

**DOMESTIC VIOLENCE IN TIMOR-LESTE:  
A REVIEW OF THE EFFECTIVENESS OF POLICY  
INTERVENTIONS**

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## Declaration

I certify that this thesis represents my own original work towards this degree and to the best of my knowledge and belief, contains no material that has previously been submitted for a degree or diploma at this University or any other institution, except where due acknowledgement is made.

Marilia da Silva Alves



19 June 2021

## Abstract

In the past two decades, various studies have shown the increase of Gender-Based Violence (GBV), particularly domestic violence in Timor-Leste. The alarming trends of GBV tolerance in Timorese society still exist even after the promulgation of the Law Against Domestic Violence (LADV) in 2010 and the adoption of its three years National Action Plan (NAP-GBV) 2012-2014. The study of domestic violence has tended to focus on the description of its complexities, the nature, and the consequences of the violence to women, children, and society in general. The research on evaluating the service provision and attitude changes in society towards domestic violence is meagre. Using published and unpublished sources this thesis investigates the effectiveness of government policy intervention on domestic violence in Timor-Leste focusing on the implementation of NAP-GBV 2012-2014. The NAP-GBV is an integrated approach that provides a framework to establish strategic, coordinated, and long-term effort fighting against GBV in Timor-Leste. Different government ministries and institutions, national and international NGOs, and service providers have been involved in supporting and executing the programs and activities outlined in the NAP-GBV. The Action Plan is composed of four main pillars: prevention, service provision, access to legal formalities and monitoring and evaluation. It aims to deter the violence before it occurs through awareness-raising, education, and economic empowerment, provide accessible service to victims of violence, hold perpetrators to account, and ensure effective evaluation.

This thesis critically scrutinises the implementation of the NAP-GBV using the United Nations Entity for Women (UN Women) guidelines on effective NAP as an analysis framework. By researching evaluation reports commissioned by the government on the NAP-GBV 2012-2014 and other reports from NGOs service providers, this thesis examines how the policy was evaluated and how different stakeholders collaborated to achieve the plan's outcomes, as well as identifying gaps and challenges encountered. The thesis finds that the government evaluation report suggests that the goals of NAP-GBV were generally achieved. Domestic violence is now being considered as a public offence within Timorese society, and more cases are brought to criminal justice systems according to the Law Against Domestic Violence. However, there were challenges and gaps that need to be addressed to reduce domestic violence in Timor-Leste. These include the limitations of professional staff in the social, justice and health sector responding to domestic violence, lack of financial and human resources in relevant ministries to execute the Action Plan, and lack of coordination,



monitoring, and evaluation systems. Effective collaboration is essential, and the role of individuals representing key implementing institutions is influential in the success of the interventions. The evaluation report also shows the lack of intervention on perpetrators rehabilitation mechanisms to reduce recidivism. Hence, the adoption of specific measures such as Cognitive Behavioural Therapy (CBT) in dealing with the perpetrator is important to consider in the future NAP. Further research on enablers and inhibitors of evidence-based practice in interventions related to domestic violence planning and program design is very important to the efforts of tackling domestic violence in Timor-Leste.

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“The most authentic thing about us is our capacity to create, to overcome, to endure, to transform, to love and to be greater than our suffering.”

—Ben Okri

## List of Abbreviations

Abbreviations	Term
ADB	Asian Development Bank
ALFELA	Legal Aid for Women and Children
CAVR	Commission for Reception, Truth and Reconciliation Timor-Leste
CEDAW	Convention on the Elimination of Violence against Women
CSO	Civil Society Organisation
DFAT	Department of Foreign Affairs and Trade
DHS	Demographic and Health Survey
DV	Domestic Violence
EVAW	Ending Violence Against Women
FOKUPERS	Forum Communication for Timorese Women
GDP	Gross Domestic Product
JSMP	Judicial System Monitoring Program
LADV	Law Against Domestic Violence
MSS	Ministry of Social Solidarity
NAP-GBV	National Action Plan on Gender-Based Violence
NGO	Non-governmental Organization
NSD	National Statistics Directorate
PDHJ	Ombudsman of Human Rights and Justice
PRADET	Psychosocial Recovery and Development in East Timor
SDGs	Sustainable Development Goals

SEM	Secretary of State for the Support and Socio-Economic Promotion of Women
SEPI	Secretary State for Promotion Equality
UN	United Nations
UN Women	United Nations Entity for Gender Equality and the Empowerment of Women
UNDP	United Nations Development Program
UNFPA	United Nations Population Fund
WHO	World Health Organisation World Health Organisation



# Chapter 1. Introduction

## 1.1. Background

Domestic violence is a widespread and serious problem that causes enormous harm to individuals, families, and communities. Globally, one in three women (30%) or about 736 million, have suffered from sexual or physical violence in their lifetime (WHO, 2013). In Timor-Leste, Domestic Violence (DV) remains a serious concern where 33% of women have experienced physical or sexual violence in their lifetime, and of those, 81% have experienced a repeated incident (GDS, 2016). Despite the urgency and the severity of the problems, few coordinated efforts have been made to address this issue, leaving many victims of violence unaware of their rights and what they can do to stop their sufferings. Moreover, failing to stop the circle of violence and its root causes, means that DV and other forms of Gender-Based Violence (GBV) will keep on repeating themselves with the new generation. Patriarchal beliefs, customs and practices often rule, compromising women's rights and freedom, resulting in the high occurrence of domestic violence and other gender-based violence (ADB, 2014). The prevalence of DV has increased alarmingly and poses a considerable long-term impact on socio-economic costs, personal security, and significant costs for the country's economy, and other key sectors such as healthcare and the criminal justice system (WHO, 2013). Therefore, this study aims to critically examine the effectiveness of attempts to prevent abuse and alleviate the impact of violence suffered by victims or survivors. A multi-pronged approach is essential to contribute to eradicating the violence (Yogaratnam, 2012). To eradicate DV, a multi-stakeholder accountability approach is required, which involves monitoring State and non-State actors for compliance and including them as direct responsibility bearers for prevention, protection, and transformation (Manjoo, 2013). According to the Duluth model evidence from DV services, a coordinated response to DV will lead to the achievements of effective outcomes (Duluth Center, 2015).

Feminist understandings of domestic violence emphasise the use of violence to maintain control over the woman in the intimate relationship, including physical, psychological, sexual, and economic abuse which serve to “undermine a woman's autonomy and limit her power in the relationship” (Chalk and King, 1998, p.37). According to feminist theory, particularly radical feminist, social structures support the inequalities towards women in society leading to perpetuating the dominance of males (Dobash, 1979; Day et al., 2009).

Feminists argue that patriarchal prejudices exist in social structures such as the labour market, tax system, judicial system, and welfare system, and that men are favoured or facilitated by these mechanisms, which ultimately reinforce male violence. Gendered power relations are the basis of patriarchy, and this concept is used by feminist theorist to explain why males are violent towards women in the household (Wendt and Zannettino, 2014). In a patriarchal society like Timor-Leste, partner abuse is often considered as a private matter and a normal aspect of marriage. There is a term in the local language “*bikan kanuru baku malu*” (Plate and spoon hit each other) which reflects the normalisation of domestic violence in Timorese society (Alves et al., 2009). Women are expected to perform domestic chores and are often not involved in the decision making within the household and the public sphere. Drawing from the feminist theory, domestic violence occurs as a consequence of traditional gender-role expectations and gender power imbalances in a patriarchal society (Arnall & Stewart, 2021). This conceptual framework is reflected in current interventions where the analysis of social and historical DV has been instrumental in the formulation of ideas, program structures and goals to challenge gender power inequalities. It advocates for State intervention in the private realm, such as domestic violence through the adoption of legislation and regulatory measures in compliance with international human rights obligations (Nakray, 2013; Houston, 2014).

In Timor-Leste, domestic violence law came into effect in 2010, followed by adoption of a three-year National Action Plan on Gender-Based Violence (NAP-GBV) for 2012-2014 which was then extended until 2016. The plan is composed of four pillars: victim service, prevention of violence, prosecution, and monitoring and evaluation (Government of Timor-Leste, 2017). However, according to Graydon (2016), the evaluation of the implementation has proven to be very slow. In 2017 the government launched a second revision of the NAP GBV for 2017-2021 to include more comprehensive intervention, lessons learned and best practice in tackling DV in Timor-Leste (The Government of Timor-Leste, 2017). These actions were also supported by international organisations such as the Australian government, UN Agencies and the European Union as well as local Non-Government Organisation (DFAT, 2018). Despite significant financial and human resources contributions from relevant stakeholders, large gaps in programming across all sectors persist. These gaps include, firstly, the lack of reliable data collection and management systems and secondly, the limited service and facilitation for victims of violence, such as shelters, transit houses and health examinations. Meanwhile the number of cases increased over time, while there was a lack of funding and professional staff to implement the Action Plan as well as poor coordination, monitoring and



evaluation (Noronha, 2015). Third, there was a lack of policy implementation on health, psychosocial, security and protection for the victims due to human resource shortages, inadequate funds and weak monitoring and evaluation systems (TAF, 2016).

Therefore, this study, will analyse the effectiveness of policy intervention in addressing DV in Timor-Leste by using the UN Women guidelines on effective NAP to investigate the implementation of the NAP-GBV 2012-2014 with the focus on how the policy was evaluated and the collaboration among relevant stakeholders, as well as to identify the gaps and challenges need to be addressed.

## 1.2. Research Question, Aim and Objective

The question that needs to be addressed by this study is:

*How effective are the policies and interventions in addressing Domestic Violence in Timor-Leste?*

The research aims to review the evidence regarding the effect of domestic violence programs focusing on the analysis of the effectiveness of the four pillars of NAP-GBV to curb domestic violence, and to provide recommendations for possible redesign of the program priorities to target areas of intervention needed to be effectively responding to the problems.

The objectives of the research are:

Objective 1: To analyse the current situation of domestic violence in the context of Timor-Leste: the nature of violence, the root causes and contributing factors.

Objective 2: To analyse the prevalence and the impact of domestic violence in the context of Timor-Leste.

Objective 3: To review the evidence regarding the effect of domestic violence program focusing on the analysis of the effectiveness the four pillars of NAP-GBV to curb domestic violence.

## 1.3. Thesis Structure

Chapter two identifies the state of knowledge about domestic violence by assessing the main theoretical approach for DV focusing on the analysis of DV through feminist conceptual framework where males are using violence to exert power, control, and authority over women due to patriarchal beliefs that perpetuate oppression towards women in society. The chapter

discusses challenges the perception that DV is private matters and reframes it as a human rights problem and a public concern that requires State actions to respond to, prevent and eradicate.

Chapter three investigates the DV issue in the specific context of Timor-Leste by looking at the type of violence, the risk factors associated with the DV problems, the prevalence and its consequences to women and the development of the country. Drawing upon the feminist perspectives on DV discussed in chapter 2, this chapter examines the association between unequal gender power relations, patriarchal systems as the legacy of colonisation and occupation, and the increased prevalence of DV against women in the country.

Chapter four makes an argument about the obligation of the State under international and national legal frameworks in undertaking the special measures responding to domestic violence in Timor-Leste to ensure the fulfilment of victim's rights to justice and recuperation. The chapter will focus on the Law Against Domestic Violence (LADV), the National Action Plan on Gender-Based Violence 2012-2014 and other initiatives undertaken to address DV and other GBV issues in Timor-Leste. The chapter also considers the roles of civil society organisations, and the cooperation of international agencies and the Timorese government to successfully implement the NAP-GBV, promoting human rights, women's social and economic status, and gender justice.

Chapter five analyses the effectiveness of the policy interventions aimed at tackling domestic violence problems in Timor-Leste. It considers the progress of the implementation of NAP-GBV 2012-2014, and the gaps and challenges encountered by key relevant ministries and service providers in the implementation of five main pillars of the National Action Plan of Gender-Based Violence 2012-2014 (the analysis will cover 2012-2016 as the time frame was extended until 2016). The chapter will explore how the policy operates in responding to the issue by analysing various reports, especially the government evaluation of the actions, NGOs service providers reports, and other research reports devoted to the review of the efficiency of the interventions. The focused analysis of this chapter is on the collaboration among different stakeholders in the implementation of the NAP-GBV and how the program was evaluated to identify lessons learned for the next phase of the NAP 2017-2021. Chapter five will also discuss some new approaches or changes in the second phase of the actions, and why these approaches are considered important to be included in the intervention's programs.

Chapter six concludes the thesis with a discussion of the review of the implementation of the policy interventions and the information obtained in the previous chapters. The chapter summarises the thesis' contribution to understanding the DV policy response for DV and discusses tangible procedures that can be adopted and implemented by the State, as well as other stakeholders, to prevent and respond to DV. It also describes the limitations of this study and provides recommendations for future research required to inform improvements in the policy and its implementation.



## Chapter 2. Literature Review on Domestic Violence

This chapter establishes the basic important aspects of the thesis argument. First, defining domestic violence from legal, human rights and feminist perspectives. It then discusses the understandings of the nature of domestic violence, the consequences and the scope of domestic violence dealt with in this research. Through the analysis of multi-disciplinary literature related to the understandings of domestic violence, this chapter suggests the adoption of analysis of domestic violence as an exposition of the unequal relationship between men and women due to patriarchal attitudes and conservative beliefs and practices, reinforcing male domination that causes physical, psychological, sexual, and economic harm to the victims. It also examines feminist critiques of private-public dichotomies relevant to the urgency of recognition of domestic violence as a serious public concern and human rights issue. In addition, it also discusses the interventions needed concerning the success in reframing gender-based violence in international human rights law as a human rights violation that mandates responsibility for the State to take specific measures in terms of policies and strategies to address domestic violence problems.

### 2.1. Defining Domestic Violence

Definitions of domestic violence are socially constructed based on the specific place and context. They are dynamic and developed throughout the common understanding and shaped by the distribution of power and interests (Jasinski, 2001). This reflects how different societies have different perceptions towards violence and power distribution among men and women. Feminists define domestic violence based on the understandings of women's experience of violence supported by evidence-based research which underpins the issue to help extend the conceptualisation of domestic violence as an assault that causes physical, psychological, and sexual harm as an impact of coercive, controlling behaviours and use of threats or physical force (Anderson and Umberson, 2001). The feminist perspective is supported by cross-cultural studies on ethnography which demonstrate that violence towards women is more prevalent in male dominated cultures and sub-cultures where men dominate decision making, and women are assigned subservient gender roles (WHO 2002, Heise 1998). The feminist analysis of domestic violence is centred on patriarchal attitudes, traditional gender roles and practices that reinforce male authorities and structural parties that inhibit women in accessing resources

(Ragavan et al., 2014). It is critical to consider various perspectives on domestic violence in order to achieve successful government policy intervention in preventative, social service, and legal alternatives for addressing domestic violence (Susmitha, 2016). Different terms used to explain domestic violence such as “wife-beating”, “intimate partner violence”, and “gender-based domestic violence” refer to the power relationship between current, former, or separated spouses, cohabitants, boyfriends, girlfriends, or same-sex partners (Lawson 2013:4). For this thesis, domestic violence will not be discussed under these terms but will be limited to: “physical, sexual, or psychological harm, economic violence based on Law no 7/2010, Law Against Domestic Violence” (as implemented in Timor-Leste (DRTL, 2010). Domestic violence is broadly defined as

Any act or a result of an act or acts committed in a family context, with or without cohabitation, by a family member against any other family member, where there exists influence, notably physical or economic, of one over another in the family relationship, which results in or may result in harm or physical, sexual or psychological suffering, economic violence, including threats such as acts of intimidation, insults, bodily assault, coercion, harassment, or deprivation of liberty (Article 2(1), DRTL, 2010).

In Timor-Leste, domestic violence is considered a public offence, which means that the State has an obligation in investigation and prosecuting of the crimes, whether the victim files a complaint or not (Yogaratnam, 2014). Emphasising the power imbalance in these core definitions contextualises domestic violence as a type of gender-based violence which involves abuse of power, coercive patterns, controlling behaviour to maintain dominance, and criminal acts. It acknowledges that domestic violence could be perpetrated by females or males in a heterosexual relationship, as well as in same-sex relationships, including ex-partners (Bailey, 2010). This Law assigned a mandate to the government to establish a National Action Plan in Timor-Leste to ensure a mechanism for protection prevention, and legal assistance to combat gender-based violence (The Asia Foundation, 2016).

As the Timorese law on domestic violence placed domestic violence in the realm of the public sphere, it challenged previous conceptions of domestic violence case as private matter and encouraged society to report the cases when they occur (TAF, 2016). Concerning the divide between the private and the public domain, feminist scholars and activists argue that “the personal is political” and have critiqued this so-called public-private dichotomy using different approaches to explain that such division could pose an adverse effect on women (Bailey, 2010).

The phrase “the personal is political” has emerged from the essay written by Carol Hanish in 1970. She criticised the distinction made to consciousness-raising groups as “personal” therapy sessions. She argued that distinguishing the private from the public domain resulted in victim-blaming where women are blamed for their so-called personal problems in the household, and that required them to change the way response to these problems. Thus, she contended that ‘political’ also applied to the situation of women within a home, not solely in the public sphere. This is reflected in consideration of domestic violence as a public crime under the Timorese Law Against Domestic Violence. As Timor-Leste is a country where the patriarchal system is deeply imbedded in the society, the State has to intervene in the home arena, which many regards as “private”, to propel the effectiveness of the efforts combating domestic violence. Citing radical feminist Catharine MacKinnon, Miccio (2005) points out that domination towards women occurs in every area of their lives; thus, women's personal relations in the home are regarded as political. She emphasised that all interactions that men and women have are an institutionalisation of power relationships that are pertinent for political analysis. Male supremacy is exercised in the home through marriage relationships and domestic work distribution and childbearing.

The subordination of women is most of the time reinforced by physical, emotional, and sexual violence which makes women and children left unprotected in their home. As a result, if the public/private distinction is constructed in such a way that family relationships are not regulated by the state (Pateman, 1983 cited in Gavison 1992), domestic violence victims who have no power to reveal their case and, isolated at home, are more likely to personalise the violence experienced, blame themselves and tolerate the violence perpetrated. The woman might think that she can only stop the violence if she can overcome her weaknesses. However, if she engages in a discussion outside her house with others that might experience abuses, she may see the problem more broadly in a different picture. Hence, feminist scholars rejected the “personal is political” concept that considered domestic violence as a private matter that should be kept inside the home. Rather, they argued that domestic violence results from political disempowerment towards women as a class; thus, proper political analysis and deregulation is required (Bailey, 2010). Moreover, domestic violence is also considered as a human rights problem.

## 2.2. Domestic Violence as Human Rights Violation

Based on the concept that gender-based violence is a result of gender inequality, feminist critiques succeeded in establishing recognition of gender-based violence as a human rights violation. The coming into effect of the *Convention on the Elimination of all Forms of Discrimination Against Women* (CEDAW) in 1981 has shown the feminist critiques on the exclusion of women's experience of violence in the 'private sphere' have gradually made progress in having gender-based violence, including domestic violence, formally recognised in the international human rights frameworks (Naazneen et al., 2019, p.50). CEDAW acknowledges the importance of creating the conditions for women to enjoy their human rights through affirmative measures as well as addressing the disadvantages facing women in their life (McQuigg, 2016). These conditions included the general recommendation no. 19 of the CEDAW committee which recognised gender-based violence as a form of discrimination and assigned responsibility to State parties to take positive measures to fully implement the convention to eliminate all forms of violence against women (UN CEDAW, 1992). The three other important milestones in establishment of a human rights framework in addressing domestic violence, included the adoption of the *Declaration on the Elimination of Violence Against Women*, the establishment of the Human Rights Commission's condemnation of gender-based violence, and the appointment of a Special Rapporteur on violence against women (Nazneen et al., 2019, p.51).

Considering domestic violence as a gender and human rights issue which shifted the private sphere to the public is a critical step in a society that perceived domestic violence as a private matter (Amirthalingam, 2005). A human rights framework highlights that domestic violence in its various forms is regarded as a violation of human rights and freedom (United Nations 1993 cited in Amirthalingam, 2005), which shifts the responsibility for preventing it from the private to the public domain not merely for the rehabilitation of the perpetrator and victim, but also to protect and promote public health, awareness and education, and gender equality more broadly (Walker, 1999). According to (Hilder and Bettinson, 2016) even though the implementation remains problematic, the conceptualisation of domestic violence as a human rights violation has potential contribution towards the movement of combating domestic violence. The authors argue that adopting human rights discourse in domestic violence has reinforced the recognition of domestic violence as a serious public concern. Also, it recognises the victims as individuals who should be protected under law and other national



mechanisms in addressing harm caused by domestic violence. Thus, a human rights discourse can be used as an essential tool to urge government in adopting further policies and intervention, and advance national strategies responding to domestic violence issues.

### 2.3. The Nature of Domestic Violence

The model adopted to understand the nature of domestic violence (Figure 2.1) helps classify types of abuse. The Power and Control Wheel was developed by women participating in the Domestic Abuse Intervention Project (DAIP) in Duluth, Minnesota and is recognised as the Duluth model (Cunningham et al. 1998; Healey et al., 1998).

Figure 2.1: The Power and Control Wheel

Figure removed due to copyright restriction.

Source: Dasgupta, 1999

The model (Figure 2.1) provides a comprehensive framework for understanding the typical patterns of violent and abusive behaviour, which are used by the perpetrator to establish

and reinforce control over household members (Dasgupta, 1999). Often women experience more than one type of violence, such as sexual and physical violence, psychological violence, economic abuse, using children, and abusive minimisation, negation, and victim-blaming. The power/control wheel used to map the dynamics of systematic abuse by men towards female partners could be adapted to the analysis of other abusive relationships (Muehlenhard & Kimes 1999). The authors argue that mostly victims of domestic violence experience some power and wheel control combinations as follows:

- **Economic abuse:** the perpetrator takes control over family finances, money earned by victims and the expenditures. In some cases, victims are not allowed to work outside home, victims are prevented from finding jobs or if the victims have a job all earnings are controlled by the perpetrator.
- **Coercion and threats;** the perpetrator tries to threaten to harm the victims and other family members or sometimes threats of suicide.
- **Intimidation:** the abuser may intimidate victims by destroying property or using weapons as a means of frightening victims.
- **Emotional abuse:** including insults, constant criticism, using specific name calling to humiliate and degrade victim's self-confidence.
- **Isolation:** the abuser tries different ways to isolate victims from family and friends. Victim's movements are controlled by abuser, for example not allowed to make phone calls or leave home without permission, thus victim cannot find help or escape from the abuser.
- **Minimizing, denying, blaming;** the perpetrators may try to deny their violent act and often blame the victims for provoking the violent behaviour.
- **Using Children to maintain control over the victims;** the perpetrator sometimes threatens to kidnap or harm the children or make victims feel guilty for leaving the abusive relationship and worrying about loss of child custody.
- **Using Male Privilege to control and make decisions within the households and often the perpetrator treat victims like a servant.**

Hence, the power and control help to understand complexities of the nature of domestic violence and how the perpetrator uses different tactics to gain power and control over victims.

This knowledge could provide useful insight in designing an intervention program targeting the perpetrator's behavioural changes as well primary prevention efforts.

In domestic violence, there are numerous sorts of violence (Krantz, et al., 2004): physical violence, which causes physical pain, severe injuries, and, in some cases, death. According to surveys, globally, between 10% and 60% of women have experienced physical abuse at some point in their lives by an intimate partner. Different figures show gender relations vary and should be analysed according to the cultural context in which it developed. Feminist intersectional scholarship suggests social inequalities and power relationships are constructed differently based on specific context, place, and communities (Wendt and Zannettino, 2020). Emotional abuse often results in anxiety, low of self-esteem and, stress, and sexual and economic abuse can occur within or outside of a marriage, and offenders typically use force, threat, and exploitation. Domestic violence can also involve financial abuse, through which perpetrators seek to maintain control over economic resources by intentionally creating financial dependency, withholding access to money, and impeding access to employment as described in figure 2.1 specifically on economic pattern of violence (Missouri Commission against Domestic and Sexual Violence, 2012).

#### 2.4. The Impact of Domestic Violence

Domestic violence is a worldwide issue which occurs in different settings across social economy, culture, race, and class circumstances. According to WHO (2013) 35% of women across the globe have experienced either physical and/or sexual intimate partner violence or non-partner sexual violence. Domestic violence is deeply entrenched in society and poses serious impacts on economic and social status, women's health, and wellbeing in the short, medium, and long-term (Susmitha, 2016). It also has significant costs on individuals, healthcare services, criminal justice, and society in general in terms of economic cost in loss of production (Taket and Crisp, 2017). In societies that uphold the structure of patriarchal power with determined roles of gender, often women are faced difficulties in protecting themselves as well as hardly ascertaining support from family and society if their partners become violent. Most of the time women are blamed for the violence against them. Husbands who commit violence towards their wives or partners often feel that they are exercising a right to teach their wives, and maintaining their family in good order (WHO, 2001). In addition, DV not merely cause physical harm, but it also undermines the victim's wellbeing socially,

economically, psychologically, and spiritually, and negatively affects the perpetrator and the society in general. Moreover, it also causes serious consequences to the reproductive and sexual health of women. These consequences include injuries, problems with gynaecological conditions, temporary or permanent disabilities, severe trauma, and depression that could lead to suicide. A study by Taft et al. (2015) found that violence had a significant impact on reproductive health of women and child mortality in Timor-Leste. Likewise, Meiksin et al., (2015) examined women's data (n=2951) from Demographic and Health Survey found a connection between domestic violence and unwanted pregnancy among rural women which is led to infant morbidity and mortality. These negative outcomes also affect family, community, and nation. Family life disruption, such as divorce or separation, also it has tremendous impact on children, including neglect, destitution, and lack of trust in the institution of the family. Thus, these sequelae not only impair individual quality of life, but also have continuous impact on social cohesiveness (WHO, 2001).

Women's physical and mental disorder over both the short-term and long-term can interrupt, or inhibit, their full participation in education and employment opportunities often resulting in economic dependence and poverty. A study conducted by Nata Duvvury, Patricia Carney, and Nguyen Huu (2013) carefully assessing the economic effects of violence against women with a specific case study of Vietnam, found that violence against women, including DV carries consequential cost to women victims of violence, family, and government. There are two substantial elements from the research; first, the estimation of the costs of economic of DV due to women's expenses incurred to obtain healthcare treatment, police support, legal aid, counselling, and access to criminal justice systems. Second, additional loss of school fees for children's if they have to absent from school due to domestic violence experienced by their mothers. The research suggests that both incurred expenses and loss of income represented almost 1.41% of the GDP in Vietnam in 2010. UN Women (2013) emphasised that the estimation of productivity loss due to violence has shown another significant drain on the economy where women victims of violence earn 35% less than those who have not experienced violence. Overall, an estimation of productivity loss totalled 1.78% of GDP. This costing study shows domestic violence also has major economic consequences that need to be addressed.

## 2.5. Policy Interventions

Considering the high prevalence and the long-term impact of domestic violence on the victims and its social and economic impact on society in general, effective policy response to address the issue is critical. Policy advancement towards domestic violence has taken place globally where approximately 140 countries have enacted laws against domestic violence (World Bank 2015 cited in Nazneen et al., 2019). The adoption of a legal policy on domestic violence could strengthen government interventions to tackle domestic violence through the services provision to victims, access to criminal justice and primary prevention efforts.

Legal frameworks for policy responses to domestic violence in Timor-Leste include the International Covenant on Economic, Social, and Cultural Rights, as well as the Convention on the Elimination of All Forms of Discrimination Against Women and its Optional Protocol, were ratified without reservations in 2003 (Kovar, n.d). Domestic abuse is recognised as a public crime in both the Penal Code (Law No. 19/2009) and the Law Against Domestic Violence (Law No. 7/2010); the State should investigate and prosecute crimes whether the victim registers a complaint or not. The law mandated the responsibility of government to establish the National Action Plan on Gender-Based Violence (NAP-GBV) ensuring that protection, legal aid, and prevention mechanisms are in place to tackle gender-based violence in Timor-Leste (The Asia Foundation, 2016). The NAP-GBV serves as essential tools to define the short- and long-term goals to be achieved, and how to improve the coordination mechanism between critical sectors including education, social solidarity, justice, and health to maximise programme outcomes (ADB, 2014). The action plan comprises four main pillars: preventive efforts, service provision, criminal prosecution, and monitoring and evaluation. Drawing from the experience of other countries the law itself cannot resolve the problems as domestic violence is multifactorial and requires an integrated approach and comprehensive mechanism in its implementation. As an example of successful policy intervention, Barnett in Nazneen et al. (2019) presents experience from Rwanda and points out three leading factors of successful intervention. First, the establishment of a good process to translate the law into practice, second, adequate professional workers within government hierarchy at levels supported by strong accountability systems in its operations and third, good political will from decision-makers with continuing supports from Civil Society Organisations (CSO).

Effective intervention requires understanding of the complexities of violence within an intimate partnership, including the offender's intention of committing violence, how the victim

considers the act and what the effect of the violence is to the victim and the *context* where the act of violence has taken place (Frederick, 2001). Criminal justice system interventions are considered the most effective among other intervention in domestic violence cases as it takes into account the intention, meaning and implications of the violence, as well as its other common characteristics. However, a professor of law and social work at New York University (Mills, 1996, 1998a, 1998b, 1999, 2003) quoted in Stark (2006) contends that punitive intervention by State in the intimate and individualised nature of domestic violence is inappropriate. According to her the mandatory intervention may undermine women's agency especially their right to choose how the police respond to the act of violence. Moreover, it disempowers both men and women, and subsumes different needs of violent partners to be stereotyped by the conception of 'victims' as powerless and dependent. Victims are expected to act based on the intervention formula, such as calling police to obtain a protection order, separate from violent partner and press charges. Those who unable to follow this model or prefer different option, for example, choosing to stay with the abusive partner, are often stigmatised. The criticism of State interventions very much lies in the perspectives that consider 'choice' and individual agency are the bases of 'empowerment', thus, the interventions should properly assess the choices of women and ameliorate their suffering (Stark, 2006). Therefore, it is important to focus efforts for system change and the individual empowerment of women. The interventions will work only when unequal relations that reproduce violence as a way used by men to maintain their traditional privileges are greatly reduced. The promising alternative interventions, including different forms of counselling and therapy, compensation, education, and reintegration could uphold government obligations in protecting women's rights through law enforcement and broaden community's active participation on advocacy and activism.

**Advocacy interventions** aimed at raising awareness through information sharing, establish guidelines of coordination mechanisms in helping victims of DV to access services and supports such as shelter, healthcare facility, and hotline services to ensure the achievement of their rights and entitlements (Roberts, 2002). Evidence from different countries shows that advocacy services have contributed to the improvement of women's access to available resources in the community, decreased the domestic violence rate, reduced depression and various stressors, and improved safety, parenting, and the well-being of children.

**Therapeutic interventions** promote mental health improvement from the impacts of violence. This treatment is more intensive compared to counselling because it is involving

specific group therapy. Therapy intervention is effective in recuperation of various symptoms of PTSD, depression, psychological and traumatic experience, and improving social and family outcomes, and in some cases, it may reduce the likelihood of future abuse or violence. Results from several studies conducted by Poole (2013) indicated the improvement in the measured outcomes although the type and level of effect differs from case to case.

**Counselling** is an intervention that not only helps in reducing stress, depression, and trauma, but also empowers victims of domestic violence through increasing the ability of stress management, cognitive behaviour, and motivation, support, self-confidence, and readiness to change, and/or forgiveness. Counselling could be done in a shelter, family, and crisis centre.

**Interventions for Domestic Violence Perpetrators.** There are several approaches designed to change patriarchal attitudes to domestic violence. The Duluth Model was considered as an effective intervention designed to transform patriarchal attitudes of perpetrators of domestic violence who consider domestic violence is an acceptable behaviour (Healey et al., 1998). It uses cognitive behavioural techniques to teach non-violent reactionary alternatives. The objective of this intervention is to transform the pattern of perpetrators thinking that men should be dominant towards women because of the conservative beliefs of some cultures and societies (Pence & Paymar, 1993). The approaches used include group therapy and counselling and CBT. Hence, the Duluth model, through Coordinated Community Response (CCR), would help mitigate domestic violence negative effect, ensure the safety of the victim, make perpetrators accountable for their actions and ultimately work with community to impose zero tolerance of domestic violence. However, according to Harrah (2012) evidence of effectiveness of the Duluth intervention is inconsistent. Some studies show improvements in communication, willingness to change attitudes towards violence and the ability to manage conflict, but other studies revealed minimum positive effect.

**Interventions for couples and children exposed to domestic violence** are aimed at creating good and respectful relationships and communications using behavioural couple therapy. Interventions for children are different including therapy for mother and child, parenting within shelter and play-based therapy activities.

**Enhancing the capacity of worker in health and non-health sectors.** Capacity building for health care practitioners and social workers is crucial to enhance their ability in dealing with victims of domestic violence. Several topics covered in the training include

screening of domestic violence, treating victims' need physical and emotionally, connecting victims to support agencies, and conforming to ethical values are among the subjects covered in the training (Sapkota et al, 2019 p.7).

In Timor-Leste the implementation of the law remains challenging due to lack of sectoral policies in health, psychosocial, or legal sectors and supportive services to survivors/victims. There is also a lack of standardised data collection to monitor gender-based violence incidents (Haider, 2012). Additionally, lack of financial and human resources to address gender-based violence in key ministries has a direct impact on the success of laws and policies are implemented, as well as the quality of the various structures required to address the issues (ADB, 2014). Thus, a comprehensive review regarding the effectiveness and adequacy response of the policy intervention is important in addressing the issue.

## 2.6. Conclusion

This chapter described the different understandings of domestic violence, its definition, nature or pattern of violence and the impact of violence. The perception of violence is different between societies based on the gender power relationship distributed in a specific context and place. Gender-based domestic violence because of gender inequality is recognised as a human rights violation within the international human rights framework. Thus, the mandated government has a responsibility to promote women's rights and broader gender equality and address the discrimination faced by women. Domestic violence is considered as a public crime under Timorese Law Against Domestic Violence. To ensure the effectiveness of the implementation of the law addressing high rates of domestic violence in Timor-Leste, the government has established a National Action Plan on gender-based violence comprising four main pillars: protection, prevention, prosecution, and monitoring and evaluation. However, the challenges relating to how effective the policy and intervention are in responding to the issue remains problematic. Thus, an extensive review is required to ensure the policy effectiveness in tackling domestic violence in Timor-Leste.





## Chapter 3. Domestic Violence in Timor-Leste

This chapter discusses the problem of domestic violence in the context of Timor-Leste; the nature of violence, the root causes and contributing factors, and the prevalence of violence as well as its impact on women victims, and the development of Timor-Leste. The chapter draws from feminist perspectives on domestic violence and scrutinizes the connection between the construction and expectations of gender roles, gender power relations imbalances in patriarchal society, experience of violence during colonisation and occupation, and the increase of domestic violence against women in the country. This contextual analysis will guide the discussion in the next chapter regarding the policy responses adopted and other relevant initiatives done in addressing the issue of domestic violence in Timor-Leste.

### 3.1 Context Background

Timor-Leste is a post-conflict and relatively new country with a history of violence stemming from colonisation and occupation. During the Indonesian occupation period from 1975–1999, Timorese women were subjected to different types of violation such as rape, sexual harassment, sexual slavery, torture and enforced disappearances. The Truth and Reconciliation report, released in 2005, revealed that sexual violence against women comprises 21% of 8000 testimonies of human right violations registered by the commission (CAVR Timor-Leste, 2005). Indonesian soldiers used sexual violence as “weapon of war to humiliate and dehumanize Timorese people and to break the spirit of the independence movement” (CAVR Timor-Leste, 2005). The impact of conflicts, such as trauma and other related problems, continues to arise in families and the community. This situation has significantly affected personal life and causes severe and intergenerational damage in individuals, households, and communities. This generates higher levels of violence in society as a consequence of the unsolved cycle of violence and insecurity in the past conflict (Ferguson 2011; Harris and Rimmer, 2009). According to Palmay (2006, p. 51–54), the persistence of domestic violence in a post-conflict country has been associated with the legacy of violence from extensive conflicts during colonisation and occupation. Another study of the ‘cycle of violence’ (Rees at al., 2015) also found a considerable association between historical violence and domestic abuse as a consequence of post-traumatic disorder and increased alcohol and substances use. Global studies have identified stress, destitution, lack of education, drug, and alcohol abuse as risk factors that potentially intensified violence (Martin et al., 1999). This issue is significant to

Timor-Leste where high alcohol and drugs abuse has a consequential relationship with poverty and unemployment, particularly among young men (WHO, 2009).

### 3.2. The Prevalence of Domestic Violence in Timor-Leste

Domestic violence is the most common form of violence against women in Timor-Leste. The latest report on the prevalence of gender-based violence released in 2016 revealed that the number of domestic violence cases continues to increase in Timor-Leste. The 2016 Timor-Leste Demographic and Health survey (TLDHS) and *Nabilan* baseline study conducted in 2015 shows the high prevalence of violence within all ever-married women aged 15-49 in Timor-Leste. The prevalence is different due to different methodology used and number of women interviewed. The *Nabilan* has used in-depth survey and interviewed 1105 women in two municipalities to estimate the different forms of VAW prevalence rates, the health consequences of violence, risk factors associated with violence, and the coping strategies of women. While the TLDHS is general demographic survey that covers all municipalities across the country involving 12,602 women as respondents. The TLDHS examines various demographics and health topics, including Intimate Partner Violence (IPV) as a part of optional Module. Both studies revealed that domestic violence is prevalent and posed serious consequences for women's health. The summary of findings from both studies can be seen in Figure 3.1.

Figure 3.1: Lifetime and 12 Months Prevalence of Violence Against Women – Findings from TLDHS and *Nabilan* Study

Figure removed due to copyright restriction.

Source: The Asia Foundation, 2016

Moreover, TLDHS, 2016 found that only 20% of women who had experienced violence from their partner reported it to anyone. Often most of them sought help from their own family (82%), in-laws (27%), and friends or neighbours (14%). Only 4% of women reported to the police, and 1% finds help from social service organisations. Regarding the frequency of violence experienced by women, the *Nabilan* study suggest that 77% of women who had ever experienced domestic violence also experienced intense violence, and 81% experienced recurring violence (Failor & Warner, 2016).

As discussed in chapter 2, domestic violence, as defined by the Law Against Domestic Violence (LADV), is any act that causes physical, psychological, economic, or sexual harm to family members, including spouses and ex-spouses, as well as any family dependants (Article 2 (1), DRTL, 2010). Domestic violence is a public offence, which means that the state has a responsibility to investigate and prosecute the crime (Yogaratnam, 2012). However, in many Timorese lives, the informal justice systems play an important role (Marriott, 2008). Domestic abuse was seen as a private matter before to the passage of LADV in 2010, and most cases were addressed by traditional justice (Kovar, 2012). Even when there is a serious injury, the majority of people prefer to resolve their cases in an informal justice setting. However, the informal system, according to a Timorese women's network, is typically biased and blames women for the violence that has occurred, and women have little power to decide. (*Rede Feto*, 2009).

### 3.3 The Nature of Violence, Root Causes and Contributing Factors

Intimidation, physical violence, oppression, harassment, and aggressiveness are common physical, psychological, economic, and sexual abuses linked with domestic violence in Timor-Leste. (TAF, 2016). The most common forms of violence were verbal abuse, punching, and forced intercourse. This confirms the earlier UNFPA's (2005) findings that insults were the most common type of abuse, followed by slapping or twisting an arm, and forced sex. Psychological trauma, loss of consciousness, bruises, scrapes, severe wounds, were the most prevalent injuries, as were unplanned pregnancies (Kovar, 2012). Several factors contributed to the high prevalence of domestic violence in Timor-Leste (TAF 2016; Graydon 2016; Niner 2012). These factors include social acceptance of domestic violence due to the deeply patriarchal system and low status of women in society. Polygamy, bride price, and restrictions on women's rights to property and inheritances are all examples of traditional practises that

perpetuate violence against women (ADB, 2014). Religious culture, particularly Catholicism, has shaped socio-cultural norms and contributed to conservative attitudes on sexuality and reproductive health, including the use of contraceptive techniques and HIV treatment and prevention (Alves et al., 2009). It also reinforced male authority, where the male is regarded as the decision maker. Domestic violence is accepted as normal in most parts of the country as it is considered as men teaching their wife. Several studies present different perspectives on the discourse about the purpose and effect of *barlake* (a traditional practise between the bride's and groom's families involving an exchange of goods and cash) whether it can be advantageous because it preserves cultural norms, or it can be detrimental because men pay for marriage in ways that lead to domestic violence. Niner's (2012) research on *barlake*, based on earlier gender study in a post-conflict setting in 2010, concluded that *barlake* is considered by both family sides (men and woman) as honouring women as a source of life and a tie of solidarity between the bride and groom's family, as well as a way to foster societal harmony, yet it might also be a contributing factor to domestic violence. The findings of the study seem blurred and inadequate due to very limited data on this issue. Another study by The Asia Foundation (2004) argues that, while more research into the narrative of *barlake's* effect on domestic violence is necessary, the association between this custom of paying the bride price and the occurrence of domestic violence in Timor-Leste is found to be strong, as men considered women as their own property that has been paid for.

On the other hand, Babo-Soares (2009) argues against interpreting marriage norms merely in economic terms. The author traces that marriage is a principal nucleus of the social relationship in Timor-Leste, where two families or clans establish alliances of a socio-politic, economic, and cultural bond through marriage. Therefore, the bride price is indispensable in this context in terms of balancing the woman's value as a source of life. In addition, Hohe and Nixon (2003) point out that because this system required the exchange of goods from both sides, the values flow in the goods exchanged creates socio-economic balance to ensure family fertility and security. It is considered as the foundation of harmony and peace between two families and strengthening the social and solidarity linkages (Alves, 2009). Another study conducted by UNFPA (2005) suggest that only 9% of women said that the bride price had a negative impact on their husband's treatment of them, while 38% said it had a positive impact. Nevertheless, Macdonald (2012, pp. 7–9) gives particular attention to how bride price is not only used for marriage arrangements but also used as a remedy on restitutive actions towards domestic violence and sexual abuse within the traditional customary law system, which

literally violates the formal law on domestic violence. The customary case resolution mainly focuses on maintaining family relationships through reconciliations between the families of the men and women (*fetosan-umane*). The family authorities (*lia nain*) from both family and Clan are entrusted with resolving the violence problems based on *fetosan-umane* rules. According to this traditional rule domestic violence or other cases occurring within the family context should be resolved in the family not by outsiders (Hohe and Rode, 2003). The family authorities have the power to resolve the cases, however, often are primarily focusing on reuniting the two extended families in order to maintain the relationship intact. They may do this through compensation to the family of the victim, such as money and buffalos, but not providing justice for the individual victim.

### 3.4. Perceptions and Attitudes towards Domestic Violence in Timorese Society

The community perceptions towards domestic violence are problematic. Most of the Timorese community believes that it is acceptable for a husband to hit his wife, particularly if he believes she has failed to fulfil her duties as a housewife or a mother. Thus, domestic violence is depicted as a type of discipline that could be used against women or even the children in the family. This is represented in Tetum term, the local language, “*bikan ho kanuru baku malu*”, “a plate and a spoon hit each other”, which manifests the obvious ‘normality’ and ‘domesticity’ of domestic violence in Timor-Leste (Khan and Hayati, 2012). Several studies have been done to understand the attitude of the public about domestic violence. There are three important related issues that have been addressed by these studies: 1) beliefs about the causes of violent behaviour in the community 2) perceptions of women's responsibility or blameworthiness for men's violent behaviour, and 3) perspectives on the circumstances in which violent behaviour is comprehensible or justified. This acceptance of violence by women and men in a male-dominated society, such as Timor-Leste, implies that if a woman has not completed her expected job as a housewife and mother, such as cooking, caring for children and the entire family, she will face violence, the man may believe he has the right to beat her to teach her. Research by Wigglesworth et al. (2015), about young men's perception towards violence against women in the urban and rural settings, found that threatening, pushing, slapping, and hurling stones are considered violence by three-quarters of the young men interviewed. However, a sizable minority of participants from the urban area, around 21-31% and 30-36% in the rural areas disagrees that these acts are violent. Even though most participants defined these acts as violence, one-third of survey respondents believed that if a

woman makes a mistake, she might be beaten, and 60% said it was acceptable for husbands to use less physical violence (slapping and hitting) against their wives. Not surprisingly, the majority of young men who took part in this study still believed that males should be able to keep power and control in their marital relationship, and that men are the family's leader and decision maker. These perceptions and behaviour are strongly related to the increased level of female-based violence in Timor-Leste. The TLDHS (2016) found that an astonishing 74% of women and 53% of men agree that a husband is justified in beating his wife at least for one reason, for example, if she didn't cook or did not do housework properly, refused to have sex, or didn't look after the children (NSD, 2016). In another study, by the Asia Foundation in 2008 cited in Gerry and Sjölin (2018) it was found that 51% of respondents strongly agreed that it is justifiable for "a man to hit his wife if she disobeys him and if she misbehaves". Almost half of the respondents, 44% stated that it depends on the individual case, and only 34% disagreed with these statements. Hence, it is evident that violence may then be viewed as an acceptable act to discipline and educate wives or children (Alves, 2009).

While the law against domestic violence was approved in 2010, the community still have a different interpretation depending on cultural context, not according to what is defined by law. The terminology ("accept", "believe", "permissible") in the community attitudes and perceptions on domestic violence is problematic as it reflects tolerance towards violent acts, albeit it clearly being defined as a public crime under the law. Anderson (2009) highlights the fact that although the exact nature of gendered role expectations changes over time and varies across cultural and community contexts, it usually prescribes a state of male privilege. Acceptance of male aggression as an inherent characteristic extends beyond any discourse of domestic violence, not only due to the legacy of colonialism but also because of masculinity constructs in a male-dominated environment that views certain types of inter-male violence as unavoidable, particularly among young men. This creates a permissive environment in which men can be violent in certain circumstances and considers men as the decision maker within the household and in the public.

### 3.5. Domestic Violence as a Development Challenge in Timor-Leste

Violence against women is a global problem that jeopardises development in the majority of developing countries (WHO, 2013). Timor-Leste Strategic Development Plan 2011-2030 has incorporated the government's commitment to gender equality in critical areas such social

capital, infrastructure, and economic development, with a focus on establishing a gender-just society and upholding human dignity (AD). Similarly, the Timorese government has prioritised achieving SDG 5 on gender equality by strengthening coordination structures across relevant ministries responsible for women's empowerment and ensuring women's active engagement in all aspects of development. Nonetheless, Timor-Leste, according to the report, continues to face significant development challenges, with violence against women cited as one of the major problems that negatively affect critical development areas such as health, social economy, and justice.

There are several negative impacts on development related to violence against women. First, it drains resources from key areas of development of social assistance, health care and education. The social sector received over a quarter of the 2016 State budget, includes funding for the implementation of the NAP-GBV, which is the responsibility of three important ministries: Education, Health, and Social Solidarity. The budget is distributed as follows: 3.9% for health; 7.9% for education; 10.19% for social solidarity, and 1% for others (Lao Hamutuk, 2016). However, the percentage of the budget that is specifically allocated to the implementation of NAP-GBV in the relevant ministries and State institutions is not clear. Moreover, according to the Gender Budget Statement 2019, 30% of the national budget is specifically devoted to specific gender programs that might include the implementation of the NAP-GBV which includes victim services such as shelter houses, vulnerable person units at police stations, criminal justice, health services and reintegration programs, yet it's not clearly defined in the budget plan of each ministry responsible for the implementation of the actions (The Asia Foundation, 2019). Second, because of the financial resources required to address it, violence against women has a significant economic cost to society. Women victims, for example, may have to leave their jobs and lose daily income as a result of abuse. This circumstance requires financial support from the government in order to overcome the economic loss and traumatic experiences they faced (UN CSW report, 2016).

Furthermore, a study on the health effects of violence against women by Flairor and Warner, Australia National University, (2016) suggests that violence against women is a major public health issue in Timor-Leste. The study suggests that because of a lack of information and assistance, one-third of more than 50% of the victims of the intimate partner abuse who sustained injuries did not receive medical attention. The study also found a correlation between violence against women in Timor-Leste and major long-term health issues like depression and



suicide attempts. In comparison to individuals who had not experienced intimate partner violence, women who had experienced it were more likely to experience depression and attempt suicide. According to WHO (2012), depression is one of the leading causes of disease burden for women in most countries, and for Timor-Leste it presents a significant health problem. According to the baseline study conducted by The Asia Foundation (2015) 53% of all women had symptoms of depression, 10% of all women had ever thought about committing suicide, and 3% of all women ever attempted suicide. Various factors were associated with depression among women, such as controlling behaviour of partner, unfaithful partner, disability and poor health, unintended pregnancy, and childhood experience of physical or sexual abuse. Moreover, violence against women has significant health consequences related to family planning, maternal health, and sexually transmitted disease prevention. It has been identified as a major barrier to development in Timor-Leste. Therefore, improving mechanism coordination in the implementation of gender mainstreaming policy is critical for comprehensively addressing this issue.

### 3.6. Conclusion

The high prevalence of DV in Timor-Leste has been associated with the long violent historical background of the country due to colonisation and occupation, the patriarchal system that is embedded in society and conservative cultural beliefs that reinforce male authorities and discrimination towards women. DV continues to be one of the most significant challenges facing Timorese society, particularly women and children. It has posed a negative impact on women's physical, health and social wellbeing. It also hinders women's participation in key development areas. Despite the establishment of policies aimed at intervention to tackle the issue, evidence from different studies suggests that the prevalence of domestic violence has actually increased recent years.



## Chapter 4. Policy Responses to Domestic Violence in Timor-Leste

This chapter describes the international and national legal frameworks for the establishment of policy interventions responding to domestic violence in Timor-Leste. It discusses the specific law against domestic violence and the government's obligations to conduct and establish concrete measures to respond, prevent domestic violence, and ensure that victim's rights are protected and fulfilled. It will focus on the implementation of the National Action Plan 2012-2014, which is further discussed in chapter five regarding the effectiveness of the intervention in tackling the issue of domestic violence. This chapter also highlights the roles of civil society organisations and development partners in working collaboratively with the State institutions to support the implementation of the interventions through various initiatives to promote women's human rights, access to justice and economic empowerment.

### 4.1. Legal Framework

The government of Timor-Leste has made various advances, including key legislative development in addressing violence against women. The national legal and policy framework for tackling domestic violence is based on the country's obligations under international treaties and development of the domestic legislation and reforms (Haider, 2012). Timor-Leste has ratified several international conventions, including the ratification of international instruments for women's rights, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and its optional protocol in 2003 (Kovar, 2012). The national legal framework for preventing and responding to violence against women consists of three core components: The Constitution of Timor-Leste, the Penal Code of 2009, and the Law Against Domestic Violence (LADV) 2010. The Constitution guarantees equality of all citizens before the law, men and women have the same rights and the same duties, including in the context of the family. Domestic violence and sexual violence were incorporated into the penal code in 2009 which acknowledges that all types of violence towards women are a human rights violation. The approval of the specific legislation to fight DV in Timor-Leste, LADV in 2010 is a milestone in the Timorese legal system to protect all citizens, particularly women, from violence and discrimination, and to achieve gender equality (JSMP, 2010). As pointed out by

Harris-Rimmer (2010, p. 45), 'Reforming legal norms is an essential first step and an indication of the society's intention to change'. Moreover, both the Penal Code of 2009 and LADV acknowledge that domestic violence is a public crime, which means State justice can be carried out in criminal cases regardless of the victim's wishes that it be dropped. In article 154 of the Penal Code (2009) of Timor-Leste the crime of "Mistreatment of a Spouse" was established, which condemns inflicting "...physical or mental mistreatment or cruel treatment upon a spouse or person cohabiting with the perpetrator in a situation analogous to that of spouse...". Mistreatment of a spouse is a "public crime" punishable by 2-6 years in prison. This allowed for a variety of interpretations. Minor physical offences between spouses, for example, are treated as "simple offences against physical integrity", Penal Code Article 145 defines a semi-public crime as one that requires the filing of a complaint. Evidence suggests that some serious cases were tried as minor offenses, and that the possibility to withdraw such cases contributes to the high number of domestic violence cases. (Justice System Program, 2010).

The passage of the Law Against Domestic Violence (LADV) in 2010 includes key additions such as a broader definition of DV, a description of services to be provided, and policy obligations. Article 2 of the Code defines domestic violence broadly include physical, psychological, economic, and sexual mistreatment. The definition of "family" is broad and includes spouses or ex-spouses; people who live or have lived in conditions similar to spouses, even if without cohabitation (e.g., mistresses *feen ki'ik / cama rua* – or 'little wife'/ 'second bed'); and couples who have not been legally married (ILO, 2012). It includes relatives from one or both couples' ascending and descending lines, as well as anyone who is financially dependent on them. It also includes anyone else who is part of the same context of dependency, meaning anyone who performs a continuous and subservient activity in the household, for instance, housekeepers and domestic workers (Kovar and Harrington, 2013).

In addition to criminal provisions, the LADV includes several service providers for domestic violence victims. According to Articles 15 and 16 of LADV, DV victims are entitled to rehabilitative services such as shelter, legal counselling, medical and psychological care, and, in appropriate circumstances, training in personal, professional, and social skills, to "contribute to their successful social reintegration" (DRTL, 2010). Article 24 entails powers for police officers to refer victims to a shelter or legal and medical services, when necessary, as well as to keep victims informed about their rights and the progress of their cases. Police officers must file a report with the Public Prosecutor's Office within five days of receiving case

information, and they must also notify the Office of the Public Defender of the need to hire a lawyer if the victim lacks the financial means to deal with legal consequences associated with relationship breakdown. Victims of domestic violence must be accompanied to court by a lawyer or Public Defender, who is obligated to provide critical legal advice to the victim and their family and information on the criminal procedure (Justice System Program, 2011). Furthermore, the Community Authorities Decree-Law No. 5/2004 provides a moral obligation on village chiefs to prevent and respond to domestic violence (Ferguson, 2011). The village chiefs will collaborate with the Community Police Council providing awareness raising to their community and refer DV cases to the police or criminal justice sectors. They are not allowed to mediate domestic violence cases or resolve them through traditional customary law (ADB, 2014). Other important legislation related to domestic violence is the Law on Witness Protection (Law No. 2/2009), which ensures witnesses' safety and security when giving testimony in civil or criminal proceedings without fear of repercussions (ADB, 2014).

#### 4.2. The National Action Plan on Gender-Based Violence

The government is responsible under the LADV for establishing a National Action Plan to ensure a protection mechanism, prevention measures, and legal aid to combat gender-based violence in Timor-Leste (The Asia Foundation, 2016). The law also urged the government to provide training and awareness campaigns initiatives, as well as to include domestic violence information in school curricula (Ferguson, 2011). The establishment of NAP-GBV in 2012 reflects government commitments to end violence against women in Timor-Leste. The government, key ministries and institutions hold primary responsibility in the implementation of the action plan through the provision of resources and building a partnership with civil society, providers of services, and leaders of the community to ensure implementation of the interventions as mandated by the law against domestic violence (ADB, 2014). The action plan put the victim as the centre of the approach in all programs with activities aiming at empowering victims or survivors to make a decision towards their personal and family wellbeing.

The NAP-GBV (2012-2014) was a three-year multi-sectoral strategy to address GBV in Timor-Leste. It takes a comprehensive approach, focusing on preventive actions on GBV multisectoral victims support, including essential health and social services, access to justice, and the establishment of coordination mechanisms to guarantee the plan's effective

implementation, including monitoring and evaluation (ADB, 2014). It comprises four pillars or strategic priority areas, as follows:

1. Pillar I – Prevention of GBV
2. Pillar II – Provision of Services for Victims
3. Pillar III – Access to Justice for Victims
4. Pillar IV – Coordination, Monitoring and Evaluation

Preventive efforts need to focus on addressing the root causes of gender-based violence, such as persistent gender inequality and discrimination, which result in women's perceived lower status. Pillar I outlines various activities needed to transform attitudes, practices, norms, and behaviour that tolerate inequality and discrimination towards women, such as raising awareness on sexual and reproductive rights, encouraging respectful relationships, engaging men and boys in the transformation of masculinities, supporting women's economic empowerment, and advocacy for gender-responsive policies. The second pillar refers to services needed by victims aimed at ensuring the provision of essential services for physical, mental, and social wellbeing being available and accessible for victims of gender-based violence, to ensure they are protected from further violence or revictimisation. The third pillar focuses on the rights of victims on informed choices concerning accessing justice options and establishing mechanisms to ensure the investigation, prosecution, and protection of rights before the law in accordance with international standards. Lastly, pillar four outlines the mechanisms required to ensure the NAP-GBV is implemented in a timely and effective manner. It establishes measures to encourage government commitment to enhance integrated interventions and allocate adequate resources for the implementation. It also aims to reinforce the inter-ministerial committee in its monitoring and evaluation mechanism, which is composed of key ministries and judicial actors, i.e., the Vulnerable Person Unit (VPU) in the national police, and three essential NGO partners such as Alola Foundation, FOKUPERS, and ALFeLA (ADB, 2014).

Nevertheless, challenges remain in policy implementation due to a lack of sectorial policies to direct immediate crisis intervention to victims and survivors of violence in the health, psychosocial, or legal sectors, as well as a lack of standardised data collection to track the prevalence of gender-based violence and the appropriateness of assistance (Haider, 2012). There is a lack of training in identification and response to domestic violence resulting in further victimisation through treatment of victims in health services as well as there being only

seven shelters readily accessible throughout the country. These shelters are mostly operated by NGOs, with inadequate services and resources (ADB, 2014). Moreover, a lack of human and financial resources, as well as structural elements required in key ministries to address GBV problems, have had a direct impact on the quality and advancement of policy and law implementation. For example, it is difficult to ensure that gender-based violence is prioritised due to competing budgetary demands for other development priorities within key ministries. As a result, many victims face difficulties in obtaining health, psychosocial, and legal services. In addition, victims must wait for their cases to be heard in court for an extended period of time (up to a year). Police and State judicial actors are under-resourced; only four courts operate across the country, and victims in rural areas have limited access. They have faced significant difficulties in exercising their legal rights due to a lack of critical information and a lack of understanding of the laws and regulations, as well as the system itself.

Consequently, the majority of communities have opted for informal systems to resolve their cases (Kovar, 2012). According to a survey conducted by The Asia Foundation (2008, cited in Kovar, 2012), 85% of Timorese believed that informal justice would treat their case more fairly than 77% who believed that formal justice would. Similarly, 79% are more comfortable resolving a dispute through local justice than through formal legal channels, while 54 % prefer formal legal channels. Another issue is inconsistency in sentencing DV cases, which have largely resulted in lenient sentences. According to the Justice Monitoring Report (2014), from 2010 to 2014, 71% of DV was charged as a minor offence, 15% was charged as spousal mistreatment, and only 2% classified as a serious offence. Therefore, in order to protect and realise victims' legal rights, the judicial system and psychosocial support should be improved.

#### 4.3. Initiatives and Interventions Responding to DV in Timor-Leste

In Timor-Leste, there have been and continue to be numerous governments, development partner, and civil society initiatives aimed at addressing violence against women and girls. However, very limited research has been conducted to assess the success or failure of such interventions (Haider, 2012). The government initiatives to enhance national capacity to tackle GBV and protection of women's rights are led by the Secretary of State for the Promotion of Equality (SEPI) (Ferguson, 2011). SEPI has been running the 'GBV Referral Pathway Network' since 2009. The network brings all major agencies and partners together to coordinate

advocacy and GBV service delivery. The national police force Vulnerable Persons Unit (VPU) was established by the UN administration in Timor-Leste to handle DV cases, sexual assault, child abuse and other types of GBV cases. It has established a distinct access point and designated police officers within the police services for victims and service providers of GBV. As a result, significant collaboration and coordination between police departments and non-governmental organisation service providers has been reinforced (Alves et al., 2009).

Several civil society organisations considered as primary actors on the issue of GBV in Timor-Leste run specific programs in line with victim services in the NAP-GBV funded by government and other international agencies, to support the implementation of policy intervention on gender-based violence (ADB, 2014). FOKUPERS (Forum Communication for Timorese women) provides victims/survivors of GBV and their families with the most comprehensive services, including crisis counselling, temporary shelter, legal aid, and court accompaniment. PRADET (Psychosocial Recovery and Development in East Timor) is a specialises NGO in mental health counselling and psychosocial support (ADB, 2014). It works collaboratively with VPU and other service provider organisations in providing support to traumatic victims resulting from the violent act. The organisation partnered with the Ministry of Health to train nurses and obstetricians in trauma recovery. It also provides police officers and other service providers with extensive training and workshops. In addition, PRADET manages the Safe Room in the national hospital and referral hospitals in three municipalities, providing a crisis service that includes counselling, medical examination, and legal forensic documentation of GBV. The Judicial System Monitoring Programme (JSMP) is a national non-governmental organisation (NGO) that conducts court monitoring and analysis on the legislative and judicial system; provision of the legal accompaniment to victims during court proceedings; and provides legal literacy training and outreach program (Alves et al., 2009). The Victim Support Service (VSS) is a specific unit established in JSMP to provide information, support, and advice to victims/survivors in order to encourage and increase their ability to access legal formal procedures. Research conducted by Ellsberg et al. (2008, 39) found that the VSS had helped increase women's access to justice as well as improve outcomes for victims or survivors of violence. Moreover, JSMP also conducted gender and formal justice training for women through its Women's Justice Unit. The training has positive impacts that contributed to attitudes and behavioural changes in six targeted communities towards shifting the community's perception of violence against women as a legitimate problem rather than an



acceptable practice: and shifting the community's perception of the role of formal justice system's in addressing violence against women (Trembath et al., 2010, pp.134-135).

In the prevention initiatives, numerous civil society organisations are focusing on raising awareness with campaigns and public education on violence against women. The Association of Men Against Violence (AMKV) is one organisation that successfully delivered public education by engaging men and boys to reduce violence against women (Alves et al., 2009; Harris-Rimmer, 2009). The organisation conducts a group discussion session by assisting men in identifying the priorities, with discussions about GBV and gender equality arising naturally during these activities (Ellsberg et al., 2008). However, literacy is one of the most significant barriers to public education on gender-based violence (Haider, 2012). Many activists recognise the important role of the Catholic church in the preventive efforts of gender-based violence through moral persuasion against violence (Robertson, 2005). The Alola Foundation is another organisation that works to promote women “equal status in all aspects; access, participation, decision-making, enjoyment of development benefits through education, community development, health, and community leadership” (Trembath et al., 2010, 68).

In addition to community education, it is crucial to reinforce policy that promotes women's participation in public decision-making and address women's economic and social disadvantage to reducing rates of violence against women (Macdonald, 2012). *Feto iha Kbiit Servisu Hamutuk* (FKSH) is one of the organisations engaged in this work. They work to increase and strengthen women's economic capacity, and to organise women's activities in order to promote independence. They believe that assisting women in achieving economic independence can help to reduce domestic violence. Moreover, the NAP-GBV also highlights the sexual and reproductive health issues under the prevention pillars previously identified, however, the literature that discusses the links between HIV/AIDS and violence against women, particularly DV in Timor-Leste is very limited. Ferguson (2011) traced the connections between GBV, sex workers, and the risk of HIV infection. It is seen that the increase of GBV, including DV, has posed significant concern to women's security, health, and medical issues, particularly the spread of sexually transmitted diseases.

#### 4.4. *Nabilan* Program on Ending Violence Against Women

International development organisations have played an essential role in supporting government policies and intervention towards gender-based violence in Timor-Leste through

funding support to local NGOs and actively engaging in spreading awareness activities and public education (ADB, 2014). *Nabilan*, which means “bright”, is eight-year partnership initiatives between the governments of Australia and Timor-Leste implemented by The Asia Foundation to assist women and children in living free from violence and asserting their rights and freedom (TAF, 2019). A baseline study (TAF, 2016) on the prevalence and perpetration of violence against women and children in Timor-Leste was undertaken before the program was used to develop the activities and project framework. *Nabilan* focuses on the victim services and prevention of violence against women and children. *Nabilan* helps to achieve this goal by ensuring that women and children who have been victims of violence have access to high-quality and all-inclusive services. In accordance with the NAP-GBV, the program collaborates with individuals, communities, civil society, and the government to achieve long-term change through services provision and social norms change. The *Nabilan* program partners, including the Ministry of Social Solidarity (MSS), and civil society organisations, have provided services to 31,857 women and children, including referrals, legal aid, medical examinations, temporary and long-term shelter, counselling, life-skills training, and reintegration assistance (TAF, 2019).

#### 4.5. Conclusion

As a result of the high prevalence of GBV especially DV, the government of Timor-Leste has established various policies and interventions according to the national and international legal framework. Civil society organisation and international development agencies also play a vital role in supporting the government to effectively implement the policies to prevent and respond to violence against women through awareness-raising programs, services provision, economic empowerment, and legal accompaniment. Some initiatives or intervention existed even before the approval of the LADV and its plan of actions. However, the outcomes of those initiatives have fallen short of expectations due to limited resources, weak monitoring, and evaluation as well as a poor coordination mechanism between relevant institutions working to address the issue. The comprehensive review regarding the implementation of the policy responses towards DV in Timor-Leste will be discussed in chapter five.



## Chapter 5. Review the Effectiveness of the Policy Interventions on Domestic Violence

Domestic violence is a very complex issue that requires comprehensive responses and well-coordinated mechanisms from multi-agencies to effectively implement the interventions as directed in the Law of Domestic Violence (LADV). As stated in the LADV, the national action plan is an important tool to strengthen the provision of support to victims and assign responsibilities to different government institutions and enhance collaboration with civil society organisations. It thus becomes a reference to appropriate mechanisms to establish effective cooperation between relevant State agencies, including the judicial institutions, prosecutors' office, public defenders, and local authorities, as well as NGOs and relevant organisations and entities, in protecting and supporting victims/survivors of domestic violence.

This chapter analyses the progress and challenges in implementing the key aspects of the policy interventions to address DV in Timor-Leste as stated in the National Action Plan of Gender-Based Violence (NAP-GBV 2012-2014), the time frame of which was extended until 2016. Thus, this analysis will cover the period of NAP-GBV 2012 -2016. While recognising the limitations of information on measuring program effectiveness, this chapter will explore how the policy worked in responding to DV issues through a critical analysis of reports from government; specifically, the report on the evaluation of NAP-GBV, reports from NGO service providers, international organisations and research reports written by scholars. It will also look at what worked to support victims of violence and efforts undertaken to curb domestic violence by assessing the program design, roles of implementing agencies involved, program delivery and the outcomes, as well as shortcomings encountered. The assessment of policy effectiveness can be greatly influenced by a different definition of program success across studies, and perspectives from policymakers, implementers, and the target groups. For instance, some studies may consider the decrease in the number of DV cases as a success, whilst others rate the increased reports of victims disclosing the violence as the criteria of effectiveness. Hence, different measure of success will be employed in reviewing the effectiveness of policy interventions based on program impact and gaps.

The analysis has drawn extensively from the existing studies identified through articles about the LADV review published in academic databases, UN guidelines on NAP and a comprehensive report on impact evaluation from the government of Timor-Leste, as well as

reports from local NGOs, international NGOs, and bilateral donors found by visiting their websites. The search strategy mainly relies on published sources, however, due to limited information found the author also sent out emails to key network institutions requesting any unpublished materials to be used in the analysis. Considering the limitation of data to be analysed, this section will focus on the four pillars of the NAP-GBV 2012-2016 with a focus on how the different stakeholders collaborated to ensure effective implementation, how the outcomes are evaluated, and what lessons have been taken on board for the second phase of NAP 2017-2021.

Documents used for my analysis were compiled from government and UN Women websites for policy documents on NAP-GBV 2012-2014 and NAP-GBV2017-2021, website articles about policy interventions, unpublished reports on the implementation of interventions and relevant documents such as annual reports from service provider organisations. Fifteen articles (Table 5.1) with significant content have been chosen to support my analysis: some of articles are in the Timorese language *Tetum*.

Table 5.1. Summary of Sources and Type of Document to be Analysed

Source of Article	Official Documents	Website Article	Annual reports	Total
Secretary State for the Promotion of Equality	2			2
Secretary of State for the Support and Socio-Economic Promotion of Women (SEM)	1			1
Secretary State for Equality and Inclusion (SEEI)			1	1
Asian Development Bank	1			1
The Office of the Ombudsmen for Human Rights and Justice (PDHJ)	1			1
The Asia Foundation	1	1	1	4
<i>Rede Feto</i> Timor-Leste (Women’s Network)	1			1
Forum Communication for Timorese women (FOKUPERS)			1	1
UN Women		1		1
JSMP		1	1	2
<b>Total</b>	<b>8</b>	<b>3</b>	<b>4</b>	<b>15</b>

## 5.1. Overview of the Main Pillars and Strategic Focus of the National Action Plan on Gender Based Violence 2012-2016

The National Action Plan for tackling domestic violence for the three years period, 2012-2014 was adopted by the Council of Ministers in 2012 (Resolution No.21/2-12) after the promulgation of LADV in 2010. The timeframe of NAP-GBV 2012-2014 was extended, and the implementation continued until 2016 while waiting for the revision of NAP for 2017-2021. This plan is Timor-Leste's first multisectoral approach to addressing GBV (ADB, 2014). The plan served as a tool to identify short- and long-term goals, establish a comprehensive mechanism on how relevant stakeholders from Government and Civil Society, different sectors such as education, social services, justice, security, and health, will work together to reach these goals. The development of Timor-Leste's NAP-GBV 2012-2016 is based on the UN Women (2012) handbook of guiding principles on development of a National Action Plan on Violence Against Women.

The plan consists of goals and indicators for each pillar, as well as a coordination mechanism and monitoring and evaluation framework to track the progress through accurate data to measure the effectiveness of the interventions. The NAP-GBV has been developed under the leadership of the Office of the Secretary State for the Promotion of Equality supported by the Technical Drafting Committee from a multisectoral agency. The principal objective has been to formulate a plan which is strategic, sustainable, broadly consulted, and can be adapted to the needs and the context of Timor-Leste. This will ensure the sense of ownership and support from the essential stakeholders for the success of its implementation, such as the key ministries, government institutions, service providers and civil society actors (Secretary State for the Promotion of Equality, 2012).

Below are the details of the NAP-GBV's Pillars and its target to be achieved in the first phase 2012-2014.

### 5.1.1 Prevention Pillar

The prevention program aims to prevent GBV from occurring by addressing its root causes. Power and control of one person over another, gender inequality and discrimination, are common elements that must be addressed (Morrison et al., 2007). The purpose of the prevention of GBV is to understand its causes and contributing factors and in order to develop

strategies to reduce or eliminate them. Prevention entails longer-term planning and implementation to envision significant economic, social, and political changes. According to the Action Plan a fundamental component of the preventive measures is awareness-raising aiming at: a) attitude and behaviour changes and changing the social beliefs that normalise and tolerate GBV; b) preventing the occurrence of violence through awareness raising and education; c) public education on available resource and services responses to violence and increased demand to specialised services for victims (ADB, 2014). Furthermore, the LADV, article 9, outlines the importance of public education programs targeted at future generations through the integration of education about human rights and GBV prevention in the school curriculum, in which students are taught important lessons about DV from year 7 up to year 12, and encourages the research at tertiary level on underlying factors of domestic violence (Yogarathnam, 2017). The success of community awareness programmes is measured not only by increased access to justice but also by community perceptions and attitudes towards women and DV. Members of community encouraged victims to disclose the violence and seek support by referring them to police or service providers (FOKUPERS, 2016) In addition to that the prevention program was also aimed at addressing root causes of inequality and GBV through women's political and economic empowerment to overcome women's subordinate status in society via establishment of policy legislation that promotes women's voices in decision-making, as well as increases opportunities for economic empowerment.

### 5.1.2 Protection/Victim Service

The second Pillar of the NAP-GBV relates to the delivery of essential services to victims and recognises that it is important to respond immediately to the various health and social needs of victims of GBV (multisectoral needs). Ensuring accessible health care and essential psychological support means that services are physically and geographically available to victims and that these sources of support must be provided by professional and skilled staff with adequate training. The main components of health services and psychological support, include screening to identify women suffering from violence, frontline support, injury care and emergency medical treatment, sexual aggression examination and treatment, mental health assessment and treatment, forensic examination/medico-legal examination, shelter and crisis counselling (Secretary State for the Promotion of Equality, 2012).

### 5.1.3. Access to Justice

The justice pillar focuses on ensuring that victims have access to the legal justice systems and all forms of GBV are investigated, prosecuted, and punished, and. It aims at preventing recidivism, discouraging violent behaviour in Timorese communities, and holding perpetrators to account. The NAP seeks to strengthen the legal framework responding to GBV and DV, through review, improvement, and implementation of supporting legislation. Effective and timely investigation and prosecution of GBV crimes is necessary for the accountability of offenders, the protection and support of victims, as well as ensuring public confidence in the justice system. Currently, there is a gap between the provision of a formal legal framework for victims of gender-based violence and the reality of victims' ability to access justice mechanisms. Impediments to access to justice include the public's lack of legal knowledge and education on GBV and the formal legal system, gaps in resources and capacity to address victims' needs within the justice sector, cultural biases at the individual level among legal and police staff, and access to affordable professional legal services. Thus, the National Action Plan attempts to address these challenges and enhance victims' access to justice through increasing the availability of information to the public on legal recourses, training, and sensitising justice actors to dealing with victims of GBV and broadening the availability of legal aid services for victims. The NAP outlines several measures to increase the capacity of justice actors to address challenges in GBV cases. These measures include continued training for police and legal professionals, provision of sufficient resources for professional investigation, and establishment of spaces and procedures to protect victims and witnesses when testifying in court. Additionally, the NAO aims to address the appropriate and consistent punishment of perpetrators of GBV and DV crimes, through working with judges to develop sentencing guidelines and increasing non-custodial sentencing options (Secretary State for the Promotion of Equality, 2012).

### 5.1.4 Coordination, Monitoring and Evaluation

The Coordination, Monitoring and Evaluation section outlines mechanisms to be developed that will ensure the timely and effective implementation of the NAP. This includes the establishment of a 'Coordination Entity' as outlined in Article 14 of the Law Against Domestic Violence, as well as the development of a monitoring and evaluation framework and systems whereby progress in combating GBV in Timor-Leste is measured and built upon in the



development of future NAP (ADB, 2014). The aims and targets of the Plan can be found in figure 5.1.

Figure 5.1. Strategic Focus and Result of NAP-GBV 2012-2014

Figure removed due to copyright restriction.

Source: Secretary State for Promotion Equality, 2012

## 5.2. The Implementation of NAP-GBV 2012-2014; How Effective has it been?

The implementation of NAP-GBV 2012 -2014 was evaluated in 2015 to identify the impact, gaps, and challenges as evidence for the formulation of the second NAP-GBV. The evaluation was conducted from August to December 2015 by an individual Consultant, Joao dos Reis Martins Noronha, hired by the Secretary State of Women. The evaluator used the Reidar Dale (2001) Planned vs Actual approach to analyse data and applied a qualitative approach in data gathering, including in depth interviews with key informants, observation and random check points, and review of relevant documents. The evaluation was conducted in 11

out of 13 municipalities, involving interviews with 60 women and 42 men. In addition, 32 people from government institutions, 43 people from NGOs and two from UN agencies were interviewed. The main objective was principally to compare the outcomes outlined in the plan and its actual impact by looking at the *relevance, efficiency, effectiveness, impact, and sustainability* of the interventions (Noronha, 2015 p.9). The evaluation reports revealed that:

Overall goals achieved, an important achievement is in changing people attitude that GBV, particularly domestic violence is public crime, and the perpetrator should be prosecuted through formal justice systems. Increased report of domestic violence cases to the police at the VPU in 13 districts is one indication that the interventions have worked in terms of increasing awareness about domestic violence as a public crime, not a private matter that can be only kept inside the family (Noronha, 2015 p.9).

The evaluation concluded that the policy interventions are relevant to DV and GBV in the Timor-Leste context, and the implementations have been effective and efficient in accessing legal justice, shelter service and reintegration support. The sustainability of the Action Plan however was in doubt, according to Noronha, as the funding for the NAP heavily depends on Ministry of Social Solidarity and international donors. Other key ministries have not given priority to NAP in their budget plan. For example, PRADET, an NGO providing medical forensic examination, relied on international donors because the Ministry of Health had not allocated funding for the providers as stated in the plan (Noronha, 2015).

The approach employed in the data analysis of the evaluation focused on comparing the plan and the implementation, rather than outcomes or impact of the interventions from a feminist point of view on battered women or rights-based approach according to the UN Women guidelines on NAP. It noted that the evaluator is a man: presumably this has impacted the evaluator's capacity to interview women victims regarding their perceptions of the outcomes of the Action Plan, which resulted in a lack of women survivor perspectives in the evaluation reports (women survivors not included in respondent list).

To shed light on some of the gaps left by the government commissioned evaluation, I will use the UN women (2012) guidelines on effective NAP to assess the implementation of the NAP-GBV. My analysis will be on the basic components that support effective implementation of the NAP and focuses on how the NAP was evaluated and the collaboration

mechanism among different stakeholders in the implementation of the NAP. Figure 5.2 shows the components needed for effective NAP.

Figure 5.2. What Makes NAPs Work

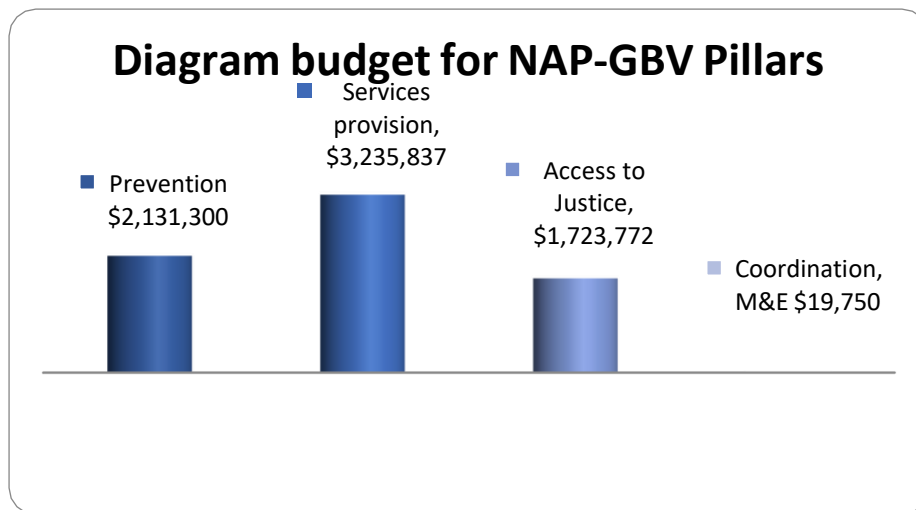
Figure removed due to copyright restriction.

Source: UN Women, 2012; Humanitarian Advisory Group, 2015

The following discussion refers to the essential components of effective NAP as shown in figure 5.2. In general, the government has shown its commitment by allocating necessary resources and delivering proper interventions and establishing specific coordination mechanisms to ensure the achievement of the principal goals of NAP-GBVs (Noronha, 2015). The plan has a clear vision and indicators to measure the impact of the intervention within three years and a specific budget devoted to each strategy focus as described in the logical framework in appendix 1. However, while the goals appeared to be ambitious, but limited human and financial resources were deployed, and therefore some of the goals were not achieved within the target period. A large number of resources were allocated to pillar two, victim service, but very limited amount to the other pillars. This situation suggests unequal investment in the implementation of the intervention. As a consequence, the time frame was extended to 2016. A government resolution on Gender Responsive Budgeting (GRB) was approved in 2011 to ensure sufficient financial resources were allocated to the implementation

of the Action Plan. GRB is a strategy for promoting gender equality that has emerged internationally to oversee the raising and spending of the government budget. It involves the gender-differentiated impacts analyses of public finance and decision-making towards changes and processes of budget allocation and its priorities (Elson and Sharp, 2010). As discussed previously, costing is important as an implementation tool to operationalise commitments made by the key Ministries and Institutions essential for the plan’s execution and allow for future analysis (Costa et al., 2013). The Government allocated a total budget of USD 7 million in key ministries to implement the plan for the three years period, 2012-2014 (ADB, 2014). Figure 5.3 details the budget allocation for each pillar:

Figure 5.3. Budget of NAP-GBV 2012-2014

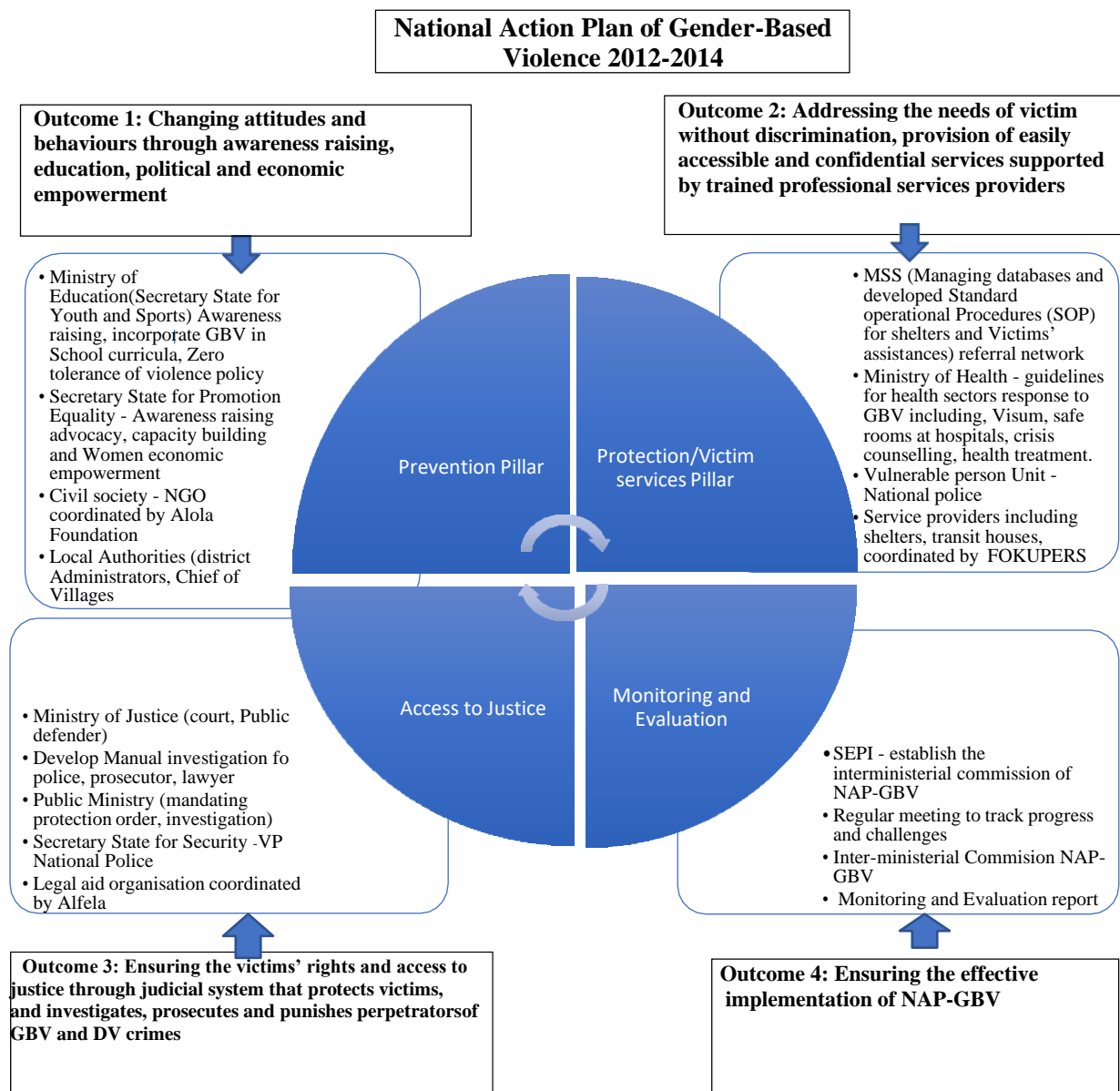


Source: Noronha, 2015

The national machinery for advancement of women, the Secretary State for Promotion of Equality, is the leading ‘coordination entity’ in overseeing the plan’s implementation, through collaboration with the Gender Working Group mechanism established in five key ministries, namely the Ministry of Health (MH), Ministry of Education (ME), Ministry of Justice (MJ), Ministry of Social Solidarity (MSS) and the Secretary of State for Security (CEDAW, 2014). In addition, the ‘coordination entity’ also includes a representative from civil society organisations (CSO) - service providers. The CSO were actively involved in the NAP implementation and the government also provided funding support to them as most of the services in the health and psychosocial area are provided by CSO. The government also built partnerships with international development partners such as the government of Australia through DFAT, the Asia Foundation and UN agencies to support the effective implementation

of the NAP. Figure 5.4 describes the integrated approach of the intervention plan and the roles of each stakeholder involved.

Figure 5.4. NAP-GBV Coordination Mechanism and the Roles of Each Implementing Agency



Source: Figure designed by author

The coordination mechanism consists of a referral network; for service delivery coordination led by the Ministry of Social Solidarity, and an advocacy strategy led by the Secretary State for Promotion Equality. The Inter-ministerial Commission for NAP-GBV is specifically assigned responsibility to oversee the implementation of NAP-GBV including conducting evaluation, preparing the report to the National Parliament, CEDAW committee

and organising an annual meeting with donors to support the implementation of the NAP-GBV (ADB, 2014). The Ministry of Social Solidarity has developed the national Standard Operating Procedures (SOPs) as a guideline of principle and ethical standard for a referral networks pathway of collaboration among service providers and relevant ministries, to ensure victims have access to essential needs such as security/temporary safe houses, medical, psychological, and legal services, as well as coordinates advocacy in tackling domestic violence issue. The goal of referral systems is to respond to immediate and multiple needs of the survivors/victims through the most effective and safest way of reporting according to survivors/victim's preference for care, treatment, and service delivery. In 2008, the government established gender focal points as a coordination mechanism for gender-related issues. However, considering the lack of authority, resources, and expertise, in 2011 focal points were replaced by gender working groups in each ministry and in each district (ADB, 2014). In the context of the implementation of NAP-GBV, the Gender Working Groups are responsible for ensuring the line ministries have integrated the plan into their program and allocated adequate resources to implement the action plan based on the parliamentary resolution No.12/2010 on Gender Responsive budgeting (Austen et al., 2013).

### 5.3. The Challenges and the Gaps Encountered in the Implementation of the Intervention

According to a monitoring report from JSMP (2015) cited in Noronha (2015) the number of DV cases reported to police significantly increased from 12.0% of cases in 2010 to 48.5% in 2014. However, due to the limited allocation of resources to implement the plan, the increased reporting of violence has implications on the required service provision to victims which is costly and mostly inadequate. For example, only nine shelters are available in the country, mostly run by NGOs with limited skilled personnel and financial support. A report from Forum Communication for Timorese Women (FOKUPERS), a well-known women's organisation operating shelters and transit houses for victims of GBV in Timor-Leste, revealed that normally, the length of stay in transit houses is 3 to 4 days, and 3 to 6 months in sheltered accommodation. However, often victims stay in the shelters for longer, sometimes up to three years waiting for their court judgment for their case (FOKUPERS, 2013).

The main challenge has been a limitation of service provider resource capacity to reach an ever-increasing number of new clients while improving the quality of their services

(Noronha, 2015). The limited budget has been a crucial issue for the implementation of the intervention. In an alternative report to the CEDAW committee, NGOs raised the important issue of uneven budget allocations towards each pillar resulting in the ineffective response to the domestic violence issue in Timor-Leste. For example, ALFELA (Women's Legal aid organisation) and PRADET (Health examination and psychological recovery organisation) are both the only organisations that provide legal aid and forensic examination for victims of violence in Timor-Leste but have not received funding from the government and have a high dependency on international donors. The NGOs urge the government to ensure all activities in NAP are fully costed, and the government to provide long-term funding support (*Rede Feto Timor-Leste*, 2015). Considering the assistance provided by NGOs are an integral part of the coordinated intervention programs, in 2013 the government, through Ministry of Social Solidarity provided funding for shelters and other social institutions to prevent and respond to domestic violence. The victim assistance organisations provide safe temporary accommodation, crisis counselling and support, legal accompaniment, reintegration, empowerment, and follow-up support. Through a referral network, the service providers work together to provide legal information and safety needs during the prosecution process, including monitoring the cases, and liaising with the Public Ministry office to ensure victim rights to justice and that they are safe and protected during the legal proceedings (FOKUPERS, 2016).

Although the government evaluation report generally shows the success of the program, the implementation of the action outcomes falls short of expectation due to inadequate analysis of the context this is due to a lack of reliable and standardised data on GBV, lack of political will and support, financial and human resources shortages as well as poor coordination, monitoring and evaluation among key implementer actors (UNFPA, 2015). Thus, it is crucial to consider that the government commitments to implement the policy should be supplemented by other forms of institutional enforcement and pressure to ensure implementation of work developed in the policy document (Ahmed, 2006). In her paper on 'Nonperformativity of Anti-Racism', Ahmed (2006, p.105) posits that texts 'do things' but that they "are not 'finished' as forms of action, as what they 'do' depends on how they are 'taken up'. Applying Ahmed's argument to the NAP-GBV, the NAP on paper did achieve something, as a statement of government commitment to address GBV, but it is unfinished as many aspects have not taken up or implemented. For instance, the evaluation report revealed the weak coordination and cooperation between key stakeholders in performing the outlined programs in the NAP;

although meetings were conducted at the national and local levels there was mostly no follow-up to address the issues or gaps discussed in the meetings (Noronha, 2015). Therefore, good collaboration and sound monitoring systems are essential to guarantee the effective implementation of the intervention.

Additionally, the NGO CEDAW alternative report by JSMP, ALFELA and PRADET (2015), shows the lack of adequate implementation of LADV, as the government do not take into account the victims' special needs and interests. According to essential services guidelines UNFPA (2015), specific needs of women victims of violence include access to reproductive and sexual health, a safe room at the healthcare facility to ensure confidentiality and sensible services, crisis counselling, housing and employment, and legal accompaniment to claim their rights for justice. According to a JSMP report, 52% of domestic violence cases monitored between July 2010 and June 2013 resulted in a suspended sentence, 24% resulted in a fine, and only 4% resulted in an effective prison sentence (JSMP et al., 2015, p.19). Whilst acknowledging that prison sentences are not effective in all cases, applying suspended sentences without appropriate monitoring and focused perpetrator rehabilitation programs could be problematic and might increase recidivism (JSMP et al., 2015, p. 19). This shows that NGOs are monitoring the implementation of policy interventions from different views and focus on a specific aspect that might not be carefully assessed by an official government evaluation report.

As highlighted by Buzawa (2002) and Mears (2003), integrated approaches involving multi-agency collaboration are much more difficult to assess, and the effects are rarely attributed to specific interventions. Although the interventions are clearly well-designed, they are not always well-implemented and monitored (Gondolf, 2002). For instance, although the NAP-GBV has integrated a community awareness-raising program that involved different actors from local to national areas, with program innovation-targeted comprehensive and rigorous community responses, the influence of conservative traditional practice which consider domestic violence as a private issue persist in most districts in Timor-Leste. This conservatism has resulted in the mandatory legal proceedings being ignored and inconsistent sentencing of domestic violence cases as highlighted in JSMP et al. (2015), report. The lack of awareness, limited government resources to reach the remote areas and illiterate citizens, and lack of coordination among implementing agencies in the prevention efforts, make the process of dissemination become slow and behavioural change a distant goal (PDHJ, 2015).



Further, another important issue raised in the government evaluation report, was the absence of the intervention program on rehabilitation of perpetrators. The interventions for DV focused on the victim and little attention were paid to the abuser beyond court-ordered sentencing (Noronha, 2015). As outlined in chapter three, evidence of effective intervention adopted in many countries shows that identifying and responding to offenders requires more specialised interventions such as Cognitive Behavioural Therapy (CBT) which appears to have positive advantages.

Other challenges hindered the achievement of specific goals outlined in the NAP-GBV, including DV issue still being seen as a source of shame and stigma for women, economic dependency towards men, unstable income, and the preference of the informal system over the formal justice system in some DV case resolutions in most part of the country (Macdonald, 2012 ; Wigglesworth et al., 2015) This situation shows the importance of identifying the needs and opportunities in creating more flexible and varied responsive strategies to deal with domestic violence in accordance with the local context and considering the variety of factors, including domestic violence, as human rights problems as discussed in chapter two. Therefore, in the revision of NAP-GBV for the second phase from 2017-2021, the government has carefully taken into account all the gaps and challenges discovered in the evaluation report in its program and activities development.

#### 5.4. The Second Phase of NAP–GBV 2017–2021

The second Action Plan was approved by Government Resolution No. 25/2017, on May 27<sup>th</sup>, 2017. The revision of NAP-GBV 2017-2021 was conducted by the Secretary of State for the Support and Socio-Economic Promotion of Women (SEM) from May to July 2016 through broad consultation at national and municipal level. The process included interviews with key stakeholders from government, civil society, and victims of gender-based violence, and consultation workshops at national and municipality level. The draft was presented to a validation workshop to seek feedback, and then finalised (SEM, 2017). The development of NAP-GBV 2017-2021 has similar programs, outcomes and activities as outlined in the first action plan. Figure 5.5 describes the outcomes and indicators of respective pillars developed in the NAP-GBV 2017-2021:

Figure 5.5. NAP-GBV 2017-2021 Pillars and Areas of Focus

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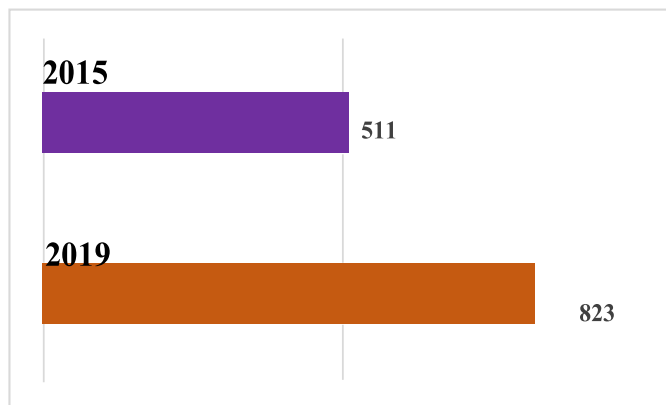
Source: SEM, 2017

A few changes have taken place in the second phase of NAP–GBV based on the recommendations from the evaluation report of the first NAP-GBV (see logical framework pillar 1 and 3 in appendix 2). In the prevention pillar, the need to involve men in the effort of primary prevention is recognised by engaging them in the activities to increase awareness on sexual reproductive health and rights, increase the role of media to ensure zero tolerance of violence in their reporting, as well as their active role in spreading awareness on gender-based violence, and promotion of equality between men and women. This second phase of NAP-GBV SEM (2017), also outlined the importance of addressing the issue of recidivism and revictimisation through strengthening the rehabilitation programs for perpetrators. Furthermore, to ensure the effectiveness of the implementation new key institutions are included in the inter-ministerial commissions, such as the National Ombudsmen (PDHJ), Unit

for Planning, Monitoring and Evaluation in the Prime Minister’s Office (UPMA), and representatives from three service provider NGOs (UN Women, 2018). The government also received continuing funding support from development partners that focuses on the implementation of NAP such as from DFAT, UN Agencies, and currently the European Union jointly with UN Agencies have launched a three-year Spotlight Initiative which amounts to \$ 15 million to the ending Violence Against Women program focus on key pillars of NAP-GBV.

However, the activities for the second phase NAP have not been fully implemented due to instability in funding allocated to NAP-GBV as a consequence of the political impasse in the country since 2017. The implementation of the NAP-GBV officially started in 2019. According to the implementation report from the Secretary State for Equality and Inclusion (SEEI) presented to the Parliament at the end of 2019 there was significant achievement of indicators as outlined in the action plan (SEII, 2019). The safe rooms have expanded to five municipalities and the number of victims seeking urgent medical care has increased by 60% compared with the previous plan as shown in figure 5.6.

Figure 5.6. Comparison of Urgent Medical Care 2015 and 2019



Source: Noronha, 2015.

In 2019, 326 health staff received training, and 258 health staff received guidance about the relevant procedures (National GBV Guidelines from the MoH, about the monthly reporting format for GBV) from the Ministry of Health, and 48 health staff received training about mental health from the NGOs PRADET and FOKUPERS. The training has contributed to increased knowledge of health professionals in identifying domestic violence and other related GBV cases and is documented based on the guidelines provided (SEEI,

2019). When health professionals understand the signs of violence against women, they are able to ensure rapid support and guarantee the recording of evidence that is key to the judicial process. Moreover, the capacity of social work professionals has been strengthened. Nearly 50%, 22 of the social service professionals from non-government organisations that provide essential social services (including staff from Shelters), graduated from Certificate III in Social Services, supported by DFAT. This certificate received accreditation from INDMO and has become a key element for professionalising the social services sector in Timor-Leste (The Asia Foundation, 2019).

Despite these positive outcomes, the challenges remain especially related to budget allocation and coordination mechanisms to ensure effective implementation according to the UN Women guidelines on effective NAP. Some planning set out in the first NAP regarding the infrastructure to support victims easily access crisis services still has not been executed. For example, the indicator under pillar two is to establish hotline services and five more shelters throughout the country, but only two shelters were built in 2013 managed by an NGO, and the hotline service was not established due the shortages of human resource and financial capacity (FOKUPERS, 2016). Therefore, advocacy effort is needed to ensure adequate funding and cooperation for the success of the intervention in addressing domestic violence in Timor-Leste.

## 5.5. Conclusion

The research demonstrates that NAP-GBV consisted of integrated and well-coordinated interventions to help women survivors in attaining their rights to justice and healing through provision of psychosocial service, legal aid and economic empowerment. However, evaluations of these interventions tend to focus on implementation rather than changes that affect women's lives and long-term societal behavioural changes. The official government commissioned evaluation has shown limited progress in the criminal justice system in applying mandatory legal proceedings, witness protection, sentencing, monitoring and rehabilitation programs for perpetrators. Considering the critical rehabilitation aspect of the aggressor of violence, the second phase of NAP responses were not solely focused on women as victims but also focus on gender power relation to challenge patriarchal attitudes and behaviours that reinforce inequality between men and women that contribute to violence against women and children. Although, in general, the evaluation report presents significant achievements, challenges remain unsolved including, the shortage of funding and competent

human resources in all sectors relevant to the GBV and lack of effective collaboration among stakeholders. Therefore, more efforts are needed to build institutional commitments and capacity to ensure professional and accessible services, adequate financial support, and better coordination mechanisms in the monitoring, documentation of evidence or best practices to inform policy reform and improve implementation in the future.



## Chapter 6. Conclusion

This thesis studied the effectiveness of an integrated response through the implementation of policy interventions to address GBV, particularly DV, in Timor-Leste using UN Women guidelines on effective National Action Plans (NAP). Since the enactment of the Law Against Domestic Violence (LADV) in 2010, two National Action Plans on Gender-Based Violence (NAP-GBV) have been adopted (NAP-GBV 2012-2016 and NAP-GBV 2017-2021), to facilitate the implementation of the law. The NAP has become a representation of government accountability to women and citizens in general, and of its international commitment as a signatory to several human rights covenants. By linking NAP to Human Rights Treaties recognises that claims to guarantee women rights to live in a safe environment, are part of states' obligations under international law (UN Women, 2012). A NAP allows the government to develop an effective, comprehensive human rights-based response that is relevant to the national context of violence against women. Plans can build on the lessons from previous plans and policy evaluations in this area. Therefore, undertaking critical reviews of such policies to assess the effectiveness of the execution of the policy, outcomes achieved and remaining gaps, can make important contributions to the policy design and programming (Solotaroff and Pande, 2014), and this is what this thesis set out to do.

The evaluation report commissioned by the Timor-Leste Secretary of State for Women to assess the implementation of NAP 2012-2015 suggests that there is an increased awareness of DV as a public crime and an increased number of cases of DV are being brought before the formal justice system. However, domestic violence, as well as a larger social tolerance for all forms of gender-based violence, remains a significant concern for Timor-Leste, as argued in chapter three. It is aggravated by women's economic dependence on men, gender bias in marriage, stereotypical gender roles, and cultural and social views that place women in a lower status than males. The increased prevalence of domestic violence in Timor-Leste also has a strong connection with the unsolved vicious cycle of violence and trauma experienced during the lengthy period of colonisation rule. Against this backdrop, traditional discriminatory views against women and girls persist in some areas of Timorese society, notably in relation to domestic violence (The Asia Foundation, 2004 p.3).

Domestic violence responses differed by location and time. It should be founded on an objective, and thorough understanding of the nature of domestic violence and identify focus areas such as primary prevention, protection of victims or facilitating victim's access to justice. In the case of Timor-Leste, a solely legal approach will almost certainly prove insufficient to transform deeply ingrained attitudes and behaviour (Kovar and Harrington, 2013). Building consciousness on equality, the development of mutual respect, nonviolent conflict resolution in interpersonal relationships, and the eradication of gender stereotypes will provide a solid foundation for the prosperity and equality of the people of Timor-Leste. To achieve this will require regular training for professionals that provides assistance to victims, spreading awareness through social campaigns, integrating support and treatment programs into the sentencing system, and addressing the perceptions and attitudes that consider domestic violence is a normal occurrence and a private matter.

The commissioned review towards the interventions of NAP 2012-2015 comprehensive responses and methods to address domestic violence are deemed best practise that provides evidence and sets out the solid foundation to the second phase of NAP 2017-2021. While noting that most evaluations of these models focus on implementation rather than outcomes, my research confirms that integrated models demonstrate improvements for women and children in the short-term. However, less improvement is evident in the longer-term, and little to no improvement has occurred in the perpetrators' behaviour (Noronha, 2015). This suggests that the goals articulated in the NAP are too broad and difficult to achieve and measure within the three-year life span of the plan. Responding to these issues, one important lesson learnt and taken into consideration in the second phase of NAP, is that interventions should not only focus on women as a victim but also include programs on promoting equal gender relations between men and women and integrating it with other government policies to address systemic inequalities. This will help to challenge patriarchal attitudes and behaviours that reinforce the acceptance of violence against women. Even though the NAP-GBV has adopted the international standard on essential services to victims of domestic violence, it is critical that the model used to build an integrated response to domestic abuse be suited to the culture and jurisdiction in which it works. It is important to encourage a community-based approach to the issue and combat the acceptability of domestic violence as family and private problems through community education. This should also include raising awareness about the long-term detrimental impact of violence, and how the associated costs burden the State.



The thesis concluded that although NAP-GBV Phase 1 has achieved significant goals in addressing domestic violence in Timor-Leste, more efforts are needed to respond to remaining challenges. These challenges include the shortage of professional front line staff, the lack of skilled human resources in the relevant ministry tasked with executing the Action Plan, and poor coordination among stakeholders involved. Another issue raised in the commissioned evaluation is the issue of sustainability of funding to support the implementation of NAP. To ensure that interventions can be sustainably implemented and adequately funded, it is essential to incorporate sustainability and implementation dimensions into funding criteria. Ultimately, building institutional commitments and the ability to provide professional and accessible care, enhance collaboration among relevant stakeholders, adequate monitoring, and documentation of the evidence, are crucial aspects to be considered to strengthen the effective execution of the future NAP-GBV.

The major limitation of this thesis is that it relied on government evaluations reports and other documents and reports from CSO concerning the NAP-GBV implementation to provide a critical evaluation of the interventions to tackle domestic violence. In that sense, the thesis is not able to make claims that certain measures or interventions will have guaranteed success in preventing and responding to domestic violence. Rather, the thesis identifies the gaps and challenges in the implementation of the NAP-GBV and the measures that can be adopted particularly in dealing with the perpetrator. It suggests further research and comprehensive evaluation into what supports or hinders evidence-based practice in family violence-related services in Timor-Leste and how might these be included into service planning. It is also recommended that the government of Timor-Leste should consider defining domestic violence based on human rights standards in plans, programmes, and policies that safeguarding survivors' rights, needs, confidentiality, and safety. The National Action Plan should establish specialised or tailored strategies to address the intersections of inequities and discrimination among different social groups. Different groups' needs must be considered in service delivery and criminal justice responses, and appropriate actions must be taken. In future to quantify the impact on diverse and marginalised groups, disaggregated data should be included in policy and program monitoring and evaluation.

## Appendix 1: Logical Framework NAP – GBV 2012-2014

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Appendix 2: Logical Framework Pillar I and III, NAP-GBV 2017 –  
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