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Judicial System Monitoring Programme
Programa Monitorizasaun Sistema Judicial

AMNESTY INTERNATIONAL & JSMP JOINT PUBLIC STATEMENT

Timor-Leste: UN CEDAW Committee urges authorities to ensure comprehensive reparations for victims of conflict related sexual violence

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An expert UN Committee has raised concerns about the on-going failure by the government of Timor-Leste to adopt laws to ensure comprehensive reparation for survivors of rape and other forms of sexual violence that occurred during the Indonesian occupation (1975-1999) and the 1999 independence referendum.

On 11 November 2015, the UN Committee on the Elimination of Discrimination against Women (CEDAW Committee), the body tasked with reviewing the implementation of the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) brought a number of concerns to the attention of representatives from the Timor-Leste government during the consideration of its state report at the 62nd CEDAW session in Geneva. In its Concluding Observations, issued on 20 November 2015, the Committee expressed concern about a range of areas where Timor-Leste is failing to meet its obligations under the Convention.

Amnesty International and the Judicial System Monitoring Programme (JSMP) welcomes the CEDAW's findings and the constructive engagement by the Timor-Leste government during the review. It urges the Timor-Leste government to take forward all necessary steps to ensure the Committee's recommendations are implemented so that their laws, policies and practices are in line with their obligations under the Convention.

Amnesty International submitted a briefing to the CEDAW in January 2015. Amnesty International, 'Timor-Leste: Submission to the United Nations Committee on the Elimination of Discrimination against Women, 62nd Session', 1 January 2015, Index: ASA 57/0001/2015 It highlighted large-scale human rights violations and crimes under international law that were committed against women and girls during the Indonesian occupation and independence referendum, including rape, sexual slavery and other forms of sexual violence, by members of the Indonesian security forces and their auxiliaries, as well as by Timorese men.

The CEDAW recommended in their Concluding Observations that the Timor-Leste authorities ensure there will be no impunity for rape, sexual slavery and other forms of sexual violence committed during the Indonesian occupation. Further it called on the government to "implement the recommendations of the reports of the Commission for Reception, Truth and Reconciliation (CAVR) as well as the Commission on Truth and

Friendship (CTF) relating to redress for women and girls who became victims of violations during the occupation.”

The CEDAW also raised concern that survivors of sexual violence during the Indonesian occupation “continue to experience social stigma and ostracism resulting in feelings of ‘shame’ and have limited access to medical, psychological, reproductive and mental health services or treatment.”

Amnesty International and the Judicial System Monitoring Program agree with the CEDAW’s concern about the delay in adopting bills concerning the National Reparation Programme and a Public Memory Institute, which have been before parliament since 2010, and call for it to be debated and passed in accordance with the Convention and other international law and standards. The authorities must also provide for a “comprehensive program of transformative reparation” to address discrimination and violence against women and girls.

The Committee also raised concerns about the decrease in the human resources of the judiciary following Parliamentary Resolution No.11/2014 and Governmental Resolution Nos. 20/2014 and 32/2014 in October 2014 and called for its review. The resolutions terminated all existing contracts and contractual renewals of foreign judicial workers, including foreign judges, prosecutors, public defenders and judicial advisors with immediate effect, which negatively impact the ability to take forward judicial processes. Under Timorese Law, trials of crimes that occurred during 1999 require two international judges. Following the termination of their contracts, such trials are currently impossible.

Amnesty International and the Judicial System Monitoring Program's joint oral statement to the 62nd Session of the CEDAW can be accessed through the following link:
<https://www.amnesty.org/en/documents/asa57/2833/2015/en/>

The CEDAW Committee’s Concluding Observations can be accessed via the following link:
http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fTLS%2fCO%2f2-3&Lang=en