



TIMOR-LESTE

UPDATED ASSESSMENT OF R2P
IMPLEMENTATION 2023



Asia-Pacific Centre for the
Responsibility to Protect



r2pasiapacific.org



r2pinfo@uq.edu.au

TIMOR-LESTE

Timor-Leste continues to be one of the strongest supporters and implementers of R2P in the Pacific.

Its approach to R2P is informed by its experience of civil war and atrocities in 1999, and it has had a large focus ever since on preventing similar events. As one of the few countries in the region, Timor-Leste has a national R2P-focal point and is party to most of the human rights instruments most relevant to R2P. Significantly, it is party to the Rome Statute, criminalizing atrocity crimes.

Domestically, Timor-Leste has a series of human-rights respecting laws, but faces some implementation challenges. Discrimination based on sexuality, gender and ethnicity is for example forbidden, yet half of all women have experienced violence from a partner.

The population enjoys a high level of freedom of speech and freedom of assembly, which contributes a vibrant civil society. Education is free and mandatory for children, but poverty remains a significant barrier in children enjoying this right.

Timor-Leste remains supported by a number of regional partners. Most of this aid is directed at structural improvements and doesn't specifically reference R2P.

Internationally, Timor-Leste supports the norm in the for a it is party to, for example it votes in favour of R2P in the UN, but it does not proactively push the norm.

It contributes to peacekeeping missions.

Its index score has increased with four points compared to 2022.

Thematic Area	Indicator	Assessment	Notes
Basic Compliance	Protection of populations from atrocity crimes.	Strong Unchanged	The citizens of Timor-Leste are generally well-protected from atrocity crimes, although the rates of sexual and gender-based violence remain high.
	Reduction of atrocity crime risks.	Very Strong Unchanged	Citizens in Timor-Leste enjoy a high level of freedom of expression and assembly, and the government is strongly committed to respecting human rights. This creates a vibrant civilian sphere where risk of atrocity crime is low.
	Dealing with past atrocities.	Strong Unchanged	Despite the current, peaceful relations between Timor Leste and Indonesia, the atrocities committed during the occupation remain unaddressed between the parties. Timor Leste has established a reconciliation centre, Centro Nacional Chega, in line with the recommendations of Timor-Leste's original truth and reconciliation commission, which remains open. ¹
Policy Mechanisms	Appoint national R2P Focal Point.	Very Strong Unchanged	Timor-Leste, as one of few countries in the Asia-Pacific, has a R2P focal point. ²
	Incorporate atrocity crime risks and dynamics into conflict analysis and/or development partnerships.	Fair Increase	The NGO 'Belun' facilitates a system drawing on people in civil society, government, and the security sector to provide early warning and early response for local instances of violence and conflict. ³ No evidence could be found of the government doing something similar, but it does support this grassroots system.
	Establish domestic mechanisms to hold the government accountable for upholding its responsibility to protect.	Very Weak Unchanged	No evidence could be found of Timor-Leste having domestic mechanisms for the government to uphold its responsibility to protect.
International Human Rights Obligations	Sign, ratify and implement relevant instruments of international law.	Strong Unchanged	Timor-Leste has ratified ten of the twelve most relevant treaties of international human rights laws as they relate to R2P. ⁴ It remains a non-signatory party to the <i>Arms Trade Treaty</i> ⁵ [ATT] and the <i>Convention on the Prevention and Punishment of the Crime of Genocide</i> . ⁶
	Sign and ratify the Rome Statute of the International Criminal Court and cooperate fully with the Court.	Very Strong Unchanged	Timor-Leste has been a signatory to the <i>Rome Statute</i> since 2002. ⁷
	Establish and maintain National Human Rights Institutions in accordance with the Paris Principles.	Very Strong Unchanged	Timor-Leste's national human rights institution, the Provedor for Human Rights and Justice of Timor-Leste, is fully compliant with the Paris Principles

¹ International Coalition of Sites of Conscience, n.d., *Centro Nacional Chega! (Timor-Leste)*, <https://www.sitesofconscience.org/en/membership/centro-nacional-chega-timor-leste/>; The Economist, 12th September 2019, A row about medals reveals disputes about East Timor's history, <https://www.economist.com/asia/2019/09/12/a-row-about-medals-reveals-disputes-about-east-timors-history>; Genocide Watch, 12th November 2021, 30 Years on, Justice for Timorese Remains Elusive, <https://www.genocidewatch.com/single-post/30-years-on-justice-for-timorese-remains-elusive>

² Global Centre for the Responsibility to Protect (GCR2P), 2022. *Members of the Global Network of R2P Focal Points*, <https://www.globalr2p.org/resources/members-of-the-global-network-of-r2p-focal-points/>.

³ The system is run by one of APR2P's partner organisations: Belun. More information can be found here: <https://www.belun.tl/en/belun/about/>.

⁴ United Nations Human Rights Treaty Bodies, n.d., *View ratification status by country or by treaty*, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/treaty.aspx (Timor-Leste can be chosen in the drop-down menu)

⁵ United Nations Treaty Collection (UNTC), 2022. 8. *Arms Trade Treaty*, https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=XXVI-8&chapter=26&clang=en#:~:text=The%20Treaty%20was%20adopted%20on.until%20its%20entry%20into%20force..

⁶ UNTC, 2022. 1. *Convention on the Prevention and Punishment of the Crime of Genocide*, https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-1&chapter=4&clang=en.

⁷ International Criminal Court, n.d. *The States Parties to the Rome Statute*, <https://asp.icc-cpi.int/states-parties#T>.

		and maintains its 'A' rating from the Global Alliance of National Human Rights Institutions. ⁸
Ensure domestic promotion and protection of human rights, focusing on the elimination of discrimination.	Strong Unchanged	The constitution prohibits discrimination on basis of race, ethnicity, religion, gender, physical and mental disability, and other factors. However, not all cases of discrimination, particularly those against women and members of the LGBTIQ+ community were investigated properly. ⁹
Participate in international peer review processes, including the Universal Periodic Review (UPR) of the UN Human Rights Council.	Strong Unchanged	Timor-Leste participated in its third UPR in January 2022, and it accepted 186 of the 194 recommendations it was given. These recommendations mainly centre around strengthening of governmental institutions, but also include inequality. ¹⁰
Cooperate fully with UN Human Rights mandate holders and those of relevant regional organisations.	Strong Decrease	Timor-Leste continues to have four overdue reports relating to international human rights treaties. ¹¹ Timor-Leste maintains its standing invitation to UN Special Procedure mandate holders. No visits have been made since 2019, despite dates being proposed for a 2022 visit. ¹²
Ensure equal access to justice.	Weak Unchanged	The judicial system lacks resources, both monetary and personnel, and cases therefore have a long duration in court. The law calls for an independent judiciary, but political and religious interference is not uncommon. Legal and court documents are usually written in Portuguese, a language a minority of the population speak. Because of the language barrier and the wait times, some turn to customary or traditional methods of justice. ¹³
Criminalise incitement to commit genocide, war crimes, ethnic cleansing and crimes against humanity.	Very Strong Unchanged	Timor-Leste has criminalized genocide, crimes against humanity and war crimes in its <i>Criminal Code</i> . ¹⁴
Take measures to counter and prevent violent extremism.	Strong Unchanged	Timor-Leste has no recent history of terrorism. In 2019 they gave a statement in the UN expressing commitment to counter-terrorism. ¹⁵ More recent evidence of Timor-Leste engaging in counter-terrorism could be found.
Enact and implement laws protecting vulnerable groups, particularly in relation to sexual and gender-based violence.	Strong Unchanged	Sexual and gender-based violence against women and children remains a large problem in Timor-Leste. Rape, including spousal rape, domestic violence broadly construed, sexual harassment in the workplace, and child abuse is criminalized with harsh penalties, but the laws are not properly enforced.

⁸ Global Alliance of National Human Rights Institutions (GANHRI), 2023, *Our Members*, <https://ganhri.org/membership/>

⁹ U.S Department of State, 2023. *2022 Country Reports on Human Rights Practices: Timor-Leste*, 'Section 6. Discrimination and Societal Abuses: Systemic Racial or Ethnic Violence and Discrimination', <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/timor-leste/>

¹⁰ United Nations Human Rights Council, n.d., *Timor Leste Matrix of Recommendations*, <https://www.ohchr.org/sites/default/files/documents/hrbodies/upr/sessions/session40/tl/2022-12-23/Timor-Leste.pdf>

¹¹ United Nations Human Rights Treaty Bodies, n.d. *Late and non-reporting States*, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/LateReporting.aspx.

¹² United Nations Human Rights Office of the High Commissioner (UNOHCHR), n.d. *View Country visits of Special Procedures of the Human Rights Council since 1998*, <https://spinternet.ohchr.org/ViewCountryVisits.aspx?visitType=all&country=TLS&Lang=en>.

¹³ U.S Department of State, 2023. *2022 Country Reports on Human Rights Practices: Timor-Leste*, 'Section 1. Respect for the Integrity of the Person: e. Denial of Fair Public Trial'; Freedom House, 2023. *Freedom in the World 2023: Timor-Leste*, 'F. Rule of Law'.

¹⁴ International Criminal Court Project, n.d. *Timor-Leste: Overview*, <https://www.aba-icc.org/country/timor-leste/>.

¹⁵ Permanent Mission of the Democratic Republic of Timor-Leste, 2019. *Statement by Lenilde Henriques Maia Pereira First Secretary Permanent Mission of the Democratic Republic of Timor-Leste at the Sixth Committee "Measures to Eliminate International Terrorism" (Agenda Item 109)*, p. 2, https://www.un.org/en/ga/sixth/74/pdfs/statements/int_terrorism/timor_leste.pdf.

	Protect individuals and groups fleeing atrocity crimes and their risk, in accordance with International Refugee Law.	Weak Unchanged	There are several barriers for gender equality in Timor Leste, including that about half of all women have experienced violence from a partner. ¹⁶ Timor Leste continues to require asylum-seekers to submit their cases with 72 hours after entering the country, a process that does provide aid but limits access unnecessarily. ¹⁷
Domestic Implementation	Conduct a national assessment of risk and resilience.	Very Weak Unchanged	No evidence could be found of a national assessment being conducted in Timor-Leste.
	Cultivate and protect an active, diverse and robust civil society.	Strong Unchanged	The constitution protects freedom of expression and assembly. Academic and media freedom are generally well respected by the authorities. This contributes to a robust and active civil society. However, the influence of the Catholic Church has contributed to a culture of self-censorship amongst journalists especially on topics of women's rights and abuses within the church. Overall, however, Timor-Leste's civil society maintains a rating of 'Free' (72/100) from Freedom House and has one of the highest rankings (10/180) for press freedom from Reporters Without Borders. ¹⁸
	Ensure a legitimate, effective and civilian controlled security sector.	Fair Unchanged	The security sector of Timor-Leste is under civilian control and can adequately maintain order within the country. Some abuses of power have been reported and tried in the judicial system with a number of 'guilty' verdicts. ¹⁹
	Ensure the education system reflects the ethnic, national and cultural diversity of society, and sets examples of inclusiveness.	Fair Decrease	Timor Leste offers universal, basic education to all children from ages 6 to 14. However, poverty remains a significant barrier to education, especially in rural areas. Lack of resources is also a barrier to providing good facilities to education, with 40% of schools not being able to supply clean drinking water, and a general shortage of trained teachers. Enrolment rate in the first grade is low, with the Ministry of education estimating that about 39% of the 5 to 6 year olds are not in school. Of those enrolled, almost 70% of them don't meet the basic learning outcomes. This is an issue taken seriously by the government, who is collaborating with UNICEF whilst implementing its National Education Strategic Plan. ²⁰

¹⁶ U.S Department of State, 2023. *2022 Country Reports on Human Rights Practices: Timor-Leste*, 'Section 6. Discrimination and Societal Abuses'; International Women's Development Agency, n.d., *Timor Leste*, <https://iwda.org.au/timor-leste/#:~:text=Women%20and%20girls%20face%20challenging,to%20alarming%20rates%20of%20violence>.

¹⁷ U.S Department of State, 2022. *2021 Country Reports on Human Rights Practices: Timor-Leste*, 'Section 2. Respect for Civil Liberties: f. Protection of Refugees'.

¹⁸ Reporters Without Borders, 2023. *Timor-Leste*, <https://rsf.org/en/country/timor-leste>; Freedom House, 2023. *Freedom in the World 2023: Timor-Leste*, 'D. Freedom of Expression and Belief'; U.S Department of State, 2023. *2022 Country Reports on Human Rights Practices: Timor-Leste*, 'Section 2. Respect for Civil Liberties A. Freedom of Expression, Including for Members of the Press and Other Media'.

¹⁹ U.S Department of State, 2023. *2022 Country Reports on Human Rights Practices: Timor-Leste*, 'Section 1. Respect for the Integrity of the Person'.

²⁰ UNICEF, n.d. *Quality Education: Realising the rights to quality education for all children*, <https://www.unicef.org/timorleste/quality-education> ; UNICEF, n.d., Education in Timor Leste, https://www.unicef.org/timorleste/media/5856/file/UNICEF_TIMOR_LESTE_INVESTMENT_CASE_EDUCATION_Final.pdf ; UNESCO, n.d., *Timor Leste: Non-state Actors in Education*, <https://education-profiles.org/eastern-and-south-eastern-asia/timor-leste/~non-state-actors-in-education>

	Prevent nationals committing atrocity crimes overseas.	Strong Unchanged	Timor-Leste remains a signatory to the <i>Rome Statute</i> and maintains its laws covering atrocity crimes.
Bilateral and Multilateral Relations	Participate in international, regional, and national discussions on the further advancement of R2P.	Fair Unchanged	No evidence could be found of Timor-Leste participating in any official R2P-related dialogues since 2009. However civil society organisations in the country have been active in engaging with R2P through the Asia Pacific Partnership on Atrocity Prevention (APPAP).
	Leverage existing mechanisms and institutions (including regional and sub-regional organisations) to encourage States to fulfil their responsibility to protect.	Strong Unchanged	Timor-Leste have supported all resolutions that have referenced R2P in the General Assembly. UN General Assembly Resolutions: ²¹ <ul style="list-style-type: none"> • 2018: Extrajudicial, summary or arbitrary executions A/RES/73/172: yes. • 2018: Situation of human rights in the Democratic People’s Republic of Korea A/RES/73/180: adopted without vote. • 2018: Situation of human rights in the Syrian Arab Republic A/RES/73/182: yes. • 2019: Situation of human rights in the Democratic People’s Republic of Korea A/RES/74/166: adopted without vote. • 2019: Situation of human rights in the Syrian Arab Republic A/RES/74/169: yes. • 2020: Situation of human rights in the Democratic People’s Republic of Korea A/RES/75/190: adopted without vote. • 2020: Extrajudicial, summary or arbitrary executions A/RES/75/189: yes. • 2020: Situation of human rights in the Syrian Arab Republic A/RES/75/193: yes. • 2021: Promoting a culture of peace and tolerance to safeguard religious sites A/RES/75/258: adopted without vote. • 2021: The responsibility to protect and the prevention of genocide, war crimes, ethnic cleansing and crimes against humanity A/RES/75/277: yes. • 2021: Terrorism and human rights A/RES/76/169: adopted without vote. • 2021: Situation of human rights in the Democratic People’s Republic of Korea A/RES/76/177: adopted without vote. • 2021: Situation of human rights in the Syrian Arab Republic A/RES/76/228: yes • 2022: Extrajudicial, summary or arbitrary executions, A/RES/77/218: yes • 2022: Democratic Peoples Republic of Korea, A/RES/77/226: adopted without a vote • 2022: Myanmar/Burma, A/RES/77/227: adopted without a vote • 2022: Syria A/RES/77/230: yes
	Encourage and assist States to fulfil their R2P in situations of emerging and ongoing crisis, such as good offices and preventive diplomacy.	Fair Unchanged	Timor-Leste has been supportive of the opposition groups in Myanmar. The government has for example held meetings with the leaders of the opposition group, which has caused Myanmar to

²¹ GCR2P, 2023. *UN General Assembly Resolutions Referencing R2P*, <https://www.globalr2p.org/resources/un-general-assembly-resolutions-referencing-r2p-2/>. (Voting records for each resolution were accessed using the UN’s Digital Library: General Assembly of the United Nations, n.d. *Voting Records*, <https://www.un.org/en/ga/documents/voting.asp>.)

			<p>expel Timor Leste's diplomats.²² Timor Leste is more actively supporting the previous government than many other countries in the region, including ASEAN members.²³</p>
	Strengthen regional and international networks for atrocity crime prevention.	Strong Unchanged	<p>Timor-Leste continues to campaign for ASEAN membership. It is 'in principle' a member, but the full membership is pending Timor Leste's ability to build capacities outlined in ASEAN reports.²⁴</p> <p>Timorese civil society engages with R2P-related issues with other regional entities.</p>
	Strengthen the role and capacity of regional organisations.	Fair Increase	<p>Timor-Leste participates in the organizations it is a member of, but as a new state does not yet have the capacity to strengthen their role.</p>
	Support the development and work of regional human rights and other preventive capacities.	Strong Increase	<p>Timor-Leste has established a national human rights institution, 'Office of the Provedor for Human Rights and Justice' with ongoing support from the Asia-Pacific Forum.²⁵</p>
	Support atrocity prevention through development and assistance partnerships.	Fair Unchanged	<p>Timor Leste receives aid from many international donors, with the top three being Australia, US, and WHO. The aid received does not specifically mention atrocity prevention measures, but do focus on structural factors such as responses to climate change and healthcare facilities.²⁶</p> <p>Some EU funds have led to a human rights undergraduate course being offered in Timor Leste.²⁷</p>
United Nations, prevention, Peacekeeping, and assistance	Support the early warning and capacity building efforts of the UN Office on Genocide Prevention and R2P.	Strong Increase	<p>No new evidence since Timor-Leste's first dialogue statement in 2009 could be found to support this Indicator. Based on the other Indicators, namely Timor Leste's support for Myanmar and its voting record in the UN, Timor Leste seems quietly supportive.</p>
	Support the strengthening of the UN's capacity for atrocity prevention, including through the UN Human Rights system.	Strong Unchanged	<p>Timor-Leste continues to be a strong supporter of human rights both in and outside of the UN.</p>
	Support preventive actions on atrocity crimes.	Fair Unchanged	<p>Timor-Leste's history informs its support for preventive measures.</p>
	Contribute to United Nations peacekeeping operations (especially those with a protection of civilians mandate).	Fair Unchanged	<p>Timor-Leste currently has 2 troops, 'experts on mission, deployed to South Sudan through the UNMISS mission.'²⁸</p>
	Develop the capacities needed to support civilian protection, including through the training of military and civilian personnel for peacekeeping.	Fair Unchanged	<p>Timor Leste opened a Peacekeeping Training Centre in 2018 with courses covering expert on mission and military observer roles.²⁹</p>

²² AP News, 2023, 'Myanmar expels East Timor's diplomat in retaliation for supporting opposition forces', AP News, 27th August. Available at: <https://apnews.com/article/myanmar-east-timor-diplomat-76456c0044bd4ed5eb5049b15c9ae33d>

²³ Li Li Chen, 2023, 'Why Timor-Leste Decided to Take a Stand on Myanmar', *The Diplomat*, 5th September, Available at: <https://thediplomat.com/2023/09/why-timor-leste-decided-to-take-a-stand-on-myanmar/>

²⁴ ASEAN, 2022, ASEAN Leaders statement on the Application of Timor-Leste for ASEAN Membership, <https://asean.org/wp-content/uploads/2022/11/05-ASEAN-Leaders-Statement-on-the-Application-of-Timor-Leste-for-ASEAN-Membership.pdf>

²⁵ Asia Pacific Forum, n.d., *Timor Leste*, <https://www.asiapacificforum.net/members/timor-leste/>

²⁶ Aid Transparency Portal, 2023. *ATP Public Portal*, <https://www.aidtransparency.gov.tl/portal/>.

²⁷ Global Campus for Human Rights, n.d. *Development of Human Rights Education and Research at the National University of Timor-Leste (UNTL)*, <https://gchumanrights.org/education/capacity-building-training-programm/development-of-human-rights-education-and-research-at-until/about.html>.

²⁸ UN Peacekeeping, 2023, *Troop and Police Contributors*, <https://peacekeeping.un.org/en/troop-and-police-contributors> (Timor-Leste can be selected in the drop-down menu)

²⁹ Sharland, Lisa, 2020. *Mapping Pacific contributions to UN peacekeeping*, 'Timor-Leste', <https://www.aspi.org.au/report/mapping-pacific-peacekeeping>.

	Support the Kigali Principles.	Very Weak Unchanged	Timor-Leste remains a non-signatory to the Kigali Principles.
	Support UN Security Council veto restraint on issues relating to atrocity prevention.	Very Strong Unchanged	Timor-Leste supports both the ACT Code of Conduct regarding Security Council action over atrocity crimes, ³⁰ and the French/Mexican initiative on the suspension of veto in cases of atrocities. ³¹

³⁰ GCR2P, 2022. *List of Signatories to the ACT Code of Conduct*, <https://www.globalr2p.org/resources/list-of-signatories-to-the-act-code-of-conduct/>.

³¹ GCR2P, 2022. *List of Supporters of the Political Declaration on the Suspension of Veto*, <https://www.globalr2p.org/resources/list-of-supporters-of-the-political-declaration-on-suspension-of-veto/>.