



TIMOR-LESTE

BASELINE ASSESSMENT OF R2P
IMPLEMENTATION



Asia-Pacific Centre for the
Responsibility to Protect

 r2pasiapacific.org

 r2pinfo@uq.edu.au

The following Baseline Assessment Annex provides an overview of Timor-Leste's efforts in implementing R2P as of 2019. For a full description of the methodology used in this study, see Part II of 'Implementing the Responsibility to Protect in the Asia Pacific: An Assessment of Progress and Challenges', available [here](#).

Photo Acknowledgement: Colin Trainor, 2013 at [https://commons.wikimedia.org/wiki/File:Valu_Beach,_Tutuala,_Lautem,_Timor-Leste_\(8_Apr_2003\)_with_Jaco_Island_to_left.jpg](https://commons.wikimedia.org/wiki/File:Valu_Beach,_Tutuala,_Lautem,_Timor-Leste_(8_Apr_2003)_with_Jaco_Island_to_left.jpg)

TIMOR-LESTE

Timor-Leste has faced many challenges but is a relatively strong performer in the implementation of R2P.

Emerging from decades of civil war and the atrocities perpetrated by Indonesian-backed militia in 1999, it has done well to protect its populations from atrocity crimes, reduce the risks of atrocities, and deal with the past. It performs well in regards to R2P policy mechanisms (it appointed a Focal Point in 2016), international law and human rights, and in the adoption of domestic measures.

The region's newest state, Timor-Leste has ratified ten of the twelve key legal instruments considered most relevant to R2P, including the Rome Statute of the International Criminal Court. It has relatively strong domestic laws ensuring the promotion and protection of basic human rights and protection of vulnerable groups (although gender-based violence remains an ongoing concern). It is an active participant in the Universal Periodic Review process of the Human Rights Council. Timor-Leste has a vibrant and relatively free civil society. It also has a strong and independent National Human Rights Institution.

Timor-Leste has had limited capacity and opportunity to progress R2P regionally or internationally, yet it still performs reasonably well in this domain. Timor-Leste co-hosted the 2016 meeting of the Global Network of R2P Focal Points but has delivered only one statement at the UN General Assembly's Informal Interactive Dialogues on R2P. It has yet to make a contribution to UN peacekeeping operations.

TIMOR-LESTE

Assessment	Indicator
Very Strong	Reduction of atrocity crime risks
	Appoint national R2P Focal Point
	Sign and ratify the Rome Statute of the International Criminal Court and cooperate fully with the Court
	Establish and maintain National Human Rights Institutions in accordance with the Paris Principles
	Cooperate fully with UN Human Rights mandate holders and those of relevant regional organisations
	Criminalise incitement to commit genocide, war crimes, ethnic cleansing and crimes against humanity
	Support UN Security Council veto restraint on issues relating to atrocity prevention
Strong	Protection of populations from atrocity crimes
	Dealing with past atrocities
	Sign, ratify and implement relevant instruments of international law
	Ensure domestic promotion and protection of human rights, focusing on the elimination of discrimination
	Participate in international peer review processes, including the Universal Periodic Review (UPR) of the UN Human Rights Council
	Take measures to counter and prevent violent extremism
	Enact and implement laws protecting vulnerable groups, particularly in relation to sexual and gender-based violence
	Cultivate and protect and active, diverse and robust civil society
	Ensure the education system reflects the ethnic, national and cultural diversity of society, and sets examples of inclusiveness
	Prevent nationals committing atrocity crimes overseas
	Leverage existing mechanisms and institutions (including regional and sub-regional organisations) to encourage States to fulfil their responsibility to protect
	Strengthen regional and international networks for atrocity crime prevention
	Support atrocity prevention through development and assistance partnerships
	Support the strengthening of the UN's capacity for atrocity prevention, including through the UN Human Rights system
Support preventive actions on atrocity crimes	
Fair	Ensure equal access to justice
	Protect individuals and groups fleeing atrocity crimes and their risk, in accordance with International Refugee Law
	Ensure a legitimate, effective and civilian controlled security sector
	Participate in international, regional and national discussions on the further advancement of R2P
	Encourage and assist States to fulfil their R2P in situations of emerging or ongoing crisis, such as good offices and preventive diplomacy
	Strengthen the role and capacity of regional organisations

	Support the development and work of regional human rights and other preventive capacities
	Support the early warning and capacity building efforts of the UN Office on Genocide Prevention and R2P
Weak	Incorporate atrocity crime risks and dynamics into conflict analysis and/or development partnerships
Very Weak	Establish domestic mechanisms to hold the government accountable for upholding its responsibility to protect
	Conduct a national assessment of risk and resilience
	Contribute to United Nations peacekeeping operations (especially those with a protection of civilians mandate)
	Develop the capacities needed to support civilian protection, including through the training of military and civilian personnel for peacekeeping
	Support the Kigali Principles

Timor-Leste Score: 64

Timor-Leste has formally acknowledged its support for all three pillars of R2P. Whilst a young state with limited capacity and opportunity, it has nevertheless proven itself to be a strong supporter of human rights promotion and protection. It has used its voice in the General Assembly to encourage States to fulfil their responsibility and co-hosted the Global Network of R2P Focal Point's sixth annual meeting in 2016, when it also announced the appointment of a national Focal Point.

Thematic Area	Indicator	Assessment	Notes
Basic Compliance	Protection of populations from atrocity crimes.	Strong	Timor-Leste is currently stable, with the chances of atrocity crimes occurring lying between low to moderate. ¹ Some issues remain relating to the lack of state infrastructure, including sexual and gender-based violence, impunity in the security forces and curtailment of media freedoms. ²
	Reduction of atrocity crime risks.	Very Strong	There is little indication of risks of atrocity crimes growing. The government has made good progress since the violence following the vote for independence in 1999 and the political and security crisis in 2006.
	Dealing with past atrocities.	Strong	The Timorese government, with the help of the UN, established the Commission for Reception, Truth and Reconciliation (CAVR) to document human rights violations during Indonesian occupation. It also established the Serious Crimes Unit to bring perpetrators of atrocity crimes to justice. While the CAVR was successful in gathering witness statements and documenting many atrocities in its final report (Chega!), and the SCU did attain a number of convictions, lingering grievances remain. Due to a lack of resources and able personnel, the SCU was unable to indict members of the Indonesian armed forces responsible for perpetrating the crimes. Reluctance from both the Indonesian and Timorese governments to place good diplomatic relations ahead of justice and reconciliation was also seen as a contributing factor. ³
Policy Mechanisms	Appoint national R2P Focal Point.	Very Strong	Timor-Leste is one of the 56 countries to have appointed an R2P Focal Point. ⁴ Mr. Hernani Coelho da Silva, Minister of Foreign Affairs and Cooperation of the Democratic Republic of Timor-Leste (DRTL), announced the appointment at the opening of the 6th Annual Meeting of the Global Network of R2P Focal Points in Seoul, June 2016. ⁵
	Incorporate atrocity crime risks and dynamics into conflict analysis and/or development partnerships.	Weak	Elements of the Timorese government are stakeholders in the Early Warning, Early Response System, a program monitoring violent incidents in three municipalities within Timor-Leste. This system facilitates peacebuilding activities and community capacity to prevent outbreaks of violence. ⁶
	Establish domestic mechanisms to hold the government accountable for upholding its responsibility to protect.	Very Weak	Timor-Leste has done little to establish mechanisms that would make the government accountable in upholding its responsibility to protect.

¹ Asia Pacific Centre for the Responsibility to Protect (APR2P), 2016. *Atrocity Crimes Risk Assessment Series: Timor-Leste*, https://r2pasiapacific.org/files/640/Risk_Assessment_timorleste_voll_november2016.pdf.

² Ibid.

³ Harson, Siktus, 2014. *Slow justice for atrocity victims in Timor-Leste*, <https://www.ucanews.com/news/slow-justice-for-atrocity-victims-in-timor-leste/72676>; Reiger, Caitlin, and Marieke Wierda. 2006. *The Serious Crimes Process in Timor-Leste: In Retrospect*, p. 35-41, <https://www.ictj.org/sites/default/files/ICTJ-TimorLeste-Criminal-Process-2006-English.pdf>.

⁴ Global Centre for the Responsibility to Protect (GCR2P), n.d. *Global Network of R2P Focal Points*, http://www.globalr2p.org/media/files/regional-breakdown_global-network-of-r2p-focal-points.pdf.

⁵ GCR2P, 2016. *6th Annual Meeting of the Global Network of R2P Focal Points*, <http://www.globalr2p.org/media/files/statement-on-the-6th-annual-meeting-of-the-global-network-of-r2p-focal-points.pdf>.

⁶ Belun, 2019. *Early Warning, Early Response (EWER) System*, <http://www.belun.tl/en/early-warning-and-early-response-ewer/>.

International Human Rights Obligations	Sign, ratify and implement relevant instruments of international law.	Strong	<p>Timor-Leste has ratified ten of the twelve key international human rights laws (IHRL) considered most relevant to R2P. The instruments ratified are:</p> <ul style="list-style-type: none"> • International Covenant on Civil and Political Rights [ICCPR] (Ratification/Accession: 2003) • International Covenant on Economic, Social and Cultural Rights [ICESCR] (Ratification/Accession: 2003) • Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment [CAT] (Ratification/Accession: 2003) • Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (Ratification/Accession: 2003) • Convention on the Elimination of All Forms of Racial Discrimination [CERD] (Ratification/Accession: 2003) • Convention on the Rights of the Child [CRC] (Ratification/Accession: 2003) • Rome Statute of the International Criminal Court (Ratification/Accession: 2002) • Geneva Conventions (Ratification/Accession: 2003) • Geneva Protocol I (Ratification/Accession: 2005) and, • 1951 Refugee Convention and the 1967 Protocol (Ratification/Accession: 2003). <p>The two key instruments that Timor-Leste has not signed or ratified are the Convention on the Prevention and Punishment of the Crime of Genocide and the Arms Trade Treaty [ATT].⁷</p>
	Sign and ratify the Rome Statute of the International Criminal Court and cooperate fully with the Court.	Very Strong	Timor-Leste deposited its instrument of acceptance of the Rome Statute on the 6th of September 2002. ⁸
	Establish and maintain National Human Rights Institutions (NHRI) in accordance with the Paris Principles.	Very Strong	The Provedoria dos Direitos Humanos e Justiça (Timor-Leste National Human Rights Institution, or PDHJ) was established in 2002 under the constitution and opened in 2006. It promotes principles relating to human rights within the country, as well as providing oversight to government entities. ⁹ After two reviews in 2008

⁷ United Nations Human Rights Office of the High Commissioner (UNOHCHR), n.d. *View the ratification status by country or by treaty*, http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx; International Committee of the Red Cross, n.d. *Treaties, States Parties and Commentaries: Timor-Leste*, https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/vwTreatiesByCountrySelected.xsp?xp_countrySelected=TL&nv=4; United Nations High Commissioner for Refugees (UNHCR), 2016. *Submission by the United Nations High Commissioner for Refugees For the Office of the High Commissioner for Human Rights' Compilation Report: Timor-Leste*, p. 1, <https://www.refworld.org/country/COI.UNHCR.,TMP.,57fb98b24.0.html>; United Nations Treaty Collection (UNTC), 2019. *1. Convention on the Prevention and Punishment of the Crime of Genocide*, https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-1&chapter=4&clang=en; UNTC, 2019. *8. Arms Trade Treaty*, https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXVI-8&chapter=26&clang=en; International Criminal Court, n.d. *The States Parties to the Rome Statute*, https://asp.icc-cpi.int/en_menus/asp/states%20parties/Pages/the%20states%20parties%20to%20the%20rome%20statute.aspx#T.

⁸ International Criminal Court (ICC), 2003. *Timor-Leste: Ratification and Implementation Status*, https://asp.icc-cpi.int/en_menus/asp/states%20parties/asian%20states/Pages/timor%20leste.aspx.

⁹ PDHJ, n.d. *Vision, Mission and Values*, <http://pdhj.tl/about/vision-mission-and-values/?lang=en>. See also: PDHJ, 2013. *Strategic Plan of the PDHJ 2011 – 2020*, p. 5-6, <http://pdhj.tl/wp-content/uploads/2013/11/SP-PDHJ-2011-2020-e.pdf>; PDHJ, n.d. *Ombudsman's strategic objectives*, <http://pdhj.tl/about/strategic-objectives/?lang=en>.

	<p>Ensure domestic promotion and protection of human rights, focusing on the elimination of discrimination.</p>	<p>and 2013, it remains fully compliant with the Paris Principles with an ‘A’ rating.¹⁰</p> <p>Strong</p> <p>The constitution of Timor-Leste affirms that the objective of the state is:</p> <p>“To guarantee and promote fundamental rights and freedoms of the citizens and the respect for the principles of the democratic State based on the rule of law” (Section 6.b).¹¹ Section 9 of the constitution specifically references international treaties and laws, stating:</p> <ol style="list-style-type: none"> a) The legal system of East Timor shall adopt the general or customary principles of international law. b) Rules provided for in international conventions, treaties and agreements shall apply in the internal legal system of East Timor following their approval, ratification or accession by the respective competent organs and after publication in the official gazette. c) All rules that are contrary to the provisions of international conventions, treaties and agreements applied in the internal legal system of East Timor shall be invalid.¹² <p>Equality and non-discrimination are also provided for in the constitution (Section 16).¹³ Timor-Leste has undertaken legislative reform to promote and protect human rights and eliminate discrimination in their domestic laws. However, weaknesses exist in relation to LGBTIQ persons and persons with disabilities. Some women face employment discrimination based on marital status, whilst various cultural practices are said to discriminate against women.¹⁴</p> <p>The government has implemented legislation to domesticate its international obligations (especially those relating to CEDAW). Examples include:</p> <ul style="list-style-type: none"> • 2014-2017 <i>National Strategy and Action Plan for Gender and the Private Sector</i>¹⁵; • 2014-2017 and the 2017-2021 <i>National Action Plan on Gender-Based Violence (NAPGBV)</i>¹⁶; • 2011 <i>Parliamentary Resolution No. 27/2011</i> establishing a gender working group as an intersectoral cooperation and coordination mechanism;
--	---	--

¹⁰ Global Alliance of National Human Rights Institutions, 2017. *Chart of the Status of National Institutions*, p. 3, https://www.ohchr.org/Documents/Countries/NHRI/Chart_Status_NIs.pdf.

¹¹ Democratic Republic of Timor-Leste, Constituent Assembly. *Constitution of the Democratic Republic of Timor-Leste, Section 6 b)*. Dili, 2002.

¹² Ibid., *Section 9*.

¹³ Ibid. *Section 16. 2*.

¹⁴ U.S. Department of State, 2016. *Timor-Leste 2016 Human Rights Report*, p. 16-17, <https://www.state.gov/documents/organization/265590.pdf>.

¹⁵ Democratic Republic of Timor-Leste, 2013. *National Strategy and Action Plan For Gender And Private Sector 2014-2017*, <http://extwprlegs1.fao.org/docs/pdf/tim150789.pdf>.

¹⁶ Government of Timor-Leste, 2017. *Launch of the 2017-2021 National Action Plan against Gender Based Violence*, <http://timor-leste.gov.tl/?p=18310&n=1&lang=en>.

- 2011 *Parliamentary Resolution No. 12/2010* on gender-responsive budgeting.¹⁷

In April 2016, Timor-Leste became the third southeast Asian state to adopt a *National Action Plan for Women, Peace and Security for 2016-2020*.¹⁸

The constitution specifically protects against discrimination based on physical or mental conditions. Additionally, Article 153 of *The Penal Code* classifies the mistreatment of a person with a disability by caretaker as a crime punishable by up to six years imprisonment.¹⁹ However, domestic disability rights need further strengthening.²⁰

Consensual same-sex conduct is not criminalised and Timor-Leste is the only country in Southeast Asia to have signed the joint statement on *Ending Acts of Violence and Related Human Rights Violations Based on Sexual Orientation and Gender Identity*, which was adopted during the general debate of the UN Human Rights Council in March 2011.²¹ However, there remains some areas of concern regarding LGBTIQ issues:

- Timor-Leste has not enacted any laws or policies that protect against discrimination on the basis of sexual orientation, gender identity and intersex status.
- Bias based on gender identity and intersex status is not treated as an aggravating factor in sentencing under the penal code.
- Transgender people are not able to have their gender legally recognized in identity documents.
- Though Article 16(b) of the constitution of Timor-Leste prohibits discrimination on a variety of grounds, it does not explicitly include sexual orientation, gender identity and intersex status.²²

The constitution provides for the freedom of conscience, religion and worship, prohibits discrimination on the basis of religious beliefs and guarantees both the right to conscientious objection and freedom to teach any religion.²³

¹⁷ United Nations, Committee on the Elimination of Discrimination against Women (CEDAW), Concluding observations on the combined second and third periodic reports of Timor-Leste, 24 November 2015, CEDAW/C/TLS/CO/2-3, para.5.

¹⁸ Amnesty International, 2017. *Timor-Leste 2016/17*, <http://www.refworld.org/docid/58b033a6f.html>.

¹⁹ World Intellectual Property Organization (WIPO), 2009. *Penal Code of the Democratic Republic of Timor-Leste*, 'Article 153.1', p. 44, <http://www.wipo.int/wipolex/en/details.jsp?id=10928>.

²⁰ United Nations Integrated Mission in East Timor (UNMIT) and UNOHCHR, 2011. *Of course we can: Report on the Rights of Persons with Disabilities in Timor-Leste*, p. 1, http://www.ohchr.org/Documents/Countries/TP/UNHR_Report2011_en.pdf.

²¹ Kaleidoscope Australia Human Rights Foundation, 2016. *The Human Rights of LGBTI Persons in Timor-Leste: 26th session of the Universal Periodic Review 31st October–11th November 2016*, p. 2,

²² *Ibid.*, p. 3-5.

²³ U.S. Department of State, 2016. *Timor-Leste 2016 International Religious Freedom Report*, <https://www.state.gov/documents/organization/269016.pdf>.

	Participate in international peer review processes, including the Universal Periodic Review (UPR) of the UN Human Rights Council.	Strong	<p>In 2011, Timor-Leste engaged in its first UPR and the second session was undertaken in November 2016. Their next UPR will be in 2021.²⁴</p> <p>In March 2017, Timor-Leste accepted 146 of the 154 recommendations made during the 2016 review.²⁵ The recommendations that the country did not commit to concerned raising the minimum age for marriage to 18²⁶ and studying the introduction of a universal basic income for all citizens of Timor-Leste over 18.²⁷</p> <p>Timor-Leste is overdue on three reports to human rights bodies:</p> <ul style="list-style-type: none"> • <i>International Covenant on Civil and Political Rights</i> [CCPR] (due December 2014); • <i>Convention on the Elimination of All Forms of Racial Discrimination</i> [CERD] (due April 2004); and, • <i>International Covenant on Economic, Social and Cultural Rights</i> [ICESCR] (due June 2005).²⁸
	Cooperate fully with UN Human Rights mandate holders and those of relevant regional organisations.	Very Strong	The state has not issued a standing open invitation to all thematic special procedures. ²⁹ Despite this, it has received visits from the Special Rapporteur on Extreme Poverty and Human Rights and the working group on Enforced or Involuntary Disappearances (both in 2011), as well as the Representative of the Secretary-General on internally displaced persons in December 2008. ³⁰
	Ensure equal access to justice.	Fair	<p>The constitution of Timor-Leste states that all citizens are equal before the law.³¹</p> <p>The NGO <i>Asistencia Legal ba Feto no Labarik</i> provides free legal assistance to women and girls in criminal, civil and family law matters.³² However, there remain some limitations in women's access to judicial institutions, including:</p> <ul style="list-style-type: none"> • Women largely continue to use the traditional rather than the formal justice system; • The absence of an effective system of legal aid in the State party; • The delays in adjudicating cases of

²⁴ UPR Info, 2018. *Timor-Leste: Timeline for UPR engagement in the current cycle*, <https://www.upr-info.org/en/review/Timor-Leste>.

²⁵ United Nations, Human Rights Council (HRC), 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, 9 March 2017, A/HRC/34/11/Add.1, p. 2.

²⁶ Ibid., p. 5. Recommendations 89.120 and 89.121.

²⁷ Ibid., p. 5. Recommendation 89.134; For a full list of recommendations made to Timor-Leste in the 2016 UPR see: United Nations, HRC, Report of the Working Group on the Universal Periodic Review, 28 December 2016, A/HRC/34/11.

²⁸ UNOHCHR, n.d. *Late and non-reporting States*, http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/LateReporting.aspx.

²⁹ UNOHCHR, n.d. *Standing Invitations*, http://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/StandingInvitations.aspx.

³⁰ United Nations, HRC, National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21, 22 August 2016, A/HRC/WG.6/26/TLS/1, p. 3; UNOHCHR, n.d. *View Country visits of Special Procedures of the Human Rights Council since 1998: Timor-Leste*, https://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en&country=TLS.

³¹ Democratic Republic of Timor-Leste, Constituent Assembly. *Constitution of the Democratic Republic of Timor-Leste, Section 16.1*.

³² United Nations, CEDAW, CEDAW/C/TLS/CO/2-3, p. 3.

			<p>gender-based violence and the violation of women’s rights as a result of a 13 per cent decrease in the human resources of the judiciary;</p> <ul style="list-style-type: none"> • Low legal literacy, language barriers and the small number of district courts; and, • A lack of gender sensitivity among the members of the judiciary and a paucity in capacity-building programs on women’s rights and gender equality for the judiciary.³³ <p>There is no comprehensive national legislation on land rights and the government has been criticized for disregarding many private claims and evicting some residents from land defined as “public property” or lands where title is unclear.³⁴</p>
	<p>Criminalise incitement to commit genocide, war crimes, ethnic cleansing and crimes against humanity.</p>	<p>Very Strong</p>	<p>Timor-Leste’s <i>Penal Code</i> specifically criminalizes genocide, crime against humanity, and war crimes.³⁵</p> <p>Article 123 concerning genocide refers to the intent to destroy, in whole or in part, a national, ethnic, racial or religious group. It includes a range of punishable acts including: homicide or offence against the physical or mental integrity of members of the group; sexual violence; subjection to cruel, degrading or inhumane conditions; seizure of property; and, prohibition, omission or hindrance by any means from providing members of the group with humanitarian assistance.</p> <p>Article 124 concerning crimes against humanity refers to widespread or systematic attack against any civilian population that results in acts such as homicide, extermination, enslavement, forcible displacement, imprisonment, torture, sexual violence, persecution, enforced disappearance, apartheid and other inhumane acts.</p> <p>War crimes defined in <i>The Penal Code</i> include:</p> <ul style="list-style-type: none"> • War crimes against individuals (Article 125); • War crimes committed using prohibited methods of warfare (Article 126); • War crimes committed using prohibited means of warfare (Article 127); • War crimes against assets protected by insignia or distinctive emblems (Article 128); • War crimes against property (Article 129) and • War crimes against other rights (Article 130). <p>Article 117 of <i>The Penal Code</i> further stipulates that crimes of genocide, crimes against peace and humanity and war crimes are not subject to statute of limitations.³⁶</p>
	<p>Take measures to counter and prevent violent extremism.</p>	<p>Strong</p>	<p>Despite its small size and limited resource capacity, Timor-Leste is a strong proponent of countering</p>

³³ Ibid.

³⁴ U.S. Department of State, 2016. *Timor-Leste 2016 Human Rights Report*, p. 8.

³⁵ WIPO, 2009. *Penal Code of the Democratic Republic of Timor-Leste*, ‘Articles 123-130’, p.34-38.

³⁶ Ibid., p. 33.

terrorism and violent extremism.³⁷ The establishment of terrorist groups and engagement in, or funding of, terrorist activities is punishable under *The Penal Code* and comes with lengthy prison sentences.³⁸ The funding of terrorism, and transnational financial crime more broadly, is of concern for the government of Timor-Leste. It joined the Asia Pacific Group on Money Laundering (APG) in 2008 and has since enacted laws and developed mechanisms to combat the financing of terrorism, including the establishment of a Financial Intelligence Unit in 2014.³⁹

Despite the Timorese context being conducive to high levels of terrorism and related crimes, especially regarding corruption levels, the risk of terrorist activity in Timor-Leste is considered low.⁴⁰

Enact and implement laws protecting vulnerable groups, particularly in relation to sexual and gender-based violence.

Strong

Timor-Leste has many laws in place to curb sexual and gender-based violence. Despite this, gender-based violence is a serious and pervasive problem in Timor-Leste. While it takes many forms, the most common type of gender-based violence is domestic violence. According to The Asia Foundation's 2016 report on violence against women and children, 59 percent of women aged 15–49 (who had ever been in a relationship) had experienced physical or sexual violence by an intimate partner at least once in their lifetime.⁴¹ Any type of rape – including marital rape – is criminalized by Timor-Leste's laws.⁴² Among all surveyed women aged 15 to 49 in the Asia Foundation survey, 14 percent had been raped by someone other than an intimate partner in their lifetimes, with 10 percent in the past 12 months.⁴³

The CEDAW Committee has raised concerns that neither the constitution nor domestic legislation includes a definition of discrimination against women, as stipulated in Article 1 of the Convention. It is also noted the decision not to adopt a specific gender equality law and the absence of legislation regulating the relationship between the state and customary legal systems.

Additionally, Timor-Leste has not enacted any laws or policies that protect against discrimination on the basis of sexual orientation, gender identity and intersex status.

Protect individuals and groups fleeing atrocity crimes and their

Fair

While Timor-Leste has signed and ratified the **1951 Refugee Convention** and its **1967 Protocol**, gaps remain in its practical implementation in protecting

³⁷ United Nations, Security Council, Letter dated 17 May 2004 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council, 26 May 2004, S/2004/429, p. 3.

³⁸ Ibid., p. 38-39.

³⁹ APG, 2019. *Members & Observers: Timor-Leste*, <http://www.apgml.org/members-and-observers/members/details.aspx?m=900d9ae8-5005-45d9-8200-24a314b1ab05>.

⁴⁰ APG, 2012. *Mutual Evaluation Report: Anti-Money Laundering and Combating the Financing of Terrorism: Timor-Leste*, p. 16, <file:///C:/Users/commi/Downloads/Timor-Leste%20MER%202012.pdf>.

⁴¹ The Asia Foundation, 2016. *Understanding Violence Against Women and Children in Timor-Leste: Findings from the Nabilan Baseline Study*, p. 51, https://asiafoundation.org/wp-content/uploads/2016/05/UnderstandingVAWTL_main.pdf.

⁴² East Timor Law and Justice Bulletin, 2011. *Rape, Marital Rape and the Law of Timor-Leste*, <http://www.easttimorlawandjusticebulletin.com/2011/03/rape-marital-rape-and-law-of-timor.html>.

⁴³ The Asia Foundation, 2016. *Understanding Violence Against Women and Children in Timor-Leste: Findings from the Nabilan Baseline Study*, p. 63.

	risk, in accordance with International Refugee Law.	refugees. Those seeking asylum in Timor-Leste must submit their request to the authorities within 72 hours of entering the country. ⁴⁴ This timeframe has been widely criticised for being too short a time for both an asylum seeker to submit an application, and also for authorities to deliberate and assign the appropriate visa, if any. ⁴⁵ There is an unknown number of asylum seekers in Timor-Leste at the time of publication, but those who are identified are in a state of limbo, with the government providing very little support or information about the status of their claims. ⁴⁶
Domestic Implementation	Conduct a national assessment of risk and resilience.	Very Weak Timor-Leste has not undertaken a national assessment using the analysis framework on the prevention of genocide.
	Cultivate and protect an active, diverse and robust civil society.	Strong The constitution of Timor-Leste guarantees the rights to freedom of expression and assembly, and assembly does not require prior authorization. ⁴⁷ Regardless, Amnesty International have reported that the <i>Timorese National Police</i> continue to interpret the <i>Law on Freedom of Assembly and Demonstration</i> (Law No. 1/2006) as requiring a permit, and have banned a number of peaceful protests. ⁴⁸ In 2017 Timor ranked 99 out of 180 countries on the World Press Freedom index. ⁴⁹ This is a considerably higher ranking than many other Asia Pacific states. They reported that no journalists have been jailed for their work in Timor. Furthermore, Articles 40 and 41 of the constitution guarantee free speech and media freedom. However, various forms of pressure are used to prevent journalists from working freely, including legal proceedings, police violence, and public denigration of media outlets by government officials or parliamentarians. ⁵⁰ A new <i>Media Act</i> passed in May 2014 was criticized by Timorese journalists, human rights activists, and the international media development community which prompted a constitutional review, and the measure was returned to Parliament for revision. The final version enacted in November retained a number of problematic provisions, though its effects on media independence remains to be seen. ⁵¹ The creation of a Press Council in 2015 was seen as a positive step in further securing media independence. ⁵²

⁴⁴ Republic of Timor-Leste, National Parliament. *Immigration and Asylum Act, Section II, Article 92*. Dili, 2003.

⁴⁵ La'o Hamutuk, 2003. *NGO Working Group to Study the Immigration and Asylum Bill*, <http://laohamutuk.org/Justice/ImmigLaw/visacomment.html>.

⁴⁶ Jade Bremner, Sharna, 2014. *Asylum seekers: Fear and uncertainty in Timor-Leste*, <http://rightnow.org.au/opinion-3/asylum-seekers-fear-and-uncertainty-in-timor-leste/>.

⁴⁷ Democratic Republic of Timor-Leste, Constituent Assembly. *Constitution of the Democratic Republic of Timor-Leste, Sections 42 and 43*.

⁴⁸ Amnesty International, 2016. *Timor-Leste: Amnesty International Submission for the UN Universal Periodic Review, 26th Session of the UPR Working Group, October/November 2016*, p. 5, https://www.upr-info.org/sites/default/files/document/timor-leste/session_26_-_november_2016/ai_upr26_tls_e_main.pdf.

⁴⁹ Reporters Without Borders (RSF), 2017. *East Timor*, <https://rsf.org/en/east-timor>.

⁵⁰ Ibid.

⁵¹ Freedom House, 2016. *Timor-Leste: Freedom of the Press 2015*, <https://freedomhouse.org/report/freedom-press/2015/timor-leste>.

⁵² RSF, 2017. *East Timor*.

	<p>Ensure a legitimate, effective and civilian controlled security sector.</p>	<p>Fair</p>	<p>Timor-Leste’s military is known as <i>Forças Armadas da Libertação Nacional de Timor-Leste</i>; the Armed Forces for the National Liberation of East Timor. As can be seen by the name, the new army was composed of former guerrilla forces that fought against the Indonesian army. On the other hand, those with policing experiences during the time of Indonesian occupation were appointed to the new police force. This meant the two forces who had been on the opposite sides during the fight for independence, ended up in the same security sector. These different origins gave continued to provide tension between the two statutory security forces.⁵³</p> <p>According to the U.S Department of State, civilian control of the security forces in Timor-Leste remains weak.⁵⁴ Moreover, there is a clear lack of effective procedures and systems to hold security force members accountable for their actions or to root out corruption, with accusations of police, including border police, involved in common bribery and abuse of power.⁵⁵</p> <p>The Australian Federal Police and Defence Forces have played a vital role in the training and education of the police and military forces of Timor-Leste.⁵⁶</p>
	<p>Ensure the education system reflects the ethnic, national and cultural diversity of society, and sets examples of inclusiveness.</p>	<p>Strong</p>	<p>The constitution asserts that “...every citizen has the right to education and culture, and it is incumbent upon it to promote the establishment of a public system of universal and compulsory basic education that is free of charge in accordance with its ability and in conformity with the law.”⁵⁷</p> <p>At independence, many schools had been destroyed and there were also severe shortages of teachers. The World Bank and other donors have actively worked to support the Ministry of Education and improve education throughout the country. This has dramatically improved the education sector. More children are completing primary school, with completion rates increasing from 73 percent in 2009 to over 83 percent in 2012. Primary school dropout rates decreased from 12 percent in 2008/09 to 4 percent in 2010 and the gender parity index increased to 99 percent in 2012, up from 95 percent in 2009.⁵⁸ The U.S Department of State reports that language issues and teacher quality hampers the education system, whilst a lack of sanitation facilities at some schools also lead some girls to drop out upon reaching puberty.⁵⁹ There is little capacity in</p>

⁵³ Uesugi, Yuji, 2014. ‘Security Sector Reform (SSR) in Timor-Leste: the Challenges of Respecting Local Ownership’. *Asia Peacebuilding Initiatives*, 9 January. Available from: <http://peacebuilding.asia/1057/>.

⁵⁴ U.S. Department of State, 2016. *Timor-Leste 2016 Human Rights Report*, p. 1.

⁵⁵ *Ibid.*, pp. 12-13.

⁵⁶ Nautilus Institute, 2018. *Security sector reform: Timor-Leste*, <https://nautilus.org/publications/books/australian-forces-abroad/east-timor/security-sector-reform-timor-leste/>.

⁵⁷ Democratic Republic of Timor-Leste, Constituent Assembly. *Constitution of the Democratic Republic of Timor-Leste, Section 59.1*.

⁵⁸ Education Policy and Data Centre (EPDC), 2014. *Timor-Leste: National Education Profile*, https://www.epdc.org/sites/default/files/documents/EPDC%20NEP_Timor%20Leste.pdf; The World Bank. 2014. *Timor-Leste - Education Sector Support Project*, <http://documents.worldbank.org/curated/en/535731468121487461/Timor-Leste-Education-Sector-Support-Project>.

⁵⁹ U.S. Department of State, 2016. *Timor-Leste 2016 Human Rights Report*, p. 17-18.

			<p>the education system to address children with special education needs or disabilities.⁶⁰</p> <p>The constitution further states that “Everyone has the right to cultural enjoyment and creativity and the duty to preserve, protect and value cultural heritage.”⁶¹ However, the <i>Base Law for Education</i> (Law No. 14/2008) states that Portuguese and Tetum are the official languages of education, which does not reflect the cultural and linguistic diversity of the country and is, arguably, contradictory to the constitutional edict of valuing cultural diversity. A recent pilot project has trialled Mother Tongue Based Multilingual Education (MTB-MLE) in the first year of schooling, which may provide a more effective and inclusive approach to education.⁶²</p>
	Prevent nationals committing atrocity crimes overseas.	Strong	<p>Following the atrocities committed in Timor-Leste by Indonesian forces, the UN Transitional Administration in East Timor established the Special Panels of the Dili District Court. The hybrid International-East Timorese tribunal operated from 2000 to 2006 with jurisdiction over genocide, war crimes, crimes against humanity, murder, sexual offences and torture. In all, 55 trials were held by the special panels resulting in 84 convictions.⁶³ The efficacy of the tribunal was curtailed by a lack of cooperation on behalf of Indonesia to surrender guilty offenders, and it also failed to adjudicate any proceedings against those most responsible for the 1999 violence.⁶⁴</p>
Bilateral and Multilateral Relations	Participate in international, regional, and national discussions on the further advancement of R2P.	Fair	<p>Timor-Leste has participated in one of the UN General Assembly’s Informal Interactive Dialogues on R2P, in 2009.⁶⁵</p> <p>In its acceptance of R2P and its three pillars, Timor-Leste was able to speak on their experience as a country that has called for assistance and intervention, noting that</p> <p>“...asking for help from the international community was an exercise in responsible State sovereignty. We did not feel uneasy or have mixed feelings, nor were we apprehensive about its ramifications; we believed — and still believe — in it.”⁶⁶</p> <p>As noted above, Timor-Leste has also co-hosted The Global Network of R2P Focal Point’s sixth</p>

⁶⁰ Ibid., p. 19.

⁶¹ Democratic Republic of Timor-Leste, Constituent Assembly. *Constitution of the Democratic Republic of Timor-Leste*, Section 59.5.

⁶² See: Caffrey, Jo et al. 2014. *The Timor-Leste mother tongue based multilingual education pilot project*, <http://www.canberra.edu.au/researchrepository/items/bc3d88bd-1ab1-4452-b7b6-64c49ca6fb45/1/>.

⁶³ Rimmer, Susan H, and Juli Effi Tomaras, 2007. *Aftermath Timor Leste: reconciling competing notions of justice*, https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/Publications_Archive/archive/TimorLeste.

⁶⁴ Cf. Asia Pacific Centre for the Responsibility to Protect (APR2P), 2017. *The Rome Statute in the Asia- Pacific*, p. 13, https://r2pasiapacific.org/files/734/rome_statute_in_AP_2017.pdf.

⁶⁵ See individual overviews of UN General Assembly meetings on R2P by following the links at: GCR2P, 2016. *Summaries of UN General Assembly Interactive Dialogues on R2P*, <http://www.globalr2p.org/resources/897>.

⁶⁶ GCR2P, 2009. *Timor Leste – Statement at the July 2009 GA Debate on RtoP (As Delivered)*, <http://www.globalr2p.org/media/files/timor-leste-2009-r2p-debate.pdf>.

		annual meeting in June, 2016, in Seoul. ⁶⁷
		Though not specifically related to R2P, Timor-Leste also participated in the 2014 Global Summit to End Sexual Violence in Conflict. ⁶⁸
Leverage existing mechanisms and institutions (including regional and sub-regional organisations) to encourage States to fulfil their responsibility to protect.	Strong	Timor-Leste has never been on the Security Council nor the Human Rights Council, but has voted on recent General Assembly resolutions related to R2P, and the prevention of mass atrocities. UN General Assembly Resolutions:⁶⁹ <ul style="list-style-type: none"> • 2013: The situation in the Syrian Arab Republic A/RES/67/262: no vote • 2014: Situation of human rights in the Democratic People’s Republic of Korea A/RES/69/188: yes • 2014: Situation of human rights in the Syrian Arab Republic A/RES/69/189: yes • 2015: Situation of human rights in the Democratic People’s Republic of Korea A/RES/70/172: yes • 2015: Situation of human rights in the Syrian Arab Republic A/RES/70/234: no vote • 2016: The situation in the Syrian Arab Republic A/RES/71/130: yes • 2016: Situation of human rights in the Syrian Arab Republic A/RES/71/203: yes • 2017: Situation of human rights in the Democratic People’s Republic of Korea A/RES/72/188: adopted without vote • 2017: Situation of human rights in the Syrian Arab Republic A/RES/72/191: yes
Encourage and assist States to fulfil their R2P in situations of emerging and ongoing crisis, such as good offices and preventive diplomacy.	Fair	Timor-Leste is one of the few countries within the Asia Pacific to call for Myanmar to be referred to the ICC for its treatment of the Rohingya. ⁷⁰ There has also been calls of solidarity to the Rohingya from Timor-Leste and calling on Myanmar to cease military persecution against them. ⁷¹
Strengthen regional and international networks for atrocity crime prevention.	Strong	As a young state, Timor-Leste has had little capacity and opportunity to actively contribute to the strengthening of regional and international networks for atrocity crime prevention, though they have appointed an R2P focal point and have been vocal in their advocacy for the R2P principles, as well as seeking out accession to ASEAN.

⁶⁷ GCR2P, 2016. *6th Annual Meeting of the Global Network of R2P Focal Points*, <http://www.globalr2p.org/media/files/statement-on-the-6th-annual-meeting-of-the-global-network-of-r2p-focal-points.pdf>.

⁶⁸ Global Summit to End Sexual Violence in Conflict, 2014. *Joint Statement By the Ministers for Foreign Affairs of Indonesia, the Philippines and Timor-Leste on Preventing and Addressing Sexual Violence in Armed Conflict*, <https://www.kemlu.go.id/Documents/Joint%20Statement%20on%20Preventing%20and%20Addressing%20Sexual%20Violence%20in%20Armed%20Conflict/Joint%20Statement%20on%20Preventing%20and%20Addressing%20Sexual%20Violence%20in%20Armed%20Conflict.pdf>.

⁶⁹ GCR2P, 2017. *UN General Assembly Resolutions Referencing R2P*, <http://www.globalr2p.org/resources/1133>. (Voting records for each resolution can be accessed using the UNGA’s voting records search, available at: <http://www.un.org/en/ga/documents/voting.asp>).

⁷⁰ Ellis-Peterson, Hannah, 2018. ‘Rohingya crisis: 132 MPs across region call for Myanmar to be referred to ICC’. *The Guardian*, 24 August. Available at: <https://www.theguardian.com/world/2018/aug/24/rohingya-crisis-132-mps-across-region-call-for-myanmar-to-be-referred-to-icc>.

⁷¹ ETAN, 2017. *Statement of Solidarity for Rohingya Community from Timor-Leste*, <https://www.etan.org/news/2017/SolidarityTimorRohingya11Sep2017en.pdf>.

	Strengthen the role and capacity of regional organisations.	Fair	While Timor-Leste has expressed the importance of regional organisations in atrocity prevention, it currently lacks the capacity to strengthen them itself. It currently receives aid and support from international and regional donors, and does not yet possess the necessary resources to significantly contribute to building the capacity of regional organisations.
	Support the development and work of regional human rights and other preventive capacities.	Fair	The establishment of an NHRI in 2004 and its vocal support for multilateral cooperation, including in ASEAN, indicate that Timor-Leste regards human rights to be important in sustaining strong state institutions. The PDHJ has a good relationship with NGOs and civil society actors within the country. ⁷² However, human rights violations and problems remain, and after independence the government was ambivalent as to how the NGOs would fit into the newly created state structure. ⁷³ Perhaps due to its lack of resources, no information could be found regarding Timor-Leste developing human rights within the region.
	Support atrocity prevention through development and assistance partnerships.	Strong	Given Timor-Leste's experience in hosting peacekeeping missions, they have some experience relevant to this indicator. The State spoke on their experience of receiving international assistance at the 2009 General Assembly debate on R2P, noting that "...international cooperation and funding in the areas of capacity-building, institution-building, technical assistance in judicial and security sector reform, local mediation and conflict resolution capacities, good governance and rule of law..." strengthened Timor-Leste's ability to protect its population and restore order and confidence. It also furthered State capacity to act before any further risk could deteriorate into crisis. ⁷⁴ However, reports also show that there was some sensitivity around sovereignty experienced in Timor-Leste in relation to the intervention. ⁷⁵
United Nations, prevention, Peacekeeping, and assistance	Support the early warning and capacity building efforts of the UN Office on Genocide Prevention and R2P.	Fair	In their statement at the 2009 General Assembly debate on Implementing the Responsibility to Protect, Timor-Leste was a strong supporter for early warning and capacity building efforts, urging "...the international community to better accept the value to be found in improving and better coordinating our early warning efforts. Our use of and receptivity to information and a more cohesive and comprehensive United Nations approach to this can only enhance our collective prevention efforts." ⁷⁶
	Support the strengthening of the UN's capacity for atrocity prevention, including through the UN Human Rights system.	Strong	Timor-Leste has been a strong supporter of the UN's capacity for preventing atrocities since its independence and since the security crisis in 2006. The State has supported the UN's proactive emphasis on assistance and development before state failure. ⁷⁷

⁷² Hooi, Khoo Ying, 2017. *Silverio Pinto Baptista on Human Rights Challenges in East Timor*,

<https://thediplomat.com/2017/03/silverio-pinto-baptista-on-human-rights-challenges-in-timor-leste/>.

⁷³ Hunt, Janet, 2004. *Building a new society: NGOs in East Timor*, <https://etan.org/et2004/october/22/29buildng.htm>.

⁷⁴ GCR2P, 2009. *Timor Leste – Statement at the July 2009 GA Debate on RtoP (As Delivered)*.

⁷⁵ International Crisis Group, 2009. *Handing back responsibility to Timor-Leste's police*, p. 5, <https://d2071andvip0wj.cloudfront.net/180-handing-back-responsibility-to-timor-leste-s-police.pdf>.

⁷⁶ GCR2P, 2009. *Timor Leste – Statement at the July 2009 GA Debate on RtoP (As Delivered)*.

⁷⁷ Ibid.

Support preventive actions on atrocity crimes.	Strong	Due to its experiences in both 1999 and 2006, Timor-Leste supports the legitimate actions undertaken by the UN in preventing atrocities.
Contribute to United Nations peacekeeping operations (especially those with a protection of civilians mandate).	Very Weak	Timor-Leste has not participated in any UN peacekeeping operations.
Develop the capacities needed to support civilian protection, including through the training of military and civilian personnel for peacekeeping.	Very Weak	As they have not actively participated in peacekeeping operation, Timor-Leste has not begun to develop any training in this capacity for its forces.
Support the Kigali Principles.	Very Weak	Timor-Leste is not a signatory to the Kigali Principles on the Protection of Civilians. ⁷⁸
Support UN Security Council veto restraint on issues relating to atrocity prevention.	Very Strong	Timor-Leste is a supporter of the Code of Conduct regarding Security Council action against genocide, crimes against humanity or war crimes. ⁷⁹ It has also signed the declaration to support the “French/Mexican initiative on Veto restraint in case of Mass atrocities”. ⁸⁰

⁷⁸ APR2P, 2018. *The Kigali Principles on the Protection of Civilians*, https://r2pasiapacific.org/files/2942/2018_kigali_principles.pdf.

⁷⁹ GCR2P, 2016. *List of Supporters of the Code of Conduct regarding Security Council action against genocide, crimes against humanity or war crimes, as elaborated by ACT*, <http://www.globalr2p.org/media/files/list-of-signatories-to-the-act-code-of-conduct.pdf>.

⁸⁰ GCR2P, 2016. *Support to the French Mexican initiative on veto restraint in case of mass atrocities*, <http://www.globalr2p.org/media/files/veto-list.pdf>.