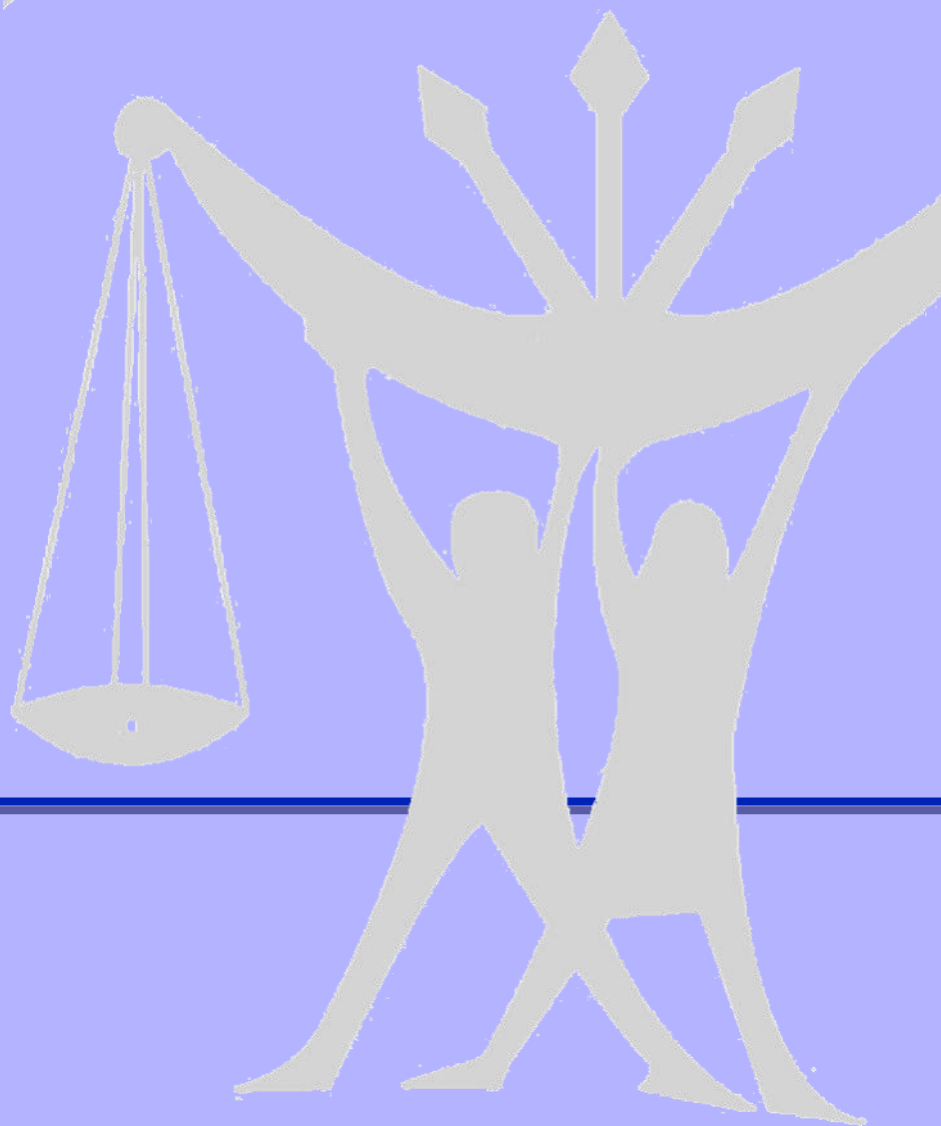


**Provedoria for Human Rights and Justice  
Timor-Leste**



# **REPORT**

**APF 14**

**Amman, Jordan  
2009**

This report summarizes the main activities carried out by the Provedoria for Human Rights and Justice (PDHJ) during the period of July 2008 to July 2009. This has the objective of reporting to peer institutions in the Asia-Pacific region on the human rights developments in Timor-Leste and PDHJ's activities within its human rights' mandate.

This report provides a summary on the human rights situation as related to follow-up and subsequent developments after the State of Siege was declared in Timor-Leste in February 2008 and the reintegration of IDPs in the country upon the decision taken by the government to close the last remaining IDP camp in the country by June 2009. This report also includes specific sections with an overview on human rights complaints and investigation, education, promotion and monitoring activities, cooperation with national and international institutions, as well as capacity development initiatives. A brief section highlights recent institutional developments of the PDHJ.

## A. STATE OF SIEGE AND EMERGENCY

The main political event in 2008 occurred on 11 February when assassination attempts were made on the President and the Prime Minister. As a response to this, a state of siege was declared for 48 hours which was later reduced to a state of emergency. After the state of siege and emergency, Gastao Salsinha and his group surrendered to the Joint Operation Command in April 2008. During this period, many complaints were made regarding excessive use of force by the National Police of Timor Leste ('PNTL') and the Falintil-Defence Forces of Timor-Leste ('F-FDTL')<sup>1</sup>.

PDHJ conducted monitoring of the Caicoli detention cell during the State of Siege and concluded that **several rights were violated**, including limited judicial review of arrest and detention<sup>2</sup>, lack of provision by authorities on information for reasons for arrest and interference with the right to privacy following house searches in clear contradiction to the Criminal Procedure Code. The findings of the monitoring were released in a PDHJ public report in March 2008, which was presented to the National Parliament Plenary Session following a request from Parliament<sup>3</sup>.

As of the end of June 2008, the Provedor had **opened investigations into 44 cases** related to the State of Siege, eight additional cases to the 36 opened as of the end of May 2008. Four of them have since withdrawn their complaints. The majority of the cases submitted to the Provedor involved cruel, inhuman and degrading treatment based on actions of the Joint Command members, including excessive use of force. Most of the reported violations occurred in and around Dili. Some violations were also reported to have occurred in the districts of Manatuto, Liquica, Viqueque and Ermera.

The investigation process for some of these cases is still ongoing.

In one of the finalized investigations in relation to 3 specific complaints (see box on the side), the Provedor has concluded that the Timorese state had violated the rights to freedom and physical integrity, right to liberty and the right not to be subject to torture or other cruel, degrading or inhuman treatment by members of the Joint Command – both police and military.

The 2008 State of Siege stemmed from the roots of the 2006 crisis which was not addressed. PDHJ also conducted investigations into the 2006 crisis and its highly anticipated report was submitted to the National Parliament on 29 June 2009 and made available to the public on 14 July 2009<sup>4</sup> (see box below).

### III Treatment as Part of Investigation Techniques during State of Emergency

As per conclusion of PDHJ's investigation, during the State of Emergency members from the Joint Command have used beatings and other "techniques" when attempting to collect information on the whereabouts of the suspects of attempting to assassinate the President and Prime Minister.

As a result of one investigation concluded in February 2009 based on collection of information from 21 victims and witnesses and held hearings with 3 respondents, the Provedor found that members of the Joint Command subjected community members in Ermera to violent actions such as beating, kicking, death threats as well as forced work during their investigative actions.

Some of the allegations were admitted by some of the respondents.

In his recommendation, the Provedor requested, in addition to a public apology and payment of compensation, the criminal and disciplinary accountability of those involved.

### Report on Government and Security Forces actions following the "Petitioners" demonstration

After an extensive and detailed investigation which included interviews with 624 victims and witnesses and 37 respondent authorities, including the President of the Republic, Prime Minister and Senior Ministers, and gathering of hundreds of documentary evidence as well as *in loco* inspection, the Provedor has published his report on the investigation into the actions of Government and security forces after the 2006 petitioners demonstration which turned violent.

The Provedor has concluded that in the aftermath of the "petitioners" demonstration the military intervention requested by the Prime Minister was illegal since it failed to comply with procedures established by law, the police had violated the right to life and physical integrity when responding to a violent demonstration mostly due to lack of skills in constraining demonstrations and poor coordination mechanisms, the military had violated the right to life, right to physical integrity and the right to liberty through actions aimed at restoring law and order including excessive use of force and illegal detention.

## B. IDPs

The IDP situation created by the 2006 crisis took a **positive turn in 2008** as the Timorese government continued its efforts to aid families to return home through a reintegration programme- *Hamutuk Harii Futuru* (National Recovery Strategy) implemented under the responsibility of the Ministry of Social Solidarity ('MSS'). Since 2007 until December 2008, the Ministry of Social Solidarity ('MSS') had provided compensation packages to the IDPs and successfully closed most of the 62 IDPs camps. The last remaining IDP camp in the country located in Metinaro is in the process of being closed down in June 2009. Despite this progress, the IDP issue remained a significant concern in both 2008 and 2009 as remaining concerns of verification, illegal occupation and outstanding land disputes have created challenges for a shift solution towards reintegration.

As of 14 July 2009, according to statistics by the MSS, 899 families out of the total of 1400 families had been reintegrated while about only about 501 families remain at the Metinaro camp. The IDP team in PDHJ works together with the Jesuit Refugee Service ('JRS') and the IDP team in UNMIT's Human Rights and Transitional Justice Section ('HRTJS') to monitor the reintegration process focussing specifically on aspects of safety and security of returnees and undertake monitoring at IDP camps and respective returnee areas on a daily basis<sup>5</sup>.

The problems highlighted by the monitors mainly revolve around land and house disputes, social jealousy and personal problems dating back to the 2006 crisis and security concerns.

Returnees faced challenges in relation to enjoying **access to adequate standard of living** as per national and international human rights standards based on limited access to clean water and electricity since some facilities were damaged in 2006. Out of the 501 returnees interviewed, 176 returnees - 35% - did not have access to electricity<sup>6</sup>. Electricity is still a problem in Timor-Leste, including in Dili, but it is exacerbated in relation to returnees since damaged facilities have yet to be repaired.

The IDP monitoring team of PDHJ also identified returnee families who faced issues of **illegal occupation of their homes** and issue of the land ownership especially since the crisis of 2006. In some occasions, despite attempts to undertake an open dialogue by Government responsible institutions, the secondary occupants refused to vacate the house for the original owners. Land issues in Timor-Leste remains one important problem in the country which dates back to before Independence. Draft laws on land ownership are being developed and attempts are being made to identify criteria for ownership and mechanisms for dealing with disputes.

As it relates to **security** of returnees, 12% of the returnees have reported to PDHJ that they have received threats and rocks were also thrown at them and their houses which led to fighting<sup>7</sup>. Some of the security problems relate to social jealousy, violence by Martial Arts Groups and discrimination based on political affiliation and opinions. Regular patrolling by the PNTL and F-FDTL contributed to an increased sense of security for the returnees. In certain locations, minor conflicts took place as it was claimed that there was lack of communication between the Government and the community regarding the returnees. PDHJ has recommended security posts be set up in high risk areas.

Since October 2008, the Joint Monitoring Team (PDHJ; JRS and HRTJS) started to produce **monthly bulletins** on the IDP returnees program. This bulletin is widely distributed including at IDP camps, relevant Government institutions, civil society organization, UNMIT and other relevant partners.

The reintegration programme includes, the organization of community dialogues between persons who fled their homes as a result of the crisis and communities of return, to promote unity and one national identity, and, therefore, paving the way

for return. As evidenced by the PDHJ monitoring result, the majority of IDPs have returned home without major concern or incident.

### C. WOMEN RIGHTS

The Constitution of Timor-Leste lays down the principle of non-discrimination and equality between men and women<sup>8</sup> and the State has ratified the Convention on the Elimination of Discrimination against Women (CEDAW) in 2002. However, discrimination against women is still considered a major problem in Timor-Leste.

In its first report on CEDAW, Timor-Leste states that “in Timorese culture, there is a belief that men have more rights than women”<sup>9</sup>, and that discrimination on the grounds of gender is most prevalent in the areas of education, employment, health, political participation and access to justice<sup>10</sup>.

Gender issues remain a significant concern in Timor-Leste as **violence against women** and gender discrimination poses a significant problem in a traditionally patriarchal society. Gender based violence continues to be mainly dealt with through the traditional mechanism due to lack of awareness, resources and delays on the part of the PNTL and the prosecution services<sup>11</sup>.

PDHJ monitoring to detention facilities reveal that a considerable number of alleged domestic violence crimes, the suspect after being arrested is not brought before a Judge for the first preliminary hearing, but released pending further investigation. While that does not necessarily mean that the criminal case is archived, the result is that further investigation is seriously delayed due to a heavy backlog at the prosecution services, and few are the cases which go for trial before the courts.

For some years now, the Government, with the support of civil society and the PDHJ, has been working in developing a **domestic violence law**. Due to delays on the promulgation of a new criminal code<sup>12</sup>, the finalization of the domestic violence law has been seriously delayed.

The PDHJ is one of the members of the draft committee for the Domestic Violence Law, with the Deputy Provedor for Human Rights is actually spearheading the finalization of the draft and the presentation before the Council of Ministers. Based on the specific criminalization of domestic violence as a public crime in the new criminal code<sup>13</sup>, which has come into force in June 2009, the domestic violence law will establish protection and socio-economic support to victims of domestic violence. The domestic violence law is fundamental to give life to the criminalization of domestic violence based on the local reality of Timor-Leste.

Another gender related issue which caused a considerable level of discussion in Timor-Leste was the **criminalization of abortion** in the new Penal Code. Civil society together with the PDHJ and the Government agency responsible for gender equality (Secretary of State for the Promotion of Gender Equality) undertook a

concerted work in attempting to bring the provisions of the draft criminal code in line with CEDAW. Advocacy activities in this area included formal submissions to the Council of Minister and media campaigns. The Provedor specifically provided its opinion to the Council of Minister highlighting aspects of the provision in the draft criminal code which should be amended to ensure that Timor-Leste complied with its obligations under international human rights law. Both Provedor and NGOs advocating for wider exceptions for the criminalization of abortion – including in cases of rape and incest – were heavily criticized by the strong Catholic Church<sup>14</sup>. Due to great opposition from the traditionally strong institution of the Catholic Church and the conservative society of Timor Leste, the National Parliament decided to amend the abortion provision under the Criminal Code approved by the Government so as to limit the non-criminalization of abortion solely to those situations where the mother or the foetus lives are under serious threat<sup>15</sup>.

**Timor-Leste initial report to CEDAW** is being reviewed at the CEDAW Committee session at the end of July 2009. This is followed by a detailed shadow report by NGOs and a brief report by the PDHJ.

The PDHJ report to CEDAW Committee focused on two main issues: conditions in detention and prison as they relate to women and accountability to crimes committed during Indonesia occupation. Both topics were not included in the NGOs Shadow Report. The main issues highlighted by the PDHJ include the conditions of the detention centre and prison as falling below acceptable standards for females as it lacks basic sanitary facilities which affect the dignity of a person and the lack of accountability and psycho-social programmes for those women victim of sexual violence during Indonesian occupation.

#### **D. PARDON**

As it is the practice in Timor-Leste, the President on an yearly basis gives pardon to some convicted prisoners.

While the Constitution provides for the granting of pardons<sup>16</sup>, from a human rights perspective, this has to be exercised with caution and should only be granted to minor crimes in order to uphold the notion of accountability and justice for the commission of crimes.

The 2008 pardons were given by the President included prisoners sentenced to serious crimes, such as crimes related to 1999 and 2006 violence and sexual violence crimes.

Civil society groups submitted a case before the Court of Appeal challenging the constitutionality of the pardon. A petition was also made to the Provedor requesting the Provedor to look into the matter. However, PDHJ has not been able to look into this practice as it is not empowered to do so under Law No. 7/2004<sup>17</sup>.

## E. INVESTIGATION OF HUMAN RIGHTS VIOLATIONS

During the period of January to December 2008, PDHJ received a total of 263 complaints from Dili and the districts. Out of these, 120 were opened for investigation. Out of the cases opened for investigation, **almost 75% (89 cases) of cases to be investigated related to PDHJ's human rights mandate.**

The gender breakdown of complainants in 2008 comprises mostly of males (219 complaints) while 44 complaints were filed by females. Whilst there is a large gap between a gender balance of the complainants, the number of female complainants actually increased in 2008 compared to previous years.

The vast majority of cases into human rights violation related to **actions of security forces** during the State of Emergency but also as part of ordinary policing functions. Some cases related to allegations of violation on the right to freedom of conscience and religion.

Between 2008 and mid 2009, the Provedor has concluded investigations into 16 cases, including one case in relation to the right to freedom of demonstration.

While there is a total of 86 human rights investigations pending, the PDHJ believes that with its systematic approach adopted – which includes review of the complaint and case management system, increase of investigation staff and provision of mentoring support for the Human Rights Investigation Department, it will be able to decrease the backlog to a more manageable number without compromising quality of the investigation.

Since the police has represented the main respondent institution to PDHJ human rights complaints, the PDHJ has in 2008 developed a **promotional and educational strategy with the police.**

This strategy, which was developed in partnership with the police, civil society organizations and selected government institutions, included the provision of trainings in selected districts and sub-districts and a quiz competition with the police. Questions prepared for the quiz were based on an analysis of the types of human rights allegations committed by the police and the challenges faced in terms of ensuring accountability. This specific activity received strong support by the PNTL and was attended by the Interim Police Commander and other high level police officers. This activity not only promoted the strengthening of the relationship between PDHJ and the Police and, as per public statement by police participants, represented an effective learning activity.

## G. OTHER HUMAN RIGHTS ISSUES

## **I. Conditions in Detention and Prison**

Other than monitoring on the State of Siege, PDHJ also conducted its regular intensive monitoring to the police detention centre in Dili, which is the main detention center for suspects arrested.

Results from the twice weekly monitoring of this detention center showed that the main human rights concerns to limited **access to a lawyer** during the detention period, unsystematic provision of **information on reasons for arrest for the detainee**, lack of **information on the arrest to detainees' family** members and poor **sanitary facilities**.

The PDHJ monitoring revealed that there were no serious concerns in relation to **illegal detention**, since there were no cases of detention extending beyond the legal timeframe of 72 hours, nor in relation to violation of the **prohibition of torture and CIDT** following police actions while in detention. In addition, people detained were provided with 3 meals a day.

At the **district levels**, the main challenges associated with **detention conditions** relate to detention conditions, including access to food and sanitary conditions. This opinion reflects the result of monitoring visits to PNTL police detention centers in the districts of Lautem, Baucau and Viqueque conducted in early 2009<sup>18</sup>.

In PDHJ views based on regular prison monitoring, **prison conditions** in Timor-Leste generally are in compliance with minimum national and international human rights standards. However, PDHJ believes that improvements can still be made and in early 2009 did a briefing, in partnership with UNMIT and UNDP, to prison officials on human rights and PDHJ role. In order to improve access to prisoners to the PDHJ services, complaint boxes were also handed over to both Gleno and Becora prisons and are expected to be soon placed at strategic locations in the prisons to allow for prisoners to place their written concerns or complaints to the PDHJ.

In 2008, the PDHJ initiated a formal **partnership with civil society groups** at the district level in the area of monitoring police actions and detention through the establishment of a PDHJ NGO Network. First steps were given in 2008 in identifying the grounds for this relationship through the signing of a memorandum of understanding and with some initial training to Network members, facilitated by HRTJS and PDHJ.

## **II. Right to Education**

In 2008, the PDHJ undertook a pilot monitoring on the right to education so as to analyze Timor-Leste's compliance with its minimum obligations in relation to this right.

According to the findings of the monitoring, the main problems include:

- widespread use of **corporal punishment** towards students;
- **discrimination against children with disabilities** due to non-acceptance of registration of these children on the basis that schools do not have the facilities to provide for students with disabilities;
- **poor school conditions**, such as not enough tables and chairs and poor building conditions.

Additionally, it was found that some schools were located very far from certain communities. The PDHJ found that Timor-Leste has done considerable progress on the provision of **free primary education**, which included implementation of feeding programme in some of the schools.

As part of the monitoring, PDHJ interviewed a total of 164 persons including students, teachers, parents and local authorities related to eleven primary schools in Manufahi district utilizing a questionnaire in one sample district (district of Manufahi).

In implementing its multifaceted approach to the right to education and implementation of human rights on schools and communities, the PDHJ also designed activities of promotional and educational natures.

In June 2008, PDHJ organized a debating program on television entitled 'Children have the Right to Education and Access to Information'. This program was planned in cooperation with TVTL and the Ministry of Education with the objective of highlighting the importance of the right to education. Children themselves participated in the programme and exposed their opinions and challenges to relevant authorities through an open dialogue process.

Since 2008 the PDHJ has been implementing a training programme with primary school teachers for the **integration of human rights education in the school curriculum**. This activity is implemented in partnership with UNMIT HRTJS and the Ministry of Education.

In 2008 the training which focused on basic human rights principles and specifically on the issues of discrimination (including discrimination against children with disabilities) and corporal punishment was implemented in all 13 districts, covering 356 (111 women) primary school teachers. For 2009, the PDHJ has identified the need to evaluate the results of the training provided in 2008 so as to identify its strategy in improving the impact of this activity. The evaluation process conducted by PDHJ includes undertaking focus groups with teachers and students and observation of teachers' classes which include an HRE activity. By June 2009, the PDHJ has undertaken evaluation of its training in 6 districts and preliminary findings showed a positive impact as a result of the training with the increase on the

knowledge of teachers on human rights and improvement of skills on participatory methodologies. However the impact has been constrained due to limited facilities for teachers and due to a small number of teachers per district who participated in the training.

## H. REGIONAL AND INTERNATIONAL COOPERATION

Regional and international cooperation continued to represent important learning tool for the PDHJ.

Highlights in this area included reinforcing relationship with peer NHRIs and with police oversight bodies.

From 23 to 27 March 2009, the Provedor participated in the **22<sup>nd</sup> Session of the Annual Meeting of the International Coordinating Committee of National Human Rights Institutions (ICC)** in Geneva. The meeting was held in conjunction with the 10<sup>th</sup> Session of the Human Rights Council. During the meeting, the ICC facilitated discussions on how to strengthen the role of National Human Rights Institutions (NHRIs) by providing an opportunity to explore how they can collaborate with other stakeholders and partners, share challenges and best practices and interact with international human rights mechanisms.

The PDHJ was also present in the **Durban Review Conference**, being represented by its Deputy Provedor for Human Rights. This was an important experience for the PDHJ in that it afforded the PDHJ the opportunity to be exposed to world human rights conferences and to improve its networking with other NHRIs.

In April 2009, the PDHJ was invited to participate in an **APF/OHCHR Regional Workshop on the Establishment of NHRIs in Pacific Island States**. Timor-Leste PDHJ and the Maldives Human Rights Commissions shared experiences on NHRIs in small island States. This initiative was considered a success and participants appreciated the practical focus of the Workshop in facilitating the sharing of expertise and experiences, and in empowering participants to promote and explore the establishment of Paris Principles compliant NHRIs in their respective countries.<sup>19</sup>

In May 2009, the Provedor visited Indonesia so as to further discuss the strengthening of relationship between the PDHJ and **KONMAS-HAM**.

The PDHJ also continued its regional and international cooperation this year by attending the **CEDAW Committee** session in New York at the end of July 2009 where its report would be presented before the CEDAW Committee. The PDHJ report to CEDAW complements the Timor-Leste's report as well as the Shadow report prepared by Timorese NGOs.

Important moves were made on the establishment of cooperation agreements

within its capacity development programme in the last year.

In addition to implementing the cooperation in the area of human rights monitoring with the **Philippines Human Rights Commission**<sup>20</sup>, the PDHJ, as part of the UNDP/OHCHR Capacity Building Project, has entered into an agreement with the **Independent Police Complaint Authority of New Zealand**<sup>21</sup> for the secondment of one of its investigators to provide mentoring support in the area of investigation against members of the security forces.

In assisting the PDHJ in developing its internal system and capacity in the area of mediation and conciliation, the PDHJ has identified various NHRI's which will provide different level of support for the process, including the **Australian Northern Territory Anti-Discrimination Commission, Canadian Human Rights Commission, New Zealand Human Rights Commission** and the **Australian Human Rights Commission**.

## H. INSTITUTIONAL DEVELOPMENT

The **budget** of the PDHJ was increased from USD548,000 in 2008 to USD869,000 in 2009. This is a steep 63% increase which has been allocated to increase the number of PDHJ staff to open regional offices and to improve PDHJ access to facilities. Despite that, the PDHJ still needs to have its budget increased so as to ensure it has adequate funding to implement its mandate.

The increase in budget has allowed an increase of staff. 23 **new staff** have been hired as of July 2009, with four of them reinforcing the Human Rights Directorate.

On a positive note, the increase in budget has also allowed for the PDHJ to gain a wider visibility of its presence throughout the country through the **opening of four regional offices**. The first office was opened in Oecussi in December 2008, located at the enclave of Indonesian West Timor, on account of its remote location and inaccessibility to PDHJ in Dili. It had also been chosen as the first location as a response to the non-existence of complaints from that district since PDHJ's establishment.

The second regional office was opened in Baucau in March 2009 and a third one followed in Maliana on 29 June 2009. The fourth office opened recently on 16 July 2009 in Maubisse. The opening of the offices in the districts ensures regional coverage of the PDHJ as it allows for the public to submit any human rights, anti-corruption and good governance complaints directly to them.

Based on the opening of the regional offices, the PDHJ undertook an internal discussion so as to identify the specific role of the regional offices. In attempting to balance the need for decentralization with the need for coordination, decision making at central level and the capacity available at the regional offices. The PDHJ identified a set of specific responsibilities for its regional offices mainly as they

relate to intake of complaints and investigation which will be submitted to a review in late 2010.

The choice made by the PDHJ in staffing its regional offices included the relocation of experienced staff from the national office and recruitment of new staff.

The **term of the first Provedor has formally ended** on the 15<sup>th</sup> June 2009, completing the four years term as provided under the PDHJ Statute. To date the National Parliament has not been elected a new Provedor. The National Parliament has solely informed the current Provedor that he should continue in the position until a new Provedor is elected. The PDHJ has been advocating together with the National Parliament to have a new Provedor elected as soon as possible or to have, at a minimum, the term of the current Provedor extended formally and extended within a specific timeframe.

An important institutional development which has recently taken place relates to the exclusion of the anti-corruption mandate from the PDHJ. A law on the establishment of an **Anti-Corruption Commission** has recently been promulgated and will enter into force in beginning of August 2009<sup>22</sup>. The Anti-Corruption Commission is given law enforcement powers for criminal investigation, which in turn can mean that the actions of the Anti-Corruption Commission might be object of human rights complaints to the Provedor.

## **I. CAPACITY DEVELOPMENT ACTIVITIES**

PDHJ activities have been well supported by ongoing capacity development programme. Within its human rights mandate, the PDHJ has been receiving the support of the UNDP, in partnership with OHCHR, through a three-year capacity development programme (2007-2009).

Amongst its activities it is included a series of trainings, mentoring support, internships, production of promotional materials and development of training materials. Since its inception, the Project has already provided support to strengthen PDHJ's capacity in the area of investigation (including training on the complaints management system, investigation mentoring and technical support for the review of the complaint management operational manual), monitoring (including specific monitoring of elections and IDPs and mentoring support to strengthen monitoring skills and develop internal systems) and human rights education and promotion (including development of human rights education strategy and provision of mentoring assistance to develop PDHJ's training methodology capacities)<sup>23</sup>.

Other activities under this project included an advanced interviewing training aimed at strengthening staff and partner NGOs' skills on interviewing techniques with vulnerable groups (i.e. children, people with disabilities, people with trauma and women). Another important area subject to capacity building in the first semester of 2009 is the strengthening of knowledge and skills in the area of use of

force and monitoring and complaints related to torture and cruel, inhuman and degrading treatment or punishment.

As per capacity building plan other priorities areas for 2009 include conciliation and mediation and international human rights protection system<sup>24</sup>.

Based on a strong coordination and collaboration between the UNDP/OHCHR Project and the UN mission in Timor-Leste, the Monitoring and Advocacy Department is currently benefiting from the mentoring support of two staff from the HRTJS based on remaining needs identified in the 2009 Human Rights Directorate Plan. Some of the mentoring activities include provision of coaching support to detention, prison and IDP monitoring, both in Dili as well as in the districts and facilitation of training sessions on imminent human rights issues.

In addition to having the opportunity to strengthen its capacities through this joint project, PDHJ staff have also been having the opportunity to participate in other capacity development activities organised by peer institutions, UN agencies and international NGOs, such as UNIFEM, APF, Association for the Prevention of Torture, amongst others.

## Endnotes

<sup>1</sup> For more detailed information on this, see PDHJ Report to APF 13.

<sup>2</sup> It often happens in Timor-Leste that an arrested person is released before completing 72h since arrest and is not brought before a Judge. The possibility of releasing without a judicial review is included in the Criminal Procedure Code for exceptional circumstances only.

<sup>3</sup> The Report is accessible at APF Website.

<sup>4</sup> The report was already ready for almost an year but the Provedor decided to hold its publication due to concerns on the possible reaction to his findings in view of the political and security situation which Timor-Leste was facing.

<sup>5</sup> It receives financial support by IOM.

<sup>6</sup> Data is based on the monitoring results between June to December 2008.

<sup>7</sup> Data is based on the monitoring results between June to December 2008 as reported in the 2008 PDHJ Annual Report.

<sup>8</sup> Article 16 and 17 of the RDTL Constitution

<sup>9</sup> Initial Report on the Convention on the Elimination of Discrimination Against Women/Common Core Document, Republica Democratica de Timor-Leste, 2008, para. 336.

<sup>10</sup> Idem para 387.

<sup>11</sup> PDHJ Annual Report, 2008.

<sup>12</sup> The development of a criminal code to replace the current Indonesian criminal code – which does not include specific criminalization of domestic violence – started back in 2004. In 2005, the then President vetoed the criminal code due mainly to the criminalization of defamation. While that move was important not to prevent unjustified limitation on the right to freedom of expression, in practice it resulted on a delay in criminalizing domestic violence.

<sup>13</sup> In terms of the new Criminal Code, a public crime is a crime which is not dependant on the formal complaint of the victim him/herself.

<sup>14</sup> An influential priest wrote an opinion piece to the most circulated Timorese newspaper heavily criticizing the Provedor for his public opinion on the issue. See Timor Post, 19 March 2009. English translation can be found at <http://www.etan.org/et2009/03march/29/27cathol.htm>.

<sup>15</sup> Article 141 of the Penal Code

<sup>16</sup> Section 85 Constitution of the RDTL

<sup>17</sup> Article 42.

<sup>18</sup> Monitoring methodologies included analysis of detention list, interview with detainees and direct observation of detention conditions.

<sup>19</sup> See Samoa Declaration, 29 April 2009.

<sup>20</sup> See PDHJ APF 13 Report and UNDP/OHCHR Project Annual Report 2008.

<sup>21</sup> IPCA is an independent civilian police oversight body in New Zealand.

<sup>22</sup> Law 8/2009, 15 July.

<sup>23</sup> For further information, copies of UNDP/OHCHR Capacity Building of the Provedoria Project Annual Report 2008 are available for APF participants.

<sup>24</sup> For more detailed information, see 2009 Annual Work Plan included in the UNDP/OHCHR Project Annual Report 2008.

## List of Acronyms

APF	Asia Pacific Forum of National Human Rights Institutions
CEDAW	Convention on the Elimination of all Forms of Discrimination against Women
CSO	Civil Society Organisation
CRC	Convention on the Rights of the Child
ICC	International Coordination Committee of National Human Rights Institutions
F-FDTL	Falintil-Defence Forces of Timor-Leste
HRTJS	Human Rights and Transitional Justice Section
IDP	Internally Displaced Person
IOM	International Organisation for Migration
JRS	Jesuits Refugee Services
MSS	Ministry of Social Solidarity
NHRI	National Human Rights Institutions
OHCHR	Office of the High Commissioner for Human Rights
PNTL	National Police of Timor-Leste
PSDO	Professional Standards and Discipline Office
UDHR	Universal Declaration for Human Rights
UNDP	United Nations Development Programme
UNIFEM	United Nations' Development Fund for Women
UNMIT	United Nations Integrated Mission in Timor-Leste



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