

TIMORESE WORKSHOP ON GENDER ISSUES AND CHILDRENS RIGHTS

By Jennifer Devlin

On 29 September last year, the National Jurists Association of East Timor (NJAET) put on a one-day workshop in Dili on 'Gender Issues and Childrens Rights'. The NT Women Lawyers Association (NTWLA) donated money to fund the event and supplied two representatives from its ranks to give a seminar on the topic from an Australian perspective.

Kate Halliday and I were lucky enough to be selected to attend as the NTWLA representatives. After a string of small bureaucratic and organisational hiccups, we soon found ourselves soaring high above the Timor Gap in the UN Hercules beast. Banish all visions of a champagne-happy Gareth Evans signing treaties in the skies however: for us, free travel to Timor consisted of such novel delights as pre-used earplugs (necessary to drown out the engine roar) and a badly curtained toilet visible to the entire plane load of UN soldiers. We weren't complaining though: it was fun. Being Darwinite lawyers, we had of course heard a lot about recent happenings in Timor from Timorese asylum-seeker clients and Australian friends who'd travelled there before us. We were excited to be given the opportunity to experience a glimpse of Timor for ourselves.

We slept at the Asia Pacific Support Collective (APSC), beneath a naked strip of starry sky still gaping in the roof as a reminder of the post-plebiscite violence of September 1999. In the morning, Jude Conway from the APSC drove us to the Catholic college where the workshop was being held. Brazilian soldiers wielding large weapons stood by the doors and clustered on the steps. In amongst them we soon realised, was Xanana Gusmao (head of the CNRT), carefully guarded.

Xanana was the first speaker for the day. He spoke passionately of the importance of improving women's rights through education and economic equality. Listening to him with us on rows of white plastic chairs was an audience made up mostly of Timorese people: judges



belonging to the NJAET; a group of nuns in grey; one priest; a number of women from Fokupers (an East Timorese organisation working for women's human rights and offering direct support to women in need); lawyers from Yayasan Hak (a human rights organisation offering free legal representation); representatives from different Timorese NGOs and a small sprinkling of non-Timorese people from UNTAET, Civpol and foreign NGOs.

A representative from the Judicial Affairs department of UNTAET spoke next. He gave a personal story illustrating the fact that the laws we have on paper are always far easier to change than the societal attitudes and practices necessary to implement them. This point became the unofficial theme of the day.

The next speaker, Aderito De Jesus Soares from the NJAET, picked up the theme when he spoke about international standards. Aderito used the Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW) as an example of the large gap that often exists between the rhetoric of human rights on paper and the reality of rights enforcement in practice. Aderito spoke also about how the UNTAET regulations fit in with Indonesian domestic law and International law. Regulation 1 of the UNTAET regulations states that where there is a conflict between the Indonesian law and International law, then International law

is to prevail. It became apparent over the course of the day that the actual process of ensuring this seemingly simple regulation is complied with is a lengthy and difficult one.

After Aderito came Anne from UNICEF, who spoke about the Convention on the Rights of the Child (CROC). She listed the various rights contained in the Convention and described the monitoring system it enacts, whereby signatory states are required to submit regular reports to the Committee.

Following Anne was Michelle Brand from the Gender Affairs section of UNTAET. Michelle highlighted the importance of analysing laws and practices from a gender perspective, in order to see how gender roles are affecting the ability of men and women to develop their country and also themselves. She used the current example in East Timor of recruitment practices in the civil service which have resulted in most employment being given to men.

At the end of these presentations, questions and comments were invited from the floor. Kate and I found it interesting that despite the fact that the majority of the audience was female, most of the discussion that followed was led by the few men present. Most of the men were keen to discuss the issue of discrimination in employment. Laura from Fokupers asked for practical advice on how a local NGO should go about

making a report on compliance with CEDAW. Others spoke of the need for police to be more responsive to violence and the need to involve children more in consultations about rules affecting them. Members of the audience again emphasised the difficulty in changing long-held cultural beliefs and practices that conflict with international human rights standards. Most speakers were of the view that the most effective change comes from the grass roots level upwards.

In contrast with the apparent reluctance of women to speak in the morning's formal proceedings, a number of women spoke openly with Kate and I at morning tea and lunchtime about the barriers they had to face in seeking equality. By the afternoon however, the women in the audience were more forthcoming, asking questions and talking about the experience of women in the legal system.

After lunch, Kate and I got up to talk. We followed the lead of the previous speakers and sat up on a raised platform at the front of the audience, behind a small wooden table draped with two white embroidered tablecloths. We spoke into hand-held microphones, pausing at the end of every sentence or two to give the men interpreting a chance to relay back what we'd said. Kate spoke first. She emphasised the fact that for laws enforcing women's rights to be of real benefit to women, they need to be supported by a network of services that make the rhetoric a reality. She cited examples of legal and other services from our Australian context, such as the Top End Womens Legal Service (including its service to women in remote communities) and the Dawn House women's shelter. I spoke next, giving my views on the extent to which women's and children's rights are protected and promoted in Australia. I cited examples of particular laws which seek to do this, such as the Domestic Violence Act 1997 (NT) and the Child Support (Assessment) Act 1989 (Cth).

Our talks gave rise to a number of questions and comments from the audience. In relation to child support, it was noted that Bishop Belo's condemnation of the use of contraceptives did nothing to ease the financial burdens faced by mothers who eventually found themselves single. A woman from UNTAET named Christine made the point that community as a



whole needed to be financially responsible for children. The problem of women's economic dependence on men was also raised in relation to the poverty women face when men are sent to gaol for domestic violence offences.

Ubalda from Fokupers gave us insight into the difficulties young women face when they have a sexual relationship with a man who does not marry them. She asked what the law in Australia does to protect such women. Due to cultural and language difference, it was difficult to tell whether the concern was about the women's social position or her economic position, resulting from the man's actions. In answering, we had to acknowledge the cultural differences and explain that Australian law did not treat such a situation as a breach of contractual promise.

Another interesting cultural difference became evident when the issue of adultery was referred to. My comment that adultery was not a crime in Australia was met with laughs of disbelief. Although the Indonesian criminal code apparently imposes a penalty of nine months imprisonment for adultery, we were left with the impression that the penalty is not often enforced. Some debate about the role of law in matters of morality ensued, with judge Jacinta speaking of the need to pay regard to customary law in order to resolve issues not covered by Indonesian law, such as those arising from the liaison between a man and an unmarried woman.

After this interesting discussion, the day ended on a rather strange note, with a Brazilian man reading out a letter in Portuguese from a Brazilian organisation of mothers who had lost their land to the government. Perhaps the fact that the letter was first interpreted on the spot into Tetun for the majority of the audience and then whispered into our ears in English, accounted for our inability to comprehend its meaning or relevance.

We left the workshop stiff and sticky from a day spent sitting and sweating. Our brains were buzzing. We were most impressed by the hospitality and generosity of the people involved, going so far as to provide interpreters for every session, despite the fact that only a small minority of the audience were English speakers.

Through our involvement in the workshop, we were able to make several visits to the organisation Fokupers. At the workshop, the strong commitment to human rights amongst all the participants was evident. At Fokupers, we saw this commitment, combined with non-stop energy, remarkable courage and a most infectious, cheeky sense of humour. The ability of the women working there to marry the serious, heart-felt desire for the upholding of basic rights, with a constant flow of eye-sparkles, belly-laughs, songs, dances and stories was probably the most inspiring and enduring influence we have taken home with us from Timor. We are so grateful to have been able to experience it.