



The Participation of Women in the Justice System of Timor Leste

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Article 17 of the Constitution of the Democratic Republic of Timor Leste, on Equality between men and women, states that *“Women and men shall have the same rights and duties in all areas of family, political, economic, social and cultural life”*.

This statement provides a guarantee, protection and the opportunity for women to be involved in development in all areas of Timor Leste. Moreover, respect towards the dignity and human rights of women in the era of independence should be given serious attention so that in practice women are granted the same status as men. The government has demonstrated a commitment to upholding the dignity of women in Timor Leste by authorizing a package of specific laws that acknowledge the efforts and struggle of women in the past. Law Number 17/13/2005 establishes the 3rd November as national women’s day in Timor Leste.

Although the government has issued a package of laws aimed at respecting and protecting the position of women, it seems that women still face a number of problems relating to their emancipation in other sectors, such as the justice sector.

The Judicial System Monitoring Program (JSMP) is a national NGO which performs judicial monitoring, legal analysis and prepares thematic reports on the judicial system. Monitoring conducted by JSMP in all district courts in Timor Leste has found that the participation of women in the judicial system in Timor Leste is still very low. This is evident from the composition of judges, prosecutors, lawyers and police in the courts.

Within the Police force women have the same status as men and their numbers are almost equal in every significant position within the structure of the PNTL. Statistics obtained from the Human Resource Department of the PNTL show that on a national level:

- There are 569 women within the PNTL; including women who hold the positions of Police Inspector, Sub-Inspector and Agent. Also women hold positions within the police force such as Director of the Human Resources Department, Deputy Director of Administration and Planning, Deputy District Commander, Deputy of Criminal Investigations, Head of Administration, and all units in each district are dominated by women. Also one female member of the PNTL has been given the opportunity to be involved in an international peace mission overseas.

However the representation of women as judges, prosecutors and lawyers is still very low. In terms of cases handled by the courts, JSMP has also found that decisions handed

down by judges in cases of domestic violence against women contain a number of weaknesses and shortcomings, which include amongst others:

- **Sentences for crimes of violence against women are too low and do not reflect the serious nature of the crimes committed, including sentences below the actual recommended sentence.**
- **Court decisions rarely adopt international standards in the determination of sentence**
- **Court decisions rarely demonstrate an adequate level of deliberation in cases relating to sexual violence**
- **Court decisions lack sensitivity and consideration to gender issues although these types of cases are on the increase in Timor Leste**

Therefore, with great pleasure JSMP welcomes the establishment of the 3rd November as National Women's Day in Timor Leste which was celebrated for the first time this year. Through this inaugural celebration JSMP would also like to demonstrate its own support, and invite every component of this nation to also support the efforts being carried out by women in Timor Leste to:

- a) **Improve the status and role of women in all aspects of nation and state through policies implemented by institutions who are capable of pursuing and achieving gender equality and justice.**
- b) **Improve the quality and independence of women's organizations by continuing to uphold values of unity and integrity as well as the historical significance of the struggle of women, in efforts to continue to empower and improve the welfare of family and community.**

Finally, the Women's Justice Unit of the JSMP sends its warm regards to every woman in Timor Leste celebrating the first ever National Women's Day of Timor Leste, and we hope that the issue of gender will continue to grow in importance and spread into every aspect of national and state life in this democratic country.