

**Press release:**  
**Timor-Leste's NGO Coalition on CAT Submits Joint Shadow Report at the UN Committee Against Torture's 62<sup>nd</sup> Session**  
**Geneva, Switzerland and Dili, Timor-Leste**  
**21 November 2017**

*"Life is not fair. I live like an animal that crawls on the ground. My life is difficult. I don't have a decent house..."* AM (Female rape and torture survivor from the past conflict, interview by ACbit, 2016.)

On 21-23 November 2017, Timor-Leste's NGO Coalition on the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) submitted a report during the 62<sup>nd</sup> session of the Human Rights' Committee Against Torture in Geneva, Switzerland.

Coordinated by AJAR (Asia Justice and Rights) and supported by the UN Human Rights Adviser's Unit and The Asia Foundation, the shadow report is the collective effort of 15 Non-Government Organisations. It was the basis of a private dialogue held by representatives of the coalition and the Committee Against Torture on Tuesday, 21 November 2017.

The Coalition highlighted issues around the narrow definition of torture in Timor-Leste's Penal Code, overcrowding in prisons, the lack of juvenile detention facilities, cases of excessive use of force by security personnel, as well as the prevalence of violence against women. Additionally, the Coalition raised the use of corporal punishment in education, and concerns with regard to the treatment of refugees, and persons with disabilities and sexual minorities. AJAR Timor-Leste's Director, José Luís de Oliveira, states, "We [The NGO Coalition on the CAT] consider this review opportunity as being crucial to awaken the Timor-Leste government to its obligations as a state-party to the CAT. A conducive dialogue between the Committee Against Torture and the Timorese government representatives may bring about changes and improvements regarding of implementation of the CAT principles in Timor-Leste. We hope that the members of the committee can urge the government of Timor-Leste to take steps to improve the legislative, administrative and judicial mechanism as recommended in our shadow report, to ensure that ill-treatment can be gradually eradicated and the right of victims of torture—now and past—can be reinstated."

The Coalition also highlighted the urgent need to rehabilitate the lives of thousands of survivors of torture from the past conflict (1975-1999), many of whom continue to suffer the impact of these violations. Pursuant to the recommendations of the Commission on Reception, Truth and Reconciliation (CAVR, 2005) and the Commission on Truth and Friendship between Indonesia and Timor-Leste (CTF, 2008), the Governments of Timor-Leste and Indonesia should:

- Develop a joint program to provide reparations for victims of past violations in cooperation with Timor-Leste's Centro Nacional Chega (CNC) and civil society,
- Urgently provide services and rehabilitation to victims of torture and sexual violations that occurred in a massive scale during the conflict, not only veterans or ex-combatants;
- Establish a joint commission or initiative to search for the disappeared, including separated children; and
- Work closely with Timorese civil society organisations to ensure the non-repetition of torture and ill-treatment, by following the standards set by the CAT.

**Members of the NGO Coalition on CAT:** Asia Justice and Rights (AJAR), Asosiasaun Hukum Dan Keadilan (HAK), Asosiasaun Chega ba Ita (ACbit), Asosiasaun Halibur Defisiénsia Matan Timor-Leste (AHDMTL), Asosiasaun Defisiénsia Timor-Leste (ADTL), Asisténsia Legál Feto no Labarik (ALFeLa), Alliance for an International Tribunal (ANTI), Belun, Coalition for Diversity and Action (CODIVA), FOKUPERS, Fundasaun Mahein, Psychosocial Recovery and Development in East Timor (PRADET), Ra'es Hadomi Timor Oan (RHOT), Rede Defensór Direitus Umanus (RDDU), Judicial System Monitoring Programme (JSMP)

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## **Annex: Recommendations of the NGO Coalition on the CAT's Shadow Report on Timor-Leste**

The CAT is an international agreement that aims to eliminate the use of torture and other cruel, inhuman or degrading treatment or punishment. To date, 83 states have ratified the convention, including Timor-Leste, which has been a state party since 16 April 2003. Every four years, signatory states are obliged to report on the progress of their CAT implementation to the Committee Against Torture. The Committee Against Torture also takes the input of civil society groups of the state parties, through the submission of shadow reports. The NGO Coalition made the following recommendations:

On the narrow definition of torture in national law:

1. The Ministry of Justice (MoJ) should prepare legal amendments to the RDTL Penal Code, with the approval of the Parliament and the promulgation of the President, to bring national law in line with international standards prohibiting torture and ill-treatment. In particular, the criminalisation of the torture ought to be broadened to also cover professions such as medical professionals and teachers. The MoJ should also draft internal regulations for the specialised police force, the Scientific and Criminal Investigation Police, to ban the use of torture and maltreatment, as well as protocols for victims to report such acts.

On persons in detention:

2. The MoJ and National Directorate of Prison Services and Social Reintegration (NDPSSR) should finalise its survey for construction of a prison in the eastern part of Timor-Leste, Baucau. The Council of Ministers (CoM) should allocate necessary resources in the State Budget, to be approved by the Parliament.
3. The MoJ and NDPSSR should issue clear instructions to Prison Directors to stop the entry ritual of solitary confinement in a dark cell and related excessive use of force.
4. The MoJ and NDPSSR should issue clear instructions to Prison Directors to cease applying measures that equate to collective punishment, and through inspections exercise regular and rigorous oversight of prison practices.
5. The MoJ and Council of Ministers should finalise and adopt the draft Law on a Special (penal) Regime for youth between 16 and 21 years of age. The Parliament should conduct meaningful consultation with civil society on the draft law. The Parliament should approve and the President should promulgate the law. The MoJ should accelerate planning for juvenile detention facility; and the CoM should allocate necessary resources in the State Budget, to be approved by the Parliament.
6. The MoJ should consider establishment of a modest sized separate detention facility offering appropriate services for women.
7. The Police Command (General Commander of PNTL) should adopt a Standard Operational Procedure safeguarding conditions in police custody, and widely disseminate it to PNTL and civil society monitoring conditions in detention.

On excessive use of force by security forces:

8. The Government should strengthen internal disciplinary mechanisms (*Departamentu Justisa*) within the PNTL and F-FDTL, ensure they are sufficiently resourced, and that these have the political support to function effectively. There should be increased transparency of results of investigations into allegations of human rights violations involving security forces.
9. Judicial actors, including the police, should rapidly initiate investigations into reported violations, and commence judicial processes in cases of human rights violations involving security actors. Sufficient resources should be allocated to them to undertake these processes. Prosecutors should more routinely consider applying the crime of torture/ill-treatment in cases where excessive use of force by security forces is alleged.
10. The General Commander of PNTL should remind all PNTL of the oath they took to be impartial.

On violence against women and children by private actors:

11. The MoJ should draft amendments to the Penal Code and the Law Against Domestic Violence as proposed by civil society; the Parliament should discuss and adopt the amendments.
12. The General Commander of PNTL should remind all PNTL of the oath they took to be impartial and a strict implementation of current Standard Operational Procedure for *suku* police on the response to violence against women and children; The Office of the Prosecutor-General should issue

charging directives, and the President of the Court of Appeal should develop sentencing directives in accordance with the State's due diligence obligations in responding to violence against women.

13. The MoJ and DNPSSR should more consistently monitor suspended sentences, and Courts and the DNPSSR should develop community work orders and reintegration plans that involve existing community structures such as *suku* councils and community police.

On corporal punishments in educational settings:

14. The Ministry of Education should finalise the teacher's Code of Ethics and widely disseminate the disciplinary regulation, to conduct serious and impartial investigations into complaints of corporal punishment (including referral to support services to protect best interest of the child and notifying the alleged crime to prosecutor). The Ministry of Social Solidarity (MSS) should conduct meaningful consultations on the draft Law on Child Protection and disseminate a Tetum translation to enable civil society inputs.

On inadequate reparations for victims of past torture and ill-treatment:

15. The Government should fully restore judicial cooperation with Portuguese speaking countries; The Government and Parliament should fully respect independence of the judiciary; The Government should explore with Parliament and judicial experts the feasibility of amending the national legal framework to enable pending serious crimes cases to conclude.
16. The Centro Nacional CHEGA! (CNC) should collect data on the most vulnerable victims and their surviving families in each municipality, identify gaps in services and formulate a clear strategy on how to strengthen existing services. The CNC should also explore an appropriate model for a Trust Fund for conflict victims in Timor-Leste and consult with civil society including conflict victims. The MSS should ensure full rehabilitation of conflict victims by providing better information and assistance for accessing benefits, and by extending its referral network, including shelters and psychological support services, to women conflict victims.
17. The Government should establish a Commission to search for the Disappeared tasked with investigation and full rehabilitation for families of the disappeared. Timor-Leste Parliament to ratify the Convention on the Protection of All Persons from Enforced Disappearances.

On non-refoulement:

18. The Government's Immigration Service should widely disseminate the new immigration law, develop the necessary templates to record asylum claims and develop and deliver quality training on the Constitutional right to asylum to PNTL. The Government at the highest level should refrain from interference and allow humanitarian actors full access and conclude the agreements required under the new law to enable this.

On persons with disabilities and the LGBTI community:

19. The Government, in cooperation with donors, should develop a scheme of scholarships to support youth to study psychiatric medicine abroad. The Ministry of Health (MoH) should review its pharmaceutical protocols based on evidence-based research, and identify medicine most effective for mental health problems. The Government should establish an integrated services centre for people with psychosocial problems and also people with double or complex disabilities particularly people with intellectual disability, as they were treated as mentally ill.
20. The MoH should explicitly guarantee non-discrimination on the basis of sexual orientation in its policies; and in its professional training programs and instructions to all health staff incorporate sessions on gender, empathy and professionalism (no stigmatisation).
21. The MoH should finalise the code of ethics of medical professionals and draft a robust disciplinary regulation framing the ethics codes, with the approval of the CoM. The MOH to develop a robust information campaign to better inform the public of its accountability mechanisms.