

Observations on the State of Indigenous Human Rights in Timor-Leste

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CULTURAL SURVIVAL

Cultural Survival is an international Indigenous rights organization with a global Indigenous leadership and consultative status with ECOSOC. Cultural Survival is located in Cambridge, Massachusetts, and is registered as a 501(c)(3) non-profit organization in the United States. Cultural Survival monitors the protection of Indigenous peoples' rights in countries throughout the world and publishes its findings in its magazine, the *Cultural Survival Quarterly*; and on its website: www.cs.org

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I. Executive Issue Summary

Timor-Leste is an island positioned between Southeast Asia and Oceania. Home to nine ethnic groups, the country is both multiethnic and multilingual, with more than twenty Indigenous languages and dialects in active use.¹ Having formalized its independence in 2002, Timor-Leste is one of Asia's youngest nations. Following Indonesia's violent occupational withdrawal, post-conflict nation-building has been the country's primal concern. This document will cover the human rights violations occurring today in Timor-Leste, specifically concerning gender inequality and sanctions placed upon Indigenous languages. First, this document will highlight the sexual, physical and emotional violence against Indigenous women and girls in Timor-Leste. This will be considered in respect to domestic situations and the continuing legacy of systematic violence perpetrated during the Indonesian and UN occupation. Secondly, this document will discuss sanctions on Indigenous language usage in primary educational settings.

II. Background

The Indigenous Peoples that comprise Timor-Leste's ethnic groups fall into two main categories of origin: Malayo-Polynesian and Papuan origin.¹ The ethnic groups of Malayo-Polynesian origin are the Tetum, the Mambai, the Tukudede, the Galoli, the Kenmak, and the Baikeno. The Tetum comprise the largest Malayo-Polynesian group at around 100,000.¹ They are followed by the Mumbai at about 80,000, the Tukudede are estimated at 63,170, the Galoli and Kemak both fall around 50,000, and the Baikeno at about 20,000. The ethnic groups of Papuan origin are the Bunak, the Fataluku, and the Makasae.¹ The Bunak are estimated at 50,000, while the Fataluku are around 30,000 and the Makasae are about 70,000.² Timor-Leste endorsed the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) in 2007.

III. Colonial Legacy

Timor-Leste possesses a longstanding colonial legacy with four hundred years of Portuguese colonization, twenty-four years of Indonesian occupation, and three years of United Nations transitional administration.² Colonial rule began when the Portuguese came to Timor-Leste in 1520. Portugal remained in control until 1974 when a coup overthrew the dictatorship of Marcello Caetano.² Portugal's colonial structure crumbled and by 1975 Portuguese authority had fled. They granted Timor-Leste a two-week period of independence, but Indonesia suppressed the movement and began a twenty-four year occupation that resulted in mass human rights abuses against the Timorese.²

During this time a political faction known as FRETILIN (Frente Revolucionaria de Timor-Leste Independente) emerged, aiming for complete independence.² Many Timorese joined with FRETILIN to demonstrate opposition towards their Indonesian colonizers.² A post-independence period of guerrilla warfare ensued, in which Timorese deaths exceeded 100,000. Estimates of the death toll surmise that within the first five years of occupation, between 15% and one-third of the Timorese population perished.¹ This massive loss of life resulted from widespread famine and disease, political violence, and a strategic disabling of resources which barred foreign aid.²

In 1989 Indonesia loosened its stronghold and allowed the Timorese greater freedom of communication and movement within their country. This enlivened pro-independence demonstrations, which prompted a second wave of unrest. These demonstrations resulted in a large-scale massacre in which the Indonesian military killed local religious and political leaders.

The massacre sparked an international dialogue and eventually led to a referendum in 1999. The referendum, sponsored and supervised by the United Nations, established an agreement between Indonesia, Portugal, and the United States. Ultimately, the Timorese population participated in a sweeping vote in favor of independence from Indonesia.

IV. Challenges After Independence

Though the 1999 referendum granted Timor-Leste its desired independence, Indonesia's strategic withdrawal from the Southeast Asian country destroyed the young democracy's key pieces of infrastructure, agricultural livelihoods, and technological competencies. During the violent disengagement 1,400 Timorese were killed by anti-independence militia with nearly 75% of the population displaced. Widespread shooting of livestock paired with population relocation succeeded in depleting agricultural production, which resulted in mass-scale poverty.² According to the UN Special Rapporteur on the Rights of Indigenous Peoples, Indigenous women and girls were a target for sexual and physical violence during this conflict. "In Fiji, India, Myanmar, Nepal the Philippines, Thailand and Timor-Leste, the militarization of conflict over Indigenous land has led to gang-rape, sexual enslavement and killing of tribal women and girls."¹ Along with the physical harm that the Indonesian withdrawal inflicted on the Timorese population, violence was also extended to the country's infrastructure and equipment. The central banking system and its buildings were burned, its records and assets moved to Indonesia - leaving the Timorese without the ability to make payments or access funds within their country.³ Due to the lack of funds and the circulation of multiple currencies, the markets for goods and services collapsed. In effect, the post-independence chaos created by Indonesia severely stunted Timor-Leste's growth into a modern, middle-income economy and added to the country's legacy of historical trauma.

V. First Cycle UPR Recommendations

There were no recommendations made specifically mentioning Indigenous people, however many that were made apply to Indigenous communities and have yet to be implemented:

"Strengthen the Government response to incidents of violence against members of minority religious groups."
Canada

"Ensure full respect for equal rights of women in all areas of life, including by ensuring the equal participation of women in decision making." Slovenia

"Increase actions against the growing phenomenon of human trafficking for the purpose of sexual exploitation." Algeria

"Accord higher priority to the investigation and prosecution of domestic violence cases." New Zealand

"Continue strengthening its efforts to combat poverty through introducing comprehensive national strategies in order to allocate more resources to social services for vulnerable groups living in rural areas, and increase its efforts to tackle the discrimination against women in all areas." Myanmar

"Fight domestic violence and discrimination against women by improving gender awareness in strategic sectors." Norway

"Organize campaigns aiming at promoting gender equality and to reinforce existing mechanisms to combat and to punish perpetrators of violence against women." Brazil

"Increase human and technical resources for the effective implementation of the Law Against Domestic Violence (LADV)." Spain

VI. Current Rights Violations

A. Violence and Discrimination Against Indigenous Women (UNDRIP Articles 5, 13, 21, 22, 39, 40, 44)

Violence against Indigenous women in Timor-Leste, and throughout Southeast Asia, is a human rights issue with immense opportunity for transformation. More must be done to explore the gender implications and rights issues that affect Indigenous women and girls, chiefly through dedicated forms of engagement and consultation. Indigenous women are the most vulnerable in situations of domestic violence given their geographic location, which is often concentrated outside of urban centers in rural areas where resources are scarce. Indigenous women and girls lack integral, long-term resources such as first responders, safe houses, medical care, as well as psychological and judiciary support. As of late, the heightened creation of policy and equality initiatives have been a positive improvement in Timor-Leste, however, their implementation has proven poor. Specifically lacking are policing and judicial processes for survivors of domestic violence seeking both protection and justice from their abusers. Patricia de Araujo Fatima, an officer of aid organization *Asisténsia Legál ba Feto no Labarik (ALFeLA)*, recounts examples of judicial inequality in Timor-Leste. Too often courts impart minimal consequences on offenders of violent crimes against women. “A man stabbed his wife in the back of the head and struck her repeatedly with a block of wood, after an argument about feeding their children. The man received a suspended sentence of seven months in jail.”⁴ Fatima goes on to share, “In another case, a man who hospitalized his wife for not preparing his lunch was fined \$40 by the court.”⁵ In 2010, the government passed *The Law Against Domestic Violence*. However, this law, as well as the overarching *National Action Plan on Domestic Violence*, have failed to implement necessary service and protection for Indigenous women and girls in Timor-Leste. From 2010 to 2013, the *Civil Society Coalition in Timor-Leste* monitored the courts in their handling of cases related to domestic violence. The Coalition revealed that “52% of court decisions had been suspended and 24% of decisions only resulted in the issuing of fines to the perpetrator of domestic violence.”⁵ It is clear that the ongoing vulnerability of Indigenous women is greatly perpetuated by the judicial system. The government must strengthen the impact of *The Law Against Domestic Violence* and the *National Action Plan on Domestic Violence* by increasing access to justice and providing fair trials for survivors of domestic violence. This includes stricter sentencing for offenders as well as increased protection for witnesses and survivors of crimes during and after the judicial process.

Another barrier to achieving gender equality and eradicating violence against women in Timor-Leste is the lack of female leadership roles in the economic and political sectors. For Indigenous women particularly, this should be secured by guaranteeing quotas for female leaders in village elections.⁵ Promoting Indigenous women as active legislators in economic life will reduce their financial dependency on male counterparts and therefore, reduce the financial challenges associated with transitioning out of abusive relationships. Fatima explains, “Women are economically dependent on their husbands and that is why they are scared to report their case. They are scared their husband will divorce them and they will be unable to care for their children.”⁵ The Timorese government must support income-generating, roles for Indigenous women, which should be available across all sectors of economic life, and include Indigenous women as well as men in developing policies on impacting change in attitudes towards gender.

B. Politically Motivated Violence Against Indigenous Women During Indonesian and UN Occupation (UNDRIP Articles 11, 22, 30, 32, 40, 44)

In environments where impunity is the norm, Indigenous women and girls are a target for abuse perpetrated by armies and armed groups.⁴ Kemala Chandrakirana, executive board of Indonesia for Humanity, shares, “When the nation of Timor-Leste was in the process of being formed in 1999, there were reports that women experienced unlawful detention, rape and torture during the United Nations-sponsored referendum. Many claimed to have been forcibly displaced and some remained as forgotten refugees in Indonesia’s West Timor.”⁴ Reparations must be sought for females who have survived these crimes against humanity, which

were committed against them during both the Indonesian and the UN occupation. Under the Right to Remedy section in the Report of the Special Rapporteur on the Rights of Indigenous Peoples, Corpuz states, “Indigenous women are routinely denied the right to remedy for abuses of their human rights. There is historical and group dimension to the denial of women’s right to remedy. The failure of governments to acknowledge and provide remedy for historical abuses of Indigenous communities contributes to the ongoing vulnerability of Indigenous women.”³ Reparations for women that have survived politically motivated rape, torture, and detention must be made. This will act as a recognition of their pain and suffering, while addressing their fundamental rights during Timor-Leste’s process of social transformation. In her contribution to the digital publication, *Inside Indonesia*, writer Katherine McGregor shares, “In Indonesia’s case, victims and their supporters continue to confront state resistance to acknowledge the injustice of the 1965 violence, which claimed half a million lives and included the detention and forced labour of hundreds of thousands of political prisoners. It is only by uncovering and addressing the ongoing effects of impunity that activists, together with survivors can begin to take steps to address these effects and to raise public awareness.”⁶

C. Linguistic Assimilation (UNDRIP Articles 8, 14, 18, 19, 44)

A primary issue threatening the future development of youth in Timor-Leste is the medium-of-instruction policy in primary schools. Attempts to create a national identity after independence led to Portuguese being heavily prioritized in education. This policy imperiled the mother tongues of Indigenous Peoples in Timor-Leste because their children were forced to assimilate in educational settings.

Tetum and Portuguese are Timor-Leste’s official languages while English and Indonesian are the country’s working languages. A census in 2010 revealed that 90 percent of the population use the Indigenous Tetum language, while an estimated 35 percent are fluent in Indonesian.¹ Portuguese follows last with 23.5 percent of Timorese able to speak, read, and write using the language. Dozens of other Indigenous languages are spoken throughout Timor-Leste.

In 2008 the Timorese government instituted the Basic Education Act, part of which called for an emphasis on Tetum in education as opposed to Portuguese. This major shift in attitude toward Indigenous languages resulted in the Timor-Leste Strategic Development Plan, which declares, “local languages will be employed as languages of teaching and learning in the first years of basic education, providing a smooth transition to the acquisition of Timor-Leste’s official languages.”⁷

These new policies are essential to primary education because the majority of teachers in Timor-Leste were trained under the Indonesian model as a result of the occupation. Few teachers are proficient in Portuguese thus lowering the quality of instruction. Inocencia Sequeira Miranda, an elementary school teacher in the district capital of Manatuto recounts, “It was difficult because Portuguese wasn’t even a language that I knew well. When I spoke, the students would just stare at me with a blank look on their faces.”⁸ Miranda’s school successfully consulted with the greater community, who then conducted a vote in favor of Indigenous-language instruction. Students across Timor-Leste are put at a disadvantage during their first formative years at school due to their limited or total lack of proficiency in Portuguese. Students struggling to understand their teachers often become disengaged in the classroom and high dropout rates persist, concentrated during primary school years, (grades 4-7).⁹

Since 2012, the Ministry of Education in Timor-Leste has been piloting a mother tongue education initiative. It is backed by the Timor-Leste Commission for UNESCO, which first called for mother tongue primary education in 2010. It aims to introduce children to linguistic and numeric skills in their Indigenous mother tongues and then transition to learning the official Timorese languages later on.⁸ The pilot program has had a positive impact on school attendance and community relations, as well as acquisition of Timor-Leste’s official languages.¹⁰

Cultural Survival applauds the government of Timor-Leste’s mother tongue-based education initiative and advises it to make every effort to facilitate and expand such programs. Teaching primary school children

in their Indigenous languages is a tactic that has proven to aid in the development of stronger cognitive abilities for student beneficiaries. Indigenous language instruction also lessens the likelihood of structural inequality from forming among Indigenous-language speakers who may not have access to learning the country's official languages.¹¹ The Report of the Special Rapporteur on the Rights of Indigenous Peoples informs, "Indigenous children's inability to access education is generally caused by the geographical and political marginalization of Indigenous communities. When education is available, it is often blind to the specific needs of Indigenous children. Curricula are often not taught in Indigenous languages, which undermines Indigenous children's ability to achieve school readiness and express their cultural identity in school."¹³ Indigenous children's knowledge of their Indigenous language and culture has also been shown to be tied to indicators of mental health and well-being, building a sense of community and resilience to stress, especially stress related to historical trauma.¹²

VII. Questions:

1. What steps is the government of Timor-Leste taking to implement the UN Declaration on the Rights of Indigenous Peoples?
2. What steps is government of Timor-Leste taking to respect, protect, and fulfill the rights of Indigenous women and girls?
3. What steps is government of Timor-Leste taking to promote Indigenous languages?

VIII. Recommendations

Cultural Survival urges the government of Timor-Leste to:

1. Guarantee quotas for Indigenous women leaders in village elections.
2. Assign reparations for crimes against humanity in regard to the systematic violence committed against women during the UN and Indonesian occupations.
3. Strengthen women's economic and political participation at all levels by establishing equal opportunity job positions.
4. Increase access to justice and fair trials for survivors of domestic violence.
5. Increase long-term investment in safe houses, medical care, psychological and legal support for women and girls living in rural areas.
6. Effectively implement and provide funding for The National Action Plan on Domestic Violence.
7. Under The National Action Plan on Domestic Violence, enact The Civil Protection Order to protect survivors and witnesses in cases of domestic violence.
8. Impose stricter consequences on offenders under The Law Against Domestic Violence, enacted in 2010.
9. Continue conducting research and providing evidence on physical, sexual, and emotional violence against women.
10. Prioritize education through policy and funding specifically equalizing opportunities for Indigenous children to receive a quality education.
11. Continue to budget and plan for the mother tongue-based education initiative and make efforts to expand Indigenous language education.
12. Ensure that both girls and boys receive equal educational instruction.
13. Ratify ILO Convention 169.
14. Invite UN Special Rapporteur on the Rights of Indigenous Peoples to visit Timor-Leste. Create a National Action plan on implementing the rights of Indigenous Peoples based on the World Conference on Indigenous Peoples' Outcome Document.

Endnotes

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