

12. Women in Networked Governance

We have argued that a theory of networked governance is a more useful lens through which to understand the independence of Timor-Leste than a realist one. Realism is based on assessments of national interest from the vantage point of those with political and military power; it discards the more diffuse evidence of what the weak are up to. A realist account of the creation of Timor-Leste is limited because it misses the significance of hope for freedom and the struggle for justice and the complex connections between local, regional and international people and groups working for Timor-Leste's independence. The idea of networked governance in contrast emphasises the need for attention to the way that those with little political or military power can create networks, often slowly and tentatively, enrolling disparate groups to work towards an inspiring ideal of freedom. In other words, networked governance provides a means of regulating tyranny. Timor-Leste illustrates the complex array of connections that came together to allow a tiny country to reach independence and also the fragility of these connections since independence.

Networked governance is organised from nodes of activity or interest; of course, not all the nodes in a network will have identical concerns or strategies and there might be deep tensions between them. The strength and success of a network depend on how dissonance between nodes is managed. Readers will have noted how few women appear in the network narrative of Timor-Leste so far; indeed, men have dominated the systems of networked governance we have described. But this is not the full picture. In this chapter, we explore one of the major nodes in the networked struggle for independence, women, and how they have fared since independence in 2002. We suggest that East Timorese women's networking provides a model of creative and persistent engagement. Women, however, continue to work in the shade of the more volatile charismatic male leaders of the country.

In this book, we propose a civic-republican account of peacebuilding in Timor-Leste, based on an understanding of freedom as non-domination. The greatest risk to human freedom, on this analysis, is being subject to the arbitrary power of others; the notion of checks and balances created through separation of powers provides a critical antidote to this risk. As we have explored in other chapters, a civic-republican conception of the separation of powers is much broader than the traditional focus on the tripartite separation of governmental roles into executive, legislative and judicial. In this chapter, we consider how the separation of powers has contributed to the sustenance of women's networks and influence in Timor.

The elements of a feminist civic republicanism can be found in the work of the eighteenth-century writer and campaigner Mary Wollstonecraft, although there is lively debate about her philosophical and political legacy (see, for example, Curthoys 2010; Mackenzie 1993; Maoulidi 2007; Pateman 2009; Phillips 2000). Wollstonecraft was concerned with women's self-governance, or autonomy, and highlighted the parallels between the arbitrary power of the sovereign over the people and the arbitrary power of men over women. The way for women to escape this domination and think and act independently was for them to be able to control the public aspects of their lives (for example, through economic independence and educational achievement) and also their private, emotional lives, instead of living as passive dependants of men. Some aspects of Wollstonecraft's advocacy reflect the confined social context in which she was writing, but many of her prescriptions to encourage women's self-governance and resist the domination of women by men remain relevant today. She argued for reform of marriage and property laws that treated women as inferior to men and for public coeducation; she also supported women being able to claim the rights of citizenship, for example (albeit tentatively), through representation in government. Implicit in Wollstonecraft's writings is the idea that resistance to domination and arbitrary action requires the separation of male powers at multiple levels—from that of the formal system of government to systems of control such as tradition and religion to those of family and affective structures.

This feminist civic republicanism has resonance in Timor where women's lives have been highly susceptible to domination. The social fabric of East Timor before the 1975 Indonesian invasion was staunchly patriarchal, woven from strands of indigenous culture, Portuguese colonialism and Catholic beliefs, all of which prioritised the masculine over the feminine (Hicks 2004; Niner 2011). Women were largely confined to limited, domestic spheres of life, complementary rather than equal to men. Women worked alongside men in farming activities, but they also were solely responsible for looking after homes and families. Customary law placed many restrictions on women, including their rights to inherit land and property. The traditional East Timorese practice of *barlaque*, or bride price, acknowledges the cost to a family of bringing up a girl and the economic loss created by her departure to her husband's family. Although it is sometimes said to represent the respect in which women are held and to provide women with some security, the *barlaque* system has operated more often as an economic transaction between two families that undermines women's rights (Wandita et al. 2006:289). In rural areas of Timor-Leste, this picture has not greatly changed today.

We noted in the previous chapter that overall health and life expectancy have markedly improved in Timor-Leste since independence. Women's capacity for autonomy has, however, been affected by their low rates of literacy, low

representation in higher education (one in three university students are women, and of these only 20 per cent graduate), their extraordinarily high fertility rate (the average number of children for each woman peaked at 8.3 in 2004) and a very high infant mortality (44 per 1000 live births) and maternal mortality rate (440 per 100 000 live births) (UNDP 2009). Women in Timor-Leste receive one-eighth the income of men (Niner 2011:422). In this unpromising context, Timorese women have nevertheless managed to establish some checks and balances on male power.

Women in the Resistance Movement

Despite a history of entrenched patriarchy in East Timor, women became critical actors in the resistance movement. As many men were imprisoned or killed, or caught up in the fighting, women took on new roles. They maintained links between Falintil and the population and liaised with the Clandestinos. Women also performed more traditional activities such as cooking and sewing clothes and uniforms for the guerillas. They cared for the ill and wounded using traditional medical knowledge, and established childcare centres for children orphaned in the conflict, camps for the displaced, and literacy, health and welfare programs (Franks 1996:158, 162). It has been estimated that women made up one-third of those in both armed and non-armed resistance as members of both Fretilin and Falintil (Fernandes Alves et al. 2002); some place the proportion of women among the Clandestinos at 60 per cent (Cristalis and Scott 2005). Young women were active in the major demonstrations during the occupation—for example, at the time of Pope John Paul II's visit to Dili in October 1989 and the Santa Cruz Cemetery massacre in November 1991 (Franks 1996:166; Mason 2005:742–3).

Fretilin had made a commitment to work against the oppression of women early in 1975 and condemned polygamy and *barlaque* in its political manual published before the invasion (Wandita et al. 2006:290). Women set up the *Organização Popular de Mulher Timor* (OPMT: the Popular Organisation of East Timorese Women) in 1975 within Fretilin. The founding Secretary of OPMT was Rosa Muki Bonaparte, who had returned to East Timor in early 1975 from her studies in Portugal. She said: 'The creation of OPMT has a double objective; firstly, to participate directly in the struggle against colonialism and second, to fight in every way the violent discrimination that Timorese women have suffered in colonial society' (quoted in Franks 1996:158).

Bonaparte was killed by Indonesian soldiers on the wharf in Dili in January 1976 after refusing to leave East Timor. Despite this loss, OPMT provided a

powerful network for resistance activities during the Indonesian occupation, coordinating physical support for the guerilla fighters as well as being a major conduit for communication between the fighters and the Clandestinos.

Falintil's commitment to women's equality diminished as the fighting against Indonesian forces intensified. Women had to straddle the uneasy divide between their right to equality and their central role in maintaining Timorese culture and traditions in the wake of the Indonesian invasion. One woman former Falintil fighter told Yvonne Corcoran-Nantes in 2006:

Women never had the same rights as men. For that reason we created the OPMT but difficulties still existed...In the past there was support for change with respect to culture—radical change. In the guerrilla forces we had the culture of the *aldeia* and we were realistic not idealistic fighters. It wasn't that we didn't have our culture anymore, we had change but with certain limitations, that is, women have [family and cultural] responsibilities as well as rights. (Corcoran-Nantes 2009: 170).

As Corcoran-Nantes observes, this resulted in 'women [being] essentially complicit in supporting the very cultural mores which would impede the implementation of changes to address gender equality in Timorese society in the post-independence period' (Corcoran-Nantes 2009:170).

Women's bodies became a significant site of violence at the time of the Indonesian invasion in 1975, with a systematic campaign of rape and sexual attacks designed to humiliate and undermine East Timorese culture. George Aditjondro explained the sexual violence as a method for an insecure occupation force to prove its ascendancy over highly skilled guerilla forces (cited in Carey 2001:258).

Throughout the occupation, East Timorese women were tortured, detained, imprisoned and killed. The island of Ataúro was used as a prison mainly for women.

Women also suffered great sexual violence. The Indonesian army set up camps in various areas, particularly in the east, where women were herded together and raped over long periods (Carey 2001:259). Women who were active in the resistance—whether as fighters, Clandestinos or members of OPMT—were singled out for sexual violence, as were those whose father, husband, brothers or sons were in Falintil. Many women were kidnapped and forced to live with Indonesian soldiers, giving birth to children to 'Indonesianise' East Timor (Mason 2005:744). Women who were involved even in non-consensual sexual relationships with Indonesian security forces were generally ostracised by their families and communities (Campbell-Nelson 2003). The Indonesian occupiers also used other forms of humiliation against women. For example, in 1976 the

Timor Information Service reported that, after a skirmish between Fretilin forces and the TNI near Liquica, the TNI forced the female population of Liquica to work naked in the rice fields (Taylor 1999:81).

Sexual violence was again a feature of the post-election period in 1999. Systematic rape of East Timorese women in the West Timor camps has been widely documented, including mass rapes where Indonesian soldiers and the pro-Jakarta militias jointly abducted women and then divided them up as spoils (Harris Rimmer 2010:38). After a fact-finding mission in November 1999, three UN Special Rapporteurs reported on a sustained campaign of violence against women:

Rape was used by the military as a form of revenge, or to force the relatives out of hiding. Much of the violence against women in East Timor was perpetrated in the context of these areas being treated as military zones...[as] rape by soldiers in these areas is tried in military tribunals, and not before an ordinary court of law. Under Indonesian law, for a rape to be prosecuted it required corroboration—including the testimony of two witnesses. Women lived in a realm of private terror, for any victims or witnesses who dared to take action were intimidated with death threats. (UN 1999, quoted in Harris Rimmer 2010:38)

There also were allegations of sexual assaults on East Timorese women in remote areas by UN peacekeeping forces (Charlesworth and Wood 2002:331).

The CAVR managed to document 853 cases of sexual violence during the Indonesian occupation, 142 of which occurred during the 1999 upheaval after the referendum. This included 393 cases of rape (46 per cent), 229 cases of sexual slavery (27 per cent) and 231 cases of other forms of sexual violence (27 per cent). Almost all (93 per cent) were committed by the Indonesian military and police and the Timorese militias backed by them, with 3 per cent by members of the East Timorese resistance. The commission observed that sexual violence was likely to be under-reported not only because of the deaths of victims and witnesses, but also because of the personal trauma of and social stigma attached to victims of sexual violence and their fear of being abandoned by families and communities. The CAVR estimated that the 'number of women who were subjected to serious sexual violations by members of the Indonesian security forces numbers in the thousands, rather than hundreds' (CAVR 2006:Ch. 7.7).

Another form of violence against women during the occupation was through the Indonesian national population control program, Keluarga Berencana Nasional. This became a method not only to control East Timorese women's fertility but also to punish those who opposed Indonesian rule (Carey 2001:265). Covert sterilisation and coercive contraception schemes were deployed to limit the

number of children born to East Timorese women, particularly those in the resistance (Franks 1996:164–5; Mason 2005:744–5). It is unclear, however, how widespread this practice was as few cases of forced sterilisation were presented to the CAVR (Wandita et al. 2006:291–2).

Women and Independence

The terms of Security Council Resolution 1272 (25 October 1999) broke new ground in peacebuilding practice by emphasising the need to include persons in the UN mission in East Timor with training in ‘international humanitarian, human rights and refugee law, including child and gender-related provisions...’ (para. 15). The first regulation adopted by UNTAET in November 1999 also provided that ‘all persons undertaking public duties or holding public office in East Timor shall observe internationally recognized human rights standards... [including] The Convention on the Elimination of All Forms of Discrimination against Women’ (section 2). A year later, the Security Council adopted Resolution 1325, which called more broadly for a ‘gender perspective’ in all peace negotiations, including giving attention to the special needs of women and girls during repatriation, supporting local women’s peace initiatives and protecting the rights of women and girls in post-conflict legal orders.

The original structure of UNTAET included a Gender Affairs Unit in the office of the Special Representative of the UN Secretary-General (Whittington 2003). The plan was abandoned because of budgetary considerations, but intensive lobbying by women’s organisations, donor countries and aid agencies such as Oxfam led to its re-establishment in 2000, albeit without a designated budget line. Two high-level women UN officials, Mary Robinson and Angela King, also played an important role in the re-establishment of the Gender Affairs Unit after a visit to Dili (Charlesworth and Wood 2002:340–1). The unit established ‘Gender Focal Point’ officers in some districts and collected valuable data on women. It also secured some changes in UNTAET regulations to respond to the concerns of women. There were, however, some tensions between women’s organisations and the Gender Unit over priorities for action (Charlesworth and Wood 2002:342–4).

Women’s engagement in the fight for freedom gave them a sense of equality with men and they were reluctant to return to their traditional roles at the end of the occupation.

Planning for independence gave East Timorese women hope that their role in the resistance would be acknowledged in both formal and practical structures of equality. East Timorese women who returned from overseas after the occupation also brought with them strong views on sex equality (see interviews recorded

in Carey 2001). The hope of recognition of women's rights was, however, in tension with the goal of 'normalisation' after the lengthy conflict, which often meant, especially in rural areas, the strengthening of patriarchal traditions and customary systems (Corcoran-Nantes 2009:168). There were also UNTAET decisions that inadvertently disadvantaged women—for example, the decision to designate Portuguese as the official language of Timor-Leste affected women more than men as five times the number of men than women spoke Portuguese (Corcoran-Nantes 2009:168).

A range of women's organisations has emerged in Timor-Leste, with some tensions between those focusing on the protection of women and promotion of traditional female skills such as weaving and those more explicitly demanding recognition of women's rights. For example, OPMT had been forced to project an apolitical image in order to survive the Indonesian occupation, emphasising the promotion of traditional women's occupations. In 1998 the Organização de Mulher Timor (OMT: Organisation of East Timorese Women) was formed at the same time as the CNRT, and was open to women from all political camps, with an explicitly feminist agenda for equality. Another leading organisation, Fokupers, was established in 1997 and focused on women's health, support for victims of domestic violence and education against violence. The Alola Foundation was set up in 2001 by Kirsty Sword Gusmão, the Australian wife of Xanana, named after the young woman held by militias in West Timor referred to in Chapter 10.

Fifteen women's organisations came together to form Rede Feto Timor Lorosae (the East Timorese Women's Network) in 2000. In June of that year, Rede organised the first Congress of Women of Timor Lorosae, in Dili, attracting 400 women from all parts of Timor-Leste. One aim of this meeting was to influence the CNRT to support women's rights. The congress adopted a National Plan for Action, which called for greater openness and accountability in government, broad consultation on a constitution, resources for women's training for public life, greater representation of women in the National Consultative Council that had been created by UNTAET (reconstituted as the National Council in July 2000), a minimum of 30 per cent women in all parts of the transitional government, and an education campaign on domestic violence. Special Representative Sergio Vieira de Mello took the congress's program seriously and circulated it widely throughout UNTAET (Whittington 2003:1285).

Late in 2000, the UN Gender Affairs Unit and Rede proposed to the National Council that the electoral law require all political parties to nominate a woman in every third position on their electoral lists. The idea had some supporters within the council, but was eventually rejected after advice from UNTAET officials that it was not consistent with international standards for free and fair elections (Morrow and White 2002:38–9; Whittington 2003:1287). UNTAET's Political Affairs Office made a further argument that a quota for women candidates

would be unacceptable to the UN headquarters on the basis that it was a violation of the right to self-determination. These were weak grounds, given the support for affirmative measures to achieve equality enshrined in Article 4 of the Convention on the Elimination of All Forms of Discrimination against Women, whose implementation had been made an explicit aspect of UNTAET's work. Moreover, by this time UNTAET had already sanctioned quotas for women in the context of the civil service and in the Community Empowerment Project's plans for council elections (Corcoran-Nantes 2009:172). After the CNRT's rejection of the proposal, Rede and other women's groups petitioned the Transitional Administrator, Sergio Vieira de Mello, to reinsert a quota provision at the time he promulgated the electoral law. Despite his personal support for the quota, Vieira de Mello allowed the views of the National Council to stand (Morrow and White 2002:39).

In the lead-up to the election, Rede began a campaign to ensure that women were placed high enough on the lists of political parties to be elected to the Constituent Assembly, supported by a package of UN assistance organised by Vieira de Mello. The campaign succeeded, with 23 of the 88 seats won by women in the 2001 elections (27 per cent). Women headed up two of the 11 ministries: Justice and Finance. During the constitutional consultations, women's groups drafted a Women's Charter of Rights and obtained 10 000 signatories to it.

The engagement of the United Nations in East Timor and its commitment to human rights, however, prompted some sharp reactions particularly in the context of women's rights. In a New Year's speech in 2001, Xanana Gusmão attacked the 'obsessive acculturation to standards that hundreds of international experts try to convey to the East Timorese, who are hungry for values'. He used as examples the UN promotion of the concept of democracy although 'many of those who teach us never practised it in their own countries before they became UN staff members'; and the notion of gender, although 'many of the women who attend the workshops know that in their countries this issue is no example for others'. Gusmão continued:

It might sound as though I am speaking against these noble values of participation. I do not mind if it happens in the democratic minds of the people. What seems to be absurd is that we absorb standards just to pretend we look like a democratic society and please our masters of independence. What concerns me is the non-critical absorption of [universal] standards...[and] that the East Timorese may become detached from their reality and, above all, try to copy something which is not yet clearly understood by them. (Quoted in Charlesworth and Wood 2002:335)

Although he acknowledged the value of some international human rights standards in Timor-Leste, Gusmão's speech implied that East Timorese culture did not have an affinity with international standards on women's rights, particularly the right of women to determine their own lives.

Activism by women's organisations nevertheless had a direct effect on the text of the Constitution, adopted in 2002. It provides that one of the fundamental objectives of Timor-Leste is 'to create, promote and guarantee the effective equality of opportunities between women and men' (Article 6). Article 16 contains a general guarantee of equality and prohibits discrimination on a number of grounds, including marital status and gender. Article 17 then declares that: 'Women and men shall have the same rights and duties in all areas of family life and political, economic, social and cultural life.' And Article 39(3) states that: 'Marriage shall be based upon free consent by the parties and on terms of full equality of rights between spouses, in accordance with the law.'

Also significant for women is that the Constitution gives international law considerable status: Article 9 provides that general or customary principles of international law are part of the East Timorese legal system; and that once treaties are ratified, their provisions become part of the domestic law, invalidating any contrary domestic laws. This means that Timor-Leste's accession to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in December 2002 in theory brings its broad prohibitions of discrimination directly into the national legal system. An unclear jurisprudence has, however, developed over the past decade in Timorese courts about the relationship of international human rights instruments to domestic law, making CEDAW's legal status uncertain.¹ Its provisions have not yet been invoked in Timorese courts.

The CAVR's mandate, set out in UN Regulation 2001/10, called for a gender perspective to be integrated into all aspects of CAVR's work. One requirement was that 30 per cent of national and regional commissioners be women and that community-based panels that mediated reconciliation hearings have an 'appropriate gender representation'. Two of the seven CAVR commissioners were women, Olandina Caeiro and Isabel Guterres, and 10 of 28 regional commissioners (Wandita et al. 2006:294). CAVR formed a research team devoted to women and held a national public hearing on women in the conflict over two days in April 2003; it also formed partnerships with a range of East Timorese women's groups—for example, to deliver services as part of CAVR's collective reparations project. Women were under-represented in CAVR's process of taking statements (21 per cent), but the CAVR made considerable efforts to

¹ This point was made by the UN Committee on the Elimination of Discrimination against Women in its concluding observations on Timor-Leste's first report (CEDAW 2009:paras 15–16).

include women's lives in other aspects of its work. It invited more women than men to attend healing workshops at which cash grants were distributed (Wandita et al. 2006). CAVR's final report in 2006 listed gender as one of the five guiding principles of its proposed reparations program (the others were feasibility, accessibility, empowerment and prioritisation based on need). It also recommended that at least 50 per cent of the resources for reparations be devoted to female beneficiaries (CAVR 2006:Ch. 11).

Women and the Struggle for Equality

As we have seen, Timor-Leste's post-independence legal system provides strong support for the equality of women. As in most societies, however, this has been only partially translated into women's lives. At both the public and the private levels, women have a sense of being treated unequally to men. This has in turn generated a lively and effective women's civil society that provides an inspiring model for women's activism worldwide.

Quotas for women were in place in the local *suco* elections in 2005, and women were able to stand for the position of *chefe de suco*. This was a direct intervention in customary law and caused considerable tension at the time but now has been accepted. Yvonne Corcoran-Nantes reports that in the subdistrict of Lospalos, although some women were persuaded to run for election as *chefe de suco*, most eventually withdrew. One woman was elected as *chefe de suco* but stood down after community pressure. These events led to mixed emotions among women; some were resentful that their role in the fight for independence had not delivered any political gains, indeed that there had been a 'roll-back' in women's rights, and some were hopeful that the mere fact of women's candidature for *chefe de suco* signalled a change in their status (Corcoran-Nantes 2009:173–4). One woman, a former resistance member, said:

Women who were in the resistance in the mountains fighting continue to struggle unto now [2006]. Women were in everything then, it depended on your abilities. Then we were all equal, now we are supposed to accept the idea that only men can make the decisions and give orders. The women left the mountains with a different mentality. It seems that the men did not. (Corcoran-Nantes 2009:175)

Elections in 2009 saw 11 women elected as *chefe de sucos* (out of 442 *sucos* in East Timor) and 37 women as *chefe d'aldeias* (out of 2225 *aldeias*).

The 2006 Electoral Law requires that, as a minimum, one-quarter of the list of candidates fielded by political parties for election to the National Parliament must be women. This resulted in women being elected to almost 30 per cent

of the seats in the Timor-Leste Parliament in 2007 (19 of 65 seats). Women hold three important ministries: Justice, Finance and Social Solidarity. In the 2007 elections, for the first time a woman, Lúcia Lobato, ran as a candidate for the presidency. Although women in Timor-Leste's Parliament were initially constrained by party platforms, there are some signs of solidarity developing among women politicians. For example, the Grupo das Mulheres Parlamentares de Timor-Leste (GMPTL: Women's Parliamentary Group of Timor-Leste), a women's caucus, has been formed among politicians from all parties forming a network across political divides. GMPTL formed the Gender Resource Centre in 2009, funded by UNIFEM and UNDP. At the same time, observers have noted tensions between the leading women's NGOs, the OPMT and the OMT, because of their alignment with competing political factions, illustrating the influence of the male political realm on the women's movement (Niner 2011:427).

Despite the vexed history of the Gender Affairs Unit in UNTAET, described above, it provided an influential precedent for the newly independent government, which set up the Office for the Promotion of Equality within the Office of the Prime Minister in 2002 (Corcoran-Nantes 2009:167). In 2008 the Office of the Secretary of State for the Promotion of Equality was established and has encouraged implementation of Timor-Leste's commitments under CEDAW, although with minimal resources. Timor-Leste presented its first report to the UN Committee on the Elimination of Discrimination against Women in 2008 and met with the committee in 2009. While acknowledging the hurdles faced by the newly independent state, the committee criticised a number of aspects of Timor-Leste's performance in implementing the treaty. It was concerned, for example, that 'the promotion of women's human rights and gender equality has not been considered as a priority' by the government (CEDAW 2009:paras 13–14), that Timorese law did not go as far as international law in prohibiting discrimination against women (paras 17–18) and that women's practical access to justice was limited (paras 21–2).

Ideas of women's equality have met apparent acceptance at the national level in Dili-centric politics, but there has been much greater resistance in remote rural areas. Here, local politics of culture have limited women's struggle for equality. Domestic division of labour has changed little, with women, even if working outside the home, taking on most of the domestic tasks. In rural communities, such as Lospalos, women's work often sustains their families, with men playing little role economically (Corcoran-Nantes 2009:180–1).

The concept of gender—promoted by many international donors and agencies—is often regarded as incongruous in Timor-Leste. A Timorese member of Oxfam's staff observed:

Traditionally in Timor, gender is seen as a male [sic] concept that foreigners are imposing on people as a trade off for support in terms of funding and technical assistance. Along with terms such as 'human rights' and 'democracy' the term gender sits on a bookshelf with a donor logo plastered on the front. (Quoted in Corcoran-Nantes 2009: 169)

We were told in interviews in Timor-Leste that women often experienced an increase in abuse after they had attended gender workshops. Corcoran-Nantes's study of the district of Lospalos shows the complexities of changing traditional practices: 'in a difficult period of political, social and economic reconstruction, the reinstatement of cultural conservatism and traditional cultural attitudes led to the prioritisation of a system of gender relations which had persisted for generations' (p. 176). A 2004 survey of knowledge of law and justice in Timor-Leste recorded that a majority supported women's rights to land, although there was opposition to this among younger men and those in rural areas, on the basis that traditional law requires that men make decisions about property (USAID and Asia Foundation 2004:75).

We have seen that violence against women was a major feature of the Indonesian occupation of East Timor and of the post-election violence in 1999. The upheavals since independence have increased women's vulnerability to sexual abuse, especially through being confined in temporary camps in West Timor (Harris Rimmer 2010). But, above all, domestic violence has become a major concern for women, exacerbated by unemployment and economic difficulties. Domestic violence is often associated with the practice of *barlaque*, as paying a bride price to a woman's family is often regarded by men as giving them control over a woman. Indeed, a man's violence against his wife is sometimes referred to as 'beating his *barlaque*' (Corcoran-Nantes 2009:178–9).

The Judicial System Monitoring Programme (JSMP) has documented the obstacles facing women who report domestic violence to the police. These include pressure from families and husbands to withdraw complaints; and the sense of police and prosecutors that domestic violence is a private matter best handled within the family. At the same time, programs to train the police in dealing with gender violence have increased their sensitivity to these issues. The JSMP noted that almost half the criminal hearings in the Dili District Court in a two-month period of close observation in 2003 concerned sexual violence. Most of these were delayed or postponed, however, and only a small number went to trial. No domestic violence cases proceeded to trial. This situation has since improved, but violence against women is still regarded as less serious than other forms of violence (Bere 2005).

A 2004 survey of knowledge of law and justice in Timor-Leste reported that, while three-quarters of the respondents regarded domestic violence as

unacceptable, a majority viewed domestic violence as a ‘family matter’, most appropriately dealt with through the *adat* process, rather than the formal court system. Most respondents, however, thought that rape should be dealt with in a court (USAID and Asia Foundation 2004:75). In 2009 the Parliament adopted a law against domestic violence, and amendments to the Penal Code criminalised most sexual crimes. The efficacy of these legal reforms has been challenged, however, because of entrenched attitudes by the courts. For example, JSMP’s 2010 report on the justice sector includes an analysis of a case of severe domestic violence in the Oecussi District Court in which a judge simply fined a man for his long-term beating of his wife, rather than using the more serious penalty of imprisonment allowed for in the Penal Code (JSMP 2010:17–18).

Corcoran-Nantes’s work in Lospalos shows that traditional culture in some parts of Timor-Leste accepts a husband’s right to chastise his wife for failing in her domestic duties, and the line between chastisement and domestic violence is often blurred. She observed that *chefe de sucos* in Lospalos resented the criminalisation of domestic violence. They argued that *adat* was a superior way of dealing with such matters because it allowed the situation to be dealt with privately and encouraged the possibility of reconciliation and the payment of compensation by the man to his wife’s family. At the same time, there is some evidence that the criminalisation of domestic violence encouraged more serious treatment under *adat* law. It has also been a valuable safety net for women who were dissatisfied by their treatment under the customary system (Corcoran-Nantes 2009:182–3).

Conclusion

One legacy of the lengthy Indonesian occupation of Timor-Leste is a deeply militarised society which has accepted violence as a tool to resolve political disputes, as in the 2006 crisis (Niner 2011:428–30; Siapno 2008). This in turn has whittled away the space for women in the public realm. Although the Timorese social context has traditionally accorded little autonomy or capacity for self-governance to women, we observe in Timor-Leste a feisty feminist politics working to counter patriarchal domination, consistent with Mary Wollstonecraft’s account of civic republicanism. Timorese women formed significant and effective networks during the Indonesian occupation. In the UN era and after independence, these networks have changed character, strengthening their connections with the international community. The focus of women’s organisations varies, but the concerns expressed have been consistent since independence: they have argued for security within their communities and homes and for equality with men in the political system. The work of women’s organisations has supported a series of checks and balances on

governmental and male power. One result of this activism was the 2006 Electoral Law mandating that political parties must nominate women for at least 25 per cent of the slots on their electoral lists. This has led to a significant presence of women in the national legislature—far exceeding that of most of the major international donors to Timor-Leste, including Australia. Another potentially important check on and balance to male political power has been the creation of the parliamentary women's caucus, encouraging women to become more assertive in policymaking. The cross-party linkages formed in the GMPTL might allow issues of women and gender to be supported across the legislature.

At the same time, the centralisation of national politics in Dili has left local political structures more powerful, allowing claims of culture to trump those of women's rights in rural areas, where the majority of the population lives (Corcoran-Nantes 2009:183). The situation of women in modern Timor-Leste is affected by local traditions and customs. *Barlaque* remains particularly significant in rural areas. Although change is slow, ideas about women's rights are trickling into rural communities, gradually changing the agenda and the vision of what is possible.

Women's groups have also been at the forefront of campaigns to deal with accountability and reparations for the violence during the occupation. There have been two major women's congresses held since independence: in July 2004 and June 2008. The 2004 congress sought the creation of a special international tribunal to deal with the sexual violence that occurred during the occupation, indicating that women are more interested than the Timor-Leste political leadership in accountability. Certainly, women's concerns for reparations for the harms of the occupation have so far been left unmet (Wandita et al. 2006). Both congresses called for better access for women to the court system, the elimination of violence against women through proper implementation of laws and justice for women who were involved in the resistance struggle. The question of reparations on the parliamentary agenda has, however, been overshadowed by the recognition and rights of veterans and ex-combatants. Political leaders confine these categories to the men in the resistance movement and women have been left out of all formal disarmament, demobilisation and reintegration programs (Niner 2011:424–5). This blindness to the involvement of Timorese women in the struggle against Indonesian occupation is pervasive. For example, an International Crisis Group report in November 2011 on the political role of veterans in Timor assumed that all veterans were men (ICG 2011).

Timorese women have been adept at marshalling the support of the international community for their campaigns against male domination, creating global networks that assist in checking and balancing male power. The criticism of Timor-Leste's implementation of the CEDAW by the UN Committee on the Elimination of Discrimination against Women in 2009 provides a useful agenda

for action and activism before the second periodic report is due in 2012. Proposals made by the UN Committee include the clarification of the status of international human rights treaties within the Timorese legal system (CEDAW 2009:para. 16), the use of quotas for women in the judiciary and the civil service, particularly the foreign service (CEDAW 2009:para. 26), and the strengthening of domestic violence laws (CEDAW 2009:para. 30). The election of a Timorese woman, Maria Helena Pires, a founding member of Rede, to the UN Committee in 2010 will increase the prominence of international standards of equality.

Mary Wollstonecraft's vision of a society where both women and men are equally self-governing and able to resist arbitrary power has still not been realised anywhere. Feminist struggles across the world demonstrate that concentrations of male power are remarkably resilient, regrouping to resist change and making it difficult to consolidate advances for women. The case of Timor-Leste, however, suggests that it is possible for committed networks to devise checks and balances on patriarchal power that, while fragile, can increase the chance of securing women's autonomy.

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