

# Diálogos

Faculdade de Filosofia e Ciências Humanas  
Universidade Nacional Timor Lorosa'e

Diálogos  
ISSN online 2789-2182  
ISSN printed 2520-5927  
dialogosuntl.com

Volume 03  
2018

<https://doi.org/10.53930/27892182.dialogos.3.87>

LGBTI LIVES AND RIGHTS IN TIMOR-LESTE

VIDAS E DIREITOS LGBTI EM TIMOR-LESTE

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Submitted: 15 June 2018

Accepted: 26 September 2018

Published: 17 November 2018

## LGBTI LIVES AND RIGHTS IN TIMOR-LESTE

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**Abstract:** The LGBTI community in Timor-Leste has become more prominent in recent years due to the advocacy and activities of a small network of local and international organisations and the holding of a gay pride parade in the capital Dili in 2017 and 2018. While not criminalised, social stigma, discrimination, harassment and violence remains common for LGBTI people. The dominance of an aggressive hegemonic masculinity combined with negative attitudes towards homosexuality espoused by the Catholic Church highlights the crucial work needed to combat a significant level of intolerance built by these conservative forces. Religious conservatism appears to largely be the logic behind these negative attitudes. Yet culture is dynamic and both internal and external progressive forces signal change and the acceptance of alternative SOGIEs. However, advocates and organizations representing LGBTI communities are woefully under resourced and much in need of more national and international solidarity and support to carry out their important work.

**Keywords:** LGBTI rights; gender; Timor-Leste.

## VIDAS E DIREITOS LGBTI EM TIMOR-LESTE

**Resumo:** A comunidade LGBTI em Timor-Leste tornou-se mais proeminente nos últimos anos devido à advocacia e atividades de uma pequena rede de organizações locais e internacionais e à realização de uma parada do orgulho gay na capital Díli em 2017 e 2018. Embora não criminalizados, o estigma social, a discriminação, o assédio e a violência continuam sendo comuns para as pessoas LGBTI. O domínio de uma masculinidade hegemônica agressiva combinada com atitudes negativas em relação à homossexualidade adotada pela Igreja Católica destaca o trabalho crucial necessário para combater um nível significativo de intolerância construído por essas forças conservadoras. O conservadorismo religioso parece ser em grande parte a lógica por trás dessas atitudes negativas. Contudo, a cultura é dinâmica e forças progressistas internas e externas sinalizam mudanças e a aceitação de SOGIEs alternativas. No entanto, os defensores e organizações que representam as comunidades LGBTI encontram-se, lamentavelmente, com recursos insuficientes e precisam de mais solidariedade nacional e internacional e apoio para levar a cabo o seu importante trabalho.

**Palavras-chave:** direitos LGBTI; género; Timor-Leste.

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[In 2017] Some 500 people took part in East Timor's first-ever pride parade: 'The sense of euphoria ... reminds me of Independence Day in 2002.' Marching through the streets of East Timor's capital Dili with a rainbow flag in his hand, Natalino Guterres was overwhelmed with emotion, reminding him of how he felt 15 years ago when he saw the Timorese flag raised for the first time. (UN Women, 2017).

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One prominent politician denied that there were any gay people in East Timor and declared homosexuality a disease. One member of the assembly, Joao Carrascalao, (who was the East Timor Transitional Administration's Minister for Infrastructure) called homosexuality "an illness" and "an anomaly" and said protecting gays would create "social chaos." Another member said the only homosexuals in East Timor are foreigners. (East Timor Law and Justice Bulletin, 2009).

Timor-Leste is a new democracy which encompasses the principle that minority groups, including the lesbian, gay, bisexual, transgender and intersex (LGBTI) community, should be afforded social justice and equal representation and participation in society (Macgillivray, 2000). Democratic change has been associated with the dawning of acceptance of LGBTI rights in many countries around the world. In Timor-Leste although not criminalised, social stigma, discrimination, harassment and violence remains common for LGBTI people. A recent short documentary featuring members of the LGBTI community titled 'The Road to Acceptance' or '*Dalan ba Simu Malu*'<sup>1</sup> in one of the national languages, Tetun, begins with a series of short statements by talking heads listing harassment, violence and abuse against them because they are lesbian or gay. The film goes on to tell the stories of five LGBTI people in more detail and how they have been accepted by the members of their families. The launch of the film was attended by Timor's pre-eminent political leader Xanana Gusmão, signalling a level of acceptance in modern Timorese society. However, all five representatives are highly successful individuals in Timorese society and it could be concluded that these special cases are recognised and accepted by some because of their success that has enabled them to provide assistance to their families and given them a measure of protection and respectability.

<sup>1</sup> The documentary can be seen at: <https://www.youtube.com/watch?v=SD3WFThW8NA>

The first gay pride event in Timor-Leste was held in 2016 and the first small parade in 2017, followed by an even bigger parade in 2018. The 2017 parade was called ‘a beacon of hope for a region where lesbian, gay, bisexual and transgender (LGBTI) rights are under increasing attack’ (UN Women, 2017). The parade was supported by international agencies and diplomats and the Prime Minister at the time, Rui Araujo, who recorded a video message urging Timorese to create an inclusive nation, and accept people with different sexual orientations and gender identities and expressions (SOGIE). For the LGBTI community in Timor-Leste it was a huge step forward and the 2018 parade has solidified this progressive trend. While these positive trends are to be celebrated, negative attitudes toward those with alternative SOGIEs are dominant and destructive for the majority. Religious conservatism appears to largely be the logic behind these negative attitudes.

## TIMOR-LESTE: A POST-CONFLICT COUNTRY

Timor-Leste is a post-conflict country, where the population has faced widespread violence and trauma related to the Indonesian military occupation (1975-1999) and continuing into post-conflict period<sup>2</sup>. The height of national post-conflict violence was the ‘crisis’ of 2006 with outbreaks ongoing until 2008. Violent expressions of masculinity dominated national-level armed conflict between the male leadership of the institutions of government, army and police. What is significant in these violent episodes is the normalisation of the dominance and privileging of the actions of elite men and an aggressive hegemonic masculinity and the near total absence of other identities and voices.

<sup>2</sup> A study carried out in 2000 documented that nearly all Timorese had experienced at least one traumatic event during the Indonesian occupation. Three-quarters had experienced combat and more than half had come close to death: 12% had lost children to political violence; 57% had been tortured; 22% had witnessed the murder of relatives or friends. One third was classified as having post-traumatic stress, someone in every family, and 20% of people believed they would never recover (Modvig, J. et al. 2000, p. 1763). It is safe to assume that this type of trauma affects most families and it is generally accepted that violence has become ‘normalised’ by the occupation period and the final brutal exodus in 1999. The effect of this trauma on subsequent generations has not been adequately discussed although some attempt will be made here in the discussion of the type of masculinities that prevail in such environments.

Not only public, but private or domestic violence is pervasive. A government minister explained that Timor's 'culture of violence' was a result of having lived with violence during the occupation (UNICEF, 2006). Physical violence is tolerated as normal in local communities, particularly the perpetration by those in positions of authority for 'educative' purposes (*baku hanorin*) (Niner 2012, p. 147). Nearly 70 percent of children in school have experienced a teacher beating them with a stick, while over half have also experienced being beaten with a stick and shouted at by their parents (UNICEF, 2006). Various surveys and studies have concluded that a majority also accept a husband's right to physically punish his wife if she contravenes certain gender roles and expectations (NDS, 2010; Taft and Watson, 2002; Niner et al., 2013).

## GENDER RELATIONS IN TIMOR-LESTE

In Timorese communities strong attachments to customary practices have found different levels of accommodation with the recently introduced international values of democratic principles, human rights, gender equity and quite recently LGBTI rights. The common Timorese saying, *mane ho feto kompleta malu*, 'men and women complete each other', is based on customary beliefs that men and women and their gender roles are complementary elements of a holistic indigenous social system. Although patriarchal systems dominate society in Timor-Leste, women are awarded status and power in local cosmology and have an important place in the private realm of the family where organisation can be described as matrifocal or centred on the mother, which also limits their political and economic engagement (Niner, 2017). Many indigenous societies acknowledge and accept more than a simple binary of gender expressions, described further below, but this remains an unknown social aspect of customary Timorese society.

In the 16<sup>th</sup> Century, Portuguese explorers and traders arrived in the Moluccas, the Spice Islands, including Timor. They were incorporated into the indigenous exchange system and Timorese cosmology with some ethnolinguistic

groups characterizing the Portuguese as younger brothers, recalled to Timor by the elders of the mountains to rule in worldly affairs (Traube, 1995, pp. 49-50). Timorese anthropologist Josh Trindade theorises that Portuguese colonial agents encouraged local leaders, the *Liurais*, to act more like European feudal kings and this impacted on indigenous social and gender relations (Trindade, 2012). Connell (2002, p. 254) explains that the imprinting of a different, foreign gender order such as those that arrived with colonial powers creates complex structures of gender relations. McIntyre (2017) notes, ‘the complex entanglement of social relations based in precolonial systems with those of colonialism’ may make it difficult today to disentangle the systems.

However, Portuguese colonial administration was nationalistic, authoritarian and highly militarised (Niner, 2017). A Latino-style militarised machismo was apparent in Portuguese colonial armies, described by Connell (2002, p. 254) as aggressively heterosexual. Active sexual reputations amongst heterosexual men has featured across cultures as a central element of men’s sexual identity (Hirsch et al., 2007) but again such aspects of sexuality have been little studied in Timor-Leste. During the 20<sup>th</sup> Century, Portuguese Timor was ruled directly by the fascist dictatorship of Antonio Salazar and remained largely closeted from any modern political trends such as anti-colonial movements or liberal social movements such as feminism or gay rights.

## THE INFLUENCE OF THE ROMAN CATHOLIC CHURCH

The moral and spiritual underpinning of the colonial gender regime was provided by the deeply conservative Roman Catholic Church. The Church, ‘wedded to ideas of hierarchy and obedience’ (Harris Rimmer 2005, pp. 164; 173) continues to advocate strict gendered stereotypes. Women are honoured as wives and mothers; passive, demure and feminine, willing to obey and sacrifice their own interests for husband, family and Church. Men are expected to head up the family, be the decision-makers, the guardians and protectors and provide Catholic service and authority in their communities. The reason for the continuation of such excessive conservatism in gender relations in Timor

is explained as it follows, the Church in Timor Lorosa'e was cut off from the outside world at the same time as the changes introduced by the second Vatican Council (1962-5) were beginning to percolate through the Church on a global level. Some trappings of the pre-Vatican II era still remain (Harris Rimmer 2005, pp. 164; 173).

The Catholic Church continues to be an important political actor in the country due to its key role in the struggle for independence between 1975 and 1999. The Church's influential role in Government and in people's lives in contemporary Timor-Leste results in the significant conservative impact of religious discourses on gender roles and relationships, sex, reproduction and homosexuality. The Church uses its enormous influence insisting on conservative gender roles, stymying any other gender expression or more liberal movements seeking gender equality and recognition for alternative SOGIEs. They oppose rights for LGBTI persons (PDHJ, 2013). The Church's religious doctrines heavily influence the formulation of the government's social policies and legislation. Leaders of the Church, in Timor as in other places, continue to ban sex education in schools and deny reproductive health care such as family planning, abortion and the use of condoms as a protective measure to avoid pregnancy and disease. Again, as in other places around the world, this policy results in the avoidable deaths of men and women. The impacts on LGBTI communities is discussed further below.

## MASCULINITIES AND GENDER ROLES

Today the heroes of the conflict with neighbouring Indonesia (1975-1999) have become the elite male leaders of society in Timor-Leste. Stories and political analysis of East Timor's recent conflict-riven past privilege these men and their actions and experiences. They represent a dominant or hegemonic form of militarised masculinity that draws on indigenous, colonial and post-colonial conflict models (Niner, 2017). Other social categories of men are rewarded for conforming or being allied or complicit in this hegemonic order of masculinity or censured and marginalized for contesting the dominant paradigm (Meager, 2014, p. 3).

Masculinities, as well as feminities, are constructed and enacted collectively within cultures, communities, families. This includes institutions, such as schools and universities; the military and police, youth and sporting groups, and influentially, the media in all its forms. While it takes conscious effort to entrench and maintain certain regimes of masculinity and femininity, yet these change and evolve and individuals can be eclectic in their adoption. Regimes of gender roles and relations have culturally reproduced and maintained hierarchies of power and privilege. This may not be obvious and is most often explained as the natural biological attributes of differences between men and women, leaving no alternative SOGI as aberrant and ‘broken’ or ‘incomplete’ (as the table below shows).

The imposition of gender regimes and the socialisation of consent to the resulting power hierarchies occur within communities, cultures and institutions. Such regimes constitute and reinforce the gender order without the necessity of force and violence, although the threat remains. When people with alternative SOGIE refuse to comply with the gender roles assigned by society to their biological sex they can be discriminated against and threatened and subjected to harassment and violence. The lack of individual freedom and deprivation of human potential and capabilities caused by such strict gender regimes is perhaps unmeasurable.

## ATTITUDES TO ALTERNATIVE SOGIE IN CONTEMPORARY TIMOR-LESTE

In 2001, 52 out of 88 members of the Constituent Assembly voted to remove the term ‘sexual orientation’ from Article 16 of the draft constitution which deals with anti-discrimination<sup>3</sup>.

<sup>3</sup> LUSA, 14 Dec 2001, ‘Sexual Orientation Clause Removed From Constitution’ “Members of the Constituent Assembly voted to remove the term “sexual orientation” from part of article 16 of the final draft constitution which deals with anti-discrimination. The relevant section of the Constitution prohibits discrimination based on: “color, race, gender, sexual orientation, ethnic origin, social or economic status, convictions or political beliefs, religion, education and mental or physical condition. In voting on the controversial section, 52 out of 88 assembly members backed the removal of the term “sexual orientation”, which in practice could affect the equality of homosexual couples in an independent East Timor. The term “matrimonial state” replaced the controversial phrase, with 57 members voting in favor of this substitution.” <http://www.etan.org/et2001c/december/09-15/14sexual.htm>

One prominent politician denied that there were any gay people in East Timor and declared homosexuality a disease. One member of the assembly, Joao Carrascalão (who was the East Timor Transitional Administration's Minister for Infrastructure), called homosexuality "an illness" and "an anomaly" and said protecting gays would create "social chaos." Another member said the only homosexuals in East Timor are foreigners. (ETLJB, 2009).

A list of local Tetun terms for homosexuality recently collected on a Facebook page (*Feminista iha Timor-Leste*, 2018) demonstrate overwhelmingly negative and derogatory attitudes to homosexuality. The terms mainly describe gay men as being broken or having something missing, but terms are also used interchangeably for gay women and trans people. A 2013 study into masculinity with 500 young men concerned their attitudes about gender relations and equality. The dominant form of masculinity expressed by the young men was tough, aggressive, virile and heterosexual (Niner et al., 2013, p. 49)<sup>4</sup>. Heterosexuality was the fundamental criteria for masculinity in Timor, followed by toughness, although there are large minorities that did not support this view. It is clear that stronger attitudes endorsing a tough, virile masculinity increases as men got older and as they move into urban areas. These views are stronger in the district centres than in the capital Dili. Moreover, education does not appear to temper inequitable attitudes with agreement to an aggressive reaction to insults rising sharply from less-educated to more- educated men.

Overwhelmingly, most young Timorese men think 'real' men only have sex with women (66%) (rising to 86% in Dili). Overall homophobic attitudes are only just in the minority, with particularly low levels in the rural areas. There is an overall perception that homosexuals are not 'real' men because real men only have sex with women. However, many more men (60%) would have a gay friend than not (39%). The rural men were much more accepting (70%) of this and also disagreed overwhelmingly (76%) that they would be disgusted by a man acting like a woman, while Dili and town respondents agreed and disagreed equitively (50/50). One of the founders of local CSO, the Association

<sup>4</sup> A theme of masculinity was analysed in relation to six statements describing how a man should behave: be tough (I-19); be aggressive if insulted (I-1); be heterosexual (I-13) and sexually virile (I-12). They also include attitudes to homosexual men (I-8) and feminine men (I- 10). Most agree that men should be tough, although a large minority (36%) do not agree.

for Men Against Violence (AMKV), has described the insults he received from senior men in Timorese society:

When we started AMKV we received some negative comments from other men such as: “They are gay”, or that we would just “burn out” (*balun dehan nee panas-panasa tai aya*). Also, “First they are gay and then they become the defender of women” (*komesa hosi ale toba defensor fetu*). (Monash University, 2014).

This shows that men who publicly protest and resist the aggressive behaviours tolerated on a spectrum of accepted masculine behaviours such as violence against women, are then liable to be publicly attacked by leaders representative of an hegemonic masculinity who attack and deride those men who protest.

## EXPERIENCES OF GAY MEN, TRANSGENDER WOMEN AND M2M

Richa, a trans-woman in Timor-Leste working with the advocacy group CODIVA, believes that public education about LGBTI experiences and rights is required. She explains:

The life of LGBT in Timor East is quite different than other countries. We do not know such things as the Pride [Parade].... it's strange to say that even with limited understanding of LGBTs there are some transgenders open in public and are more acceptable than gays and lesbians. Because of this, LGBTs hide their status because the misconception from our peoples that gay is same as transgender life. So transgender is more familiar to the people and also to the government. For example if a big event is organized by the government they will invite trans members to prepare the catering, snack foods, perform dancing and be a host to the event. (Ammon, 2015).

It seems that transgender women, as opposed to transgender men or homosexuals, enjoy a level of recognizable public acceptance in Timorese society, which finds parallels in other Asia-Pacific societies. They are accepted as entertainers and providers of particular services such as hairdressing and dressmaking. This happens, perhaps based in more fluid gender expressions existing in indigenous societies that allows for attraction and sex between same sex couples as natural expressions. Throughout the Pacific Islands third genders have always had a place in indigenous society and the Island of Timor shares much of these Melanesian cultural

attributes<sup>5</sup>. Even further east in Indonesia, the Bugis people describe five genders<sup>6</sup>. However, a western ‘gay’ culture and identity is not so accepted in Timor-Leste.

The acceptance of a ‘gay’ identity in Timor-Leste is problematised by the prevalence of the concept of ‘men who have sex with men’, which is often shortened to MSM in the literature (Boellstorff, 2011). New research documents sexual practices, among MSM and transgender women in Timor-Leste, finding that they had ‘sexual and intimate relationships with straight-identifying men or *mane-forte*’ (Nivens et al., 2018). Gender identity played a significant role in these relationships, ‘with *mane-forte* having power over their sexual partner(s)’ with ‘transactional’ sex a feature in which MSM and trans-women paid in various the *mane forte* to have sex with them. *Mane-forte* did not experience the ‘stigma, discrimination, sexual coercion and violence’ that their MSM and trans-women partners did. This highlights the significance of complex gender identities related to male power hierarchies and masculinities in these sexual relationships. The researchers concluded that these relations reflect gender norms within the broader community, complicating notions of male homosexuality in Timorese society and perhaps explaining the lack of traction for a ‘gay’ male identity in Timor-Leste.

Another recent study explored the stigma and discrimination of those diagnosed with HIV in Timor-Leste (Niven et al., 2018). The researchers found that this stigma and discrimination was shaped largely by Catholic religious beliefs, which was strong in families and local communities where sufferers encountered ‘gossip, social exclusion and threats of violence’. This was associated with unfounded fears and ignorance based on the ‘Church’s role in shaping perceptions of HIV’. When seeking treatment, patients also experienced discrimi-

<sup>5</sup> More fluid gender expressions exist in many indigenous societies around the world such as ‘two-spirit peoples’ in Indigenous American societies or the *Hijra* in India who in 2014 received legal recognition. Throughout the Pacific third genders have always had a place in indigenous society such as the *fā’afafine* in Samoa; the *fakafafine* in Tonga, the *whakawahine* amongst the Maori the *akava’ine* in the Cook Islands, and the Hawaiian concept of *māhū* (in the middle). <https://en.wikipedia.org/wiki/Fa%27afafine>

<sup>6</sup> Bugis society recognises five genders: makkunrai, oroané, bissu, calabai, and calalai. “Oroané” and “Makkunrai” are comparable to cisgender men and women, respectively. [https://en.wikipedia.org/wiki/Gender\\_in\\_Bugis\\_society](https://en.wikipedia.org/wiki/Gender_in_Bugis_society). In Yogyakarta, the most progressive of Indonesian cities, an Islamic pesantren for LGBTI people has been running since 2008 and appears to shelter transgender women.

mination from health providers such as lack of confidentiality and ‘inappropriate treatment’. The research concluded that, unless the attitudes of the Church were addressed, education campaigns would achieve little. Critics had previously called attention to how the Ministry of Health and The Red Cross had completely excluded homosexual men from HIV-AIDS reduction programs calling this ‘tantamount to an endorsement of homophobia’ and leading to ‘the vilification of homosexuals’. It was concluded that it also constituted ‘a guaranteed failure of the policy and the Red Cross program’ (ETLJB, 2009).

#### Experience of lesbians and transgender men:

I was raped by my own uncle who believed he can change my sexual orientation by pushing me into (a) heterosexual relationship. I got pregnant but I (found) traditional medicine to get it aborted. After that I left my home and live with friends.

I was forced to drink chicken blood so as to turn heterosexual and leave my woman partner.

I have never received any love and care from my family since I came out to them. I am regularly beaten up and not allowed to go out. Even when I had tried to kill myself and end(ed) up hospitalized, my family left me alone and never visited me in hospital.

I was discouraged to continue my education as my family believed that someone like me was not worthy of any formal education as I would not be able to find any suitable job. (Rede Feto and ASEAN SOGIE Caucus, 2017).

These words are from the 2017 ‘A Research Report on the Lives of Lesbian and Bisexual Women and Transgender Men in Timor-Leste’ published by the women’s network Rede Feto and funded by the ASEAN SOGIE Caucus<sup>7</sup>. The study surveyed nearly 60 young lesbian, bisexual and transgender women, mostly under 30. It was assumed older LBT were elusive due to being unwilling to talk for fear of repercussions. Just over half of those interviewed identified as men, 61% as lesbian and 39% as bisexual. Most were seeking financial independence so as to be able to live their own lives.

Although all were keen to support LBT women’s rights, only half were open about their identity to friends and more than half with their families.

<sup>7</sup> Of the 57 respondents, 9 were from the District town of Bobonaro and 48 from the capital of Dili. More than half were under 30 years old and dependent on families for financial support.

Nearly all (86%) respondents had suffered physical and psychological violence within their families without any appeal to an external organisation. Shame, social exclusion and fear of abuse meant that women hide their identity. One third of respondents reported having same-sex partners but did not live together for these reasons. Instances of forced heterosexual relationships and marriages were described, many ending with unwanted pregnancies and children.

The study also points to the fact that many LBT women may still be living in hiding due to various social and economic reasons. Lack of knowledge about constitutional rights, lack of access to support services (e.g. counselling and legal aid), and poor medical services (e.g. sexual and reproductive health services) were cited. The lack of safe spaces for LBT women who have come out was also identified, wherein LBT women only have friends to fall back on if families kick them out of their homes or decide to leave home to maintain their dignity. The findings showed positive solidarity among the groups of LBT women. They support each other by listening, lending small amounts of money, and sometimes offering short stays at their homes.

Recommendations made hope to find ways to strengthen existing mechanisms and other efforts to respond to the challenges faced by LBT women. The belief which guided these recommendations was that LBT women must be empowered, confident, and fearless. These include obtaining more detailed insight into the issues of LBT women (e.g. the forms and types of discrimination) and providing opportunities for LBT women to learn new skills and information to address these issues. LBT women should also be supported to take up leadership roles in groups which can take up both support and advocacy roles for policy changes and better implementation of rights-based responses by state and non-state actors. Also recommended is that stakeholders increase efforts to create strong support systems for LBT women that uphold their dignity as human beings and protect them from violence and discrimination. There is also a need to create secure environments for LBT women by steering community-based awareness initiatives towards sensitizing service providers and policy makers so as to support LBT women's efforts to claim their human rights.

One of the authors of the report, the Timorese activist Bella Galhos (who was also one of the five people included in the 'Road to acceptance' documentary) recently asserted that she was excluded from the government

formed in July 2018 because of her sexual orientation (Sampaio, 2018)<sup>8</sup>. The report from the Portuguese news agency Lusa continued:

Timorese activist Bella Galhos told Lusa today that her name was removed from the still unknown cast of the next East Timor government for ‘moral issues’ related to her sexual orientation. ‘This is the internal information I’ve been informed of within the party. What I’ve been told is that because I’m LGBT, morally, that’s not acceptable.’ Bella Galhos is a member of the People’s Liberation Party (PLP), led by former President of the Republic Taur Matan Ruak and part of the Alliance for Change and Progress (AMP), the coalition that won the elections on 12<sup>th</sup> May with an absolute majority. The top leaders of AMP - Xanana Gusmão, President of the National Congress of East Timorese Reconstruction (CNRT), Taur Matan Ruak and José Naimori (leader of Kmanek Haburas National Unit Timor Oan (Khunto) - are choosing the composition of the government. ‘I am not saying that this position was from ‘Brother’ Taur, but I am disappointed that he could not fight against this position’, said Galhos. Galhos explained to Lusa that, in the initial conversations within the PLP were mentioned three areas in which she could work. “There was talk of Tourism, Youth and Sport and the Secretary of State for Vocational Training and Employment (Sepfope). Then, in a second phase, there was talk of gender equality”, she said. “But then my name was removed for moral reasons because of my sexual orientation”, she said. “This happened because I am a woman, but especially because I am part of the LGBT community”, Galhos explained, admitting that there may have been pressure from the religion in East Timor<sup>9</sup>.

<sup>8</sup> This article was translated from the original Portuguese by the author. The original article can be found at: <https://www.dn.pt/lusa/interior/ativista-timorese-diz-que-foi-excluido-proximo-governo-pela-sua-orientacao-sexual-9469284.html>

<sup>9</sup> The article includes this background: “Galhos, 46, is a well-known leader in Timorese civil society, with a past of violence that began in the family at the hands of her father, who had 18 women and 45 children and who at age three sold her for five dollars an Indonesian soldier. The argument, at the time, was that Galhos had a “very masculine, dominant personality.” The child eventually returned home, after much begging of the mother. At the age of 16 he became an active member of the resistance, a dual agent within the Indonesian military - where he had been subjected to intense physical and sexual violence for three years - and later succeeded in securing political asylum in Canada. In 1999, after the referendum in which the Timorese chose independence, he returned to East Timor, worked at the United Nations, completed a psychology course, and held various positions in civil society organizations. Between 2012 and 2017 she was adviser to the then President of the Republic Taur Matan Ruak, during which time she built and managed the country’s first ‘Green School’ in Leublora, south of Dili where a farm and organic food restaurant and a women’s cooperative. Currently manages the Pousada de Maubisse, in the center of the country.”

At the 2018 Gay Pride Parade, Galhos stated that she wanted the government to promote social inclusion ‘because this is not a choice. We were born this way’<sup>10</sup>. She added that, within the LGBTI community, males are visible in society but women are less so, they are hiding because society forces them to change. This situation again shows the varied acceptance of particular SOGIE in Timor-Leste.

## ADVOCACY FOR SOGIE ISSUES IN TIMOR-LESTE

... many ... do not know where to turn when they suffer discrimination. ‘If you talk to the (LGBT) community, people have been kicked out of home or feel uncomfortable about going to school because they are bullied. They live from house to house because they are not accepted at home. That is why visibility of the LGBT community is important. We want to empower people who are still struggling.’ (UN Women, 2017).

There are now several civil society organisations who advocate for the LGBTI community in Timor-Leste. CODIVA (Coalition for Diversity and Action) is the most prominent and has several aims such as: supporting the transgender community to reduce stigma and discrimination; support the MSM community; and promote the human rights of LGBT citizens. One of the advocates from CODIVA believes that public education about LGBTI experiences and rights is required because of limited understanding.

In CODIVA we are really not open to the public; we are hiding our status of LGBT. The [community based organisers] CBOs work to support this program but we do not mention them as part of LGBT community. The reason for this is because most of our peoples have no or small understanding about sexual minorities However, still we carefully do the advocacy to promote the existence the LGBT people. (Ammon, 2015).

This advocate described the work of CODIVA as gaining a constitutional guarantee for the rights of homosexuals in East Timor and also the following:

- reduce anti-gay vilification by some of East Timor’s political leaders;
- reduce the Church’s influence against LGBTs;

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<sup>10</sup> The Dili Weekly, 30 July 2018, ‘LGBTI Women: Discrimination and Violence in TL’, <http://www.thediliweekly.com/en/news/capital/15902-lgbti-women-discrimination-and-violence-in-tl>

- initiate a gay civil rights movement;
- develop a legal and social environment for managing HIV-AIDS;
- help improve the primitive social context in which HIV-AIDS prevention policies are supposed to operate;
- create outreach programs specific for homosexual men in East Timor;
- to educate that not all men who have sex with men are homosexuals and develop programs for these men who have sex with men;
- develop programs for men and women who are homosexual, including programs to combat HIV-AIDS;
- make policies that are not based on moral or religious dictates;
- make policies based on science, legal rights and guarantees of privacy (common sense);
- guarantee the rights of persons diagnosed as HIV-positive against discrimination in the provision of health care services.

HIVOS, an international CSO based in Holland, works with the LGBTI population in Timor-Leste on a project titled: ‘Promoting Diversity for a More Inclusive Timor-Leste’. Their website explains:

This 18-month long initiative led by Hivos and Coalition for Diversity and Action (CODIVA) focuses on tackling stigma and discrimination towards the LGBTI community in Timor-Leste by providing gender sensitization training to local authorities and institutions and also providing a safe space in the form of a clinic for HIV-related testing and dissemination of HIV-related information for the local community. CODIVA is the only LGBTI led-organization in Timor Leste. It was established within the implementation of the ISEAN Hivos program that aimed to strengthen the LGBTI community systems and provide capacity building for the community members to be able to advocate for their rights especially in health related issues within their country<sup>11</sup>.

They have instigated training sessions and representation of the community to the Office of the Provedor for Human Rights of Timor-Leste (PDHJ), which is responsible for responding to discriminatory acts, which may explain the changing statements of this Office in the next section.

<sup>11</sup> Hivos Website: <https://sea.hivos.org/program/promoting-diversity-for-a-more-inclusive-timor-leste/>

Estrela Plus is the national network for people living with HIV in Timor-Leste and provides health care services including treatment to HIV sufferers. In 2015, the Executive Director, Ines Lopes, explained the funding and support received from the Global Fund allowed them to carry out services in the capital of Dili but not the rural areas. She urged the Ministry of Health to use the funds they received from the Global Fund to ‘strengthen’ programs as the money would cease eventually (Quintão, 2015).

Hatutan is a new community organization founded in 2016 with the mission ‘To connect, educate and transform’ with the express purpose of working with young people. Their Facebook page states:

Connecting youth from different walks of life to build an inclusive society where every youth has the opportunity to grow, regardless of their differences<sup>12</sup>.

Recently, in July 2018, Hatutan worked with ‘Fundasaun CODIVA, Arco Iris and other partners for a Pride celebration calling for the inclusion of LGBTI people in the country’s development’<sup>13</sup>. They were also the organisation who produced ‘The Road to Acceptance’ documentary and have one of the most active groups in advocating for LGBTI rights.

## SOGIE LEGAL RIGHTS

Same-sex sexual activity is legal in Timor-Leste but there are no laws that expressly protect people from discrimination on the basis of SOGIE. Article 16 of the Constitution which prohibits discrimination does not mention sexual orientation (PDHJ, 2013). However, discrimination on the basis of sexual orientation is recognised in the Penal Code (Decree-Law N°. 19/2009) which sets out greater penalties for discriminatory sentiment based on gender or sexual orientation.

A 2016 report summarises:

While Timor-Leste has taken some steps to protect the rights of LGBTI persons, it has failed to protect LGBTI people

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<sup>12</sup> [https://www.facebook.com/pg/HatutanYouth/about/?ref=page\\_internal](https://www.facebook.com/pg/HatutanYouth/about/?ref=page_internal)

<sup>13</sup> <https://timorpride.org/>

from high levels of violence and discrimination. Timor-Leste has not enacted any laws or policies that protect them against discrimination on the basis of sexual orientation, gender identity and intersex status. Moreover, bias based on gender identity and intersex status is not treated as an aggravating factor in sentencing, and transgender people are not able to have their gender legally recognized in identity documents. (Kaleidoscope Australia, 2016).

In 2013 the Office of the Provedor for Human Rights of Timor-Leste concluded differently, stating that although there is inadequate provision afforded to LGBTI persons under the law, these communities did ‘not experience systematic or generalised violations of their rights’ and therefore were not selected as a ‘priority focus group’ for the development of the Office’s Strategic Plan (2011-2020) (PDHJ, 2013). Critics say the solution is to enact secular anti-discrimination and anti-vilification laws and to delete a wide range of laws and policies that discriminate against homosexual people (ETLJB, 2009). In 2018, the PDHJ Ombudsman (Silveiro Baptista Pinto) stated that the Government ‘has an obligation to create policies that guarantee the rights of the LGBTI community so that they can enjoy their rights like other citizens in politics, and in economic, social and cultural life.’ He saw the role of the PDHJ as to providing training to society, community leaders, the police and army defence forces on protecting human rights and LGBTI rights.

## CONCLUSION

This article has reviewed current evidence about experiences of LGBTI or alternative SOGIE in Timor-Leste within the context of wider gender relations in the post-conflict society. Discrimination against LGBTI persons is strong but changing attitudes are apparent providing reasons for optimism but not certainty. The influences of colonialism, religion, conflict and globalisation, including the recently introduced paradigm of international development based on individual human rights, affect individuals and communities in idiosyncratic and unique ways. The identity and agency of individuals can never be discounted as the documentary showed. While new gender expressions

continue to emerge in the rapidly changing environment, the dominance of a hegemonic masculinity and the influence of a conservative catholic church persists. An aggressive masculinity displayed by a majority of young men in Timor today has significant negative implications not just for them but for the LGBTI community. This, combined with the negative influence of Catholic Church on attitudes to homosexuality, highlights the crucial work needed to combat the solid wall of intolerance built by these conservative forces.

Yet culture is dynamic and both internal and external progressive forces signal change. The acceptance of alternative SOGIEs appears to be gaining traction. Advocates for LGBTI communities are woefully under resourced and much in need of more national and international solidarity and support to carry out their important work. The final recommendation is taken from Milena Pires, the Permanent Representative of Timor-Leste to the UN (Rede Feto, 2017):

As a society, we need to use our individual freedoms and the space available to us, to engage in deep reflection on the meaning of our Christian and religious values, to be able to discuss how we can nurture and raise our children so that they may reach their full potential and undertake all that is within our reach to do, to ensure that we can build an inclusive, tolerant, fair, peaceful and harmonious society, where all citizens feel a sense of belonging and self-worth. We need to make sure that the education system and educators are able to provide a conducive environment to learning that is free from discrimination and that the rights of lesbians, bisexual, transgender and intersex young women and girls are protected so that they may be free from bullying, discrimination and any type of hate crime. ... a person's value is not measured by who they are and who they chose to love.

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