

## Lesson Series 9: An Introduction to the Situation of Women : A Workshop (e.g. in East Timor)

This workshop was designed for and used in a human rights training in East Timor for a mixed group of NGOs. It can be used as a model for conducting your own workshop on the situation of women in your own country, replacing the country-specific materials with materials about the situation in your own country.

Starting Point: An article in the South China Morning Post, 10 December 2000

### **Violence against women on the rise in East Timor**, By Joanna Jolly in Dili

In the past two weeks, the United Nations-run morgue in East Timor's capital, Dili, has received the bodies of three women who were either beaten or stabbed to death in suspected cases of domestic violence.

One month ago, six teenage girls were mobbed in Dili's central market by hundreds of youths who were incited by an unfounded rumour that the girls were half-naked. In two recent separate incidents, Timorese youths attacked female international workers.

As the people of East Timor move away from their brutal past and prepare for full independence next year, they are coming to terms with a new reality - increasing violence against women.

UN Civilian Police say it is a serious issue and have recorded a further six deaths from domestic violence this year, including one case where a woman doused herself in petrol and set herself alight after being beaten by her husband.

Whereas domestic violence has been recognised as a problem in East Timor for years, a rise in

reporting of incidents and increased harassment of women on the streets has prompted the head of the UN Transitional Administration to condemn all violence;

“We will not tolerate such acts, whether they are directed against a woman in her home or in the community, a political opponent or a returning refugee,” Sergio Vieira de Mello said to coincide with today’s International Human Rights Day.

Under 25 years of Indonesian occupation, violence against women often went unreported as Timor focused on conducting clandestine operations against the Indonesian military (TNI).

According to UN human rights officer Galuh Wandita, who worked in East Timor before the vote on independence, there was a perception in society that the violence would disappear once the TNI left.

“Violence is alive and well in this culture,” she says. “It is not a case of it having ended now the TNI have left. This society has been brutalised by a long occupation, but it is also part of the culture to deal with issues by using violence.”

Now, with many unemployed East Timorese youths having nothing to do, violence against women is becoming more obvious.

“The situation here is very typical of post-conflict or post-liberation struggles,” the head of the UN’s Gender Affairs Unit, Sherrill Whittington, said. “There has been a shift from an external enemy to reconstruction and this leads to a backlash against women by men who insist they assume their traditional domestic roles.”

As women assert their right to take up jobs under the UN administration, they are becoming targets of men frustrated by their own lack of employment and jealous of others’ apparent wealth.

“We receive reports from women [non-governmental organisation] workers who say if their mobile phone rings when they are walking in the streets, they will be called prostitutes by unemployed youths,” Ms Wandita said. “Any symbol of having some resources in this atmosphere of economic frustration is expressed in an anti-woman way.

East Timorese society is traditionally male-dominated. It is unusual for women to be able to own land or file for divorce. When marrying, a man pays a dowry to the males of his bride’s family,

reinforcing the belief of many men that they own their wives. Women's organisations note many cases of domestic violence occur when husbands want to take a second wife and beat their first wife if she tries to stop him.

As East Timor begins to define itself as a new country, women say the tendency to focus on traditional male-dominated values threatens to subjugate them.

"During the clandestine time, women worked hard to support the struggle," says Ana Paula Maia, from the women's organisation Fokupers.

"But now men have forgotten our contribution and think they are the heroes. They have forgotten all the things we did, even the small things like sewing flags or cooking rice. It was hard work."

This One-day (6 hours) Workshop consists of 4 sessions.

### **Session 1: The issues arising from the article.**

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Objective: To share knowledge and experiences of the situation of women in East Timor, in various contexts: in traditional times, during the Indonesian occupation and after independence.

(Alternatively, you can refer to women in different sectors in your country: farmer women, women workers in free trade zones, housewives, women in the entertainment industry, women in informal sector, professionally trained women...)

Mode: round table sharing and discussion

Time: +/- 60 mins.)

## **Session 2: The factors causing the incidence and continuation of discrimination and violence against women**

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Objective: To understand the deeper causes and consequences of violations of women's rights in E. Timor, in the political, economic, social, cultural spheres.

Mode: Panel presentations by selected participants and discussions (Invite 2 or 3 women to present a analysis of the causes of discrimination / violence against women from different perspectives - tradition, religion, economic, social an political...)

Time: +/- 90 mins.

## **Session 3: Introduction to the Human Rights framework for taking action to promote and protect women's rights**

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Objective: To study 3 main international human rights instruments concerning women's human rights which can be used in analysis and strategizing to obtain remedies and to enhance women's rights.

Mode: Reading / clarifying the Treaties in small groups: (UDHR, CEDAW and its Optional Protocol and the Declaration on the Elimination of Violence against Women). Supply the full texts of these documents.

Time: +/- 120 mins.

## **Session 4: Strategizing**

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Objective: Exercise in formulating an Action plan.

Mode: Working in issue-based groups; presentation of plans in plenary; comments and discussion by all participants; agreements on collaboration, etc ...

Time: +/- 90 mins.

## **Session 1: The issues arising from the Article**

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Objective: To share knowledge and experiences of the situation of women in East Timor, in various contexts: in traditional times, during the Indonesian occupation and after independence.

The issues arising from the article:

### **I. The current situation is one of increasing violence against women, in their homes and in the streets:**

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Some cases mentioned in the article:

1. Women are beaten, stabbed to death in their homes (domestic violence)
2. Teenage girls are harassed (mobbed) by youths in the market
3. Female international workers are attacked by youths

### **II. Historical context:**

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1. East Timorese society is traditionally male-dominated, e.g. women are generally unable to own land or file for divorce; the dowry system reinforces the man's belief that they own their wives because they have paid for her.
2. During the Indonesian occupation of E. Timor, women suffered some of the military's most egregious violations: rapes, forced marriage to Indonesian soldiers, torture by electric shock, sexual abuse, forced sterilization
3. The Indonesian government implemented a population control policy which included a systematic violation of the sexual and reproductive rights of East Timorese women, through forced, deceptive, contraception methods (administering contraceptive /sterilization drugs forcefully or covertly; using contraceptive drug Depo Provera, without informing the patient that there could be life-threatening side-effects under certain conditions.

Discussion:

1. Do you agree with these statements?
2. Can you give other examples to illustrate the situation of women in E. Timor?
3. (For women) What is your own experience of life in E. Timor?
4. (For men) What is your opinion on women's lives in E. Timor –e.g. your mother's /sister's / wife's?

## **Session 2: The factors causing the incidence and continuation of discrimination and violence against women**

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Objective: To understand the deeper causes and consequences of violations of women's rights in E. Timor, in the political, economic, social, cultural spheres.

According to the article, the factors causing the incidence and continuation of discrimination and violence against women are:

1. The traditional patriarchal system has kept women in a sub-ordinate, dependent position, both socially and legally (e.g. not being able to own land or file for divorce)
2. The society has been brutalised by 25 years of military occupation by the Indonesian government, during which thousands of women have been violated and victimised.
3. It is part of East Timorese culture to deal with issues by using violence
4. The situation is typical of post-conflict or post-liberation struggles; when the external enemy has been defeated, there is a backlash against women by men who:
  - Forget the contributions that women have made to the struggle
  - Insist that women assume their traditional domestic roles
  - Are frustrated by their own lack of employment
  - Are jealous of others' apparent good fortune (job, wealth, ...)

Discussion:

1. Do you agree with these statements?
2. Which other factors do you think can explain or clarify the occurrence of violence against women, either at home, in the community or on the work-floor?
3. Which rights have been violated in these situations?

### **Session 3: Introduction to the Human Rights framework for taking action to promote and protect women's rights**

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Objective: To examine 3 main international Human Rights instruments for understanding women's human rights and taking action to promote and protect women's rights.

#### **“Women's Rights are Human Rights”**

This statement is at the same time simple and revolutionary. It is simple in that it seems commonsense to assert that women have human rights simply because they are human beings. But because this is not fully respected in most women's lives, it is revolutionary.

By claiming their human rights women are:

- claiming their full birthright as half of humanity
- expressing their frustration that it has taken so long to gain international acceptance (that women should also fully enjoy human rights alongside men was only officially acclaimed at the UN International Human Rights Conference in 1993)
- exposing the failure of countries worldwide to accord females human dignity and respect, simply as human beings

The Human Rights framework provides tools

- To *define, analyse and articulate* women's experiences of violations

- To *demand redress* in ways already recognized by the international community
- To *develop strategies on the basis of diverse experiences*

Human Rights principles demand that we stop practices that treat women as less than human beings. This is the essential consequence of gender discrimination: the dehumanisation of women.

### **How does gender discrimination work?**

The Universal Declaration on Human Rights (UDHR), 1948, is a world consensus on human rights for all people. Article 2 states that all the rights contained in the UDHR apply to ALL equally

*“without distinction of any kind such as race, colour, sex, language or other status”*

BUT

- # Tradition, prejudice, social, economic and political interests have excluded women from the definitions and interpretations of basic rights: women became objects of “special interest” and have only secondary status in human rights matters.
- # The division of life into “public” and “private” spheres caused governments and legal institutions to overlook the abuses against women, because these usually take place in the “private” sphere - by partners and family members and friends.

The “sanctity” and “privacy” of the family, for example, is used as an excuse for crimes against women in the name of family honour, religion or culture and perpetrators enjoy immunity from accountability for their actions.

### **The International Instruments and Mechanisms to strengthen Human Rights for Women**

The rights discussed in the first 2 sessions are contained in the following major human rights treaties. The following are summaries of the main features of the relevant treaties. Read the complete texts to understand them.

#### **I The Universal Declaration of Human Rights (UDHR) 1948,**

Enshrines the basic human rights, which should be enjoyed by every person, women, men and children, without discrimination on any grounds.

In the light of the cases mentioned in the article, the following are of particular relevance, although all the

rights are interdependent and no one “right” should be considered more important than another:

Article 3: the right to life, liberty and security of person

Article 4: the right not to be held in slavery or servitude

Article 5: the right to be free from torture and cruel, inhuman or degrading treatment or punishment

Article 6&7: the rights to equal recognition as a person before the law, to equal protection against discrimination

Article 16: the rights to marriage, enter freely and with consent into marriage, to equal rights in marriage,

Article 17: the right to own property, and not to be deprived of one’s property

Article 23: the right to work, to just and favourable conditions of work and to equal pay for equal work

## **2. The Convention on the Elimination of All Forms of Discrimination against Women, (CEDAW), 1981,**

was adopted in the realization that women were being discriminated against in the application of the universal human rights standards and treaties, in spite of the intent of non-discrimination.

CEDAW - popularly called the Women’s convention - prohibits any practices that perpetuate women’s inequality in any area of life, both private and public, and exhorts states to take all necessary measures to eliminate the discrimination that prevent women from having free and equal access to the means and resources necessary to participate in the life of the society and to live a life of dignity.

Principal Points of CEDAW:

Ø CEDAW applies to intentional discrimination AND acts that have a discriminatory effect (Art. 1)

Ø CEDAW obliges states to “condemn discrimination against women in all its forms” ..and to “pursue... a policy of eliminating discrimination against women” ... “by all appropriate means” ... .as enumerated in Article 2, including

- Legislative and other measures, including sanctions to prohibit discrimination
- Legal protection of rights of women, and against discrimination

- Refraining from discrimination, and ensuring that public authorities and institutions do the same
- Abolishing or amending existing laws, regulations, and other provisions, etc., which discriminate against women

Ø CEDAW calls for elimination of ALL forms of discrimination, and not just “sex discrimination”, as in Article 3.

States are required to:

“ensure the full development and advancement of women,  
for the purpose of guaranteeing them  
the exercise and enjoyment of human rights and fundamental freedoms  
on a basis of equality with men” (Art. 3)

CEDAW obliges states parties to take all appropriate measures to eliminate discrimination against women in all fields of public and private life (Articles 5-16):

Article 5: in social, cultural and customary patterns and practices

Article 6: in suppressing all forms of traffic in women

Article 7: in exercising their right to participate in political and public life

Article 8: in the right to participate in the international arena

Article 9: in matters of nationality

Article 10: regarding the nationality of her children

Article 11: in employment: equal opportunities, choices, remuneration, social securities, notwithstanding marriage and/or maternity status

Article 12: in health care and services

Article 13: in economic and social life: regarding family benefits, bank transactions, recreation

Article 14: in all aspects of life and work of rural women

Article 15: in all matters concerning the law: legal representation and capacity, signing contracts, in judicial proceedings; rights to movement and choice of place of residence

Article 16: in marriage and family relations, on the basis of equality between man and women; including protection against child marriages.

### **CEDAW Optional Protocol Procedure**

The adoption of an Optional Protocol to CEDAW 2 years ago makes it possible for individuals and organisations to directly lodge a complaint of discrimination against women against a state, which has signed and ratified the Convention and Protocol. This can be done when all national channels to seek redress within the country have been exhausted and failed.

1. State Parties to the Protocol recognize the competence of the Committee on the Elimination of Discrimination Against Women (hence to be called the 'Committee') to receive communications.
2. Communications may be submitted by or, with their consent, on behalf of individuals or groups claiming to be victims of violations of any rights under the CEDAW.
  1. Communications should not be anonymous, and must be submitted in writing, and concern only state parties to the Protocol.
  2. Only those communications are admissible where:
    - i. the matter has not been examined by the Committee before
    - ii. it is not incompatible with the provisions of the Convention
    - iii. it is sufficiently substantiated
    - iv. it does not abuse the right to submit a communication
    - v. the facts that are the subject of the communication occurred after the protocol entered into force for the State party, or had continued from before that time.
3. The Committee may, at any time after receiving the communication, request the State party to take interim measures to avoid irreparable damage to the victims of the alleged violations.
4. When the Committee finds a Communication admissible, it will, with consent of the parties concerned, bring the matter to the attention of the state party.
5. Within six months, the State Party shall submit a written explanation clarifying the matter and any remedies that may have been provided.

6. The Committee shall consider communications in the light of all information provided in closed-door meetings, and transmit its views and recommendations to all parties concerned.
7. The Committee may write to the State party for further information about measures taken in response, and request that these be included in subsequent State reports to the Committee.
8. The Committee may conduct a confidential inquiry, with the cooperation of the State party, which may include a visit to its territory.
9. After such inquiry, the Committee shall submit its findings to the State party, who will submit its observations within six months.
10. State parties shall take steps to ensure that individuals under its jurisdiction are not subjected to ill-treatment or intimidation as a result of communicating with the Committee
11. No reservations to the protocol shall be permitted.

### **3.The Declaration on the Elimination of Violence against Women, 1993**

This Declaration was adopted (UN General Assembly resolution 48/104, 20 December 1993) as a result of the acknowledgement that violence against women, in its many is itself an obstacle to women's full participation in all spheres of life, in the society, in employment and in the family. Violence against women is a violation of their human rights and fundamental freedoms.

This document defines violence against women broadly as follows:

Article 1: ... "the term violence against women means any act of gender-based violence that results in, or is likely to result in, **physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life**".

Article 2; Violence against women shall be understood to encompass, but not be limited to, the following:

a) Physical, sexual and psychological violence occurring in the **family**, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence related to exploitation;

b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;

c) Physical, sexual and psychological violence perpetuated or condoned by the State, wherever it occurs.

In other words, the State can be held responsible for violence both due to its actions and its failure to act.

***Summary of the declaration:***

i. The declaration outlines:

- A clear and comprehensive definition of violence against women
- Human rights principles addressing the elimination of all forms of violence against women
- The commitment of states concerning their responsibilities
- The commitment of the international community to eliminate violence against women.

ii. The declaration defines violence broadly, including threats of violence, and outlines forms of violence that occur in both the public and private spheres.

iii. The declaration specifically holds governments responsible for using all possible and adequate means to eliminate all acts of violence against women. It mentions two types of state responsibility: (1) responsibility for violence committed by state authorities and (2) responsibility for violence committed by anyone to whom the state authorities do not react properly.

iv. Governments are cautioned not to be reluctant to act because of tradition, or religious and other beliefs.

v. The Declaration specifically provides that governments should include in their budgets adequate sum of money for activities directed to eliminating violence against women.

vi. The declaration also recommends that member States consider developing national plans of action to protect women from violence or to put these provisions in already existing plans. In doing so, states should consider the experiences of non-governmental organizations (NGOs), especially those in the field of violence against women. In developing preventive measures, states are cautioned to take care that they do not further victimize women by adopting laws and practices that are not gender sensitive.

vii. State authorities are encouraged to adopt gender-sensitive training conducted by experienced women in the field of violence against women for all officials responsible for prevention, investigation, criminal procedures and punishment of violence against women.

viii. The declaration calls on governments to establish programmes in public schools at all levels that are designed to challenge patterns in men's and women's behaviour, and of violence at home and in the streets.

### Questions

1. Having studied these documents, do you think that they are useful in understanding the violations of women's human rights in your country?
2. How can these instruments and mechanisms be used to obtain redress for women whose rights have been violated?

## **Session 4: Strategizing**

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Objective: Exercise in Formulating an Action Plan

### **Action for Women's Human Rights**

Women demand an inclusive human rights agenda: this involves recognising the inter-connectedness of human rights, regarding the situation of women:

For example:

Women's ability to exercise civil and political rights and to participate in public life is often blocked by ways in which their other human rights are denied on the basis of being female - the rights to inherit property, the right to education, the right to sufficient food, social liberty, freedom of movement... .

When poor women belonging to certain ethnic groups are forcibly sterilised, or when the soldiers of one community rape women from the other community, the relationship between gender and other aspects of identity (race, class, religion, culture, sexual orientation, marital status... ) becomes clear.

Q. What are some of the actions you can undertake at various levels to address the issues discussed in Session 1?

**- local/national - regional - international**

A. Brainstorm in plenary and list the actions suggested on a chart.

B. As an exercise, break into groups; each group chooses one concrete issue, which has been discussed in

the first 2 sessions and goes through the following (Basic steps to formulate a strategy) together.

Alternatively, a number of participants can group together to plan action on a real common issue, which they are already planning to work on, and go through the following steps to make an action plan.

C. Report back these plans in a plenary session so that others can clarify or add to the plans, offer support or cooperation or solidarity, etc.,

**Basic steps to formulate a strategy:**

1. Determine the issue, or issues which you want to address
2. Make a tentative action plan
3. Analyse, with the tentative action plan in mind:
  - Who/what are the root causes of the problem?
  - Who are the parties involved; who should be held directly accountable?
  - Who are affected, who should be involved in planning and implementing the action?
  - At which levels - local community/ national/ regional/international - should and can action be undertaken?
  - What are the obstacles which can be expected?
  - Is there danger of undesirable side effects of the action? How to prevent/remedy this?
4. What is/are the desired result(s) of the action(s): for the long term, for the short term?
5. What are the local, national regional and international mechanisms / instruments which can be used?
6. What are the resources needed? (re: information, technical training, finances, advice, support/ solidarity,... .): what are the potential sources where you can find these resources?
7. Make the definitive Action plan, incorporating knowledge gained from the analysis above.