

Executive Summary

PDHJ Report to Committee CEDAW

1. Timor-Leste has gone through struggles to become an independent and democratic new nation joining the rest of you in the world. The commitment of Timor-Leste to human rights had been declared by our leaders in Peniche Portugal before Timor-Leste restored its Independence in May 2002. Timor-Leste illustrated its promises of upholding human rights and this is reflected in its Constitution through Articles 16 to 61 and article 45 which talks about the rights and obligations of the citizen. The state of Timor-Leste also ratified seven International Conventions including the Convention on the Elimination of All Forms of Discrimination against Women ('CEDAW') which is monitored by the CEDAW Committee.

2. The citizen's enjoyment of human rights is further guaranteed through Article 27 of the Constitutional RDTL which gives the mandate to the PDHJ and is reinforced by the law No.7/2004. PDHJ is a National Human Rights Institution that has the function and obligation to promote, protect the rights of the all citizens as guaranteed by the Constitution and the international conventions that Timor-Leste has ratified. Since Timor-Leste ratified CEDAW, PDHJ have been functional in its role for four years before presenting the report to the CEDAW Committee¹. The issues that PDHJ would present in the report are as follows;

- i. Women who had suffered sexual violence the Indonesian occupation (military regime)
- ii. The result of PDHJ's monitoring in Dili police detention and Gleno prison

3. PDHJ agree to raise these two issues because it reflects the actual situation of Timor-Leste and the issues that even NGOs and the government neglect to mention. In actual fact, there were 853 women who were victims of the sexual violence during the period of the Indonesian Occupation in Timor and these victims have still not received any form of formal justice or reparation. During the Indonesian occupation from 1974 to 1999 there were many women suffered under different forms of sexual violence under the hands of the Indonesian military and these have been highlighted in our report to CEDAW.

4. Under Articles 2 and 15 according to the Convention on the Elimination of All Forms of Discrimination against Women, it empowers women to have protection and justice. Corresponding to that, the state has the obligation to guarantee equality before the law for both men and women. Unfortunately, during the period in time, there lacked an effective judicial system to try the crimes that were committed by the political leaders and the military soldiers.

5. Sexual violence against women in Timor-Leste is directly related to the abuse of power by the military or those who carried firearms and weapons on them. The victims are

¹ Timor-Leste ratified Convention on the Elimination of All Forms of Discrimination against Women on 16 May 2003.

powerless against their violators as they were threatened never to make complaints to the authorities. Additionally, family members were also threatened by the perpetrators of violence. As a result, victims did not dare to come forward and remained silent on the abuses that they went through.

6. PDHJ observed the post-CAVR's mandate after presented its final reports to the president and up until today, there is still no implementation of the CAVR report. The government of Timor-Leste seem to be more interested in building good relations with Indonesia and to reap economic benefits from the Indonesia.

7. Despite this, the government of Timor-Leste have take some action to look after the welfare of the victims of sexual violence and their families through the Commission of Truth and Friendship (CTF) and Committee A of National Parliament which had discussed about taking a decision about recommendations by CAVR. Some of the recommendations made were for the establishment of a social assistance program, scholarships for orphans (*bolsa da mae*), cooperative groups for Women, social assistance, women's shelter and solar panel aid.

8. The result PDHJ's monitoring of the police detention centre in Dili and Gleno prison found that there exists differences in treatment between women and men as women did not gain ready access to information. The government through the Ministry of Justice had neglected to socialize the rights of the prisoners to them and some of the prisoners still in their mind that women have fewer rights than men. On the other hand, the government had neglected pay attention towards rehabilitation of prison conditions including in the aspects of water and sanitation.

Based on the two main points above, PDHJ would like to recommend the following;

1. Requests for the CEDAW committee to demand the government of Timor-Leste to create law for a national reparation program for the victims including through implementation of CAVR's recommendation to provide psychological assistance to the victims
2. Requests for the CEDAW committee to call for the Human Rights and Transitional Justice Section of UNMIT to create a law on reparations and to establish an institution to look into the issue of disappearances during the conflict
3. Requests that the Government exercise its obligation to repair and improve the sanitation facilities of the prison
4. Requests for the Government, through the Ministry of Justice, to deliver information about law and human rights to the detainees in the prison.
5. Requests for the Government, through Ministry of Justice, to socialize laws to the communities in remote areas.