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Universal Periodic Review

Report of the Working Group on the Universal Periodic Review*

Timor-Leste

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

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

1. During the interactive dialogue on the National Report at the 12th Session of the Universal Periodic Review (UPR), a total of 125 recommendations were made to Timor-Leste. Timor-Leste welcomes those recommendations. Out of 125 recommendations, 88 recommendations were accepted immediately, and 1 (one) recommendation rejected. The remaining 36 recommendations were submitted deferred for further considerations.

2. The remaining recommendations are clustered into the different themes, namely the ratification of new international human rights instruments and the implementation of those to which the country is a party, legislative amendment to ensure conformity with international human rights standards, fulfilment of reporting obligations of human rights treaties, addressing past human rights violations, cooperation with the UN human rights bodies and mechanisms, and other recommendations.

3. Having considered the substance of the recommendations and various aspects relating to their implementation, Timor-Leste expresses its position as follows:

Ratification and implementation of international human rights instruments

Recommendations 1 – 8

4. **Accepted:** Timor-Leste agrees with these recommendations and is committed to work towards achieving the objectives of the referred Conventions. Timor-Leste is aware that its commitment to the international human rights instruments will first require, as stated in the National Report, that “*the human resources and institutional conditions are in place to ensure compliance with the commitments to be assumed through these instruments*”. These are essential conditions in order for Timor-Leste to fully assume its obligations deriving from the ratification of the international human rights instruments. Work is currently underway for the country to accede to some of the conventions referred to in the recommendations. Timor-Leste has adopted a National Policy on Disabilities. This will soon be followed by the ratification of the Convention on the Rights of Persons with Disabilities. Timor-Leste also wishes to express its clear commitment to ratify the Optional Protocol on the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT), the first Optional Protocol to the International Covenant on Civil and Political Rights, and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. While the ratification of international human rights treaties will take a slower pace, the Constitution of Timor-Leste already provides a far reaching protection for human rights.

Recommendation 9

5. **Accepted:** Timor-Leste became a party to the Rome Statute of the International Criminal Court since September 2002, and is committed to continue harmonizing its national legislations with the provisions of the Statute.

Legislative framework

Recommendation 10

6. **Accepted:** The Law on Trafficking in Persons is currently in a draft form, awaiting the approval of the Council of Ministers, to be submitted to the Parliament for approval.

Timor-Leste attributes great importance to the issue of trafficking in persons. In the Joint Transitional Plan formulated by the Government of Timor-Leste and the United Nations Mission in Timor-Leste, the issue of trafficking in persons has been identified as one of the priority areas. Timor-Leste has benefitted from the technical support of the United Nations Mission as well as the International Organization for Migration (IOM), both in the area of institutional and human resources strengthening, as well as the development of the legal framework.

Recommendation 11

7. **Rejected:** The National Commission on the Rights of the Child currently operates under the auspices of the Ministry of Justice. The draft Children Code will accord the Commission institutional and functional autonomy. A priority for Timor-Leste in the effort to strengthen the protection of the rights of the child is to improve inter-agency coordination and the strategic implementation of multi-disciplinary actions. This requires that the National Commission be incorporated into the executive structure of the Government, and not to be separated from it. Timor-Leste has a National Human Rights Institution (NHRI), namely the Provedoria de Direitos Humanos e Justiça (Office of the Ombudsman for Human Rights and Justice), which is empowered to deal with complaints related to children's rights.

Recommendation 20

8. **Rejected:** Article 17 of the Constitution of Timor-Leste provides that "women and men shall enjoy the same rights and duties in all areas of family, political, economic, social and cultural life." The Constitution further conditions the validity of all laws of Timor-Leste upon their consistency with the Constitution and international human rights law. Inequalities between women and men which still exist in some areas in Timor-Leste are **not** the result of discriminatory laws.

Recommendation 26

9. **Accepted:** The Draft Law on the Execution of Penal Sanctions, which will regulate, among others, the Presidential pardon, is awaiting approval.

Fulfilment of reporting obligations

Recommendations 12 – 15

10. **Accepted:** Although Timor-Leste is a party to most of the core human rights treaties, it has only submitted its report on two Conventions, namely the Initial Report for the Convention on the Rights of the Child (CRC) in 2007, and for the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) in 2008. Timor-Leste is aware that it has overdue reports for other treaties, and is making all efforts to provide a more effective solution. A combined Task-Force under the coordination of the Ministries of Justice and Foreign Affairs has recently been established to coordinate the process for the elaboration of treaty reports. Experiencing such challenges in reporting on human rights treaties, Timor-Leste welcomes, and is prepared to engage in, the efforts being made to simplify the reporting mechanisms and the structure of the reports.

Cooperation with UN human rights mechanisms

Recommendations 16 – 19

11. **Rejected:** Timor-Leste values the important role played by the Special Mechanisms of the Human Rights Council, which is based on the need to assess specific human rights situations. Timor-Leste has so far received several of the special procedure mandate holders, and will continue to welcome them in the future. Nonetheless, this will need to be done on an *ad hoc* basis according to the demands of the situation. This will allow for a proper coordination between the receiving State and the mandate holders in order for the visits to achieve the intended objectives.

Addressing past human rights violations

Recommendations 23 – 25

12. **Accepted:** Within its competencies, the Government of Timor-Leste has taken various measures to address the impacts of its recent past. Development programs are geared towards improving the conditions whereby every Timorese can live a dignified life in an environment of peace and harmony.

Recommendations 27 – 31

13. **Partially Accepted:** Timor-Leste considers that both the Commission for Reception, Truth and Reconciliation (CAVR) and the Commission of Truth and Friendship (CTF), have made invaluable contributions towards the efforts to address the past human rights abuses. As it concerns the recommendations addressed to it, Timor-Leste considers all approaches with open mind in order to find the most applicable alternative for effective attainment of the objectives of the recommendations, instead of being fixated on prescriptions which may not suit the conditions and realities of the country.

Other recommendations

Recommendation 21

14. **Accepted:** The right to life is recognized as a non-derogable right in Timor-Leste, and any limitation placed there upon has to be strictly in compliance with the requirements of the Constitution and international human rights law.

Recommendation 22

15. **Accepted:** The effective prosecution of domestic violence depends on a number of factors, including the effectiveness of law enforcement and judicial authorities and the awareness of the public regarding this crime. Besides measures such as the enactment of Law Against Domestic Violence in 2010, efforts to strengthen the capacity of the law enforcement and judicial actors, Timor-Leste has employed strategies and programs to raise public awareness on the issue, with positive results in the number of reported cases. Timor-

Leste is committed to redouble its efforts to ensure more timely and effective response to cases of domestic violence.

Recommendation 32

16. **Partially accepted:** As stated in paragraph 52 of the National Report, Timor-Leste is aware of the challenges faced by the justice system which resulted in, among others, the accumulation of pending cases. Timor-Leste is engaging in an effort to strengthen the justice system aimed at combating court delays and decrease the number of backlog cases. Timor-Leste could not accept the second part of the recommendation, related to the salaries of public defenders and public prosecutors. Causes of backlog of cases are discussed in paragraph 52 of the National report, and the levels of pay of Public Defenders and Public Prosecutors have not been found to be among the factors causing delays in any stage of the criminal proceedings. Additionally, the salary levels of the Public Defenders and Public Prosecutors are already considerably higher within the civil service of Timor-Leste. Contrary to the premises on which the recommendation is based, such increase will have the potential of placing the whole justice sector in jeopardy.

Recommendation 33

17. **Accepted:** The Draft Law on Juvenile Justice is currently being finalized and will soon enter the formal legislative process for approval.

Recommendation 34

18. **Accepted:** The Constitution of Timor-Leste guarantees the right of everyone to establish and live in a family, and requires that marriage "... be based on upon free consent by the parties and on terms of full equality of rights between spouses, in accordance with the law". The recently enacted Civil Code defines marriage as a union between a man and a woman.

Recommendation 35

19. **Accepted:** The National Strategic Development Plan 2010–2030 places great emphasis on health and education sectors. In its efforts to improve the wellbeing of its people, Timor-Leste welcomes, and has benefitted from generous international assistance. Timor-Leste wishes to continue its cooperation with the international community in the process of nation and state building, based on the principle that the Timorese people are the decision makers on matters affecting their lives and their future.

Recommendation 36

20. **Partially accepted:** Every person's freedom of conscience, religion and worship is guaranteed in Timor-Leste. Timor-Leste does not establish a classification of religious denominations on the basis of the number of their followers. Nevertheless, Timor-Leste agrees on principle that any action which infringe upon the right of any person to freedom and worship shall acquire immediate attention from law enforcement authorities. As the country is addressing numerous issues inherent to its newness as an independent state, there have been incidents where problems such as ones related to claims of land ownership have manifested themselves in conflicts among members of communities which happen to

profess different faiths. These incidents are mere criminal acts, and have been swiftly investigated, and any attempt to depict them as religious conflicts represents a lack of knowledge of the real situation, or is a flagrant misrepresentation of facts.
