

Her Excellency

Kirsty Sword Gusmão

First Lady of Timor Leste

**Annual Dame Roma Mitchell
Memorial Luncheon Speech-
Victorian Women Lawyers &
Victorian Law Institute**

10th March 2006

Happy International Women's Day, a day I have been celebrating since Monday, in Brisbane, Adelaide, and Canberra, as guest speaker for the annual UNIFEM fund-raising series. It is good to be back in my old home city of Melbourne.

I feel very privileged to be able to give the 2006 Dame Roma Mitchell Memorial Luncheon speech.

I thank the Victorian Women Lawyers (President Virginia Jay) and the Law Institute of Victoria (President Catherine Gale) for affording me this opportunity. I am told that there are 18 women judges here today, and I am delighted about that.

In reading about Dame Roma, I was struck by her formidable intelligence, her no-nonsense attitude and her concern for justice, and by what I saw as her pioneering spirit - this was indeed how the larger community saw her as well, but not Dame Roma herself.

From what I can gauge, she had a strong belief in using the talents that one is blessed with to do the best job possible; in her case this meant being the best lawyer, but a lawyer driven by a deep sense of justice, fuelled by the fact that she was a feminist.

This resonated with me. Using your talents to the best of your ability, and to be guided by your beliefs. In my case my beliefs were informed by a profound sense of anger and disbelief at the injustice meted out to the East Timorese people.

I can relate to Dame Roma not seeing herself as a pioneer, but as someone doing a job well and with passion. I have had things said about me, along the lines of having done

extraordinary things, and I have been introduced as “brave”, and “courageous”. It is even said I was a “spy”, in the best sense of the word, doing human rights work. It is not how I see myself. I, too, was driven by a deep sense of justice. It was that simple.

I can relate to Dame Roma being a feminist. I can relate to having done some “firsts”, in her case, formidable firsts she achieved on merit. My most ‘out there’ first is becoming the first First Lady of the world’s newest nation.

The talent I was able to use was language. It was my ability to master Indonesian and Italian that I was able to put in the service of the Timorese people. It compelled me to take myself to live in Indonesia, going there with no job in 1992 to help the cause of the East Timorese people. At that time the cause was a seemingly lost one and to be in favour of independence was akin to being a social leper.

I had added teaching qualifications to languages and was therefore able to teach English and survive in Indonesia. Xanana was my first prisoner pupil, and a good one at that. He was incarcerated in Jakarta’s Cipinang Prison. I would send his lessons in, and he would complete them and send them out. I would mark them and send them back. That story is for another day, and is well covered in my book, [A Woman of Independence](#).

That journey, borne out of my sense of injustice for what was happening to the people of East Timor took me, as your flier says, from being a Melbourne Arts Student to the First Lady of East Timor.

Becoming the first First Lady of the world’s newest nation has necessitated dramatic learning curves for me personally, the rapid acquisition of skills I never imagined I would

require – included amongst them public speaking – and a great deal of humility.

I have embraced this country of Timor-Leste that I now call home and feel passionately about the needs of the women I share my daily life with. With independence having been achieved, I no longer have to have to fight that big fight and am free to put my passion and energy (or what little is left of it as I have three small boys aged 5, 3 and 16 months) to use to help serve the needs and promote the rights of women, so that they can become truly free as equal citizens of the Democratic Republic of Timor-Leste.

In 2001 I established the Alola Foundation, and it is through our organisation that I am able to make a contribution. Alola is helping women to survive, quite literally given that Timor-Leste has one of the world's highest maternal mortality rates. We keep girls in school with our scholarship programmes, and we get and give support from schools in Australia, mainly Victoria and driven in Victoria, to schools all over Timor-Leste through the Friendship Schools Programme, which operates its own association here. Terry Bracks and I are Patrons of it. We provide advocacy on issues of domestic violence, sexual assault and those that affect our rights as women. Lastly and probably most importantly, the Alola Foundation runs a small but growing handicraft project as part of our overall commitment to women's economic empowerment.

My Office of First Lady runs out of the Alola Foundation, and with the generous support of the Pratt Foundation and the Royal Thai Government. Despite having a very public role, I have no formal recognition, no budget, and no national support, yet all feel able to make demands of me in this role. Like Dame Roma, who was not able to join the law students society, as it was closed to women, leading to formation of

her own female students association, I too established my own Foundation, along with fellow Directors (Stanley Tan) and friends, and I am able to do my work from there.

I can't abrogate my role as First Lady and I do what I can to fulfil the expectations that are placed on me. I have a home, a wage - well my husband does, earning US\$ 800 per month - and I have three healthy children. I am blessed, and I must therefore extend that to women, children and their communities, in that order. Our rationale is that if we women are able to enjoy good health, be free of violence in our homes and have access to resources, then our children and their communities will benefit. That is after all how we women live our lives; looking after our families and communities and doing other amazing and wonderful things.

I hope that in speaking to you today I may be able to convey a little about the lives of women in Timor-Leste and what it means to be considered the mother of a small but extremely needy infant nation.

I now want to show you a film clip that I made of a woman called Helena Pereira Maia, an "ordinary" woman, surviving in extraordinary circumstances. Last year for International Women's Day (IWD) we honoured Helena. We, meaning my Alola Foundation, along with the Australian, The Philippines, Irish and UK Ambassadors, who are all women.

(Film clip)

Compelling isn't it? I learned from Helena, that she had no grand dreams, no vision for women in general, something that I was hoping I would hear from her. She told me that she didn't, that she couldn't dare to dream, that she could only pray that she and her children made it through each day.

I also learned that Helena gave birth to all her babies, five of them, at home. She lives in Dili and she told me that she did not have transport to get to the Hospital and could not afford a taxi. At around the same time as I produced this clip about Helena for IWD last year, the Director of Dili National Hospital came to see me at the Alola Foundation. His voice was filled with sadness as he told me that an increasingly large number of rural women are being admitted into the hospital to give birth with, not only not a single item of clothing for their newborns, but without cloth to wrap their babies, nor a change of clothes for themselves. He explained that the hospital was running out of sheets for the beds since, desperate to help these new mums, the staff of the hospital were ripping up the hospital bed linen to make simple wraps for the new bubs. When he told me, too, that many new mothers, for lack of sanitary napkins and even underwear in some cases, often leave the hospital dripping blood, I made my mind up there and then that the Alola Foundation would start raising money to put together maternity packs to distribute through the Dili and Baucau hospitals. Since only 10% of East Timorese women give birth in a health facility, in addition to allowing mothers to give birth safely and with dignity, the packs were intended to encourage more women to give birth at hospital.

Thus the Alola Foundation's Maternity Packs Project was born.

Between November 2005 and February 2006, the Alola Foundation raised over \$80,000 in support of our Maternity Packs project. We formally launched the project on Monday last week at Dili National Hospital. The first woman to receive the maternity pack was Filomena da Costa, and she proudly showed me her newborn baby girl, yet to be named. In many developing countries like Timor-Leste babies are

often unnamed until 1 or even 6 weeks after birth, reflecting a sense of fatalism and cultural acceptance of high mortality.

I want to tell you another story and it has to do with the Church, the Government, Abortion, and Prostitution.

You might recall that in early 2005, a series of demonstrations on the issue of religious education in schools were instigated by the Church in Timor-Leste. After weeks of public protests, the government came under intense pressure to end the demonstrations and to meet the demands of the protestors who were insisting upon religious education being made compulsory in the national curriculum. As a result, the government signed a "Joint Declaration" with church leaders in which it was agreed that religious education would become "a regular discipline in the curriculum". In addition, it agreed to outlawing the practice of voluntary abortion and prostitution in the nation's penal code. The issues of prostitution and abortion had at no time featured as an issue in the course of the Church protests.

The most shocking part of this tale is that it didn't occur to many women that they had the right to challenge such action on the part of our male leaders. In response, the Alola Foundation facilitated a series of three public fora on the issues of abortion and prostitution, involving representatives of civil society organizations, women's groups, international agencies, the Church and government. Our objective was to promote dialogue on these sensitive issues and to encourage women to form an opinion on what legislation best served their interests.

Just as I and other women in Timor-Leste brought the matter of abortion and prostitution onto the public agenda, I note with satisfaction that the women MPs, initiated by Senators in the Australian Federal Parliament, joined forces

across party lines, to advance the rights of women regarding the debate on RU486 and the Therapeutic Goods Act.

I have to share stories like that with you, as it is hard to realise just how hard women's lives are in Timor-Leste, from the comfort of lovely Melbourne. I, too, have to remind myself of it, when I am here. We take for granted running water, electricity, public transportation, access to health care. We expect our babies to be born healthy and to survive childhood.

As my audience is predominantly lawyers, I guess that you will be vitally interested in the development of our legal system. I confess here and now to being a bit mystified about law, but I will try my best to convey some of our developments and setbacks in this area, and even better I can direct you to the website (www.jsmp.org) of the Judicial Systems Monitoring Programme (JSMP). They do know about law. I draw your attention to two recent and timely reports, one that provides an overview of the justice sector and the other about women and the law. The JSMP is a very professional NGO that does excellent work in monitoring the legal system, and reporting on it in language accessible to all.

In the JSMP overview report they say the following that is worth restating here, as being a critic can sometimes be lonely.

"It is a tool for justice sector stakeholders to assist them in their efforts to build a functioning judicial system and strong democratic institutions based on the rule of law. The Judicial System Monitoring Programme (JSMP) is a partner in this process and wishes to assist the government of Timor-Leste, Timorese civil society organisations and other national/international stakeholders in achieving this goal."

A legal system is a hard thing to grow from scratch, as are all the major institutions of state that our leaders have had responsibility for building. You are lawyers, so I know that you can fully appreciate the task.

We have struggled since to build up capacity in the judicial system and it is a matter of public record and deep concern that we still have a weak judiciary.

However, I can say that in 2004 and 2005 there were some positive developments. Judicial decision-making has greatly improved in general. The judicial actors had to sit exams to determine if they were qualified to continue to practice and if not, they were offered the choice to undertake an intensive long term training programme. None passed the test, understandably, as the bar could be nothing less than that of a professional and experienced judge, prosecutor or public defender. Nearly all elected to undergo the training programme.

This is one area where we need continued support and our leaders, my husband, the Prime Minister and the Foreign Affairs Minister have asked the international community through the UN to continue support beyond UNOTIL's mission that ends May 20 this year.

I would like to share with you now, legal developments, positive and negative, all mainly focused on women, as International Women's Day (IWD) is about celebration. However, I have to set these achievements against the stark statistics of life in Timor-Leste, as we are one of the world's poorest nations. I will conclude with our key challenges.

LAW

POSITIVE

JSMP's summary of the positive developments makes mention of "an increase in court actors from August; training for judges, prosecutors, lawyers, court clerks and administrative staff; material assistance to district courts by donors; local language interpreters in district courts; the publication of Court of Appeal court decisions; the reopening of the Suai District Court; and the use of customary law, where appropriate, together with formal justice outcomes".

Some other general comments are as follows:

- The courts have ordered compensation to victims of gender-based violence;
- Some courts are showing more empathy towards women and child victims, seen in the type of sentences and judges comments in decisions;
- International Judges and Prosecutors have been brought in and in 2005 some real gains were made in terms clearing up a backlog of cases, and the manner in which trials and cases were dealt with;
- Reference to traditional law in some cases also promises new ways to make the justice system more meaningful to victims, perpetrators and their communities, although a number of procedural matters need to be resolved.

NEGATIVE

JSMP's summary of areas of concern include: "the limited processing of civil cases; the reduction in national court actors from January; ongoing language difficulties and the lack of lawyer to client translation; lack of access to court documents and decisions; illegal arrest and detention; delayed hearings due to the tardiness of court actors, electrical blackouts, and the non-appearance of witnesses or victims; and the continuing backlog of thousands of criminal

cases across all courts dating back to 2000 and continuing difficulties for women in pursuing formal justice; and the limited availability of legal assistance”.

Some other general comments are as follows:

- Courts do not understand nor obviously then apply international legal principles around gender-based violence, as the law of Timor-Lest obliges the judges to do;
- Evidence presented to courts is weak, with lots of weight given to witness behaviour, and JSMP say that expert testimony is never called;
- In the courts the prevailing assumptions of gender-stereotype regarding women often determine credibility, “she asked for it”, “she was not a good wife”, etc...
- Gender-based crimes are not seen as “grave”;
- Gender-based crimes attract light sentences;
- Crimes, particularly sexual assault, against older or married women rarely get to court.

GENERAL ACHIEVEMENTS

- We acceded to CEDAW & its Optional Protocol in Dec 2002, seven months after formally gaining our independence and only two months after becoming the newest member of the United Nations, and also six other key international human rights instruments;
- In 2001 in our first ever Constituent Assembly election, 22 of the 88 members elected were women (the highest female representation in the Asia-Pacific region);
- 25% of our civil servants are women. We have a quota set for women in our local government (suco) elections

guaranteeing at least 3 seats for women. I pay tribute to the Senior Minister for State Administration, Ms. Ana Pessoa for her role in this;

- There is substantial gender equality in the police force;
- Half of the active judges are female;
- We have a domestic violence bill soon to become law - it has been the subject of widespread consultation;
- We have public peace, not to be taken lightly after decades of political violence;
- We have a National Women's Day, celebrated in November each year;
- We also celebrate International Women's Day (IWD) in Timor-Leste;
- We have schools open across the country, and health services being rolled out.

All this since 20 May 2002. It is a great effort and we should pat ourselves on the back. We not only had to rebuild a nation from scratch, with the majority of infrastructure destroyed, physically and institutionally, but remarkably we have been able to make these advances for women.

These are the achievements we like to hold up and they are indeed significant and worthy of praise.

However they must be set against the reality of women's lives in Timor-Leste.

- 28% of women suffer from malnutrition, with 7% of these requiring medical treatment;
- 51% of women feel unsafe in their relationships (International Rescue Committee survey, 2003);
- 25% had experienced violence from their male partner;
- We have one of the highest rates of infant and maternal mortality in the world;
- Women have an average of eight children;
- Only 8% of women in marriages or permanent relationships use contraception;
- 53% of women are illiterate, although this is a conservative estimate, with some figures (recent UN ones) as high as two-thirds;
- 1 in 12 children do not reach their fifth birthday;
- Our nation is one of the world's poorest, (40% of people live below the poverty line of 0.55 cents per day);
- 1% of Timorese men do some housework.

So these are our achievements and realities that very much mark out for the women of Timor-Leste our key challenges, and those facing women in developing countries everywhere.

They are education and economic empowerment. These alone will transform women's lives. As the education and economic status of women increase so to do health outcomes, life expectancy and much, much more.

The Secretary General said that the most important thing that can be done for development is the economic empowerment of women, yet I see little of it in development and donor programmes, although this is slowly changing.

I hope that in giving an account of the lives of the women of Timor-Leste and my life as First Lady I have been able to serve well and with dignity Dame Roma's wonderful contribution to community, to law and women in law, and to justice. Dame Roma is a person whose life impacted indelibly on the entire society. In paying tribute to the memory of Dame Roma I will recall a reaction she had to a comment made about her having a man's brain, as it reflects her dignity and dry humour. She said, "I think they meant it as a compliment."

Thank you.

Presentation of *selenda* (traditional woven shawl) to:

- Catherine Gale
- Virginia Jay
- Brooke Dellavedova