



Provedoria for Human Rights and Justice (PDHJ) in Timor Leste: Between Human Rights Activism and Limitations

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Abstract

National Human Rights Institutions (NHRIs) are often criticized of its limitations in human rights protection. One of the main reasons is the fact where the NHRIs are established by the state. It is challenging to have any states to create institutions that are independent enough and with adequate mandate to meaningful redress on human rights violations. As a state institution, the key challenge for these NHRIs is how to maintain their unique role by securing their independence and at the same time, utilise their “advantages” in enhancing the human rights protection. Comparing to the other five NHRIs (Indonesia, Thailand, the Philippines, Malaysia and Myanmar) in the Southeast Asia region, the Provedoria for Human Rights and Justice (PDHJ) in Timor Leste is set up as an ombudsman institution. The PDHJ is established in 2004, two years right after Timor Leste achieved its independence in 2002. Suffering from some forms of structural constraints similarly as other NHRIs in the Southeast Asia, the PDHJ although was set up with limited resources but it comes with specific mechanisms in addressing human rights violations. The PDHJ in Timor Leste is particularly important, as it does not only provide a channel for human rights activism for the local human rights non-governmental organizations (NGOs); it is also an active actor that responding to human rights claims. This paper is therefore examines the potential of the PDHJ in creating incentives for human rights activism, and at the same time, its limitations in human rights protection in Timor Leste.

Introduction

Timor Leste became a fully independent republic with a parliamentary form of government on 20 May 2002. Prior to the Indonesian occupation from 1975-1999, Timor Leste was colonised by the Portuguese. Timor Leste declared itself independent from Portugal in November 1975, however it only lasted for a brief nine days, then it was invaded by Indonesian military and continued to be occupied by Indonesian until 1999 for a period of 24 years. On 30 August 1999, a major independence referendum or Popular Consultation was held assisted by the United Nations (UN) mission. That referendum witnessed 78.5 percent of the East Timorese favoured to be separated from Indonesia and that paved the way for full independence. This result however led to widespread violence from the pro-Indonesian groups that later on required the intervention of UN peacekeepers. It is reported that as much as 70 percent of the country’s infrastructure was destroyed. An UN-administered transition government was effected through the UN Security Council Resolution 1272 to restore order, and that led the way for the mandate setting for the UN Transitional Administration in East Timor (UNTAET). Subsequently, Timor Leste restored its full independence on 20 May

2002.

On the human rights front, it is with much admiration that the Provedoria dos Direitos Humanos e Justiça or the Office of the Provedor for Human Rights and Justice (PDHJ) has been established as early as on May 2004 in this post-conflict small country. National Human Rights Institutions (NHRIs) are statutory bodies and state-funded. It can be varying significantly in their composition and structure under several forms, such as ombudsmen, hybrid human rights ombudsmen and human rights commissions (Cardenas, 2001; Burdekin and Naum, 2007; Pegram, 2010). The PDHJ is Timor Leste's NHRI but in a form of ombudsman. It is empowered to review complaints, conduct investigations and forward recommendations to prevent or redress illegality or injustice to the competent organs. Different from the other five NHRIs in the region, the PDHJ has a two-fold mandate in the areas of human rights and good governance. Regionally, it is a full member in the Asia Pacific Forum of National Human Rights Institutions (APF) and sitting in status "A" by the Global Alliance of NHRIs (GANHRI) or formerly known as the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC).

Human Rights in Timor Leste

Timor Leste's Constitution has adopted all basic and fundamental human rights. Timor Leste has endeavoured to protect human life until natural death as enshrined in Article 29 (2) of the Constitution which declares that the State recognizes and protects the life of all citizens, and Article 32 (1) of the Constitution on limits on sentences and security measures states that there will be no life imprisonment, no sentences or security measures lasting for unlimited or indefinite period of time. In 2014, based on an instruction from Prime Minister, No.17/X/2014, the National Directive Commission (KDN) was established, led by the Ministry of Justice. The KDN comprises representatives from UN agencies in Timor Leste, the Ombudsman, representatives of civil society and ministry human rights focal points, and maximum support from a technical team from the Ministry of Justice. The main objective of establishing the KDN is to design and draft the Human Rights National Action Plan. Now the team has completed its desk research and has a plan to conduct field research to provide equate and credible information to produce a quality National Action Plan on Human Rights (Timor Leste UPR National Report). Timor Leste also has the following actions plans such as national action plan on gender-based violence, a national action plan

for zero hunger (Timor Leste UPR National Report) and a national action plan for persons with disabilities. In 2016, the government launched action plan on women, peace and security.

Internationally, the Timor Leste government has ratified all seven-core international human rights treaties without reservation as well as the Rome Statute on the International Criminal Court. As provided by the Constitution, the ratified treaties now form part of national law. Of the eight fundamental International Labour (ILO) Conventions, Timor-Leste has ratified six, with Conventions C100 and C1113 acceded to in 2015. The remaining two main international instruments that it had not ratified are the Convention on the Rights of Persons with Disabilities (CRPD) and the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) (Timor Leste UPR National Report).

Overview on PDHJ

The PDHJ is formally established in 2005, under legal provisions in the National Parliament's Law No. 7/2004 in compliance with Article 27 of the Constitution of the Democratic Republic of Timor Leste stipulating the establishment of an 'an independent organ in charge of examining and seeking to settle citizens' complaints against public bodies, preventing and initiating the whole process to remedy injustice'. Law No. 7/2004 defines all of the specific details, processes and procedures of the PDHJ. As an Ombudsman, the PDHJ has the role to protect and promote human rights and fundamental freedoms of natural and legal persons throughout the national territory and prevent maladministration. It has a mandate to cover human rights and good governance. Within its two areas, it discharges its mandate within a three activities-approach: education and promotion, prevention or monitoring and investigation.

Initially, the PDHJ was made up of a Good Governance Division, a Human Rights Division, and an Anti-Corruption Division. The mandate of the latter division came to an end sometime in 2010, following the approval of the Anti-Corruption Commission (CAC) in 2009. In 2011, the Government established Decree Law No. 25/2011 on the organic framework and status of the PDHJ, which establishes the rules necessary for the PDHJ to achieve its objectives as a specialised institution, with technical services in the areas of human rights and good governance.

Article 23 of the Law No. 7/2004 outlines the mandate of the PDHJ: It is mandatory for the PDHJ to investigate violations of human rights and freedoms and guarantees, abuses of power, maladministration, illegality, manifest injustice and lack of a fair trial as well as cases of nepotism, collusion, trafficking influences and corruption. The Ombudsman undertakes a series of functions, including receiving and dealing with complaints, monitoring the activities and performance of public authorities, reviewing draft legislation, requesting the courts to pronounce on matters related to the constitutionality of legislation and implementing educational and promotional activities. It regularly reports on its work, ensuring that the public is informed of its activities and the results accomplished in promoting human rights and good governance in Timor Leste. Among others, the Ombudsman could subpoena people and documents and to enter public offices and other public buildings and provide recommendations to public authorities (PDHJ website). The PDHJ however just like any other ombudsmen does not have executive powers and only the mandate to collect and access information in identifying the human rights and good governance violations.

The Parliament nominated the first Provedor, and two Deputies for different mandates, which are human rights and good governance, and they sworn in the Parliament in July 2005. The Provedor is elected by the Parliament for a four-year term and it could be extended for one more term. As a new institution back then, the PDHJ faced a lot difficulties and challenges because there were only a Provedor and two Deputies as staff. In the first year, the PDHJ received support from the United Nations Development Programme (UNDP), from the United Nations (UN), and also from the Human Rights Commission of Malaysia (SUHAKAM). The first year was spent with tasks to strengthen the institution, including recruiting staff and establishing its internal procedure (personal interview with Silverio, 11 August 2016).

From 2005 until mid of 2016, the PDHJ's work is divided into two divisions, which were the Human Rights and Good Governance. Each division has three different departments, namely the Promotion and Education Department, Investigation Department as well as Monitoring and Advocacy Department. The most recent Decree Law No. 31/2016 have restructured and merged both divisions. Some of the departments are investigation, promotion, monitoring, legal, and administrative and policy. The department of public assistance's role for example is to receive complaints as well as mediation and reconciliation, and to monitor follow up recommendations (personal interview with Silverio, 11 August 2016). The structural organizational change is based on the recommendations

from the International Coordinating Committee of National Human Rights Institutions (ICC) based on the Paris Principles, and from the assessment conducted by the UNDP (personal interview with Silverio, 11 August 2016).

In 2014, the PDHJ with the support of the Office of High Commissioner for Human Rights (OHCHR) through the UNDP developed a new website with lots of useful information. This included information on the method for making complaints, online complaints, complaint handling, reporting on complaints, a case map, and access to justice for vulnerable groups. In their role as Timor-Leste development partners, the OHCHR and UNDP, besides providing technical support to the PDHJ, also have provided other support through mentoring, training, workshops and courses, in order to consolidate the abilities of staff, and to improve the institutional structure of PDHJ (Forum Asia, 2015).

With a total of 95 staff, the PDHJ maintains its four Regional Offices with the Central Office based in the capital Dili. These four others Territorial Delegation Office headed by one Director are located at:

- (i) in the Eastern side, which is the Office in Baucau;
- (ii) in the Southern side, in Manufahi;
- (iii) in the Western side, which is the Office in Maliana, Bobonaro; and
- (iv) another one in the enclave Oecusse and Ambeno (RAEOA).

There is not much issue on budget for the PDHJ, but it also depends on the proposal and their lobby to the Parliament. They have to advocate and to approach the government as well as to the Parliament to give more budget, apart from receiving the support from UN agencies, international organizations such as the United States Agency for International Development (USAID) and the New Zealand Aid Programme, and from embassies based in Dili.

The scope of the power of the PDHJ in complaint handling, investigation and recommendations is in the provision of Article 28 of the Law No. 7/2004 as the following:

- a) Receive complaints;
- b) Investigate and inquire about matters within its competence;

- c) Allow or disallow the complaints submitted to it under paragraph 3 of Article 37; d) Summon or call any person to appear before himself or another location that is deemed most appropriate, if it considers that it may have relevant information for a investigation started or start;
- e) Enter any premises, sites, equipment, documents, goods or information and inspect them and interrogate any person in any way related to the complaint;
- f) Visit and inspect the conditions of any place of detention, treatment or care and conduct confidential interviews with detainees;
- g) Forward complaints to the competent court or other mechanism of action;
- h) Request permission from the National Parliament to appear before a court, administrative tribunal or commission of inquiry;
- i) Mediate or reconcile the complainant and the agency or entity subject of the complaint, when they agree to undergo such a process;
- j) Recommend solutions to complaints submitted to it, including proposing remedies and reparations;
- k) Advise and give opinions, proposals and recommendations to improve compliance human rights and good governance by the entities within its area of jurisdiction;
- l) Report to the National Parliament the findings of its investigations and its recommendations.

Investigation can only be conducted on cases within the powers mandated to PDHJ. The cases that are outside of this power will be referred to other relevant institutions (Forum Asia, 2015).

Activism Role: Bridging between the Civil Society and Government

On 20 March 2006, the PDHJ started to receive complaints from the public (personal interview with Silverio, 11 August 2016). In 2006, tensions between the national police (PNTL) and the military forces (F-PDTL) resulted in open conflict between the two institutions, a breakdown of law and order and the displacement of more than 150,000 people. That situation posed a huge challenge to the PDHJ as a new institution then due to several issues such as the lack of staff and skills. In order to overcome the challenge, the PDHJ opted to work together with the civil society and the non-governmental organizations (NGOs) and they formed a joint networking that termed as the Joint Monitoring Team (personal interview with Silverio, 11 August 2016).

Since 2006, the PDHJ receives the support for the capacity building project from the UNDP. At that time, they focused mainly for petitions because there were a lot of internally displaced persons (IDPs) and activists stayed in the camp during the 2006 political crisis. The PDHJ at that time

worked with the civil society to continue monitoring the petitions and provided information to the government (personal interview with Silverio, 11 August 2016). Since then, the PDHJ continues to receive the complaints related to human rights abuses or maladministration.

Article 33(6) of the Law No. 7/2004 has defined and obliged the PDHJ to engage with other organs or organizations, including civil society. “The Ombudsman for Human Rights and Justice should maintain close contact and consultation and cooperation with other persons and organs or organizations geared to the promotion and protection of human rights and justice, combating corruption and traffic of influence and protection of vulnerable groups”. As mentioned by the current Provedor, Silverio in the interview (2016), there is not much issue in term of the independency of the institution. But, occasionally they do receive criticism from colleagues from the civil society. But the working relationship with the civil society is considered harmonious. For example, the PDHJ and civil society prepared one report under the section for National Institution for Timor Leste’s first Universal Periodic Review (UPR) in 2011 (personal interview with Silverio, 11 August 2016).

In the 2015 Annual Activity Plan submitted to the National Parliament with the proposed budget, the PDHJ described the type of cooperation that has been undertaken in conjunction with civil society. The cooperation has mostly involved the creation of reports on the obligations of Timor-Leste under international treaties and conventions, organizing seminars and socialization on human rights and justice, with civil society providing comments and appreciation in draft reports in respect of the PDHJ. However some information remains not being made available such as measures which have or have not been taken by the institutions to which the PDHJ has directed its recommendations. Also not available is specific information on the results of monitoring the human rights violations, which occurred during the joint police and military operation in 2014. The PDHJ has submitted the report to the National Parliament, but did not make the information available in public (Forum Asia, 2015).

Among the other criticisms from the civil society is that they want the PDHJ to act more. Dr. Silverio Pinto Baptista, the Provedor of the PDHJ was first appointed by National Parliament to the position of Deputy Ombudsman in 2005 and was then sworn into office as the Provedor in 2014. During his student day, he participated in student organisations supporting Timor Leste’s independence. Prior to his appointment, Silverio worked for the Association for Rights (HAK) to

provide legal assistance to Timorese captured by the Indonesian military. His background in the NGO gives him a privilege in working better with the civil society. However, as emphasized by Silverio (personal interview, 11 August 2016), there is a need to make a different or distinction between the civil society and the PDHJ. For example the steps and procedures that the PDHJ needs to adhere to in monitoring and producing final report. I quote, “as a state institution, I have to make sure each recommendation we send to the state institution, we send our recommendation to Government institution, as a Provedor and as a Chair, I want my recommendation to be followed up, not to be put under the table. That’s why, before I send the recommendation, I have to make sure the facts are correct and the accuracy of the data. So, of course, it takes time.”

Overall, the PDHJ has a fairly good partnership and cooperation with the civil society. The new council as established under the Statute and new decree, the Consultative Council for the Provedor chaired by the PDHJ Provedor also included members who come from the representatives from the NGOs. The intention of the council is for the civil society to submit any issues that they would like to discuss. And, one extraordinary meeting is possible depends on the circumstances or depends on the decision by the Provedor (personal interview with Horacio, 11 August 2016).

Articles 47(3) and 47(4) of the Law No. 7/2004 have clearly stated that within 60 days, the institutions that the recommendations are addressed to are obliged to inform PDHJ on the measures taken to implement recommendations. The provisions also state that if an institution does not take any measures to implement the recommendations, the PDHJ can report the institution to the National Parliament. In the first 30 days, the PDHJ will send a reminder if there has been no respond. This will follow-up by a high-level meeting with the relevant government agencies for a discussion. A week before 60 days due, the PDHJ will send another reminder. In any occasion if there’s no respond after 60 days, the recommendations will be included in the PDHJ’s annual report and send to the Parliament for debates. The PDHJ’s annual report is due every June (personal interview with Silverio, 11 August 2016). The PDHJ is obliged by law to submit its annual report on 30 June every year, regarding its activities from 1 January to 31 December of the previous year.

According to Silverio (personal interview, 11 August 2016), until today, the government agencies have been responsive. Working relationship with the government institutions is at times informal as many meetings take place in coffee shops. I quote, “We also work with each Minister directly

because everyone knows each other. We know each other. We know each Minister. Sometimes we working, we meet, and drink coffee together to discuss.” The law obliges engagement of the PDHJ with the National Parliament. When the PDHJ wishes to provide a legal opinion or testimony before court, it must first request permission from the Parliament. The PDHJ also should inform the Parliament of the findings of its investigations and recommendations. The cooperation between the PDHJ and Parliament, particularly the Committee A, who has the competence to oversee the PDHJ, also includes providing opinions or submissions related to any draft law prepared by the Parliament, apart from dealing with legislative issues and the budget. There is a plenary session in the National Parliament for the presentation and debate on the report. As mentioned in the Forum Asia report (2015), the PDHJ could have made use of the existing mechanism to make its recommendations more effective in bringing changes to the institutions that often commit human rights violations. For example, the PNTL since its inception has committed lots of human rights violations and has received a number of recommendations; however the number of human rights violations occurring in Timor-Leste remains the same or has even increased.

One independency issue is related to the PDHJ’s staffing policy. According to Horacio (11 August 2016), the PDHJ staffs mostly came from the civil servant and are submitted to the Civil Servant Law. But he further emphasized that the PDHJ however is able to work independently and not under the control of the government as they report to the Parliament every year. Only that at times, the challenge is mostly on the lack of follow-up actions. One of the reasons for this is because the state institutions do not have a proper mechanism to follow up with the PDHJ’s recommendations.

Gaps in Activism, Advocacy and Implementation

The PDHJ despite of its active role in Timor Leste, the institution faces several challenges in carrying out its mandate. One major barrier to the Timorese general public understanding the human rights provisions in national legislation is the fact that laws and legal documents are mostly written in Portuguese despite the fact that the overwhelming majority of Timorese do not speak or understand Portuguese.

Although Article 54(1) of the Constitution states that every individual has the right to private property and can transfer it during his or her lifetime or on death, in accordance with the law. But land rights remain a major issue in Timor Leste. Most Timorese in the countryside access and hold

land through customary and informal systems and informal schemes that means there is no legal recognition. Without a land title, the land rights are not recognized under the current Law 1/2003 (Almeida and Wassel, 2016). 15 years after independence, a comprehensive legal basis for determining land ownership remains lacking. These challenges including landlessness and forced displacement, disputes caused by the massive land occupation, and the legitimacy of formal land titles issued during the Portuguese and Indonesian administrations originated from its post-colonial and post-conflict legacies (Almeida and Wassel, 2017).

A number of relocations and evictions had increased since the first UPR in 2011, particularly in Dili, on the south coast and in the Special Administrative Region of Oecusse, whereby large infrastructural projects are currently developed (OHCHR UPR Report, 2015). Forced eviction is particularly rampant in Oecusse as the government is currently undergoing development project. In some cases, the authority took the land of the community without compensation. That's when the community files the complaints to the PDHJ and subsequently the PDHJ sent monitoring team, however the follow-up action have not been very well responded (personal interview with Silverio, 11 August 2016).

After the restoration of the independence in 2002, there have been efforts by UN agencies and the PDHJ to deliver training to the PNTL and F-FDTL on human rights and justice, in order to improve their knowledge and ability to respect human rights and prevent human rights violations. The PNTL and F-FDTL are considered to be the state institutions, which have been most often responsible for major human rights violations compared to others. In Timor Leste, military are regularly involved in joint operations to address what the government considers as serious disturbances of law and order. According to the PDHJ Annual Report (2015), the state institutions that commit most human rights violations are the PNTL and military forces (F-FDTL). The number of cases of human rights violations committed as is around 70% by PNTL and 50% of cases concern inhuman and degrading treatment.

The operations with most serious human rights violations took place in 2014 and 2015. In March 2014, the National Parliament approved resolution No. 4/2014, which “authorized the PNTL to disband all illegal organisations existing in the territories”, including the Maubere Revolutionary Council (KRM) and the Popular Democratic Council of the Democratic Republic of Timor-Leste

(CPD-RDTL). The aim of the resolution is to prevent and respond to political instability, and threats to the rule of law. The operations then were conducted based on government resolution No. 8/2014 and No. 9/2014 and Parliament Resolution No. 4/2014. Among the demands of the KRM and CPD-RDTL are constitutional reforms and election of a new government (ANNI Report, 2016). In 2015, Government Resolution No. 11/2015 and Resolution No. 12/2015 were produced to authorise joint military and police operations to stop the actions of these armed groups in opposition to it. These resolutions were then promulgated in Presidential Decree No. 41/2015. Based on these resolutions, the “Hanita Command Joint Operation” was conducted to capture the leader, Mauk Moruk and his followers (ANNI Report, 2016). That was when a lot of human rights violations occurred. The types of human rights violations were deprivation of freedom of movement, ill treatment during arrest and detention, torture, arbitrary arrest and detention and arbitrary interference with privacy and home including destruction of property.

During the operations, there were numerous human rights violations committed by both police and military. Although the government produced resolution No. 12/2015 on the rules of the operation, which called for respecting the freedoms and human rights of citizens (Forum Asia, 2015), but reporting on the operation involving rampage and destruction of properties belonging to innocent people in the villages happened. The PDHJ conducted monitoring and produced a report with several recommendations to commanders of the joint operation. Nevertheless, the civil society has criticised the PDHJ that during the monitoring, PDHJ rarely entered the areas that were most affected by the joint operation. It is also reported that the PDHJ also did not make an effort to meet or contact victims of the operation even when they receive clear information on the whereabouts of victims (Forum Asia, 2015).

The PDHJ started monitoring on the first day of the operation on 21 March 2015 until 16 April 2015, almost one month, the same as done by the NGOs. The report produced by the NGOs such as AJAR, HAK Association and Belun described in detail of the types of violations committed by PNTL and F-FDTL. The NGOs reported that the results of monitoring however are not the same with that of the PDHJ. The divergence of findings between PDHJ and NGOs could be due to the fact that PDHJ did not conduct monitoring of all of the locations where the joint operation took place. This has demonstrated the limitations, weaknesses and ineffectiveness of PDHJ in monitoring human rights violations. The PDHJ also has never produced any reports on the results of the follow-up of the

recommendations to outline how many institutions have taken measure to implement the recommendations, and how many of them have refused to comply (Forum Asia, 2015).

The PDHJ has several methods by which members of the public may make complaints. This includes making complaints online, by phone call, mobile service, or directly visiting the central office in Dili and regional offices in Baucau, Maliana, Same and Oecusse. Another option available in all 13 districts lodging a complaint in one of the designated complaint boxes, which are located at the offices of each District Administration. The mobile complaint service in 2014 integrated into PDHJ's socialisation session. In 2014, the PDHJ held 60 socialisation sessions in whole territory to 4337 people and received 6 complaints on human rights issues. The PDHJ has established complaint handling by providing complaint boxes located at the offices of the District Administrations in 13 districts. Even though the PDHJ has established complaint boxes in all 13 districts, the number of complaints received remains very low (Forum Asia, 2015). As analysed by the Forum Asia (2015), one of the reasons could be a result of limited information disseminated amongst the public regarding the existence of the complaint boxes. At the same time, the lack public confidence in the security of this method is also possible.

The provisions of the Article 4.1, Article 29 (c) and (e), Article 42.2 (a) of the Law No. 7/2004 also have placed restrictions on the PDHJ in terms of its powers of investigate and oversight, so as to not to include the functional activities of the courts and matters or cases pending before a court, except matters related to administrative activities. The law only gives PDHJ power to request permission from the National Parliament to appear before a court, administrative tribunal or commission of inquiry to provide legal opinion or testimony in the form of *amicus curiae*. The law also provides restriction to courts to not interference in the work of the PDHJ. The Article 43 describes in detail as the following: "The courts can not interfere arbitrarily with the investigation of Human Rights and Justice Ombudsman or issue any injunction to delay the investigation, unless there are strong indications that these are being conducted outside the scope of its competence, existence of bad faith or conflict of interest" (Forum Asia, 2015).

Under Article 45 of Law No. 7/2004, the final report of the investigation has a clearly defined procedure with regards publishing the final report of the investigation. The provision cites that the after the investigation, the PDHJ is to send the complainant and the person called into question a

draft report containing the results of its investigation and its assessment, conclusions and recommendations, before publication. The litigants then have the opportunity to submit comments within 15 days from the date of receipt of the draft report. After this period, the PDHJ can publish the results of the investigation and its opinions, conclusions and recommendations. The PDHJ should not keep secret the results of the final report on the investigations, opinions, conclusions and specific recommendations based on specific cases of human rights violations; only the individual right to privacy can be protected. There have been recommendations made and directed to institutions responsible for violations committed. In some cases, the PDHJ also referred the cases considered under the mandate of the Public Prosecutor for further investigations and proceedings in court, as it has limitation in respect of undertaking interventions in judicial process. This has shown the weakness of the PDHJ's legal power to recommend or propose remedies and reparations to victims of human rights violations (Forum Asia, 2015).

Conclusion

The PDHJ has established working relationship regionally with other Southeast Asia NHRIs such as the Indonesia National Commission on Human Rights (Komnas HAM). 15 years since Timor-Leste's independence, many of the Timorese stolen children are now adults who have settled in Indonesia without any contact with their families. Many have new names, and have adopted the culture, language and religion of their new homes. Together with civil society groups from both countries such as Komnas HAM, Asia Justice & Rights (AJAR) and the Ministry of Social Solidarity (MSS), the joint effort to bring these stolen children to be united with their families include cooperation with the Commission for the Disappeared and Victims of Violence (KontraS), Association of the Families of the Disappeared in Indonesia (IKOHI), Kontras-Sulawesi in Indonesia, and in Timor-Leste, Asosiasaun Chega Ba Ita (ACBIT), Asosiasaun HAK, Fundasaun Alola, and Timor-Leste Red Cross (CVTL).

Today, six NHRIs have been established in the Southeast Asia region including Malaysia, Indonesia, the Philippines, Myanmar and Thailand. Although the PDHJ is not part of the ASEAN, the PDHJ and the other five NHRIs formalised their network and renamed as the Southeast Asia National Forum (SEANF) in 2009. Yet, the question arises on whether these government-sponsored NHRIs could have significant roles in human rights protection in the region. For the case of PDHJ, it is established in a form of ombudsman and in many areas, as highlighted above, its modus operandi is

slightly different comparing to the others. The formalisation of SEANF is considered a commitment of the Southeast Asia NHRIs in contributing their roles in transboundary human rights issues. Though, it is clear that their incorporation into national human rights struggles cannot be ignored (Cardenas, 2001).

Quoted from Silverio's interview with the Asia Pacific Forum (4 August 2015), 'human rights work is not only about remedying violations but also about changing people's attitudes'. One major challenge in a post-conflict small country like Timor Leste remains the literacy rate and that is closely link with the human rights awareness that can eventually lead to rising demands and claims for human rights protection. Additionally, the role of individual leadership should not be missed. It is a common fact that many NHRIs, just like any other organizations shine under the independent-mindedness or dedication of particular commissioners or, alternatively, struggle if it faces passive leadership.

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Interviews

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