverty and its impact on education; (3) intergenerational cycles of poverty and marginalisation; and (4) experiences of discrimination and denial of justice.¹²⁴ Many children born of rape were forced to drop out of school early, either because their single mothers could not afford to support them or because the impact of

social stigma made school intolerable. The refusal of the Catholic Church to baptise many children born of rape has also created a practical obstacle for enrolling in school during the conflict years, as documented by the CAVR.¹²⁵ More than a quarter of PAR participants said that they still had difficulties obtaining official documents because civil registration officials erroneously insist on identifying the father for such documents, even though the law does not require this.¹²⁶ This is an ongoing obstacle to access to education, jobs and even healthcare.¹²⁷

124 Faludi et al., 'Timor-Leste's children of war: A promise to heal' (ACbit, Jakarta, 2017), https://chegabaita.org/wp-content/uploads/2018/02/Final_Labarik-Funu_ENG_HighQuality.ycompressed.pdf, accessed July 2023.

125 CAVR, 'Chega! Vol. III, Part 7.7: Rape, sexual slavery and other forms of sexual violence' (November 2013), para 351, <http://chegareport.org/Chega%20All%20Volumes.pdf>, accessed July 2023.

126 Faludi et al., 'Timor-Leste's children of war: A promise to heal' (ACbit, Jakarta, 2017), p. 12, https://chegabaita.org/wp-content/uploads/2018/02/Final_Labarik-Funu_ENG_HighQuality.ycompressed.pdf, accessed July 2023; and ACbit-AJAR, 'Interviews with adults born of rape' (Baucau, 22 March 2020; Viqueque, 22 March 2020).

127 Susan Harris Rimmer, "'Orphans' or 'veterans'? Justice for children born of war in East Timor' (2006), https://repositories.lib.utexas.edu/bitstream/handle/2152/28000/2006_harris_rimmer.pdf?sequence=2, accessed July 2023.

“My family does not give me support, though they know what happened to me. My family does not accept my children, the generation born from the sexual violence. My hopes are for my children.” (PAR group discussion notes)

The lack of familial, community support and the loss of educational opportunities have had an ongoing impact on economic well-being and intergenerational poverty, in many instances now impacting the grandchildren of survivors of rape.¹²⁸ Nearly two-thirds of the PAR participants identified completing or returning to education and skills training as a major priority in their lives.¹²⁹

Access to land and related economic security, especially in rural areas, has been limited for single mother survivors and their children, who are unable to inherit land due to patrilineal systems.¹³⁰ The inheritance of land through the male lineage is a significant structural cause of ongoing rural family poverty.¹³¹

In addition, interviews conducted by ACbit and AJAR in 2020 with daughters born of rape revealed social attitudes that prevent them from getting married, and which make them vulnerable to sexual exploitation and violence.¹³²

4.2. Survivors’ perceptions and agency

“There is silence about what has been shattered in us. It needs to be revealed. We need to speak up about what happened so we can demand our rights.” (PAR group discussion notes)

*“We victims need to be strong, like a big wave. And then we demand respect from our government.”
– Survivor M*

*“We need a network to link survivors at the local level, in their communities, so that women survivors can connect with each other locally and so we don't have to depend on NGOs like ACbit and Fokupers.”
(PAR group discussion notes)*

During its operations, the CAVR asked survivors about their priorities and needs, including in relation to reparations. Since the CAVR published its framework for a national reparations scheme, NGOs have engaged for more than 15 years with women survivors of CRSV and children born of rape. Recent PAR for this Study brings together much of this work to highlight women’s perceptions and agency today. The points highlighted below stem mostly from the July 2022 workshop, although they also take into account earlier workshops and reports.¹³³

Three cohorts who participated in this research – LGBTQI+ people, male former detainees and members of the “stolen children” group – did not identify themselves as CRSV victims. Rather, they discussed CRSV against members of these groups, without detailing their personal experiences. Facilitators believed that with each marginalised group, it is necessary to develop a deeper and more long-term level of engagement to enable individual survivors to feel safe to come forward. This report is therefore unable to document the specific views or self-identified needs of survivors of CRSV from these groups.

Women survivors express a range of thoughts in relation to reparation, with differing priorities. Certain patterns emerge from their discussions, with most women emphasising that:

128 ACbit-AJAR, ‘PAR workshop’ (Dili, 4-7 July 2022).

129 Faludi et al., ‘Timor-Leste’s children of war: A promise to heal’ (ACbit, Jakarta, 2017), p. 15, https://chegabaita.org/wp-content/uploads/2018/02/Final_Labarik-Funu_ENG_HighQualitycompressed.pdf, accessed July 2023.

130 ACbit-AJAR, ‘Interview with adult born of rape’ (Viqueque, 21 May 2020).

131 Ibid.

132 ACbit-AJAR, ‘Video interview with Beatriz: Women of Kraras surviving together’ (2017).

133 ACbit-AJAR, ‘PAR workshop’ (Dili, 4-7 July 2022).

- Reparation is important for them and their children. Many women participants in the PAR (most of whom have developed greater awareness from years of engagement with ACbit) had an understanding of reparation being a right, since they suffered sexual violence as a human rights violation during the war.
- A key component of reparation for women survivors is official recognition from the state, publicly recognising that they are victims of wartime human rights violations that continue to impact their lives. This official recognition is seen as an important factor in addressing the historic and current stigma experienced by women survivors of CRSV and children born of rape. Many women survivors said that they feel “*abandoned by the state*” due to the ongoing lack of recognition.
- Women survivors see the responsibility for reparation as primarily that of the state of Timor-Leste, even if violations against them were committed by members of the Indonesian military and their proxies. Survivors see their relationship as being with the state of Timor-Leste, which has a duty of care for them as citizens in the era of independence. A number of survivors said that the state of Indonesia should contribute to reparations, although this should not override the responsibility of Timor-Leste to its citizens.
- Justice continues to be important, and many survivors said that the state of Timor-Leste should do more to hold perpetrators accountable. Some also said that Indonesia should cooperate on justice measures for CRSV. Some women highlighted that Timorese perpetrators of conflict-era rape are walking free in their communities, never having faced accountability. Most women survivors said that reparation should not be tied to achieving justice due to lengthy court processes, since their needs are urgent.¹³⁴
- Survivors consider it is important to remain mindful of the most vulnerable women among CRSV survivors, such as those who have no family support, with inadequate housing, and those who are elderly or who have debilitating health issues that prevent them from working. Survivors also emphasise the isolation and lack of services for individuals living in rural and remote communities.
- Survivors expressed that they feel abandoned by the state – especially when they see veterans getting honoured and being given financial and other benefits. Women survivors have great appreciation for the work of ACbit and other NGOs who constantly engage them, provide them with some material support and links to health services, and support them to speak up for their rights. Survivors said that this assistance has been especially important in meeting urgent and current needs, as well as in some cases helping to restore their dignity within their communities. They saw this assistance as different, however, from official recognition and support by the state of Timor-Leste.
- Over the course of more than ten years, many women survivors have gradually built a greater sense of agency by participating in PAR and other activities. These include advocacy reports; multimedia arts events such as the musical theatre performance and book, *Pirilampu*; community advocacy events linked to the annual 16-days Action Against Violence against Women, such as local walking tours of sites of conflict-era human rights abuses against women; and local exhibits and work with school, university and youth groups. Following sustained advocacy efforts, some women survivors have been invited to high-level national conflict commemorations – an honour previously reserved largely for male veterans. The growth in advocacy activities has helped develop women survivors’ confidence, increase their visibility and restore their dignity in local communities.
- In recent PAR activities led by ACbit, women survivors said that by bringing together women from different parts of the country, they felt less isolated and more strengthened from listening to each other recount their experiences. They recommended the formation of a new national

134 Women survivors did not elaborate on what would constitute justice for them in the July 2022 Dili PAR workshop. For a recent report focusing on women survivors’ perceptions and expectations on justice, see ACbit, ‘Improving the lives of women survivors in Timor-Leste: 77 women’s struggle for peace and justice’ (2019), <https://asiapacific.unwomen.org/sites/default/files/Field%20Office%20ESEA/Docs/Publications/2020/02/tl-acbit-research-pamphlet-ENG-s.pdf>, accessed July 2023.

organisation of women survivors of CRSV, *Pirilampu Klibur Sobrevivente Feto 1974–1999* (Fireflies Forum of Women Survivors 1974–1999), as a vehicle for self-empowerment, outreach and advocacy. The *Pirilampu* network will support women in each municipality to come together at the national level to strengthen their sense of solidarity and capacity, and to advocate for their rights without relying on an NGO-supported national convention. In this light, women survivors have called for a first-ever national congress of women CRSV survivors. Women survivors said that they will work with the broader National Victims' Association (NVA), but that it tends to be a male-dominated organisation that only allows limited space for their perspectives and voices. Participants said that the *Pirilampu* organisation would also become a space to

fight for survivors' children and other vulnerable victims. This represents a new level of agency and confidence amongst women survivors and a specific vehicle that can be supported.¹³⁵

"To the big people who sit in power we ask: What do you think about us? Should we just stay as we are? What about lifting up our dignity as women survivors?" (PAR group discussion notes)

"The veterans assume that we female victims did not fight for independence. However, we sacrificed our bodies to protect you, although we did not carry guns. Our weapons were our bodies. We were raped by the soldiers to save you, but now you see us as useless." – Survivor Bc



Members of the newly formed women survivors of CRSV group sign a Declaration of the Establishment of "Pirilampu Forum 1975-1999" in Liquisa, October 2022.

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135 ACbit-AJAR, 'PAR workshop' (Dili, 4-7 July 2022). Women survivors discussed how the symbol of the firefly (*pirilampu*) represents a light in the darkness or a reminder that no matter how bad the situation gets, there is always a glimmer of hope that the future will be better. In fighting for their rights, women survivors aim to create their own light like fireflies. The firefly is a symbol previously used by Timorese women survivors in a major 2019 multi-media performance by women survivors and young people at the former CAVR headquarters, retelling the story of a woman survivor during some of the darkest days of the conflict.

4.3. Survivors' current needs

In the most recent PAR conducted for this Study,¹³⁶ women survivors highlighted priorities among their current needs including, without any specific ranking:

- Eradicating ongoing social stigma against them and their children, which results in discrimination and socio-economic disadvantages. Women survivors constantly focused on the issue of recognition (at state, community and family levels) of the damage that the CRSV and subsequent victim-blaming has done to their dignity. Action is required at the national and local levels to bring about actual change in survivors' lives. More work is required, including with local authorities and institutions, to explore how to do this effectively.
- Continuing support for individual survivors to build a personal sense of self-worth and agency over their own lives. This should include ongoing support to women survivors to build an active network for mutual support to build survivor's agency.
- Healthcare services for physical and mental health needs. This includes medical care for injuries directly related to the violence as well as more recent and ongoing physical ailments, especially as survivors age. Mental healthcare and support need to cover a wide spectrum, from community-based support to acute medical needs. Survivors highlight particular obstacles faced by women living in rural and remote communities in accessing mental health support and other services. This may mean that survivors require financial assistance to access existing healthcare services or, in other cases, it might necessitate the development of new or adapted services for CRSV survivors.
- Secure and adequate housing, without which women survivors face heightened vulnerability. Many live in extremely rudimentary conditions.¹³⁷ Lack of access to housing for survivors has been exacerbated by the stigmatisation of victims, leading to estrangement from normal family support networks which would facilitate safe housing. Secure housing opportunities were denied to many single survivors who became pregnant and were restricted from marrying. Poverty is an outcome of CRSV for many women survivors and their children, making major capital expenditure on a house inaccessible.
- Access to land, which is connected to the issue of access to housing. Rape survivors who became single mothers have often been excluded from land inheritance opportunities, with profound economic consequences for them and their children, particularly impacting those in rural areas. This is one driving force of intergenerational poverty among survivors, their children and, in some situations, their grandchildren. Many survivors of CRSV who have also experienced forced displacement reported that they have been unable to access their former lands and houses.
- Improved access to livelihoods, for themselves and their children. Women highlighted the need for more training, access to capital and job opportunities. Mothers of children born of rape greatly prioritised assisting their children with closing the opportunity gap caused by childhood discrimination that resulted in lost education and limited life opportunities. They identified the priority of vocational training, university scholarships and access to government job opportunities for their children, who are now adults.
- Financial assistance, especially for the most vulnerable who are unable to work, such as ageing or disabled women who have previously relied on physical labour for subsistence farming. Survivors pointed to pensions and related benefits provided to recognised veterans as a template for providing much-needed assistance to survivors of CRSV.
- Government action is needed to systematically resolve obstacles still facing some children born of rape in attaining official state documentation such as birth certificates. This is in addition to laws ensuring that civil servants do not create unwarranted obstacles based on their own prejudices.

¹³⁶ Ibid.

¹³⁷ Faludi et al., 'Timor-Leste's Children of war: A promise to heal' (ACbit, Jakarta, 2017), p. 17, https://chegabaita.org/wp-content/uploads/2018/02/Final_Labarik-Funu_ENG_HighQualitycompressed.pdf, accessed July 2023.

- For survivors who have had less engagement with NGOs and perhaps no support – such as members of the “stolen children” group in Indonesia, women in West Timor, male survivors of sexual torture and members of the LGBTQI+ community – engagement is at a preliminary stage. There is a need to initiate programmes to reach out to survivors to better identify their needs and create links to potential support.

“I would like to say to the President and to the government: We Timorese women who were abused by the Indonesian military, this is a very long story. We didn’t just start talking about it. We have always spoken up about it. But you people in power have refused to pay attention to us. So again, we are asking, we ask our President, we need you to pay attention to care for women survivors.”
– Survivor MA

4.4. Survivors’ views and priorities on forms and modalities of reparations

“There is no justice, so we cannot link reparations to justice. It is up to the government of Timor-Leste to take action to look after us.” – Survivor O

“As victims of sexual violence, I believe we have a right to reparations. We are citizens of this country, we suffered for this country, and we need assistance and reparations, not to have our rights played with. We need the Timor-Leste government to help us repair our lives, because we lost our dignity for this country.” – Survivor J

“The government of Timor-Leste should seek assistance from Indonesia to pay for reparations.”
– Survivor S

Women survivors have articulated the need for reparations to have an impact at four levels: (1) internally, within survivors own self-belief, agency and sense of dignity; (2) within families; (3) at the community level; and (4) at the national level. Many women survivors have already begun the process of taking control of their own lives, especially with support from NGOs. These have been small steps that need much more sustained support over time.

“Reparations means that the state must recognise the suffering of us victims. Just like the veterans, who get pensions from the state, help with housing and free schooling for their children. We need recognition from the state of Timor-Leste – we cannot depend on Timor-Leste involving other states, like Indonesia.” – Survivor I

“As victims of sexual violence during the war, we feel that nobody places any importance on us. Especially as women. Men get far more recognition and support.” (PAR group discussion notes)

Women survivors express clearly that they see the next transformative step as national recognition by the state. This recognition has an individual and a collective dimension. Individually, survivors need specific forms of assistance from the state, whether it be financial, health, housing or other means. Collectively, recognition by the state that CRSV survivors have suffered human rights violations in the war could unlock a range of benefits, both to individuals and survivors. This recognition could help overturn the culture of stigmatisation and victim-blaming, which has profoundly re-victimised survivors and their children. National-level state recognition, survivors say, could help change attitudes in families, as well as provide a platform for local communities and authorities to help reduce stigmatisation. This would also help survivors tell their own stories with dignity, rather than be neglected. Many women survivors contrast the recognition and assistance given to veterans and their families with the neglect by the state that they experience, and they see this official recognition as the pathway to change.

"For me, reparations would mean making a safe place to live. I live alone. There is no one to look after me or support me. My family all died in the war. Until now, I have gotten nothing - I live without recognition or justice. I have a right to reparations because I was a victim of the war. This is our history, it has been told. I cannot find a way forward on my own. I need help from ACbit to find a way ahead. The state could help, it could help care for me." – Survivor R

Other key views of women survivors, as discussed throughout the PAR workshop in July 2022, on the forms and modalities of a reparations programme include:¹³⁸

- Time is increasingly of the essence for survivors as many victims have already passed away. Those still alive are often in abject poverty and lack any sense of recognition by the state, suffering social stigma and exclusion. Reparations are urgent for the immediate well-being of all survivors.
- The vulnerability of many survivors is magnified as they age and confront compounded health problems and untreated or inadequately treated physical and mental health problems directly stemming from the violence. The impact of these disabilities is especially hard for women who have no family to support them and for those who can no longer rely on farming labour to survive.
- Sustained support is required to enable women survivors to increase their own sense of agency in addressing their past and influencing their future. Many women survivors have developed confidence and skills from ongoing PAR activities and support and are energised to lead advocacy for their rights. The capacity to bring women survivors together to enable mutual support and empowerment is a key component of successful programmes. This requires time and resources to overcome the geographical isolation faced by women in rural and remote communities and requires both technical and financial support for them to be active and network with others. Advocacy and an active network would benefit women survivors in numerous ways and should be a cornerstone of future reparation processes and programmes.
- Past and current interim and ad hoc support is both useful and appreciated, in particular the increase in the range of government ministries involved under the coordination of the *Centro Nacional Chega!* (see Section V: Access to assistance or interim relief). The scale and reach of this assistance, however, are insufficient and lack official recognition; and so far, these measures have not adequately focused on survivors of CRSV and their children.
- Particular attention and resources need to be given to supporting women in rural and remote communities – where government and NGO reach and services are extremely limited.
- Many women survivors also wish to see their families' rights restored before they pass away. Having borne the brunt of both the CRSV itself and decades of social stigma and exclusion, many survivors today are preoccupied with the ongoing discrimination and disadvantages suffered by their children born of rape. They desperately want to see an end to a cycle of intergenerational disadvantage and poverty.
- The longstanding and continuing social stigma and ostracism of victims of CRSV and their children needs to be actively addressed at all levels. Survivors say that small-scale NGO programmes in their communities have made a difference to the social attitudes of stigmatisation and victim-blaming, but that a larger, more official and sustained programme is needed to stop the cycle of re-victimisation. Survivors also felt that this could have a positive impact on the ongoing crisis of violence against women and girls in their communities, including the stigmatisation of victims of contemporary sexual violence.
- A reparation scheme should be sufficiently broad and flexible in scope and delivery timeframe to address the range of victims' needs: for both urgent needs and ongoing assistance. A reparation scheme should require ongoing assistance, rather than simply be a one-shot financial payment or service. For example, the programme should provide physical and mental health services over a continuous period of time focused on the ongoing needs of survivors.

¹³⁸ This list is developed from the views expressed by women survivors themselves, especially in the ACbit-AJAR 'PAR workshop' (Dili, 4-7 July 2022). It also includes analysis by facilitators of this workshop and earlier engagement with survivors.

- A reparation scheme should focus on meeting the economic needs of vulnerable survivors in a sustainable way. Economic capacity becomes even more pressing in the context of ageing survivors, many of whom are effectively disabled from working for a livelihood. This factor is exacerbated by the disadvantage many survivors have experienced in being excluded from forming more standard family units which would have provided some economic security as they aged. Survivors' children born of rape have also suffered discrimination and disadvantages that prevent them from economically supporting their mothers. Capital assistance may be necessary to meet pressing needs such as housing or as small business start-up loans, but the increasing costs of survivors' basic living needs requires support in more sustainable ways.
- It is important not to close the door on new survivors coming forward simply to meet administrative deadlines. One lesson from the CAVR process is that many survivors need more time to be able to decide for themselves when and how safe it is for them to come forward. Timeframe flexibility is necessary to accommodate new survivors that will be identified in the process of implementing an interim reparation programme. This includes women survivors and also survivors from certain groups that have been even more marginalised in previous transitional justice processes. For example, LGBTQI+ survivors, survivors in Indonesia from the "stolen children" generation who have not even been identified yet, as well as male survivors of sexual torture.¹³⁹ Some women survivors may still face additional obstacles preventing them from coming forward, including those in West Timor. Since there has been significantly less engagement with survivors from these groups, less is known about their needs and priorities, and future support should be sufficiently flexible to take their specific needs into account.
- Given the vulnerability of many survivors, including their ongoing mental health needs, it is important that a reparation programme includes continuous support from trusted organisations that have longstanding relationships with survivors and their communities.
- Survivors highlight that some reparation measures should be focused on meeting individuals' needs, particularly in matters such as their health, housing and financial needs. They also focused on modalities and measures that would have a collective impact, such as inclusion in local and national memorialisation, raising awareness in school curricula and other methods of support for individuals to come together in solidarity with survivors. In addition, other forms of collective reparation measures should include activities such as community education around violence against women and girls and de-stigmatisation campaigns. They could also include practical programmes such as small-scale local infrastructure projects or economic activities that support survivors by increasing their economic opportunities.

| 4.5. Risks and security assessment

4.5.1. Main risks faced by CRSV survivors

The main risks women survivors face in Timor-Leste today include:

- Fear of renewed stigma and exclusion upon being identified, with implications of potential rejection and/or violence by spouses, family members and communities.
- A backlash and social jealousy if support to survivors includes financial aspects, given the context of widespread poverty in their communities.
- Feeling threatened if they speak up or become officially recognised and/or facing family and community pressure to remain silent for the sake of "social harmony". This is particularly relevant for survivors whose perpetrators were Timorese members of Indonesian military-affiliated militia, other auxiliary groups and those who have returned to live in their communities.
- Lack of information or access to programmes for women survivors living in remote rural areas and more barriers to participating in or benefitting from programmes when services are concentrated in urban areas.

¹³⁹ It is possible that some male survivors of sexualised torture, in particular political prisoners officially recognised as veterans, already receive support from the state under the veteran programmes. More work with survivors, and with the relevant government agencies, is needed to determine this.

- Further delays by the state and government in fully committing to, preparing and delivering reparations as many survivors age and the older generations of survivors pass away.

For women survivors still in Indonesian West Timor (having been forcibly displaced or voluntarily relocated there in 1999), there may be other risks:

- The return in 2021 of the high profile 1999 child abduction and CRSV survivor Alola highlights that there are most likely more highly vulnerable women survivors still over the border.
- The political remnants or leaders of former militia groups may still be relatively powerful among the diaspora community, and women survivors may feel threatened to speak up, especially if the perpetrators are living in their communities. There may be instances of ongoing forced marriages to perpetrators, such as in Alola's case, enhancing personal safety risks for survivors and their children.
- Due largely to political, security and resource constraints, programmes provided by the Timor-Leste government and NGOs have had very limited engagement with women survivors in West Timor. More needs to be known of the scale and situation of survivors over the border, to advocate for the much-needed assistance from the governments of either Indonesia or Timor-Leste.

For Timorese women and men who were taken as children to Indonesia during the conflict and who have remained there:

- Questions remain about the extent and impact of CRSV perpetrated against this group when they were children and separated from their families. NGO work to identify and engage with these survivors is in relatively early stages, and evidence of CRSV is slowly emerging. Much more work is required.
- Survivors' proximity to the Indonesian military may threaten or inhibit them from speaking about such violence, even if they come forward for support.
- Most if not all survivors – male and female – are struggling with the fundamental question of their Timorese identity, and many may prioritise efforts to reunite with family. It is likely that much

more time and dedicated support is necessary to gradually create safe ways for them to speak of their experiences of CRSV.

For male survivors of sexual violence:

- There are deep cultural and social gender norms blocking men's ability to come forward and seek assistance. Dedicated, skilled and sustained support is necessary.

For LGBTQI+ survivors of sexual violence:

- LGBTQI+ people in Timor-Leste today still face widespread social stigma, exclusion and discrimination due to their sexual orientation and gender identity. Many have suffered repeated experiences of targeted violence, including sexual violence, beyond the conflict and often at the hands of family members.
- Many survivors may face pressure from family members to stay silent about their identity to "preserve the good name of the family". Some may fear the loss of jobs or rejection by the Catholic Church.
- LGBTQI+ people's trust in any process and in official organisations could be a major obstacle, given past indifference to their protection and rights or active participation in discrimination.

4.5.2. Mitigating measures

A number of measures could mitigate the risk of harm or a backlash to survivors, such as:

- A holistic and coordinated approach to reparation. For example, embedding the programme with an official recognition of survivors and an aim to help restore their dignity for themselves, within the family and community, and at the national level. This foundation provides a wider basis for state action than only financial or material assistance or services. This would involve an acknowledgement that survivors are among the most vulnerable people in the Timorese community, and that they and their children have suffered great injustice both through direct violations against them and through years of stigmatisation, social exclusion and discrimination. Investing in the empowerment

of survivors and survivors' groups is crucial. Official action to address the stigmatisation could be a step forward in wider social healing and transformation.

- Coordinated recognition and action at national and community levels, so that the larger national message directly reaches communities to build more support for the reparation programme and help restore the dignity of survivors within their communities. This would minimise the potential for a gap between national and local impact.
- For women survivors in communities where perpetrators still live, engagement with local leadership such as *Chefes do Suco* and *Aldeia* and members of Suco Councils, as well as the Timorese police through their Suco Police and Vulnerable Persons' Units when feasible, is needed in order to develop protective measures.

Measures to mitigate the risks to some of the most marginalised groups of survivors could include:

- Dedicated resources and programmes to reach out to survivors such as male victims of sexual

torture, LGBTQI+ survivors and members of the "stolen children" generation in Indonesia – in particular, training and resourcing members of the groups themselves to lead outreach and support.

- Working in partnership with trusted organisations linked to specific survivors' groups: for example with CODIVA and Arco Iris for LGBTQI+ survivors, with ASEPPOL and the NVA for former male detainees, and with the NGO members of the Working Group as well as individual "stolen children" as they actively reach out to more survivors.
- For women survivors in West Timor, more resources to enable partnerships between women's rights NGOs (Indonesian and Timorese) and relevant government services. This could be linked to an ongoing official state dialogue between Indonesia and Timor-Leste, or it might be more effective and safer at the initial stages to be low-profile.
- Measures to protect the confidentiality and safety of survivors who come forward.



V. ACCESS TO ASSISTANCE OR INTERIM RELIEF

In the absence of an official reparation scheme, some supportive measures for CRSV survivors have been implemented since the end of the conflict in 1999. There have been various phases of assistance in these 20-plus years, though none of the measures have afforded adequate official recognition to victims or have adequately met the range and depth of their needs.

In the immediate aftermath of the mass violence against civilians following the 1999 ballot and the end of the conflict, Timorese people faced a huge humanitarian crisis. Around two-thirds of the population was forcibly displaced¹⁴⁰ across the border to Indonesian West Timor or into Timor-Leste's interior, and about 70% of public infrastructure was destroyed or rendered inoperable.¹⁴¹ International humanitarian agencies took control of immediate assistance. Services for the general population were extremely limited, and there were no programmes dedicated to supporting CRSV victims. As Timorese NGOs re-established their programmes, the women's human rights NGO Fokupers began to reach out to women survivors of CRSV in 1999, gathering testimonies and evidence and linking survivors to the limited available support services.

5.1. CAVR: Urgent reparations scheme 2002–2005

The Commission for Reception, Truth and Reconciliation (CAVR) established an urgent reparations scheme from 2002–2005.¹⁴² A specialist Victim Support Unit was established including two staff members in each district team, one woman and one man. These teams were tasked with supporting victims who came forward to participate by giving statements or taking part in

public hearings. District teams also conducted nearly 300 community mapping exercises with groups of survivors, facilitating community-based sharing of the experience of the conflict's impact at the local level. In addition to augmenting truth-seeking efforts, these workshops aimed to have a restorative impact at the community level.

The CAVR partnered with the World Bank, which made available US\$ 160,000 from a vulnerable persons fund. It was a "silent programme"; that is, it was not publicly advertised, but rather the CAVR staff identified beneficiaries. This was done so as not to create an expectation in the wider community linking the work of the Commission with cash handouts. The CAVR prioritised victims of killings, disappearances, detention, torture, and rape and other forms of sexual violence as beneficiaries. District victim support teams identified ten to 15 of the most vulnerable victims engaged with the CAVR in each sub-district (65 sub-districts in total).

Through the programme, a small cash grant of US\$ 200 was distributed to 712 individuals to help meet pressing needs (516 men and 196 women).¹⁴³ Most beneficiaries used their small grant to pay for medical needs, including transport costs. Others used the funds to pay for school fees, for income-generating initiatives, as well as for the purchase of food and costs for minor repairs to their homes. The CAVR also paid for travel costs for one formerly abducted child, now an adult, to go on a one-week visit to reunite with her family in Timor-Leste. As part of the programme, the Commission referred survivors to existing medical and social services and partnered with an NGO to deliver home visits to survivors. The Commission also supported local health NGOs to provide direct assistance to 417 survivors.¹⁴⁴

140 Geoffrey Robinson, 'Annex 1: East Timor 1999: Crimes against humanity. Report commissioned by the United Nations Office of the High Commissioner for Human Rights (OHCHR)' in *Chega!* (November 2013), p. 2633, <http://chegareport.org/Chega%20All%20Volumes.pdf>, accessed 6 July 2023.

141 World Bank, 'Report of the Joint Assessment Mission to East Timor' (8 December 1999), <https://reliefweb.int/report/timor-leste/report-joint-assessment-mission-east-timor-summary-paper>, accessed 1 June 2023.

142 CAVR, 'Chega! Vol. IV, Part 10: Acolhimento and victim support' (November 2013), paras 168-193, <http://chegareport.org/Chega%20All%20Volumes.pdf>, accessed July 2023.

143 *Ibid.*, para 181.

144 *Ibid.*, para 183.

In addition, the CAVR partnered with three NGOs (two of them women’s NGOs) to carry out collective reparation activities in a number of communities still affected by the mass violations in the 1980s, when they suffered high levels of killings, disappearances, detention, displacement and sexual violence. NGOs worked with communities for six months and developed programmes identified by the communities themselves. In one community (Kraras, Viqueque), they developed a community education centre.¹⁴⁵ In another (Mauchiga, Ainaro), the community planted communal vegetable gardens and developed marketing networks for farmers.

At the national level, the Victim Support Unit worked with a Timorese women’s human rights organisation to deliver six healing workshops to small groups of survivors, who were brought in from the districts for retreats.¹⁴⁶ Workshops created a safe and respectful environment for survivors to meet others and begin to share their experiences. Activities included music, singing, theatre-based activities, storytelling and discussions through which survivors reflected upon the pain of their past, their well-being in their current lives and what they needed to repair their lives. Bringing survivors together was also aimed at reducing their sense of isolation. Commission staff documented discussions to assist with the development of proposals for a reparation programme. Women made up more than 50% of healing workshop participants (82 women, 74 men), and one healing workshop was conducted as a women-only activity and included a high proportion of women CRSV survivors.

This CAVR combined approach to “urgent reparations” aimed to deliver a measure of urgent interim relief, recognising that it was neither meeting the full range of needs of those it assisted nor reaching all in need. The programme was not meant to take the place of a

full reparation scheme. It was an innovative approach using development funds through a transitional justice mechanism.

5.2. NGO assistance and ad hoc government assistance, 2005–2016

In the decade following the submission of the CAVR’s final report, there was a vacuum in systematic official follow-up on the recommendations, including on reparations (see below, Section VII: Implementation status of reparations).

“We victims have a right to reparations. It is up to the state to fulfil this right. The state has given money to veterans and some social assistance to some victims. Really it is the NGOs who assist victims, we couldn’t wait for the state.” – Survivor J

In 2010, the NGO ACbit (*Assosiasaun Chega! Ba Ita*, Enough! For Us) was established, and by 2013, its advocacy helped women survivors access assistance through existing programmes of the government’s Ministry of Social Solidarity and Inclusion (MSSI). Between 2013–2016, MSSI programmes assisted approximately 150 women CRSV survivors. This support included one-off cash payments to assist with basic necessities, referrals to healthcare service providers, basic housing assistance and livelihood assistance cash grants. The MSSI did not create dedicated programmes, staff or other resources specifically for CRSV survivors.

145 Ibid., para 184.

146 Ibid., para 181; see also CAVR, ‘Chega! Vol. I, Part 1 Introduction’ (November 2013), p. 66, <http://chegareport.org/Chega%20All%20Volumes.pdf>, accessed July 2023.

5.3. *Centro Nacional Chega!*: Coordinated assistance, 2016 to present

In 2016, the Timorese government passed a Decree-Law establishing the *Centro Nacional Chega!* (CNC).¹⁴⁷ The CNC came under the Office of the Prime Minister with a legal mandate to officially coordinate the government's response to the recommendations of the two truth commissions, the CAVR and the Commission for Truth and Friendship (CTF). In practice, the CNC is mostly focused on the more detailed recommendations of the CAVR.

Initially, the issue of reparations for victims or survivors – like that of justice – was considered too politically sensitive for the CNC to undertake. The CNC framed activities – including commemoration, school curricula and running its centre for public education – as rooted in the recommendations of the CAVR and not as state-adjacent reparation action.¹⁴⁸ In time, the CNC took on a more active role coordinating ad hoc government ministry support to victims of conflict-era human rights violations, and this has continued to expand as the CNC develops its capacities and political position.

Since 2016, the CNC has coordinated assistance to survivors including through the Ministry of Health (more than 200 survivors receiving treatment), the Ministry of State responsible for municipal governance (new housing for ten survivors), the MSSI (cash grants

named *apoio pontual*, punctual support, up to US\$ 500 for 330 survivors through programmes for vulnerable people), the NGO PRADET (mental health support for 40 survivors) and partnerships with ACbit and the National Victims' Association (NVA) (livelihood support to individuals and groups).¹⁴⁹ ACbit actively links women survivors of CRSV to CNC-coordinated support. Assistance provided by government ministries and agencies is aimed at addressing the urgent needs of survivors and is not couched in terms of official interim reparations. Ministries and agencies do not encompass official recognition or acknowledge survivors' right to reparation.

In addition to support provided by government services, NGOs, including ACbit and Fokupers, continue to engage with women survivors. NGOs provide personal psychosocial support, support to come together to develop a stronger sense of group solidarity, and community education about CRSV and women's experiences during the conflict and their ongoing struggles. They help build survivors' capacity to mobilise and advocate for their own rights. They also provide limited direct practical support, such as livelihood assistance through the provision of sewing machines, and link survivors to government agency support programmes. ACbit estimates that in the past ten years, it has engaged with almost 300 women survivors, including providing direct material assistance and referring them for government assistance. ACbit and Fokupers have a mixed funding model, receiving grants from international donors and funding from the national government.

147 RDTL, Decree-Law No. 48/2016 (27 September 2016). Notably, a Decree-Law does not require parliamentary approval, and is a method used to pass many laws in Timor-Leste. For text in English, see: <https://timorarchives.files.wordpress.com/2019/02/cnc-decree-2016-min.pdf>.

148 AJAR, 'Interview with Pat Walsh, former UN human rights senior advisor to the CAVR, former advisor to the STP-CAVR and current member of the International Advisory Council of the CNC' (24 September 2021).

149 CNC, 'Brief Update on the fifth anniversary of the CNC', Unpublished report (July 2022); Conversation with CNC staff (December 2022). Number of people by year assisted in 2020, 135 people; in 2021, 137 people; in 2022, 58 people.



VI. AVENUES FOR REPARATIONS

6.1. Relevant international legal and policy frameworks

6.1.1. International frameworks applicable to CRSV

Timor-Leste has ratified some international human rights treaties, doing so mostly immediately after the restoration of independence in 2003/2004.¹⁵⁰ The international instruments to which Timor-Leste is a party require states to guarantee survivors of CRSV access to an effective remedy.¹⁵¹ However, the Timorese state has only accepted the individual complaint procedures associated with the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of Persons with Disabilities. The international human rights treaties ratified by Timor-Leste include:¹⁵²

- Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT);
- International Covenant on Civil and Political Rights (ICCPR);
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW);
- International Convention on the Elimination of All Forms of Racial Discrimination (CERD);
- International Covenant on Economic, Social and Cultural Rights (ICESCR);

- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW);
- Convention on the Rights of the Child (CRC); and
- Convention on the Rights of Persons with Disabilities (CRPD).

Since the restoration of independence, Timor-Leste has undergone three Universal Periodic Reviews by the United Nations Human Rights Council (UNHRC), and its predecessor institution, the Commission on Human Rights, concluding the third cycle in April 2022. In its recent findings and recommendations, members of the UNHRC again called on the government to fulfil its obligation to implement the recommendations of the CAVR including on reparations.¹⁵³

Timor-Leste has undertaken four reporting cycles for the CEDAW Committee (with the second and third being considered together, and the fourth process ongoing). The CEDAW Committee has, along with the UNHRC, repeatedly pressed Timor-Leste on the delivery of a reparation programme as well as justice for women CRSV survivors, including as recently as March 2022.¹⁵⁴ In the current review process, in March 2022, the Committee called on Timor-Leste to inform it about steps taken to ensure victims receive reparations, as well as other measures taken to guarantee access to medical, psychological, reproductive and mental health services or treatment.¹⁵⁵

150 OHCHR, 'UN treaty body database ratification status for Timor-Leste', https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=174&Lang=EN, accessed June 2023.

151 See International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR) art. 2(3); Convention on the Elimination of All Forms of Discrimination Against Women (18 December 1979, entered into force 3 September 1981) UNGA Resolution 34/180 (CEDAW), art. 2; UN CEDAW, 'General recommendation No. 28 on the core obligations of states parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination Against Women' (16 December 2010) UN Doc CEDAW/C/GC/28, para 32; UN Committee on the Rights of the Child, 'General comment No. 5 (2003): General measures of implementation of the Convention on the Rights of the Child' (27 November 2003) UN Doc CRC/GC/2003/5, para 24.

152 Two outstanding treaties not yet ratified by Timor-Leste, and highlighted repeatedly in the Universal Periodic Reviews by the UNHRC, are the Convention on the Rights of Persons with Disabilities and the International Convention for the Protection of All Persons from Enforced Disappearance. In April 2022, at the third cycle of the Universal Periodic Review, Timor-Leste expressed the country's willingness to ratify other treaties at an opportune time, in particular the Convention on the Rights of Persons with Disabilities (ratified in January 2023) and the International Convention for the Protection of All Persons from Enforced Disappearance, for which processes are underway.

153 UNHRC, 'Universal Periodic Review Timor-Leste' (Third Cycle, 22 January 2022), paras 84, 116.74, <https://www.ohchr.org/en/hr-bodies/upr/tl-index>, accessed July 2023.

154 For example, in March 2022, as part of the fourth reporting cycle, the Committee again asked the Government to "indicate the steps taken to ensure that the victims receive reparations and that the perpetrators of violations are brought to justice". CEDAW, 'List of issues and questions in relation to the fourth periodic report of Timor-Leste' CEDAW/C/TLS/Q/4 (22 March 2022), para 11, <https://undocs.org/Home/Mobile?FinalSymbol=CEDAW%2FC%2FTLS%2FQ%2F4&Language=E&DeviceType=Desktop&LangRequested=False>, accessed July 2023.

155 Ibid.

The CEDAW Committee has also consistently expressed concerns about the high levels of contemporary violence against women and girls.¹⁵⁶ The Committee has called on Timor-Leste to enact legislation specifically defining discrimination against women and girls as a measure to strengthen equality and a key way to address root causes of violence.¹⁵⁷ In 2022, members of the UNHRC made similar observations and recommendations to strengthen a range of measures to prevent and address current high levels of GBV against women and girls.¹⁵⁸

Regarding international humanitarian law instruments, Timor-Leste has ratified the Geneva Conventions and the additional protocols.¹⁵⁹ Timor-Leste has also ratified the Rome Statute of the International Criminal Court (ICC).¹⁶⁰

6.1.2. International avenues for reparations for CRSV

UN MISSIONS AND OPERATIONS

There have been several UN Missions in Timor-Leste to facilitate the transition to independence and promote stability within the country. The first one, the United Nations Mission in East Timor (UNAMET), was established in 1999 to oversee the popular consultation in which the people of East Timor voted for independence from Indonesia.¹⁶¹ Subsequently, the United Nations Transitional Administration in East Timor (UNTAET) (1999–2002) was deployed in October 1999 following the violence that erupted after the referendum. The mission assumed full administrative authority in East Timor and aimed to establish government institutions and restore peace.¹⁶² Other UN Missions include the United Nations Missions

of Support in East Timor (UNMISSET) from 2002–2005, which focused on strengthening governance and security sector reform;¹⁶³ and the United Nations Office in Timor-Leste (UNOTIL) from 2005–2006, a special political mission established to support Timor-Leste in building national capacity and consolidating peace. Following those, the United Nations Integrated Mission in Timor-Leste (UNMIT) was deployed from 2006–2012 following political and security crises in Timor-Leste and aimed to strengthen governance institutions and restore stability.¹⁶⁴ Finally, UNMIT's mandate was extended in 2012 to oversee the completion of the parliamentary and presidential elections to provide support during the post-electoral period.¹⁶⁵

The UN Missions in Timor-Leste have played an important role in supporting the reparation process in the country. For example, UNTAET and UNMIT supported the documentation of human rights violations committed during the Indonesian occupation, which has been crucial in recognising the rights of victims and as evidence for reparation claims.¹⁶⁶ Moreover, the Human Rights and Transitional Justice Section (HRTJS) of UNMIT has supported the initiatives of the Post-CAVR Secretariat in the preparation of a concept paper for reparation schemes for human rights victims between 1974–1999.¹⁶⁷ Ultimately, while the UN Missions have played a supportive role in the reparation process, they have failed to take actual measures to implement reparation programmes.

AD HOC HUMAN RIGHTS COURT IN INDONESIA

Established by presidential decree in 2001, the scope of the mandate of the Ad Hoc Human Rights Court in Indonesia provided for the investigation and prosecution of gross human rights violations that took place in the

156 Ibid., paras 9–10.

157 Ibid., para 3.

158 UNHRC, 'Universal Periodic Review Timor-Leste' (Third Cycle, 22 January 2022), paras 116, 119–116.154.

159 ICRC (International Committee of the Red Cross), 'International humanitarian law databases, treaties and state parties, Timor-Leste', <https://ihl-databases.icrc.org/en/ihl-treaties/treaties-and-states-parties?title=&topic=&state=TL&from=&to=&sort=state&order=ASC>, accessed 10 May 2023.

160 ICC, 'The States Parties to the Rome Statute', <https://asp.icc-cpi.int/states-parties/asian-states/timor-leste>, accessed 10 May 2023.

161 UNMIT, 'United Nations Integrated Mission in Timor-Leste: Background', <https://peacekeeping.un.org/mission/past/unmit/background.shtml>, accessed July 2023.

162 Ibid.

163 Ibid.

164 UNMIT, 'Transitional justice', <https://unmit.unmissions.org/transitional-justice>, accessed 1 June 2023.

165 Ibid.

166 Ibid.

167 Ibid.

districts of Liquica, Dili and Suai, in East Timor, during the months of April and September 1999.¹⁶⁸

Investigations by the Attorney-General's office led to the indictments of 18 persons. In trials carried out during 2002 and 2003, six defendants were found guilty. However, all convictions were later overturned on appeal. The process has been widely criticised as marked by fundamental failings, and in particular by a lack of will in the clearly politicised Attorney General's office, which not only led inadequate investigations but also failed to make use of relevant evidence at trial.¹⁶⁹

In February 2005, then UN Secretary-General appointed the UN Commission of Experts (CoE) to "review the prosecution of serious violations of human rights in Timor-Leste" by assessing the work and outcomes of Timorese and Indonesian judicial processes.¹⁷⁰ The CoE concluded that Indonesia's Ad Hoc Human Rights Court trials were "manifestly inadequate", showing "scant respect for or conformity to relevant international standards".¹⁷¹ The CoE recommended that if the Indonesian government failed to act to bring perpetrators to account, the Security Council should consider establishing an international criminal tribunal. Otherwise, the Security Council could consider the possibility of using the ICC to investigate and prosecute serious crimes.¹⁷²

SERIOUS CRIMES PROCESS IN TIMOR-LESTE

In Timor-Leste, the judicial process was largely abandoned by 2005, with many investigations and

indictments never proceeding to trial. In 2000, the UNTAET established the Special Panels for Serious Crimes and the Serious Crimes Unit (SCU) in East Timor to conduct investigations, prosecutions and judicial proceedings for crimes against humanity and other serious crimes committed in East Timor.¹⁷³ The investigations led by the SCU resulted in a total of 95 indictments, implicating 391 individuals, including Indonesian high ranking military and civilian leaders and Timorese militia members – 80% of whom remained at large in Indonesia.¹⁷⁴ All 87 persons who were put on trial were East Timorese; and 85 of them were found guilty.¹⁷⁵ Moreover, serious concerns were raised about the fairness of the trials in Timor-Leste, in particular the resourcing and experience of staff of the public defenders unit and the tribunal itself.¹⁷⁶

In its report from 2005, The CoE recommended that UN support be extended to complete appeals, manage files and ensure continuity of work "until such time as the investigations, indictments and prosecutions of those who are alleged to have committed serious crimes are completed".¹⁷⁷ The report stated that the Timor-Leste Special Panels had attained a "notable degree of accountability", but their work had been restricted by inadequate resources, insufficient support from the Timor-Leste government and a lack of cooperation by Indonesia.¹⁷⁸

Overall, the ad hoc judicial process did not deal adequately with sexual violence perpetrated in 1999 despite large amounts of detailed evidence from UN special inquiries, the Indonesian National Human

168 Letter dated 9 August 2001 from the Permanent Representative of Indonesia to the United Nations addressed to the President of the Security Council, S/2001/779, (10 August 2001), https://digitallibrary.un.org/record/446621/files/S_2001_779-EN.pdf?n=en, accessed November 2023.

169 AJAR and Transitional Justice Asia Network, 'Transitional justice: Timor-Leste case study' (October 2017), p. 5, https://asia-ajar.org/wp-content/uploads/2022/03/CS-TJ_Timor-Leste_English.pdf, accessed November 2023.

170 UN Secretary General, 'Letter dated 24 June 2005 from the Secretary-General addressed to the President of the Security Council: Annex I Summary of the report to the Secretary-General of the Commission of Experts to Review the Prosecution of Serious Violations of Human Rights in Timor-Leste (then East Timor) in 1999' S/2005/458 (15 July 2005), p. 1 and para 2, <https://digitallibrary.un.org/record/553995?n=en>, accessed November 2023.

171 Ibid., para 17.

172 Ibid., paras 29-30.

173 UN Secretary General, 'Report of the Secretary-General on justice and reconciliation for Timor-Leste' S/2006/580 (26 July 2006), para 5, <https://digitallibrary.un.org/record/580471?n=ru>, accessed November 2023.

174 Caitlin Reiger and Marieke Wieder, 'The serious crimes process in Timor-Leste: In retrospect' (ICTJ, March 2006), p. 18, <https://www.ictj.org/sites/default/files/ICTJ-TimorLeste-Criminal-Process-2006-English.pdf>, accessed November 2023.

175 UN Secretary General, 'Report of the Secretary-General on justice and reconciliation for Timor-Leste' S/2006/580 (26 July 2006), para 9, <https://digitallibrary.un.org/record/580471?n=ru>, accessed July 2023.

176 Caitlin Reiger and Marieke Wieder, 'The serious crimes process in Timor-Leste: In retrospect' (ICTJ, March 2006), p. 26-28, accessed November 2023.

177 UN Secretary General, 'Letter dated 24 June 2005 from the Secretary-General addressed to the President of the Security Council: Annex I Summary of the report to the Secretary-General of the Commission of Experts to Review the Prosecution of Serious Violations of Human Rights in Timor-Leste (then East Timor) in 1999' S/2005/458 (15 July 2005), p. 1, <https://digitallibrary.un.org/record/553995?n=en>, accessed November 2023.

178 Ibid., p. 4-5

Rights Commission, international and Timorese human rights NGOs and the findings of both the CAVR and CTF. The failure of both criminal processes to focus on CRSV has reinforced the invisibility of the extent and impact of these crimes upon victims, their families and communities, and the nation of Timor-Leste. Women CRSV survivors have identified in recent PAR activities that part of the reason for this is the lower status of women in Timor-Leste compared to men.¹⁷⁹

6.2. Relevant domestic legal and policy frameworks

The Constitution of Timor-Leste includes a Bill of Rights which guarantees non-discrimination on the basis of gender.¹⁸⁰ The Constitution also includes a provision on child protection, which provides children with special protection “*by the family, the community and the State*” against “*sexual abuse and exploitation*”.¹⁸¹

A limit to the impact these provisions have for human rights protection is the fact that individual citizens do not have the possibility to seek enforcement of the Constitution. The inclusion of individual rights in the Constitution has therefore turned out to be a relatively weak mechanism for human rights protection. However, the Constitution also provides for a constitutionality clause for international human rights treaties, agreements and conventions as set out in article 9(3) stating that “*all norms that are contrary to the provisions of international conventions, treaties and agreements applied in the internal legal system of East Timor are invalid*”.¹⁸²

Timor-Leste passed its first Penal Code in 2009, which includes rape and sexual aggression as crimes.¹⁸³ Moreover, the Penal Code includes a Special Part in which crimes against humanity, war crimes and genocide are included. Acts of rape, sexual enslavement, forced prostitution, forced pregnancy, forced sterilisation or any other form of comparable gravity are included as crimes against humanity.¹⁸⁴ Timorese legal civil society organisations have consistently lobbied the National Parliament for key changes in laws related to sexual violence. In particular, they have called for including the specific crimes of incest and marital rape, amending evidentiary rules on sexual coercion and rape in line with international legal standards and best practices, and adding aggravating circumstances to sexual offences, as well as to introduce specific child protection legislation.¹⁸⁵

The adoption of the Law against Domestic Violence in 2010 was a significant human rights achievement.¹⁸⁶ The law defines domestic violence broadly to include physical, mental, economic and sexual mistreatment. Under the law, victims of domestic violence are eligible to receive rehabilitative services, shelter, legal representation, and medical and psychological assistance.¹⁸⁷ The law also requires the government to develop a system of services for victims, create a National Action Plan on Domestic Violence, provide training and public awareness programmes, and incorporate information about domestic violence in the school curriculum.¹⁸⁸ The framework on domestic violence presents an opportunity to secure efforts for a new law on the prevention of GBV, including CRSV.

179 ACbit-AJAR, ‘PAR workshop’ (Dili, 4-7 July 2022).

180 RDTL, Constitution of the Democratic Republic of Timor-Leste (20 May 2002), sec. 16(2).

181 *Ibid.*, sec. 18(1).

182 RDTL, Constitution of the Democratic Republic of Timor-Leste (20 May 2002), art. 9(3).

183 RDTL, Penal Code of the Democratic Republic of Timor-Leste (2009), arts 171, 172.

184 *Ibid.*, arts 123, 124, 125.

185 JSMP (Judicial System Monitoring Program) and ALFeLa (Asisténsia Legál ba Feto no Labarik, Legal Assistance to Women and Children), ‘Improving the Penal Code to better protect women and children: Submission to the National Parliament of Timor-Leste’ (January 2015), <https://jsmp.tl/wp-content/uploads/2013/03/280115-JSMP-ALFeLa-Penal-Code-submission-FINAL-English.pdf>, accessed July 2023. Rede Feto Timor-Leste, ‘NGO shadow report: Implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in Timor-Leste’ (September 2015), https://www.ecoi.net/en/file/local/1019975/1930_1447924606_int-cedaw-ngo-tls-21963-e.pdf, accessed July 2023.

186 Phyllis Ferguson, ‘Progress in legislating domestic violence and gender based violence in Timor-Leste’ (2011) 7(1) *Malaysia Journal of Society and Space* 54, <https://www.aidsdatahub.org/sites/default/files/resource/legislating-dv-timor-leste.pdf>, accessed July 2023.

187 *Ibid.*

188 *Ibid.*

6.2.1. Domestic legal and policy frameworks relevant to reparations for CRSV

CURRENT DOMESTIC LEGAL FRAMEWORK

Timor-Leste's domestic legal frameworks related to CRSV are limited. The Final and Transitional Provisions of the 2002 Constitution addressed some key issues on conflict-era human rights violations. In particular, article 160 considers that crimes against humanity, genocide and war crimes committed between 25 April 1974 and 31 December 1999 are liable to criminal proceedings in national or international courts.¹⁸⁹ The Constitution also includes a provision affirming that the Transitional Judicial Organisation, constituted by national and international judges competent to judge serious crimes between 1 January and 25 October 1999, shall remain in effect for the time deemed strictly necessary to conclude the cases under investigation.¹⁹⁰

The Constitution also sets out a framework for the "Valorisation of the Resistance" as a form of government assistance provided to heroes of the resistance.¹⁹¹ This framework includes a provision to provide special protection to "the war-disabled, orphans and other dependants of those who dedicated their lives to the struggle for independence and national sovereignty, and shall protect all those who participated in the resistance against the foreign occupation, in accordance with the law".¹⁹² State policy has enacted programmes to provide assistance to those recognised as veterans and in some cases, their dependents. These valorisation schemes have typically excluded women survivors of CRSV. However, an expansion of this provision to include

victims of CRSV could potentially offer the basis for state reparations to survivors and children born of rape in Timor-Leste.

The national judicial system was established in 2000 through legislation passed by UNTAET.¹⁹³ The legislation provided that "the District Court in Dili shall have exclusive jurisdiction over the following serious criminal offences: (a) Genocide (b) War crimes (c) Crimes against humanity (d) Murder (e) Sexual offences (f) Torture" for offences committed between 1 January 1999 and 25 October 1999.¹⁹⁴ As mentioned, the legislation established special panels to try these cases, comprised of Timorese and international judges.¹⁹⁵ Additionally, it included provisions for victims to participate directly in criminal trials through a lawyer and to seek compensation within a criminal proceeding. They also provided for the establishment of a trust fund for victims.¹⁹⁶ As mentioned hereinbefore, the CoE concluded in 2005 that the serious crimes process was not able to bring to justice "those who bear the greatest responsibility for serious violations of human rights committed in East Timor in 1999".¹⁹⁷

There is a lack of political will to pursue prosecutions in Timor-Leste. Since the mid-2000s when the United Nations reduced its assistance to Timor-Leste, the momentum for new prosecutions dissipated.¹⁹⁸ Moreover, in 2014, Prime Minister Xanana Gusmão sacked all international judges of the Special Panels.¹⁹⁹ This presents a significant obstacle to constituting a legal tribunal to evaluate conflict-era violations because, under Timorese law, the Special Panels must comprise of two international judges and one Timorese judge.

189 RDTL, Constitution of the Democratic Republic of Timor-Leste (20 May 2002), art. 160.

190 Ibid., art. 163.

191 Ibid., art. 11.

192 Ibid., art. 11(3).

193 UNTAET, 'Regulation 2000/11 on the organization of courts in East Timor' UNTAET/REG/2000/11 (6 March 2000), <https://peacekeeping.un.org/mission/past/etimor/untaetR/Reg11.pdf>, accessed July 2023.

194 UNTAET, 'Regulation 2000/15 on the establishment of panels with exclusive jurisdiction over serious criminal offences' UNTAET/REG/2000/15 (6 June 2000), <https://peacekeeping.un.org/sites/default/files/past/etimor/untaetR/Reg0015E.pdf>, accessed July 2023.

195 Ibid., secs 10.1-10.3.

196 Ibid., sec. 25.

197 UN Secretary General, 'Letter dated 24 June 2005 from the Secretary-General addressed to the President of the Security Council: Annex I Summary of the report to the Secretary-General of the Commission of Experts to Review the Prosecution of Serious Violations of Human Rights in Timor-Leste (then East Timor) in 1999' S/2005/458 (15 July 2005), p. 5 and para 10, <https://digitallibrary.un.org/record/553995?n=en>, accessed November 2023.

198 Caitlin Reiger and Marieke Wieder, 'The serious crimes process in Timor-Leste: In retrospect' (ICTJ, March 2006), <https://www.ictj.org/sites/default/files/ICTJ-TimorLeste-Criminal-Process-2006-English.pdf>, accessed July 2023.

199 JSMP, 'Dismissal of international officials and advisors in the Timor-Leste judicial sector: An analysis of the constitutionality, legality and impact of Parliamentary Resolution No. 11/2014 and Government Resolutions No. 29/2014 and 32/2014' (December 2014), <https://www.laohamutuk.org/justice/2014/JSMPRept16Dec2014en.pdf>, accessed July 2023.

EFFORTS TO REFORM DOMESTIC LEGAL FRAMEWORKS

Efforts by civil society and victim's groups to reform Timor-Leste's frameworks on conflict-era violations and violence against women are ongoing. These efforts led to the establishment of the *Centro Nacional Chega!* (CNC) framework and Timor-Leste's National Action Plan. The CNC was envisioned and established as an entity designed "to promote the implementation of the CAVR and CVA recommendations" to address "the suffering of victims so as to avoid a repetition of violations of human rights and to support the most vulnerable survivors".²⁰⁰

The CNC's mandate includes the development and coordination of a reparation scheme.²⁰¹ The Centre currently administers some social assistance activities to survivors of human rights violations through the Reparations and Dignity for Survivors Programme and has expressed a need to keep a spotlight on reparation for the most vulnerable survivors, including survivors of CRSV.

In 2016, Timor-Leste launched its first National Action Plan (NAP) for the implementation of UN Security Council Resolution (UNSCR) 1325 (2000) on women, peace and security for the period 2016–2020.²⁰² The activities of the NAP were organised around four pillars – participation, prevention, protection and peacebuilding – as the foundations for the promotion of women's and girls' rights to a life in peace and security, and the promotion of their equal and active participation and leadership in peacebuilding and development.

The NAP gave significant attention to the ongoing needs of women survivors of CRSV, acknowledging the inadequate support so far provided. It highlighted the ongoing issues of stigma, poor mental health,

isolation, and the lack of community or family support for survivors living in rural and remote areas. According to the Plan, "the NAP contributes to implementing key recommendations of the Commission of Reception, Truth and Reconciliation (CAVR) report, which documented the systematic abuses and violence committed by members of the Indonesian armed forces, including rape, sexual torture, sexual slavery and other forms of sexual violence".²⁰³ The policy acknowledged that the Timorese government must take concrete actions to improve the position and recognition of women as veterans, victims of conflict and violence, and as actors in peacebuilding and security provision.²⁰⁴

Since the establishment of the NAP, there has been no real impact on the situation of women survivors of CRSV. The final report on implementation of this 2016–2020 NAP did not enumerate any specific new commitments, resources or programmes to support women CRSV survivors.²⁰⁵ Moreover, a new plan is nearly three years overdue. Currently, a new draft is being prepared by the government, which if leveraged properly could lead to real action towards delivering reparations to women CRSV survivors.²⁰⁶

6.2.2. Domestic avenues for reparations for CRSV survivors

CAVR REPARATIONS FRAMEWORK

The detailed CAVR framework for a proposed national reparation programme, contained in the recommendations of its 2005 final report, *Chega!*, presents a key avenue for reparations for CRSV. The CAVR based its reparation policy on its close engagement with victims in all districts across the country as well as ideas and input solicited from

200 RDTL, Decree-Law No. 48/2016 on Establishing the Chega! National Centre Public Institute: Through memory to hope (Timor records, unofficial English translation, 2016), art. 3, <https://timorarchives.files.wordpress.com/2019/02/cnc-decree-2016-min.pdf>, accessed July 2023.

201 CNC, 'Activity implementation report and results for 2022: Presented to the 8th Constitutional Government' (February 2023).

202 Ministry of Interior in partnership with UN Women, 'National Action Plan on United Nations Security Council Resolution 1325 (2000) on Women, Peace and Security' (October 2016), <http://1325naps.peacewomen.org/wp-content/uploads/2020/12/NAP-WPS-Engls-FINAL-12-July-2017-timor.pdf>, accessed July 2023.

203 Ibid., p. 6.

204 Ibid., p. 10.

205 Ministry of the Interior with UN Women, 'Final report on implementation of National Action Plan on UN Security Council Resolution 1325 on Women Peace and Security 2016-2020' (2020), pp. 23-25, <https://asiapacific.unwomen.org/sites/default/files/Field%20Office%20ESEAAsia/Docs/Publications/2020/12/Relatoriu%20PAN%20Final%20Final%20Report.pdf>, accessed July 2023. The section of the final implementation report related to women survivors of past human rights violations, including CRSV, focused on a summary of the work of the NGO ACbit, but did not set out any government programmes, including those of the CNC or MSSI cash grants.

206 ACbit is a member of the Working Group on this drafting process, convened by the Ministry of Interior.

key civil society organisations and government agencies.²⁰⁷ The CAVR adopted a survivor-centric approach by taking statements from victims and engaging with survivors in individual or community programmes and workshops.²⁰⁸ Here, the CAVR recorded survivors' wishes for the future, including their views on what was required to help repair and transform their lives.²⁰⁹ The Commission set out principles for designing and delivering a reparation programme, including that the programme should be feasible, accessible to victims who are marginalised and/or living in remote areas, as well as empowering, gender-sensitive and prioritising support for "those most in need".²¹⁰

The CAVR highlighted that rehabilitation had to take place within the communities where victims live, allowing for groups of victims and their communities to apply for assistance collectively. Moreover, the CAVR made recommendations for specific rehabilitative measures, such as support for single mothers and scholarships for their children, services for disabled persons, widows and survivors of sexual violence and torture, support for severely affected communities through development projects, memorialisation programmes and the implementation of a national programme against violence.²¹¹

NATIONAL WORKING GROUP ON REPARATIONS

The National Working Group on Reparations, established in October 2021, is chaired by the CNC and comprised of government agencies. Key Timorese NGOs including the NVA and ASEPPOL are also members.²¹² The membership of the Working

Group reflects a collaboration between the state and those civil society organisations that have done the most advanced work with survivors of CRSV. Engaging survivors and victims' networks in the work of the Working Group will be critical in designing an effective reparation programme.

"In the past two years, the Government has developed an increased priority on social inclusion – it is the number two priority of the Government. This has provided an important new opportunity to move forward on reparations for survivors of violations during the past conflict. The National Working Group on Reparations includes members from all key Ministries as well as civil society for the first time focused together on how to develop a program of systematic support for survivors."
– Hugo Fernandes, Director CNC (2021)²¹³

"A challenge for the new National Working Group is to ensure that the concept of reparations is based on human rights principles and on the vulnerability of victims of past abuses – not along the lines of identifying 'heroes' of the resistance, like in the programs for veterans. This mindset needs to shift for a reparations program." – Jose Luis de Oliveira, AJAR Timor-Leste²¹⁴

PENSION SCHEME FOR VETERANS

One of the major initiatives based on the Valorisation of the Resistance provision of the Timor-Leste Constitution is the pension scheme for veterans, which commenced in 2006 just after the close of the CAVR. Beneficiaries have to prove their active

207 CAVR, 'Chega! Vol. IV, Part 11: Recommendations' (November 2013), p. 2612, <http://chegareport.org/Chega%20All%20Volumes.pdf>, accessed July 2023.

208 Ibid.

209 Ibid.

210 Ibid., p. 2616.

211 Ibid., p. 2618.

212 Full list of membership of the National Working Group on Reparations: Chaired by the CNC, Ministry of Social Solidarity, Ministry of Foreign Affairs, Ministry of Justice, Ministry of Public Administration, Ministry of Health, Ministry of Education, Youth and Sport, Ministry of Higher Education, Secretariat of State for Professional Training and Employment, Secretariat of State for Equality and Inclusion, Human Capital Development Fund, Commission for Children's Rights, Red Cross Timor-Leste, ACbit, Fokupers: Communication Forum of Women of Timor-Leste, Yayasan HAK: Foundation for Law and Human Rights, Asia Justice and Rights, National Victims' Association, Association of Former Political Prisoners.

213 AJAR interview (Dili, 13 October 2021).

214 AJAR interview (Dili, 12 October 2021).

participation in the struggle for independence as part of the “structures or organisations of the Resistance”. The scheme also includes a “survival pension” to support the widows, orphans, elderly parents and siblings of recognised veterans.²¹⁵

The majority of beneficiaries of this recognition and assistance are men. Currently, approximately 53,000 people receive pensions from the Ministry of Social Solidarity and Inclusion (MSSI) under programmes for veterans, and only 5,000 recipients are women.²¹⁶

In addition to pension payments, other benefits for veterans and their families include housing, school and university scholarships for their children, healthcare funding, and regular national and local public events honouring their contribution to independence.

Timorese women’s rights activists critique the veterans’ scheme for three significant reasons. First, women members of the resistance are under-represented among beneficiaries due to the lack of recognition of the roles many played (e.g. their support and undercover functions in less structured or politically senior roles).²¹⁷ Second, among the small portion of women receiving pensions under the scheme, many are being recognised due to the

role played by their husbands or fathers and not because of their direct contributions to the resistance. Third, this programme excludes many women CRSV survivors who were targeted because they supported the resistance.

Many women survivors view their experience of suffering as a contribution to the struggle for independence, as evidenced at PAR activities.²¹⁸ One woman survivor expressed in a recent Dili PAR workshop that “the independence of Timor-Leste was built on the suffering of our bodies”.²¹⁹ It is imperative that those responsible for administering the veterans’ pension and assistance schemes should re-examine cases of women survivors of sexualised torture through a gendered lens. This will lead to an acknowledgment of women survivors’ contribution to the resistance and expand the scope of the veterans’ benefits scheme to include such survivors.

When questioned on its failure to introduce a reparation programme at the UNHRC’s Third Universal Periodic Review, the Timor-Leste government pointed out that the veterans’ pension scheme is a form of reparation.²²⁰ If that is the case, then such reparations should be expanded to include neglected groups such as survivors of CRSV.

215 RDTL, Statute of the National Liberation Combatants No. 3/2006 (2006), https://mj.gov.tl/jornal/lawsTL/RDTL-Law/RDTL-Laws/Law%209_2009.pdf, accessed July 2023; RDTL, Decree-Law No. 15/2008 on the Pensions of the Combatants and Martyrs of the National Liberation (2008), <https://mj.gov.tl/jornal/lawsTL/RDTL-Law/RDTL-Decree-Laws/Decree-Law%2015-2008.pdf>, accessed July 2023. The seventh amendment to Decree-Law No. 5/2008 was approved by the Council of Ministers on 22 February 2022.

216 2019 figures from the MSSI show that of the 53,098 people receiving a veterans’ pension, only 5,000 are women. See MSSI, ‘Timor-Leste report on progress of UNSC Res. 1325 to UN Secretary General’ (2019), quoted in UN Women Timor Leste Quarterly Newsletter (January to March 2019), p. 6, <https://asiapacific.unwomen.org/sites/default/files/Field%20Office%20ESEA/Docs/Publications/2019/06/tl-2019-Q1-Newsletter-r03.pdf>, accessed July 2023.

217 Edward Cavanaugh, ‘Timor-Leste’s forgotten female rebels’ (The Diplomat, 16 May 2018), <https://thediplomat.com/2018/05/timor-lestes-forgotten-female-rebels/>, accessed 01/06/2023, accessed July 2023.

218 ACbit-AJAR, ‘PAR workshop’ (Dili, 4-7 July 2022); ACbit, ‘Improving the lives of women survivors in Timor-Leste: 77 women’s struggle for peace and justice’ (2019), <https://asiapacific.unwomen.org/sites/default/files/Field%20Office%20ESEA/Docs/Publications/2020/02/tl-acbit-research-pamphlet-ENG-s.pdf>, accessed July 2023.

219 ACbit-AJAR, ‘PAR workshop’ (Dili, 4-7 July 2022).

220 Human Rights Council Working Group on the Universal Periodic Review, ‘National report submitted in accordance with paragraph 5 of the annex to Human Rights Council Resolution 16/21* Timor-Leste’ A/HRC/WG.6/40/TLS/1 (9 November 2021), para 109, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/320/29/PDF/G2132029.pdf?OpenElement>, accessed July 2023.



VII. IMPLEMENTATION STATUS OF REPARATIONS

7.1. State and other duty-bearers' position

7.1.1. Indonesia

The CAVR and other investigations found that Indonesia was responsible for the vast bulk of human rights violations throughout the 24-year conflict period, through its military and the Timorese auxiliaries and militia it controlled.²²¹ In its final report, the CAVR noted the challenges of securing reparation from Indonesia, highlighting that any such efforts would take more time than survivors could afford. It therefore called on independent Timor-Leste, in accordance with both its constitutional and moral obligations, to take responsibility for reparation.²²²

Notwithstanding Indonesia's prominent role as a duty-bearer, it is highly improbable that substantial alterations in official dispositions towards justice or reparation will take place. The Indonesian Human Rights Court has shielded the Indonesian military from accountability, given that it yielded no convictions.²²³ Indonesian military commanders indicted under the Indonesian prosecution process have since been

promoted.²²⁴ Today, former senior military figures who were in command during mass atrocities committed by Indonesian soldiers and Timorese militia under their coordination are now in key government and political positions in Indonesia.²²⁵ Moreover, as recently as 2021, the Indonesian government has honoured one of the most notorious Timorese militia leaders with an official award.²²⁶ This demonstrates that Indonesian political leadership will take no further action on justice or accountability. In addition, the actions of the Indonesian military in Timor-Leste are little understood in the wider Indonesian community. There is therefore minimal public pressure on political leaders to pursue accountability.²²⁷

These obstacles are part of a wider ongoing struggle in Indonesia's long transition from authoritarian rule under former President Soeharto. The abuses committed during the conflict in Timor-Leste formed part of this wider pattern of impunity within Indonesia.²²⁸

A key opportunity for recognition and reparation measures from Indonesia for Timorese women survivors of CRSV arises from the findings and recommendations of the bilateral Commission for

221 CAVR, 'Chega! Vol. IV, Part 8: Responsibility and accountability' (November 2013), <http://chegareport.org/Chega%20All%20Volumes.pdf>, accessed July 2023. Specifically in relation to crimes committed in 1999, see also OHCHR, 'July 2003 report on crimes against humanity in Timor-Leste 1999', published in full as an annex to CAVR, 'Chega! Vol. V, Annexe 1: Timor-Leste 1999: Crimes against humanity' (November 2013), <http://chegareport.org/Chega%20All%20Volumes.pdf>, accessed July 2023.

222 CAVR, 'Chega! Volume IV, Part 11 Recommendations, 12.3: Legal and moral foundations for reparations' (November 2013), <http://chegareport.org/Chega%20All%20Volumes.pdf>, accessed July 2023.

223 Human Rights Watch, 'Justice denied for East Timor: Indonesia's sham prosecutions, the need to strengthen the trial process in East Timor and the imperative of UN Action' (20 December 2002), <https://www.hrw.org/legacy/background/asia/timor/etimor1202bg.htm>, accessed 1 June 2023.

224 Ibid.

225 For example, former general Wiranto, who was in charge of operations in East Timor in 1999, and who was indicted by the UN for crimes, has unsuccessfully run for President and is currently Chairman of the Presidential Advisory Council; former lieutenant general Prabowo, documented in Chega! as being in command during mass violations against civilians during the 1980s, is the current Minister of Defence.

226 On 12 August 2021, Indonesian President Joko Widodo gave notorious former 1999 militia leader Eurico Guterres an honorary medal "for distinguished service to Indonesia", despite his being indicted on five counts of crimes against humanity by the United Nations. For an example of media coverage of the controversy surrounding the award, see Katharina Reny Lestari, 'Outrage as Indonesia honors massacre-tainted militia leader' (Union of Catholic Asian News, 14 August 2021) <https://www.ucanews.com/news/outrage-as-indonesia-honors-massacre-tainted-militia-leader/93699>, accessed 1 June 2023.

227 Budi Hernawan and Pat Walsh, 'Inconvenient truths: The fate of the Chega! and Per memoriam ad spem reports on Timor-Leste' (AJAR, 2015), <https://asia-ajar.org/wp-content/uploads/2015/09/Inconvenient-Truths-Report-on-Chega.pdf>, accessed July 2023. See also Tim Mann, 'Interview with Pat Walsh on the forgetting of East Timor in Indonesia' (University of Melbourne, 8 July 2015), <https://indonesiaatmelbourne.unimelb.edu.au/interview-pat-walsh-on-the-forgetting-of-east-timor-in-indonesia/>, accessed July 2023.

228 Ibid.

Truth and Friendship (CTF). The CTF was a truth commission jointly established and operated by Indonesia and Timor-Leste, with commissioners from each country. The CTF found that the campaign of violence in 1999 was effectively under the control of the Indonesian military.²²⁹ It also found that widespread sexual violence was perpetrated against Timorese women in 1999.²³⁰ The CTF recommended the establishment of a Documentation and Conflict Resolution Centre to provide rehabilitative services to survivors of sexual assault.²³¹ Indonesian President Yudhoyono accepted the report and its findings in a limited step toward acknowledging Indonesia's responsibility for mass violations in Timor-Leste.²³² As of yet, this advance has not been leveraged to seek reparation measures for women survivors.²³³

7.1.2. Timor-Leste

Following the restoration of independence in 2002, successive governments of Timor-Leste have refused to engage with Timorese civil society and the international human rights community on the issue of reparation for survivors of conflict-era human rights violations.

Soon after the independence of Timor-Leste, resistance leader and President Xanana Gusmão reiterated his strong view that the Timorese people must not see themselves as victims but as winners of a long and difficult

struggle entailing much sacrifice. He has spoken of national development as being the pathway for delivering the benefits of the struggle for independence.²³⁴

Before the CAVR completed its work in 2005, as indicated above, the CTF, jointly established by Timor-Leste and Indonesia, had the mandate to examine events of 1999 with the explicit aim of fostering improved relations between the two states.²³⁵ Many human rights organisations and activists saw this as an obstacle to justice and the prosecution of Indonesian military figures.²³⁶ The United Nations did not cooperate with the bilateral commission, citing concerns about its failure to meet international human rights standards.²³⁷

The issue of justice and reparation for conflict-era crimes and violations has almost completely been neglected by Timorese leadership. Since 2015, however, there has been movement toward other aspects of recognition of survivors of human rights violations and follow-ups to other recommendations of the CAVR via the establishment of the *Centro Nacional Chega!* (CNC) and the National Working Group for Reparations. Nevertheless, it is highly unlikely that Timorese leadership will be willing to take steps to hold Indonesia accountable, given the power disparity between the two nations and Timorese economic dependence on Indonesia. For example, as recently as August 2022, the newly installed President, Jose Ramos Horta, bestowed a high-level national award on a senior Indonesian figure who was linked to numerous

229 CTF, 'Per memoriam ad spem: Final report of the Commission of Truth and Friendship (CTF)' (31 March 2008), pp. 288, <https://cja.org/wp-content/uploads/downloads/Per-Memoriam-Ad-Spem-Final-Report-of-the-Commission-of-Truth-and-Friendship-IndonesiaTimor-Leste.pdf>, accessed 1 June 2023.

230 Ibid., pp. 283.

231 Ibid., p. 302.

232 Angela Balakrishnan, 'Indonesia accepts guilt over East Timor human rights abuses' (The Guardian, 15 July 2008), <https://www.theguardian.com/world/2008/jul/15/indonesia.easttimor>, accessed July 2023.

233 Megan Hirst, 'An unfinished truth: An analysis of the Commission of Truth and Friendship's final report on the 1999 atrocities in East Timor' (ICTJ, March 2009), <https://www.ictj.org/sites/default/files/ICTJ-Timor-Leste-Unfinished-Truth-2009-English.pdf>, accessed July 2023.

234 His Excellency President Kay Rala Xanana Gusmão, 'Challenges for peace and stability' (Chancellor's Human Rights Lecture, University of Melbourne, 7 April 2003), https://www.unimelb.edu.au/_data/assets/pdf_file/0004/1727572/20030407-gusmao.pdf, accessed July 2023.

235 UN News, 'Timor-Leste reach accord on "truth and friendship commission" – UN' (21 December 2004), <https://news.un.org/en/story/2004/12/124362>, accessed 1 June 2023.

236 On Timorese and Indonesian civil society response to the establishment of the CTF, the NGOs from Timor-Leste were Perkumpulan Hukum, Asasi Manusia dan Keadilan (HAK Association), Judicial System Monitoring Program, Fokupers, Lao Hamutuk, SAHE, Forum Tau Matan and Khadalak Salimutu; the NGOs from Indonesia were the Human Rights Working Group, Kontras, PBHI and Imparsial. See Non-Government Organizations of Timor Leste and Indonesia, "Political deals" were made over the establishment of the Commission of Truth and Friendship (CTF)' (19 March 2005), <https://www.etan.org/et2005/march/20/19iandt.htm>, accessed July 2023.

237 Specifically, the UN Secretary-General stated that: "The terms of reference of the CTF envisage the possibility that that body may recommend amnesty, and do not preclude it from making such a recommendation in respect of acts that constitute a crime against humanity, a gross violation of human rights or a serious violation of international humanitarian law." See the statement by the Spokesperson for UN Secretary-General Ban Ki-moon, 'Secretary-General says UN officials will not testify at Timor-Leste commission, as terms of reference include possible amnesty for human rights violations' SG/SM/11101 (26 July 2007), <https://reliefweb.int/report/timor-leste/secretary-general-says-un-officials-will-not-testify-timor-leste-commission-terms?OpenDocument>, accessed July 2023. See also UN Secretary-General, 'Report of the Secretary-General to the Security Council on justice and reconciliation for Timor-Leste' S/2006/580 (26 July 2006), <https://digitallibrary.un.org/record/580471?ln=en>, accessed July 2023.

key violations, including the 1999 mass violence against Timorese civilians and the 2004 murder of the prominent Indonesian human rights leader, Munir.²³⁸

7.2. Foreign governments and corporations

The CAVR recommended that other states and corporations that had supported the Indonesian

military with military hardware and training, thus indirectly allowing violations to take place, should also contribute to reparations, including Australia, the United Kingdom and the United States, among others.²³⁹ Timorese leadership has made it clear that they would not pursue such claims against other countries they now prize as political allies and/or development partners. There have also been no moves to pursue reparations from corporations such as weapons manufacturers.



The special public hearings organised by the CAVR were held to hear the unique experiences of women during the conflict. Dili, 2003.

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²³⁸ On 20 August 2022 – in one of his earliest acts as newly installed President – President Ramos Horta awarded retired 77-year-old Indonesian army general Abdullah Mahmud Hendropriyono for his “significant contributions to national peace and stability”. The President was strongly criticised by Timorese human rights defenders. See Union of Catholic Asian News, ‘Timorese slam award for “rights abuser” ex-general’ (UCA News, 22 August 2022), <https://www.ucanews.com/news/timorese-slam-award-for-rights-abuser-ex-general/98487>, accessed 1 June 2023.

²³⁹ CAVR, ‘Chega! Vol. IV, Part 11: Recommendations, 12.10 Financing’ (November 2013), <http://chegareport.org/Chega%20All%20Volumes.pdf>, accessed July 2023.



VIII. ANALYSIS OF OPPORTUNITIES FOR AND THREATS AGAINST REPARATIONS

| 8.1. Mapping of key stakeholders

Given its obligation to provide reparations, the Democratic Government of Timor-Leste is a key stakeholder. The May 2023 parliamentary elections were won by resistance fighter Xanana Gusmão's party, the National Congress for Timorese Reconstruction. However, Gusmão's party is short of an outright majority, so the Constitution of Timor-Leste gives the party with the most votes (in this case the National Congress for Timorese Reconstruction) the opportunity to form a coalition government. Key figures and parties from this coalition will also be stakeholders.

The *Centro Nacional Chega!* (CNC) successfully navigated the change in government in 2018, broadly maintaining support for its work, including resources and engagement across ministries and agencies. While this is encouraging, it cannot be taken for granted and will remain critical in the period ahead. Identifying key targets for political advocacy must take into account the potential for a range of different parties and key players who could make up the next government. Advocacy strategy and engagement with key stakeholders will need to be flexible and attuned to changes and emerging challenges and opportunities.

Timorese national politics continue to be dominated by senior figures who assumed authority in the immediate post-conflict period of 1999, including Xanana Gusmão, who has been both President and Prime Minister; Jose Ramos Horta, who has also held both roles and has recently started his second stint as President; Taur Matan Ruak, the last commander of Falintil during the resistance period and who has also held both positions; and Mari Alkatiri, a senior Fretilin leader who has been Prime Minister twice. The younger generation of political leaders is yet to significantly break through. These senior figures have all been directly involved in shaping previous policies and initiatives on conflict-era violence and crimes, including decisions not to pursue a comprehensive approach to reparation for survivors.

Some individuals are particularly important due to the office they hold and its relationship to the current mechanisms of survivor support (e.g. the Prime Minister, the CNC, and some ministries and agencies). Others who should be focused upon due to their broad national influence or their specific political influence include:

- The Prime Minister and leadership within the Office of the Prime Minister, which oversees the CNC. Advocacy must identify and target potential future Prime Ministers who may emerge from upcoming elections, as well as the key policy advisors to these individuals and their respective parties.
- The President of the Republic. The President does not determine government programmes but potentially has the political space to champion programmes for social good. He has recently articulated the desire to reach out to East Timorese still living in West Timor, Indonesia.
- Select parliamentarians as champions. Key women leaders in Parliament need to be identified, including the women's parliamentary caucus, as well as men with a strong track record on human rights.
- The Secretary of State for Equality and Inclusion as the official entity with the responsibility for coordinating matters of gender across all government and state ministries, departments and agencies.
- The Provedor for Human Rights and Justice and key officials in this Office.
- Key ministers and/or senior personnel in key ministries and agencies with experience of women survivors in existing programmes, in particular the Ministry of Social Solidarity and Inclusion, Ministry of State, Ministry of Health, Ministry of Interior (responsible for the National Action Plan for the implementation of UN Security Council Resolution (UNSCR) 1325 on women, peace and security), Ministry of Justice and the Ministry of Education.

- All other members of the National Working Group on Reparations.
- All ministries and agencies linked to the UNSCR 1325 National Action Plan and the forthcoming National Action Plan on Reparations.
- Selected municipal mayors, Suco and Aldeia chiefs, and Suco Councils (women councillors in particular). The initial priorities should focus on local authorities in municipalities where interim reparations activities will take place, developing local-level champions who can contribute to and learn from the process, and then raise the awareness of and educate officials in other municipalities.
- Leadership and key technical CNC staff in order to strengthen their understanding of the legal basis and scope of reparation programmes, including the gender dimensions especially related to survivors of CRSV, to enable them to be effective advocates and coordinators.

Timorese civil society is a significant stakeholder, both at national and municipal levels, as are organisations representing marginalised communities, such as LGBTQI+ people (e.g. CODIVA, *Hatutan*, *Arcoiris Corres ba Futuro*) and people living with disabilities (e.g. ADTL and RHTO). Youth organisations – including the National Youth Council of Timor-Leste (*Conselho Nacional da Juventude de Timor-Leste*, CNJTL) and particularly those involved in education – are important stakeholders in the recognition and inclusion of CRSV survivors’ stories in national narratives. So too are key members from the Catholic Church community who have supported survivors of CRSV, including Catholic priest and former CAVR National Commissioner, Father Jovito Araujo. Additional key stakeholders are the international and regional human rights NGOs involved in transitional justice issues over a long period, including AJAR and the International Center for Transitional Justice (ICTJ).

Actors within the international community more broadly are key stakeholders and should direct their attention and advocacy efforts towards ensuring the delivery of reparations to CRSV survivors in Timor-Leste. Such international stakeholders include

the United Nations Resident Coordinator in Timor-Leste, the ASEAN Intergovernmental Commission for Human Rights (AICHR), UN Women and the Office of the High Commissioner for Human Rights (OHCHR).

8.2. Advocacy initiatives for reparations

The mass human rights violations perpetrated during the 1999 electoral violence led Timorese and international human rights activists and organisations to focus their initial efforts on evidence gathering and investigations. Advocacy quickly centred on promoting justice, with calls for an international tribunal. The human rights team of the United Nations Transitional Authority in Timor-Leste (UNTAET) worked closely with NGOs and also conducted documentation drives and investigations. The Timorese women’s NGO Fokupers led investigative efforts into CRSV and other forms of GBV during the 1999 mass violations by documenting testimonies and statements and advocating for justice for women survivors.

In June 2000, representatives of Timorese civil society, the Catholic Church and community leaders recommended the establishment of an independent commission with a mandate to investigate past violations and promote reconciliation. In August, this proposal was endorsed by the first National Congress of the National Council of Timorese Resistance (*Conselho Nacional da Resistência Timorese*, CNRT), which functioned as a national political umbrella group throughout the transitional period of UN administration. A CNRT steering committee conducted national consultations in all districts and at the village level to listen to survivors and communities. The National Council also consulted political parties, jurists, human rights organisations and victims’ groups, finding overwhelming community support for a truth and reconciliation commission that should provide victims with rehabilitation and compensation.²⁴⁰ In June 2001, the Timorese members of the full National Council approved draft legislation and, subsequently, the UN Transitional Administrator signed the Commission for Reception, Truth and Reconciliation (CAVR) into law.²⁴¹ The CAVR was later recognised as a key state institution in the transitional provisions of the 2002 Constitution.²⁴²

240 CAVR, ‘Chega! Vol. 1, Part 1: Introduction’ (November 2013), para 42, <http://chegareport.org/Chega%20All%20Volumes.pdf>, accessed 16 June 2023.

241 UNTAET, ‘Regulation 2000/11 on the organization of courts in East Timor’ UNTAET/REG/2000/11 (6 March 2000), <https://peacekeeping.un.org/mission/past/etimor/untaetR/Reg11.pdf>, accessed July 2023. The National Council was the official body of Timorese leaders selected by UNTAET to advise the Transitional Administrator, including on legislation.

242 RDTL, Constitution of the Democratic Republic of Timor-Leste (20 May 2002), art. 162.

The widespread support for the CAVR was fundamental. The Commission was supported by leaders of all political persuasions, NGOs, the Catholic Church and other religious institutions, the UN Missions, UN High Commission for Refugees, the UN High Commission for Human Rights, other international organisations and donor countries.²⁴³

During its operation from 2002–2005, the CAVR played a significant role in advocating for the restoration of the dignity of victims of human rights violations, including women survivors of CRSV and children born of rape. They established district teams, who travelled to all 65 sub-districts with widespread interaction with victims and wider communities. They held seven national public hearings and more than 52 public hearings across the country in which victims were given a central role. National hearings were televised and broadcast on radio, and many national leaders attended to testify or to listen to victims and experts. The public hearings on women and the conflict were pivotal as women survivors of CRSV spoke about their experiences and the impact of CRSV on their lives. Such public hearings played an important role in rehabilitating the position of victims within their communities.

The 2005 CAVR final report, *Chega!*, reflected this victim-centric approach to its mandate. When he officially handed it over to the President of the Republic, the CAVR President described *Chega!* as “a compact with victims”.²⁴⁴ At more than 2,500 pages, the report included the personal and community stories and direct words of many hundreds of those who gave

statements, participated in workshops and testified at public hearings. Following the closure of the CAVR, the final report was widely disseminated and developed into a more accessible and youth-friendly version. An official secretariat team was supported by NGO initiatives to create a popular comic book version. Significantly, the five-volume popular version was published in Tetun, the most widely used national language, and one of two official languages.²⁴⁵

The CAVR final report included detailed recommendations, including a framework for a proposed national reparation programme, which had always been the objective of the advocacy of local organisations. After the 2005 closure of the CAVR, Timorese and international NGOs assumed the role of providing support to victims and advocating for the implementation of the Commission’s recommendations, including the detailed framework for a national reparation programme.²⁴⁶ Timorese human rights NGOs and civil society organisations in particular – forming the Timor-Leste National Alliance for an International Tribunal – took a consistently strong position on calls for justice, as they had done throughout the operations of the CAVR.²⁴⁷

The ICTJ, which had provided technical assistance at the developmental stages of the CAVR, supported Timorese NGOs in advocacy on reparation including publishing key reports which helped keep international attention on the issue.²⁴⁸ Subsequently, the newly formed Indonesian-headquartered human rights and transitional justice NGO, Asia Justice and Rights (AJAR) led this support.²⁴⁹

243 For more detailed background on the CAVR’s origins, see CAVR, ‘Chega! Vol. I, Part 1: Introduction’ (November 2013), paras 36–48, <http://chegareport.org/Chega%20All%20Volumes.pdf>, accessed 16 June 2023.

244 Aniceto Guterres Lopes, President of CAVR: “The Report is a compact with victims. It is based primarily on testimony from victims and is intended to contribute to healing through the restoration of their dignity. This also required space. The CAVR hopes that victims will see their experiences and suffering clearly reflected in the Report and know that what happened to them is valued in Timor-Leste and has been preserved for posterity”, from his address when delivering the CAVR final report to President Kay Rala Xanana Gusmão, published in full as the Preface to *Chega!* See CAVR, ‘Chega! Vol. I, Part 1: Introduction’ (November 2013), pp. xxii–xxvii, <http://chegareport.org/Chega%20All%20Volumes.pdf>, accessed 16 June 2023.

245 The other official language is Portuguese (art. 13), with English and Indonesian listed as working languages of the civil service (art. 159). See RDTL, Constitution of the Democratic Republic of Timor-Leste (20 May 2002), art. 159.

246 Timor-Leste National Alliance for an International Tribunal, ‘Welcome SBY to Timor-Leste! “Don’t wash your hands of the crimes against humanity that occurred between 1975–1999 in Timor-Leste”’ (Press Release, 22 August 2014), https://jsmp.tl/wp-content/uploads/2014/01/Komunikadu-ImprensaANTIVISITASBYTimor_ENGLISH.pdf, accessed July 2023.

247 Timor-Leste National Alliance for an International Tribunal, ‘Remember that we are all responsible for justice for serious crimes’ (Press Release, Timor-Leste, 17 May 2010), <https://www.laohamutuk.org/Justice/ANTI17May10.htm> accessed July 2023; Timor-Leste National Alliance for an International Tribunal, ‘Welcome SBY to Timor-Leste! “Don’t wash your hands of the Crimes Against Humanity that occurred between 1975–1999 in Timor-Leste”’ (Press Release, 22 August 2014), https://jsmp.tl/wp-content/uploads/2014/01/Komunikadu-ImprensaANTIVISITASBYTimor_ENGLISH.pdf, accessed 4 October 2023.

248 ICTJ, ‘Unfulfilled expectations: Victims’ perceptions of justice and reparations in Timor-Leste’ (ICTJ, February 2010), <https://www.ictj.org/sites/default/files/ICTJ-TimorLeste-Unfulfilled-Expectations-2010-English.pdf>, accessed July 2023.

249 ‘After ten years, the CAVR report still resonates in Timor-Leste and around the world’, quote from ICTJ, ‘Interview with Pat Walsh, former senior advisor to the CAVR’ (23 February 2016).

After the national political crisis from 2006–2008, the advocacy efforts for the implementation of the CAVR recommendations were set back several years. From 2008–2010, Timorese human rights NGOs partnered with the Timorese Office of the Provedor for Human Rights and Justice, the UN Mission’s human rights and transitional justice section and the ICTJ to form a Working Group on Reparations. The group presented the National Parliament with a path forward on reparations. In December 2009, the Parliament passed a resolution calling for the full implementation of the recommendations of the CAVR and CTF and referred the matter to the Committee on Constitutional Affairs, Justice, Public Administration, Local Government and Government Legislation to report back in three months, including to propose concrete measures to implement the recommendations of both commissions.²⁵⁰ The Working Group presented a detailed concept paper for a reparation scheme to Parliamentary Committee A.²⁵¹ Ultimately, there was no follow-up and the initiative came to a halt.²⁵²

Subsequently, in 2015, NGOs made a significant breakthrough on the tenth anniversary of the release of *Chega!*, the CAVR’s final report. In 2015, the former Prime Minister announced plans for a working group to audit progress on implementing the CAVR’s recommendations and to consider appropriate follow-up.²⁵³ The working group was established in May 2016 and the report was released in November 2016. It found that the majority of the CAVR’s recommendations had not been fully implemented and recommended the establishment of an independent follow-up institution.²⁵⁴ In December 2016, the *Centro Nacional Chega* (CNC) was established as an independent public institute, by a Decree-Law.²⁵⁵

In 2016, Timor-Leste launched its first National Action Plan on Women, Peace and Security, under the global UN Resolution 1325 initiative for countries emerging from conflict. NGO advocacy efforts ensured that the Plan included recognition of the ongoing harm and disadvantage of many women CRSV survivors, especially women in rural and remote areas who lacked support. The Plan supported the implementation of the CAVR recommendations on reparation.

In 2018, ACbit conducted a major national participatory action research (PAR) project with women survivors and, in 2019, published the 42-page report ‘Improving the lives of women survivors in Timor-Leste: 77 women’s struggle for peace and justice’.²⁵⁶ The report includes a call to action for a multidimensional approach to reparation. ACbit is the main organisation working with women survivors of CRSV. Older groups, such as Fokupers, PRADET etc., have shifted their focus to current cases of domestic violence. They acknowledge that there are survivors of violence from the conflict among their clients, but they do not maintain records to identify them as a specific group.²⁵⁷

The Covid-19 pandemic has presented challenges to all NGOs bringing women survivors together, but gradually community-based programmes have resumed. One strategy with women CRSV survivors is to integrate advocacy with broader NGO and civil society advocacy on gender-based violence against women and girls. In 2022, as part of broader research by 23 NGOs into village-level violence against women and girls 20 years after the restoration of independence, ACbit facilitated the participation of many women CRSV survivors.

250 RDTL National Parliament, ‘Resolution No 34/II: Implementation of the recommendations of the Commission for Reception, Truth and Reconciliation and the Commission of Truth and Friendship’ (14 December 2009) (unofficial English translation), <http://www.etan.org/et2009/12december/20/11parliament.htm>, accessed July 2023.

251 Working Group on Reparations for Parliamentary Committee A, ‘Concept paper on a national reparations program for Timor-Leste’ (July 2008), <https://www.ictj.org/sites/default/files/ICTJ-TimorLeste-Reparations-Concept-2008-English.pdf>, accessed July 2023.

252 Leigh-Ashely Lipscomb, ‘Beyond the truth: Can reparations move peace and justice forward in Timor-Leste?’, Asia Pacific Issues No. 93 (East-West Centre, Honolulu, March 2010), <https://www.files.ethz.ch/isn/114231/api093.pdf>, accessed July 2023.

253 Civil society attributed this prime ministerial initiative to the impact of a meeting he had with a group of “stolen children” on their first return visit to Timor-Leste, opening his eyes to this “unfinished business” of the conflict. For a report of this May 2016 visit, see AJAR, ‘A reunion for Timor-Leste’s stolen children’ (19 May 2016), <https://asia-ajar.org/2016/05/19/reunion-stolen-children-timor-leste/>, accessed July 2023.

254 Prime Ministerial Working Group on a CAVR Follow On Institution, ‘Report on the status and future of CAVR’s recommendations’ (15 July 2016) (on file with AJAR).

255 RDTL, Decree-Law No. 48/2016 on Establishing the Chega! National Centre Public Institute: Through Memory to Hope (Timor records, unofficial English translation, 2016), <https://timorarchives.files.wordpress.com/2019/02/cnc-decree-2016-min.pdf>, accessed July 2023.

256 ACbit, ‘Improving the lives of women survivors in Timor-Leste: 77 women’s struggle for peace and justice’ (ACbit, 2019), http://chegabaita.org/wp-content/uploads/2020/01/1l-par_report_eng-s.pdf, accessed July 2023.

257 AJAR, ‘Interviews with Fokupers’ (22 and 30 November 2022) and ‘Interview with PRADET’ (25 November 2022).

ACbit has also brought together women survivors of CRSV and of contemporary peacetime sexual violence to jointly advocate, including meeting parliamentarians and government service providers. ACbit reports that this joint advocacy has at times made powerful breakthroughs with decision-makers who otherwise have had more focus on current-day violence against women and girls.²⁵⁸

In addition to PAR and advocacy reports, ACbit has supported women survivors' advocacy on a range of initiatives. Some examples include:

- Local district conflict-history educational walks, with women survivors leading groups on tours of their towns explaining events of the conflict-related violations against women and girls, highlighting everyday sites and buildings where violence was perpetrated. These have often been initiated as part of the National 16-Days of Activism Against Violence Against Women.
- Local town exhibitions, highlighting parts of the CAVR final report and documenting specific communities' experiences during the conflict, relating and updating community members' individual stories.
- *Pirilampu* (Fireflies) music theatre project, with accompanying book, developed by women survivors in partnership with youth musicians inside the former Comarca political prison in the capital, Dili.
- Participation in youth workshops on peace and non-violence to share their stories of the conflict years and advocate for non-repetition.

- A gradual increased presence at major national conflict-related commemorative events, demonstrating increased recognition by the state and national leadership.

At the moment, there are key advocacy opportunities to advance reparations in Timor-Leste. Influencing the work of the CNC, which will be leading on the establishment of a National Action Plan on Reparations by the end of 2023, is one of them. Additionally, the development of a new National Action Plan for Women, Peace and Security (UNSCR Resolution 1325) offers the opportunity to focus more on the need to finally implement a reparation programme for women CRSV survivors and children born of rape. ACbit, the CNC and 15 other ministries are engaged and or have been consulted in this process.

The National Working Group on Reparations, established in late 2021 under the chair of the CNC, presents the best opportunity for official buy-in to the development and implementation of a national reparation scheme. A key advocacy aim is to ensure that women survivors of CRSV, and their children, are a central part of this process so that they can help shape future reparation programmes. There is a risk that they are marginalised from future programmes.

Lastly, the current GSF-supported project provides renewed opportunities to further strengthen the advocacy capacity of women survivors. In particular, through initial PAR, survivors have called for the holding of a national congress of women survivors of CRSV. Survivors aim to strengthen their own network so that women can do more to directly support each other, including working together to lead advocacy for their rights, including the right to reparation.

258 AJAR, 'Interview with Manuela Pereira Leong, Director ACbit' (October 2021).



Stone and Flower is a participatory method used to map survivors' feelings and experiences of justice, truth-telling, healing, and living free from violence in the domains of the self, family and society. Flowers are used to represent a positive experience, whereas stones signify negative responses. Rotuto, Manufahi Municipality, 2020.

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IX. OPPORTUNITIES FOR REPARATIONS

Local and international civil society organisations have been providing various forms of assistance to victims during and after the conflict. This has included advocacy and memorialisation initiatives, building confidence capacity and workshops. Recent developments such as the creation of the *Pirilampu* (Fireflies) organisation by survivors represents a major step for CRSV survivors in improving their sense of personal and collective agency. Such developments have renewed hope that survivors may successfully advocate for and receive reparations.

Civil society organisations are also taking steps to include neglected groups of survivors. For example, children born of rape, who are now adults, were involved in the PAR with AJAR. This project has also included LGBTQI+ survivors of CRSV and members of the “stolen children” group. Increased CSO work with marginalised groups makes such survivors visible, identifies their needs and includes them in reparation measures.

At the national level, there has been some progress towards creating momentum for reparations. The *Centro Nacional Chega!* (CNC) has become an established government institution that is able to leverage its relationships with numerous government

ministries and key civil society organisations, including ACbit, in creating a reparation programme for survivors of CRSV. The establishment of the National Working Group on Reparations is an important step towards implementing reparations for CRSV survivors. This presents an opportunity for CSOs and individuals with local expertise to share information with the National Working Group and other key stakeholders to influence policymaking with respect to reparations for survivors of CRSV during the conflict.

The drafting of the Ministry of Social Solidarity and Inclusion’s (MSSI) reparation policy and the CNC’s intention for a national action plan on reparation for vulnerable victims are processes underway that the current leadership of the CNC and MSSI are planning and committed to. There is no clear timeline, as this will depend on the buy-in of high-level officials in government. The recent elections may result in a continuation or a change in these policies, based on the direction provided by the new government and appointment of the new minister. At the same time, CNC leadership will also participate in the process of evaluation. While it is important to manage expectations around these policies, such initiatives provide important opportunities for formalising the implementation of reparations.

“A reparations program is very important for victims of sexual violence from the past conflict. Through this program, their families can benefit, and it also creates a sense that the government values their suffering in the past.” – Maria Filomena Babo Martins, Director Secretary of State for Equality and Inclusion (SEII)²⁵⁹

259 AJAR interview (Dili, 12 October 2021).



X. THREATS TO EFFECTIVE REPARATION FOR CRSV

Threats to effective reparation for CRSV survivors include the entrenched climate of impunity in Timor-Leste. The country's political leadership has avoided holding Indonesia accountable for their violations or pursuing measures that could jeopardise Timorese-Indonesian relations. In addition, senior political figures including Xanana Gusmão have previously objected to a call for reparation. Given that Gusmão's party won the 2023 parliamentary elections, a lack of political will may hinder efforts to secure reparation. Following the parliamentary elections, there is a risk that a change in government policies may hinder the current momentum for reparation.

In addition, a core issue is the lack of understanding of the principles of reparation amongst certain ministries and key political figures. Training and awareness-raising programmes on international standards of reparation are necessary to potentially increase the political will for reparation measures.

There is a continued lack of engagement of the National Parliament in the follow-up to the CAVR final report, including recommendations on reparations for survivors. There continues to be a lack of parliamentary champions. If a full reparation programme was dependent on legislation being passed by the National Parliament, this lack of historical engagement, awareness or support could be a threat to success. There is a strong argument for leveraging the existing CNC law as the legal foundation for a reparation programme, rather than again taking the matter to the National Parliament.

To the extent that reparation measures are available and accessible to survivors, its effectiveness may be threatened by negative community responses. There is a risk of jealousy towards beneficiaries of reparation programmes. In cases of survivor's potentially receiving financial and material assistance, jealousy

from communities is exacerbated by the widespread poverty in rural areas. This poses a significant threat to marginalised groups of survivors, including LGBTQI+ people, children born of rape and male survivors of CRSV. Already marginalised members of the society are likely to face greater discrimination and potential security threats when they benefit from reparation.

The prevailing culture of victim-blaming in Timor-Leste poses an ongoing threat to effective reparation, as survivors who seek a remedy for the harm they have suffered often face social stigma and discrimination which worsens the already serious long-term impacts of CRSV. If actors providing reparation measures do not take adequate measures to ensure survivors' protection, their efforts may result in the re-traumatisation of survivors. Continued stigmatisation of women and other survivors of sexual violence – conflict-related and current-day – presents an ongoing obstacle for survivors to come forward. This may be an even larger obstacle for survivors from groups that have been largely excluded from outreach and support programmes such as members of the LGBTQI+ community and male survivors, who face extra layers of social taboos and discrimination.

Another threat to reparations for CRSV survivors in Timor-Leste is the relative lack of attention to the historical situation in the country and a corresponding lack of funding from the international community. Engaging with Timor-Leste is not a diplomatic priority for many countries. This lack of political will and lack of engagement from the international community may hinder efforts to secure funding for reparations.

Future reparation projects and policies will need to include a risk assessment, a plan to ensure their effectiveness, engage the support of government agencies and ensure the participation and centrality of survivors.



XI. RECOMMENDATIONS

11.1. Recommendations for the Timor-Leste government

The government of Timor-Leste is responsible for providing full reparation to CRSV survivors. Accordingly, the government should:

- Urgently implement the recommendations of the CAVR on providing timely, holistic and transformative individual and collective reparations, including compensation, rehabilitation and symbolic measures.
- Consider survivors of sexual violence a priority as per the CAVR recommendations since they are among *“the most vulnerable survivors of human rights violations”* (article 6.a).²⁶⁰
- Establish the necessary mechanisms to ensure that all survivors – including marginalised groups such as members of the LGBTQI+ community, male survivors and children born of rape – are able to voice their needs and meaningfully participate in reparation efforts.
- Ensure that all human rights violations including CRSV are investigated, perpetrators prosecuted and adequately punished, and that recognition and reparation are provided to victims and survivors.
- Strengthen relationships with CSOs including the NVA, ASEPPOL, Fokupers, ACbit and AJAR to build on their gender expertise and design holistic reparation programmes.
- Implement the National Reparations Policy that is being drafted by the Ministry of Social Solidarity and Inclusion, and support the development of a national action plan on reparation, in particular advocating for the inclusion of appropriate processes and provisions for reparation for CRSV survivors.

In order to deliver on a **reparation programme for CRSV survivors**, the National Working Group on Reparations must consider the following actions, among others, to respond to survivor’s rights and needs:

- Respond to the urgent needs of CRSV survivors and set up an administrative reparation programme, through individual lump-sum payments or pensions.
- Ensure that CRSV survivors qualify for free and adequate medical and psychosocial care and other forms of reparation.
- Establish a system to identify children of CRSV survivors to provide them with access to scholarships and vocational training.
- These processes should meet international standards (including accessibility, effectiveness, non-discrimination, gender equality and inclusion). They should be preceded by and implemented with the consultation and participation of CRSV survivors.

The Secretary of State for Equality and Inclusion (SEII) must:

- Monitor the process of the National Working Group on Reparations and the CNC to ensure that women CRSV survivors are fully engaged in the co-design and as beneficiaries of a national reparation programme in line with the National Action Plan for UNSCR 1325 on Women, Peace and Security.
- Support the initiative of women CRSV survivors to form a national network with local municipal branches as key for women survivors to empower themselves.

For **memorialisation and acknowledgment**, the SEII must lead efforts to document, memorialise and publicly recognise the harms suffered by CRSV survivors and how these have been linked to cultures of victim-blaming and patriarchal norms.

260 CAVR, ‘Chega! Vol. IV, Part 11: Recommendations, 12.9 Target beneficiaries’ (November 2013), p. 2618, <http://chegareport.org/Chega%20All%20Volumes.pdf>, accessed 16 June 2023.

In terms of **guarantees of non-repetition**, the SEII should:

- Train the municipal authorities, Chefe Suco, Suco Councils, Chefe Aldeia judiciary, police and prosecuting authorities, judges and medical and legal experts on the legal standards relating to the prevention, documentation and response to gender-based violence, including CRSV.
- Promote gender equality and non-discrimination in public messaging and school curricula.
- Take appropriate measures to ensure that all victims of sexual and gender-based violence have access to redress, including symbolic recognition and compensation for material and moral harm suffered, access to rehabilitation services and access to justice.
- Put women at the centre of policy change, solutions and recovery through support for grassroots women's rights organisations, especially those providing essential services to hard-to-reach, remote and vulnerable populations, and ensure women's community organisations are represented in decision-making processes.²⁶¹
- Guarantee the inclusion and participation of diverse categories of CRSV survivors of all genders.

On **justice seeking**, the SEII should:

- Disseminate survivor-centric and trauma-informed information on the mechanisms and procedures for seeking remedies for violations of the rights of CRSV survivors, especially in rural areas.

- Strengthen the gender responsiveness and gender sensitivity of the justice system by increasing the number of women in the judiciary and providing systematic training to legal professionals on gender issues.
- Enable access to legal aid to CRSV victims and survivors.

On the **protection of LGBTQI+ persons**, the SEII should:

- Introduce an anti-discrimination law, to explicitly prohibit discrimination of all kinds, including on the basis of sexual orientation, gender identity and expression, and sex characteristics (SOGIESC) in all areas of public and private life.
- Legalise same-sex relationships and marriage.
- Introduce the specific offence of "hate crimes" into the Penal Code including appropriate punishments for the perpetrators of hate crimes against LGBTQI+ individuals and other minorities.
- Introduce a gender recognition law to guarantee every person the right to have their self-defined gender identity recognised on all official documents issued by the state through a simple administrative procedure.

11.2. Recommendations for civil society

Civil society actors in Timor-Leste play a crucial role in providing emergency and longer-term assistance and support to many people in Timor Leste, including survivors of CRSV. Such actors should consider taking measures to:

261 UN Women, 'In brief: Women's needs and gender equality in Timor-Leste's Covid-19 response' (2020), <https://asiapacific.unwomen.org/en/digital-library/publications/2020/05/in-brief-womens-needs-and-gender-equality-in-timor-lestes-covid-19-response>, accessed July 2023.

- Undertake advocacy initiatives targeted at the government and international partners to ensure the implementation of an adequate, effective and inclusive reparation programme.
- Continue engagements with conflict-affected communities to address knowledge and information gaps regarding their rights, government obligations and avenues for redress.
- Encourage and facilitate dialogues with marginalised survivor groups, including LGBTQI+ survivors, male survivors and children born of rape, to understand their needs.
- Take measures to protect the safety and privacy of individual survivors.
- Engage key stakeholders in the community to advocate for greater support and reintegration of CRSV survivors and children born of war.
- Advocate for establishing training and awareness-raising programmes for members of the National Parliament and identified key ministers, including on international standards set out in the 2007 Nairobi Declaration on Women’s and Girls’ Rights to a Remedy and Reparation and the 2014 UN Secretary-General’s Guidance Note on Reparations for Conflict-related Sexual Violence, the UN High Commissioner for Human Rights analytical study focusing on gender-based and sexual violence in relation to transitional justice, the findings and recommendations of the UN Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence, and the 2022 Kinshasha Declaration on the Rights to Reparation and Co-creation of Survivors and Victims of Conflict-Related Sexual and Gender-Based Violence.
- Establish relationships with Indonesian organisations and work with them to continue to identify, support and reunite family members with the “stolen children” still living in Indonesia. Also coordinate with such Indonesian organisations to support CRSV survivors living in West Timor.

11.3. Recommendations for the international community and donors

- The international community and donors should support Timorese CSOs with funding and technical support in relation to the implementation of reparations to survivors, including CRSV survivors. They should also support legislative reform aimed at promoting gender equality, redressing CRSV and guaranteeing non-repetition of the crimes committed by the Indonesian military and Timorese militia.
- Ensure adequate resources for a survivor-centred and holistic response to CRSV, premised on justice and accountability.
- Pressure the Indonesian government to repeal any laws or policies providing immunities to perpetrators of violence in Timor-Leste.
- Provide technical assistance to the CNC on international human rights standards for reparation programmes and on gender-competent approaches to a reparation programme.
- Establish a global reparation fund to support reparation efforts by nation states.
- Increase funding for medical support programmes including sexual and reproductive health services and psychosocial support to CRSV survivors.
- Fund programmes focused on providing solidarity and family relations and providing access to social workers, to address the violence survivors face within their families such as domestic violence or marital rape.
- Immediately begin to work with Timor-Leste’s civil society organisations and relevant international agencies to effectively provide aid directly to the people in need.



Survivors and members of the Pirilampu group take a picture together after the signing of the Declaration of the Establishment of Pirilampu in Liquisa, October 2022.

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XII. CONCLUSION

This Study has established that CRSV was pervasive during the conflict in Timor-Leste. Throughout this Study, we have examined the historical context, the impact of sexual violence on survivors and the existing support mechanisms in place. It is evident that survivors of sexual violence continue to face profound psychological, physical and socio-economic challenges decades after the conflict.

While Timor-Leste has made progress in acknowledging the experience of some survivors of human rights abuses and establishing institutions such as the National Working Group on Reparations, there is an urgent need to implement comprehensive reparation programmes for survivors of CRSV. These programmes should adopt a holistic approach to reparation and encompass a range of measures such as medical and psychosocial support, access to justice, economic empowerment and community reintegration.

Reparations must be designed to not only address the immediate needs of survivors but also the long-term needs and the underlying factors that perpetuate sexual violence. This requires a multi-faceted approach that includes educational reform, awareness campaigns and state-led policies that challenge societal norms, promote gender equality and end the cycles of repression that lead to acts of sexual violence.

In addition, the involvement and participation of survivors in the design and implementation of reparation programmes are crucial. Their voices and experiences should inform and lead the decision-making processes to guarantee that the solutions are sensitive to their specific needs.

International support and collaboration are key to facilitating the implementation of sustainable and comprehensive reparation programmes in Timor-Leste. International organisations, governments and human rights bodies should provide financial assistance, technical expertise and advocacy to empower survivors and strengthen the capacity of local institutions.

Reparation for survivors of CRSV in Timor-Leste is a matter of justice, and a critical step towards healing, reconciliation and building a resilient society in the aftermath of conflict and electoral violence. In recognising the rights and dignity of survivors and addressing the historical and systemic causes of sexual violence, Timor-Leste can pave the way for a brighter future for survivors, their children and future generations.



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LIST OF ACBIT-AJAR INTERVIEWS

Interviews conducted specifically for this Study

Interviews, focus group discussions (FGDs), and participatory action research (PAR) workshops are detailed below:

Date	Organisation/Group	Type
29 June 2022	Stolen children (9 people)	FGD
4–7 July 2022	Women survivors and children born of rape (31 people)	PAR
July 2022	Women survivors (20 people)	Interviews
August 2022	Women survivors (37 people)	Interviews
29 August 2022	LGBTQI+ group (5 people)	FGD
31 August 2022	Male ex-prisoners and victims (4 people)	FGD
2 September 2022	LGBTQI+ person	Interview
2 September 2022	LGBTQI+ person	Interview
2 September 2022	LGBTQI+ person	Interview
9 July and 7 September 2022	LGBTQI+ person	Interview
12 September 2022	LGBTQI+ person	Interview
22–23 October 2022	<i>Pirilampu</i> women survivors group (32 people)	PAR/discussion
16 November 2022	ALFeLa	Interview
16 November 2022	ASEPPOL	Interview
22 and 30 November 2022	Fokupers	Interview
25 November 2022	PRADET	Interview
2 December 2022	National Victims' Association	Interview

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AJAR. 'Interview with Jose Luis de Oliveira, Director AJAR Timor-Leste' (12 October 2021).

AJAR. 'Interview with Hugo Fernandes, Director CNC' (Dili, 13 October 2021).

AJAR. 'Interview with LGBTQI+ Activist A' (28 February 2022).

AJAR. 'Interview with municipal VPU police officer' (28 February 2022).

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²⁶⁶ Note, the Fourth Cycle, due in 2020, is not posted on the OHCHR website.



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