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**Summary prepared by the Office of the High Commissioner  
for Human Rights in accordance with paragraph 15 (c) of the  
annex to Human Rights Council resolution 5/1**

**Timor-Leste\***

The present report is a summary of six stakeholders' submissions<sup>1</sup> to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. 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), nor any judgment or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review.

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\* The present document was not edited before being sent to United Nations translation services.

## **I. Background and framework**

### **A. Scope of international obligations**

1. Joint Submission by the Office of the Provedor for Human Rights and Justice and Civil Society Organizations in Timor-Leste (JS2) noted that Timor-Leste has not ratified the Convention on the Rights of the Persons with Disabilities and the International Convention for the Protection of All Persons from Enforced Disappearance.<sup>2</sup>

2. International Center for Transitional Justice (ICTJ)<sup>3</sup> and Amnesty International (AI)<sup>4</sup> recommended that Timor-Leste ratify the International Convention for the Protection of All Persons from Enforced Disappearance. Joint Submission by IIMA (Istituto Internazionale Maria Ausiliatrice), VIDES International (International Volunteerism Organization for Women, Education, Development), Franciscans International and FMSI (Marist International Solidarity Foundation) (JS3) and JS1 recommended that the Government ratify the Convention on the Rights of People with Disabilities and its Optional Protocol.<sup>5</sup>

### **B. Constitutional and legislative framework**

3. JS2<sup>6</sup> and Joint Submission by Save the Children Timor-Leste and Plan Timor-Leste (JS1)<sup>7</sup> noted that the Constitution of the Republic of Timor-Leste incorporates the principles of international human rights law and treaties ratified by Timor-Leste. JS2 stressed that Timor-Leste has to make efforts to institutionalize the principles of the treaties it ratified in policies, programs, legislations and the budget.<sup>8</sup>

4. JS1 noted the Ministry of Justice is responsible for drafting the Children's Code which seeks to safeguard children's rights in the context of legal reform and enhance justice for children in contact with the law.<sup>9</sup> JS1 recommended that the Government, inter alia, ensure greater coordination in child policy by creating an inter-ministerial committee in 2012. The tasks of the committee should include: (i) to review and clarify the legal status of the National Commission for the Rights of the Child (NCRC); and (ii) finalize and approve a code of conduct for all persons working with children. JS1 recommended that the Ministry of Justice complete the draft Children's Code by the end of 2012, with the expectation that the Parliament will pass the legislation by the end of 2013.<sup>10</sup>

5. JS1 recommended that the Government amend Decree Law No. 5/2005 before the 2012 General Election to ensure that the status and roles of NGOs and CSOs are legitimized.<sup>11</sup>

### **C. Institutional and human rights infrastructure**

6. JS2 noted that since its opening to the public in 2006, the Office of the Provedor had received 404 human rights complaints and made recommendations to state entities in relation to 54 cases of human rights violations. It noted that the majority of its recommendations have not been implemented and that the Government consistently failed to provide information on the progress of their implementation. JS2 recommended that Timor-Leste implement the recommendations made by the Provedor Office.<sup>12</sup>

7. JS2<sup>13</sup> indicated that civil society organizations have been critical about the mandate and competencies of NCRC. JS2 noted for instance that NCRC has not been mandated to receive complaints regarding cases of violations of the rights of children. JS2 recommended that the Government amend the statutes of NCRC to include the highest legal competencies

to protect and promote children's rights, particularly to undertake institutional interventions and receive complaints of violations against children's rights.<sup>14</sup>

## **D. Policy measures**

8. JS1 noted that in 2010, the Ministry of Education published the National Education Strategic Plan 2011-2030 which outlines a commendable programme of educational reform including a target of 88 per cent enrolment in basic education by 2015.<sup>15</sup>

9. JS1 recommended that the Government provide for coordinated implementation of the Mother Tongue-Based Multilingual Education for Timor-Leste National Policy in 2013.<sup>16</sup>

## **II. Promotion and protection of human rights on the ground**

### **A. Cooperation with human rights mechanisms**

#### **Cooperation with treaty bodies**

10. JS2 noted that Timor-Leste's reports under the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment were long overdue.<sup>17</sup> It recommended that Timor-Leste submit these reports as soon as possible and incorporate all of its obligations into national law.<sup>18</sup>

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

#### **1. Equality and non-discrimination**

11. JS1 noted that efforts to revise legislation and policy related to child protection, have not been carried out in a manner which provides a clear legal mandate to all relevant ministries.<sup>19</sup> JS1 recommended that the Government, inter alia: amend the national regulatory framework to provide a clear legal mandate to child protection officers; and develop terms of reference for district child protection networks before 2012 general elections.<sup>20</sup>

12. JS1<sup>21</sup> and JS2<sup>22</sup> expressed concern regarding discrimination against persons including children with disabilities. JS2 recommended that Timor-Leste combat discrimination against people with disabilities and adopt provisions from the United Nations conventions regarding the protection of people with disabilities into national policies and legislation.<sup>23</sup>

#### **2. Right to life, liberty and security of the person**

13. AI reported that allegations of human rights violations by the police and military continue, including ill-treatment and excessive use of force and that very few persons have been prosecuted for these abuses.<sup>24</sup>

14. JS2 noted that the Law against Domestic Violence was promulgated in 2010, criminalizing acts of domestic violence as a public crime. JS2 noted that cases of violence against women registered with the police rose to 1,200 but only 50 per cent have been

brought before the courts. The number of cases of domestic violence reported in 2010 rose to 25 per cent compared to previous two years.<sup>25</sup> JS2 recommended that the Government: bring all cases of domestic and gender-based violence before the courts; continue raising awareness of the Law against Domestic Violence to the public as part of citizenship education; launch a national campaign throughout the country to stop domestic and gender-based violence and incorporate it into all levels of education; and discourage cultural practices that violate women's rights, particularly early marriage.<sup>26</sup>

15. JS3 noted the occurrence of sexual exploitation against both men and women and that women are often victims of violence in their own families. It noted furthermore that many Timorese women work as sex workers in Dili and other larger towns in the country and that many start working at very young age (and are minors). It is estimated that 75 per cent of males involved in sex work are also minors.<sup>27</sup>

16. JS3 noted that there is wide acceptance of corporal punishment and violence against children in the name of discipline or correction. Few cases of violence against children including cases of sexual abuse are brought before courts.<sup>28</sup> The Global Initiative to End All Corporal Punishment of Children noted that the Draft Juvenile Justice Law is under discussion, but in its current form does not explicitly prohibit corporal punishment in institutions accommodating children in conflict with the law. A children's code is also being drafted but it is not known if it would contain prohibition of corporal punishment in all settings.<sup>29</sup> JS1 recommended that the Government formally prohibit corporal punishment in all settings, including through awareness-raising campaigns aimed at families, the school system and other educational settings and clarify safe, efficient and child-friendly reporting mechanisms for victims of violence.<sup>30</sup>

17. JS3 expressed concern about children living on the streets and noted that the situation of children on the streets is a part of a wider child labour issue. Child labour is common in terms of supporting family income. Few children are in formal labour; only 0.5 per cent of 5–14 years olds are in paid labour. Many are involved in work that is dangerous or onerous. It noted that Timor-Leste has not ratified the ILO Convention on the Minimum Age of Employment.<sup>31</sup>

18. JS3 urged the Government to, *inter alia*, (1) ensure that every child is protected from all forms of physical, sexual and mental violence and prosecute violators; (2) conduct a study on all aspects of domestic violence and child abuse in the home, assessing the scope and nature of this problem and implement legal measures to address violence against children; (3) establish effective procedures and mechanisms to receive and monitor cases; and (4) ensure that all child victims have access to adequate care, counseling and assistance with recovery and reintegration services.<sup>32</sup>

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

19. AI noted that Timor-Leste has still not enacted legislation providing for co-operation with the International Criminal Court (ICC). In addition, as it stands, the Penal Code is insufficient to challenge impunity for past crimes.<sup>33</sup> AI recommended that the Government (1) amend the Penal Code or pass new legislation in line with the Rome Statute and other international law obligations, in particular: explicitly ban amnesties, pardons and other forms of impunity for crimes under international law; (2) amend article 8 (b) of the Penal Code to permit the opening of a criminal investigation and the requesting of extradition of suspects; ensure that perpetrators of genocide, crimes against humanity and war crimes can be re-tried in a Timorese court if the trial in a foreign court was not genuine and permitted the perpetrator to escape from justice; enact legislation providing for co-operation with the ICC.<sup>34</sup>

20. ICTJ<sup>35</sup> and AI<sup>36</sup> noted that between 1974 and 1999, over 100,000 civilians died as a result of executions, massacres, and conflict-related hunger and illness. The Timorese suffered widespread violations including enforced disappearance, arbitrary detention, torture, rape, sexual slavery, the use of child soldiers, and the deliberate targeting of civilians during military operations. The legacy of the conflict continues to undermine political stability in Timor-Leste today. The overwhelming majority of these violations have yet to be addressed.<sup>37</sup>
21. AI noted that at least 1,200 people died in relation to Timor-Leste's independence referendum in 1999. The polls were marred by serious human rights violations, including crimes against humanity.<sup>38</sup>
22. AI<sup>39</sup> and ICTJ<sup>40</sup> noted the attempts to bring perpetrators of past crimes to justice, including the establishment in 2000 (with support of the UN) of the Serious Crimes Unit (SCU) and Special Panels for Serious Crimes (SPSC), mandated to prosecute crimes against humanity and other gross human rights violations. AI noted that in May 2005, the activities of the SCU and SPSC were terminated, despite not having completed their work.<sup>41</sup> AI noted that over 300 individuals indicted were believed to be living outside the territorial jurisdiction of Timor-Leste.<sup>42</sup>
23. ICTJ<sup>43</sup> and AI<sup>44</sup> noted the establishment in 2006 - as part of the UN Integrated Mission in Timor-Leste- of a Serious Crimes Investigation Team (SCIT) which was mandated to complete investigations of serious crimes committed only in 1999, and has no prosecutorial functions. AI noted that the Prosecutor General's Office is now in charge of bringing new cases to the courts; however, since SCIT began to submit completed investigations only one indictment has been filed.<sup>45</sup>
24. ICTJ recommended that the Government should ensure prompt and thorough review of SCIT recommendations and proceed to issue indictments based on completed SCIT investigations. It further recommended registration of outstanding serious crimes indictments and arrest warrants with Interpol and that the Government continue to seek cooperation in securing the arrest of inductees who are suspected to be in the territory of a third country.<sup>46</sup>
25. ICTJ<sup>47</sup>, AI<sup>48</sup> and JS<sup>49</sup> noted the establishment in 2001 of the Commission for Reception Truth and Reconciliation (CAVR) and the Commission for Truth and Friendship (CTF). CAVR was mandated to investigate human rights violations committed between 1974 and 1999, while CTF from 2005 was "to establish the conclusive truth in regard to the events prior to and immediately after the popular consultation in 1999, with a view to further promoting reconciliation and friendship, and ensuring the non-recurrence of similar events".<sup>50</sup> Both commissions recommended that the Government investigate the fate of missing persons including children separated from their families and provide reparations to victims of past human rights violations. AI noted that local and international NGOs have strongly criticized in particular provisions in CTF's mandate allowing for amnesties for perpetrators of serious crimes, including crimes against humanity.
26. ICTJ<sup>51</sup> and JS<sup>52</sup> noted CAVR and CTF recommendations related to victims' rights to justice, truth, and reparations remain unimplemented. AI<sup>53</sup> and ICTJ<sup>54</sup> noted that in July 2010, two draft laws establishing a national reparations programme for victims and an "Institute for Memory"<sup>55</sup>, mandated to implement the recommendations of the CTF and the CAVR, were presented for public consultation. The laws were due to be debated in Parliament in September 2010; however, the debate was delayed until February 2011. On 14 February 2011, Parliament again postponed the debate.<sup>56</sup> ICTJ noted that the unwillingness of many parliamentarians to recognize victims of violations perpetrated by the Timorese resistance groups FALINTIL and FRETILIN is of particular concern.<sup>57</sup>

27. AI<sup>58</sup> and ICTJ<sup>59</sup> recommended that the Government pass legislation establishing a mechanism to support the full implementation of CAVR and CTF recommendations, particularly in relation to establishing reparations programs for victims of human rights violations during the conflict. ICTJ recommended that the Government ensure a timely parliamentary debate and adoption of the pending Institute for Memory and National Reparations Framework bills, and allocate sufficient budgetary resources to support their implementation.<sup>60</sup> AI also recommended dissemination and awareness-raising of the findings and recommendations of CAVR and CTF and discussing these recommendations and findings publicly in Parliament and other institutions.<sup>61</sup> ICTJ recommended establishing a Solidarity Fund which would accept contributions from UN Member States and Timor-Leste state revenues toward a victim reparations programme; and develop interim economic and social support programs specifically for vulnerable victims of gross human rights violations, particularly victims of sexual violence.<sup>62</sup>

28. AI also recommended that the Government establish a public register of missing persons and those killed between 1975 and 1999 and undertake a systematic inquiry to establish the whereabouts and fate of those who went missing.<sup>63</sup>

29. AI stated that the failure to rebuild the justice system and to bring those responsible for past human rights violations to justice has contributed to an environment where there is no strong deterrent to political violence and human rights violations. Civil society organizations have expressed concern about the credibility of the justice system after a series of presidential pardons, including in August 2010 when 23 people who had been convicted of involvement in the political violence of February 2008 were pardoned.<sup>64</sup>

30. AI also noted that the reluctance of the Government to fulfill its obligations to prosecute past crimes was clearly demonstrated in August 2009, when it released an indicted militia leader. He had been charged by the SCU in 2003 with the extermination of civilians and other crimes against humanity, including torture, enforced disappearance, deportation and persecution in 1999 in the town of Suai.<sup>65</sup>

31. AI recommended that the Government (1) publicly announce and take concrete steps to bring to justice all persons responsible for crimes against humanity and other human rights violations, wherever and whenever they occurred, and to ensure that victims receive full reparations; (2) establish a long-term comprehensive plan to end impunity and, as part of that plan, request the UN Security Council to immediately set up an international criminal tribunal with jurisdiction over all crimes between 1975 and 1999; (3) establish effective extradition and mutual legal assistance agreements with other states to ensure that individuals charged with crimes under international law can be extradited to Timor-Leste to stand trial in proceedings that meet international standards of fairness.<sup>66</sup>

32. AI also noted that despite the existence of various programmes to strengthen the judicial system, it remains slow and is ineffective in addressing crimes due to a large backlog within the prosecution office and a lack of adequate staffing and administrative resources. Language complications further slow down the judicial process as interpretation and translation services are often required in court proceedings. Although Tetum and Portuguese are the two official languages of Timor-Leste, Portuguese is the main legal language, which most of the population does not speak.<sup>67</sup> AI recommended that the Government ensure that all legislation, draft legislation and other legal documents are widely available in both Portuguese and Tetum.<sup>68</sup>

33. Regarding allegations of human rights violations committed by police and military forces, AI noted that despite efforts to strengthen internal accountability mechanisms, very few persons have been prosecuted. Following the 2006 violence, which erupted after the dismissal of one third of the country's military, a vetting and certification process was introduced for police officers, but not for members of the armed forces.<sup>69</sup> JS2 noted that

between 2007 and 2010, the Department of Justice of the National Police has registered almost 800 cases of infractions. Of these cases, 14 per cent have been processed in the courts and received judgment, 30 per cent remain pending investigation. A similar problem affects the F-FDTL (Timor Leste military defense force). It recommended that Timor-Leste, strengthen mechanisms of internal control which will rebuild public trust in the Police and the Military.<sup>70</sup> AI recommended that the Government: strengthen accountability mechanisms to deal with suspected human rights violations by members of the security forces promptly, impartially and effectively, to bring to justice all those responsible in fair trials and ensure the victims receive reparations.<sup>71</sup>

34. JS2 noted that several pre-trial detainees, mostly in the central prison of Timor-Leste (Becora), have been incarcerated for long periods without regular review of their cases. The majority of these detainees received legal assistance only when facing judgment in courts.<sup>72</sup> It recommended that the Government inter alia, take urgent measures to undertake regular review of the cases of all prisoners who have been confined for lengthy periods; and ensure that female prisoners are separated from male prisoners.<sup>73</sup>

35. JS2 noted that Timor-Leste continues to confront various challenges to the achievement of the principle of proper, fair and timely justice.<sup>74</sup> JS2 recommended that Timor-Leste, inter alia, (1) strengthen judicial institutions; (2) take urgent measures to reduce the number of pending cases; (3) support the capacity of the judiciary's institutions through the provision of adequate forensic equipment; (4) create a national fund for justice through more frequent deployment of mobile courts to all the districts; (5) support the work of the Public Ministry and the Defenders Office in each district, and develop a standardized database system used by the Police, Public Ministry and Courts, based on the type of cases which include disaggregated data including on sex; (6) use both Tetum and Portuguese in the legal proceedings as well as in all justice-related documents.<sup>75</sup>

36. JS2 recommended that the Government amend the Law on the Private Legal Profession to extend the period by which private lawyers will have to have completed training.<sup>76</sup>

37. JS3 noted that article 18 of the Constitution concerns the protection of children. It also noted the draft legislation on juvenile justice which exempts children from criminal liability, and differentiates a Special Penal Regime for Young Adults aged between 16 and 21 years old. These two laws constitute an encouraging step forward in separating children and youthful offenders from adult criminals during the stages of arrest, adjudication and detention.<sup>77</sup> However, JS3 noted that it shares the concerns of other civil society organizations in the country, in particular with regard to the *best interest of the child*. JS3 was particularly concerned about the fact that the draft laws provide for the detention of children and do not ensure that the deprivation of liberty of juveniles is a means of last resort.<sup>78</sup>

38. JS3 urged the Government to: (1) amend the draft law on Juvenile Justice ensuring that children in conflict with the law are deprived of their liberty only as a means of the last resort; (2) use the principle of "best interests of the child" as a guide for the development of juvenile justice law and policy and put in place prevention programmes to reduce juvenile delinquency; (3) honour the child's right to be heard and participate by allowing him or her to have access to information concerning the charges brought against them, rules of evidence, avenues of appeal, and principles of adjudication; (4) ensure that the opportunity for legal representation is not denied to children and youthful offenders and inclusion in decision making as an important element in an integrated juvenile justice policy; (5) provide training for law enforcement officials and the judiciary with regard to the rights of children in conflict with the law.<sup>79</sup> JS3 also recommended the creation of special courts for juveniles and ensure that they are detained in separate centers from adults.<sup>80</sup>

**4. Right to privacy, marriage and family life**

39. JS3 noted that birth registration remains an issue of concern and that only 22 per cent of children under five are formally registered.<sup>81</sup> JS3 recommended that the Government improve the system of birth registration.<sup>82</sup> JS1 recommended that the Government complete its campaign for Child Registration by the end of 2012, with the goal of achieving universal birth registration by the end of 2013.<sup>83</sup>

**5. Right to work and to just and favourable conditions of work**

40. JS2 noted that up until 2010 the Confederation of Workers Syndicates had dealt with 1430 labour disputes. Of all cases only 3 per cent have been resolved through tri-partite mediation involving the Government. Of these, 0.4 per cent cases had been taken to the district courts, while many have been pending for more than two years without resolution. The violation of workers' rights has become a concern because of the absence of adequate protective measures. It was indicated that the issue of unemployment is closely related to that of the treatment of workers in the context of labour-market competition. Timorese do not have sufficient skills to compete in the labour market with migrant workers whose numbers have increased to over 2000.<sup>84</sup> It recommended that Timor-Leste: (1) approve the new (amended) Labour Code and complementary legislation regarding minimum wages, social security and protection in the workplace; and (2) strengthen initiatives to create jobs by adopting urgent measures to develop programs oriented at providing skills for young people, as well as develop schools systems aimed at fostering life-skills.<sup>85</sup>

**6. Right to social security and to an adequate standard of living**

41. JS1 indicated that although there have been improvements in primary health services, high levels of child malnutrition, infant, child and maternal mortality rates continue to be of concern. Access to health services is a challenge, particularly for remote communities.<sup>86</sup> JS2 recommended that Timor-Leste adopt urgent measures to improve access to health services and respond to health problems by increasing food productivity, access to clean water, basic services and sanitation.<sup>87</sup> JS 2 noted that the poor nutritional status has also had a large impact on the increasing infant mortality rate.<sup>88</sup>

42. JS2 noted that, despite the Government's 2010 programme of school feeding, all schools where the programme has been applied show that the meals have limited nutritional value, and lack hygiene. It recommended that the Government improve its policies and programmes for reducing malnutrition throughout the country, in particular through improving the quality of the school-feeding programme by creating proper management of food preparation, controlling the quality of supplies and the use of local products. It recommended the creation of an inter-ministerial mechanism to control and measure the impact of the provision of health services in order to reduce infant mortality, maternal mortality and malnutrition.<sup>89</sup>

43. JS2 noted that climate change and natural disasters caused dramatic reduction of food production in 2010. The Government had created programmes to increase food production, however there have not been any significant changes and in fact agricultural production has decreased. It recommended that Timor-Leste: strengthen agricultural programmes directed to food security; and control the rice distribution system to guarantee equal access, whilst at the same time strengthen the variety of local products available to achieve sustainable local food production.<sup>90</sup>

44. JS2 reported that land disputes are increasing and access to adequate shelter also continues to be of concern. The situation of communities that lost their residences in September 1999 and in the crisis of 2006/2007 has not yet improved. A total of 58 per cent of communities continue to live in poor housing conditions, with the majority having no



access to clean water and sanitation. JS2 reported that in January 2011, the Ministry of Justice, through the National Directorate of Land and Property, started the eviction of those occupying state property, which has resulted in the loss and destruction of residences for many. With the continuation of this policy it is expected that more than seven thousand persons will lose their homes. The compensation provided has been insufficient for those evicted to be able to rebuild new homes. It added that forced evictions were characterized by acts of Government officials and security forces that contradict internationally recognized human rights standards.<sup>91</sup> It recommended that Timor-Leste: (a) create a national fund for the construction of new community residences guaranteeing access to all people through the “Rent To Buy” programme; (b) prevent forced evictions and create a procedure for compensation, re-imbursements and the adoption of relocation programs; (c) conduct public hearings to approve the Land Title Law; and (d) strengthen inter-ministerial work to assure planned evictions.<sup>92</sup>

45. JS1 noted that there is poor access to clean water and sanitation facilities. Approximately 40 per cent of rural and 14 per cent of urban households do not have access to clean water, while 65 per cent of rural and 21 per cent of urban households do not have access to improved sanitation. The lack of access to clean water and sanitation facilities contributes to illnesses among children, including diarrhea which is among the top three causes of death among children under five years old.<sup>93</sup> JS1 recommended that the Government: (a) adopt the National Sanitation and Hygiene Policy by the end of 2012; (b) undertake awareness-raising campaigns beginning in 2013 to promote the importance of sanitation and hygiene; (c) ensure, by the end of 2013, equal access to clean water and sanitation facilities in schools for all children, and ensure that men’s and women’s latrines are segregated.<sup>94</sup>

## **7. Right to education**

46. JS1 noted the Government’s commitment to enabling free and compulsory education in primary and secondary schools (from grades 1 to 9), including the Ministry of Education’s Strategic Plan 2011-30 with a target of 88 per cent of enrolment in basic education by 2015. JS1 noted however that approximately 23 per cent of children never enroll in schools while 50 per cent of those enrolled drop out by grade three. Children in remote areas, especially girls and children with disabilities are less likely to complete primary school.<sup>95</sup>

47. JS2 noted that Timor-Leste’s education policy of nine years of obligatory and free education has not been able to attract many children to school. Families without income continue to be unable to cover the costs of school materials and uniforms. Despite the increase of children enrolling in schools at entry level, the percentage of drop-outs at a later stage has been high. Causes include: children leaving school to work in the streets and unplanned pregnancies among young girls resulting in early marriages. JS3 noted that long distances from school, especially in rural areas may inhibit enrollment, particularly as regards girls, and this may also contribute to early drop-out. According to JS2, the number of girls in higher levels of education drops dramatically, especially in rural areas.

48. JS2 recommended that the Government: continue its efforts to strengthen free education and find alternatives to support children from disadvantaged financial situations; consider providing scholarships at secondary and higher level to children of lower economic status; identify children who have dropped out or passed the age of the primary school cycle, to enter them into recurrent education; and broaden this program to the districts.<sup>96</sup>

49. JS2 noted that there have been several allegations against teachers indicating they used violence to discipline, as well as allegations of sexual abuse, but in most cases without teachers being held accountable.<sup>97</sup> It recommended the establishment of an internal school

mechanism to which children can complain and through which teachers can be held accountable.<sup>98</sup> JS1 recommended that the Government develop and approve procedures by 2014 to stop gender-based violence in educational institutions.<sup>99</sup>

50. In regards to quality education, JS3 noted that poor physical infrastructure of schools, shortage of teaching material, and low qualifications of teachers negatively impact the quality of education. JS2 noted that the situation is similar at the National University in Timor-Leste.<sup>100</sup> Other concerns were overcrowded class rooms and that the children's ages in the classes considerably varied. JS3 indicated that one further challenge is the language of instruction, Portuguese, as not all teachers can speak it which affects the students and their ability to learn.<sup>101</sup> JS3 recommended that the Government: (a) fully implement article 28 of CRC, which establishes the obligation to make primary education compulsory and available free to all; (b) overcome the stigmatization of the poorest, orphans and children with disabilities, and to ensure their equal access to education; (c) build new schools and modernize existing infrastructures; provide (d) economic subsidies for families of the poorest children; (e) training for teachers to ensure a quality education; and (f) a free nutritious lunch for all children attending primary school.<sup>102</sup> JS1<sup>103</sup> and JS3<sup>104</sup> recommended that the Government implement its Strategic Plan target for pre-primary education and have at least 50 per cent of children between three and five years-old enrolled and receiving quality pre-school education by 2015.

51. JS1 stated that children learn best in a language they know and understand, and therefore welcomed the development of the Mother Tongue-Based Multilingual Education for Timor-Leste National Policy.<sup>105</sup>

#### **8. Indigenous peoples**

52. JS2 noted that Portuguese and Tetum are the official languages of the country. However, it noted that the Government recognizes Portuguese as the official language in State institutions and education and that the languages of indigenous peoples are under threat.<sup>106</sup>

### **III. Achievements, best practices, challenges and constraints**

53. ICTJ stated that the Government should be congratulated on recent efforts to ascertain the identity of people killed during the conflict and foreign occupation. In 2010, the Government funded a forensic survey that led to the recovery of two graves containing nine bodies. Such initiatives should continue and expand to a wider, more systematic search for missing people.<sup>107</sup> ICTJ also noted that the Government's focus on assisting vulnerable groups should be applauded. It also noted that the government has embarked upon an ambitious benefits programme for members of the resistance movement, which has also benefited some victims of human rights violations.<sup>108</sup>

### **IV. Key national priorities, initiatives and commitments**

N/A

### **V. Capacity-building and technical assistance**

54. ICTJ recommended that the international community: continue and expand support for developing national capacity of Timor-Leste to prosecute serious crimes; enforce international arrest warrants against those suspected of those committing serious crimes in

Timor-Leste; support the full implementation of CAVR and CTF recommendations, particularly in relation to establishing reparations programmes for victims of human rights violations during the conflict; and pledge contributions toward a solidarity fund.<sup>109</sup>

55. ICTJ also recommended that the Government establish a solidarity fund, as recommended by the UN Secretary-General in his 2006 report on justice and reconciliation for Timor-Leste, which would accept contributions from UN Member States and Timor-Leste State revenues toward a victim reparations programme.<sup>110</sup>

## Notes

<sup>1</sup> The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: [www.ohchr.org](http://www.ohchr.org). (One asterisk denotes a non-governmental organization in consultative status with the Economic and Social Council.)

### *Civil society*

|                   |  |
|-------------------|--|
| AI                | Amnesty International, London, United Kingdom*   |
| Global Initiative | Global Initiative to End All Corporal Punishment of Children   |
| ICTJ              | International Center for Transitional Justice  |
| JS1               | Joint Submission by Save the Children Timor-Leste and Plan Timor-Leste   |
| JS2               | Joint Submission by Office of the Provedor for Human Rights and Justice (Provedoria de Direitos Humanos e Justisa PDHJ) and following Civil Society organizations in Timor-Leste; FONGTIL (Forum ONG Timor-Leste); A-HAK (Assosiasaun ba Direitus Humanus no Justisa); FTM (Forum Tau Matan ba direitus Humanus no Dezenvolvimentu); JSMP (Judicial System Monitoring Program); KSTL (Konfederasaun Sindikatu Timor-Leste); HIR (Hametin Ita Rain) – Ermera district; DPO/RHTO (Raes Hadomi Timor-oan); TLCE (Timor-Leste Coalition for Education); FMF (Fundasaun Moris Foun – Maliana district; Haburas Foundation/Rede Ita Rain; HT (Hadomi Timor); ASSERT – Associacao Hi'it Ema Ra'es Timor; KATILOSA –Klibur Aleijadus Timor LoroSa'e.; Tolhae – Ainaro district; Gertak – Ainaro district; ECTRN (East Timor Crisis Reflection Network); LABEH (Lalenok ba Ema Hotu); CJP (Commisaun Justisa e Paz); REDE FETO TIMOR-LESTE ICTJ (International Centre for Transitional Justice – Timor Leste); KNDTL (Komisaun Nasional Direitu Labarik); HADEER Institute; Fundasaun Moris Hamutuk Centru Joventude Maliana; CAILALO Foundation – Baucau district; CVTL (Crus Vermelha Timor-Leste); Centro Juventude Covalima; FMF (Fundasaun Moris Foun) Liquisa district; F.HAMDO (Fundasaun Hametin Domin); Rede Diretos Humanos Aileu district; HDI (Hametin Demokrasi Igualidade); BELUN Foundation; FPWO (Forum Peduli Wanita Oecusse); Alola Foundation – Representante Alola Foundation from the Distrcit of Liquica; LAHO Institute ( LORON ABAN HAHU OHIN INSTITUTE); Commisaun Justica no Paz Paroquia Liquica; ONG LODA ( Loke Dalan); ONG Rai-Maran Liquica; ONG Gorette Liquica; ONG AHJ ( Aileu Hametin Justica); FOSCACA (Foin Sae Catholica Aileu); ONG LUZEIRO (Fo'o Naroman ba Ema); ONG FUNDAMOR (Fundasaun Amor); ONG NATUREZA; ONG Esperanca; ONG ICATUTU; ONG IMI (Institute Mata Dalan Integrado); ETICA (East-Timor Café Academica, Ermera); Fundasaun Malaedoi; CBOS (Organizasaun Comunidade Basico); Konselo Nasional Juventude Timor-Leste, Baucau; PDF (Fundasaun Dame no Demokrasia); HLT (Hametin Lia Tatoli); Tuna Mutin Foundation; Asosiasaun Vitima 1975/1999; AHJ (Aileu Hametin Justisa). |
| JS3               | Joint Submission by IIMA - Istituto Internazionale Maria Ausiliatrice, VIDES International - International Volunteerism Organization for Women, Education, Development; Franciscans International (NGOs in   |

Consultative Status with ECOSOC); and FMSI-Marist International  
Solidarity Foundation.

- 2 JS2, para. 2.
- 3 ICTJ, para. 19.
- 4 AI, p. 5.
- 5 JS3, para. 34 (c).
- 6 JS2, para. 4.
- 7 JS1, para. 3.
- 8 JA2, paras. 2–3.
- 9 JS1, para. 4.
- 10 JS1, para. 7.
- 11 JS1, paras. 11–12.
- 12 JS2, paras. 6–8.
- 13 JS2, para. 8.
- 14 JS2, paras. 7–8.
- 15 JS1, para. 24.
- 16 JS1, para. 31 (c).
- 17 JS2, para. 4.
- 18 JS2, para. 5 (a).
- 19 JS1, para. 38.
- 20 JS1, para. 40 (b).
- 21 JS1, para. 35.
- 22 JS2, paras. 51–54.
- 23 JS2, paras. 54 (b) and (c).
- 24 AI, p. 4.
- 25 JS2, para. 17.
- 26 JS2, para. 18.
- 27 JS3, para. 13.
- 28 JS3, para. 15.
- 29 The Global Initiative, paras. 1.1–1.5.
- 30 JS1, paras. 32–34.
- 31 JS3, paras. 11–12.
- 32 JS3, para. 17.
- 33 AI, p. 1.
- 34 AI, p. 4.
- 35 ICTJ, para. 2.
- 36 AI, p. 2.
- 37 ICTJ, para. 2.
- 38 AI, p. 2.
- 39 AI, p. 2.
- 40 ICTJ, para. 4.
- 41 AI, p. 2.
- 42 AI, p. 2.
- 43 ICTJ, para. 5.
- 44 AI, p. 2.
- 45 AI, p. 2.
- 46 ICTJ, para. 20.
- 47 ICTJ, para. 3.
- 48 AI, p. 3.
- 49 JS2, para. 22.
- 50 AI, p. 3. Article 12, Terms of Reference for the Commission of Truth and Friendship.
- 51 ICTJ, para. 7.
- 52 JS2, para. 22.
- 53 AI, p. 3.
- 54 ICTJ, para. 10.
- 55 The preamble of Security Council Resolution 1912 of Feb. 26, 2010, welcomes the passing of the

Timor-Leste parliamentary resolutions that authorized the drafting of the Institute for Memory and Reparations bills.

- <sup>56</sup> AI, p. 3.  
<sup>57</sup> ICTJ, para. 10.  
<sup>58</sup> AI, p. 5.  
<sup>59</sup> ICTJ, para. 21.  
<sup>60</sup> ICTJ, para. 19.  
<sup>61</sup> AI, p. 5.  
<sup>62</sup> ICTJ, para. 19.  
<sup>63</sup> AI, p. 5.  
<sup>64</sup> AI, p. 5. See also JS2, paras. 27–29.  
<sup>65</sup> AI, p. 3.  
<sup>66</sup> AI, p. 5.  
<sup>67</sup> AI, p. 4.  
<sup>68</sup> AI, p. 5.  
<sup>69</sup> AI, p. 4.  
<sup>70</sup> JS2, paras. 19–20.  
<sup>71</sup> AI, p. 5.  
<sup>72</sup> JS2, para. 25.  
<sup>73</sup> JS2, para. 26.  
<sup>74</sup> JS2, para. 27.  
<sup>75</sup> JS2, para. 29.  
<sup>76</sup> JS2, paras. 28–29.  
<sup>77</sup> JS3, para. 7.  
<sup>78</sup> JS3, para. 8.  
<sup>79</sup> JS3, para. 10.  
<sup>80</sup> JS3, para. 10.  
<sup>81</sup> JS3, para. 16.  
<sup>82</sup> JS3, para. 17 (c).  
<sup>83</sup> JS1, para. 40 (c).  
<sup>84</sup> JS2, paras. 46–48.  
<sup>85</sup> JS2, para. 48.  
<sup>86</sup> JS1, paras. 16–17.  
<sup>87</sup> JS2, para. 40.  
<sup>88</sup> JS2, para. 39.  
<sup>89</sup> JS2, paras. 9–10.  
<sup>90</sup> JS2, paras. 32–34.  
<sup>91</sup> JS2, paras. 35–37.  
<sup>92</sup> JS2, para. 38.  
<sup>93</sup> JS1, paras. 20–21.  
<sup>94</sup> JS1, para. 22.  
<sup>95</sup> JS1, paras. 23–25. See also JS3, paras. 20–22.  
<sup>96</sup> JS2, para. 14.  
<sup>97</sup> JS2, paras. 11–13.  
<sup>98</sup> JS2, para. 14.  
<sup>99</sup> JS1, para. 26 (d).  
<sup>100</sup> JS2, para. 41.  
<sup>101</sup> JS3, paras. 29–34.  
<sup>102</sup> JS3, para. 34.  
<sup>103</sup> JS1, para. 31 (a).  
<sup>104</sup> JS3, para. 34.  
<sup>105</sup> JS1, para. 30.  
<sup>106</sup> JS2, paras. 49–50.  
<sup>107</sup> ICTJ, para. 16.  
<sup>108</sup> ICTJ, paras. 17–18.  
<sup>109</sup> ICTJ, para. 21.

<sup>110</sup> ICTJ, para. 19.

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