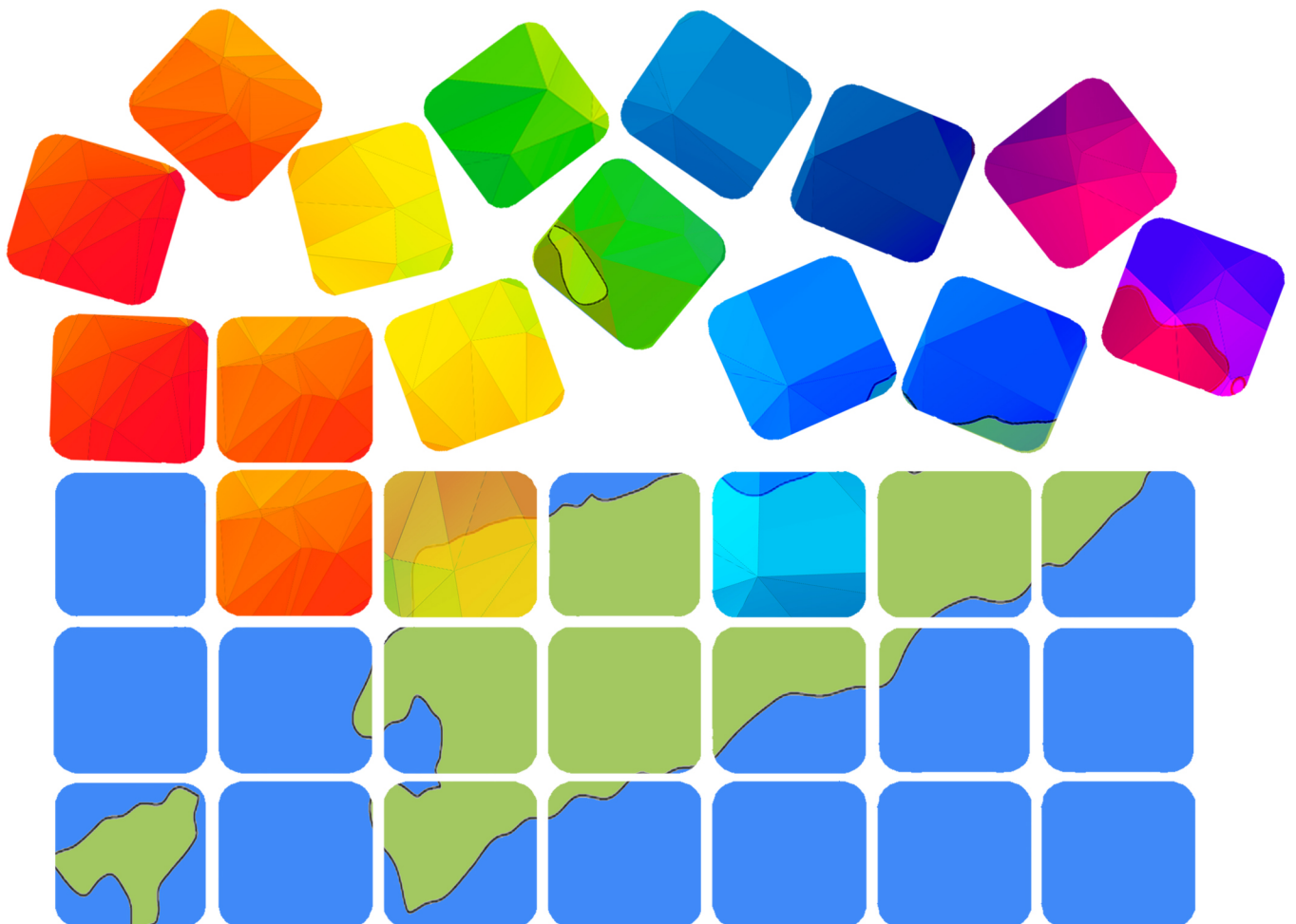


# BUILDING A RAINBOW IN TIMOR LESTE

INITIAL INSIGHTS AND WAYS FORWARD



# BUILDING A RAINBOW IN TIMOR-LESTE: INITIAL INSIGHTS AND WAYS FORWARD [A.S.C. DISCUSSION SERIES NO. 2]

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**ASEAN SOGIE CAUCUS** is a regional network of human rights defenders advocating for the protection, promotion and fulfillment of the rights of all persons regardless of sexual orientation, gender identity, gender expression and sex characteristics (SOGIESC). The organization envisions a SOGIESC-inclusive ASEAN community.

## EXPLANATORY NOTE:

In August 2016, during the ASEAN Civil Society Conference / ASEAN People's Forum in Dili, ASEAN SOGIE Caucus (ASC) engaged for the first time with people from Timor-Leste's lesbian, gay, bisexual, transgender, intersex, and queer (LGBTIQ) community. In collaboration with ISEAN HIVOS Program (IHP) and the Coalition of Diversity and Action (CODIVA), ASC organized "Rainbow Solidarity: Strengthening Ties Among LGBTIQ Activists in ASEAN"; where activists talked about what it was like to be LGBTIQ in their countries. During the activity, ASC committed to support LGBTIQ activism in Timor-Leste, affirming the country's emerging role for LGBTIQ advocacy in Southeast Asia. As part of this commitment, this discussion paper was produced to highlight the key issues shared with us by activists, and identify ways forward for advocacy in Timor-Leste.

# 1. INTRODUCTION

Lesbian, gay, bisexual, transgender, intersex, and queer (LGBTIQ) activism in Timor-Leste has been heavily influenced by HIV/AIDS programs since the early 2000s. Community-based organizations, leveraging on existing funding for HIV/AIDS, integrated LGBTIQ advocacy into their programs, such as through sexuality education, peer support groups, and community and policy advocacy.

In 2012, a national network for gay men, men who have sex with men (MSM), and transgender women under the name Coalition for Diversity and Actions (CODIVA) registered as a local organization. Beginning with five members in the districts of Dili, Baucau, Maliana, Suai and Oecusse, it now includes ten members: two in Dili, two in Baucau, and one in Maliana, Suai, Oecusse, Aileo, and Viqueque.<sup>[1]</sup> On 5 May 2013, the organization was registered under FONGTIL, an NGO forum. Although its main focus has been HIV/AIDS, CODIVA intends to diversify its work and help mainstream SOGIE and human rights issues.<sup>[2]</sup> But because of their programming history, which had focused entirely on gay men, MSM, and transgender women, earning the trust of others (particularly lesbian and bisexual women and transgender men) will be a challenge.

Other organizations have also incorporated SOGIE issues into their work. One example is Hatutan Youth Council, a youth-led network in Timor-Leste whose programs include entrepreneurial training and discussions on sexual and reproductive health. They have conducted several educational sessions on women's empowerment and SOGIE issues in cooperation with CODIVA and Timor-Leste's Office of the High Commission on Human Rights (OHCHR). Other organizations in Timor-Leste, such as UN Women, have also begun to integrate SOGIE issues.

LGBTIQ activism in Timor-Leste saw a remarkable development when the first LGBTIQ conference in the country was held in 9 September 2016, which followed the country's first Pride event. The conference was organized by CODIVA with support from ISEAN Hivos, UN Women, PDHJ, Hatutan Youth Council, and the PUDD (Partidu Unidade Dezenvolvimentu Demokratiku), a newly established political party. One outcome was the formation of the first LGBTIQ association, Arco Iris (Rainbow Association), established with the vision of addressing human rights issues among LGBTIQ people. Earlier programming related to the LGBTIQ community had been connected to

HIV/AIDS, and the new association hopes to fill in the gaps.

“Comparing it to the past, it was very devastating,” one of our research respondents told us.<sup>[3]</sup> He added: “Now we can participate in many events. Before, we were shouted at – in some occasions, even beaten. Now we can blend in the society, due to effort made by CODIVA and other LGBTI activists. We hope that things can be better in the future.”

Arco Iris is closely tied to PUDD, who involves the association in their events, either as performers (dance and choir) or as representatives in party proceedings. During the visit in Timor-Leste, our researcher had the chance to attend the inauguration of PUDD's office in Baucau. The party asked the president of Arco Iris, Cireneu Pereira, to give a statement. The party also appointed an LGBTIQ representative for the district.

Our respondents shared a common hope for the movement: that their society will grow to be inclusive of all identities, and that they will be able to identify their own needs for their own communities.

## 2. COUNTRY OVERVIEW

### 2.1 Historical Background

The Democratic Republic of Timor-Leste is located in Southeast Asia and includes the eastern half of the island of Timor and the nearby islands of Atauro, Jaco, and Oecusse. It has a population of 1,261,072 people, with more than half being young people.<sup>[4]</sup> The area became a Portuguese colony in the 16th century and, alongside the Philippines, has the largest Christian population in the region.

Australian and Dutch forces occupied the country in 1916 before being surrendered to Japanese troops in World War II. Timor-Leste was returned to Portuguese control in 1960, but through a series of resolutions from 1962 to 1973, the UN General Assembly recognized the Timorese right to self-determination. This, however, was denied by the Pro-Portuguese government. In 1975, Timor-Leste's government under FRETILIN (Revolutionary Front for an Independent East Timor) declared independence.

The declaration of independence was not recognized by the Indonesian government, then under President Soeharto, resulting in years of armed conflict. The Indonesian army invaded Timor-Leste in December 1975 and on 17 July 1976 annexed Timor-Leste as its 27th province. Under Indonesia, the use of Portuguese was forbidden and the use of Tetum (Timor-Leste's indigenous language) was discouraged though not banned outright. The invasion cost nearly a third of Timor-Leste's population.<sup>[5]</sup>

In a 1999 referendum, nearly 80% voted in favour for Timor-Leste's independence, and in 2001 they elected resistance leader Xanana Gusmão as president in the country's first free elections in 24 years. On 20 May 2002, the UN officially relinquished control of the country, making it the first new country of the third millennium and the world's newest democracy. Since winning independence, the people of the young Democratic Republic of Timor-Leste have strived towards greater political and socioeconomic development, a collective optimism reflected in their National Development Plan for 2011-2030.<sup>[6]</sup>

### 2.2 Political Organization

In 2012, four political parties dominated Timor-Leste's parliament: Frente-Mudança (Frente de Reconstrução Nacional de Timor-Leste – Mudança), with 2 seats; the Democratic Party

(Partido Democrático or PD), with 8 seats; the In 2012, four political parties dominated Timor-Leste's parliament: Frente-Mudança (Frente de Reconstrução Nacional de Timor-Leste – Mudança), with 2 seats; the Democratic Party (Partido Democrático or PD), with 8 seats; the Revolutionary Front for an Independent East Timor (Frente Revolucionária de Timor-Leste Independente or FRETILIN), with 25 seats; and the Nation Congress for Timorese Reconstruction (Congresso Nacional De Reconstrução de Timor or CNRT), with 30 seats.<sup>[7]</sup> The country will hold its next parliamentary election in July 2017. It is likely that the CNRT (which was established by Timor-Leste's first president, Xanana Gusmão) and FRETILIN will win the majority vote.

Timor-Leste's current parliamentary body reflects a dominant centre-left ideology, which values social equality. Ideally, this would translate into support for initiatives that protect and affirm equal opportunity, such as anti-discrimination legislation for vulnerable groups and related policies. But as of this writing, the incumbent political parties have taken no explicit stance in support of LGBTIQ rights.

However, a newly established party – the Partidu Unidade Dezenvolvimentu Demokratiku (PUDD), comprising representatives from 42 organizations representing marginalized groups in Timor-Leste – envisions bringing marginalized groups into Timor-Leste's political agenda. The PUDD is currently putting forward two main issues: persons with disabilities (PWDs) and LGBTIQ people. It will run for the upcoming election in April 2017 and it will be the first party to openly support the rights of LGBTIQ people and other marginalized groups in Timor-Leste. The party was a key player in the country's first national LGBTIQ conference and the establishment of an LGBTIQ association, Arco Iris. Our respondents expressed their expectations that the PUDD would be an entry point for the rights of LGBTIQ people in parliament: "Before if we worked with politicians, they left us after they have won or lost. But with PUDD, we believe that our issues will be heard, together with other issues such as people with disabilities."<sup>[8]</sup> However, they consider this an uphill battle, as there is a high probability that CNRT and FRETILIN will win the majority vote.

### 2.3 Economic Development

Despite several years of weak economic performance after the withdrawal of UN personnel, there was a strong recovery in 2005, with a GDP growth of 6.2% annually. The growth was reversed to 5.8% due to political and social turmoil in 2006, and recovered after 2007 with

peak GDP growth at 9.5% in 2011. The growth, however, reversed back again to its lowest point in 2013, at 2.9%. GDP growth in 2015 was 4.1%, but there is optimism that this will grow to 5% in 2016 and 5.5% in 2017. However, almost half of the population lives below the poverty line.<sup>[9]</sup> The International Labour Organization has assisted in improving youth employment through the Decent Work Country Programme, as well as through the development of Timor-Leste's National Employment Strategy for 2016-2030.<sup>[10]</sup>

## 2.4 The Role of Roman Catholicism

Roman Catholicism is an important part of Timor-Leste's history. During Indonesia's occupation – which included the banning of Timorese cultural events and the use of Portuguese, systematic torture, and sexual slavery – church organizations provided support and vital international linkages during the resistance period.<sup>[11]</sup> It played a crucial role in building the spirit of resistance through progressive leadership, fostering of a national identity as part its religious works, the use of Tetum in the liturgy, and worship practices that allowed free and public association.<sup>[12]</sup> 90% of Timor-Leste's population identified as Catholic in the 1990s, a significant increase from 30% in 1975.

## 3. SOGIE IN DOMESTIC LEGAL FRAMEWORK

### 3.1 SOGIE Issues in Domestic Law

Sexual Orientation as protected category in the Bill of Rights. – As of this writing, there are no laws and regulations that explicitly forbid discrimination on the basis of SOGIE. Noteworthy however was an attempt to introduce a provision listing sexual orientation as a protected category during the drafting process of Timor-Leste's Bill of Rights. The Systemisation and Harmonisation Committee drafted the following provision: “No one shall be discriminated against on grounds of colour, race, gender, sexual orientation, ethnic origin, social or economic status, political or ideological convictions, religion, education and physical or mental condition”, under Article 16 (Universality and Equality). The provision provoked heated discussions during plenary debates on 12 December 2001: one vocal opponent, João Carrascalão of the UDT, claimed that “singling out sexual orientation in this context might create ‘social shock’ and provoke attention against homosexuals.” Others opined that the inclusion would stir “contradictions”, or that it would incite conflict with the Roman Catholic Church.<sup>[13]</sup>

In contrast, proponents of the provision explained that homosexuality was not a disease, that it exists in Timor-Leste, and that the principles of the constitution demanded inclusivity. Milena Pires of PSD affirmed: “if the Assembly wanted the Constitution to be inclusive, the issue of homosexuality needed to be addressed.” However, the assembly still voted to remove sexual orientation from the text, with 88 in favor and 52 not in favor of its deletion.

Sexual Orientation as a protected category in the Penal Code. – Unlike other Southeast Asian countries, the Penal Code does not criminalize same-sex conduct between consenting adults. Although not recognized in the Constitution, sexual orientation is recognized as a protected category under Timor-Leste's Penal Code as approved by Decree Law No. 19 of 2009.<sup>[14]</sup> Article 52 describes General Aggravating Circumstances as when a crime “is motivated by racism, or any other discriminatory sentiment on grounds of gender, ideology, religion or beliefs, ethnicity, nationality, sex, sexual orientation, illness or physical disability of the victim”. However, no case seeking to penalize a crime motivated by sexual orientation has been documented. That said, no case as of this writing has been documented using the Penal Code to address a crime against any LGBTIQ person, possibly because many in the LGBTIQ community do not know the provision exists. “Not even government officials know that sexual orientation is written into the Penal Code. They do not know that the perpetrators can be prosecuted under this article,” our respondent explained.<sup>[15]</sup>

Legal Gender Recognition. – Timor-Leste has no laws recognizing a person's gender beyond their sex assigned at birth, and existing legislation does not allow for transgender and intersex people to change the gender reflected on their identity cards and other legal documents. This leaves transgender and intersex people especially vulnerable, as this lack of legal recognition compromises their capacity to access basic social services. “They suffer inhuman treatment by their close relatives and degrading treatment by the police force when they report the injuries and look for protection,” reads a report prepared by the Kaleidoscope Human Rights Foundation, adding that “the State's non-recognition of gender identity bias as an aggravating factor within the Penal Code fails to provide an adequate deterrent against hate crimes and violence on the basis of gender identity.”<sup>[16]</sup>

### 3.2 SOGIE in the Ombudsman for Human Rights and Justice

The Ombudsman for Human Rights and Justice (Provedoria Dos Direitos Humanos e Justica or PDHJ) was established in 2004 by the PDHJ

Act. Its main office is located in Dili, with four regional offices in the districts of Oecussi, Baucau, Maliana, and Same.<sup>[17]</sup> In its Strategic Plan for 2011-2020, the PDHJ stated that one of its mandates was to provide for vulnerable groups, which include women, children, PWDs, and people living in rural areas.<sup>[18]</sup> It does not specifically mention LGBTIQ people, but the PDHJ has affirmed the institution's commitment to LGBTIQ people in other ways. For example, in a PDHJ meeting in 27 March 2013, they affirmed that they "would respond to discriminatory acts against the LGBT community as part of its broader response to discrimination."<sup>[19]</sup>

As part of this commitment, PDHJ approved a Memorandum of Understanding (MoU) with CODIVA in early 2016 to conduct human rights training with a SOGIE component for different institutions, including Timor-Leste's National Police, the military, and various community leaders in the country's different territories.<sup>[20]</sup> PDHJ also developed a human rights manual for the police in 2014, which included information on engaging with LGBTIQ people. They also created a human rights complaint mechanism for LGBTIQ people to report cases of discrimination and violence conducted by public officials, though no similar mechanism to address perpetrators from private sectors has been created.

The PDHJ has faced a number of challenges since it first started to include SOGIE in its work. As one respondent explained: "Based on my experience as a trainer, people tend to be shocked and hesitant when we try to mainstream SOGIE with village chiefs, the military, and the police. They said that LGBT people deserve to be treated that way."<sup>[21]</sup> The same is true in the PDHJ itself, where some officers continue to be uncomfortable with LGBTIQ people. This has translated to a serious gap in their human rights documentation, because their staff's discomfort make them reluctant to use LGBTIQ language in their documents in fear of backlash from more conservative forces.

That said, one respondent from CODIVA is optimistic, in light of past experiences with other political groups. "In the past, there were politicians who promised to bring LGBT issues in the parliament. However, after they won, they violated their promise and left the community," a respondent said.<sup>[22]</sup> "But with the PDHJ now, there is once again another opportunity to influence the political agenda. We have to use this opportunity and strategize."

### 3.3 SOGIE in Timor-Leste's Universal Periodic Review

Timor-Leste has passed two cycles of Universal Periodic Review (UPR), the first in October 2011 and the second in November 2016. No

recommendations directly referencing SOGIE were received in the first cycle, but in the 2nd cycle, Canada and Uruguay raised concerns about the absence of anti-discrimination legislation, with Brazil inviting the country "to take measures aimed at holding to account individuals responsible for acts of violence against lesbian, gay, bisexual, transgender and intersex persons." Meanwhile, Argentina conveyed their appreciation "that work had begun with civil society to combat discrimination on the basis of sexual orientation." Two recommendations on SOGIE were received: to "Strengthen the legal framework in order to ensure gender equality and to ban discrimination on the grounds of sexual orientation and gender identity" from Chile; and to "Develop and adopt legal and administrative measures to investigate and punish acts of discrimination, stigmatization and violence against LGBTI persons," from Argentina.<sup>[23]</sup>

The compilation prepared by the UN Human Rights Council (HRC) also noted research from 2014 regarding LGBTIQ people being refused access to healthcare services.<sup>[24]</sup> The UPR submissions by other stakeholders also noted significant gaps in the country's response to SOGIE issues, specifically the repealing of the Labour Code in 2012, which previously prohibited discrimination in employment on the basis of sexual orientation; and the absence of legal gender recognition which "left trans-gender people to significant discrimination in all areas of life where gender information is required, including employment, healthcare, education and access to justice."<sup>[25]</sup>

In Timor-Leste's national report to the UN HRC, they used the term "LGBT," writing that the state "recognizes other minority groups, especially groups with different sexual orientations such as lesbian, gay, bi-sexual and transgender (LGBT) in Timor-Leste." They specifically mention CODIVA, writing that the group "works with State agents such as the PNTL, MS, CCF, PDHJ and the HIV/AIDS Commission to provide advocacy on HIV/AIDS and rights in order to obtain protection for minority groups, especially those with different sexual orientations, at the national and municipal levels."<sup>[26]</sup> But our respondents urged caution: according to them, Timor-Leste's government have a tendency to sign everything in order to increase the country's reputation in the United Nations, but that these commitments have not translated very well into practice in national affairs.

In addition to the UPR, there have been some developments in the way Timor-Leste has started to address SOGIE issues in the context of international law. It voted in favor of the historic 2011 UN statement "Ending Acts of Violence and Related Human Rights Violations Based on Sexual Orientation and Gender Identity," and it

consistently voted in favor of HRC resolutions to establish of an Independent Expert on Sexual Orientation and Gender Identity (SOGI) during the UN General Assembly plenary sessions.

## 4. INTIAL FEEDBACK FROM THE COMMUNITY

### 4.1 Family Relations and Family Values

LGBTIQ people are considered a threat to traditional kinship relationships and family values, and an affront to a family's dignity. When someone identifies themselves as LGBTIQ, they are deemed incapable of fulfilling their duties within the family, believing they will weaken and eventually destroy the family. One strategy by other members of the family to "correct" the situation is forced marriage, since LGBTIQ persons are seen as a threat to the family's continuity and the tradition of procreation in general.<sup>[27]</sup> This particular stigma (i.e. the threat LGBTIQ people pose to family values and traditions) is perpetuated mainly by Roman Catholic norms surrounding marriage and the doctrinal notion of the complementarity of male and female, as well as the traditional Roman Catholic view that homosexuality is "intrinsically disordered."<sup>[28]</sup>

Other strategies to "convert" the LGBTIQ person, specifically transgender women and gay men, were described by our respondents: they reported being forced to "become more masculine," such as by giving being assigned chores that included manual labor and carrying heavy things. "In my experience as transgender, and I believe it is similar to others," one of our respondents told us, "resistance comes from families first. Only my mother was supportive. The rest of my family pushed me to be a man, by enrolling me in boxing course, and to do manual labor around the house, but it was not working for me."<sup>[29]</sup> But for Timorese transgender women, fulfilling familial duties can also involve domestic chores such as cooking and cleaning. In their culture, if a household has no daughters to do domestic work, transgender women can fill this role and contribute to their family.

Being rejected by one's family meant having to leave their homes and live with a "senior" transgender woman, who could give them a job, often in a salon or somewhere similar. This relatively stable source of income can then be contributed to their family, and by doing this, they could be acknowledged and accepted. "Seeing my contribution, the family started to change their perspective toward me," one transgender woman told us, "and after I got my own job and proved that I can contribute the family, all of them accept me now."<sup>[30]</sup> But if they fail to contribute,

another respondent adds, "that acceptance simply ends."<sup>[31]</sup>

For gay and bisexual men, they may be accused of disgracing the family because their sexuality is seen as feminine and degrading to masculinity. They are called panleru, a derogatory word originating from Portuguese referring to transgender women or effeminate men. That said, acceptance from church might be easier for gay and bisexual men rather than transgender women, such as when they are barred from attending Sunday Mass because they wear the clothes that does not match their sex assigned at birth.<sup>[32]</sup> Interestingly, CODIVA supports a choir group of gay men and transgender women who regularly perform in churches around Dili, though the transgender women members do not wear dresses or anything of the sort.

In comparison, the presence of lesbian and bisexual women and transgender men in Timor-Leste has been very limited. This can be attributed to cultural norms concerning women in general, where being a girl means not bringing shame upon the family. Timorese customs, for example, do not allow women to inherit or own property, and that it is permissible for a man to hit his wife because they had paid the "bride price." Entrenched patriarchal norms have sidelined them. Cases of "corrective rape" (where other men, usually family members, rape the woman in order to "teach her to be a woman" and make her heterosexual), for example, go unreported because of its impact on a family's reputation.<sup>[33]</sup>

### 4.2 Issues in Labor and Employment

Prohibition against discrimination on the basis of sexual orientation in the employment was stipulated under the Labour Code 2002, but was removed by an amendment in 2012. A respondent from CODIVA explained that the exclusion might have been based on Timor-Leste's constitution, in which provisions related to sexual orientation were also excluded. And while the PDHJ does have a human rights complaint mechanism in place, no case related to employment discrimination has been documented. Another respondent believes that LGBTIQ people in the formal sector remain silent on the issue primarily in fear of losing their jobs.<sup>[34]</sup>

According to respondents, transgender women in Timor-Leste were not associated with sex work. They explained that it was gay men and those identified as MSM who were stigmatized as sex workers. Many transgender women work in the formal sector, with the caveat that they need to dress like men. Several respondents also mentioned that, in order to survive, some transgender women rely on jobs associated

with “creativity” such as party decoration agents, salon stylists, cooks, hoteliers, and so on. In addition, they explained that transgender women in their area live communally, serving as a support system that offers them greater independence and financial stability.<sup>[35]</sup> However, this association with “creative” jobs also reflected a serious limitation, as transgender women in Timor-Leste are, more often than not, unable to find work in other places.

### 4.3. Harassment and Redress

The most prominent type of discrimination is verbal harassment. Some pejoratives explained by our respondents were “panlero” (referring to transgender women and effeminate men), which came from Portuguese; “bui fetu” (a Tetum word referring to transgender women); “banci 24 jam” (referring to transgender women who go out at night); “mau huan” (referring to those who take the receptive role in sexual intercourse; “one who wants sperm”); “pansula” (transgender women who engage in oral sex with men); “susu-debe” (transgender women who engage in oral sex with a man without payment); “satu lagi dari mayora” (a transgender woman who has passed away); and “pajero” (transgender women who look like robots). This harassment is often perpetrated by family members, friends in school, and public officials. Our respondents also identified children as perpetrators.<sup>[36]</sup>

In Dili, there is a neighborhood with a large electronic market called Comoro, which Timorese transgender women have agreed not to visit due to stories of serious harassment. “We never go to Comoro,” one of our respondents explains. “Comoro is a very big market. If we go there, usually a man will ask for money or cigarettes while clenching their fist.” Another respondent summarizes the sentiment: “going to Comoro means death.”<sup>[37]</sup>

When asked what they would do when harassed, many of the transgender women we spoke to said they would remain silent and “understand the situation.” As one respondent puts it: “Most do not understand SOGIE, so we are the one who need to understand. We cannot fight back. If we confront them, it means digging our own graves.” Two particularly violent cases illustrated this. The first involved a transgender woman who was stabbed by a family member. When they tried to advocate this case and bring it to the police, the victim decided to drop the case because they “felt pity” and “understands his situation. The second case involved a transgender woman who had also been stabbed by unknown assailants, but no complaint was filed. “We just accepted the situation as a misfortune,” they told us.<sup>[38]</sup>

The absence of an anti-discrimination law or similar policies in public institutions (with the

exception of the PDHJ) have not only made LGBTIQ people vulnerable: it has also made it impractical, if not impossible, to seek redress. One case reported by a respondent occurred around 2013, when the victim was to enter Dili after coming back from the district of Baucau. When the officers noticed the difference between her gender expression and what was written in her identity card, and they confiscated it. “They said that they need to keep it because of the difference between what I looked like and the sex written on my ID,” she told us. “When I asked for clarity, one of the police slapped me in my face.” Another officer pulled at her ears. Although her identity card was eventually returned to her, it had been a very disturbing experience. She filed a report, but there was no follow-up. “I reported it to the PDHJ but got no explanation yet,” she lamented. “It has been 2 years.”<sup>[39]</sup>

### 4.4 Issues in Labor and Employment

The stigma of being associated with a key vulnerable population of HIV/AIDS (specifically gay men and transgender women) has translated to discrimination from healthcare providers. As a result, many are reluctant to go to hospitals, not just for HIV services, but even for more basic healthcare needs and check-ups. To address this issue, Fundasaun Timor Hari’i has tried offering medical consultations on their own, because those who visit feel safer when the services are offered by the community.<sup>[40]</sup>

Most health activities have been focused on HIV/AIDS. Little concern is given to other issues, such as mental health and, for some transgender women, medically-supervised transitioning, which according to our respondents does not exist in the country. Discrimination has also forced many of them to treat themselves, preferring to self-medicate – not just in the use of hormones for those who want to transition, but in the use of simple antibiotics – over being harassed.<sup>[41]</sup>

In addition to clinical services, CODIVA also runs peer education programs with MSM and TG volunteers to conduct outreach. As of this writing, they had about twenty volunteers working in Dili. But although there are a number of friendly clinics in Dili, the facilities are far from perfect, and there are often shortages in materials. Our respondents at CODIVA are looking to cooperation with public hospitals and Timor-Leste’s Ministry of Health to address these gaps and mainstream SOGIE-related health issues.



## 5. RECENT DEVELOPMENTS AND ONGOING CHALLENGES

### 5.1 Awareness-Raising and Coalition Building

Raising awareness on SOGIE and human rights has been the primary focus. CODIVA, for example, has ensured that its ten member-organizations are aware of their responsibility to mainstream these issues alongside their usual work on HIV/AIDS. They have sustained this responsibility through a program called “SOGIE Caravan,” where each member-organization in each district must conduct an outreach program for their local LGBTIQ communities. From the little feedback we have received from our respondents at the PDHJ, these activities have had some positive impact. “Our transgender respondents initially accepted the discrimination because they thought that it was their destiny,” our respondent explained. “However, after we conduct training to the community, a lot of people started to realize their rights and that they should be treated equally.”<sup>[42]</sup> They have also conducted several discussions among local youth on sexual diversity as a starting point for combating culturally-entrenched stigma.

Apart from public actions, CODIVA also produced several videos describing the life and aspirations of gay men and transgender women for the broader public. Two examples from 2015 are a video in celebration of the Transgender Day of Visibility published online in August, and another on the experiences of transgender women published online in September.<sup>[43, 44]</sup> The country also successfully organized its first LGBTQ pride march, entitled “Free to be Me,” in June 2016.<sup>[45]</sup> Organized by CODIVA, it brought together religious leaders, NHRIs, and prominent figures such as Bella Galhos, one of the presidential advisors. LGBTIQ representation was included in other collaborations, such as a march to raise awareness about sexual harassment together with UN Women, Rede Feto, The Asia Foundation, and Association of Men Against Violence.

Engagements with state institutions are also ongoing. CODIVA has signed an MoU with PDHJ and the National Police of Timor-Leste (Polícia Nacional de Timor-Leste or PNTL) which mandates that sessions on SOGIE should be conducted in every police training programs organized by the PDHJ. In the near future, a similar initiative will be established with the Timor-Leste Defense Forces (Força Defesa de Timor-Leste or FDTL).

Other organizations have engaged in awareness-raising in their own ways. Arco Iris has focused on conducting cultural performances, such

as dance and choir, during public ceremonies such as Sunday mass and other government-sponsored events. Hatutan Youth Council has also worked to promote LGBTIQ issues, such as through campaigns for World Coming Out Day and World AIDS Day.

Work is currently being done to build strategic coalitions with other movements as potential allies of the LGBTIQ movement in Timor-Leste. One concrete manifestation of this at work was its first national LGBT conference, which was organized by CODIVA in September 2016 with other stakeholders such as UN Women, Hatutan Youth Council, PDHJ, and the PUDD. CODIVA is also registered in FONGTIL (Forum ONG Timor-Leste), a Timorese NGO coalition, and are also considering to join Rede Feto, the coalition for women in Timor-Leste.<sup>[46]</sup>

### 5.2 Documentation of Human Rights Cases

Skills and resources for documentation, whether for general advocacy work or for gathering data on key human rights issues, are severely limited among LGBTIQ organizations in Timor-Leste. While stories of harassment in public spaces and domestic violence among LGBTIQ people in Timor-Leste are very common, the lack of both a clear protocol for documentation and trained documenters keeps activists from performing strong evidence-based advocacy. Case studies remain anecdotal, often with unclear or missing details, and so are of limited use in lobbying for national policy.

One case highlighting these gaps involves CODIVA, where according to one member documentation is not prioritized. CODIVA trained coordinators from its member-organizations on case documentation and advocacy using an established format. Coordinators were trained to use standardized form for documenting cases, which would then be submitted to the PDHJ. Only one case was reported, due to what our respondents described as a lack of commitment.<sup>[47]</sup>

### 5.3 Lack of Participation of Lesbian and Bisexual Women and Transgender Men

The initial focus of the LGBTIQ movement on HIV/AIDS issues has often left no room for lesbian and bisexual women and transgender men to participate because their communities are not among the key vulnerable populations identified by HIV/AIDS programs. According to our respondents, they usually hold private parties amongst themselves where they can embrace each-other’s identities. Others opt to join women’s groups, though many in these organizations

do not accept lesbian women because their conception of feminism is not inclusive of sexual orientation. With the inclusion of SOGIE and human rights within the movement, engagement with this community becomes possible. However, changing the culture within the movement is not easy and it will take a serious and concerted effort to engage lesbian and bisexual women and transgender men, who have been side-lined for years.

## **5.4 HIV/AIDS Programs and Lack of Funding for LGBTIQ-Specific Advocacy**

One finding was the popular use of terms such as “MSM” (referring to men who have sex with men) and “TG” (referring to transgender women), which were mainstreamed by HIV/AIDS research and programming. Depictions and discussions of MSM and TG are much more familiar to the Timorese than other terms such as “lesbian”, “bisexual”, or “intersex”, which were not designated as key vulnerable populations and were not included in advocacy work. The entrenchment of HIV/AIDS language is also clear in the Timorese government’s report to the UPR, where they linked LGBTIQ concerns specifically to HIV/AIDS (i.e. “...to provide advocacy on HIV/AIDS and rights in order to obtain protection for minority groups, especially those with different sexual orientations, at the national and municipal levels.”). This has also had the unintended effort of making other SOGIE language difficult to mainstream in work with civil society.

## 6. RECOMMENDATIONS

Based on our discussions with members of Timor-Leste's LGBTIQ movement, we offer six recommendations for those wishing to move advocacy work in the country forward.

### 6.1 Conduct a National Consultation to identify the needs of Timor-Leste's LGBTIQ Community

This paper's limitations, and the limitations of the LGBTIQ movement in the country in general, can be addressed through a broader and more detailed consultation with stakeholders. A more inclusive and well-distributed national consultancy is necessary to identify what the community needs, what current advocacy practices should be sustained, and what more can be done – all of which are rooted in the unique experiences of Timor-Leste's LGBTIQ community.

### 6.2 Develop SOGIE Programs That Cater to the Specific Needs of Partners and Other Stakeholders

One of the challenges in mainstreaming SOGIE are the differences both in the level of understanding of key concepts (e.g. the definition of "gender identity") and in the perspectives of stakeholders (e.g. the focus of politicians on policy-making). Discussions and materials on SOGIE need to be tailor-fit to different constituents. For example, when engaging with Timor-Leste's Ministry of Health, advocates should highlight specific issues in healthcare and what its impact has been on LGBTIQ people.

### 6.3 Involve Lesbian and Bisexual Women and Transgender Men

Lesbian and bisexual women and transgender men need to have a greater say in the work of LGBTIQ advocacy in Timor-Leste. This includes not just lobbying for their inclusion in the LGBTIQ advocacy movement, but in other potential allies such as those in the larger women's movement.

### 6.4 Diversify Funding Sources

There is a need to diversify organizations' funding sources to allow for greater flexibility in addressing various issues. Many initiatives have been primarily for MSM and transgender women, as key populations for HIV/AIDS, but these have left out other key issues (for instance, domestic violence among lesbian and bisexual women). At this moment, the primary source

of funding for LGBTIQ-related programming in Timor-Leste comes from Global Fund.

### 6.5 Invest in Capacity-Building in Key Advocacy Practices

The basic functions of those engaged in activism need to be strengthened. For CODIVA, this includes capacity-building for basic research, reporting and documentation, advocacy and communication, and the effective use and auditing of funding grants.

### 6.6 Invest in Advocacy Among Families and the Youth

As more than half of Timor-Leste's population is composed of young people, and as the issues raised by our respondents were tied to their relationships with their families, it would also benefit the LGBTIQ movement to conduct advocacy work on SOGIE and human rights among young people and their families, with the vision of creating supportive and inclusive spaces within what are considered to be the basic units of society.

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The ASC Discussion Series was created to encourage more substantive discussions on some of the key issues faced by our network of LGBTIQ advocates and human rights defenders. They are meant as jump-off points for conversations, and are always open for evaluation. As such, your feedback would be greatly appreciated.



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