

Country Briefing on Freedom of Religion or Belief in the Universal Periodic Review Process - Timor-Leste

Key points

An examination of the Universal Periodic Review (UPR) of Timor-Leste across two cycles (2009, 2014) reveals:

- Little concern for the state of Freedom of Religion or Belief (FoRB) in Timor-Leste,
- A positive attitude and approach towards compliance with international human rights standards including FoRB, and
- Some concern was expressed regarding violence against minorities.

Key UPR recommendations on FoRB

The following recommendations were made on FoRB across two cycles:

- To investigate all incidents of violence against religious minorities,
- To issue standing invitations to all Special Procedures of the United Nations, and
- To ratify all remaining human rights conventions and to perfect its adherence to all international standards.

Follow-up action for parliamentarians

Whereas the Government of Timor-Leste has noted its guarantees on FoRB, *Parliamentarians must follow-up in order to:*

- Ensure all domestic legislation complies with international standards as provided for in the Constitution,
- To further sensitize local leaders on FoRB, and
- Monitor policies with regard to refugees so as to prevent any discrimination on the basis of religion.

The situation of FoRB in Timor-Leste as revealed in the UPR is outlined hereafter.

What is the UPR?

The UPR of the United Nations Human Rights Council (HRC) is a peer-review process to foster dialogue on human rights and to improve adherence to universal standards and best practices .

It was launched in 2007 through UN General Assembly Resolution 60/251.

Every 4.5 years each Member State's human rights record is examined by peers.

A number of key documents are submitted:

- National Reports from Member State concerned,
- Information from UN bodies and treaty-based rights mechanisms, and
- Information provided by relevant stakeholders, including civil society and think-tanks.

The State under review (SUR) is evaluated on its compliance with the international human rights standards and best practices.

The SUR receives recommendations from other States on how the national human rights practices could be improved.

The SUR may accept, note or reject each recommendation made.

The cycles of the UPR - 2009, 2011 and

Background

Demographics

1. Timor-Leste has a population of 1,261,072 (July 2016 est.) inhabitants spread over 14,874 sq. km square kilometres. The population comprises Austronesian (Malayo-Polynesian) (includes Tetun, Mambai, Tokodede, Galoli, Kemak, Baikeno), Melanesian-Papuan (includes Bunak, Fataluku, Bakasai) and a small Chinese minority. (CIA, *World Factbook*, 2017) A large part of the population is composed of children and young people under the age of 24, representing almost 60% of its total.

Religious mix

2. A number of different religions are practiced in Timor-Leste, the largest of these being Roman Catholic (97.6%) followed by Protestant/Evangelical (2%), Muslim (0.2%) and other (0.2%) (2015 est.). (CIA *World Factbook*, 2017)

Legal provisions on FoRB

3. With regard to FoRB, Section 45 of Timor-Leste's Constitution, which was adopted in 2002, provides that: 1) every person is guaranteed the freedom of conscience, religion and worship and the religious denominations are separated from the State, 2) no one shall be persecuted or discriminated against on the basis of his or her religious convictions, 3) the right to conscientious objection shall be guaranteed in accordance with the law, and 4) freedom to teach any religion in the framework of the respective religious denomination is guaranteed.
4. The Preamble solemnly reaffirmed the new State's determination "to fight all forms of tyranny, oppression, social, cultural or religious domination and segregation, to defend national independence, to respect and guarantee human rights and the fundamental rights of the citizen." Two foundation principles, the rule of law and the respect for the dignity of the human person - are considered foundational principles of the State. A fundamental objective of the State is noted to be "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".
5. Section 12 provides that "The State shall recognise and respect the different religious denominations, which are free in their organisation and in the exercise of their own activities, to take place in due observance of the Constitution and the law." In addition, "The State shall promote the cooperation with the different religious denominations that contribute to the well-being of the people of East Timor." Section 16 provides that no one shall be discriminated against on the basis of, *inter alia*, religion.
6. Under Section 9, all treaty and customary rules of international law shall apply internally under domestic law. In 2003, Timor-Leste ratified seven conventions

on human rights, incorporating these instruments into the national legal order including the International Covenant on Civil and Political Rights (ICCPR) and the optional protocols of the ICCPR and the Convention on the Rights of the Child (CRC). It has since taken steps to ratify and comply with additional treaties.

Timor-Leste government submissions

7. The value and dignity of the human being were guiding principles of the Constitution. Based on these, every individual was guaranteed civil, political, economic, social and cultural rights. The international system of human rights occupied a privileged position in the national legal order, and the Universal Declaration of Human Rights of 1948 guided the interpretation of the fundamental rights enshrined in the Constitution, with international law taking precedence over ordinary national law. International human rights law played a prominent role in the history of Timor-Leste and international standards of human rights coincided with the country's vision regarding the dignity of the human being.
8. In 2003, Timor-Leste ratified seven conventions on human rights, incorporating these instruments into the national legal order: the ICCPR, the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the CRC, the Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment (CAT), the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW). The country had also ratified several optional protocols, including the optional protocols of the ICCPR, the CEDAW and the CRC. Timor-Leste was also a State party to the Rome Statute of the International Criminal Court, the Convention on the Prevention and Punishment of the Crime of Genocide and several International Labour Organization conventions. Domestic legislation directly relevant for human rights were highlighted,
9. Legislative changes following recommendations in first cycle were highlighted. Provisions of the Rome Statute were incorporated into national law to criminalize actions that are against humanity, as set out in Article 124 of the Penal Code, including "...persecution against a group or a collective entity due to politics, race, nationality, ethnicity, religion."
10. In relation to minority religious groups, the State reported no "vertical or horizontal conflict against minority groups in Timor-Leste." This was because, in its view, State institutions have always had a good relationship with minority groups, including religious minorities.

11. In relation to reported cases of violence against religious minorities, the Government noted that FoRB was guaranteed under law and that any action which infringed upon the right of any person to freedom and worship would acquire immediate attention from law enforcement authorities. Incidents that were reported related to claims of land ownership in conflicts among members of communities which happen to profess different faiths. These incidents were mere criminal acts and were investigated. It argued that any attempt to depict them as religious conflicts represents a lack of knowledge of the real situation, or is a flagrant misrepresentation of facts.

Stakeholder submissions across the two cycles

12. In 2011, the United Nations Country Team (UNCT) for Timor-Leste stated that, since 2008, there were several incidents of violence, reported by members of the majority Catholic community, against members of some Evangelical church groups and their places of worship. A weak Government response to protect members of minority religious groups had been observed, despite some efforts towards mediation and increased police patrols.
13. The UNCT recommended further sensitization of national and local leaders to the freedom of religion in order to resolve and prevent future violations of religious freedom. It called on the Government to Guarantee that no unlawful and arbitrary limits are placed on religious minorities' right to worship.
14. The country team noted in the second cycle, reports of forcible return of a group of 95 potential asylum seekers from the Rohingya minority in Myanmar and from Bangladesh to Indonesia.
15. With regard to women's rights, a Joint Submission by Timor Leste Civil Society Coalition on the UPR pointed out the need for a comprehensive definition of discrimination against women. The presence of such definition from the domestic legal framework and the Civil Code was required to address some discriminatory provisions, for instance, no recognition of religious marriages other than Catholic and de facto relationships.

Observations by other states

16. Of the 59 States that made comments and recommendations, most encouraged Timor-Leste to perfect its domestic laws and international obligations under all human rights conventions by making numerous technical recommendations related to these treaties.

17. The strengthening of the Government's response to incidents of violence against members of minority religious groups was proposed. (Canada).

18. Some recommended that the Government issue standing invitations to all Special Procedures of the Human Rights Council (Uganda, Montenegro, South Korea)

References

General Reference

CIA *World Factbook* 2017
Constitution of Timor-Leste

References on the UPR of Timor Leste

Documents on the UPR of Southeast Asian States are available on the websites of UPR Info and of the OCHR. They consist of National Reports, Stakeholder Submissions and Recommendations by Peers. For Indonesia all documents are available as follows:

UPR Info: <https://www.upr-info.org/en/review>

OHCHR: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx>

UPR First Cycle 2011

1. National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1*, A/HRC/WG.6/12/TLS/1, 19 July 2011
2. Compilation prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1, A/HRC/WG.6/12/TLS/2, 25 July 2011
3. Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1, A/HRC/WG.6/12/TLS/3, 25 July 2011
4. Report of the Working Group on the Universal Periodic Review, A/HRC/19/17, 3 January 2012

UPR Second Cycle 2016

5. National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21, A/HRC/WG.6/26/TLS/1, 22 August 2016
6. Compilation prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21, A/HRC/WG.6/26/TLS/2, 22 August 2016
7. Summary prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council

resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21,
A/HRC/WG.6/26/TLS/3, 17 August 2016

8. Draft report of the Working, Group on the Universal Periodic Review,
A/HRC/WG.6/26/L.8, 15 November 2016
9. Draft report of the Working Group on the Universal Periodic Review, A/HRC/34/11, 28
December 2016