



PERMANENT MISSION OF THE DEMOCRATIC REPUBLIC OF TIMOR-LESTE TO
THE UNITED NATIONS OFFICE AND OTHER INTERNATIONAL ORGANIZATIONS
IN GENEVA

19th Session of the Human Rights Council

Consideration of the Report of the Working Group's on the Universal Periodic Review of
Timor-Leste
16 March 2012

Timor-Leste's Response to the Recommendations

By

Ambassador Joaquim da Fonseca

Thank You Madam President,

In the course of the interactive dialogue on its National Report, Timor-Leste accepted 88 out of 125 recommendations addressed to it, and rejected one recommendation. The decision on the remaining recommendations were deferred. After careful deliberation the Council of Ministers decided to accept most of the 36 recommendations. Some recommendations were not accepted.

Timor-Leste reiterates its commitment to the implementation of the recommendations which have already been accepted, and wishes to inform the Council of its responses to the remaining recommendations.

Response to the Recommendations

The 36 recommendations concern several categories, including ratification and implementation of international human rights instruments, harmonization of the domestic legal framework with international human rights standards, fulfilment of treaty reporting obligations, addressing past human rights abuses, and cooperation with the UN Human rights bodies and mechanisms. A number of recommendations fall under none these categories, and will be addressed individually.

Timor-Leste accepts all recommendations related to ratification of international human rights treaties. Timor-Leste recognizes that the ratification of international human rights

instruments and their incorporation into the domestic legal order contributes to strengthening the national system for the protection and promotion of human rights. Timor-Leste is also aware that good laws are as good as the institutions and people who implement them. Currently, the Government of Timor-Leste is focussing on institutional strengthening and human resources development. Gradually, as the country continues to develop its laws and policies, it is presented with new opportunities to expand its ratification of international human rights instruments. Last year, Timor-Leste adopted the National Disability Policy. This step will be followed by the ratification of the Convention on the Rights of Persons with Disabilities shortly. Timor-Leste also intends to ratify the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT), the first Optional Protocol to the International Covenant on Civil and Political Rights, and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. No fixed schedule has been determined for the ratification of these instruments. It is hoped that the process for the ratification of these instruments can be finalized within the next legislative period. In the meantime, as mandated by the Constitution, Timor-Leste undertakes to make all efforts to bring its existing national legislations into line with international human rights standards.

Recommendations 10, 11, 20 and 26 are related to the enactment or amendment of Timorese Domestic Laws. I am pleased to inform the Council that Timor-Leste's Draft Law on Trafficking in Person has been submitted to the Council of Minister for deliberation. Since Timor-Leste will be holding Presidential and Legislative elections consecutively during the period of March to June 2012, it is inevitable that legislative processes will experience delays. However, it is expected that the Draft Law on Trafficking will be approved by the Council of Ministers, and submitted to the Parliament at the beginning of the next legislative period. Another important piece of legislation, namely the Draft Law on the Execution of Penal Sanctions, is also in the pipeline. This law seeks to regulate, among others, the implementation of Presidential pardons.

It was recommended that the National Commission on Children's Rights be empowered to receive complaints. Timor-Leste values the importance of robust oversight mechanisms for human rights. However, it needs to first develop institutions and policies aimed at the fulfilment, protection and promotion of human rights. A priority for Timor-Leste in the effort

to strengthen the protection of the rights of the child is to improve inter-agency coordination and the strategic implementation of multi-disciplinary actions in this area. This requires that the National Commission be incorporated into the executive structure of the Government, and not to be separated from it. Timor-Leste has a National Human Rights Institution (NHRI), namely the Provedoria de Direitos Humanos e Justiça (Office of the Ombudsman for Human Rights and Justice), which is empowered to deal with complaints, including those related to children's rights.

Recommendation was also made for Timor-Leste to repeal laws which discriminate against women. The Constitution of Timor-Leste guarantees equal rights and obligations between women and men. There are no Laws in Timor-Leste which are intended to discriminate on the basis of gender. Timor-Leste has an effective Constitutional Review mechanism which ensures the compatibility of laws with the Constitution. The existing inequalities between women and men in Timor-Leste have not resulted from the application of laws. Timor-Leste is making a concerted effort to narrow the gap through the implementation of various policies. The Secretariat of State for the Promotion of Equality, which answers directly to the Prime Minister, is specifically tasked to devise programs and policies, and to advise other Government agencies in the formulation of their programs and policies, to combat gender related inequalities. The latest electoral law requires political parties to include a minimum of one woman in three of their candidates for the legislative elections.

Timor-Leste is a party to a number of core human rights treaties. However, it has only submitted its reports for two treaties. From the experience of elaborating the Initial reports for CRC and CEDAW, Timor-Leste found that treaty reporting can be quite a cumbersome exercise, notwithstanding the enormous benefits it brings. Despite these challenges, Timor-Leste continues to make all efforts to comply with its obligations to submit reports on the implementation of the human rights treaties to which it is a party. To this end, Timor-Leste has recently established a combined Task-Force for treaty reporting, under the auspices of the Ministry of Justice and the Ministry of Foreign Affairs. Timor-Leste welcomes the efforts to simplify the mechanisms for treaty reporting, and expresses its readiness to participate in the process. The proposal from the Human Rights Committee for a questionnaire based reporting is most welcome. It is encouraging that several other treaty bodies are also discussing ways to lighten the burden of treaty reporting on State Parties:

Several recommendations concern Timor-Leste's obligation to cooperate with Special Procedures of the Human Rights Council. More specifically, it is recommended that Timor-Leste extends a standing invitation to the Special Procedure. Timor-Leste highly values the contributions of the Special Procedures of the Human Rights Council. Since 2002, Timor-Leste has received a number of Special Procedure mandate holders, and appreciates their contribution to the policy dialogues in Timor-Leste. Timor-Leste is of the view that, in order for the Special Procedure mandate holders to make the most of country mission, there shall be a good coordination between the receiving state and the Special Procedures. For Timor-Leste at this stage, a good coordination can be guaranteed by organising the country missions on an *ad hoc* and case by case basis.

Three recommendations are related to measures to address past human rights violations. Specific reference was made to the follow-up, and implementation of the recommendations of the Commission for Reception, Truth and Reconciliation (CAVR) and the Commission of Truth and Friendship (CTF). With regards to justice, the CAVR addressed two recommendations to Timor-Leste, which have all been implemented. They include referral of the list of alleged perpetrators compiled by CAVR to the Office of the General Prosecutor, and the preservation of evidence gathered by the CAVR.

Other recommendations of CAVR addressed to Timor-Leste are related to reparation, reception and reconciliation, promotion and protection of human rights for all, special protection for the rights of the vulnerable people, and laws and institutions which promote and protect human rights. Since the publication of the report of CAVR, various policies and programs have been put in place to implement these recommendations.

As my delegation stated on a separate occasion during the course of the 19th Session of the Human Rights Council, Timor-Leste is working closely with the Government of the Republic of Indonesia to implement the recommendations of the CTF.

Timor-Leste is aware of the backlog of cases, both in the courts as well as the Prosecutor's Office. The entire justice system needs further strengthening in order for it to deliver justice in a fair and timely manner. Measures have been taken to strengthen the investigation capacity of the Prosecutor's Office, recruit, train and assign more personnel to various positions within the justice system, among others. However, there is no evidence which

correlates the salary levels of the Public Prosecutors and Public Defenders with the backlog of cases. Timor-Leste therefore does not see the increase of salary as a solution to the problem of pending cases in the Timorese courts.

One recommendation was made for Timor-Leste to Strengthen the Government response to incidents of violence against members of minority religious groups. Every person's freedom of conscience, religion and worship is guaranteed in Timor-Leste. Timor-Leste does not establish a classification of religious denominations on the basis of the number of their followers. Nevertheless, Timor-Leste agrees on principle that any action which infringes upon the right to freedom of religion and worship shall acquire immediate attention from law enforcement authorities. As the country is addressing numerous issues inherent to its newness as an independent state, there have been incidents where problems such as those related to claims of land ownership have manifested themselves in conflicts among members of communities. There have been cases where conflicting parties happen to profess different faiths. These incidents are mere criminal acts, and have been swiftly investigated. Any attempt to depict such incidents as religious conflicts represents a lack of knowledge of the real situation, or is a flagrant misrepresentation of facts.

Implementation of the UPR recommendations

At this stage, Timor-Leste does not have a specific program or plan designated to implement the accepted UPR recommendations. Nevertheless, programs which satisfy the objectives of the accepted recommendations are found in the National Strategic Development Plan 2011 – 2030 and annual plans of different Ministries.

Conclusion

The Universal Periodic Review has provided an opportunity for Timor-Leste to deeply examine its domestic system of promotion and protection of human rights. This exercise of self-diagnosis confirmed certain assumptions, but also revealed new issues with regards to human rights situation in Timor-Leste.

We appreciate the collaborative spirit and empathy of all delegations which participated in the consideration of Timor-Leste's National Report. We thank you for your contributions,

and we hope to count on your continuing cooperation in the implementation of the recommendations we have accepted.

I would like to thank the President of the Human Rights Council for her leadership, and the Members States of the Human Council for their active participation. We also thank members of the Troika for their support throughout the process of consideration of Timor-Leste's National Report.