

Complementary NHRI report on the implementation of the Convention on the Elimination of all Forms of Discrimination against Women

Review of the Democratic Republic of Timor-Leste by the UN Committee on the Elimination of all Forms of Discrimination against Women during the pre-session of the 62nd Session (March 2015)

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The Office of the Provedor for Human Rights and Justice was established by the Constitution of the Democratic Republic of Timor-Leste in May 2002 and first opened its doors in 2006. It is charged with providing oversight over State entities. The main activities of the PDHJ include: cooperation with national and international entities for the advancement of a human rights framework in Timor-Leste, good governance and human rights monitoring, activities for the promotion of human rights and good governance principles, reporting to the United Nations treaty bodies and the UPR, activities for human rights education as well as conducting investigations in relation to human rights issues or abuses.

This report can be posted on the CEDAW website for public information purposes.

Article 1 & 2 (non-discrimination)

1. In its Combined Second and Third Periodic Report of the State of Timor-Leste (2013), the State replies that the need for a gender equality law (GEL) is outdated due to the enactment of several specific laws protecting women's rights. However, none of these laws define indirect discrimination. Operating within a monist system, the State further reports that the definition of discrimination as set out in Article 1 and 2 of the Convention is automatically part of the domestic legislative framework. However, this has not yet been tested by the judiciary.
2. Timor-Leste's legislation does not include a definition of indirect discrimination, either in the Constitution or other domestic legislative framework. **The PDHJ encourages the Committee to recommend that the State implement new anti-discrimination standards, in both legislative and policy frameworks that define and protect against indirect discrimination, specifically that occurring against women and other vulnerable groups.**

Article 2 (f), 3, 5, 10 (c) & 16 (gender-based violence)

Situational analysis of domestic violence in Timor-Leste

3. According to the National Demographic and Health Survey 2009-10, 38% of women aged 15 - 49 in Timor-Leste have experienced physical violence since the age of 15. Of the married women who have experienced physical violence, 74% experienced it at the hands of their current husband or partner. Amongst unmarried women, parents were the most common perpetrators of physical violence.¹
4. The most common forms of physical violence committed by a husband or partner include slapping, pushing, shaking and throwing objects. 7% reported having had their arms twisted, their hair pulled, having been kicked or beaten up. 2% were forced to have sex with their husband or partner when they did not want to.²
5. Several reports and surveys have outlined attitudes towards domestic violence. The PDHJ's perception survey shows that only 44% of the population (39% men, 49% women) think that domestic violence is never permissible.³ Nearly half of all women also believe that men cannot control their sexual behaviour and one quarter of women believe that marital rape is allowed.⁴
6. Women living in urban areas and women with secondary education or higher report physical violence more often than their rural or less educated counterparts. Additionally, women with

¹ National Statistics Directorate (NSD), *Demographic and Health Survey 2009-10*, pp. 230-231.

² *Ibid.*, p. 237

³ Provedoria dos Direitos Humanos e Justiça (PDHJ), *Perception Survey 2014*. When presented with the following statement: 'Husbands never have a right to hit their wives' 12% strongly agree (11% female, 13% male), 32% agree (38% female, 26% male), 18% neither agree nor disagree (18% female, 19% male), 30% disagree (27% female, 33% male), 6% strongly disagree (3% female, 9% male) and 2% don't know (3% female, 1% male).

⁴ NSD, *Demographic and Health Survey 2009-10*, p. 248.

cash earnings are more likely to report violence than women who are unemployed or do not have any cash earnings. As a result, women who live in rural areas, working in subsistence agriculture who have no more than a primary education are more at risk of not reporting physical violence to the police. **The PDHJ suggests that the CEDAW Committee request information from the State party on outreach campaigns and other activities conducted by the National Police Force of Timor-Leste (PNTL), the Ministry of Social Solidarity (MSS) or the Secretary of State for the Promotion of Equality that specifically target women in the aforementioned at risk groups.**

Law against domestic violence

7. As per the Committee's Concluding Observations from 2009⁵, the Law against Domestic Violence was enacted in 2010. As recommended by the Committee, the Law recognises domestic violence, including marital rape, as a public crime ensuring that any cases involving domestic violence must be processed through the formal justice system and are not dependent on the victim making a personal complaint. The Law also requires the drafting and implementation of a National Action Plan on Gender-Based Violence.⁶

National Action Plan on Gender-Based Violence

8. As recommended by the Committee in 2009, the Secretary of State for the Promotion of Equality (SEPI) has primary responsibility for the drafting and implementation of the National Action Plan on Gender-Based Violence (NAPGBV). The NAPGBV was a 3 year strategy (2012-2014) defining measurable targets and goals in four main priority areas, namely the prevention of gender-based violence, service provision to victims of gender-based violence, access to justice for victims of gender-based violence and coordination, monitoring and evaluation of the National Action Plan. **It would be of great benefit to women's rights advocates if SEPI were to release a final report evaluating the achievements and challenges met during the 3 year strategy and as to whether there are any follow-up actions planned to continue the positive steps taken by SEPI during the first three year strategy.**

Support services

9. Since most victims of domestic violence are economically dependent on their family, the provision of victim support services, as set out in CEDAW General Recommendation No. 19 (1992) Paras 23-24, is crucial for the ability of the victim to report their case.
10. Led by the Ministry of Social Solidarity (MSS) and the Secretary of State for the Promotion of Equality (SEPI), the Rede Referál (*Referral Network*) is a joint effort by State institutions and civil society organisations to coordinate the referral pathway to ensure adequate responses in cases of domestic violence.
11. The PDHJ understands that the MSS has developed Standard Operating Procedures (SOPs) for use by all actors in the referral pathway but is concerned about the level of awareness

⁵ CEDAW/C/TL/CO/1, 2009, Para. 30.

⁶ Law Against Domestic Violence, Law 7/2010.

amongst service providers of these SOPs. **Thus, the PDHJ invites the Committee to request information from the State on the distribution and enforcement of the Rede Referál SOPs.**

12. The Ministry of Social Security (MSS) is closely cooperating with the non-governmental organisation (NGO) Fokupers (Forum Komunikaun ba Feto Timor-Lorosa'e) to ensure the provision of safe houses (Uma Mahon) for victims of gender-based violence. Fokupers is running 6 shelters, 2 permanent shelters and 4 transitional shelters, and is receiving funding from the government.

13. While the PDHJ welcomes the State's cooperation with civil society organisations we would like to emphasise that it remains the State's responsibility to provide support services for victims of gender-based violence. The PDHJ, therefore, would like to suggest that the Committee confirms with the State on its intentions to provide adequate State programmes to victims of domestic violence in all districts.

14. Generally, victims can stay 3 to 4 days in the transitional shelters while the permanent shelters accommodate victims of violence for 3 to 6 months. However, in an interview with Fokupers a representative reported that victims are often living in the shelters for longer, one woman stayed for 3 years waiting for the court judgment for her case.⁷ Fokupers recorded a decrease in cases of domestic violence and domestic violence against children between 2010 and 2012 in the shelters.⁸

15. In its Combined Second and Third Periodic Report to the Committee the State of Timor-Leste reported that the MSS is planning to establish 4 additional shelters in 4 districts. At the moment shelters are only available in 6 out of the 13 districts; Dili, Bobonaro, Lospalos, Baucau, Suai and Oecussi.⁹

16. The PDHJ would like to invite the Committee to ask the State on the efforts and progress made to providing these 4 additional shelters, shelters for the remaining districts in Timor-Leste and also the level of coverage of the *Uma Mahon* service throughout Timor-Leste.

Access to justice

17. Challenges still remain for victims of domestic violence trying to access justice mechanisms. Only 24% of women who experienced violence sought help. Amongst these women only 4% sought help from the police. The vast majority (82%) asked their family members for help and others turned to their in-laws or asked friends or neighbours for support (14%).¹⁰ Low report rates to the police suggest that few women seek remedy for violations of their human rights through the formal system.

18. Challenges primarily concern the small number of District Courts, the backlog of cases at the Public Prosecutor's Office, low sentences imposed by the court on perpetrators of domestic

⁷ Interview with Fokupers representative, 13 November 2014, Dili, Timor-Leste.

⁸ Cases of domestic violence dropped from 90 in 2010 to 74 in 2012. Fokupers, *Report on Violence Against Women 2007 – 2012 – Domestic Violence: When my home is no longer a safe place for me*, Dili, p. 20.

⁹ Combined Second and Third Periodic CEDAW Report of Timor-Leste, 2013, Para. 90.

¹⁰ NSD, *Demographic and Health Survey 2009-10*, p. 245.

violence, the limited protection afforded to witnesses and the lack of legal assistance for victims. Access to courts is a major issue. There are only four District Courts in Timor-Leste and one Court of Appeals; an average of one District Court for over 300,000 people. The districts of Oecussi, Covalima, Baucau and Dili each have one District Court while the Court of Appeals is located in Dili. There are 31 judges, 24 prosecutors and 11 Public Defenders. Discrepancies in the number of court actors in the districts ranges from 73 staff in Dili to 8 court actors in Oecussi.¹¹ **It could be suggested to the State party that further resources be allocated towards enhancing the infrastructure and quality of the formal justice system with the purpose of ensuring greater access to justice, particularly for those living in rural areas.**

19. At the end of 2014, Parliamentary Resolution No. 11/2014 and Governmental Resolutions No. 29/2014 and No. 32/2014 were enacted, resulting in the departure of all international judges and some international prosecutors from Timor-Leste. **The PDHJ recommends to the Committee to ask the State of Timor-Leste what impact these developments have had on access to justice in general, and vulnerable groups specifically. Additionally, the Committee should consider asking the State for an explanation on any possible interference with the independence of the judiciary as a result of these resolutions.**

VPU

20. When a victim of domestic violence wants to file a complaint the first point of contact with the State is the Vulnerable Person's Unit (VPU). The VPU is under the Criminal Investigation Service Section of the PNTL but is not, *per se*, mentioned in the Organic Law which is the foundation of the PNTL (Decree Law 9/2009). The VPU is legally required to refer cases of domestic violence to the Office of Public Prosecutor within 5 days of receiving a complaint.¹² **The PDHJ attempted to meet the VPU on several occasions to find information relating to the case processing times however were unsuccessful. We suggest that the Committee inquire about the number of cases of domestic violence transferred to the Office of Public Prosecutor within 5 days in relation to the overall number of cases reported to the VPU.**
21. Interviews with the non-governmental organisations Fokupers (Forum Komunikasaun ba Feto Timor-Lorosa'e)¹³ and Belun¹⁴ confirm that resource constraints severely impact on the work of the VPU.
22. Output 3.2 in the National Action Plan on Gender-Based Violence 2012 – 2014 defines the aim of increasing the number of VPU staff in the districts, taking measures to achieve gender balance among VPU staff and ensuring that VPU officers remain in their posts for a minimum of 3 years. Despite this, frequent staff rotations complicate the treatment and follow-up on cases¹⁵ and also make it difficult to ensure that all VPU officials have received adequate

¹¹ The Asia Foundation, *Law and Justice Survey 2013*, p. 11.

¹² Law Against Domestic Violence, 7/2010, Art. 24.

¹³ Interview with Fokupers representative, 13 November 2014, Dili, Timor-Leste.

¹⁴ Interview with Belun representative, 10 November 2014, Dili, Timor-Leste.

¹⁵ Case recording and follow-up systems are not standardised which makes case handovers during transition periods challenging. During an interview a representative from Fokupers reported that when they approach the

training on dealing with gender based violence. Other issues include the fact that confidentiality and privacy when victims are questioned is not always sufficient; for instance, victims are not always brought to a separate interrogation room.

- 23. The PDHJ would like to suggest to the Committee to inquire about the status of the implementation of output 3.2 of the National Action Plan on Gender-Based Violence. In this respect ensuring adequate and gender-balanced staffing of the district units, ensuring staff are trained to a high standard as well as guaranteeing that police officers chosen for service in the VPU are assigned for long-term periods are of priority concern in ensuring cases of domestic violence are treated effectively by the State party.**

Sentencing

- 24. The NGO Justice System Monitoring Programme (JSMP) has monitored the implementation of the law against domestic violence during the first three years of its enactment (2010 – 2013). The report assesses that 71.3% of domestic violence cases are charged under Penal Code article 145 – *simple offenses against physical integrity* and 53% of the sentences given under article 145 were suspended. Although the Penal Code provides for the possibility to add certain conditions to a suspension¹⁶ only one case monitored by JSMP applied this conditionality. The PDHJ believes that it would be a positive development if in cases of domestic violence where Judges impose suspended sentences they increase the application of specific conditions.**
- 25. Penal Code article 104 sets out that loss or damage which results from a crime must be compensated for. JSMP monitoring indicates that in some court cases on domestic violence the perpetrators were ordered to pay a fine but only in very few cases did the victim receive compensation.¹⁷ Consequently, the judiciary should place greater emphasis on ordering compensation for the victims of domestic violence rather than issuing fines to be paid to the State.**
- 26. In order to give an incentive for victims to seek justice within the formal system, The PDHJ invites the Committee to recommend to the State of Timor-Leste that in cases of domestic violence the court sentences should be proportionate to the severity of the crime.**

Protection orders / witness protection

- 27. In order to protect the victims of domestic violence, article 37 of the law against domestic violence states that perpetrators of domestic violence can be removed from the family home while the case is being investigated and during trial. Additionally, article 39 of the law against domestic violence allows for witness protection. However, until now, there are no**

VPU to follow up on cases they regularly find a change in staff and the new VPU Officer is not sufficiently informed about the case which can result in a delay in referring the case to the Public Prosecutor. Interview with Fokupers representative, 13 November 2014, Dili.

¹⁶ Penal Code (2009), articles 69, 70 and 71.

¹⁷ From 2010 – 2013 a fine was issued in 17.6% of the cases monitored by JSMP, while victim's received compensation in only 1.5% of cases.

procedures, policies or specific facilities for witnesses in criminal cases. The witness protection law (Law No. 2/2009) also remains inoperative and has never been tested in court.

28. The PDHJ would like to propose to the Committee to request information from the State of Timor-Leste about progress made on the implementation of the witness protection law (Law No. 2/2009).

Legal assistance

29. Another crucial aspect to enable victims of domestic violence to resolve their cases through the formal justice system is the availability of free legal assistance. In 2012/13 the Office of the Public Defender was employing 22 lawyers to ensure adequate legal defence free of charge to those who could not otherwise afford it. Although the Office of the Public Defender has a legal basis (Decree Law No. 38/2008 Public Defender's Office Statute), due to resource constraints it is unable to meet the needs of the population, particularly those living in rural areas.
30. However, as women are mostly the victims of domestic violence, the State's focus on providing legal defence rather than assistance affects women disproportionately. Therefore, donor dependent NGOs providing legal assistance are of crucial importance in supporting access to courts for victims of domestic violence.

31. The PDHJ recommends that the Committee inquire about the State's efforts to provide legal assistance for victims of gender-based violence.

Traditional Remedies

32. The law against domestic violence defines domestic violence as a public crime and thereby dictates that cases of domestic violence have to be dealt with by the formal legal system. However, community justice mechanisms are more accessible (in terms of physical distance and cost), more available (in terms of immediacy) and more acceptable (in terms of familiarity and spiritual beliefs). In this regard, 92% of people reported in 2013 to feel comfortable with informal justice mechanisms and 80% of people who had heard of a court felt comfortable with the formal system. However, in total only 59% have heard of a court suggesting that a large part of the population remains unaware of the formal justice system.¹⁸
33. Yet, some aspects of customary remedies and community justice mechanisms for resolving cases of domestic violence are problematic from a human rights perspective. Participation in decision-making is not gender balanced. The victim's perspective is not sufficiently represented and compensation is paid to the victim's family rather than the victim themselves.

¹⁸ The Asia Foundation, *Law and Justice Survey 2013*, pp. 17 & 42.

34. Pursuant to article 2 of the Constitution the State recognises the customs of Timor-Leste. However, as of yet there has been no legislation regulating customary remedies. The National Strategic Development Plan of Timor-Leste aims to regulate customary law and community justice by 2015.¹⁹ More specifically, this goal is reflected in the Justice Sector Strategic Plan in *thematic area 5 – access to justice* and as one of the core activities under Strategy 5.1 determining that a law on community justice mechanisms is to be drafted by 2015.²⁰ The Ministry of Justice stated that they began drafting a law on community justice mechanisms in 2008 but no draft has been published as of yet.²¹

35. The PDHJ would welcome a request for information by the Committee as to why the regulation of customary legal processes has not yet been started. The PDHJ would also welcome the Committee requesting information on the progress made to regulate and monitor the customary justice system.

Incest

36. There is no specific law against incest. It is covered in some form by several articles within the current penal code.²² However there is no law preventing incest when the victim is over the age of 16 and says that they have consented to sex.

37. The PDHJ would like to encourage the Committee to ask the government of Timor-Leste about its intentions and efforts to draft a law dealing specifically with incest, including a comprehensive definition of incest.

Article 7 (political participation)

38. Since 2009 female representation in Parliament increased from 25%²³ to 38%, the highest female representation at national level in the South-East Asia region. However, women's participation in government (Ministers, Vice-Ministers and Secretaries of State) has not significantly risen (from 13% in 2007 to 18% in 2012). Additionally, women's participation in local level governance is very low. 98% of Suko (village) and Aldeia (sub-village) chiefs are men.²⁴

¹⁹ *Timor-Leste National Strategic Development Plan 2011 – 2030*, p. 182.

²⁰ Justice Sector Strategic Plan for Timor-Leste 2011 - 2030, pp. 39 & 60, available at: http://www.mj.gov.tl/files/JSSP_ENGLISH.pdf.

²¹ Center of Studies for Peace and Development (CEPAD), *Women's Access to Property Rights in the Plural Justice System of Timor-Leste*, 2014, p. 33, available at: http://asiapacific.unwomen.org/~media/field%20office%20eseasia/docs/publications/2015/01/cepad%20a2j%20research%20report_english_to%20print.pdf.

²² Article 177 – *sexual abuse of a minor* of the Penal Code applies to victims younger than 14 years of age while articles 178 – *sexual acts with an adolescent*, 171 – *sexual coercion* and 172 – *rape* apply to victims over 14 years of age. Further, articles 173 and 182 provide for aggravation where a family relationship exists

²³ Initial Periodic CEDAW State Report of Timor-Leste, 2009, p. 12.

²⁴ Beijing 20 National Review Timor-Leste, 2014, p. 42, available at: http://www.unescapsdd.org/files/documents/Beijing20_national_review_Timor_Leste.pdf.

39. The law on community leaders and their election, Law 3/2009, sets out that the Suko Council shall consist of a Xefi Suko (village chief), all Xefi Aldeias (sub-village chiefs) within the Suko (usually between 4 and 5), two female representatives, one male and one female youth leader and one lia-nain (or spiritual leaders). In practice, the positions of Xefi Suko, Xefi Aldeia and lia-nain can be held by women but they rarely are. As a result female representation is usually no more than 3 out of 10 council members. **The PDHJ would welcome attempts by the committee to inquire about efforts made by the State party to increase female political participation at local level, particularly efforts made to increase female representation prior to the local election that will occur in September 2015.**
40. The PDHJ is concerned that participation of female representatives in Suko Councils is not always inclusive and sometimes is limited to only gender sensitive topics.²⁵ **Therefore, the PDHJ recommends that the Committee asks the State of Timor-Leste to include a clear definition of the role of women in the Suko Councils in the revision of the Law on Suko Councils and their Election (Law 3/2009).**²⁶

Article 10 (education)

General access to education

41. After age 13 the school attendance of girls declines rapidly. Early pregnancy, gender-based violence and the lack of adequate sanitation are three of the most important factors contributing to girls dropping out of school in pre-secondary, secondary and tertiary education.²⁷

Re-entry policy

42. In 2011, in its Specific Report on Health and Education the State of Timor-Leste clarified that the Ministry of Education and the Secretary of State for the Promotion of Equality are finalising research on the correlation and prevalence of teenage pregnancies and girls' drop-out rates. Although preliminary findings suggest that early pregnancy in Timor-Leste is comparatively low within South and South-East Asia, 7% of girls aged 15-19 have already had their first child or are pregnant. About half of school drop-outs related to early pregnancy occur in grades 7, 8 and 9 (age 12 – 14) and 72% of these are in rural areas.²⁸
43. The State further reported that the formulation of a re-entry policy for girls after pregnancy will be based on the aforementioned research. **The PDHJ invites the Committee to ask the State of Timor-Leste when the research will be finalised and a re-entry policy will be implemented.**
44. In interviews with the Ministry of Social Solidarity, it was confirmed that there were reports of schools refusing to allow pregnant girls to attend school during and after their pregnancy.

²⁵ ADB, *Country Gender Assessment*, 2014, pp. 90, 91, 93.

²⁶ The law is undergoing consultation as of October 2014.

²⁷ UNICEF, *Situation Analysis of Children in Timor-Leste*, 2014, p. 123.

²⁸ Timor-Leste CEDAW Specific Report on Education and Health Sectors, 2011, Para. 83.

This occasionally happened after pressure from parents of fellow students or at the decision of the school board.²⁹

45. The Draft Child's Code prohibits any form of discrimination on the basis of pregnancy within the education system. The Draft Child's Code has been submitted to the Council of Ministers in 2011 for approval but has yet to be enacted.³⁰ **Therefore, the PDHJ would like to invite the Committee to confirm with the State of Timor-Leste on the speedy adoption of the Draft Child's Code in order to ensure access to education for girls during and after pregnancy.** As mentioned below, the adoption of the Draft Child's Code is also relevant to addressing sexual violence in schools.

Sexual violence in schools

46. In 2010/2011 10 cases of sexual harassment were reported to the Inspector General for Education. The office of the Inspector General for Education is embedded within the Ministry of Education as defined in its Organic Law (Decree Law 2/2008) and is mandated to prepare cases for judgment as well as receiving complaints. The Public Service Commission (PSC) is responsible for applying disciplinary measures for non-criminal acts which are set out in article 79 of law 5/2009.
47. **The PDHJ is concerned that in practice sexual harassment is not punished by severe sanctions. Public Servants working in the education system who are perpetrators of sexual violence are merely transferred to other schools rather than being properly sanctioned.**³¹
48. In this regard, the Draft Child's Code as well as the *Zero Tolerance for Violence* policy include provisions condemning sexual harassment in schools and can, therefore, assist in preventing the spread of violence in schools.
49. **The PDHJ would like to kindly ask the Committee to request from the State of Timor-Leste within what timeframe the State is planning to enact and implement, the *Zero Tolerance for Violence* policy in order to send a clear message of condemning sexual violence in schools and to strengthen the prevention of sexual harassment.**

Sanitation

50. Many girls leave school when they start menstruating due to the lack of adequate sanitary facilities. Only 65% of schools in Timor-Leste have toilet facilities and only 38% of schools report to have regular access to water in the toilets.
51. **Therefore, the PDHJ recommends the Committee to ask the State party about its intentions to implement a gender-sensitive sanitation policy in schools and other steps the State party is undertaking to ensure adequate sanitary facilities in schools, especially for girls.**

²⁹ PDHJ interview with Child Protection Officer of the MSS – Oecusse Office, 27 November 2014, Oecusse.

³⁰ Timor-Leste CEDAW Specific Report on Education and Health Sectors, 2011, Para. 84.

³¹ *Ibid.*, Paras. 90 – 94.

Article 16 (family life)

52. In its Concluding Observations 2009, the Committee calls on the State of Timor-Leste to increase the legal age for marriage to 18 years, to address the issue of forced marriages and to ensure that women have equal property and inheritance rights upon divorce.³² At present, under Book IV of the Civil Code³³, the legal age for marriage is 17 years (art 1490) or 16 years with the guardian's consent. Within the Civil Code three different forms of marriage are legally recognised and subject to civil registration; catholic marriage, civil marriage and bride-price based monogamous marriage. Before being able to marry the couple must obtain matrimonial capacity issued by the Civil Registrar. In practice, documents relating to church or traditional marriages are not yet sent to the recently establish Civil Registry offices.
53. The Civil Code 2011 provides for equality between spouses, in article 1559, and for equal inheritance and land rights between men and women. Traditionally, land is inherited by male family members. There are some matrilineal communities (in Bobonaro, Manufahi and Covalima) in Timor-Leste in which land is passed on to the female family members.³⁴ As traditional or church marriages are rarely registered with the Civil Registry office, the PDHJ is concerned that women's right to inheritance or property upon divorce or due to bereavement are affected by the lack of civil registration.
- 54. The formal recognition of women's rights and entitlements as set out in the Civil Code is dependent on the registration of marriage. Therefore, the PDHJ would like to welcome the Committee to request information from the State of Timor-Leste on the efforts undertaken and planned for the implementation of the Civil Code articles relating to the facilitation of marriage registration by the Civil Registry services.**³⁵
55. Civil Code article 1494 on the waiting period for remarriage after divorce or death of spouse is directly discriminatory against women. It determines that a man can marry again after waiting for 180 days while a female widower has to wait for 300 days. **The PDHJ would like to recommend the revision of Civil Code article 1494.**

³² CEDAW/C/TL/CO/1, 2009, Para. 46.

³³ The Civil Code was approved by law 10/2011.

³⁴ ADB, *Country Gender Assessment*, 2014, pp. 80-81.

³⁵ These are Civil Code articles 1538 (marriages subject to registration), 1541 (cases of transcript) and 1542 (transmission of duplicate or certificate of record).