



REPORT

**SEXUAL HARASSMENT AND
GENDER-BASED VIOLENCE IN
HIGHER EDUCATION IN TIMOR-
LESTE**

OCTOBER 2024

This report was prepared as part of the **Together for Equality Programme** (Hamutuk ba Igualdade): Preventing and Responding to Gender-Based Violence in Timor-Leste, jointly implemented by four UN agencies (IOM, UNDP, UNFPA and UN Women), in collaboration with the Secretary of State for Equality, through the generous funding of the Korea International Cooperation Agency (KOICA) in Timor-Leste. The 4-year programme, implemented from November 2020 to November 2024, aims to: (1) Promote the transformation of attitudes, behaviours and social norms at the individual and interpersonal levels to prevent gender-based violence; (2) Improve access to essential public services (health, justice and social services) for women and girls, among other survivors of violence, based on evidence-based responses on gender-based violence; (3) Strengthen the legislative and policy framework to eliminate violence against women and girls and other forms of gender discrimination, ensuring that these policies are put into practice.

The Report Sexual Harassment and Gender-Based Violence in Higher Education in Timor-Leste was prepared by JU,S Jurídico Social (www.jus.tl).

Cover photo: Dili Institute of Technology (DIT) - Dili, Timor-Leste

All photos in this report are for illustration purposes only. No photos contained herein represent actual victims or offenders of sexual harassment or gender-based violence.



ABBREVIATIONS

CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CSC	Civil Service Commission
CDRTL	Constitution of the Democratic Republic of Timor-Leste
CSS	Civil Service Statute
HEI	Higher Education Institutions
LGBTQIA+	Lesbian, gay, bisexual, transgender, intersex, queer/questioning, asexual
NAP 1325	National Action Plan for implementation of the UN Security Council Resolution (UNSCR) 1325, Women, Peace and Security (2023-2027)
NAP-GBV	National Action Plan Against Gender-Based Violence 2022-2032
PNTL	National Police of Timor Lorosa'e
UNTL	Timor Lorosa'e National University
GBV	Gender-Based Violence
UN	United Nations

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FOREWORD

Gender-based violence, including sexual harassment, is one of the most frequent violations of women's rights worldwide, impacting various aspects of life, including the academic environment. In higher education, the impact of sexual harassment and gender-based violence is extensive, affecting not only the victims, but also the integrity of educational institutions and the well-being of the academic community in general.

Unfortunately, cases of gender-based violence often remain underreported, a situation that is especially relevant in academia. Timor-Leste is no exception. Media reports, statements on social media, studies and some formal complaints reveal the existence of sexual harassment in higher education institutions, involving lecturers, students and staff.

Recognising the State's responsibility to ensure dignified and equal treatment for all citizens, regardless of gender, the Ministry of Higher Education, Science and Culture of Timor-Leste, in 2024, carried out an initiative to support higher education institutions in preventing and responding to sexual harassment in the academic environment.

This Report on sexual harassment and gender-based violence in higher education in Timor-Leste is part of that effort, aiming to strengthen the institutional capacity of higher education institutions to prevent and deal with sexual harassment and gender-based violence. It presents a detailed analysis of the situation in Timor-Leste's academic context and assesses the capacity of institutions to respond to these challenges.

Based on the experiences of other countries and positive international practices, the Report offers guidelines for developing effective strategies to combat and prevent sexual harassment and gender-based violence in



higher education. Eight areas of intervention are identified, including the development of institutional policies, implementation of educational programmes, establishment of reporting channels and accountability mechanisms, including proposals for key actions for an effective response.

Although some higher education institutions have already taken important steps in this effort, it is essential to recognise that we are only at the beginning of a long journey.

We hope that this Report will become a useful tool for deepening our understanding of the challenges we face. The success of this work will depend on the institutional commitment and active participation of the entire academic community.

A handwritten signature in blue ink, which appears to read 'José Honório da Costa Pereira Jerónimo'. The signature is stylized and written in a cursive script.

José Honório da Costa Pereira Jerónimo
Minister for Higher Education, Science and Culture

October 2024

PREFACE

This report offers an in-depth examination of sexual harassment and gender-based violence within higher education institutions in Timor-Leste, aiming to support our collective goal of fostering safer, more inclusive academic environments.

Since 2021, UN Women has supported the Safe Campus Initiative, piloted at the National University of Timor-Leste (UNTL), establishing guiding principles to address and prevent gender-based violence on campus. Following an increase in reported cases and heightened public awareness in 2023, a collaborative effort with the Ministry of Higher Education was launched to explore both global and local perspectives, assess the impact of sexual harassment in Timor-Leste's higher education sector, and present actionable recommendations for effective prevention and response.

The eight strategic areas outlined in the report—policy commitment, institutional values, management practices, capacity strengthening, risk mitigation, complaint mechanisms, support and referral systems, and accountability processes—align closely with the Safe Campus Initiative's guiding principles. These strategies reflect a comprehensive framework that emphasizes a trauma-sensitive, victim-centered approach to creating safer and more supportive campus environments.

This report is an important step in furthering the work initiated by the Ministry of Higher Education, Science, and Culture, whose leadership and commitment to addressing gender-based violence in higher education have been instrumental in the development of these strategies. The Ministry's dedication to advancing this agenda ensures that the recommendations within this report are not only relevant but are positioned to drive

meaningful, long-term change across all higher education institutions in Timor-Leste.

We extend our deepest gratitude to KOICA, whose funding made this initiative possible, and to JUS, who conducted this study and report. UN Women values the strong partnership with the Ministry and is proud to support this essential work alongside KOICA. Our sincere thanks go to all participating institutions for their commitment to this shared vision of fostering a culture of respect, safety, and accountability within Timor-Leste's academic community.



Amy Nishtha Satyam
Head of Office
UN Women Timor Leste

EXECUTIVE SUMMARY

This Report provides an analysis of sexual harassment and gender-based violence within higher education institutions in Timor-Leste. By examining the issue through both international and national lenses, the Report offers a comprehensive understanding of the topic. It considers global perspectives on sexual harassment, drawing parallels to the situation in Timor-Leste, and offers an overview of the current state of Timorese higher education institutions. Furthermore, the Report critically evaluates the existing domestic legal framework, providing insights into how it addresses or fails to address the issue of sexual harassment in academia. This dual focus—global and local—lays the groundwork for developing effective strategies aimed at preventing and combating sexual harassment and gender-based violence in Timor-Leste’s higher education sector.

Drawing from an extensive literature review, the Report explores the concepts related to sexual harassment within academic settings. It identifies the wide-ranging impacts of such harassment, not only on the victims, but also on the institutions themselves and the broader academic community. The Report emphasises the significant psychological, emotional and academic consequences for the victims, as well as concerns related to the reputation of higher education institutions. Moreover, it highlights the crucial importance of proactive prevention and robust responses to sexual harassment and gender-based violence, emphasizing how essential these measures are to maintaining a safe, inclusive, and productive academic environment.

The Report also identifies the legal framework governing sexual harassment in Timor-Leste. This includes a general analysis of relevant laws and public policies, encompassing various legal domains such as education system, labor, criminal, civil, constitutional, and administrative law. The Report discusses how these legal instruments interact and how they provide adequate protection and recourse for victims of sexual harassment in higher education.

In addition to the legal analysis, the Report presents an overview of existing data on sexual violence in higher education in Timor-Leste. This is crucial for understanding the scale and nature of the problem and the effectiveness of current efforts to tackle it. By providing a clear picture of the current situation, the Report helps to inform future strategies and policies aimed at addressing sexual violence

in Timorese higher education institutions.

This Report is not an assessment of individual HEI institutional capacity to prevent and respond to sexual harassment, but rather it presents findings from a general study on the topic.

The key findings of the Report can be summarized in the following points:

- There is an increased understanding within different levels and structures of HEI of the existence of a substantial prevalence of sexual harassment within the academic community;
- Timor-Leste has a robust legal and policy framework which serves as foundation to ensure that effective HEI sexual harassment and GBV prevention and response measures can be taken;
- The non-effective use of the legal framework to ensure responsibility of perpetrators of sexual harassment is based on a misconception about the different responsibility avenues, limited capacity to implement a full-fledged disciplinary process as well as unwillingness to use its disciplinary power;
- There is a need to strengthen the institutional capacity of HEI to have clear internal rules and regulations establishing the acceptable and unacceptable behaviours from members of the academic community and the procedures for promoting responsibility of offenders, which are trauma informed and victim-centred;
- There is noticeable resistance from male lecturers in considering the issue of sexual harassment and questioning current practices which represent risks or gender-based stereotypes;
- Students are increasing their organized actions to question gender-based violence within HEI and demand accountability, while also taking public stand to support victims.

To address the issue of sexual harassment and gender-based violence, the report proposes eight targeted strategies within the prevention and protection against sexual

harassment in higher education institutions: (1) Institutional Policy and Commitment; (2) Institution's and Academic Community's Values and Culture; (3) Management and Human Resources System and Student Admission; (4) Capacity Building and Knowledge; (5) Risk Mitigation Measures; (6) Complaint and Reporting Mechanisms; (7) Assistance and Referral; (8) Responsibility Proceedings.

These strategies are further developed within this Report, describing key actions and considerations which can support their effective implementation. They combine institutional policies, educational programs, and personal and collective engagement to secure a comprehensive response to sexual harassment in higher education, reflecting a multi-faceted approach to which all members of the academic community, namely students and lecturers, contribute.

The implementation of these strategies is a tool conceived not only to prevent incidents of harassment, but also to ensure that victims receive the support they need and that offenders are held accountable.

The proposed strategies, developed in actionable and measurable standards, offer a clear roadmap for institutions, policymakers, and advocates to work together to combat this serious issue and foster a culture of respect and dignity within the academic community.





INTRODUCTION

I. INTRODUCTION

Objective of the Report

This report aims to help strengthen the institutional capacity of higher education institutions (HEIs) to **prevent and respond to sexual harassment and gender-based violence committed in the academic sphere.**

By strengthening women's participation in the academic community as a measure to ensure effective equality of opportunities, HEI have a corresponding obligation to keep them safe and to ensure that they can study and work in an environment free of violence.¹ University campuses offer a unique set of risks for women (and others in vulnerable positions), including exposure to and experience of violence such as sexual assault, stalking, intimate partner violence/dating violence and sexual harassment.

The State has a duty to ensure that all individuals, regardless of gender, are treated with dignity and have equal access to the same opportunities, resources and legal protection. This is established not only in international standards, such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), but also in the national legislation of various countries. Timor-Leste still has no specific rules on sexual harassment in the academic sphere. However, several laws already provide for measures to combat gender-based violence, such as the Constitution of the Democratic Republic of Timor-Leste (CDRTL), which recognises women's rights as fundamental rights and provides for equality between women and men,² the Law against Domestic Violence³ and the Civil Service Commission's Guidelines for Preventing and Combating Sexual Harassment in the Civil Service.⁴

Higher education is an indispensable part of countries' social and economic development and should be guided by the principles of equality and non-discrimination. Therefore, it is essential to strengthen institutional mechanisms and practices to prevent and respond to gender-based violence, including sexual harassment, within Timorese Higher Education Institutions, with special attention to supporting victims.

1. Tânia Mara Campos de Almeida, 'Violências contra mulheres nos espaços universitários'. in: *Mulheres e violências: interseccionalidades*, ed. Stevens, C. et al. (Brasília: Technopolitik, 2017): 384-399.

2. Article 17 of the Constitution of the Democratic Republic of Timor-Leste, "Women and men have the same rights and obligations in all areas of family, cultural, social, economic and political life".

3. The Law against Domestic Violence was approved by Law no. 7/2010, of 7 July.

4. Civil Service Commission, Guidelines no.12/2017, of 9 August (Preventing and combating sexual harassment in the civil service).



Methodology

This Report is the result of a general study into the HEI's institutional capacity to prevent and combat sexual harassment in the higher education sector.

The Report findings and observations as it relates to the prevention and response of sexual harassment by Timorese HEI was based on a research carried by JU,S Jurídico Social for a period of 6 months in the first semester of 2024, which included: desk review of key policies, programmes, legislation and reports relevant to GBV and the national context; analysis of internal regulations from HEIs (total of 8 internal instruments were collected); collection and analysis of media coverage of sexual harassment cases in HEI, with a focus on students' organized actions; collection and analysis of communication materials previously developed by different local partners on the topic; individual meetings with HEI leadership or management, staff responsible for student support and lecturers (total of 10 meetings relating to 6 HEI); meetings with students from HEI (total of 8 students); interview with victims of sexual harassment acts (total of 4 victims).

The findings in the Report also benefitted from preliminary findings resulting from technical support on this subject-matter, including 3 training programmes, implemented with one of the public Universities.

The identification of the proposed prevention and response core standards was based on a comparative literature review identifying actions taken by HEIs in other countries.

At the heart of the core standards proposed in this Report is a consultative participatory process with representatives of close of 70% of accredited HEI lead by the Director General of Higher Education and Science during the months of August and September.

Concepts

Gender-based violence

Gender-based violence (GBV) is **“any act of gender-based violence that results in or is likely to result in physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or**

in private life⁵. In other words, GBV is “violence that is directed against a woman because she is a woman or that affects women disproportionately.”^{6/7}

Although women and girls suffer disproportionately from GBV, men and boys can also be targeted. The term GBV is also used to describe violence directed against LGBTQIA+ populations because of their sexual orientation or gender identity, since the motivation for inflicting violence is the perception of masculinity/femininity norms and/or social gender norms.

Examples of gender-based violence⁸

- Physical, sexual, psychological and economic violence occurring in the family context, including abuse, sexual abuse of female children, violence related to dowry or bride price, marital rape, female genital mutilation and other traditional practices harmful to women, limiting women’s use or ownership of family assets, acts of violence committed by other family members and violence related to the exploitation of their labour and bodies;
- Physical, sexual and psychological violence perpetrated in the community at large, including rape, abuse, sexual harassment and intimidation in public places and in the workplace, educational institutions and other places; trafficking in women and forced prostitution;
- Sexual and psychological violence practised through abuse that takes place online or through other electronic means and communication technologies, such as cyber bullying, sexting (sending electronic messages with sexual content), revenge porn, stalking and threats, among others.
- Physical, sexual and psychological violence practised or tolerated by the State, wherever it occurs, such as

5. UN, *Declaration on the Elimination of Violence against Women*, United Nations General Assembly, Resolution 48/104 of 20 December 1993, Article 1.

6. Committee on the Elimination of All Forms of Discrimination Against Women, *General Recommendation No. 19, 1992, para. 6, General Recommendation No. 35, updating General Recommendation No. 19, 2017.*

7. As defined in the NAP GBV 2022-2032, GBV is “violence that targets individuals and groups on the basis of gender. Gender-based violence includes, inter alia, any action that takes place in public or private life or that is perpetrated or tolerated by the state and that results in or is likely to result in physical, sexual, psychological, emotional, psychosocial or economic harm or suffering to a person, based on gender discrimination, gender role expectations and gender stereotypes”.

8. UN, *Declaration on the Elimination of Violence against Women*, United Nations General Assembly, Resolution 48/104 of 20 December 1993, Article 2, and Committee on the Elimination of All Forms of Discrimination against Women, *General Recommendation No. 35, updating General Recommendation No. 19, 2017.*

forced sterilisation, including as an instrument of war or in the context of conflict, obstetric violence, methods of torture or inhuman and degrading treatment with a special target on gender issues, among others.

Sexual harassment

Sexual harassment is any **unwanted action of sexual nature that affects the dignity of women and men or is considered offensive or creates an intimidating, hostile, humiliating and destabilising environment for the person being harassed.**

Sexual harassment is based on the other person's lack of consent, or their inability to consent because they don't have the opportunity to do so, and the impact it has on the person targeted or on the work or study environment. Thus, unlike criminal offences, sexual harassment does not require intent or intent to carry out conduct that violates the rights of others.

Examples of actions that could be considered Sexual Harassment

- Requesting or demanding any sexual act or sexual favour;
- Having sexual intercourse with someone else;
- Having any kind of sexual intimacy with another person;
- Hugging or kissing another person, or stroking another person's hair or body;
- Rubbing your body against someone else's;
- Forcing another person to touch the offender's body;
- Expose the genitals;
- Making sexual gestures with your hands or through body movements;
- Insistence on asking them out on a date;
- Making kissing sounds or the gesture of sending kisses;

- Spreading rumours about a person's sex life;
- Asking questions about a person's sex life;
- Discussing one person's sex life with another;
- Asking about someone else's sexual fantasies, sexual preferences or sexual history;
- Discuss sexual topics;
- Making sexual comments about a person's clothes, anatomy or appearance
- Sexual teasing or telling sexually orientated jokes;
- Making sexual comments or sexual innuendos or using language with sexual connotations.

Impact of sexual harassment in the academic environment

Gender-based violence - which includes sexual harassment - has a negative impact on everyone involved. In addition to the individual impacts suffered by the victims, this type of violence has negative effects on universities and the academic community as a whole⁹.

Impacts on Victims

The negative effects on the physical, mental and emotional health of the victim of gender-based violence are widely known. In addition to the possibility of physical injuries, there is always the deterioration of mental health, and this type of violence can lead to drug and alcohol abuse, eating and sleeping disorders, post-traumatic stress, low self-esteem, self-harm and even suicide.¹⁰ Additional negative impacts specific to the university context can also be identified. Victims can face challenges related to sharing accommodation with offenders, attending classes or participating in other activities with them, seeing their academic performance reduced, and having difficulty maintaining their anonymity after filing a complaint,¹¹ among others.¹²

Impact on the institution¹³

There are also a number of negative impacts that fall on HEIs when sexual harassment prevails within their academic community:



Instituto Ciência Saúde (ICS) - Díli, Tímor-Leste

9. UN Women, *Guidance note on campus violence prevention and response*, 2018, p.6.

10. World Health Organisation, Pan American Health Organisation, *Understanding and Addressing Violence Against Women*, 2012, p.6.

11. UN Women, *Guidance note on campus violence prevention and response*, 2018, p.6. Original text: "Survivors may face challenges related to living in proximity to perpetrators, sharing classes or other spaces, diminished academic performance, the financial strains of having to take school leave, difficulty maintaining anonymity".

12. In Brazil, for example, there are records of femicide committed inside a university and student suicides due to sexual harassment by a professor and internship supervisor. Tânia Mara Campos de Almeida, "Violence against women in university spaces". in: *Mulheres e violências: interseccionalidades*, ed. Stevens, C. et al. (Brasília: Technopolitik, 2017): 384-399, p. 392.

13. Ceia, Eleonora; Lima, Melina, Ceia, Eleonora; Lima, Melina, "Violência de gênero nas universidades: um panorama internacional do problema". In: Almeida, TMC, Zanello, V, *Panoramas da violência contra mulheres nas universidades brasileiras e latino-americanas*, OAB, 2022: 3-28, p. 17.

- Negative impact on the good name of the institution, which may result in a reduced ability to attract students and quality lecturers and funding for research and other academic work;
- Disruption to the continuity of the research work carried out, especially when the GBV involves lecturers and researchers who are part of research projects;
- Decrease in the quality of research projects: gender-based violence has a significant negative impact on the quality of research projects and is one of the factors for the considerable loss of talent in these areas;¹⁴
- Increased financial costs for the academic institution: In addition to the costs associated with disciplinary proceedings initiated by allegations of GBV, the institution could also in certain situations be held financially liable.

Impact on the overall academic community¹⁵

Considering that the academic community is made up of a number of members who work and/or live in a shared environment collegially and regularly, GBV also has negative consequences beyond those felt directly by the victim:

- As for the employees, the decrease in productivity at work and greater dissatisfaction with their work could lead to the departure of quality lecturers, negatively impacting the good name of the institution;
- For the students, GBV cases could increase absenteeism from classes, a sense of insecurity, lower learning results, a higher rate of school dropouts, and dissatisfaction with the institution.

Importance of Preventing and Combating Sexual Harassment and Gender Violence in the Academic Environment

Gender-based violence represents the main violation of the rights of women and girls in all societies, including Timor-Leste.

14. The National Academy of Sciences, Engineering, and Medicine, *Sexual Harassment of Women: Climate, Culture, and Consequences in Academic Sciences, Engineering, and Medicine*, 2018.

15. UniSAFE, A. Lipinsky, C. Schredl, H. Baumann, A. Humbert, J. Tanwar, *Gender-based violence and its consequences in European Academia, Summary results from the UniSAFE survey, 2022*, pp. 9-10.



Brazil: Of the 209 incidents recorded, 183 were of a sexual nature, 85 of which were sexual harassment and 98 other types of sexual violence, including rape and attempted rape. Students were the main offenders (60), although there was a significant number of lecturers and headmasters (45) as perpetrators of violence.



Colombia: Among the alleged offenders, 130 were men, 3 were women and 24 were not identified. As for their position, 57 were students, 37 were individuals from outside the university, 31 were lecturers and 13 were administrative staff.



India: As for sexual harassment offenders, 87.71 per cent were students, 12.28 per cent were lecturers and 0.52 per cent were administrative staff.¹⁶

University campuses offer a unique set of risks for women and others in a position of vulnerability, which includes exposure to and experience of violence such as sexual assault, stalking, intimate partner violence/dating violence, and sexual harassment.¹⁷ It is widely known that cases of gender-based violence are generally underreported, regardless of the circumstances.¹⁸ The same is true at the university level. The alleged offenders are not limited to lecturers or those higher up of the hierarchy than the victims. However, it is important to note that, in general, it is perceived to be “easier” to report a “peer” rather than someone in a higher position than the victim.

The significant increase in awareness of the problem and the approval of regulatory, legislative and/or institutional policies to combat GBV, especially sexual harassment, have generated a significant increase in complaints. Although underreporting is still prevalent, the recent development of case reporting is highly promising compared to the trend that existed a decade ago.

16. Ceia, Eleonora; Lima, Melina, “Violência de gênero nas universidades: um panorama internacional do problema”. In: Almeida, TMC, Zanella, V, Panoramas da violência contra mulheres nas universidades brasileiras e latino-americanas, OAB, 2022, p. 14 (Brazil); p. 12 (Colombia); p. 15 (India).

17. UN Women, Guidance note on campus violence prevention and response, 2018, p. 5. Original text: University campuses create a unique set of risks for women including exposure to, and experience of, violence such as sexual assault, stalking, intimate partner violence/dating violence, and sexual harassment.

18. World Health Organisation, *World Report on Violence and Health*, 2002.

Examples of Increased Reporting of Sexual Harassment in Higher education institutions



Brazil: “Although the number of complaints is low and far below the estimated number of cases of violence, there has been a significant increase in complaints (...). While in 2008 there were only 4 complaints, in 2014 there were 17; and in 2018 the number grew to 51 (INTERCEPT, 2019). The greater visibility of feminist movements, the growing engagement of women around sensitive issues in many countries and notably in Latin America, and the increase, albeit incipient, of universities that have procedures and/or bodies to deal with cases have probably contributed to this increase in complaints.”¹⁹



India: Between 2014 and 2015, of 84 universities that produced specific reports on the subject, 75 reported cases of sexual harassment. Between 2018 and 2019, 188 produced reports, which revealed 171 cases of sexual harassment.²⁰



Instituto Profissional de Canossa (IPDC) - Díli, Timor-Leste

19. Ceia, Eleonora; Lima, Melina, “Violência de gênero nas universidades: um panorama internacional do problema”. In: Almeida, TMC, Zanello, V, Panoramas da violência contra mulheres nas universidades brasileiras e latino-americanas, OAB, 2022: 3-28, p. 14.

20. *Ibidem*, p. 16.



GENDER-BASED VIOLENCE IN HIGHER EDUCATION IN TIMOR- LESTE

II. GENDER-BASED VIOLENCE IN HIGHER EDUCATION IN TIMOR-LESTE

The most recent data on GBV dates back to the 2016 Timor-Leste Demographic Health Survey, in which around 34.2 per cent of women aged 15-49 reported having suffered physical violence, sexual violence or both, with 1 in 5 young women aged 15-24 claiming to have experienced sexual violence.²¹ A vast majority of women who have been victims of violence - 77 per cent - have never sought any support or reported the violence to another person or authority.

Other surveys specifically related to domestic violence also show the prevalence of violence against women. The Nabilan Programme also confirms the frightening figures for violence against women: 59% of women who have ever had an intimate partner have experienced physical and/or sexual violence committed by their partner.²²

DATA ON GBV IN TIMOR-LESTE



34.2% of women, aged 15-49 reported having suffered physical violence, sexual violence or both

1 in 5 young women aged 15 to 24 have experienced sexual violence

77% of victims of GBV have never sought any support or reported the violence



Complaints and Reports of Allegations of GBV and Sexual Harassment in Timor-Leste

Between 2018 and 2023, there were 16 complaints received of sexual harassment within the public service. Following the approval and the implementation of capacity development efforts for the Public Service Commission it saw the number of complaints tripled, from 3 to 9 in 2018 and 2019, respectively²³. The upward trend was disrupted by the COVID-19 pandemic, but in 2023 there were signs of increased reporting.

The entire public administration, made up of more than 37,000 employees²⁴, has seen 16 cases of sexual harassment have been registered with the Civil Service Commission since 2018. Therefore, the reporting of sexual harassment within the Timorese public service represents less than 4%, significantly lower than all the prevalence of GBV recorded in Timor-Leste.

Despite the underreporting, it is noticeable that after the approval of a specific regulation on the issue, there has been a sharp increase on the complaints of sexual harassment. Also, the public service started to actively monitor more closely the allegations of sexual harassment, allowing it to categorize them for analysis on the effectiveness of different actions.

21. General Directorate of Statistics, Ministry of Planning and Finance and Ministry of Health, *Timor-Leste Demographic and Health Survey*, Timor-Leste, 2016, pp. 301-302. Cfr. also Spotlight Initiative, *Mapping of Quantitative and Qualitative Data on Violence Against Women and Girls, Reporting Summary*.

22. The Asia Foundation, *Nabilan - Women and children in Timor-Leste enjoy gender equality and live free from violence*, 2023.

23. Registered: 2 cases in 2018; 9 cases in 2019; 1 case in 2020; 0 cases in 2021; 3 cases in 2022 and 5 cases in 2023. See Civil Service Commission (CSC), 'Annual Activity Report - 2019', 'Annual Activity Report - 2020', 'Annual Activity Report - 2021', 'Annual Activity Report - 2022', and 'Annual Activity Report - 2023'.

24. Updated data on the workforce number of the Timorese public administration is accessed via the live database, found at <https://bipublic.cfp.gov.tl/public/dashboard/c0121995-9855-4190-98b3-ad463f38bf91>.

Sexual harassment in higher education institutions in Timor-Leste has been documented through studies, formal complaints and media coverage.

Already in 2018, UN Women Timor-Leste Safe Cities scoping studies registered that university students had experienced various forms of sexual harassment from their lecturers²⁵. Students participating in that study also reported being victims of sexual harassment committed by peers.

From 2022 onwards, there has been increased reporting and discussion on the matter.

Notably in 2023 and 2024, two cases involving male lecturers at a private university during final dissertation supervision were reported, leading to disciplinary actions and criminal investigations²⁶. The Rector publicly acknowledged these cases and outlined steps taken to address them, though the university appeared to misunderstand that disciplinary and criminal processes are autonomous procedures²⁷.

In one specific incident understood to have taken place in 2023 at a private University, a lenient disciplinary action was imposed despite the severity of the harassment, accompanied by a “personal promise” of non-recurrence. Additionally, at least five other cases of sexual harassment at private higher education institutions were known, but not officially reported or addressed.

The report also found that at a public higher education institution, while some victims received psychosocial support, allegations were not formally documented or addressed through disciplinary channels. This lack of formal complaints stemmed from victims’ reluctance to report, insufficient internal reporting guidelines, and reliance on informal mediation rather than formal procedures.

Students have revealed that sexual harassment incidents are frequently known within the academic community and discussed among students. These discussions often include coping strategies, such as being escorted by male family members, friends or boyfriends to meetings with known offenders and avoiding leaving campus after dark²⁸.



25. UN Women Timor-Leste, “Safe Cities Scoping Study”, December 2018, p. 28.

26. *Lafek News*, ‘Deskonfia Dosente Ida halo Asedu Seksual ho Nia Estudante Iha Kareta Iaran’, 29 Jul 2023 and *Independente*, ‘Estudante ida keixa dosente ne’ebé kaer nia ‘isin-lulik’, 30 Jullu 2024.

27. *Timor Post*, *UNPAZ lori ona Oknum Dosente ba Kazu Asediu Seksual Ba Tribunal*, 8 Agostu 2024.

28. UN Women Timor-Leste, “Safe Cities Scoping Study”, December 2018, p. 37.

Furthermore, a public higher education institution faced media scrutiny for fostering an environment that enables moral harassment, and abuse of power among lecturers²⁹.

It should be emphasised that media coverage of sexual harassment cases, without formal reporting, may also be evidence of victims' lack of confidence in the internal systems of higher education institutions. This may be a response to victims' uncertainty about the guarantee of confidentiality of the process and/or low confidence that a formal disciplinary procedure will be initiated and that it will bring about a fair outcome.

In 2024, following media coverage of sexual harassment allegedly committed by lecturers, students have made public statements and engaged in other actions to repudiate these acts within higher education institutions and to express support and solidarity with the victims³⁰.

The recent media coverage of sexual harassment cases marks a positive step forward and reflects a growing commitment to addressing gender-based violence and sexual harassment. While these journalistic reports do not replace formal complaint processes, they highlight the need to advance the ongoing efforts and foster openness about this sensitive issue.

Efforts to combat sexual harassment in academia in Timor-Leste

It is possible to identify some efforts to combat sexual harassment by accredited HEIs.

Some HEIs have approved internal instruments providing for zero tolerance of sexual harassment, established a student counselling service that is progressively responding to issues relating to gender-based violence and carried out specific activities on the prevention of sexual harassment. It is also notable that some HEIs publicly recognise the existence of sexual harassment and inform about the disciplinary measures taken, encouraging the reporting of allegations of sexual harassment.

Some of the activities implemented by the National University of Timor-Leste (UNTL) were carried out within the context of its partnership with UN Women in 2019, as part of the Safe Campus initiative. The aim of the collaboration is to strengthen gender equality on campus by preventing and combating violence against women



29. Diligente, "Alunos da UNTL acusam professores de "abuso de poder e comportamentos intimidatórios", 31 de Março de 2023.

30. Example, SAP News, Solidariza Fana, Estudante UNPAZ ! FAP Kondena Akto Asédiu Iha Instituisaun Hotu, 11 August.

Ministry of Higher Education, Science and Culture: Strategy for the Prevention and Response to Sexual Harassment in Higher Education

According to Ministerial Order nr. 39/XI/MESCC/2024, approved on 6 November 2024, an effective strategy is based on the following 8 core standards:



Institutional Policy and Commitment



Institution's and Academic Community's Values and Culture



Management and Human Resources System and Student Admission



Strengthening Capacities and Knowledge



Risk Mitigation Measures



Complaint or Grievance Mechanisms



Assistance and Referral



Responsibility Proceedings

and promoting gender equality through knowledge sharing, advocacy and capacity building in relevant areas.

³¹

The efforts made are still ad hoc and limited in scope considering the scale of the problem. Many Timorese HEIs still do not have specific internal rules or procedures for responding to reports of sexual harassment, and still use informal mechanisms to respond to the few allegations they receive.

The Ministry of Higher Education, Science and Culture, in November 2024, approved Ministerial Order nr. 39XIMESCC/2024, on 6 November 2024, Directives for the Prevention and Response to Sexual Harassment in the Academic Community, based on relevant competencies of this Line Ministry.

These Directives provide a formal regulation that can be adopted by Higher Education Institutions, identifying practical actions for strengthening HEIs' institutional capacity to prevent and respond to sexual harassment. Considering that, to date, HEIs have had no guidance on how to carry out the relevant duties within the framework of prevention and responding to sexual harassment, these Directives have the potential to serve as essential guidance for taking concrete steps.

The approved Directives are also in line with regional standards promoted by the SEAMEO (Southeast Asian Ministers of Education Organization) and international best practices.

31. UN Women and UNTL, *Memorandum of Understanding between UN Women and UNTL*, 2021, p.2. Original text: "Improving gender equality on campuses by addressing, preventing and ending violence against women and all the broader promotion of gender equality through knowledge sharing, advocacy and capacity development in areas".



**KAMPUS SEGURU
BA EMA HOTU HOTU
ZERO TOLERÁNSIA
BA ASÉDIU SEKSUÁL**

LEGAL FRAMEWORK FOR SEXUAL HARASSMENT IN TIMOR-LESTE

III. LEGAL FRAMEWORK FOR SEXUAL HARASSMENT IN TIMOR-LESTE

Legal Framework regarding Gender Equality and Gender-Based Violence

The obligation of States to promote and respect human rights, including women's rights, is a fundamental principle for building just and equitable societies. The State is responsible for ensuring that all individuals, regardless of gender, are treated with dignity and have equal access to the same opportunities, resources and legal protection. This principle is provided not only in international standards, such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),³² but also in national laws of the most diverse States.

The legal framework and the existence of public policies are responses to the marked prevalence of violence against women and girls in Timor-Leste and aim to provide the State, with the support of civil society, with the capacity to prevent and combat GBV at all levels and in all spaces.

Timor-Leste recognises women's rights as fundamental rights and equality between women and men is one of the principles enshrined in the **Constitution of the Democratic Republic of Timor-Leste (CRDTL)**, specifically in Article 17.³³ The importance of this principle in the constitutional text is asserted by the fundamental objective of the State to create, promote and guarantee effective equality of opportunities between women and men [Article 6(j)] and by the materialisation of this principle throughout the Constitution in various essential areas of community life, such as the family (Article 39(3)),³⁴ work (Article 50(1))³⁵ and political participation (Article 63).³⁶

This constitutional principle of gender equality requires the public authorities to implement it in legislation and public policies.³⁷ At both legislative and policy levels, various initiatives have already been implemented, such as the drafting of the **Law against Domestic Violence**,³⁸ the establishment of a one-third quota for women candidates for Parliament,³⁹ the preference given to women in the event of equal ranking in public administration recruitments⁴⁰ and the **Civil Service Commission's Guidelines for Preventing and Combating Sexual Harassment in the Civil Service**.⁴¹

32. Article 3 of CEDAW.

33. Article 17 of the Constitution of the Democratic Republic of Timor-Leste, "Women and men have the same rights and obligations in all areas of family, cultural, social, economic and political life".

34. Article 39(3) of the Constitution of the Democratic Republic of Timor-Leste states that "Marriage is based on the free consent of the parties and on full equality of rights between the spouses, under the terms of the law".

35. Article 50(1) of the Constitution of the Democratic Republic of Timor-Leste, "Every citizen, regardless of sex, has the right and duty to work and to freely choose his or her profession".

36. Article 63 of the Constitution of the Democratic Republic of Timor-Leste: "1. The direct and active participation of women and men in political life is a fundamental condition and instrument of the democratic system. 2. The law shall promote equality in the exercise of civil and political rights and non-discrimination on the basis of sex in access to political office."

37. The duty to adopt measures of various kinds, including legislative and administrative measures, is laid down in Article 2 of the CEDAW.

38. Law nr. 7/2010, of 7 July (Law against Domestic Violence).

39. Law nr. 6/2006, of 22 June (Electoral Law for the National Parliament), as amended by Law nr. 7/2011, of 22 June, Law nr. 1/2012, of 13 January, and Law no. 9/2017, of 5 May.

40. Article 36(2) Decree-Law nr. 34/2008, of 27 August (Rules on competitions, recruitment, selection and promotion of staff for the public administration), as amended by Decree-Law nr. 22/2011 of 8 June.

41. Civil Service Commission, Guidelines no. 12/2017, of 9 August (Preventing and combating sexual harassment in the civil service).

42. The Maubisse Declaration is a coordinated, multi-sectoral response by the various government actors aimed at strengthening women's capacity, improving their productive capacity and eliminating all forms of discrimination against women living in rural areas, in order to encourage their full contribution to the country's economic development. The Maubisse Declaration was adopted in 2015 and was in force in two phases: the first between 2015-2018 and the second between 2018 and 2023.

43. Approved by Government Resolution no. 31/2022, of 3 November.

44. Approved by Government Resolution no. 5/2024 of January 22, the NAP 1325 2023-2027 represents the second phase of the national commitment to the Women, Peace and Security agenda and also the national contribution to the global agenda, namely to the fifth Sustainable Development Goal, which refers to the promotion of gender equality and the empowerment of women and girls. PAN 1325 aims to promote the participation of women in decision-making positions in all areas considered fundamental for the country, prevent all types of violent conflict and all forms of violence, guarantee the protection of women against all forms of gender-based violence during and after conflict and guarantee the participation of women in peace-building and in all areas of post-conflict, planning, economic reconstruction and development (NAP objectives).

45. The PNTL National Gender Strategy 2018-2022 builds on the NAP-1325, the NAP-GBV and the PNTL Strategy, defining a series of objectives to be achieved by 2022, with a view to providing equal opportunities for women and men according to their needs and achieving gender parity (impact 1) and increasing security for women, men, girls and boys in Timor-Leste, so that all people live in peace (impact 2).

46. Approved by Government Resolution no. 18/2017, of 12 April.

47. The Group of East Timorese Women Parliamentarians was created by National Parliament Resolution no. 16/2007, of 24 October.

48. Government Resolution no. 35/2017, of 21 June.

To give effect to these legal provisions and in fulfilment of international treaty commitments, a series of plans and strategies have been approved, including the Maubisse Declaration for the Promotion of the Rights of Women Living in Rural Areas,⁴² the National Action Plan Against Gender-Based Violence (NAP-GBV) 2022-2032,⁴³ the National Action Plan for the Implementation of United Nations Security Council Resolution 1325 (Women, Peace and Security) (NAP 1325) 2023-2027,⁴⁴ the PNTL National Gender Strategy 2018-2022,⁴⁵ as well as the National Policy for Inclusive Education.⁴⁶ In addition, some specific structures with gender functions have been formed, such as the Timorese Women Parliamentarians Group,⁴⁷ the inter-ministerial Gender Working Group, a National Gender Working Group in each Ministry and Secretariat of State and Municipal Gender Working Groups in each of the twelve municipalities.⁴⁸

Legal Framework regarding Higher Education Institutions and the Academic Community

The relevant legal framework is based on the legislation governing higher education, higher education institutions and the legal framework for staff.

In addition to the national legal framework, HEIs are governed by their own statutes and internal regulations. Article 9(3) of the Legal Framework for Higher Education Institutions states that one of the autonomies enjoyed by public higher education institutions is the enactment of their own statutes, which set out their mission,

Key National Legal Provisions

- **Constitution of the Democratic Republic of Timor-Leste (CRDTL):** Articles 17, 39(3), 50(1) and 63 – equality of opportunities between women and men
- **Higher Education Framework Law (Law nr. 6/2024, of 17th July)**
- **Legal Framework for Higher Education Institutions (Decree Law nr. 68/2022, of 14 September):** Articles 9 (3), 48 (3) and 53 – autonomy for HEIs to create their own statutes and exercise competence in promoting disciplinary responsibility among members of the academic community

- **Civil Service Statute (approved by Law nr. 8/2004, of 16 June, and amended by Law no. 5/2009, of 15 July)**

- **Civil Service Commission's Guidelines for Preventing and Combating Sexual Harassment in the Civil Service (Guidelines nr. 12/2017, of 9 August)**

- **Labour Law (Law nr. 4/2012, of 21 February):** Article 7(3) – prohibition of sexual harassment

- **Penal Code (Decree Law nr. 19/2009, of 8 April):** Articles 157, 171, 172, 177, 178, 181, 183, 297 – criminalisation of threats, sexual coercion, rape, sexual abuse of minors, sexual acts with adolescents, sexual exhibitionism, public disclosure of information about someone's sex life without his/her authorisation, abuse of power

- **Law against Domestic Violence (Law nr. 7/2010, of 7 July)**

- **Civil Code:** Article 417 – civil liability for violation of a legally recognised right or guarantee



educational and scientific objectives and organisational structure.⁴⁹ Similarly, private higher education institutions enjoy statutory autonomy.⁵⁰ According to the Legal Framework for Higher Education Institutions, the statutes must contain the basic rules for their internal organisation and operation in the scientific, pedagogical, disciplinary, financial and administrative spheres.⁵¹

Higher Education Institutions

In most cases, the GBV prevention and response is not explicitly articulated in licensing and accreditation criteria for higher education institutions. However, it is considered that a criteria in relation to gender equality derives from an interpretation of the legislation in accordance with the principle of equality and non-discrimination.

An accreditation criterion is the existence of “adequate facilities”⁵² including “sanitary units with sanitation conditions”⁵³ It is understood that the adequacy of the facilities, particularly the sanitary units, will necessarily include their safety, i.e. their ability to provide a safe space for the women who use them.

49. Article 9(3) of Decree-Law no. 68/2022, of 14 September (Legal Framework for Higher Education Institutions), states that “[e]ach higher education institution has its own statutes which, in compliance with the law, set out its mission and its pedagogical and scientific objectives, specify its autonomy and define its organizational structure”.

50. Article 46(2) of Legal Framework for Higher Education Institutions.

51. Article 46(3) of Legal Framework for Higher Education Institutions.

52. Article 18(1)(g) and (2)(g) of Decree Law nr. 26/2017, of 26 July (Regime for the Assessment and Accreditation of Higher Education Institutions and Study Cycles) and Article 26(2)(b) of Decree Law nr 68/2022, of 14 September (Legal Framework for Higher Education Institutions).

53. Point 6.3 (Learning Resources) of the Standard Specifications for the Licensing of Higher Education Institutions approved by Ministerial Order nr. 090/GM/MESCC/II/2020, of 11 February.

Promoting gender equality in access is expressly mentioned as a licensing criterion.⁵⁴ It was not possible to access reports on the licensing of educational establishments to understand the scope of this criterion. It is understood that this criterion refers not only to a gender balance in the number of students attending the institution but also to the adoption of other measures aimed at promoting such equality, including measures to prevent and combat GBV and sexual harassment among students.

The law stipulates that the Statutes of the HEIs must include creating a structure with the power to receive student complaints and promote coordination between the student associations and the organisational structure of the institutions, such as a Student Ombudsperson.⁵⁵

The member of the government responsible for higher education exercises the power of supervision over higher education institutions “fundamentally with a view to compliance with the law and the defence of the public interest.”⁵⁶ It should be emphasised that the power of supervision is exercised over both public and private HEIs.

One of the government’s powers is to recommend the adoption of measures or programmes to higher education institutions or to seek consensus on matters relating to higher education. To give effect to this, the Council of Rectors was created as a consultative body for matters relating to higher education. As its name implies, the Council of Rectors comprises the top leaders of accredited public or private higher education institutions and the Minister for Higher Education, Science and Culture, who chairs it.⁵⁷ One of its competences is to “recommend the adoption of measures to promote gender equality and equitable access to quality inclusive education,”⁵⁸ which can include recommending that higher education institutions adopt measures to prevent and combat sexual harassment and GBV.

With regard to the response of higher education institutions to sexual harassment and GBV, it is, therefore, possible that the systematic inaction of HEIs in the face of situations of this nature could give rise to an inspection by the line Ministry, with a view to verifying the legality of their actions, focusing particularly on the capacity of HEIs to prevent and respond to allegations.

54. Point 10.3 (Promoting Gender Equality) of the Standard Specifications for the Licensing of Higher Education Institutions approved by Ministerial Order no. 090/GM/MESCC/II/2020, of 11 February.

55. Article 16 of the Legal Framework for Higher Education Institutions: 1. Higher education institutions must ensure in their statutes the existence of a student ombudsman, whose name is up to the higher education institution itself, within the scope of its autonomy. 2. The office holder with the competence to assume the tasks of student ombudsman must endeavor to promote clear articulation with student associations and with the bodies and services of the higher education institution, as well as with the rector and internal units.

56. Article 58 (1) of Decree Law nr. 68/2022, of 14 September (Legal Framework for Higher Education Institutions).

57. Article 5(2)(a) and (b) of Decree Law nr. 56/2023 of 6 September (Organic Structure of the Ministry of Higher Education, Science and Culture).

58. Article 5(4)(c) of the Organic Structure of the Ministry of Higher Education, Science and Culture.

Employees

The national legal framework prohibits sexual harassment by employees in higher education institutions:

- In public HEIs, sexual harassment is expressly prohibited based on Guidelines no. 12/2017 of 9 August (Preventing and combating sexual harassment in the civil service) of the Civil Service Commission;
- In private HEIs, sexual harassment is expressly prohibited based on Article 7(3) of the Labour Act.⁵⁹

Similarly, lecturers' competences are not limited to pedagogical or scientific competences, but also include social skills, which are a factor in the performance assessment of university lecturers.⁶⁰ In addition to personality, social competences must be assessed in order for a lecturer to acquire certification.⁶¹ Thus, it could be considered that the mechanisms that guarantee lecturers' competence should focus on their ability to meet minimum standards of behaviour, such as abstaining from committing sexual harassment or other forms of gender-based violence.

The HEIs must ensure compliance with this legal framework in their statutes and internal regulations regarding their relationships with their employees.

Students

Although the legal regime for higher education institutions does not lay down specific rules on the prohibition of sexual harassment and gender-based violence perpetrated by students, important criteria, requirements, and guidelines can be drawn from this legal regime and the Higher Education Framework Law that can be interpreted as a prohibition on sexual harassment by students.



Instituto Politécnico Betano (IPB)
Manufahi, Timor-Leste

59. Article 7(3) of the Labour Law (Law nr. 4/2012, of 21 February).

60. Article 38-A(3)(d) of the University Teaching Career Statute (Decree Law nr. 7/2012, of 15 February, as amended by Decree Law nr. 2/2018, of 24 January).

61. Ministerial Diploma no. 44/2022, of 3 November (University Lecturer Certification Manual).



According to the Higher Education Framework Law, the objectives of higher education are to ‘[p]romote the progressive reduction of social, financial and economic inequalities in access to, entry into and attendance at higher education’, ‘[p]romote actively (...) the humanist spirit of society’ and ‘[e]stimulate knowledge of world problems’⁶². Although there is no explicit reference to gender issues, it can be said that the prevention of and response to gender-based violence in general in the academic community, and sexual harassment in particular, should be considered as part of the objectives of Higher Education, since gender-based discrimination is one of the most striking causes of social inequality in Timor-Leste, and in the world, representing gender-based discrimination that profoundly impacts the legally recognised rights and guarantees of its victims.

It is therefore understood that the behaviours expected of students should include non-violence and respect for others, and thus, the prohibition of sexual harassment as a type of gender-based violence.

Liability for Sexual Harassment

In Timor-Leste, **sexual harassment is specifically defined as prohibited conduct** in the laws that regulate labour relations: the Labour Law (Law nr. 4/2012, of 21 February) and the Civil Service Commission Orientation nr. 12/2017, of 9 August.

Certain behaviours that constitute sexual harassment can be considered a crime and be punishable under Timorese criminal law. This means that, although the penal law does not contain a specific article that criminalises sexual harassment as such, in reality, some of the behaviours that constitute sexual harassment can also constitute a crime.

Sexual harassment can also be considered a form of violation of the personality rights enshrined in the Civil Code.

62. Article 5(d), (b) and (i) of Law nr. 6/2024, of 17 July (Higher Education Framework Law).

Regarding sexual harassment, there are various types of liability, regulated by different branches of the law:

	Disciplinary Responsibility	Criminal Liability	Civil Liability
Objective	<p>Ensuring order and discipline in the workplace and study area</p> <p>Compliance with professional and ethical duties</p> <p>Ensuring a healthy environment</p>	<p>Preventing and punishing behaviour that is serious and harmful to others or to society and that violates criminal law</p>	<p>Reparation of damages, i.e. compensating the victim for the losses suffered, restoring the situation prior to the violating act as much as possible</p>
Who applies	<p>The Structure that has disciplinary power in the institution where the alleged offender works or studies (Rector, Disciplinary Board or CSC)</p>	<p>Criminal justice system (police, prosecutors and courts)</p>	<p>Informal conflict resolution procedures (e.g. mediation and conciliation) and civil courts, usually through a lawsuit filed by the victim</p>
Consequences	<p>Educational and punitive sanctions: Warnings, suspensions, compulsory retirement, dismissal for just cause, etc.</p>	<p>Punishment: Fine, imprisonment, community labour, or other penalties provided for by law</p>	<p>Reparation: Payment of compensation to the victim to repair the damage caused, apologies and other relevant action</p>

Several types of liability can occur at the same time for the same behaviour. Thus, someone who commits sexual harassment can be subject to disciplinary proceedings, criminal proceedings for the same behaviour and civil proceedings.

Processes of various kinds can have links between them.

- Criminal proceedings are independent of disciplinary and civil proceedings;
- Even if the conduct may constitute both a breach of a disciplinary duty and a criminal offence, the



disciplinary procedure should not be suspended, i.e. they should run concurrently;

- When the act of sexual harassment also constitutes a criminal offence, it is, as a rule, the duty of the disciplinary authority, when it is a public authority or when the case involves minors, to refer the matter to the Public Prosecutor's Office for possible criminal prosecution;⁶³
- It is not essential for a criminal conviction to precede a disciplinary decision;
- It is legally possible for a person to be found guilty of a disciplinary offence but not charged with a criminal offence (considering that the requirements are different, and different rules apply to disciplinary and criminal proceedings, with different elements);
- If the behaviour that is the basis for the civil action also constitutes a crime, civil liability, in the form of compensation to be awarded to the victim, can be decided within the criminal proceedings.

Disciplinary responsibility

The purpose of the disciplinary system is to ensure that members of the academic community are held accountable for breaches of their specific duties as lecturers, staff or students. In the context of sexual harassment and GBV, the disciplinary system is the procedure used to ensure accountability for the violation of duties inherent in their functions or positions within the academic community.

It should be noted that, specifically in the area of sexual harassment, as mentioned above, it can be committed by staff and lecturers against each other, against students and even against people outside the institution. In relation to students, sexual harassment can be committed between students and, in rare cases, between students and lecturers.

63. Civil Service Commission, Roadmap for Instituting Disciplinary Administrative Proceedings and Appeals, November 2016.

Sexual Harassment Committed by a Lecturer or any Employee

The **Labour Law**, being the law that regulates the formal employment relationship in private HEIs, prohibits harassment at work in its Article 7.

According to this standard, the employer must take all necessary measures to prevent cases of harassment, including sexual harassment, in the workplace.

Civil Service Sanctions and Procedures

- Since the behaviour of sexual harassment is a disciplinary offence, a disciplinary sanction shall be imposed on the offender.
- Disciplinary sanctions include suspending the employee and terminating their contract for just cause.
- The application of these sanctions requires the implementation of a disciplinary procedure, which includes notifying the employee of the allegations against them, the opportunity to exercise their right to defence and a final decision by the employer or their authorised representative.

The **Civil Service Statute**, approved by Law no. 8/2004, of 16 June, and amended by Law no. 5/2009, of 15 July (CSS) is always applicable to lecturers in the special career regime and civil servants in the general career regime, even if in a subsidiary manner.

In the area of sexual harassment, the Civil Service Commission has already approved the Civil Service Commission Guidance on Preventing and Combating Sexual Harassment in the Civil Service (CSC Sexual Harassment Guidance).⁶⁴

In the case of civil servants, whether under the general or special regime, the powers of the Civil Service Commission in relation to the disciplinary procedure are always relevant, as laid down in Law no. 7/2009 of 15 July (Creating the Civil Service Commission).

Without prejudice to the Civil Service Commission's own competences with regard to public HEIs, the Legal Framework for Higher Education Institutions confers disciplinary autonomy to public higher education institutions, and this autonomy includes the power to



64. Civil Service Commission, Guidelines no. 12/2017, of 9 August (Preventing and combating sexual harassment in the civil service).

punish or promote the punishment, under the terms of the law and the institutions' statutes, of disciplinary offences committed by lecturers, researchers and other employees and agents.⁶⁵ Thus, the competence for disciplining lecturers and staff at public HEIs can lie with the HEI itself or, alternatively, with the Civil Service Commission.

Civil Service Sanctions and Procedures

- Sexual harassment constitutes a breach of several of the duties enshrined in the Civil Service Statute and can therefore constitute a **disciplinary offence** under Civil Service legislation, which applies to civil servants under the general career system, public administration agents (generally referred to as “contract staff”), as well as special careers.
- Potentially applicable disciplinary sanctions include suspension, compulsory retirement or dismissal.

Sexual Harassment Committed by a Student

The student's relationship with the HEI is based on their enrolment for the purpose of studying on programmes offered by the HEI. From a legal perspective, this relationship is contractual in nature.

Normally, when a student joins the HEI, they sign a document agreeing to be governed by the rules of the HEI and to abide by them, including rules regarding their behaviour. These rules, which shape student behaviour, are usually laid down in internal regulations, often in the form of a Code of Conduct.

Each HEI approves its regulatory instrument, which must comply with the basic procedural rules of law, as well as respect the fundamental rights and other guarantees laid down in the Civil Code and Administrative Procedure (in public HEIs).

The internal disciplinary regime for students can be the same as for lecturers and staff, or it can be a different regime with different structures. It is the statutory and disciplinary autonomy of the HEI, provided for in the Legal Framework for Higher Education Institutions, that allows this power of choice.⁶⁶

65. Article 53 of Decree-Law no. 68/2022, of 14 September (Legal Framework for Higher Education Institutions).

66. Decree-Law no. 68/2022, of 14 September (Legal Framework for Higher Education Institutions), Article 9, no. 3 and Article 46.

In the students' Code of Conduct or internal disciplinary regime, sexual harassment is sometimes expressly included as prohibited conduct, or is interpreted as such in the context of other conduct identified as inappropriate and in breach of internal rules. The respective student disciplinary sanctions are provided for in the same regulations and usually include a warning, educational activities, loss of benefits, suspension and expulsion.

Criminal liability

Sexual harassment **may or may not** constitute criminal behaviour.

To amount to a criminal offence, the conduct must represent behaviour defined as a crime in criminal law. Behaviours that constitute sexual harassment and can be considered criminal offences include sexual coercion (Article 171 of the Penal Code), rape (Article 172 of the Penal Code), sexual exhibitionism (Article 181 of the Penal Code), public disclosure of information about someone's sex life without his/her authorisation (Article 183 of the Penal Code), threats (Article 157 of the Penal Code) or even abuse of power (Article 297 of the Penal Code). The Penal Code also criminalises various behaviours involving minors, such as sexual abuse of minors [under the age of 14 (Article 177 of the Penal Code)] and sexual acts with adolescents (Article 178 of the Penal Code).⁶⁷

Criminal Liability for Sexual Harassment

Sexual harassment is criminalised in certain circumstances. However, it **will only be punishable when it reflects a specific crime**. In these situations, it is necessary to check whether the behaviour constitutes the specific crime, so criminal liability will only occur when the elements or criteria of the specific crime are met. For example, the following can be considered criminal offences:

- Sexual harassment, which amounts to physical assault, where someone's body is touched or there is a forced kiss or something similar (representing the offence of sexual coercion);
- Threatening to fail a subject if you don't "date" a lecturer is a crime of sexual coercion, and attempting to do so is criminalised;

67. While some of the offences that constitute sexual harassment are public in nature (such as sexual coercion or rape), others are semi-public (such as sexual exhibitionism or intrusion). If a crime is a public offence, the procedure does not depend on a formal complaint from the victim. Therefore, criminal proceedings will begin when the police or authorities have information about the offence (even if provided by other authorities or anyone else). Semi-public offences can initiate criminal proceedings only if a formal complaint has been filed, i.e. only if the victim has demonstrated their willingness for criminal proceedings to be initiated. If the victim decides to withdraw the complaint, the proceedings cease.

- The crime of public disclosure of information about someone's sex life without his/her authorisation is also a crime that reflects common sexual harassment behaviour.

Sexual harassment in the form of jokes, sending written texts, making private comments about someone's sex life and making compliments of a sexual nature, as a rule, do not find a corresponding criminal offence, unless accompanied by threats or in situations where the offender is a public official and abuses their public power to commit the offence.⁶⁸

Civil liability

Civil liability for behaviour exists when a **specific action (or inaction) causes damage or personal injury.**

Sexual harassment can be a civil offence, as it usually violates an individual's personality rights or dignity.

Civil liability is regulated by Articles 417 et seq. of the Civil Code. Civil liability depends on the verification of the following criteria: behaviour (action or omission), illegality (violation of a person's right), fault (intentionally or negligently), damage and the causal link between the behaviour and the damage. Normally, the claimant has the burden of proving the elements of civil liability.

Civil liability can result in an order to put an end to the violation, restitution of the violated right or financial compensation.

Therefore, if the sexual harassment results in damage or personal injury to the victim, including psychological impact or offence against personal dignity, the victim can initiate a civil action in a court of law. A civil action in relation to sexual harassment would be initiated by the victim against their attacker.

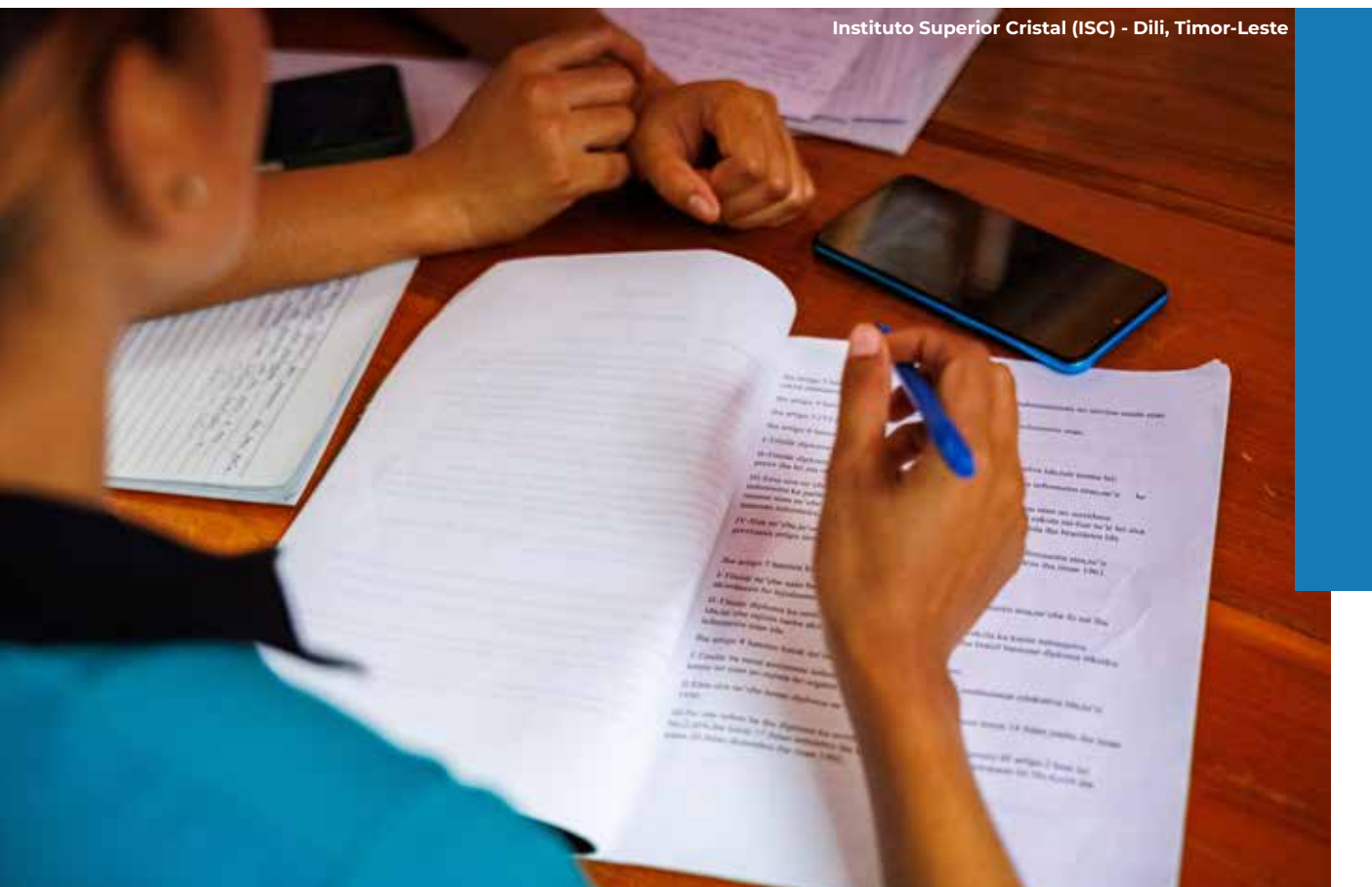
It is not common to find lawsuits in Timor-Leste's courts relating to this type of offence.

68. For additional references to the relationship between sexual harassment and crime see UN Women, Table Hahalok Asédiu Seksuál (published at https://www.jus.tl/_files/ugd/d7071b_130586cd7dc14861ad92921badb814b0.pdf).

If the behaviour that is the basis for the civil action also constitutes a crime, civil liability, in the form of financial compensation to be awarded to the victim, can be decided as part of the criminal procedure. This is another example of the relationship between procedures of different kinds to support more effective processes, taking into account both the interests of the State and those of the victim.

It is also possible to use **alternative dispute mechanisms**, such as mediation or conciliation, to resolve civil liability issues.

Civil liability, including resolution through alternative means of dispute resolution, does not extinguish the offender's disciplinary liability. It should be remembered that civil liability relates to the horizontal relationship between the offender and their victim, while disciplinary liability results from the employer's or education organisation's duty to ensure that its members fulfil their duties and that the environment respects the rights of others, having an impact on the formal employment or teaching relationship between the organisation and the offending individual.





STRATEGIES FOR PREVENTING AND RESPONDING TO SEXUAL HARASSMENT

IV. STRATEGIES FOR PREVENTING AND RESPONDING TO SEXUAL HARASSMENT

Strategies to prevent and respond to sexual harassment are fundamental to creating a safe, inclusive and respectful academic environment. Implementing basic standards is crucial for a healthy academic environment where everyone feels safe and respected. Each standard makes a unique contribution to preventing and responding to sexual harassment, promoting a culture of zero tolerance for harassment and providing a support system for victims.

The following standards have been developed based on international good practice, particularly the actions identified as part of UN Women's and the UniSAFE project's efforts.



UN Women

UN Women has identified 10 key actions to be implemented in response to violence on university campuses:⁶⁹

- Action 1: Assess the situation;
- Action 2: Establish a policy;
- Action 3: Designate a structure or unit competent or dedicated to GBV;
- Action 4: Establish standards and rules for accountability procedures;
- Action 5: Provide for precautionary measures and protection and support measures for victims;
- Action 6: Create monitoring and evaluation mechanisms;
- Action 7: Earmark a specific budget;
- Action 8: Provide (or refer to) specialised services for the victim;
- Action 9: Implement awareness and support programmes;
- Action 10: Promote respectful relationships and combat discriminatory gender attitudes.

69. UN Women, *Guidance note on campus violence prevention and response*, 2018, pp. 15-ss.

UniSAFE

Furthermore, in order to address and combat gender-based violence on campuses, the UniSAFE project is based on the 7P model:⁷⁰

- *Prevalence (Prevalence of GBV, one of the central aspects of the strategy and which allows us to understand the role of the HEI and its research units in the context of the other “P”s);*
- *Prevention;*
- *Protection;*
- *Prosecution (prosecution/accountability of offenders);*
- *Provision of Services (providing support services);*
- *Partnerships;*
- *Policies (Policies, Guidelines, Strategies, etc.)*

These international standards have been reinforced by the successful initiatives carried out by public and private organisations in Timor-Leste to improve institutional capacity with regards to preventing and responding to sexual harassment in universities.

Eight Standards were thus identified to support the institutional strengthening in the prevention of and response to sexual harassment and gender-based violence in higher education institutions (HEI). The 8 standards interrelate with each other to present a programmatic and actionable framework for HEIs. For the purposes of systematization, they are divided into basic or foundational standards (Standard 1), standards relating to the prevention of sexual harassment (Standards 2 to 5) and standards relating to protection or response (Standards 6 to 8).

The prevention standards are primarily aimed at preventing sexual harassment from happening within the academic community in the first place. They promote institutional, organisational, knowledge and behavioural changes so that members of the academic community do not engage in sexual harassment or other forms of GBV.

The standards of protection or response refer to the issues that should be addressed when there is an allegation

70. UniSAFE, Örebro University, D3.1 *Theoretical and conceptual framework*, Sweden, 2022, pp. 16 ff. UniSAFE is a Horizon 2020 project, funded under the SwafS-25-2020 call: Gender-based violence, including sexual harassment, in research units and universities. It has two objectives: to produce solid knowledge on gender-based violence in universities and research organisations, and to translate this knowledge into operational tools and recommendations for universities, research organisations and policymakers in order to reduce gender-based violence.

of sexual harassment concerning HEIs. No matter how successful one's effort is to prevent sexual harassment from occurring, it is impossible to ensure that it will never take place. Therefore, the HEI has a legal duty to have a strong institutional capacity to respond to allegations through formal responsibility processes and victim protection mechanisms.



Prevention and Response to Sexual Harassment and Gender Based Violence in the Higher Education Establishments

These proposed standards have been identified by JU,S Jurídico Social as part of an assessment tool for the institutional capacity for the prevention of and response to sexual harassment in Timorese public and private entities. These standards build upon the international actions and models presented above. The standards and their specific strategic actions were especially designed for Timorese HEI and were developed based on the findings included in this Report as well as participatory discussion with HEI representatives.

FOUNDATION

Core Standard 1

Institutional Policy and Commitment: The HEI has an institutional framework on Sexual Harassment and Gender-Based Violence, which determines its prohibition, the essential preventive actions and the mechanisms for dealing with the issue seriously and effectively. The structures responsible for promoting the implementation of these mechanisms are also designated.

PREVENTION

Core Standard 2

Institution's and Academic Community's Values and Culture: HEIs promote an open and transparent culture, a real commitment to preventing and combating discriminatory practices based on gender, guaranteeing balanced gender representation and considering gender equality in its decisions.

Core Standard 3

Management and Human Resources System and Student Admission: HEIs' management and human resources system and the student admission and reception regime consider issues of sexual harassment and gender-based violence within their various procedures.

Core Standard 4

Capacity Building and Knowledge: The academic community has a basic knowledge of gender equality, sexual harassment and gender-based violence, being able to act actively and consciously to contribute to gender equality.

Core Standard 5

Risk Mitigation Measures: HEIs identify, in a participatory manner, the risks associated with gender-based violence on campus and academic activities, and implement concrete actions to reduce them, fostering a safe and secure environment for all members of the academic community.

PROTECTION

Core Standard 6

Complaint and Reporting Mechanisms: HEIs establish accessible and effective channels and mechanisms that allow students, lecturers, staff and members of the community in general to report allegations of sexual harassment or other types of gender-based violence without fear of having their rights violated.

Core Standard 7

Assistance and Referral: HEIs ensure that survivors/victims of sexual harassment and other types of gender-based violence have access to immediate assistance and appropriate referral to relevant specialised services within the framework of short- and long-term support.

Core Standard 8

Responsibility Proceedings: HEIs have formal and effective processes for responding to complaints and reports of sexual harassment and gender-based violence through impartial disciplinary procedures that guarantee confidentiality and can result in sanctions appropriate to the seriousness of the violation.

As a reflection of good practices, it is essential that the process of institutional strengthening of HEIs be based on a consultative analysis or evaluation process, and that these efforts be included as part of their programs and budgets.



Core Standard 1: Institutional Policy and Commitment

HEIs have an institutional framework on Sexual Harassment and Gender-Based Violence, which determines its prohibition, the essential preventive actions and the mechanisms for dealing with the issue seriously and effectively. The structures responsible for promoting the implementation of these mechanisms are also designated.

In order to implement this standard effectively and with quality, HEIs:

- Formally establish zero tolerance of sexual harassment and demonstrates the institution's commitment to combating sexual harassment

at all levels and by all members of the academic community, and this must be provided for in programme documents, internal policies and normative instruments;

- Establish clear definitions of what constitutes sexual harassment and determine what behaviour is unacceptable and when duties are violated;
- Establish formal and accessible procedures for submitting and receiving complaints and responsibility processes in line with national legislation;
- Ensures that all educational community members have access to and are aware of the instruments and policies on sexual harassment.

Regulations of Timorese Higher Education Institutions

Given that the law requires HEIs to have statutes and internal regulations,⁷¹ regardless of their public or private nature, the accredited HEIs already have these documents.

Statutes and regulations are essential for determining rules, setting up bodies, and regulating operations. Therefore, statutes and regulations also play a fundamental role in the institutional treatment of sexual harassment allegations in the HEIs.

As the approach to this issue in the academic sphere is still in its early stages, most of the statutes and regulations of Timorese universities lack specific rules and/or bodies to effectively combat sexual harassment.



71. Article 48.º of Decree-Law no. 68/2022 of 14 September (Legal Framework for Higher Education Institutions).

Institutional Key Documents and Sexual Harassment of Timor-Leste HEIs

Positive points:

- A prohibition of sexual harassment and other forms of harassment and violence;
- Prohibition or restriction of intimate relationships between lecturers and students;
- Provision of different mechanisms for submitting complaints, allowing the person/victim to choose the most appropriate channel for their situation;
- Determination that the violation of duties, including the prohibition of sexual harassment, corresponds to a disciplinary offence, giving rise to disciplinary proceedings and potentially constituting a serious offence;
- Duty to use technological information means (i.e. computers, communications platforms used for meetings and classes, message applications) based on internal rules that prevent their misuse or use that violates the rights of others (privacy, including intimate privacy).

Negative points:

- There is no specific internal system to regulate issues related to sexual harassment;
- There exists a provision in the internal instruments that actions which jeopardise the good name or reputation of the HEI may constitute a breach of duty. Such a provision results in the inhibition of reporting sexual harassment or may lead to alleged offenders not being formally held accountable, as this may damage the reputation of the HEI. Ideally, it is not necessary to lay down any rules governing the expression of feelings of dissatisfaction with the services provided by the HEI, since it is estimated that the HEI already has a structure capable of responding to criticisms made publicly. However, if the HEI deems it necessary to prohibit this, it must be accompanied by exceptional rules, safeguarding that the use of legally prescribed or internal complaint and grievance mechanisms cannot constitute a breach of any duty or jeopardise the good name or reputation of the establishment.
- Laying down dress code using language that can encourage or entrench discriminatory views against women, or blaming victims of sexual violence for wearing a certain dress code.
- Use of language linked to “morals” or “education (“la étiku ka la moral” or “mal edukadu”) when prohibiting behaviour. Subjective terms and concepts should be avoided, as they tend to disadvantage women in particular, who are more easily accused of failing to meet the expected standard of behaviour. In the context of sexual harassment, this can lead to increased under-reporting of cases and unfair outcomes of disciplinary proceedings.
- There is no reference to the prohibition or restriction of intimate relationships between lecturers and students, or between lecturers/employees with a hierarchical relationship.
- Serious violations is allowed to be resolved through mediation.

- There are no sanctions/consequences for lecturers and staff when prohibitions are violated, and serious violations can be resolved through mediation.
- Lack of measures to guarantee confidentiality when dealing with complaints.
- Lack of formal mechanisms to respond to complaints and grievances, including allegations of sexual harassment.
- Lack of measures to mitigate the risks of sexual harassment, in cases such as student assessment and thesis/dissertation supervision process.
- Lack of specific rules on the use of Information and Communication Technologies (ICT) on the premises of the HEI and the prohibition of harassment of any kind by means of computer technology.



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Core Standard 2: Institution's and Academic Community's Values and Culture

HEIs promote an open and transparent culture, a real commitment to preventing and combating discriminatory practices based on gender, guaranteeing balanced gender representation and considering gender equality in its decisions.

In order to implement this standard effectively and with quality, HEIs:

- Foster a culture of respect and equality among all members of the academic community, promoting training in inclusive leadership, reducing the permissiveness of unacceptable behaviour and treating incidents of discrimination seriously;
- Endeavour to ensure gender representation at all levels, including management positions, seniority and collegiate bodies;
- Create a transparent, safe and participatory environment for discussion of the issue within the academic community;
- Draw up reports on the prevalence of gender-based violence, including non-personalised data on allegations of sexual harassment and the results obtained, and publish them in a form accessible to the academic community;
- Raise awareness of the impact of sexual harassment on the academic community and the entire institution.

This standard, despite being included in the scope of the strategy for preventing and responding to gender-based violence in HEIs, has the potential to result in positive impacts on actions beyond the prevention and response of gender-based violence.

This standard, with its characteristics, represents an essential standard for ensuring a more inclusive academic community.

Core Standard 3: Management and Human Resources System and Student Admission



HEIs' human resources and management system and the student admission and reception system take into account issues of sexual harassment and gender-based violence in their various procedures.

In order to implement this standard effectively and with quality, HEIs:

- Integrate sexual harassment prevention components into the recruitment, selection and appointment processes of employees, including lecturers, as well as into performance appraisal and promotion, including taking action to enquire about a job applicant's background;
- Form selection panels with a balanced gender representation and carry out compulsory training on diversity, inclusion and unconscious biases for all those involved in the recruitment, selection, appointment, performance appraisal and promotion process;
- As soon as a new student joins the school, measures to prevent GBV are required, including the student's personal commitment and declaration of a relevant criminal record.

One of the main objectives of this standard is to minimise the entry of individuals who may have previously committed sexual harassment into the HEI. To this end, recruitment and selection procedures should be strengthened to make it easier to identify them.

However, it sometimes happens that those who have been dismissed on the grounds of sexual harassment hide the reason for their dismissal. Similarly, there are cases where a person resigns in order to avoid being disciplined for sexual harassment.⁷² And this ability to change jobs without disclosing the real reason is one of the main challenges for the prevention of sexual harassment, as it allows the problem to be hidden and emphasises the ineffectiveness of accountability processes.

It is recommended that the HEIs ask job applicants for their criminal records. Similarly, it is recommended that HEIs make it a regular practice to sign a declaration

72. Republic of South Africa, *Report of the Ministerial Task Team Appointed to Advise the Minister of Higher Education, Science and Innovation on Matters of Sexual Harassment and Gender-Based Violence and Harm in South Africa Universities*, 17 May 2024, pp. 13 and 18.



of honour that they have never been the subject of disciplinary proceedings for sexual harassment. This way, if the HEIs subsequently become aware of what happened, it will always be justified to terminate the employment relationship on the grounds of false information, and there will be no need for a formal complaint of sexual harassment against the lecturer or official as an employee of the new HEI.

The practice of disclosing within the academic community the name of the person who has been sanctioned by the HEI for sexual harassment can support to decrease the chances of those who have a history of sexual harassment from joining the HEI⁷³. Those targeted by the disclosure of their names may be lecturers, staff or students.

It should be noted that the Civil Service Commission always publishes the disciplinary sanction decision in the Official Gazette, so this already reflects an existing practice for public HEIs. It is important that, if this is a practice to be adopted by private HEIs, internal regulations, employment contracts and codes of conduct should expressly provide for the publication of sexual harassment offenders name.

From the students' point of view, it is acknowledged that there is a particular challenge in preventing the admission of individuals who could pose a risk to other students. It should be remembered that a HEI is also a place of education, and as such, it must support the strengthening and development of young persons' characters, including contributing to the rehabilitation of those who have previous criminal conviction.

One option chosen by several HEIs abroad is to ask applicants to complete a declaration at the time of admission identifying whether they are still serving a criminal sentence for gender-based violence offences (referring to a suspended sentence, continued community service, or benefiting from probation or early release). This declaration must be made separately from the admission registration process and serves solely as a tool for monitoring and identifying potential future risks and cannot constitute a factor for excluding a student applicant.⁷⁴

73. The disclosure of the names of those who commit gender-based violence or sexual harassment in universities has been encouraged by some governments, such as South Africa. There are several advantages to such disclosure: providing a safe space for other victims of the same offender who has been identified to come forward; reducing the chances of recidivism by lifting this veil of secrecy and silence; strengthening a community culture of accountability and transparency among the various higher education institutions; dissuading potential offenders from committing sexual harassment, as this could jeopardize their academic career due to the public disclosure of their identity. Republic of South Africa, *Report of the Ministerial Task Team Appointed to Advise the Minister of Higher Education, Science and Innovation on Matters of Sexual Harassment and Gender-Based Violence and Harm in South Africa Universities*, 17 May 2024, pp. 143 ff.

74. The UCAS admissions system requires most student applicants to declare a criminal record. See: UCAS Providers, *Criminal Convictions Good Practice Guide*, 2018. Universities in Scotland have also joined in an unprecedented initiative to use student data relating to the commission of offences in order to combat gender-based violence. See also: *Universities Scotland*, 'Scotland's universities collaborate on unprecedented approach to student data as part of ongoing commitment to tackle gender-based violence', 24 November 2023.

Another viable course of action would be to sign a contract that contains an express clause prohibiting violence, including sexual harassment.⁷⁵ This way, the new student is aware of the standards applicable in the academic community from the outset.

Core Standard 4: Strengthening Capacity and Knowledge



The academic community has a basic knowledge of gender equality, sexual harassment and gender-based violence and can act actively and consciously to contribute to gender equality.

In order to implement this standard effectively and with quality, HEIs:

- Train students, lecturers and staff in recognising, responding to and preventing sexual harassment as part of an ongoing training programme;
- Develop information materials capable of supporting behavioural change among members of the academic community;
- Promote constructive dialogue and learning between the various members of the academic community through various activities to promote healthy masculinities and consent education, as well as deconstructing discriminatory gender social norms and promoting a culture of equality;
- Integrate gender equality across the curriculum;
- Keep the organisation up to date with the best practices in the field.

Capacity and knowledge building can be achieved through various strategies, including awareness-raising sessions, compulsory and regular training, and knowledge-sharing activities such as competitions and recreational activities.



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75. For example, the University of Stellenbosch, where prospective students sign this contract when they accept the offer resulting from the higher education access process.

It is important that training sessions/actions for lecturers and staff are carried out as part of the continuous training programme. As such, they are recognised as capacity-building activities and duly recognised within the human resources management system, including for the purposes of their professional promotion.



Core Standard 5: Risk Mitigation Measures

HEIs identify, in a participatory manner, the risks associated with gender-based violence on campus and academic activities and implement concrete actions to reduce them, fostering a safe and secure environment for all members of the academic community.

In order to implement this standard effectively and with quality, HEIs:

- Identify areas and situations of risk of sexual harassment in the academic environment and activities through a participatory and transparent mechanism;
- Implement measures to reduce or eliminate the risks identified, ensuring that concrete actions are taken in relation to installations, various aspects and risk behaviours, integrating a perspective of effective equality between women and men and taking special temporary measures.



Situations of potential risk of sexual harassment in HEIs

Considering the national reality, a number of situations has been identified to represent an increased risk of sexual harassment:

- 1. One-to-one consultations:** Situations in which students meet alone with lecturers or administrative staff, such as mentoring sessions, specific academic projects, clarification of doubts, etc.
- 2. Advising dissertations/theses:** Academic guidance always presupposes individualised contact between students and lecturers, which can give rise to episodes of sexual harassment.

3. Assessment situations involving the awarding of grades/approval in subjects: The lack of transparent and predetermined rules for assessing students makes them vulnerable when they have low grades or fail frequently. It makes them more susceptible to sexual harassment as a “bargaining chip” for approvals or increased grades, or to being coerced by lecturers in order to receive a positive result;

4. Performance appraisal: the lack of objective and easily analysed criteria result in the risk of sexual harassment during the lecturer performance appraisal process, mainly due to the fact that there are still more men than women in supervisory and management positions;

5. Recruitment processes in general: Scientific initiation scholarships, mentorships and internships are processes that result in increased risks, due to the fact that the person in the position can use the hierarchy to practise sexual harassment against the candidates for the vacancy.

6. Off-campus travel/academic work: All activities involving transport, travel and overnight stays during academic activities increase the potential for sexual harassment. This occurs both in relationships marked by hierarchy, such as lecturer-student, and between peers (student-student).

7. Dormitories: Cases of sexual harassment in university dormitories are not uncommon, especially among students;

8. Conferences and university events: Academic events can also be conducive to the occurrence of sexual harassment, especially when such events mix academic activities with social events;

9. Social events and parties: These are environments favourable to sexual harassment, especially when alcohol is consumed and dancing takes place. In these cases, the incidence of sexual harassment tends to be higher among students;

10. Group work: Group projects involve closer interaction between students, which can give rise to cases of sexual harassment;

11. Social media and online interactions: The online environment is also very conducive to sexual harassment. The increase in online academic activities also increases the likelihood of sexual harassment cases in the virtual environment. Lecturers, staff and students can all be involved in cases of online sexual harassment. The widespread use of social networks for communication between lecturers and students ends up allowing unregulated and unsupervised access by the lecturer to the student and the student’s private life;

12. Economic difficulties: economic challenges and the possibility of lecturers lending money to their students create opportunities for dependency and the exchange of favours.

13) Lack of security in toilets: when the conditions of the toilets do not guarantee privacy, such as mechanisms to lock the door or close the windows, and there are only shared bathrooms for men and women, the people who use them, especially women, are more exposed to sexual harassment;

14. Poor lighting: in HEIs that offer academic programmes at night or in situations where staff and students need to carry out tasks day working hours, poor lighting can leave people more vulnerable to harassment or other forms of violence.

HEIs need to take action on a number of fronts, including those concerning the institution's facilities, namely those relating to lighting, surveillance and the privacy of physical premises. Strengthening security has a greater impact on women, as they are the main victims of violence.

It is also essential to establish specific rules regarding one-to-one meetings between professors and students, the assessment of students, lecturers, and staff, as well as study, practice, and learning activities inside and outside the academic facilities. Rules should always be developed from a perspective of transformation toward gender equality to ensure that they do not limit women's freedom or diminish their opportunities.

Core Standard 6: Complaint or Grievance Mechanisms



The HEI establishes accessible and effective channels and mechanisms that allow students, lecturers, staff and members of the general community to report allegations of sexual harassment or other types of gender-based violence without fear of having their rights violated.

In order to implement this standard effectively and with quality, HEIs:

- Establish accessible, appropriate and confidential mechanisms for the submission of complaints and denunciations by members of the academic community, ensuring a victim-centred approach;
- Provide for precautionary measures against the alleged offender and protection measures for the alleged victim;
- Ensure that the alleged victim and potential witnesses are not harassed or intimidated;
- Promote broad access to information on the various channels and mechanisms for reporting complaints;
- Collect and analyse the use of the various whistleblowing channels and mechanisms and identify obstacles to whistleblowing.

Among the **channels or mechanisms** for submitting complaints and denunciations, it is important to provide various entry points, all with strict respect for confidentiality. Positive mechanisms for receiving complaints include secure online platforms, telephone helplines and complaints boxes.⁷⁶

One of the important channels for submitting complaints and denunciations is the existence of specific places on campus with professionals trained to receive and register complaints in person, such as the Student Ombudsman's Office. The Student Ombudsman's Office should ideally be provided for in the organisational structure of the HEI. It should be governed by clear internal regulations, ensuring that complaints and denunciations are formally registered and dealt with, thus preventing them from being filed without following the established procedure and, as a result, not being subject to any form of responsibility proceeding.

It is unnecessary to create exclusive channels for registering complaints and reports of sexual harassment; general complaint and grievance channels can be used. However, it is essential that these allegations are duly registered and that, when they are received in person, the person receiving them has at least the basic knowledge and training to receive them.

Establishing focal points among students is also a positive strategy, as it encourages whistleblowing based on a sense of solidarity among students and creates peer-to-peer mechanisms.

The HEI must adopt strict practices to limit access to the information contained in complaints, ensuring **confidentiality** by defining who can access the information, namely the individuals directly responsible for investigating and resolving the complaints, and taking concrete actions for data protection, including within the framework of data security policies for the destruction or concealment of personal data after the conclusion of proceedings.

The internal instruments must provide **precautionary measures for the alleged offender**, thus allowing for the integrity of the process and also protecting the physical and psychological safety of the alleged victim and witnesses. Among the precautionary measures used are preventive



76. One example in Timor-Leste is the Civil Service Commission's Rosa chatbot. Other examples include Nigeria, which also has an online "Break the Silence" platform, Kenya, where the "Speak Up" platform exists, and Uganda, where the "U-Report" exists. See: *AUDA-NEPAD, 'Combating School-related Gender-Based Violence in Africa Using Digital Technology'*, 29 May 2023.

suspension, changes to class/subject timetables and the temporary transfer of the alleged offender.⁷⁷

Sometimes it may also be necessary to provide victim protection measures, the purpose of which is to support the victim so that they can continue with their work or studies without interruption and the procedure having a negative impact on their life. Examples of victim protection measures include adjustments to the victim's academic or work environment (such as changing supervisors, taking distance learning modules, and having their performance assessed by another professional, among others).⁷⁸ The application of any protection measure must be explained to the victim and always be based on their consent.

It should be noted that preference should never be given to victim protection measures over the imposition of precautionary measures on the offender, as this could lead to re-victimising the victim.

Victim-centred approach

A victim-centred approach ensures that victims' wishes, safety and well-being are prioritised and shape any actions that are taken on their behalf.⁷⁹ This approach empowers victim-survivors and ensures that professional legal, medical and psychosocial services are available. When properly understood and applied, a victim-centred approach can encourage victim-survivors to use institutional reporting systems.

Fundamental elements of a victim-centred approach to reporting and complaining about allegations of sexual harassment:⁸⁰

- Giving control to the victim, allowing them to decide how and where to file a complaint, decide on the protection measures to be applied and how to participate in the process;
- Asking and listening, without judgement and without using gender stereotypes that could result in victim blaming or increase the trauma;

77. Some of these initiatives are set out in documents from universities or university associations in Ireland, the UK and South Africa, for example. See: IUA, *Guidance for Universities How to Respond to Alleged Staff or Student or University Related Sexual Misconduct*; Eversheds Sutherland, *Legal Briefing, Staff to Student sexual misconduct*; and University of Johannesburg, *Policy on Prevention and Management of Student Sexual Harassment and Rape*.

78. These measures can be found, for example, in the sexual misconduct policy of Touro University (United States). See: Touro University, 'Touro University System Sexual Misconduct Policy for New York Campuses'.

79. UN Women, *Bridging the gap: sexual exploitation, abuse and harassment (SEAH)*, 2020, p.11.

80. *Ibidem*, p.12.

- Clarify privacy and confidentiality issues, and implement concrete measures to ensure strict confidentiality;
- Promote the protection or guarantee the safety of the victim, applying the appropriate protection measures;
- Keeping the victim-survivor informed throughout the process and before any action is taken, including the formal registration of the complaint and the decision to open disciplinary proceedings against the alleged offender.

HEIs must unequivocally provide for the possibility of promoting accountability procedures in the event of anonymous reports. It is recognised that anonymous reports can pose challenges for information gathering (or investigation). Still, it is known that, in many cases, justice can be realized and perpetrators of sexual violence are held accountable even when third parties make reports. There is, therefore, no reason to legitimise a ban on anonymous reporting.





Core Standard 7: Assistance and Referrals

HEIs ensure that survivors/victims of sexual harassment and other types of gender-based violence have access to immediate assistance and appropriate referrals to the relevant specialised services within the framework of short- and long-term support.

In order to implement this standard effectively and with quality, HEIs:

- Ensure that victims receive urgent psychological and medical support when necessary;
- Provide or facilitate access to psychosocial counselling services, medical care, and psychotherapy for victims.

HEIs must ensure immediate access to emergency services, including medical and psychological assistance, for victims/survivors of sexual harassment and other types of gender-based violence.

In many cases in Timor-Leste, counselling support is offered to students through religious institutions. The involvement of religious authorities in these services is positive, given the important role of religion in society. However, it is necessary to consider the importance of strengthening the capacity of these services to provide support in the area of sexual violence, paying special attention to the need for open dialogue on the subject, the need to welcome students who confess to other religions and the need not to blame the victim.

Strategies to establish and train first responders, with the participation of lecturers, staff, and students, are a positive practice. Although lecturers, staff, and students are not professionals in this area, the establishment of such mechanisms, together with the implementation of specific training efforts, results in increased capacity to ensure a supportive academic environment for everyone⁸¹.

81. In Timor-Leste, in 2024, UNTL created a Safe Campus Support Group with the participation of lecturers, staff and students, who were provided with basic training to help them act within the scope of the Group. Other examples of similar initiatives can be identified at universities such as the University of Queensland (Australia), the University of New South Wales (UNSW) (Australia), Trinity College Dublin (Ireland) and the University of Western Cape (UCT) (South Africa). See: The University of Queensland, 'First Responder Network'; UNSW Sydney, 'Find First Responders'; Trinity College Dublin, 'Trinity Consent, First Responder'; UWC, Sexual Violence Policy, 2018.

It is recognised that not all HEIs will have access to specialised services to support victims of GBV within their facilities. Timor-Leste already has a network of support services for women and other victims of gender-based violence through the establishment and operation of the referral network. Therefore, HEIs must have the capacity to refer victims to the relevant services in the country, and

this capacity represents a minimum standard within the scope of the HEIs' response actions when they receive allegations of sexual harassment. For this reason, the HEI should maintain an up-to-date list of local assistance services. Contact details for these services are available via the *Hamahon* app (<https://hamahon.tl/#/>).

It is also recommended that the HEI establish regular contact with coordination mechanisms for GBV services, namely the relevant services of the Ministry of Social Solidarity and Inclusion and the Secretary of State for Equality, to facilitate referrals and ensure the provision of appropriate services and the integration of these efforts within the framework of the implementation of the National Action Plan for Combating Gender-Based Violence.

Within the assistance framework, the HEI must ensure that the relevant services know the victim protection measures to recommend their application when necessary and when the victim consents.

Ideally, the HEI should establish a follow-up system that monitors victims' progress and the effectiveness of the services provided, ensuring that their needs continue to be met.

Core Standard 8: Responsibility Proceedings

HEIs have formal and effective processes for to complaints and reports of sexual harassment, gender-based violence through impartial disciplinary procedures that guarantee confidentiality and can result in sanctions appropriate to the seriousness of the violation.



In order to implement this standard effectively and with quality, HEIs:

- Ensure the implementation of the disciplinary responsibility process in a serious and objective manner, without making use of gender stereotypes and through trauma-informed procedures;
- Promote regular communication mechanisms with the victim to ensure their access to information, prevent intimidation or retaliation and determine



the need for precautionary measures for the offender or protective measures for the victim as part of a victim-centred approach;

- The internal regulations determine the sanction appropriate to the severity of the behaviour;
- Promote the referral of the incident, when relevant, to external authorities;
- Regularly report on the efforts made to hold alleged offenders responsible.

HEIs must determine rules designed to guarantee the seriousness of the responsibility proceedings, including the rules relating to the investigation, the independence of the procedure, the rights and roles of the various parties involved in the disciplinary process, as well as the applicable timelines.

The HEI's internal regulations must ensure that disciplinary proceedings are never suspended while awaiting potential criminal proceedings, given that, as previously explained, disciplinary and criminal liabilities serve different purposes.

The HEI should have or hire experienced, impartial human resources with the knowledge and skills to conduct disciplinary procedures in cases of sexual harassment. The HEI can always, when it does not have such internal resources, establish partnerships with external investigators or specialised organisations to provide support when necessary.

The investigation is the phase of gathering information to support or not support the alleged breach of duty by the alleged offender. It is through the inquiry that it is possible to have access to witnesses and other relevant facts. It is not because the offender does not admit to a breach of duty and there is no eyewitness that the determination of a breach of duty cannot be made. The HEI must ensure that the instructor is fully aware that the standards of impartiality of the process require that the testimony of a victim be subject to the same standard of scrutiny as the testimony of the alleged offender.

The HEI must have secure data and information management systems, with the ability to store sensitive data with full protection and carry out regular security audits.



Instituto Universitário Naronan Esperansa (IUNE)
Ermera, Tímor-Leste

A victim-centred approach requires that the victim be regularly informed and consulted throughout the disciplinary process. In addition, regular monitoring of the process should always be in effect to determine whether appropriate precautionary measures are in place or should be further applied to the alleged offender and protection measures to the victim (see Standard 6).

Similarly, the victim must be able to ask confidential questions about the progress of the disciplinary procedure and ask for the process to be finalised.

Like any breach of duty, sexual harassment or other gender-based violence can amount to the termination of the employment contract or the expulsion of the student. The sanction should always be proportionate to the seriousness of the offence and, in cases of sexual harassment, specific consideration should be given to the impact of the harassment on the victim. Therefore, in relation to sexual harassment, the HEI should not provide for the application of so-called “progressive sanctions” in its internal regulations, which limit the application of harsher sanctions (such as dismissal or expulsion) only to cases where the offender has previously been given a lighter sanction for committing the same or another offence. In cases of sexual harassment, and if the offence is serious and the impact on the victim high, the HEI can and should apply the harsher sanctions provided for in its regulations.

The HEI can never allow the victim to be held responsible or demand that the victim compensate the alleged offender’s good name if the case investigation concludes that there was no alleged breach of duty. Reparation for the good name of the alleged offender takes place when it is concluded that they did not violate their duty, and that a formal and quality system determined that they should not be held responsible. The purpose of a disciplinary procedure is to gather sufficient information to determine whether or not there has been a breach of duty in relation to a person’s behaviour and actions.

However, sometimes, difficulties in gathering information can make it impossible to conclude whether or not there has been a breach of duty. In these cases, the whistleblower (and the victim) cannot automatically be held responsible since they were neither responsible for leading the



disciplinary process nor did they have the ability to ensure that there was sufficient information to conclude that there had been a breach. Only in exceptional cases where information of misuse of the complaints system in bad faith has been found can the whistleblower be called to account for the misuse of the complaints channels.

Finally, considering that some cases of sexual harassment may also constitute a criminal offence, the HEI should have a mechanism to promote the referral, where relevant, of the incident to external authorities, including the police..

Trauma Informed Procedure

Trauma-informed processes start from the premise that everyone involved in the information-gathering or instruction phase - from victim-survivors to witnesses, instructors and the academic community - may have been affected by trauma. For this reason, the approach to the whole process must take this reality into account, and it is often necessary to adopt investigation methods that ensure that those involved are not re-traumatised. Thus, this perspective requires the creation of conditions that safeguard the psychological well-being of witnesses, thereby facilitating a more complete and coherent account of these experiences.

Knowledge of a trauma-informed procedure “helps investigators recognise the broad and pervasive mental health impact of the crimes; facilitates a more effective investigation; and minimises the potential impact of this trauma on interviewee and interviewer alike.”⁸²

Victim-centred approach

Fundamental elements of a victim-centred approach to handling cases concerning allegations of sexual harassment:⁸³

- Keeping the victim-survivor informed throughout the process and before any action is taken, including the opening of disciplinary proceedings against the alleged offender and the conclusion of the process;
- Have procedures in place to ensure regular communication with the victim on the progress of the case;

82. U.N., *Trauma-Informed Investigations Field Guide*, 2021, p. 15.

83. *Ibidem*, p.12.

- Regulate and guarantee the equal treatment of the victim and the alleged offender throughout the process, including in the investigation;
- Presume neither guilt nor innocence: assume that what the victim is reporting may have actually happened.

Implementation of the Strategy for the Prevention of and Response to Sexual Harassment and GBV in the HEIs

An effective implementation strategy for preventing and responding to sexual harassment in higher education requires a comprehensive approach that addresses the issue across short-, medium-, and long-term goals.

Each HEI will have its own implementation plan, which will reflect its internal structure and strategies while taking into account those actions which it may already implemented to support prevention and protection against sexual harassment.

Implementing the core standards will require investment in personnel engagement and funding.

As an autonomous institution it is required that HEI “secures the participation of lecturers, researchers and students in the governance of the institution” (Article 26(2)(f) of the Legal Framework for Higher Education Institutions). Thus, implementing key actions for the prevention and protection against sexual harassment requires a participatory process, with concerted efforts to engage all members of the academic community, especially students, in the development and decision-making of relevant actions.

Funding may also be required to effectively apply the actions for the prevention and protection of sexual harassment. Funding can include costs for payment of salaries of relevant staff due to their time commitment

as well as for costs associated with implementation of activities, such as training and communication materials.

Considering the eight core standards presented, the table below provides a proposal for the timing of the different actions, reflecting the nature of the standard as well as the HEI progressive capacity and the sustainability of the process.

SHORT-TERM ACTIONS

Standards	Stakeholders
Institutional Policy and Commitment	University leadership, legal advisors, human resources personnel, and policy-makers
Complaint or Grievance Mechanisms	University administration, human resources, legal advisors, IT department (for online reporting systems), student and staff/lecturers' representatives
Assistance and Referrals	Counseling services, health services, national NGOs, legal advisors, campus security

MEDIUM-TERM GOALS

Standards	Stakeholders
Strengthening Capacities and Knowledge	Lecturers, students, staff, external trainers, inclusion and gender equality experts
Risk Mitigation Measures	Risk management teams, student and lecturers' representatives, campus security, inclusion and gender equality experts
Management and Human Resources System and Student Admission	University administration, human resources, admissions office, diversity and inclusion officers
Responsibility Proceedings	University leadership, legal advisors, human resources, student and staff/ lecturers' representatives

LONG-TERM GOALS

Standards	Stakeholders
Institution's and Academic Community's Values and Culture	University leadership, lecturers, students, external partners, diversity and inclusion officers



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