



# LEAVING NO YOUTH BEHIND IN TIMOR-LESTE

POLICY BRIEF # 4

*LGBTI YOUTH*



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# Introduction

Young people are key to achieving sustainable development. It is essential that all young people receive equal access to quality education, justice, health services, employment opportunities, chances to participate in society, and to be protected from violence. Through the adoption of the Sustainable Development Goals in 2015 and the approval of the new National Youth Policy in 2016 by the VI Government, Timor-Leste has committed to leave no youth behind.

In support of this national effort, the United Nations (UN) in Timor-Leste and the NGO Belun are, in a collaborative effort, launching a new policy series titled 'Leaving no Youth Behind in Timor-Leste'. The objective of this series is to increase understanding of the situation and vulnerability of some specific youth groups and the particular challenges they face to benefit from the 2030 Sustainable Development Goals. Each policy brief presents a situation analysis based on quantitative data from an independent analysis of the 2015 Timor-Leste Census and qualitative data from focus groups discussions, as well as supporting evidence from studies and reports conducted in Timor-Leste. Findings are presented following the National Youth Policy pillars of youth healthy lifestyle, youth and education, youth employment and employability, youth civic participation and youth and violence and crime. The briefs also offer recommendations to Government, civil society, the private sector and development partners as to how to ensure equal opportunities for these groups in context of the development of Timor-Leste.

## Background

Lesbian, gay, bisexual, transgender, and intersex (LGBTI) youth are vulnerable to discrimination based on their sexual orientation or gender identity and expression (SOGIE). Negative social attitudes toward homosexuality and gender non-conformity can lead to bullying and discrimination. LGBTI youth can feel unsafe and are at greater risk of violence. This in turn can lead to LGBTI youth having mental health problems, skipping school or dropping out entirely, and suicide.

Timor-Leste has taken steps to protect recognize LGBTI rights, but gaps remain. The Constitution does not expressly list sexual orientation as a prohibited ground of discrimination, even though this was proposed during the drafting process in 2001. However, article 23 of the Constitution calls for all rights in the Constitution to be interpreted in line with the Universal Declaration of Human Rights (UDHR), and this Declaration provides a non-exhaustive list of grounds on which discrimination is prohibited. The Penal Code does not criminalize sex between consenting adults of the same sex, and it allows for a higher penalty if a person who commits a crime is motivated by discrimination on the grounds of 'gender' or 'sexual orientation'. While the UNTAET Labour Code specifically prohibited discrimination based on sexual orientation, this is not the case in the 2012 Labour Code currently in force.

Timor-Leste has shown support for LGBTI rights at the United Nations, by, among other things, sponsoring the 2011 UN Human Rights Council Joint Statement on Ending Acts of Violence Related Human Rights Violations Based on Sexual Orientation and Gender Identity. The Government also accepted two recommendations on LGBTI rights made during the Universal Periodic Review by the UN Human Rights Council in 2016. At the national level, in June 2017, then Prime Minister Dr. Rui Maria de Araújo, publicly denounced discrimination against LGBTI individuals with a focus on youth and encouraged everyone, including schools and families to accept and protect their children who have a different sexual orientation or gender identity.

LGBTI groups have been active in promoting LGBTI rights in Timor-Leste and have received support from national institutions, the UN, and civil society.

There is limited data on LGBTI youth in Timor-Leste. Few studies on the situation of the group and its members have been conducted. The findings presented in this brief are the result of qualitative data only, in the absence of quantitative data on this group. The data comes from two Focus Group Discussions held in Dili, as well as a 2017 study conducted by Rede Feto and the ASEAN SOGIE Caucus among 57 LBT persons and 2014 research conducted by ISEAN-Hivos among 200 men having sex with men (MSM) and transgender persons.

## Findings and analysis

### Higher exposure to discrimination and violence

Many LGBTI youth in Timor-Leste live with their families, but this is not necessarily a safe place for them: the majority of FGD participants reported that they experienced physical or psychological violence at home. They listed examples such as family members swearing at them, chasing them out of the house, and being 'punished' with extra housework or beaten due to their sexual orientation. Some examples were particularly horrifying: a father had threatened to kill his child if the child did not change its life style, and another shared the story of a friend who experienced corrective rape by her uncle in an attempt to change her sexual orientation. Older brothers were the most commonly reported perpetrators of violence.

Outside the home, many said that they are often shunned. One participant said community members told women and children to stay away from her, saying 'if you play with the paneleiru you will become paneleiru', with 'paleleiru' being a derogatory term for gay men and transgender women.

Some FGD participants said they were afraid to go out in public. Some shared stories of people throwing stones at them or swearing at them.



These stories are echoed in the recent Rede Feto/ASEAN SOGIE Caucus report. It notes that 87% of LBT respondents had experienced harassment and violence at some point in their lives, 72% of respondents more than once, and more than 1 in 10 experience it almost daily. Instances of corrective rape were also reported. The ISEAN-Hivos research showed that a third of the respondents had experienced verbal maltreatment, and a quarter had been physically maltreated.

Discrimination, exclusion, threat and actual violence have a devastating impact on mental health. Many LBT persons shared stories of trying to end their lives, some with multiple attempts, due to the violence and poor treatment from their family members.

## Falling behind in education

LGBTI persons also experience discrimination in schools. Participants in both FGDs reported having encountered discrimination in school from their teachers and peers. Many also said their families did not care about the education of their children who have a different sexual orientation.

In the official pre-secondary school curriculum, the topic of rights of LGBTI people is mentioned, although lightly. Teachers however were found to be largely unaccepting of homosexuality.

Many FGD participants experienced teasing or abuse by peers or teachers and were too ashamed or uncomfortable to return to school. Because schools have mandatory uniforms for girls (skirts) and boys (trousers), some LGBTI students have to wear clothing according to their biologically assigned gender or conform to stereotypes of women and men's physical appearance, and this is uncomfortable for them. Only 2 of the 15 FGD participants had completed secondary school and both said they could not attend university because their families refused to support them. The Rede Feto/ASEAN SOGIE Caucus report echoed challenges LBT persons face in education. Only a quarter of the LBT respondents had reported they attended secondary school, while, according to the 2015 Census, nationally, 75% of girls attended secondary school. Many LBT participants in the research had not finished secondary schooling. Economic issues or discrimination by parents or university staff were provided as some of the reasons for not continuing education.

## Unequal access to health services

In the FGDs, gay men and transgender women generally reported poor interactions with health service providers. This was especially true for transgender women. FGD participants mentioned doctors struggling to accept the different gender identities and repeatedly questioning the information they were provided. Positively, participants mentioned that some clinics in Dili provide good care because the CODIVA, an NGO working on the rights of LGBTI persons, conducted advocacy and trained the health staff at those sites.

In 2014, the ISEAN-Hivos research found that 18% of men who have sex with men (MSM) and 43% of transgender persons (TG) had been refused health services in Timor-Leste.

## Difficult access to economic opportunities

Most of the youth in the FGDs, who were predominantly gay men and transgender women, stated that because as they do not have a good education, getting a job is difficult. In addition, they felt that they could not apply for jobs, or believed they were rejected when they applied, because of the way they dress. They believe that in Southeast Asia, there are stereotypes that transgender people can only work in salons or restaurants, limiting the types of work that this group can access. There are, however, a number of members of the LGBTI community in Timor-Leste who are popular public figures with good access to economic opportunities and/or who are strong entrepreneurs.

Data is scarce on lesbian women, however, the Rede Feto ASEAN SOGIE Caucus report shed light on the economic situation of lesbians, alongside bisexual persons and transgender men. Over half of the LBT respondents depended on their families for financial support, 23% were gainfully employed, and 19% depended on friends for survival.

## Limited participation in society

Most FGD participants shared stories about being socially shunned or isolated. Many reported their family members were so ashamed of them that they refused to walk with them in public. FGD participants also told they were forced to go to another room in their homes while visitors were present. Some reported their families thought they would molest children or their siblings so they were kept from interacting with them.

As a consequence of not being accepted, many LGBTI persons spend little time in their homes with family. Instead, they look for friends who are also LGBTI and spend time at their homes, which are safer.

While there are a few well-known LGBTI individuals who regularly express themselves publicly, including in the media and at high-profile events, this is not a reality for many other LGBTI persons. All participants in the FGDs mentioned that they are not free to express themselves in public because the public and their community in general are not accepting of them yet.

# Recommendations

Many LGBTI youth face daily challenges in exercising their rights and taking part in the development of the country. They frequently suffer physical and psychological abuse from their families, including violence aimed at 'curing' their gender identity and sexual orientation. Discriminatory attitudes and behavior, as well as violence from peers and officials contributes to a high drop-out rate from education, seriously undermining this group's potential and economic opportunities, and has serious consequences on person's mental health. Discrimination has also prevented LGBTI youth from accessing necessary health services.

In order to address the serious challenges that LGBTI youth face in Timor-Leste, the following recommendations are made:

### 1. Build an evidence base

International and national organizations, universities, and the Government invest in additional research on the situation of LGBTI youth to have better evidence to address challenges they face in their daily lives and for evidence-based advocacy. Key areas to be included would be stigma and discrimination, mental health, and existing and required support systems across the country. LGBTI persons should be included in the design and implementation of any such research.

### 2. Reduce violence and discrimination

PDHJ, UN and NGOs expand programmes to jointly raise awareness among families and the public of the rights of LGBTI persons to reduce stigma and discrimination these persons face. Families in particular should be supported in understanding and accepting their young people.

All civil servants, particularly those involved in health, education and the justice system, receive LGBTI rights and sensitivity training. Furthermore, PNTL and the Office of the Prosecutor ensure prompt investigation of any violence (physical and psychological) against LGBTI youth and brings those responsible to justice. PNTL appoints focal points to address instances of crimes committed against members of the LGBTI community.

The Office of the Public Defenders and Legal Aid NGOs provide legal assistance to victims of such violence to ensure justice will be done.

### 3. Improve access to education

The Ministry of Education and Culture (MOE) takes positive action to ensure a culture of respect to diversity within the schools and the education sector. It includes lesson plans on diversity and respect for the equal rights of LGBTI persons as part of the curriculum and sensitization training for teachers and students on LGBTI rights.

MOE develops a no-tolerance policy for discrimination against LGBTI youth, outlining their rights to show their identity in the school environment, including the right to select between approved school uniforms, and establishing a reporting and accountability system for addressing incidents of discrimination and violence in schools.

MOE makes efforts to bring youth back into the school system. Additionally, the Government ensures adequate opportunities for older LGBTI youth to complete their secondary schooling.

### 4. Improve health and well-being

The Ministry of Health, with support from the State Secretariat for Gender Equality and Social Inclusion and with LGBTI groups, conducts LGBTI rights sensitization education for all health staff, and ensures all staff provide the requested services without being judgmental.

Government supports financially the work of civil society organizations who assist LGBTI youth to access safe spaces, receive counseling, or support against abuse from family or others. It considers creating and funding a mental health support hotline for at risk youth.

## 5. Equalize access to employment

As many LGBTI youth have not been able to complete their schooling, relevant Ministries promote economic initiatives specifically for LGBTI youth to build skills and jump start income-generating activities.

The National Parliament amends the Labour Code to expressly prohibit discrimination on the basis of sexual orientation, gender identity, and intersex status in all areas of employment.

The private sector invests in sensitization on LGBTI rights.

## 6. Increase civic participation

LGBTI groups are strengthened and supported by Government, other State Institutions and donors to ensure that the voices of the LGBTI community are regularly heard on issues of concern to them.

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