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Universal Periodic Review

## Report of the Working Group on the Universal Periodic Review\*

### Timor-Leste

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\* The annex to the present report is circulated as received.

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## Introduction

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its twelfth session from 3 to 14 October 2011. The review of Timor-Leste was held at the 15th meeting, on 12 October 2011. The delegation of Timor-Leste was headed by Ms. Lucia Maria Brandão F. Lobato, Minister of Justice. At its 19th meeting, held on 14 October 2011, the Working Group adopted the report on Timor-Leste.
2. On 20 June 2011, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Timor-Leste: Romania, Jordan, and Chile.
3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of Timor-Leste:
  - (a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/12/TSL/1);
  - (b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/12/TSL/2);
  - (c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/12/TSL/3).
4. A list of questions prepared in advance by Canada, the Czech Republic, Denmark, Ireland, the Netherlands, Norway, Slovenia and the United Kingdom of Great Britain and Northern Ireland, was transmitted to Timor-Leste through the troika. These questions are available on the extranet of the UPR.

## I. Summary of the proceedings of the review process

### A. Presentation by the State under review

5. Timor-Leste stated that it was proud to be at the Human Rights Council to present its report under the universal periodic review. It recalled that in the conclusions of its report, it stated that the Timorese people's struggle to gain their independence is, in its essence and in all its dimensions, a struggle for human rights.
6. In order to put the current situation into context, Timor-Leste recalled its history, including the fact that in 2012 it will celebrate its tenth anniversary after 24 years of resistance. It also recalled that in 1975, after 400 years of Portuguese rule, it had unilaterally declared its independence. It was observed that even before its independence was recognized it had been invaded and annexed by Indonesia, leading to widespread human rights violations, as was noted in the stakeholders' summary. In 1999, following the combined resistance by various actors, a referendum was carried out under the auspices of the United Nations in which 78.5 per cent of the population voted for independence. After the referendum various confrontations took place, caused by armed groups (pro-Indonesian militias) and in this context the international community intervened and installed the United National Transitional Administration for Timor-Leste (UNTAET). In May 2002, Timor-Leste declared its independence and in September 2002 was welcomed as a Member State by the United Nations.
7. Timor-Leste stated further that it had always been aware that recognition by the United Nations was not an objective in itself and that its membership in the organization

entailed rights and obligations, the latter being clearly related to the promotion and protection of human rights. It was noted that such rights are interdisciplinary and interdependent in nature, and concern all levels of government. Timor-Leste highlighted the enormous efforts required to comply with the objectives that it had set itself.

8. It was added that Timor-Leste is one of the few examples in the world where the self-determination of a people was accomplished simultaneously with the building of the State, based on the rule of law, democratic principles and respect for human rights. An example given was the ratification of numerous international human rights conventions immediately after the adoption of the Constitution.

9. It was recalled that the majority of the country's infrastructure, both State and private, had been in ruins, and this was less than 10 years ago. Timor-Leste stated that in this context it was with great satisfaction that the national report was being presented, as it was aware both of what had already been accomplished and of what remained to be done.

10. Timor-Leste then noted that, in the context of its regular diplomatic exchanges with other countries, international organizations and more concretely through the UPR process, it has been questioned regarding what measures it would adopt concerning the human rights violations that occurred during the period of the Indonesian occupation and that following the referendum.

11. Regarding this issue, Timor-Leste thanked all for their contributions and their concern, noting that those persons who have come before the Council were also victims in the past and have themselves lost leaders, family members, friends and companions. It asked whether everyone, Timor-Leste as well as the international community, was prepared to raise the issue of an invasion which all know was carried out with the collusion of third countries. It asked further if we were prepared to investigate the external financing of the invasion and the arms sales to the oppressing country.

12. Timor-Leste stated that it was now enjoying the longest period of peace and stability since its independence. It added that a situation of social peace, although still fragile, would be put at risk if the country went forward, at this moment with these accusations. Timor-Leste and its society needed to grow in many different arenas, before being in a position to confront its historical past in a dignified and courageous manner. It added that, unfortunately, this moment had not yet arrived. Timor-Leste clarified that with regards to the dichotomy of oppressor/victims, it had been developing and implementing several programmes in support of victims through its Law on Combatants, which grants pensions to former combatants, their widows and family members.

13. It was also noted that Timor-Leste and Indonesia had made efforts to normalize their bilateral relations, which should be based on mutual respect and friendship. Timor-Leste stressed that it cannot and should not antagonize its closest neighbour, and that it had created mechanisms for diplomatic dialogue which would permit past wounds to heal, leading to a more promising future.

14. Regarding appeals to Timor-Leste to ratify additional international human rights conventions and instruments, it was indicated that these have largely been accepted with the ratification of seven human rights conventions and their incorporation into national law. Timor-Leste stated that it considered implementation, in a manner consistent with already ratified instruments, to be more important than acceding to new conventions.

15. It was indicated that the universal periodic review process had given the country a better understating of its internal situation in the field of human rights. It was through the establishment of a team composed of human rights officers and specialists from various Ministries and national organizations under the coordination of the Ministry of Justice that

a collective analysis was carried out, involving the civil society. This allowed the country to understand that it was now better prepared to confront remaining challenges.

16. Timor-Leste expressed appreciation to countries that had submitted advance questions. It hoped that the UPR review session would contribute to clarifications about the human rights situation in the country.

17. It was reiterated that at its present development stage, the country did not have the financial or technical capacity to immediately take on all the problems raised. Citing the issues of the country's legal framework as an example, it argued that those issues do not always translate into violations of human rights.

18. Timor-Leste added that it was very difficult in a short period of time to solve all problems inherent to the creation of a State that had, as a social basis, a population with such socio-economic characteristics as those in the country. In this regard, Timor-Leste prioritized capacity development and, simultaneously, elaborated plans in the area of basic infrastructure as well as socio-economic development.

19. Timor-Leste indicated that it is only now that actions by successive Governments had begun to yield results. It added that the international community should be aware that it takes time to train doctors, judges and teachers.

20. Timor-Leste underscored that it had received support over the years from numerous donor countries and international agencies with a special role for the United Nations. It added that this fruitful collaboration had permitted the development of human rights awareness by different political actors, public official and security actors.

21. It was further highlighted that the country has worked together with the United Nations Integrated Mission for Timor-Leste (UNMIT), and in particular its Human Rights Unit, in the education of the population as to what should not be tolerated in the area of the protection of human dignity.

22. Timor-Leste noted that, in a context of transition from a dictatorial regime to a democratic State based on the rule of law, it was not surprising that some behaviours which reflect past realities during the occupation could persist. Despite remaining gaps, Timor-Leste shared the view that at times the country was identified as a reference in the promotion of human rights in its region.

23. It was noted that the country was witnessing rapid changes which benefit the general population, especially in the areas of universal access to education, improvement in education facilities, better access to health services and improved nutrition and sanitation, and wider access to modern means of communications. It was added that advancement in economic conditions especially those of women, would soon allow for gradual change in attitudes, resulting in the decrease of early marriages, girls' school dropout and gender based violence.

24. In conclusion, Timor-Leste explained that it will soon hold presidential and legislative elections, and that the remaining eight months of the current Government represents a short period of time to implement all proposals made by other delegations. It was added that the current Government is committed to giving serious attention to the issues raised so as to establish the basis for the new Government to continue developing integrated policies with respect to human rights.

## **B. Interactive dialogue and responses by the State under review**

25. During the interactive dialogue, 42 delegations made statements. Additional statements which could not be delivered during the interactive dialogue owing to time

constraints are posted on the extranet of the universal periodic review when available.<sup>1</sup> Recommendations made during the dialogue are to be found in section II of the present report.

26. Singapore noted that, as a very young country, Timor-Leste continued to face challenges in its nation building, but that it had taken positive steps to enhance capacities, particularly in education and health. Singapore welcomed the 2008 Basic Law on Education, which would help to raise education levels and develop a skilled workforce. It also welcomed efforts in setting up a National Health Institute to improve the qualifications of nurses, midwives, pharmacists and laboratory professionals, as well as efforts in fighting communicable diseases through awareness-raising and improvements in the system for diagnosis and treatment. Singapore made recommendations.

27. Algeria commended the commitment of the young Government in the major human rights conventions. It appreciated the progress achieved in the areas of human rights, security and economic development by stressing the country's improvement in the Human Development Index since 2005. Algeria indicated that the successful holding of the 2012 elections should be another determining test for the consolidation of democracy in the country. It made recommendations.

28. Indonesia commended Timor-Leste's efforts in instituting legal frameworks for the promotion of human rights and the establishment of various human rights mechanisms. It also welcomed the fact that the Ombudsman had been brought in line with the Paris Principles, and that Timor-Leste had ratified seven core human rights instruments. It recognized efforts to guarantee fundamental freedoms and access to justice, health and education. Indonesia noted that it was committed to mutual cooperation and particularly welcomed progress in implementing the recommendations of the Commission on Truth and Friendship. It made recommendations.

29. Myanmar was encouraged by efforts to increase protection of women's rights and noted the establishment of institutions such as the National Human Rights Commission. It welcomed efforts to combat discrimination through awareness-raising. Myanmar expressed its understanding of challenges in tackling developmental issues, but nevertheless wished to see progress in socio-economic and cultural development. It made a recommendation.

30. Sri Lanka noted that almost 60 per cent of the population of Timor-Leste was under the age of 24. In this regard, it highlighted the importance of continued enhancement of the quality of, and access to education and healthcare. It also commended national initiatives to eliminate illiteracy, and measures to combat human trafficking and assist victims. It noted significant progress in the health sector and the agreement with Cuba to train Timorese doctors. It encouraged further development of the education and health sector, and continued action to eliminate poverty. It requested to ensure the promotion of rights of women as a central goal of the national human rights strategy.

31. Thailand welcomed the transfer of security and law enforcement duty from UNMIT to the national police force. Thailand noted that the lack of development infrastructure and human resources in Timor-Leste prevented its people from full enjoyment of their human rights. Thailand noted that responsibility falls on international community to assist Timor-Leste more in its pursuit of peace and prosperity. Thailand had been providing development assistance to Timor-Leste. Thailand made a recommendation.

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<sup>1</sup> Israel, Mexico, Slovakia, Maldives, Iran (Islamic Republic of), United States of America, Kyrgyzstan, Albania, Monaco, Bangladesh, Latvia, Angola, Cape Verde and Luxembourg.

32. The Lao Peoples' Democratic Republic was encouraged by Timor-Leste's success in establishing a legal system and political stability since its independence. It noted that Timor-Leste was party to several core international human rights instruments and had participated in their implementation. It noted that the cooperation with United Nations human rights mechanisms and the international community was a guarantee for Timor-Leste to achieve its commitment in promoting and protecting human rights. It made recommendations.

33. The Philippines appreciated Timor-Leste's efforts to improve human rights amidst challenges faced as a young democracy. Philippines noted that Timor-Leste was working on legislative reforms and it trusted that these reforms would be approved. Philippines acknowledged Timor-Leste's measures to address challenges in particular the protection of women and children. The Philippines were pleased to note the decrease of infant mortality in Timor-Leste and its positive developments in improving maternal health. Philippines stated that it remains committed in supporting Timor-Leste in this area. It made recommendations.

34. The Bolivarian Republic of Venezuela recognized Timor-Leste's efforts to overcome its past tragedies. It noted that Timor-Leste had shown its commitment to human rights. Venezuela appreciated Timor-Leste's frank approach to its challenges in satisfying basic needs of its population. Venezuela appreciated Timor-Leste's efforts to provide full enjoyment of human rights, for example the creation of the Human Rights and Justice Ombudsman. Venezuela recognized Timor-Leste's achievements in the field of social rights. Venezuela made a recommendation.

35. Cuba noted that Timor-Leste had faced challenges derived from the unjust international economic order but achieved results in the health sector, noting hospital and primary attention services, as well as the National Institute for Health. It also noted progress toward adequate treatment of tuberculosis, malaria and the reduction of infant mortality. It expressed Cuba's satisfaction at having contributed modestly to some of these advances. It noted the implementation of the national studies plan and of a scholarship program. It made a recommendation.

36. Japan appreciated Timor-Leste's human rights commitment since independence, demonstrated by the ratification of the core treaties, the establishment of related institutions, and the adoption of legislation and policies, noting that Japan had assisted with capacity-building and training. Japan hoped that Timor-Leste would continue to make further efforts in the human rights area. It welcomed the establishment of a penal code, which incorporated international human rights standards and the Strategic Plan for the Justice Sector. Japan was aware of challenges in the system of justice. It commended efforts to provide free, universal education and to promote gender equality. Japan made recommendations.

37. Brazil noted that its relationship with Timor-Leste was based on friendship and common heritage. It noted its Constitution was based on the rule of law and provided for human rights protection, and that Timor-Leste was party to most of the core human rights instruments and had an A-status human rights institution. It noted that Brazil had supported its effort to reconstruct the country's institutions, highlighting education, agriculture and the justice sector. It noted challenges for Timor-Leste in children's school enrolment and gender-based violence. It highlighted initiatives for school feeding and the policy for zero tolerance for ill-treatment in schools. It made recommendations.

38. Portugal noted that after decades of suffering, Timor-Leste gained independence only nine years ago. It noted progress attained by extraordinary efforts of reconstruction and reconciliation. It highlighted that Timor-Leste could be proud of having established institutions, adopting legislation and policies that protect human rights. It welcomed the

2010 Law against Domestic Violence and asked about measures in this regard. It appreciated the efforts to address high level of cases of violence against children, namely the zero-tolerance policy and asked about further measures. It made recommendations.

39. France appreciated Timor-Leste's commitment to the major human rights instruments and its 2010 Law against Domestic Violence. France remained concerned by human rights violations committed by police and armed forces. It also noted the impunity of the perpetrators of human rights violations during the independence war. Bearing in mind the recommendation of the Commission for Reception, Trust and Reconciliation, regarding a law on victim compensation, France inquired about measures planned to enact this law. It made recommendations.

40. India acknowledged Timor-Leste's challenges and highlighted its efforts to put in place legislative frameworks for the enjoyment of human rights. It noted progress in constructing its judicial system and efforts in the areas of health, education, housing, childcare, and gender equality. It noted Timor-Leste's steps to deal with domestic violence and encouraged it to enact and implement laws to ensure equal rights and opportunities to women. It appreciated Timor-Leste's commitment to education and asked about its Education Strategic Plan.

41. Mozambique noted that Timor-Leste was a young democracy, still undergoing the phase of national reconstruction and institution building and that it was confronted with complex challenges. It took note of Timor-Leste's immediate ratification of seven international conventions on human rights and the implementation of programmes in health, education, gender, food security, drinking water and decent accommodation. It welcomed the reduction of infant mortality rates and free basic education. It called on the international community to support the country. It made recommendations.

42. Austria commended the fact that an interministerial working group held sessions with civil society to prepare for the universal periodic review. It commended efforts to address domestic violence, including the Law against Domestic Violence and asked about steps to address this problem, including considering a national campaign. It asked about steps being taken to implement the work done by the commissions established to investigate human rights violations between 1974 and 1999 and to hold perpetrators accountable. It made recommendations.

43. Cambodia praised Timor-Leste's efforts in placing emphasis on human rights through democratic governance, establishment of legal frameworks and implementation strategies. It noted measures to address women's and children's rights, creating a national agency for gender issues and policies aimed at promoting rights to education, and health. It noted its good cooperation with the United Nations system and that it was party to most key international human rights instruments. It noted Timor-Leste's challenges as a small island and made recommendations.

44. Nepal highlighted political, economic and social transformations in Timor-Leste since independence and commended its human rights engagement and the consolidation of State structures, as well as the institutionalization of respect for human rights and democracy. It urged the international community to provide support, including with regard to infrastructure development. Any international efforts should be grounded in a full understanding of local actors, norms and values. Nepal made a recommendation.

45. The Republic of Korea appreciated the challenges faced by Timor-Leste, a nascent democracy in the midst of nation-building. It noted that the need for transitional justice for past crimes presented an additional hardship as Timor-Leste strives to build a working justice system. It commended Timor-Leste for establishing the necessary legal framework and building judicial institutions. It noted in particular the Witness Protection Law and the Law against Domestic Violence. It made recommendations.

46. Timor-Leste responded to questions raised in advance and during the dialogue. Regarding questions on the security sector, in particular accountability and civilian oversight, Timor-Leste explained that the Five Year Plan of the Ministry of Defence and Security (2007–2011) focuses on reforming the security sector, especially in the area of legislation and structural reform. It was added that the strengthening of the country's legal framework was an important factor to create an environment in which the security forces act in accordance with the law and were accountable to the public. It was indicated that the Government's commitment in this regard was confirmed by the adoption of the Law on National Security, the Defence Law and the Internal Security Law.

47. Regarding concerns raised about the low level of enforcement of the disciplinary mechanism of the National Police, it was explained that dramatic improvements have been made in recent years. Details were provided regarding the decrease in the percentage of the number of cases archived. Timor-Leste then gave detailed information on measures adopted to achieve this. It was added that the Government also established a temporary commission to monitor the process of promotion and which oversaw the disciplinary conduct of the police who are up for promotion. Timor-Leste also provided details on legislation in this regard as well as on the functions of mechanisms of civilian oversight including those of the Parliament and the Provedoria.

48. Concerning corporal punishment, Timor-Leste recalled that it had adopted a zero-tolerance policy and that strict measures were being taken, including disciplinary action and criminal charges. On education, details were provided of the measures adopted in the National Strategic Plan for Education 2011–2015. It was indicated that this plan marks an important shift by placing the child's physical, psychological, social and academic well-being at the centre of school decision making. It was affirmed that Timor-Leste regards corporal punishment as a form of ill-treatment and that the Children's Code, when adopted, will prohibit such punishment in all settings. Regarding the dropout rates of girls, Timor-Leste provided statistics and details of efforts made to decrease it. Timor-Leste indicated that compulsory basic education was now nine years when previously it had been six. This education is now universal, compulsory and free. It was added that, under the current education framework, a number of literacy programmes had been carried out and, with the support of the Government of Cuba, it was hoped that two additional programmes to combat illiteracy would also be implemented.

49. Regarding questions related to the implementation of the recommendations of the Commission for Reception, Truth and Reconciliation (CAVR), Timor-Leste recalled that the Commission's report contains more than 200 recommendations and that of these 134 were addressed to the State institutions of Timor-Leste. It was indicated that, of these, 112 had been implemented through various development programmes. These included the improvement of conditions of detention, which are now operating with an open policy. Additionally the Government, together with development partners and civil society actors, was engaged in dialogue and reconciliation at the community level aimed at bringing peace. Moreover, youth policies have been approved; and with the assistance of friendly countries such as Cuba and Brazil, widespread programmes for the eradication of illiteracy are being implemented.

50. Timor-Leste then reiterated information given on efforts made to eradicate violence against women and to improve gender equality. Timor-Leste referred to the recent promulgation of the Law on Domestic Violence and mentioned actions taken, including budgetary, to ensure the implementation of the law. Detailed information was also provided of awareness-raising efforts currently under way. Timor-Leste recalled that the Strategic Development Plan (2011–2030) identified as the main challenges to gender equality the high level of illiteracy among women, domestic violence and the high rate of maternal mortality, and provided detailed information regarding these issues. Timor-Leste then

explained what actions had been taken to face these challenges. It gave details in this regard.

51. Regarding questions raised regarding the Provedoria, Timor-Leste stated that it valued the work of that institution and that both the judiciary and the disciplinary organs in various Government structures were committed to implementing and following-up on its recommendations. Concrete information was provided in this regard. It was added that the Government was committed to providing the Provedoria with adequate financial resources and that there had been an increase in the resources provided.

52. Canada congratulated Timor-Leste's efforts to protect human rights through the cooperation with the United Nations system, the Commission for Reception, Truth and Reconciliation, and the Commission of Truth and Friendship. Canada noted progress in terms of security and defence measures, and the adoption of the Law against Domestic Violence in 2010. It raised concerns about victims of domestic violence who did not receive adequate justice and urged Timor-Leste to strengthen protection of minority religious groups. Canada made recommendations.

53. Vietnam noted with satisfaction that, despite challenges, Timor-Leste had been striving to build its institutional and legal framework for human rights protection, and that Timor-Leste attached value to tolerance and reconciliation. Recent efforts to promote social and economic rights, particularly in the areas of health care, primary education and social security, were also encouraging. Vietnam made recommendations.

54. Malaysia was encouraged by the fact that Timor-Leste had put in place strong legal and institutional human rights frameworks, including the Human Rights and Justice Ombudsman accredited with "A" status. Malaysia welcomed Timor-Leste's effort to accede to the Convention on the Rights of Persons with Disabilities. Malaysia made recommendations.

55. Estonia commended Timor-Leste for having become a party to many international human rights instruments and adopting human rights-related laws. It noted the ongoing reconciliation process and wished Timor-Leste success in this regard. Noting its past engagement with the establishment of the Foreign Service and with the monitoring of elections in Timor-Leste, Estonia stated that it would continue to follow developments in the country. It made recommendations.

56. Ireland welcomed Timor-Leste's consultation process in preparation for its UPR and noted it had faced challenges since independence in building administrative structures and creating a culture of respect for human rights. It welcomed the independent national body for human rights' protection and the Anti-Corruption Commission. It welcomed the Basic Law on Education and noted challenges being addressed to ensure drinking water and sanitation. It noted that the international community must continue a partnership approach with Timor-Leste. It made recommendations.

57. China appreciated Timor-Leste's efforts in the protection of human rights and its accession to core human rights treaties. It noted that Timor-Leste endeavoured to promote employment, health care and education, and to safeguard basic supplies of food, drinking water and housing, as well as to ensure protection for vulnerable groups. China understood Timor-Leste's challenges with regard to socio-economic development and human rights protection, and hoped that the international community would continue to provide assistance.

58. Poland congratulated Timor-Leste for its progress since independence in the areas of social development and human rights. It noted with appreciation the establishment of several institutions and legislation and policies in this field. It welcomed its cooperation with the United Nations system. It noted with concern that Timor-Leste was still not party

to certain core human rights treaties and obstacles to the achievement of fair and timely justice. It made recommendations.

59. Norway commended Timor-Leste's efforts in acceding to and incorporating core international criminal law and international human rights standards in national legislation. It welcomed the establishment of the National Children's Rights Commission and highlighted the importance of a solid justice sector. It made recommendations.

60. Australia noted that Timor-Leste had signed many human rights treaties. It looked forward to the adoption and implementation of the Civil Code, Children's Code and Land Law. It encouraged Timor-Leste to consider ratifying the Convention on the Rights of Persons with Disabilities and to work closely with the Ombudsman, implementing more of its recommendations. It welcomed the National Children's Rights Commission and efforts to increase access to education. It expressed concern over domestic violence and encouraged the commitment of resources, training and strengthening women's access to the formal justice system. It commended Timor-Leste's work for reconciliation and accountability of the police force. It made recommendations.

61. Italy expressed support for Timor-Leste's democracy building and the belief that the universal periodic review was an opportunity for identifying areas where the international community could contribute. Italy welcomed the Constitution and the adherence of human rights instruments. Italy encouraged Timor-Leste to continue to cooperate with the United Nations. Italy noted that domestic violence was still widespread and that discriminatory laws and practices persisted. Italy encouraged Timor-Leste to complete its justice system reform. Italy enquired about programmes incorporating human rights education in primary schools and on their follow-ups. Italy made recommendations.

62. Germany asked Timor-Leste how it intended to follow-up on the recommendations of the two Truth Commissions and if it was considering a reparation programme for victims, memory centres or a public register of missing persons. Germany welcomed the access to justice as one of Timor-Leste priorities for the justice sector. Germany commended Timor-Leste for the adoption of the Law against Domestic Violence. It noted that domestic violence was widespread and that authorities did not always respond adequately. Germany made recommendations.

63. South Africa noted that Timor-Leste has ratified several international human rights instruments and incorporated provisions into national legislation. South Africa asked if Timor-Leste was considering requesting technical assistance to overcome challenges in human resources and institutional conditions. South Africa noted that Timor-Leste was defining a national policy to implement rights for persons with disabilities and was considering ratifying the CRPD. It asked on the steps taken to overcome discrimination faced by persons with disabilities. South Africa made recommendations.

64. Morocco emphasized Timor-Leste's ratification of the major human rights instruments. Morocco welcomed its will to strengthen its courts and judicial institutions, as planned by the strategic plan for justice, and to strengthen the existing programmes to eradicate poverty and promote access to the public services despite several constraints. It asked for additional information on programmes to train persons in the legal profession. In this regard, Morocco reaffirmed its support to Timor-Leste to promote human rights through financial and technical assistance. It made a recommendation.

65. Argentina acknowledged Timor-Leste's efforts in the institutional and legislative fields, in cooperation with the United Nations, which had made it possible to design policies for the promotion and protection of human rights. Argentina made recommendations.

66. The United Kingdom of Great Britain and Northern Ireland welcomed the Law against Domestic Violence and encouraged actions to increase public awareness. It noted reports of ill-treatment and excessive use of force by security forces and it encouraged Timor-Leste to strengthen its accountability mechanism. It welcomed Timor-Leste's progress to improve access to justice but recognized constraints. It encouraged Timor-Leste to strengthen its judicial institutions and to maintain language policies to enable access to justice and education. It made recommendations.

67. Hungary noted with satisfaction that most international human rights treaties had been ratified and it welcomed the accreditation of the Ombudsman with "A" status. Hungary noted that corporal punishment still occurred in schools despite a zero-tolerance policy. It congratulated Timor-Leste on enacting a law prohibiting corporal punishment, but felt that further steps were necessary for its implementation. Hungary referred to a lack of specific cooperation provisions in the implementing law to the Rome Statute. It noted that the destruction of State infrastructures following the 1999 referendum on independence had affected the court system. Hungary made recommendations.

68. The Holy See welcomed Timor-Leste's efforts to build a country based on the respect of rule of law and the protection human rights. It noted Timor-Leste's ratification of seven human rights conventions and Optional Protocols which have been incorporated in the national legislation. It noted democratic elections and efforts aiming to improve the health and education systems. It acknowledged the efforts made by the United Nations to achieve peace and stability in Timor-Leste. It made recommendations.

69. New Zealand highlighted the A-status of the national human rights institution, which had received support from New Zealand. It noted that responses to the institution's findings had been late or non-existent. It observed delays in its reporting obligations under human rights treaties. It stated that traditional justice mechanisms did not provide sufficient protection for women or deterrence for perpetrators of violence against women. It also noted that justice had not always been done for the human rights violations during the period 1974-1999. It made recommendations.

70. Uruguay commended Timor-Leste for the policies and measures adopted to protect human rights and for having acceded to various human rights instruments. Uruguay welcomed Timor-Leste's acknowledgement of human rights challenges and stressed the importance of the international community's support. Uruguay was concerned at the persistence of cultural norms and traditions that threatened women's rights. Uruguay valued Timor-Leste's measures to promote birth registry, noting that the rate is still low. Uruguay made recommendations.

71. Slovenia commended Timor-Leste for becoming a party to human rights treaties and establishing a national human rights institution. Slovenia was concerned about reports regarding challenges and discrimination faced by persons with disabilities. Slovenia joined the Committee on the Elimination of Discrimination against Women in its concern regarding the right of education for girls. It was also concerned by discrimination against women and it asked Timor-Leste about actions taken to promote gender equality. Slovenia made recommendations.

72. Costa Rica welcomed Timor-Leste's willingness to reinforce institutions and programmes in the field of human rights. It recognized Timor-Leste's progress in promoting human rights, particularly children's rights, noting it was an area that required concentration of efforts, particularly regarding nutrition, equitable access to health and education, and quality of education. It recognized Timor-Leste's measures to prevent torture and made recommendations.

73. Spain commended Timor-Leste for the process of institutional reinforcement, for the implementation of norms and policies in the field of human rights as well as the

cooperation with the United Nations system and other stakeholders since independence. It noted that although measures had been taken to combat gender violence, in particular the implementation of the Law against Domestic Violence (LADV), high levels of violence against women, in particular domestic violence, continued to be a serious problem. Spain noted Timor-Leste's willingness to improve in the human rights field. Spain made recommendations.

74. With regards to the rights of the child, Timor-Leste explained that the draft Children's Code envisaged setting up an independent statutory body which will be empowered, among others, to oversee the Children's Code, alert the Government on urgent situations that require attention and advise the Government on policies and legislation. Additional information on the provisions of Draft Code was also provided.

75. Finally, Timor-Leste recalled that the new Civil Code promulgated in 2011 guaranteed equal rights for men and women in all areas. Detailed information was provided in this regard. On the issue of traditional practices, Timor-Leste clarified that the Constitution conditions the recognition of customary law on their compliance with the law. Actions of the Government to improve the judiciary through training were then described.

76. In closing, Timor-Leste thanked all who spoke and contributed to the dialogue indicating that contributions will be seriously considered. Timor-Leste stated that it would do what it can to give a positive response to recommendations made in order to build a fairer and better society.

## II. Conclusions and/or recommendations\*\*

77. **The recommendations listed below enjoy the support of Timor-Leste.**

77.1. **Ratify the Convention on the Rights of Persons with Disabilities (Austria);**

77.2. **Ratify the CRPD (United Kingdom of Great Britain and Northern Ireland);**

77.3. **Proceed to ratification of the Convention on the Rights of Persons with Disabilities (Australia);**

77.4. **Ratify the Convention on the Rights of Persons with Disabilities (Slovenia);**

77.5. **Become party without delay to the Convention on the Rights of Persons with Disabilities (New Zealand);**

77.6. **Finalize as soon as possible a national policy to implement the rights for persons with disabilities and the ratification process of the Convention on the Rights of Persons with Disabilities (South Africa);**

77.7. **Sign and ratify the Convention on the Rights of Persons with Disabilities (Spain);**

77.8. **Study the possibility of ratifying the Convention on the Rights of Persons with Disabilities (Argentina);**

77.9. **Conclude and adopt the Children's Code as a matter of priority (Portugal);**

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\*\* Conclusions and recommendations have not been edited.

- 77.10. **Ensure that the principle of the best interests of the child is adequately reflected in relevant laws (Austria);**
- 77.11. **Expedite the completion of statutes that provide a guarantee for further human rights promotion and protection, including on land rights, on access to the courts, and on combating human trafficking (Indonesia)<sup>2</sup>;**
- 77.12. **Consider intensifying its efforts towards the improvement of its legislature, in accordance with its own priorities and national capabilities, while taking into consideration pertinent international human rights obligations (Philippines);**
- 77.13. **Strengthen the state of laws and good governance, especially on the legal enforcement and capacity building for national agencies on human rights (Vietnam);**
- 77.14. **Increase human and financial resources of the Provedoria for Human Rights and Justice to improve the protection of human rights (Spain);**
- 77.15. **Improve its processes for considering the recommendations of the Provedoria for Human Rights and Justice, and respond to them without delay (New Zealand);**
- 77.16. **Consider establishing a national action plan on the rights of the child (Austria);**
- 77.17. **Provide the National Commission for the Rights of the Child with the necessary resources to ensure that it is able to carry out its mandate (South Africa);**
- 77.18. **Implement without delay and with the assistance of international cooperation, a broad strategy which complies with the Convention on the Elimination of All Forms of Discrimination against Women, aimed at modifying or eliminating practices and cultural stereotypes that are harmful and discriminate against women (Uruguay);**
- 77.19. **Ensure full respect for equal rights of women in all areas of life, including by ensuring the equal participation of women in decision making (Slovenia);**
- 77.20. **Ensure effective and adequate protection of women against domestic violence, including by providing legal assistance and shelters (Austria);**
- 77.21. **Ensure the effective implementation of legislation to combat domestic violence (France);**
- 77.22. **Oversee the effective implementation of the law on domestic violence (Italy);**
- 77.23. **Make the Law against Domestic Violence widely known to public officials and society and monitor its effectiveness (Austria);**
- 77.24. **Step up efforts to raise awareness on and pursue full implementation of the Law against Domestic Violence (LADV) 2010 (Malaysia);**

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<sup>2</sup> The recommendation as read during the interactive dialogue: “Expedite the completion of statutes that provide a guarantee for further human rights promotion and protection (Indonesia)”.

- 77.25. Increase human and technical resources for the effective implementation of the Law Against Domestic Violence (LADV). (Spain);
- 77.26. Persist in its efforts to eradicate corruption, corporal punishment of children, discrimination against women and domestic violence (Holy See);
- 77.27. Adopt a specific legislation to explicitly prohibit all forms of corporal punishments (Brazil);
- 77.28. Increase actions against the growing phenomenon of human trafficking for the purpose of sexual exploitation (Algeria);
- 77.29. Adopt an minimum age limit for access to the labour market which is in conformity with international standards, in particular with that which is established by the ILO Minimum Age Convention (Spain);
- 77.30. Move forward as quickly as possible on further development of its judicial system based on the Strategic Plan for the Justice Sector (2011–2030) (Japan);
- 77.31. Increase and intensify the on-going efforts namely through the Legal Training Center (CFJ) to capacitate and qualify the legal professions, one essential pillar of the Justice system (Portugal);
- 77.32. Strengthen judicial institutions, inter alia by the provision of adequate staffing as well as material resources (Poland);
- 77.33. Taking urgent measures to strengthen the judicial institutions by allocating more funds to judicial districts, to expand the use of mobile courts and provide adequate forensic equipment (Hungary);
- 77.34. Efforts be further accelerated to clear the backlog of pending cases in the Courts and that there should be early conclusion in the study now underway for strengthening the judicial system (Ireland);
- 77.35. Strengthen the judicial system, in particular through the implementation of a specific legal framework which regulates the responsibility of minors and which is consistent with existing international instruments in this area (Spain);
- 77.36. Ensure that the principle of “best interest of the child” is well integrated in the draft legislation on juvenile justice and that children in conflict with the law are deprived of their liberty only as a means of the last resort (Norway);
- 77.37. Make serious efforts to ensure that every individual has access to legal recourse for human rights violations through the formal judicial system, especially residents of districts and rural areas (Republic of Korea);
- 77.38. Make greater effort to ensure that victims of human rights violations, most often women and children, are allowed to exercise their right to seek redress in the formal judicial system, and to prevent any practices that fall short of international human rights standards (Republic of Korea);
- 77.39. Take new measures to promote access to justice, in particular for rural communities and women (Algeria);
- 77.40. Increase its efforts to promote civil registration of the Timorese population, particularly of children (Brazil);

- 77.41. In light of what is provided in article 7 of the Convention on the Rights of the Child and with the support of the international community, improve the system of birth registration including by intensifying efforts to sensitize and mobilize public opinion regarding the advantages of birth registration in the process of establishing children's identity and the enjoyment of their rights (Uruguay);
- 77.42. Intensify programs to combat unemployment and poverty (Algeria);
- 77.43. Speed up implementation of policies and measures for promotion and protection of the basic social and economic rights, where major challenges would be disease control, illiteracy eradication, poverty reduction and food security (Vietnam);
- 77.44. Strengthen its efforts to meet the challenge of sustaining and improving the standard of living of the people and employment opportunities in rural areas (Lao People's Democratic Republic);
- 77.45. Adopt urgent measures to improve access to health services, particularly in remote communities (Costa Rica);
- 77.46. Consult and involve NGOs as well as civil society in the follow-up to the UPR (Austria).
78. The following recommendations enjoy the support of Timor-Leste which considers that they are already implemented or in the process of implementation:
- 78.1. Continue to cooperate with the UN and other international organisations to develop its legal and institutional framework with respect to the promotion and protection of Human Rights in Timor-Leste (Lao People's Democratic Republic);
- 78.2. Continue building and strengthening national democratic mechanisms including the judicial institutions, and put in place all necessary institutional mechanisms for protecting the vulnerable population from all kinds of abuses (Nepal);
- 78.3. Consider drawing up a comprehensive human rights' national plan of action (Indonesia);
- 78.4. Increase and consolidate the level of public awareness of the law and of mechanisms that are available to enforce human rights, particularly among women and young girls (Portugal);
- 78.5. Further increase regional and international cooperation on human rights, particularly with the ASEAN nations and with the Human Rights Council (Vietnam);
- 78.6. Continue to intensify strategies to eliminate violence against women, ensure that women enjoy a legal capacity identical to that of men, and remedy the gender gap faced by women in employment (Japan);
- 78.7. Continue efforts to ensure gender equality and participation of women in public institutions, including local institutions, as well as in the private sector (Spain);
- 78.8. Organize campaigns aiming at promoting gender equality and to reinforce existing mechanisms to combat and to punish perpetrators of violence against women (Brazil);

- 78.9. Persist in its efforts aimed at the prevention, punishment and eradication of all forms of violence against women as well as its efforts to guarantee equality and ensure equal recognition in the law of civil, political, economic and social rights between men and women (Argentina);
- 78.10. Fight domestic violence and discrimination against women by improving gender awareness in strategic sectors (Norway);
- 78.11. Strengthen and intensify actions to combat domestic violence (Portugal);
- 78.12. Continue with the current efforts against the practice of domestic violence (Mozambique);
- 78.13. Continue to take a comprehensive approach through its law and justice, civil society and health programs to address the high incidence of domestic violence, particularly in strengthening women's access to the formal justice system (Australia);
- 78.14. Make more efforts to raise awareness among the public in general, and in particular, by the law enforcement bodies, that domestic violence must be dealt with as a serious public crime (Republic of Korea);
- 78.15. Effectively implement the Law against Domestic Violence by raising awareness of this law to public officials, to local community leaders and by citizenship education; and additionally discourage cultural practices that violate women's rights, such as forced and early marriage (Germany);
- 78.16. Take steps to support the implementation of its Law Against Domestic Violence including providing law enforcement officials with training on sexual violence (Canada);
- 78.17. Comprehensive training on positive discipline to teachers (Hungary);
- 78.18. Seek the cooperation of UN agencies, such as ILO, to combat child labour (Brazil);
- 78.19. Continue joint and mutually beneficial efforts to implement the plan for action to implement the recommendations of CTF (Indonesia);
- 78.20. Continue to strengthen accountability in the security sector, in particular, regarding use of excessive force and abuse of authority by the police and the military (Republic of Korea);
- 78.21. Ensure that the police and the armed forces respect human rights and prevent human rights violations, in particular ill-treatment and excessive use of force, by carrying out trainings and strengthening civilian control of security forces (France);
- 78.22. Continue to provide adequate training, particularly in human rights, to the national police and defence force (Australia);
- 78.23. Seek technical assistance from the international donor community including relevant UN agencies and funds for building capacity for government officials, particularly law enforcement, legal and judicial personnel (Malaysia);
- 78.24. Continue supporting and cooperating with the UNDP in projects aiming at strengthening the institutional capacity of the justice system (Norway);

- 78.25. Establish a minimum age for marriage in line with international standards (Italy);
- 78.26. Continue strengthening its efforts to combat poverty through introducing comprehensive national strategies in order to allocate more resources to social services for vulnerable groups living in rural areas, and increase its efforts to tackle the discrimination against women in all areas (Myanmar);
- 78.27. Continue to fight poverty with active support of the international community and through strengthening the capacity to implement and monitor poverty reduction strategies at the local and community levels (Cambodia);
- 78.28. Persevere in the implementation of its commitment to strengthen various existing programs to eradicate poverty and ensure universal access to public services, despite constraints in the areas of health, education, housing, nutrition and other areas related to human rights and to seek the support of the international community to implement projects in these areas (Morocco);
- 78.29. Continue its efforts in the development of overall infrastructure in the country and capacity building for its personnel to ensure the provision of the basic needs of its people, particularly for food, energy, education, health care and access to justice (Thailand);
- 78.30. Continue efforts to develop policies and programmes to reduce malnutrition throughout the country, in particular by improving school meal programmes (Costa Rica);
- 78.31. Continue implementation of effective policies and programmes aimed at improving among others the health, education, standard of living and access to safe drinking water and sanitation of the people (Malaysia);
- 78.32. Continue improving the health and education systems (Holy See);
- 78.33. Continue implementing the strategies and plans for socioeconomic development of the country to make progress towards achieving the Millennium Development Goals from now to 2015 (Cuba);
- 78.34. Continue to implement its healthcare-related campaigns and programmes to improve public health standards and provide access to healthcare services for all, with the support of the international community (Singapore);
- 78.35. Reinforce initiative to mobilize assistance and external resources to face tuberculosis, malaria and diarrheal infections (Mozambique);
- 78.36. Continue its efforts to strengthen its education system in accordance with the Basic Law on Education (Singapore);
- 78.37. Further implement the National Education Strategic Plan 2011-2013 (Indonesia);
- 78.38. Continue its efforts to offer universal education for all through the development of a greater number of primary school institutions as well as by increasing support to economically disadvantaged and vulnerable children, and providing support to children with disabilities (Costa Rica);
- 78.39. Take steps to improve equality in education in response to the low enrolment rate of female students in secondary and higher education (Japan);

78.40. Ensure that education programmes pay special attention to the prevention of sexual abuse and harassment and enable women to return to school after pregnancy (United Kingdom of Great Britain and Northern Ireland);

78.41. Continue efforts to promote and protect the human rights of the vulnerable (Indonesia);

78.42. Continue to build partnerships with friendly countries and organizations, and explore all possible avenues of cooperation, either at bilateral, regional or international levels, to improve the country's capacity and to enhance its manpower in order to allow the people of Timor-Leste full enjoyment of their rights (Philippines).

79. The following recommendations will be examined by Timor-Leste which will provide responses in due time, but no later than the 19<sup>th</sup> session of the Human Rights Council in March 2012:

79.1. Ratify or accede, as appropriate, to the First Optional Protocol to the International Covenant on Civil and Political Rights, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights as well as the International Convention for the Protection of All Persons from Enforced Disappearance (Uruguay);

79.2. Ratify the Optional Protocol to the Convention on the Rights of Persons with Disabilities and the first Optional Protocol to the International Covenant on Civil and Political Rights (Austria);

79.3. Ratify the Optional Protocol to the Convention against Torture and accede to the International Convention for the Protection of All Persons from Enforced Disappearance (France);

79.4. Ratify the First Optional Protocol to the International Covenant on Civil and Political Rights (Poland);

79.5. Ratify the Optional Protocol to the Convention against Torture (OPCAT), which was signed already in 2005 (Estonia);

79.6. Ratify the OPCAT (United Kingdom of Great Britain and Northern Ireland);

79.7. Sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Spain);

79.8. Study the possibility of ratifying the Optional Protocol to the Convention on the Rights of Persons with Disabilities and the International Convention for the Protection of All Persons from Enforced Disappearance (Argentina);

79.9. Ensure the prompt implementation of the provisions of the Rome Statue in the national law (Hungary);

79.10. Accelerate efforts aimed at the effective implementation with full enforcement of its relevant plans of action and policies including that of the anti-trafficking legislation (Cambodia);

79.11. Amend the statute of the National Children's Rights Commission (NCRC) to include legal competencies to undertake institutional interventions

against ministries working with children's rights and receive complaints of rights violations (Norway);

79.12. Submit as soon as possible reports complying with its reporting obligations to the respective treaty bodies (Austria);

79.13. Expedite the presentation of reports to human rights mechanisms, especially in cases where the initial reports are long overdue (Estonia);

79.14. Take concrete actions to speed up the reporting process for overdue treaty body reports and include all stakeholders in a transparent process (Norway);

79.15. Give priority to submitting periodic reports with those treaties for which no report has yet been provided (New Zealand);

79.16. Issue a standing invitation to the HRC special procedures mandate holders (Brazil);

79.17. Issue a standing invitation to all special procedures of the Human Rights Council (Austria);

79.18. Issue a standing invitation to special procedure mandate holders (Slovenia);

79.19. Consider issuing a standing invitation to all special procedures mandate-holders (Republic of Korea);

79.20. Review the legislation having discriminatory consequences on women (Italy);

79.21. Persevere in its efforts to protect human life from conception until natural demise (Holy See);

79.22. Accord higher priority to the investigation and prosecution of domestic violence cases (New Zealand);

79.23. Take concrete measures to ensure that justice be rendered to the victims of human rights abuses during the period of the war for independence as well as for their families and survivors (France);

79.24. Continue with efforts aimed at promoting truth, justice, memory and reparation for the serious human rights violations committed between 1974 and 1999 (Argentina);

79.25. Address violations in the past and encourage adequate parliamentary procedures on laws drafted to ensure political stability and reduce potential domestic tensions (Norway);

79.26. Pursue legislation to regulate the Presidential pardons process in order to increase transparency and provide victims and prosecutors an opportunity to input into this process (Canada);

79.27. Guarantee the effective follow-up to as well as the implementation of the recommendations by the Commission for Reception, Truth and Reconciliation and the Commission of Truth and Friendship (Austria);

79.28. Adopt the recommendations of the CAVR and the CTF Commissions, including establishing reparations programs for victims of past human rights violations (Canada);

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- 79.29. Give priority to implementing the CAVR and CTF recommendations regarding victims' rights to justice truth and reparations (New Zealand);
- 79.30. Make further progress on follow-up to the work of the CAVR and Commission on Truth and Friendship – particularly with regard to adopting legislation on reparations for the victims of past abuses and the establishment of a “Memory Institute (United Kingdom of Great Britain and Northern Ireland);
- 79.31. Ensure that the recommendations of the Commission for Reception, Truth and Reconciliation are implemented and that the necessary support is provided to the victims of past human rights violations (South Africa);
- 79.32. Further strengthen the judicial institutions through the improvement of the remunerations for public defenders and prosecutors and to take measures to reduce the number of pending cases (Germany);
- 79.33. Continue to consult UNICEF and the NCRC in the process of finalizing the draft law on juvenile justice to ensure that the law is clear and that the procedures are appropriate and take into consideration the local context and available resources (Norway);
- 79.34. Safeguard the family institution and marriage as a marital union between a man and a woman based on free consent (Holy See);
- 79.35. Continue, with urgent international assistance and cooperation without conditionalities, to strengthen its policies in the fields of education and health in order to be able to provide the basic social services required by its people, in conditions that guarantee equal access, with special attention to the most vulnerable sectors of the population (Venezuela);
- 79.36. Strengthen the Government response to incidents of violence against members of minority religious groups (Canada).
80. The recommendation below did not enjoy the support of Timor-Leste.
- 80.1. Repeal provisions in its legislation which are discriminatory towards women, including in respect of inheritance, land ownership and legal capacity (Canada).
81. All conclusions and recommendations contained in the present report reflect the position of the submitting States and the State under review. They should not be construed as endorsed by the Working Group as a whole.

## Annex

### Composition of the delegation

The delegation of Timor-Leste was headed by H.E. Ms. Lucia Maria Brandão F. Lobato, Minister of Justice, and composed of the following members:

- H.E. Mr. Joaquim A.M.L. da Fonseca, Ambassador/Permanent Representative of the Democratic Republic of Timor-Leste to the United Nations Office and other International Organizations in Geneva;
  - Mr. Eugenio João A. de Maria Soares, Director-General, Ministry of Social Solidarity;
  - Mr. Apolinario Magno, Director-General, Ministry of Education;
  - Mr. Celito Cardoso, National Director of Human Rights and Citizenship, Ministry of Justice;
  - Ms. Milena Rangel, National Director of Multilateral Affairs, Ministry of Foreign Affairs;
  - Mr. Helder Godinho Martins, Director of Human Rights Department, Ministry of Justice;
  - Mr. Augusto dos Santos da Costa, Secretariat of State for the Vocational Training and Employment;
  - Mr. Florencio Pina Dias Gonzaga, Human Rights Focal Point, Ministry of Social Solidarity;
  - Mr. Anacleto da Costa Ribeiro, Adviser to the Secretary of State for Security;
  - Mr. Quirino Antonio Araujo Soares Agosto, Secretary of the Minister of Justice;
  - Mr. Miguel Lemos, Adviser of the Minister of Justice;
  - Ms. Kavita DESAI, Advisor to the Permanent Mission of the Democratic Republic of Timor-Leste to the United Nations
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