

WHERE ARE THEY NOW?

Women Victims Ten Years After
The Chega! Report In Timor-Leste

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Women victims ten years after the Chega! report in Timor-Leste

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EXECUTIVE SUMMARY

It is a decade since the Timor-Leste Commission for Reception, Truth and Reconciliation (CAVR) handed over its final report to the president. A key finding was that women, along with men, suffered a range of civil-political and socio-economic human rights violations under the Indonesian occupation. Sexual violence was also perpetrated against women including rape and sexual slavery. The report outlined the harmful, compounding and inter-related physical, psychological and socio-economic effects of violations on women victims and made specific recommendations to address these.

Many of these recommendations have yet to be implemented and vulnerable women victims are still waiting for justice and the assistance they urgently need. ACbit recommends improving access to social services for women victims, addressing the root causes of violence against women, establishing a victim's trust fund with a focus on women and passing laws on reparations, which are gender sensitive.



INTROD

This paper will first summarize the key findings on violence against women during the Indonesian occupation of Timor-Leste and the associated recommendations from the final report of the Timor Leste Commission for Reception, Truth and Reconciliation (CAVR), *Chega!* Second, recent research conducted by *Asosiasaun Chega! Ba Ita* (ACbit), Asia Justice and Rights (AJAR) and by the National Victims Association will be outlined to highlight that ten years since *Chega!* was presented to the president of Timor-Leste, its recommendations have not been implemented and women victims are still without justice and the assistance they need. Finally, the paper will provide concrete steps to the government of Timor-Leste and civil society to move forward.



DUCTION

This paper was presented by Manuela Pereira at the Chega+10 Seminar, held at the Presidential Palace in Aitarak-Laran, Dili, 13 November 2015. ACbit would like to thank the UN Trust Fund for the Elimination on Violence against Women and UN Women Timor-Leste for their support for this research.



CAVR FINDINGS

The CAVR found that women, as well as men, suffered non-sexual human rights violations such as detention, torture, extrajudicial killings, property damage and forced displacement during the Indonesian occupation (1975 – 1999). Of a total 8000 statements CAVR received, 21% were from women who were either victims of, or witnesses to, human rights violations.

The CAVR also found that when Timorese men were detained, disappeared, killed or fled, Timorese women were forced to take on added burdens at home and in their communities. They became sole breadwinners and protectors of their children and other dependents in the absence of their spouses, fathers or brothers. Loss of their land, homes and productive assets increased their economic vulnerability. With few, if

any, resources to support themselves and their children, they became increasingly vulnerable to abuse by members of security forces or civilians. They also had to deal with the stigma of being a woman alone and struggling to survive.

Women and girls were also the main victims of sexual violence. CAVR documented 853 counts including rape, sexual slavery and other forms of violence such as sexual torture, public sexual humiliation and sexual harassment. Importantly the commission noted that due to the personal and social consequences of disclosing experiences of sexual violence, many other women victims did not come forward so the actual figure is likely to be much higher.¹

The CAVR report highlights the impact of these human rights violations, and in particular sexual violations on Timorese women.² Women victims of sexual violence suffered physical consequences including reproductive health and gynecological complications such as untreated sexually transmitted infections (STIs) and unwanted pregnancies leading to unsafe abortions.

Women who gave birth to children of rape were discriminated against and ostracized by their community and family. This treatment also extended to their children. Prevailing social norms which blame and stigmatize the victim led to a range of psychological consequences for women victims including anxiety, fear, feelings of guilt and shame, isolation, loss of self esteem, suicidal thoughts and even the development of mental health problems.

Social consequences included rejection, isolation, and ridicule with some women being abandoned by their husbands and families or missing out on opportunities for marriage and a family. These social consequences made women more vulnerable to abuse and often affected their ability to support themselves and their families.

¹ Chega! Volume IV, Part 8: 'Responsibility and Accountability' (2005), p.2293

² Chega! Volume III, Part 7.7: Rape, Sexual Slavery and other Forms of Sexual Violence, p.2022 - 2033



CAVR RECOM

CAVR made a number of key recommendations to the government of Timor-Leste, civil society, religious organisations and Timorese community leaders with respect to women victims of violence. These focussed on recognition and justice, support and services, and efforts to address the root causes of gender based violence including measures to change harmful social norms. These included:



- Recognise the contribution of women to the resistance.
- Commemorate events and places significant to women victims
- Investigate historical cases where large-scale (gender-based) violations took place.
- Provide assistance to vulnerable women victims.
- Ensure access to reproductive health programs and information to both men and women.
- Ensure policies, sanctions and associated training for the armed forces and police services to promote gender equality, outlaw sexual exploitation and violence against women.



RECOMMENDATIONS



- Continue efforts to eliminate all forms of violence against women including: introduce legislation on domestic violence, provide resources and training to law enforcement, judiciary and legal aid groups, continue support for civil society groups providing response services and to those who work with men on transforming social norms.
- Take action to address prejudice against women victims.
- Continue annual and nation wide campaigns under the National 16 days of Activism against Violence Against Women.
- Strengthen gender equality through development and women's role in conflict mediation and peace-building.

TEN YEARS ON

A review of recent research and advocacy work with women victims finds that one decade after the submission of the report, many recommendations have yet to be implemented. The research also highlights that not much has changed for women victims. Ten years later, they are still struggling to make ends meet. They are still enduring discrimination and marginalization and they are still waiting for justice and the assistance they urgently need.



ACCESS TO JUSTICE

Women victims have not received justice for the human rights violations committed against them. The UN supported serious crimes process focussed on crimes that took place in 1999, despite its jurisdiction to look at crimes from 1975 and the Timorese government has not prioritized justice for past crimes. Those that have been convicted for the crimes of 1999 have now received pardons.

One key finding from a 2014 participatory action research project conducted by ACbit and AJAR was that of 50 women victims, only seven were involved in the serious crimes investigations and trials. Most of the 50 women experienced violations during the height of military operations in the 1980-1990s. From the seven who were able to access justice, six of these were trials of former militia members who were found guilty of murdering husbands or family members of women in the study. Only one case involved investigation and conviction of rape as a crime against humanity. In fact this was the only conviction of its kind in Timor despite findings from CAVR and many other sources that rape and other sexual violence was used widely during the Indonesian occupation. Even in this one case, where three women were taken to West Timor and raped by militia and Indonesian military, only the local Timorese militia who had returned to Timor-Leste were tried and convicted and they were later given a presidential pardon.

For the 50 women involved in the research, justice remains an elusive concept. Many described their preoccupation with the daily struggle to support themselves and their families and the lingering physical and psychological impacts of the violence they experienced.



ACCESS TO SERVICE

Women victims are marginalized from government benefits and unable to access health, education, psychosocial or economic support services easily. Research conducted by ACbit together with the National Victims Association in 2012, showed that out of 39 women victims interviewed, less than half were receiving any benefit from the government. Although this is a small a sample, it does indicate that women victims face obstacles to access support.

Women have been marginalized from the national veterans' scheme. Most are not receiving pensions for their own contributions to independence but rather receive a 'survival pension' as widows and children of male veterans.³ Other social assistance schemes available to women provide limited support and include Bolsa da Mae, to support vulnerable women with their children's education and health (between US\$5 and US\$30 per month) and elderly and disabled pensions. The latter offer a subsidy of \$30 per month payable to all Timorese citizens of at least sixty years of age and those over 18 who are totally and permanently disabled.⁴

Recent research (2015) commissioned by ACbit on service provision in Timor-Leste⁵ found that out of 16 support programs and services reviewed (half from government and half from civil society), only ACbit focussed explicitly on the needs of women victims of the conflict.⁶

The research also found that, while the Timor-Leste government and bilateral donors are supporting programs to support women victims of violence, the focus is on current victims of violence and not victims of the 1975-1999 conflict. For example the government's domestic violence strategy focuses on emergency health response (medical examination and treatment), crisis and medium term accommodation, psychosocial counselling and legal prosecution. In contrast according to ACbit, women victims of conflict related violence require ongoing support primarily with housing, chronic health conditions, psychosocial support and economic empowerment.

From the participatory action research, ACbit found 42 out of 50 women victims have received one-off assistance from government or NGOs with seven receiving psychosocial assistance including counseling from NGOs and eight receiving old age support. While this is a positive finding it is not enough - these women need ongoing support. ACbit has attempted to fill this gap providing direct economic assistance and advocacy support to access government services. To date ACbit has assisted 56 individual women victims and their families (totaling 400 persons) in nine districts.

³ Kent L. and N. Kinsella, 2014 A Luta Kontinua (The Struggle Continues): The Marginalization of Timorese Women in the Veterans Valorization Process, *International Feminist Journal of Politics*.

⁴ ACbit and AJAR, *Social Services Mapping, Timor-Leste, May 2015*

⁵ ACbit and AJAR, *Social Services Mapping, Timor-Leste, May 2015*

⁶ ACbit Baseline Study, 2015, p.10



“Life is not fair. I live like an animal that crawls on the ground. My life is difficult, I don’t have a decent house... But I get strength from working, making tais (traditional weaving) to sell, fetching water for cooking, raising chickens and pigs to sell.”

AM from Ainaro is a rape and a torture survivor—whose fingers were permanently damaged. Abandoned by her husband, she lives alone in a small house made out of palm leaves, in a compound owned by her niece. Her house has no furniture, save for a simple wooden day bed. When she returned home from West Timor after the violence of 1999, all her possessions had been burned and looted. AM provided her testimony to the CAVR but has received little support. Through ACbit, she was able to access assistance to repair her house and to buy weaving equipment.



ONGOING NEEDS OF WOMEN VICTIMS

This lack of access to services and on-going support is problematic as many women victims are still living with the consequences of the violations they suffered. These consequences are interrelated and compounding. For example, chronic health problems affect women's ability to support themselves and their families. Discrimination from family and community leaves them socially isolated and economically vulnerable. Unresolved trauma from the violations and losses they experienced affects their health and ability to work. Unresolved and unsupported, these consequences impact negatively on the lives of the children of women victims affecting their education, health and emotional well-being.

Of the 50 victims involved in the participatory research half reported that their father, son or husband had been killed or disappeared and 21 reported them detained, increasing these women's social and economic vulnerability. Some spoke of the ongoing illness and trauma suffered by male family members and how this affected their ability to work and often increased the caring burden on the women themselves.



Photo: Anne-Cécile Esteve for AJAR/ACbit.



VS's husband was killed by militia in 1999. She gave evidence to the UN serious crimes investigations, but a trust fund for victims was never established to help victims like her. As a single mother, she worked hard to meet the needs of her four children, making and selling cakes in front of the local high school. Susceptible to rain and floods, strong winds finally destroyed her rickety house in 2014. ACbit helped her access funds to repair her house.

"My husband died for this country. But until now no one has helped us. We live in poverty."

Prevailing gender inequality in Timor-Leste enables discrimination and stigmatisation of women victims. 80% of women victims surveyed by ACbit for a baseline survey said they experienced ongoing discrimination. Of the 50 participants in ACbit's participatory research nine reported children born of rape, 24 are widows, 20 single mothers and 26 had suffered sexual violence.

The women with children born of rape spoke of being left to raise their children alone with little or no family support and of facing harsh discrimination from their communities. Single women told stories of vilification and rejection by their communities, and of abuse and land grabbing by their families. Sexual violence survivors talked about being seen as "tainted", isolated by their communities and families and some were abandoned by their husbands. Widows are facing the sting of discrimination as their rights to land, property and benefits are contested by their in-laws.



MP standing in her house in Ainaro. A survivor herself, she joined AC-bit's research team and enthusiastically gathered her friends and family, women who experienced violence like her in her village. "There are many more," she said. MP provided her testimony to CAVR, later on she received a veteran's pension for her role in the resistance.



Photo: Anne-Cécile Esteve for AJAR/ACbit.



“When the Indonesians came to Baucau I didn’t flee to the forest but stayed at home. I was only young at the time. Soldiers came to my house and forced me; if I didn’t comply they threatened me with weapons. They asked me ‘Do you want me?’ I didn’t understand Indonesian so I just stayed quiet.”

From 1975 – 1979 FF was used by Indonesian soldiers whom she was forced to ‘marry’. She had three children during this time. She has lived with the judgement of her community. Her children are not close to her, possibly because they are embarrassed by what she went through. She struggles to survive living with her granddaughter under an old tarpaulin.

“Life is really hard now. I cannot sleep at night and I think about my children and why they don’t look after me. When I am sick I am alone in the house and no one cares for me.

What I earn from my business is only enough to feed us for a day. I sell sweets and drinks out the front of the school. My highest income for a day is 50 cents (USD). I know I have to work harder to earn more money but I just cant because I don’t have enough funds to start a bigger business and I am also getting older and weaker.”



Photo: Natalia de Jesus for ACbit.



AF is a survivor of rape during the violence of 1999, committed by Timorese militia and a mid-ranking Indonesian military commander. Supported by a local women's group, AF and two other survivors who were abducted and raped together brought their case to the UN-led hybrid court, resulting in a groundbreaking conviction of rape as a crime against humanity. However, scrutiny and ridicule shaped her life more than the verdict in 2003. She was not even informed of the court's decision for two years. The perpetrators were pardoned in 2008. Her case has been relegated to the footnotes of history. Isabel, one of the survivors, passed away due to an untreated disease. AF struggles with being forgotten:

"When I am by myself, I always recall what happened to me and my two friends. Sometimes I cry... When we sit together, we begin to imagine all the things that happened in the past. We begin to cry. We try to reassure each other. Maybe the information that we provided has now reached the state, so in the future we may get some kind of help. If we don't get anything then there is nothing left for us. We ask, "Have the women who took our statements forgotten us?" Isabel said to me and Laurinda, "I am very sick, I can accept it if it is only my children who receive assistance. I won't benefit from it, but my children should."



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IMPROVE ACCESS TO SOCIAL SERVICES FOR

Programs and services currently working on the elimination of violence against women in Timor-Leste must continue to be supported and must expand their focus to support women victims of conflict related violence.



- Program activities and services should be reviewed to ensure they are inclusive of women victims of conflict related violence in terms of meeting their specific needs and referring them to appropriate services.
- Women shelters in the districts (uma mahon) should be redesigned to become community-based trauma support centers for women victims of domestic violence and victims of the conflict, including livelihood support and community education efforts.
- Access to justice programs should include advocacy for land and inheritance rights of women victims, especially widows and single women and mothers, as well as protection from discrimination.



ACCESS TO FOR WOMEN VICTIMS

MSS must broaden their outreach and support to women victims.



- While MSS has been supporting civil society since 2010 to reach out to women victims (and in the last three years this has assisted 120 women victims with small grants) this must be expanded to meet the need. MSS should work with women's groups and NGOs in the districts to reach out to vulnerable women victims to improve knowledge of their entitlements. ACbit suggests a target of 2000 – 3000 new recipients for 2016.
- Victim focussed units should also be established in government agencies to help channel information to women victims about available services, training, benefit opportunities, and provide assistance with filling in forms and procedures necessary to access available services.
- Government assistance for housing, health care, and psychosocial support, as well as facilitation of transport to enable access to these services when required, should be prioritised for women victims.
- Fund and support job creation, skills training and micro credit programs for women victims
- Provide specialised services for children of victims, including children born of rape, such as: school and tertiary level scholarship programs; skills training; psychosocial support and health services and review policies and programs which discriminate against children of victims e.g. processes to apply for scholarships and public service positions. Identify and overcome barriers to accessing services, including health and education.

**These benefits should not affect victim's entitlement to reparations.*



ADDRESS THE ROOT CAUSES OF VIOLENCE AGAINST WOMEN INCLUDING MEASURES TO CHANGE HARMFUL SOCIAL NORMS

The link between conflict related and peacetime violence against women and girls must be recognized. The same root cause of social norms of gender inequality and lack of women's rights must be addressed and efforts made to make changes.

- Efforts to shift harmful social norms must include service providers, MSS staff, community and religious leaders, teachers and youth.



Budget and implement programs for awareness and behaviour change work around *stigma faced by widows, single mothers and single women*.

- Strengthen social movements fighting against their discrimination.
- Review and change discriminatory legislation and customary laws in areas affecting the rights of widows, single mothers and single women such as land, property and inheritance rights.



Support the commemoration of events and/or the mark sites of violence specific to women victims.

- This is important to educate citizens on past atrocities and prevent repetition. These initiatives can be driven by civil society but ultimately states have a duty to preserve the memory of crimes against women. Women victims themselves must be involved in the planning and implementation.



ESTABLISH A TRUST FUND FOR VICTIMS

Develop a model for a victim's trust fund with a focus on women victims (provisions for which exist under Timorese law but have not been implemented).

- Under Regulation 2000/15, a Victims Trust Fund should have been established as part of a strategy to strengthen victim's participation in the serious crimes process. The Trust Fund was never established, but exists under Timorese Law. The law states:

25.1 A Trust Fund may be established by decision of the Transitional Administrator in consultation with the National Consultative Council for the benefit of victims of crimes within the jurisdiction of the panels, and of the families of such victims.

25.2 The panels may order money and other property collected through fines, forfeiture, foreign donors or other means to be transferred to the Trust Fund.

25.3 The Trust Fund shall be managed according to criteria to be determined by an UNTAET directive.



- The President should be encouraged to establish this trust fund as an initiative to support victims. The Government, in consultation with civil society and victims' groups, can study models such as the UN's Trust Fund for Victims of Torture, and the ICC Trust Fund. This Trust Fund can function as part of a government program dedicated to recognition and assistance to victims



ESTABLISH THE INSTITUTE OF MEMORY & REPARATIONS PROGRAM

Review and pass draft law on reparations

- A draft law on reparations has been prepared by parliament since 2010. However, debate on the draft law has deadlocked. The parliament and government should pass this law, with consultation and participation of women victims, to ensure that victims' rights are protected. Although Indonesia bears the moral, political, and legal responsibility for the majority of violations that took place during the conflict, Timorese actors also committed violations during the civil war and Indonesian occupation. The Timorese government is responsible for the welfare of victims who continue to suffer from the past, and cannot fully participate as citizens in the new Timor-Leste.
- A concerted effort needs to be made to revisit the draft law and ensure that gender considerations and victim's and civil society participation are principles that are reflected throughout the document.
- Further action needs to be taken to ensure that women victims can fully participate and benefit from these programs. Only then can women who were affected by the conflict move on from being victims to survivors.

