

Vulnerable Groups and Security in Timor-Leste: An Overview

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by

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Introduction

Since the arrival of international peacekeepers in 1999, numerous security programs for vulnerable groups have been delivered in Timor-Leste. Many of these have been funded and assisted by the international community. This paper provides a brief overview of how the programs have met the needs of vulnerable groups and how these groups view them and their delivery. The range of groups who can legitimately be described as “vulnerable” in Timor-Leste is broad. For the purposes of this paper, research focuses on women (particularly victims of domestic and sexual violence), children, the displaced, and the disabled, many of whom (along with Timorese not included in these groups) are victims of serious human rights violations.

This paper is not intended to be a thorough analysis of the success or otherwise of the security programs and does not provide hard data on the perceptions of vulnerable groups. Such findings would require a comprehensive country-wide survey. Rather, it provides an overview of the major issues to possibly inform a deeper study. Research included conducting interviews with international experts, United Nations (UN) officials,¹ civil society actors, and representatives of victims of serious human rights violations in Dili in April 2012, as well as drawing on secondary sources.

Historical Background

Timor-Leste has experienced a series of extremely violent and unstable periods during which those who were entrusted to provide citizens with a secure environment became the major threat to their security. For this reason, vulnerable groups’ views on security issues and expectations can only be understood by considering how the present situation relates to their past experience.

The eastern half of the island of Timor, which lies 400 kilometres north of Australia, was colonized by the Portuguese and the western half by the Dutch. When Indonesia gained independence in 1947, its territory included thousands of islands which had been former Dutch holdings, including West Timor. East Timor remained under Portugal’s authority until Lisbon made a decision to relinquish control of its former colonies in 1974. A short but bloody civil war then led to a declaration of independence by the victorious Revolutionary Front for an Independent East Timor (Fretilin) on 28 November 1975. Ten days later Indonesia launched a military invasion, expecting that any opposition would be subdued in a few months. However, a highly unified resistance movement and small guerilla army resisted the Indonesian occupation for 24 years, until the fall of the dictator Suharto in 1998. The occupation was characterized by human rights abuses, including thousands of cases of rape and sexual slavery by members of the security forces. An

1. A number of UN sources requested not to be identified by name in this paper.

estimated one-quarter of the population of around 700,000 lost their lives as a result of the conflict.²

In 1999, a UN-sponsored referendum led to a 78.5 percent majority vote for independence. The period surrounding the vote was marred by intimidation, killings, and rape. In response to the ballot result, the Indonesian military and their proxy Timorese militias carried out a “scorched earth” policy while withdrawing to Indonesia, killing an estimated 1,400 individuals, burning 60,000 houses, and displacing 400,000 people.³

There has been a large international presence since 1999. Five consecutive UN Security Council-mandated missions have interacted with a national government struggling to balance the desire for independence with a realization that assistance is needed to maintain security and strengthen the fledgling country’s core institutions.

While other responsibilities were taken over by the independent government in 2002, the transfer of policing authority from the UN Police (UNPOL) to the National Police of Timor-Leste (PNTL) has been a gradual process agreed to by the government and the UN.

Many Timorese had expected that serious instability would not be part of their future since it had always been associated with the Indonesian military presence. In 2006, discontent led to major division in the armed forces, mass resignation, and widespread violence involving the army, police, and civilian groups that had been armed by a government minister. Up to 38 people were killed, more than 1,650 homes destroyed, and 150,000 people displaced into camps.⁴ Security has been restored in the intervening years and violent incidents have been rare, apart from occasional flare-ups between members of large martial arts clubs, which have recently been banned.

The experiences of vulnerable groups under the Indonesian occupation were thoroughly documented by East Timor’s Commission for Reception, Truth and Reconciliation (CAVR). During the 24-year period, it was common practice for Indonesian security forces to forcibly take Timorese women to military barracks where they were held as sexual slaves subject to gang rape for months. Some of these women gave birth to up to five children fathered by different military commanders and were effectively ostracized by their own communities.⁵

2. CAVR (Commission for Reception, Truth and Reconciliation in Timor-Leste), *Chega! The Report of the Commission for Reception, Truth and Reconciliation in Timor-Leste (CAVR)* (Dili: CAVR, 2005), Part 8.

3. Ibid.

4. United Nations Independent Special Commission of Inquiry for Timor-Leste, “Report of the United Nations Independent Special Commission of Inquiry for Timor-Leste” (2006), para. 101.

5. CAVR, *Chega!*, Chapter 7.7.

Children were often used by the occupying forces as an “operational help unit.” Usually young boys provided services as porters for military operations. The experiences of those boys varied; some reported cruel and inhumane treatment while others said that they had been treated relatively well.⁶

The final report by CAVR stated: “Most individual East Timorese alive today have experienced at least one period of displacement. Many have experienced several.”⁷ When food became scarce during the Indonesian occupation, thousands of men, women, and children descended from pro-independence areas in the mountains and were rounded up and placed in camps by the occupying forces. Insufficient food was provided and offers of assistance from aid agencies were repeatedly refused. As a result, tens of thousands starved to death, leading to CAVR finding that Indonesian security forces had used starvation as a weapon of war, which constituted war crimes.⁸

More than 400,000 Timorese—over half the population—were displaced because of post-referendum violence in 1999. Vulnerable groups’ perceptions of (in)security were reinforced by the 2006 experience.

During periods of instability, those who were poor and marginalized became even more vulnerable. Those with physical disabilities or who were weak and unable to travel were often the first victims to fall.

Sources of Security for Vulnerable Persons

A number of victims and civil society actors working with vulnerable groups reported that the security of Timorese is dependent on their families and communal identities. Men in the household are the primary source of security. For instance, in 2006 one woman reported being raped while her husband had gone to find water. In the man’s absence, the woman became vulnerable.

It is widely recognized that domestic violence is a significant problem in Timor-Leste. A man in the household cannot be the main source of protection when he is the perpetrator of an attack.⁹

Serious crimes, including sexual violations, are now generally reported to police, which is a dramatic shift from the lack of reporting during the Indonesian occupation. However,

6. Ibid., Chapter 7.8

7. Ibid., Chapter 7.3.7; see also Chapters 7.3.3, 7.3.4, and 7.3.6.

8. Ibid., Chapter 8.2.

9. United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), “Timor-Leste,” n.d. (2012?).

village women do not usually go directly to police to report violations, even serious ones. They are more likely to look for an initial security response from the village council structures or nuns representing the Catholic Church.

Village councils, which are elected at the same time as a village chief, include two representatives of women, two of youth, and one of the traditional spiritual leader. In cases of serious crimes such as rape, a representative or the nuns often refer victims to the staff of a non-governmental organization (NGO) working in the area such as the East Timorese Women's Communication Forum (FOKUPERS), who will interview individuals in an appropriate manner, provide counselling, and accompany them to a police station. In other cases, a council representative or the nuns will accompany a victim to a station.

One victim stated: "People now are not afraid to go to the police like before. But the way that the police relate to the people is not always the same. Some are good, some are not good."¹⁰

Security Programs for Vulnerable Groups

Timor-Leste was born out of a background of decades of mass human rights violations and eventual UN intervention. The international community was deeply involved in providing assistance during the country's early years and contributing to protections for the vulnerable. These include the creation of a bill of rights, adoption of major international human rights treaties, passage of specific laws, and establishment of the programs of the Ministry of Social Solidarity, the National Commission on the Rights of the Child, a Vulnerable Persons Unit (VPU) in PNTL, and a referral network to coordinate people working with vulnerable groups (the REDI Referral Network, see p. 11).

There is now a range of government programs to provide targeted assistance to those considered vulnerable, including women, children, the displaced, and the disabled. These programs, implemented by the Ministry of Social Solidarity, include food security, assistance for widows, single mothers, and the elderly, scholarships, and in some cases overseas medical treatment.

In addition, Timor-Leste has adopted a free universal health care system. Although the national standard of medical care leaves much room for development, this is undoubtedly a progressive step which reflects an acceptance of the need to prioritize the needs of the vulnerable and the poor.

10. Representatives of the Victims Association of Timor-Leste, interview by the author, April 16, 2012.

Still, there is considerable discontent with the way that some of the programs for vulnerable groups are implemented. A number of sources complained that nepotism remains an issue; those close to local officials are allegedly more likely to receive assistance than others. Moreover, some said that the qualification of vulnerability does not sufficiently recognize the relationship between security and vulnerability: “The definition of vulnerability is problematic. For example, if a woman is poor or has no house and work, she may be considered vulnerable; but another who lives in fear and under constant intimidation will not receive any assistance targeting the vulnerable. The security element needs to be included in a more full way in the work done to assist the vulnerable.”¹¹

Women

There is a strong legal basis to enable action on domestic violence, which is a crime according to the Timorese Criminal Code; a specific Law Against Domestic Violence was passed in 2010.¹² This is reinforced by the Decree-Law on Community Authorities in East Timor,¹³ which requires village chiefs across the country to promote awareness and prevent the commission of domestic violence offences. Prosecution of domestic violence offences does not require the victim to make a complaint. Rather, the state has an obligation to investigate and prosecute when sufficient evidence is available. The Law Against Domestic Violence provides for assistance in the form of access to shelter, legal representation, medical and psychological assistance, and emergency support. There is also a legal obligation for the government to develop services for victims, relevant curricula for schools and public education on domestic violence issues, and a national action plan on domestic violence.¹⁴

Despite these legal advances, domestic violence remains a significant problem. The continuing vulnerability of women in the household is an example of the gap between well-intentioned programs based on international best practice and the reality of changing long-standing cultural norms. According to a fact sheet published by UN Women:

An entrenched culture of patriarchy is a worrying cause of widespread discrimination against women, and their continued exclusion from political, economic and social life Gender-based violence, especially domestic violence, is widespread in Timor Leste. Nearly 40% of Timorese women over the age of 15 have experienced physical violence, while 34% of women who have been married report having been abused by their husbands. Domestic violence is broadly considered a private, family matter, or “a normal occurrence” to some women. Services for survivors are scant or non-

11. Manuela Pereira (commissioner, Electoral Commission of Timor Leste; director, International Centre for Transitional Justice, Timor-Leste), interview by the author, April 3, 2012.

12. Law Against Domestic Violence, Law No. 7/2010 (2010).

13. Decree-Law on Community Authorities in East Timor, Decree-Law No. 5/2004 (2004).

14. Law Against Domestic Violence, Law No. 7/2010 (2010). A National Action Plan on Gender-Based Violence was adopted in May 2012.

existent. During the conflict, rape and sexual violence were used repeatedly as a weapon of war, and though some trauma-counseling projects were initiated in the post-conflict period, women still lack sufficient access to these services.¹⁵

Children

In addition to the establishment of the National Commission on the Rights of the Child, mentioned above, the Ministry of Social Solidarity has a child protection officer stationed in every district. Despite these laudable achievements, violence toward and abuse of children is under-reported in Timor-Leste, as it is viewed as a family matter and—even in serious cases—considered something best dealt with by local village structures.¹⁶

It is difficult to access accurate information on how children feel about their security. However, a recent study by an Australian university undertaken in relation to early childhood services in Timor-Leste included survey questions related to children's feelings of safety and security. Although the results of the study are still being analyzed and have not yet been published, the authors confirmed that the children's responses indicated that they felt a relatively high level of security.¹⁷

The effects of an unstable security environment on children's well-being became apparent during the 2006 violence, when tens of thousands of children were forced to live for months in internally displaced persons (IDP) camps. Children were not only vulnerable in terms of their physical well-being—they were manipulated to become the perpetrators of crimes. For example, children were instructed by groups involved in the conflict to set fire to houses and used as agents by criminal gangs who robbed vacant houses and businesses.¹⁸

The Disabled

Although the rights of the disabled are protected under the constitution, no mechanism has the mandate to accept complaints and carry out inquiries related to violations against the disabled. The Office of the Provedor for Human Rights and Justice can deal with these issues, but has not investigated any such cases to date. This record is contrasted by the findings of a recent UN study which found that persons with disabilities—men and women alike—are up to three times more likely than persons

15. UN Women, "Timor-Leste."

16. FOKUPERS staff, interview by the author, April 3, 2012.

17. Jacqueline Hayden (director, Higher Degree Research Program [PhD], Centre for Research on Social Inclusion, Institute of Early Childhood, Macquarie University, Australia), interview by the author, April 4, 2012.

18. International Center for Transitional Justice staff, interview by the author, April 5, 2012.

without disabilities to be victims of physical and sexual abuse and rape.¹⁹ The study also found that women with disabilities can suffer double discrimination, based on their gender and disability. In the 12-month period to March 2012, the UN Integrated Mission in Timor-Leste human rights section monitored nine cases of rape (which were reported to the police) in which perpetrators appear to have taken advantage of women who were disabled.²⁰

A UN Human Rights Team has monitored 12 cases of violations against vulnerable individuals by members of the PNTL, some of which involved sexual violations of disabled women.²¹ One UN official asserts that, “As a starting point it should be expected that those who themselves are entrusted to guard the security of the vulnerable are not involved in targeting them.”²²

The displaced

The challenge of dealing with 150,000 displaced people and over 1,600 destroyed houses in 2006 provides an example of how programs involving government, donors, and civil society can work effectively.

Civil society representatives reported that in IDP camps government representatives worked in partnership with local NGOs through the REDI Referral Network (see p. 11). Women were provided with training on their rights and practical advice on how to protect themselves as well as how to lessen the likelihood of violations and where to report them. The vulnerability of the displaced and the potential for their vulnerabilities to be exploited by attackers was countered with assistance for women to start small businesses selling baked goods, firewood, and so on in the camps.

Despite the relative success of the program, there were many inequities and injustices related to displacement. Violations, including attacks on women and rape, took place in the camps. Some claimed that they had missed out on promised assistance. Others appeared to have been helped too much, with nepotism involved. Some young people got married because assistance for returnees was only provided to heads of households.²³ In the end, one of the most telling results was that the IDP camps were closed down by 2010 because of a combination of assistance and house-rebuilding incentives and improved security in the areas that IDPs had fled from.²⁴

19. Office of the High Commissioner for Human Rights, *Of Course We Can: Report on the Rights of Persons with Disabilities in Timor-Leste* (Geneva: OHCHR, 2011), 32.

20. Members of the UN Human Rights Team, interview by the author, April 5, 2012.

21. Ibid.

22. UN official, interview by the author, April 4, 2012.

23. FOKUPERS staff, interview; Members of the Victims Association of Timor-Leste, Interview by the author, April 5, 2012.

24. FOKUPERS staff, interview; International Crisis Group, “Timor Leste’s Displacement Crisis,” (report, 2008).

Policing

Following the violence in 1999, the UN Transitional Administration in East Timor was responsible for all aspects of security. Since independence in 2002, there has been a gradual handover of authority over policing from the UN, which has maintained a multinational UNPOL contingent through several missions, to the PNTL.

The Vulnerable Persons Unit

UNPOL established the VPU in March 2000. At that time the PNTL was still in preparatory stages, so the VPU was a small section within UNPOL. It had a mandate to investigate cases of domestic violence, sexual violations, child abuse, missing persons, human trafficking, and “any other crimes committed against persons that due to mental or physical handicap are less able to defend themselves.”²⁵

The VPU is now a component of the PNTL, led by a commander and two subordinates, with a two-officer team deployed in each of the 13 district police stations and a larger contingent in Dili. Although the VPU has a mandate to investigate cases involving a broad range of complaints related to vulnerable populations, in practice it mostly deals with violence against women.

The establishment of a unit dedicated to dealing with vulnerable persons is a significant positive contribution to ensuring that victims of sexual abuse, domestic violence, children, the disabled, and others who require a different policing approach are adequately cared for. However, it appears that the effectiveness of the unit is gradually being eroded as the international community withdraws its presence. Steps should be taken to safeguard its important role.

One factor contributing to this erosion is the diminishing amount of training received by VPU officers. As a 2008 independent assessment noted,

While the Office for the Promotion of Equality, [UN Population Fund] and UNPOL carried out training for the VPU in 2002, there appears to have been little formal training since that time. The eight-day course in 2002 focused on the legal system and human rights in an effort to combat domestic violence, but not specifically on children’s issues. A considerable proportion of officers in the VPU will not have benefited from this training and few will have received training on the UN Convention on the Rights of the Child.²⁶

25. Chris Styles-Power, Carolyn Hamilton, and Erica Hall, “The Vulnerable Persons Unit in Timor-Leste: An Independent Assessment of its Role and Function” (technical paper, 2008), 2.

26. *Ibid.*, 14.

Initially those deployed to the VPU worked closely with UNPOL officers. The quality of mentorship and training provided by UNPOL was uneven. It depended on the individuals involved, who were drawn from a variety of contributing countries, some of which have a poor reputation for caring for the vulnerable and police respect for victims. Despite this, civil society actors who work closely with victims reported that the work done by the VPU was beneficially influenced by the international presence and ongoing training.

But many Timorese officers in the VPU during those periods have been transferred and those replacing them have not received the same amount of training and support. Moreover, the careful selection process for VPU officers has been discontinued. Civil society representatives who accompany victims of abuse reported that at many stations the VPU functions as a gender-based administrative division in investigation teams, rather than a unit whose actions should be based on quite different principles and practices. That is, cases involving male victims are dealt with by one section, while those involving female victims are handled by the VPU.

Female victims of sexual assault, for example, may be dealt with by the VPU, but this does not mean that they are always dealt with in a different or appropriate manner. For instance, it was reported that victims are often questioned in places where they can be overheard by others in the station. When police go to villages to investigate, insufficient care is taken to guard the anonymity of the victim. In some cases, officers working for the VPU have questioned victims in an intimidating manner and blamed them for contributing to the crime committed against them by wearing particular clothes and going to a particular place.²⁷

The extent to which the status of the VPU has diminished is illustrated by the fact that the vehicle specifically supplied by the UN for use by the unit in each district has in many cases been largely taken over for general policing duties. It is easy to understand how this might happen given the pressing daily needs of policing and low level of available resources. However, the rationale behind the provision of these vehicles should be respected. The need to proactively add additional resources toward the protection of vulnerable groups is generally not understood and cultural understandings, which do not prioritize cases involving the vulnerable, are able to negate the stated intention of the VPU. Many cases of domestic violence and sexual violations take place in remote areas. These areas cannot be accessed without a vehicle, so when one is not available an investigation cannot take place.

“I was involved in some of the early training of the VPU . . . It was based on good values and principles. But many Timorese leaders see the issue of security as being based on the need for confrontation by force. This is very different from the kind of principles needed to effectively deal with vulnerable

27. FOKUPERS staff, interview.

people. So the VPU is not sustainable. The investment in training was not continued on and in this way the value of the initial investment is lost.”²⁸

A comprehensive report on the VPU produced in 2010 recognized that, despite challenges, having a unit dedicated to vulnerable persons is still a significant positive achievement: “Despite its challenges, the VPU is now functioning and offering a valuable service. While problems persist, the majority of VPU offices possess hard working dedicated teams trying to overcome poor facilities, lack of resources, low salaries and a male-dominated traditional society reluctant to change.”²⁹

Changing the Approach to Policing

Building an effective police service that commands the respect of the public is an extremely difficult undertaking. One of the issues which has proved most challenging in Timor-Leste is establishing the capability to deal with violence with an appropriate use of force that is balanced with respect for human rights.

During riots in 2004, new Timorese recruits were seen changing out of their uniforms into civilian clothes so as not to be targeted by unruly gangs.³⁰ The more substantial violence in 2006 directly involved some PNTL officers and deeply shook the confidence of the population in those who were supposed to provide protection.

Recent approaches in the recruitment, training, and deployment of police reflect a movement toward a perception by those responsible for the national police service that the ability to use force effectively to respond to threats is a paramount consideration. Much of the training of PNTL officers is now carried out by the Portuguese National Republican Guard, a commando-style unit proud of its image of strength and viewed by Timorese with a degree of fearful respect. PNTL officers are increasingly being trained and armed with long-barrelled weapons, which are considered to be more appropriate for military and paramilitary action in many other countries. The recruitment of women into the police force—women previously made up around 20 percent of new recruits—was informally reported to have fallen to less than half this number in the most recent intake, with official figures unavailable.³¹

Recent developments have raised a degree of alarm among those in the international community and Timorese human rights activists who have experienced the negative effects of an authoritarian style of policing and are aware that such tendencies are often hard to control.

28. Jose Luis Oliviera (consultant, security, human rights, and justice issues; former director, the HAK Foundation), interview by the author, April 3, 2012.

29. Styles-Power, Hamilton, and Hall, “The Vulnerable Person’s Unit in Timor-Leste,” iv.

30. Senior UN officials, interview by the author, April 3, 2012.

31. Senior UN official, interview by the author, April 4, 2012.

Vulnerable groups have seriously suffered from the indirect consequences of mass violence in Timor-Leste's recent history, yet they are unlikely to be directly involved in the kinds of confrontations between groups of armed men that are informing the shifting focus in policing. Moving more resources toward increasing the capability for readiness for large-scale violence ignores the hidden realities and threats experienced by many vulnerable people. Rather than being involved in mass violence, the vulnerable are often individually victimized behind closed doors in complex situations involving family and community members. An increased emphasis on a physically robust reactive potential will serve to reduce the focus on community policing and its emphasis on preventing violations committed against the vulnerable, increasing the level of reporting to police, and changing the structural issues which allow violations against women, children, and other vulnerable people to be tolerated or go unnoticed.

"Policing here is all about strength, force, and fear, rather than protection, prevention, and trust."³²

"The community policing idea brought in by the New Zealand police advisors was a good idea, but it has not produced a sustainable effect because the local focus was on a much harder, traditional model of police operations as being limited to investigation, arrest, dealing with evidence, management, and discipline. It is not about interacting with the communities, assisting the vulnerable, and getting to problems before they become violent. It's more about reacting to that violence when it happens."³³

A physically robust style of policing is supported by many donors. In the face of repeated breakdowns of national security, the international community's primary focus in Timor-Leste is stability. As a result, the capability to effectively deal with outbreaks of violence is seen to be the top priority. This perspective is understandable since without security respect for human rights and increased levels of development are impossible to achieve. But it may also divert attention away from the need to invest in longer-term goals that are more difficult to achieve, goals that involve cultural change that will provide more protection for the vulnerable and make large-scale security problems less likely.

Cultural norms in Timor-Leste that must be changed include the patriarchal attitude toward women, tolerance of domestic violence, and acceptance that crimes committed by family members should be dealt with behind closed doors. Initiatives such as the VPU and community policing have made a contribution to cultural change: more violations are prevented rather than remedied. However, widespread change requires longer-term policy and more resources.

32. UN official, interview by the author, April 5, 2012

33. Ibid.

Many Timorese interviewed as part of this research, including representatives of vulnerable groups, expressed positive views on a tougher attitude to policing. The almost-total breakdown of law and order in 2006 brought back memories of the extreme vulnerability of earlier periods, when police and security forces were the perpetrators of severe rights violations. Heightened violence in late 2011 involving large martial arts clubs was dealt with by cracking down on these groups—evidence of the shift in focus. However, these positive views are mixed with a degree of caution and alarm at the tendency toward an authoritarian model, under which the Timorese lived, with disastrous consequences, during the Indonesian occupation.

One victim of human rights abuses from Aileu district stated: “For example, during the recent elections we have not experienced the threats and violence like before. People have learned. We are not halfway along the road yet, but maybe halfway to halfway.”³⁴

A number of those interviewed expressed concern that their expectations about a standard approach to policing were too dependent on the individual police officers involved, and that internal structures and discipline had not produced more uniform behaviour. A victim of human rights abuses from Suai stated: “If you are my young brother and you commit a crime and I am a policeman it will be very hard for me to try to bring you to justice. And I will probably try to stop anything happening to you. That is our culture. What we need is for police to be educated to believe in their role as a representative of the government, not as individuals who represent their family, their political group, or other group.”³⁵

The REDI Referral Network

A formal rapid response referral network, locally known as the REDI Referral Network, was established in 2008 as a means to increase collaboration and co-operation between different groups, including the police, working on issues related to vulnerable persons. The network includes civil society representatives working on women’s rights issues, trauma and psycho-social healing specialists, the police, health services, the government ministry that deals with social services, and other relevant organizations active in various districts. Notably, the REDI network works in close collaboration with members of the VPU.

The network meets in most districts on a monthly basis. It raises issues related to vulnerable groups in their communities where action needs to be taken. Many of those involved see the success of the network to be dependent on the strength and enthusiasm of a small number of individuals in particular regions. One of the network’s

34. Paulino De Jesus (coordinator, Aileu section of the Victims Association of Timor Leste), interview by the author, April 6, 2012.

35. Representatives of the Victims Association of Timor-Leste, interview by the author, April 16, 2012.

most important contributions is that it has led to regular collaboration between those working on security provision to vulnerable groups, on the one hand, and other actors providing health services, food security, and other services.

The gap between the suppliers of services and the clients

“Many of the donors promote very good values and humanitarian principles. So in terms of affirmative action, that has a positive effect in Timor. For example, the rule of law principle is a good response to the patriarchal systems in place. It is like shock therapy to the thinking of the people, and challenges the status quo . . . The design of international donor programs is based on international best practice and principles. This builds expectations. Then by the time it is delivered it looks very different and leads to disappointment.”³⁶

One of the most significant issues identified by many of those interviewed is the gap between standards and recommended practices set out in various international instruments and guidelines and the cultural norms of the Timorese people. The UN, donors, and NGOs have constructed a wide range of programs that are heavily influenced by current best practice and international standards. The principles that underlie these programs have only been reached after decades of investment and experimentation. Insufficient attention has been paid to the aforementioned gap. Consequently, as the level of international assistance draws down, many of the gains made tend to be temporary because they are not supported by a strong cultural base.

“Over the past five years the donor programs focused on vulnerable groups and empowerment of women have not been very effective because they are too focused on the need to be able to report on the international conventions, providing inputs to international milestones, sending people to international events. This includes the NGOs who are responding to donor wishes. But all of this does not serve to strengthen the local structures, which need to be built so that they will continue without international support.”³⁷

“The work of the UN on the policies relating to protection and the promotion of women’s rights are very good. But those who make the policies can’t also implement them on the ground. They have to work through many layers of government. Those layers do not share the same views and by the time that the programs are delivered on the ground they have been watered down and are not effective. The theory and the reports are good but the practice is not.”³⁸

36. Oliviera, interview.

37. Ibid.

38. Pereira, interview.

Applying current best practice and international standards to Timor-Leste has no doubt had many beneficial effects. But as the international presence draws down, it becomes clear that a significant amount of resources have been wasted because cultural norms were not sufficiently recognized, factored into policies and plans, and considered in a realistic time frame for change.

Conclusions and Lessons Learned

“One time a UN gender expert arrived and when we met with her she provided answers. She told people what they should do, but she did not listen to what was being said by the local people. When the locals at the meetings expressed concerns about how different things were in their homes, they were real concerns, they were real factors that needed to be taken into account. But they were not listened to and not included in the plans.”³⁹

The research conducted and presented in this paper supports the broad conclusions and recommendations that follow.

Since 1999, the international community has provided support for a wide range of programs focused on security, including those addressing the needs of vulnerable persons. These programs have contributed to significant positive change. However, they may not be sustainable.

The withdrawal of the large international presence is demonstrating that programs that are designed to align with current best practice and international standards but do not have corresponding strong cultural policies and plans for maintaining changes are unlikely to be sustainable.

There has been a recent trend toward a physically robust style of policing in response to repeated security crises. Many Timorese support this approach because they say that it makes them feel safer. But the trend toward an authoritarian model of policing focused on responding to threats with acute force needs to be carefully monitored and controlled to ensure that human rights are not violated.

Security policies that are focused on responding to large-scale violence, such as riots, do not sufficiently recognize that the primary threats to the security of vulnerable individuals are often hidden—they come from within families or communities—and hence are missed by the new policing model.

39. Ibid.

The VPU is an important program which needs to be specifically supported in policing policies and their implementation. Without targeted funding, monitoring, support, and bolstering its reputation, it will be further eroded by discriminatory cultural norms within the PNTL. Recruitment for the VPU could be strengthened by involving a panel of senior officers in every intake period, requiring compulsory and ongoing training for officers and a minimum period of service of two years, and strictly implementing programs such as the dedication of vehicles to the VPU.⁴⁰

The Timorese government and donors should insist that every security-related program includes a requirement that civil society representatives working with vulnerable groups be involved. This involvement should be required at all stages of a program, including ongoing monitoring and reporting. The government and donors should anticipate that the operational tendency will be to revert to discriminatory practices and take steps to resist such trends.

This paper was written for NSI by Patrick Burgess, a human rights lawyer based in Bali. He sits on the Board of Directors of Asia Justice and Rights. Previously, he was the director of the Asia program at the International Center for Transitional Justice.

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