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Timor-Leste

The present report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review. In the absence of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.

I. Background and framework

A. Scope of international obligations¹

| <i>Universal human rights treaties²</i> | <i>Date of ratification, accession or succession</i> | <i>Declarations/reservations</i> | <i>Recognition of specific competences of treaty bodies</i> |
|--|--|--|---|
| ICERD | 16 April 2003 | None | Individual complaints (art. 14): No |
| ICESCR | 16 April 2003 | None | – |
| ICCPR | 18 /Sept.2003 | None | Inter-State complaints (art. 41): No |
| ICCPR-OP 2 | 18 Sept.2003 | None | – |
| CEDAW | 16 April 2003 | None | – |
| OP-CEDAW | 16 April 2003 | None | Individual complaints: Yes Inquiry procedure (arts. 8 and 9): Yes |
| CAT | 16 April 2003 | None | Inter-State complaints (art. 21): No Individual complaints (art. 22): No Inquiry procedure (art. 20): Yes |
| CRC | 16 April 2003 | None | |
| OP-CRC-AC | 2 Aug.2004 | Binding declaration under art. 3: 18 years | – |
| OP-CRC-SC | 16 April/2003 | None | – |
| ICRMW | 30 Jan.2004 | None | Inter-State complaints (art. 76): No Individual complaints (art. 77): No |

Treaties to which Timor-Leste is not a party: OP-ICESCR³ (signature only, 2009), ICCPR-OP1, OPCAT (signature only, 2005), CRPD, CRPD-OP, and CED.

| <i>Other main relevant international instruments⁴</i> | <i>Ratification, accession or succession</i> |
|--|---|
| Convention on the Prevention and Punishment of the Crime of Genocide | No |
| Rome Statute of the International Criminal Court | Yes |
| Palermo Protocol ⁵ | Yes |
| Refugees and stateless persons ⁶ | Yes, except Stateless persons Conventions |
| Geneva Conventions of 12 August 1949 and Additional Protocols thereto ⁷ | Yes, except Additional Protocol III |
| ILO fundamental conventions ⁸ | Yes, except Conventions Nos. 100, 105, 111, and 138 |
| UNESCO Convention against Discrimination in Education | No |

1. In 2009, the Committee on the Elimination of Discrimination against Women (CEDAW) encouraged Timor-Leste to consider ratifying CED and CRPD.⁹

2. In 2011, the United Nations Country Team (UNCT) indicated that Timor-Leste had made reservations to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol, in relation to access to courts and welfare of refugees and asylum-seekers¹⁰ and recommended that these be withdrawn.¹¹

3. In 2011, UNESCO recommended that Timor-Leste ratify the 1960 UNESCO Convention against Discrimination in Education and the 1989 UNESCO Convention on Technical and Vocational Education.¹²

B. Constitutional and legislative framework

4. In 2009, CEDAW called on Timor-Leste to include in the Constitution or other appropriate legislation a definition of discrimination against women that encompasses both direct and indirect discrimination and to incorporate the principle of equality between women and men in the Constitution or in other appropriate law in line with the Convention.¹³

5. In 2009, the report of the Secretary-General on the United Nations Integrated Mission in Timor-Leste for the period from 21 January to 23 September 2009, (hereinafter the 2009 report of the Secretary-General) noted that in June of that year the new penal code had entered into force, incorporating core international criminal law and international human rights standards and making domestic violence a public crime.¹⁴

6. The United Nations Country Team (UNCT) indicated that the Law Against Domestic Violence (LADV), adopted in 2010, made domestic violence a public crime and was expected to increase the protection of women, in part through its provisions for the establishment of a referral network of medical, legal and psycho-social support and emergency assistance for victims.¹⁵

7. UNCT also indicated that, in early 2011, a draft civil code, labour code, a land law which provides for the right of women to own property and an anti-corruption law were being considered by Parliament. The Ministry of Justice was in the final stages of

completing juvenile-justice legislation and a children's code.¹⁶ UNCT recommended that the juvenile justice legislation and the draft children's code be finalized, and that the draft labour code be approved.¹⁷

8. CEDAW called upon Timor-Leste to ensure that the draft Civil Code addresses discrimination against women in all areas covered by the Convention, in particular with respect to inheritance and ownership rights, rights to property on divorce and legal capacity, and give high priority to its speedy adoption.¹⁸

9. In 2008, the Committee on the Rights of the Child (CRC) recommended that Timor-Leste, in the process of reviewing its legislation, aim to ensure that the principle of the best interests of the child is reflected adequately in relevant laws.¹⁹

10. In 2011, the Working Group on Enforced or Involuntary Disappearances (WGEID) recommended that criminal law be amended to remove the possibility of amnesty for serious crimes under international law, including the crime of enforced disappearance.²⁰

C. Institutional and human rights infrastructure

11. The Provedoria for Human Rights and Justice (PDHJ) was accredited with "A" status by the International Coordinating Committee of National Human Rights Institutions for the Promotion and Protection of Human Rights (ICC) in 2008.²¹

12. In 2011, UNCT stated that the capacity of the PDHJ was increasing, and authorities generally cooperated with investigations carried out by the institution. The Government did not, however, provide timely responses to the recommendations of the institution as required by law, and few recommendations had been implemented.²²

13. The report of the Secretary-General on the United Nations Integrated Mission in Timor-Leste for the period from 21 September 2010 to 7 January 2011 (hereinafter the 2011 report of the Secretary-General) expressed concern that the PDHJ was still facing difficulties owing to its insufficient budget and lack of staffing.²³

14. UNCT stated that a National Commission for the Rights of the Child had been established in 2009, with a mandate to promote, defend and monitor children's enjoyment of their rights and well-being.²⁴

D. Policy measures

15. In 2011, UNCT stated that Timor-Leste had set annual National Priorities (NP) and developed sectoral plans. For 2011, the priorities were infrastructure; rural development; accelerated human resources development; access to justice; services delivery to the public; good governance; and public safety and security. Gender equality had been progressively included in the formulation of NP targets.²⁵

16. UNCT also stated that, while much progress had been made to increase the protection of children's rights there was no national plan of action for children. Insufficient resources were allocated for child-rights monitoring bodies.²⁶

17. In 2009, CEDAW urged Timor-Leste to ensure that the promotion and protection of women's human rights and gender equality are central goals of all aspects of the transition process. It further urged Timor-Leste to devote serious attention to the specific needs of women in the post-conflict period and ensure women's equal participation in decision-making.²⁷

II. Promotion and protection of human rights on the ground

A. Cooperation with human rights mechanisms

| <i>Treaty body²⁸</i> | <i>Latest report submitted and considered</i> | <i>Latest concluding observations</i> | <i>Follow-up response</i> | <i>Reporting status</i> |
|---------------------------------|---|---------------------------------------|---------------------------|---|
| CERD | | | | Initial report overdue since 2004. |
| CESCR | | | | Initial report overdue since 2005. |
| HR Committee | | | | Initial report overdue since 2004. |
| CEDAW | 2008 | Aug. 2009 | Due in August 2011. | Combined second and third reports due in 2013. |
| CAT | | | | Initial report overdue since 2004. |
| CRC | 2007 | Feb. 2008 | | Combined second and third reports due in 2013. |
| OP-CRC-AC | 2007 | Feb. 2008 | | Information to be submitted in the combined second and third reports due in 2013. |
| OP-CRC-SC | 2007 | Feb. 2008 | | Information to be submitted in the combined second and third reports due in 2013. |
| CMW | | | | Initial report overdue since 2005. |

18. In 2009, CEDAW congratulated Timor-Leste for submitting a comprehensive common core document together with a Convention-specific document.²⁹

1. Cooperation with special procedures

| | |
|---|--|
| <i>Standing invitation issued</i> | No |
| <i>Latest visits or mission reports</i> | Representative of the Secretary-General on the Human Rights of Internally Displaced Persons (7–12 December 2008) ³⁰ Working Group on Enforced or Involuntary Disappearances (7–14 February 2011) ³¹ |
| <i>Visits agreed upon in principle</i> | Joint visit of the Special Rapporteur on summary executions and the Representative of the Secretary-General on the Human Rights of Internally Displaced Persons (August 2006 – <i>stopped by Timor-Leste and replaced by an international commission of enquiry</i>). Independent expert on human rights and extreme poverty (to take place in the second half of 2011). |
| <i>Visits requested and not yet agreed upon</i> | Special Rapporteur on the question of torture (Requested in 2006). |
| <i>Facilitation/cooperation during missions</i> | In 2011, the Working Group on Enforced or Involuntary Disappearances thanked the Government of Timor-Leste for its very positive cooperation before and during the mission. ³² |
| <i>Follow-up to visits</i> | |
| <i>Responses to letters of allegations and urgent appeals</i> | During the period under review, no communications were sent. |
| <i>Responses to questionnaires on thematic issues</i> | Timor-Leste responded to two of the 24 questionnaires sent by special procedures mandate holders. ³³ |

2. Cooperation with the Office of the High Commissioner for Human Rights

19. OHCHR supports the human rights component of the United Nations Peace Mission in Timor-Leste (UNMIT).³⁴ Its broad-based mandate encompasses monitoring and reporting, capacity-building, security sector reform and transitional justice.³⁵

20. During 2008 and 2009, OHCHR provided support to the investigation and prosecution of past abuses, strengthening of the Provedoria, and the incorporation of human rights education programmes in primary schools.³⁶

B. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

21. In 2009, CEDAW expressed concern at the prevalence in Timor-Leste of a patriarchal ideology with firmly entrenched stereotypes and the persistence of deep-rooted adverse cultural norms, customs and traditions, including forced and early marriage, polygamy and bride price or dowry (*barlake*).³⁷

22. In 2011, UNCT highlighted the fact that persons with disabilities still faced challenges and discrimination in exercising their rights to health, education, information, political participation, and justice, among others. Of particular concern were documented cases of persons with mental illness held in permanent or long-term restraints in inhumane conditions by families or members of the community. No government facility existed for long-term care of persons with mental illness.³⁸

2 Right to life, liberty and security of the person

23. UNCT stated that reports of ill-treatment and excessive use of force by members of the National Police of Timor-Leste (PNTL) and, to a lesser extent, the military, Falintil–Forças de Defesa de Timor-Leste (F-FDTL) had been received regularly. However, the security situation had improved significantly since the political crisis of 2006. The internal disciplinary systems of the PNTL and the F-FDTL still needed to be strengthened and greater transparency was required as regards disciplinary and military policing operational standards. The role of the F-FDTL – notably the military police – in internal security needed further clarification, in particular at the operational level.³⁹

24. In 2011 the WGEID noted that Timor-Leste suffered from grave and large-scale human rights violations between 1974 and 1999. It further noted that the Commission for Reception, Truth and Reconciliation (CAVR) estimated that at least 102,800 civilians died during this period as a result of the conflict. It added that it is estimated that about 18,600 persons were killed or disappeared, the rest having died as a result of conflict-related illness or hunger. Additionally, the number of missing persons is estimated by some to be in the tens of thousands.⁴⁰ The WGEID also noted that it had dealt with a total of 504 cases concerning Timor-Leste. It added that the WGEID uses the rule of territoriality to determine to which country cases are assigned. Of the 504 cases that the WGEID had received concerning the territory of Timor-Leste, it had clarified 58 cases, and 428 cases still remain outstanding.⁴¹

25. UNCT stated that violence against women, in particular domestic violence, was widespread in the country. Authorities did not always respond appropriately to complaints by victims. In some instances, police did not open investigations and instead referred victims to traditional justice mechanisms which might not adequately protect women's rights. Efforts to sensitize law enforcement and local community leaders on the Law against Domestic Violence were under way. Services for victims, including legal assistance and shelters, were insufficient and largely confined to urban areas.⁴²

26. A 2010 report of the Secretary-General⁴³ and a OHCHR and UNMIT Report on Human Rights Developments in Timor-Leste: 1 July 2008 to 30 June 2009 (hereinafter a OHCHR and UNMIT 2009 report) raised similar concerns. It noted that women reporting cases of domestic violence were not always given a full voice in traditional processes, and compensation was sometimes granted to the woman's family, rather than to the woman herself.⁴⁴

27. In 2009, CEDAW urged Timor-Leste, inter alia, to make the Law against Domestic Violence widely known to public officials and society at large and to monitor its effectiveness. It recommended that cases of violence against women be dealt with through the formal penal system.⁴⁵ UNCT recommended the allocation of sufficient resources for the national police to investigate cases of sexual and gender-based violence and that proper protection be provided to victims.⁴⁶

28. CEDAW was concerned about the persistence of trafficking and exploitation of prostitution.⁴⁷ It requested Timor-Leste to accelerate efforts aimed at the effective implementation and full enforcement of its anti-trafficking legislation.⁴⁸

29. In 2008, CRC was concerned that cases of child abuse were not adequately addressed in the judicial system and that the majority of cases of violence against children were not reported.⁴⁹ CRC urged Timor-Leste to carry out a study on all aspects of domestic violence and child abuse in the home; develop a comprehensive national strategy to prevent and respond to domestic violence and child abuse; establish effective procedures and mechanisms to receive, monitor and investigate complaints; and ensure that all child victims of violence and abuse have access to adequate care, counselling and assistance.⁵⁰

30. CRC was also concerned about the continued widespread existence of child labour in particular in the informal sector⁵¹ and recommended that Timor-Leste: reinforce its efforts to prevent and combat child labour; ratify ILO Convention No. 138 concerning the Minimum Age for Admission to Employment; ensure that its new Labour Code will be fully aligned with the standards set out in the above ILO Conventions; and ensure that minimum ages will be vigorously enforced through a sufficient number of adequately resourced and mandated labour inspectors.⁵²

31. Additionally, CRC encouraged Timor-Leste to continue its efforts to resolve the remaining cases of children separated from their families as a result of foreign occupation, in particular those cases in which children remain separated from their parents.⁵³

32. CRC also recommended that Timor-Leste carry out studies on the full social implications of the experiences of the children involved in hostilities during Timor-Leste's armed struggle for independence, aimed at identifying former child soldiers and providing appropriate psychological and rehabilitative services.⁵⁴

33. UNCT stated that a circular had been issued by the Minister of Education on zero-tolerance towards corporal punishment, but that violence by teachers remained common.⁵⁵ CRC was concerned at reports that corporal punishment was a common phenomenon at home and is frequently used to discipline children at school and in other educational settings.⁵⁶ It recommended that Timor-Leste explicitly prohibit corporal punishment in all settings, including through awareness-raising campaigns aimed at families, the school system and other educational settings.⁵⁷ CEDAW in 2009 made similar recommendations.⁵⁸

3. Administration of justice, including impunity and the rule of law

34. In 2011, UNCT indicated that some progress had been made in terms of accountability for human rights violations committed between 1974 and 1999. Since February 2008, the UNMIT Serious Crimes Investigation Team (SCIT) concluded 184 investigations into 1999 cases and submitted a number of these cases to the Office of the Public Prosecutor. In 2009, a person suspected of crimes against humanity was allegedly unlawfully released from pretrial detention by Government authorities and returned to a third country.⁵⁹ In September 2009, the High Commissioner for Human Rights expressed concern to the President in relation to the alleged unlawful release.⁶⁰

35. UNCT also stated that some of the progress achieved in ensuring justice for past human rights violations had been weakened by clemency measures. As a result, in 2011,

except for one person, none of the individuals convicted for 1999 serious crimes, including crimes against humanity, was serving a prison sentence.⁶¹

36. UNCT indicated, further, that there had been limited follow-up to the work of two truth commissions (the Commission for Reception, Truth and Reconciliation (CAVR) and the Commission of Truth and Friendship (CTF)). As of 21 March 2011, the National Parliament had not adopted legislation that would establish an institution to follow up on the recommendations of both Commissions and an accompanying reparations programme.⁶² UNCT recommended the establishment of a Memory Institute as a follow-up institution to CAVR and the CTF as well as a reparations programme for victims.⁶³

37. Regarding this issue, the WGEID recommended: designing a programme of reparations to ensure that these are integral; developing more places that commemorate and memorialize the events of the past and consultation with victims and associations of victims in the process of construction of these places; developing a process of archiving and retrieval of information relating to the conflict and those who disappeared as crucial for memory and justice.⁶⁴

38. UNCT stated, as concerns the criminal cases related to the 2006 crisis recommended for prosecution by the Independent Special Commission of Inquiry, that, as of February 2011, final judgments had been rendered in seven cases, resulting in nine convictions and 43 acquittals, while four cases had been suspended. One new indictment was filed in November 2010.⁶⁵ A 2011 report of Secretary-General noted that all cases recommended for prosecution by the Independent Special Commission of Inquiry have been taken up for investigation, but only a limited number have been brought to trial, and, in those, a number of individuals were acquitted because of lack of evidence.⁶⁶

39. UNCT also noted, regarding the 2006 cases, that six out of nine convicted individuals benefited from clemency and were released, while the remaining three received suspended sentences or were released on parole.⁶⁷ A 2010 report of the Secretary-General noted concerns that the granting of commutations could undermine future investigations and trials of the cases recommended by the Commission of Inquiry, and lead to a public perception that members of the security forces were treated in a favoured manner by the authorities.⁶⁸

40. A 2011 report of the Secretary-General noted that the handover of policing responsibility from UNMIT to the national police will mark the beginning of the reconstitution phase and precede the certification of full reconstitution and capability, which will come at the end of the reconstitution phase.⁶⁹ In February 2011, the Security Council extended the mandate of UNMIT until February 2012 at its current levels, and requested that UNMIT support the further institutional development and capacity-building of the national police (PNTL) following its resumption of primary policing responsibility in all districts and units.⁷⁰

41. UNCT recommended, inter alia, the strengthening of civilian oversight of the security sector and disciplinary systems within the security forces and ensuring the timely and effective prosecutions of members of the security forces involved in human rights violations.⁷¹

42. UNCT also noted that some persons working in and with the judiciary and Members of Parliament had expressed concern about political interference in the judicial process. UNCT recommended that full respect for independence of the judiciary be ensured.⁷²

43. In 2008, CRC noted that children in detention are not always strictly separated from adult detainees, and that measures of restorative justice are not systematically considered.⁷³ CRC recommended, inter alia, that Timor-Leste continue and strengthen its efforts to ensure the full implementation of juvenile justice standards; expedite its efforts to finalize

juvenile justice legislation, ensure that children are deprived of their liberty only as a means of last resort; and, if detention is unavoidable, take measures to ensure that children are separated from adult detainees.⁷⁴

4. Right to privacy, marriage and family life

44. In 2008, CRC recommended that Timor-Leste establish the minimum age for marriage at 18 years of age, equally applicable for both boys and girls.⁷⁵ Similarly, in 2009, CEDAW urged Timor-Leste to raise the minimum age for marriage for women in the draft Civil Code to 18 years. It further urged Timor-Leste to take all necessary measures to eliminate forced marriages, to ensure that women enjoy a legal capacity identical to that of men, to equate women's inheritance and ownership rights to that of men and to ensure women's equal rights to property on divorce.⁷⁶

45. CRC recommended that Timor-Leste undertake measures to raise awareness of the harmful effects of early marriage, in particular in communities in which very young girls are given into marriage under customary-law practices, with a view to ensuring that girls are not forced into marriage.⁷⁷

46. CRC remained concerned that the rate of birth registration is still very low, especially in rural and remote areas.⁷⁸ CRC urged Timor-Leste to intensify its efforts to improve its birth registration system in order to guarantee the registration of all children within its jurisdiction.⁷⁹

5. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

47. In 2011, UNCT stated that, since 2008, several incidents of violence had been reported by members of the Catholic community, who made up the religious majority, against members of some Evangelical church groups and their places of worship. A weak Government response to protect members of minority religious groups had been observed, despite some efforts towards mediation and increased police patrols.⁸⁰

48. CEDAW recommended that Timor-Leste strengthen its efforts to increase the participation of women in decision-making posts, in particular at the local level and in senior managerial positions in the private sector. It further urged Timor-Leste to create and ensure a secure environment in which female candidates do not fear intimidation or reprisal.⁸¹

6. Right to work and to just and favourable conditions of work

49. CEDAW expressed concern about the de facto discrimination faced by women in employment, as reflected in the hiring process, the extremely wide wage gap and occupational segregation. It was also concerned at the high unemployment rate, the lack of secure employment for women and their concentration in the informal sector in a narrow range of activities.⁸²

50. CEDAW encouraged Timor-Leste to ratify relevant International Labour Organization conventions, in particular Conventions No. 111 on non-discrimination in employment and No. 100 on equal remuneration. The Committee urged Timor-Leste to establish effective mechanisms to ensure and monitor compliance with existing legislation, in particular with regard to maternity leave and other associated benefits. It recommended that Timor-Leste pay particular attention to the conditions of women workers in the informal sector, especially in agriculture, with a view to ensuring their access to social benefits.⁸³

7. Right to social security and to an adequate standard of living

51. In 2011, UNCT stated that 41 per cent of the Timorese population lived below the basic-needs poverty line. Food insecurity remained a major concern, particularly in rural areas. Since 2008, the Government had provided food assistance to the country's most food insecure and vulnerable persons, including through maternal and child health and nutrition, school feeding and food for work programmes. However, the Ministry of Trade, Commerce and Industry (MTCI)'s programme of subsidising rice faced serious challenges and was stopped, while MTCI's programme for local purchase had been largely unsuccessful at promoting production through market stimulation due to limited coordination between the Ministry of Agriculture (MAF) and MTCI.⁸⁴

52. In 2008, CRC recommended that Timor-Leste strengthen its efforts to combat poverty through allocating resources to effective poverty reduction measures, and through strengthening the capacity to implement and monitor poverty reduction strategies at the local and community levels; and make efforts to improve access to social services, develop safety-net programmes which target the most vulnerable groups, and consider establishing a social security system to ensure a minimum standard of living for all families.⁸⁵

53. UNCT also indicated that food security did not feature prominently in the Government's National Priorities for 2011, which was unfortunate as data from the Demographic and Health Survey showed very serious nutrition problems, particularly among children.⁸⁶ UNCT recommended raising food and nutrition security concerns to the highest level and increasing monitoring efforts at all levels.⁸⁷

54. UNCT stated that maternal mortality remained high, at 557 deaths per 100,000 live births, and it was of great concern that 45 per cent of children under age 5 were underweight and that the growth of 58 per cent of this group was stunted. This is an inter-generational problem due to poor feeding behaviours and lack of access to and utilization of essential nutrition services.⁸⁸

55. CRC recommended that Timor-Leste continue to take measures to reduce infant and under-five mortality, inter alia, by guaranteeing access to quality pre- and post-natal health services and facilities; continuing to strengthen measures to counter threats posed by illnesses such as malaria, typhoid and dengue fever as well as respiratory and gastrointestinal infections; improving access to safe drinking water and increasing the usage of effectively treated mosquito nets.⁸⁹

56. CEDAW urged Timor-Leste to make every effort to raise the awareness of, and increase women's access to, health-care facilities and medical assistance by trained personnel, especially in rural areas and in the area of post-natal care in particular. It further recommended that Timor-Leste implement programmes and policies aimed at providing effective access to affordable contraceptives and family-planning services and to ensure that sex-education programmes are widely promoted and targeted at girls and boys as well as to include special attention to the prevention of early pregnancies. CEDAW further called upon Timor-Leste to review the legislation relating to abortion with a view to removing the punitive provisions imposed on women who undergo abortion.⁹⁰

57. CRC was concerned about the problems resulting from insufficient access to housing and the lack of appropriate regulations concerning the ownership of land.⁹¹ CRC recommended that Timor-Leste improve access to adequate housing, and ensure that ongoing efforts to regulate the ownership of land result in equitable land allocations and help to alleviate poverty.⁹²

58. CRC was also concerned about persisting factors that perpetuate high rates of child disability, including poor maternal health standards and isolation from formal health services. It regretted that children with disabilities were frequently excluded from

mainstream education and community life.⁹³ CRC recommended inter alia that Timor-Leste provide children with disabilities with access to adequate and standardized social and health services.⁹⁴

8. Right to education and to participate in the cultural life of the community

59. In 2011, UNCT stated that the literacy rate of persons of 15 years and above in Timor-Leste was 58 per cent, indicating that about 42 per cent of the adult population was unable to read and write in either of the two working languages. This had the potential to lead to future socio-economic exclusion and marginalization of students belonging to ethnic and linguistic minorities.⁹⁵ UNCT recommended the adoption and implementation of the 2011 policy on Mother Tongue-Based Multilingual Education.⁹⁶

60. UNCT also stated that the net enrolment rate in primary school was 82 per cent with less than 50 per cent of children at the age of 6 enrolling in first grade. Drop-out rates were high, with approximately 27 per cent of children who enter first grade continuing to enroll in ninth grade. While progress had been made, many schools were in poor physical condition, and the quality of teaching remained low.⁹⁷

61. CRC recommended that Timor-Leste ensure that all children have equal access to free primary education without any financial obstacles; continue to take measures to further increase enrolment and retention rates; continue to pay attention to issues of comprehension during the transition of the multilingual school system to the Portuguese language; effectively recruit and/or train appropriately qualified teachers for primary and secondary schools; strengthen and expand the school feeding programmes.⁹⁸

62. CEDAW was concerned at the low enrolment rate of girls in secondary and higher education, as well as at girls' high school dropout rates. It was further concerned that traditional attitudes, early pregnancies and early marriages are among the causes of girls dropping out and was alarmed at the high number of girls who suffer sexual abuse and harassment by teachers, as well as the high number of girls who suffer sexual harassment and violence on their way to school.⁹⁹ CEDAW recommended that Timor-Leste take steps to overcome traditional attitudes hampering women and girls in their full enjoyment of their right to education, retain girls in schools and implement re-entry policies enabling young women to return to school after pregnancy. CEDAW also called upon Timor-Leste to provide safe transportation to and from schools, as well as safe educational environments free from discrimination and violence.¹⁰⁰

9. Minorities and indigenous peoples

63. A 2009-2013 UNESCO programming document registered a total of 34 indigenous languages spoken. Although Portuguese is one of the official languages, estimates of the number of competent speakers ranged from 15.6 to 37 per cent.¹⁰¹

10. Internally displaced persons

64. A 2011 report of the Secretary-General noted that the persons displaced by the events of 2006 have returned and have been gradually integrated into their communities.¹⁰²

65. In 2009, the Special Representative of the Secretary-General on internally displaced persons considered that one of the main challenges was addressing the underlying causes of the violence and displacement.¹⁰³

III. Achievements, best practices, challenges and constraints

66. The 2011 report of Secretary-General noted that although 41 per cent of the population continues to live in poverty, the quality of life of some groups has improved. The Government introduced social welfare packages for the aged and other vulnerable groups as well as labour-intensive infrastructure projects at the community level to provide cash income to poorer households in the wake of the economic downturn following the violence of 2006. However, sustained improvements in livelihoods and employment opportunities in rural areas remain a challenge. Of particular concern is the high level of unemployment among young people and the resulting potential for disillusionment and social unrest — a continuing key challenge that must be addressed by the Government.¹⁰⁴

67. In 2011, UNCT stated that, as a nation which only gained independence nine years ago, Timor-Leste could be proud of having established several institutions, and adopting legislation and numerous policies that promote and protect human rights. There was good cooperation with the United Nations system, including in the area of human rights, and with other stakeholders.¹⁰⁵

IV. Key national priorities, initiatives and commitments

A. Pledges by the State

68. For the election to the Human Rights Council, Timor-Leste pledged to uphold all duties and obligations as set forth in the core human rights treaties as well as other human rights and related instruments, to which it is party.¹⁰⁶

B. Specific recommendations for follow-up

69. In 2009, CEDAW requested Timor-Leste to provide, within two years, information on implementation of the recommendations related to access to education and maternal and infant mortality.¹⁰⁷

V. Capacity-building and technical assistance

70. The 2011 report of the Secretary-General noted the establishment of a joint UNMIT police and national police working group, to develop a plan for further capacity-building support by UNMIT for the national police following the latter's resumption of primary policing responsibilities in all districts and units.¹⁰⁸

71. CEDAW recommended that Timor-Leste avail itself of technical and financial assistance in the development and implementation of a comprehensive programme aimed at the implementation of the recommendations as well as the Convention as a whole.¹⁰⁹

Notes

¹ Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 1 April 2009* (ST/LEG/SER.E/26), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>.

² The following abbreviations have been used for this document:

| | |
|------------|---|
| ICERD | International Convention on the Elimination of All Forms of Racial Discrimination |
| ICESCR | International Covenant on Economic, Social and Cultural Rights |
| OP-ICESCR | Optional Protocol to ICESCR |
| ICCPR | International Covenant on Civil and Political Rights |
| ICCPR-OP 1 | Optional Protocol to ICCPR |
| ICCPR-OP 2 | Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty |
| CEDAW | Convention on the Elimination of All Forms of Discrimination against Women |
| OP-CEDAW | Optional Protocol to CEDAW |
| CAT | Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment |
| OP-CAT | Optional Protocol to CAT |
| CRC | Convention on the Rights of the Child |
| OP-CRC-AC | Optional Protocol to CRC on the involvement of children in armed conflict |
| OP-CRC-SC | Optional Protocol to CRC on the sale of children, child prostitution and child pornography |
| ICRMW | International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families |
| CRPD | Convention on the Rights of Persons with Disabilities |
| OP-CRPD | Optional Protocol CRPD |
| CED | International Convention for the Protection of All Persons from Enforced Disappearance. |

- ³ Adopted by the General Assembly in its resolution 63/117 of 10 December 2008. Article 17, paragraph 1, of OP-ICESCR states that “The present Protocol is open for signature by any State that has signed, ratified or acceded to the Covenant”.
- ⁴ Information relating to other relevant international human rights instruments, including regional instruments, may be found in the pledges and commitments undertaken by Timor-Leste before the Human Rights Council, as contained in the note verbale dated 4 January 2008 sent by the Permanent Mission of Timor-Leste to the United Nations addressed to the President of the General Assembly.
- ⁵ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.
- ⁶ 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.
- ⁷ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.
- ⁸ International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour, Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning the Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of

Child Labour.

- ⁹ Concluding observations of the Committee on the Elimination of Discrimination against Women (CEDAW/C/TLS/CO/1), para. 52.
- ¹⁰ UNCT submission to the UPR on Timor-Leste, para. 4.
- ¹¹ *Ibid.*, para. 50.
- ¹² UNESCO submission to the UPR on Timor-Leste, para. 16.
- ¹³ CEDAW/C/TLS/CO/1, para. 18.
- ¹⁴ S/2009/504, para. 36.
- ¹⁵ UNCT submission to the UPR on Timor-Leste, para. 19.
- ¹⁶ *Ibid.*, para. 7.
- ¹⁷ *Ibid.*, para. 50.
- ¹⁸ CEDAW/C/TLS/CO/1, para. 46.
- ¹⁹ Concluding observations of the Committee on the Rights of the Child (CRC/C/TLS/CO/1), para. 29.
- ²⁰ Press release, “United Nations Working Group on Enforced or Involuntary Disappearances concludes visit to Timor-Leste”, available at:
<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10729&LangID=E>
- ²¹ For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/16/77 of 3 February 2011, annex I.
- ²² UNCT submission to the UPR on Timor-Leste, para. 47.
- ²³ S/2011/32, para. 36.
- ²⁴ UNCT submission to the UPR on Timor-Leste, para. 9.
- ²⁵ *Ibid.*, para. 13.
- ²⁶ *Ibid.*, para. 48.
- ²⁷ CEDAW/C/TLS/CO/1, para. 14.
- ²⁸ The following abbreviations have been used for this document:
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| CERD | Committee on the Elimination of Racial Discrimination |
| CESCR | Committee on Economic, Social and Cultural Rights |
| HR Committee | Human Rights Committee |
| CEDAW | Committee on the Elimination of Discrimination against Women |
| CAT | Committee against Torture |
| CRC | Committee on the Rights of the Child |
| CMW | Committee on the Protection of the Rights of All Migrant Workers and Their Families. |
- ²⁹ CEDAW/C/TLS/CO/1, para. 7.
- ³⁰ Press release following the visit to Timor-Leste of the Representative of the Secretary-General on the human rights of IDPs, Walter Kalin, available at: <http://reliefweb.int/node/290404>.
- ³¹ Press release, “United Nations Working Group on Enforced or Involuntary Disappearances concludes visit to Timor-Leste”, available at:
<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10729&LangID=E>
- ³² *Idem.*
- ³³ The questionnaires referred to are those reflected in an official report by a special procedure mandate holder issued between 1 January 2007 and 1 June 2011. Responses counted for the purposes of this section are those received within the relevant deadlines, and referred to in the following documents: (a) A/HRC/6/15, para. 7; (b) A/HRC/7/6, annex; (c) A/HRC/7/8, para. 35; (d) A/HRC/8/10, para. 120, footnote 48; (e) A/62/301, paras. 27, 32, 38, 44 and 51; (f) A/HRC/10/16 and Corr.1, footnote 29; (g) A/HRC/11/6, annex; (h) A/HRC/11/8, para. 56; (i) A/HRC/11/9, para. 8, footnote 1; (j) A/HRC/12/21, para. 2, footnote 1; (k) A/HRC/12/23, para. 12; (l) A/HRC/12/31, para. 1, footnote 2; (m) A/HRC/13/22/Add.4; (n) A/HRC/13/30, para. 49; (o) A/HRC/13/42, annex I; (p) A/HRC/14/25, para. 6, footnote 1; (q) A/HRC/14/31, para. 5, footnote 2; (r) A/HRC/14/46/Add.1; (s) A/HRC/15/31/Add.1, para. 6 – for list of responding States, see <http://www.ohchr.org/EN/Issues/WaterAndSanitation/SRWater/Pages/ContributionsPSP.aspx>; (t) A/HRC/15/32, para. 5 (u) A/HRC/16/44/Add.3; (v) A/HRC/16/48/Add.3, para 5 endnote 2, (w) A/HRC/16/51/ Add.4 (x) A/HRC/17/38, see annex I.
- ³⁴ High Commissioner’s Strategic Management Plan 2010-2011, OHCHR, p. 101.

- 35 OHCHR 2009 Annual Report, Activities and results, p. 137.
- 36 High Commissioner's Strategic Management Plan 2010–2011, OHCHR, p. 108.
- 37 CEDAW/C/TLS/CO/1, para. 27.
- 38 UNCT submission to the UPR on Timor-Leste, para. 21.
- 39 Ibid., para. 22.
- 40 Press release, "United Nations Working Group on Enforced or Involuntary Disappearances concludes visit to Timor-Leste", available at:
<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10729&LangID=E>
- 41 Idem.
- 42 UNCT submission to the UPR on Timor-Leste, para. 19.
- 43 S/2010/522, para. 31. See also S/2011/32, para. 34.
- 44 OHCHR and UNMIT Report on Human Rights Developments in Timor-Leste: 1 July 2008 to 30 June 2009, para. 12, p. 4.
- 45 CEDAW/C/TLS/CO/1, para. 30.
- 46 UNCT submission to the UPR on Timor-Leste, para. 53.
- 47 CEDAW/C/TLS/CO/1, para. 31.
- 48 Ibid., para. 32.
- 49 CRC/C/TLS/CO/1, para. 54.
- 50 Ibid., para. 55.
- 51 Ibid., para. 76.
- 52 Ibid., para. 77.
- 53 Ibid., paras. 45 and 47.
- 54 Ibid., para. 16.
- 55 UNCT submission to the UPR on Timor-Leste, para. 39.
- 56 CRC/C/TLS/CO/1, para. 42.
- 57 Ibid., para. 43.
- 58 CEDAW/C/TLS/CO/1, para. 36.
- 59 UNCT submission to the UPR on Timor-Leste, para. 23.
- 60 Ibid.
- 61 UNCT submission to the UPR on Timor-Leste, para. 25.
- 62 Ibid., para. 26.
- 63 Ibid., para. 52.
- 64 Press release, "United Nations Working Group on Enforced or Involuntary Disappearances concludes visit to Timor-Leste", available at:
<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10729&LangID=E>
- 65 UNCT submission to the UPR on Timor-Leste, para. 24.
- 66 S/2011/32, para. 42.
- 67 UNCT submission to the UPR on Timor-Leste, para. 25.
- 68 S/2010/522, para. 64.
- 69 S/2011/32, para. 23.
- 70 Security Council resolution 1960 (2011), paras. 1 and 9.
- 71 UNCT submission to the UPR on Timor-Leste, para. 55.
- 72 Ibid., paras. 28 and 52.
- 73 CRC/C/TLS/CO/1, para. 74.
- 74 Ibid., para. 75.
- 75 Ibid., para. 25.
- 76 CEDAW/C/TLS/CO/1, para. 46.
- 77 CRC/C/TLS/CO/1, para. 63.
- 78 Concluding observations of the Committee on the Rights of the Child (CRC/C/OPSC/TLS/CO/1), para. 34.
- 79 CRC/C/OPSC/TLS/CO/1, para. 35.
- 80 UNCT submission to the UPR on Timor-Leste, para. 31.
- 81 CEDAW/C/TLS/CO/1, para. 34.
- 82 Ibid., para. 39.
- 83 Ibid., para. 40.
- 84 UNCT submission to the UPR on Timor-Leste, para. 35.

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- ⁸⁵ CRC/C/TLS/CO/1, para. 61.
⁸⁶ UNCT submission to the UPR on Timor-Leste, para. 36.
⁸⁷ Ibid., para. 56.
⁸⁸ Ibid., para. 41.
⁸⁹ CRC/C/TLS/CO/1, para. 59.
⁹⁰ CEDAW/C/TLS/CO/1, para. 38.
⁹¹ CRC/C/TLS/CO/1, para. 60.
⁹² Ibid., para. 61.
⁹³ Ibid., para. 56.
⁹⁴ Ibid., para. 57.
⁹⁵ UNCT submission to the UPR on Timor-Leste, para. 40.
⁹⁶ Ibid., para. 56.
⁹⁷ Ibid., para. 39.
⁹⁸ CRC/C/TLS/CO/1, para. 65.
⁹⁹ CEDAW/C/TLS/CO/1, para. 35.
¹⁰⁰ Ibid., para. 36.
¹⁰¹ UNESCO, Timor-Leste – UNESCO country programming document 2009-2013, p. 20, available at: <http://unesdoc.unesco.org/images/0018/001852/185239e.pdf>.
¹⁰² S/2011/32, para. 53.
¹⁰³ A/HRC/10/13, para. 70.
¹⁰⁴ S/2011/32, para. 53.
¹⁰⁵ UNCT submission to the UPR on Timor-Leste, para. 45.
¹⁰⁶ Letter dated 4 January 2008 from the Permanent Representative of Timor-Leste to the United Nations addressed to the President of the General Assembly (see A/62/742).
¹⁰⁷ CEDAW/C/TLS/CO/1, para. 55.
¹⁰⁸ S/2011/32, para. 23.
¹⁰⁹ CEDAW/C/TLS/CO/1, para. 54.
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