

2010 HUMAN RIGHTS DAY  
DILI – TIMOR LESTE  
Speech by  
Fernanda Borges, MP  
President of Committee A, National Parliament

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H.E. Dr Jose Ramos Horta, President of the Republic,  
H.E. Mr. Fernando Lasama de Araújo, President of the National Parliament  
H.E. Dr Cláudio Ximenes, President of the Tribunal de Recurso,  
H.E. Mr. Xanana Gusmão, Prime Minister  
Honorable Members of Parliament,  
Distinguished Members of Government,  
H.E. Deputy SRSG, Mr Shigeru Mochida  
H.E. Ambassador Juan Carlos Rey, Head of the Delegation of the European Union  
Members of the Diplomatic Corps,  
Representatives of Civil Society,  
Distinguished Guests, Ladies and Gentlemen!

Good evening! Allow me first to acknowledge the hosts of this event, the Head of the Delegation of the European Union, Ambassador Juan Carlos Rey and the Representative of the UNMIT, Deputy SRSG, Shigeru Mochida. Thank you for inviting me to this important occasion to share some views on the situation of human rights in Timor Leste.

It is an honor to be standing here before you to celebrate Human Rights Day. I must begin by saying that through our struggle for independence human rights have become an integral part of our identity. As a People and a State we are remembered around the world as the small island that persistently fought for our rights to self-determination and to national sovereignty. This trademark was acquired through the sacrifice of blood and bones, by the persistent and creative ways in which we tried to awaken the world to the human rights violations taking place then, and by the insistence that international law establishing human rights, norms, standards and principles established by the international community, is implemented to protect the East Timorese people's human rights.

As recorded magnificently in our CAVR "Chega" report, history depicts the great suffering and aspiration of the people, our capacity to unite, and the international community's struggles and efforts to fulfill the universally recognized value system of human rights.

With our independence, it all culminated in the Timorese people achieving civic and political rights, what is sometimes referred to as our "first generation rights". That alone is not enough.

We must now turn our human rights trademark into a real competitive advantage for the people and take positive action to achieve our social, economic and cultural rights, or "second generation rights", so that the people are finally free from "fear and want".

Free from fear because the State of the Democratic Republic of Timor Leste is also free from fear to provide access to justice for the people in national and international courts, and to ensure that the implementation of the rule of law is applied equally for all citizens.

The people are free from fear because they can be certain that the State will fulfill its role to protect the people from gross human rights violations and hideous crimes against humanity. There can be certainty that accountability will ensure non repetition of past atrocities.

Unfortunately for us, the “fear factor” is still with us as the State has not taken all the positive actions under the obligation to respect, fulfill and protect Human Rights. We have all the international and national laws in place, but with little goodwill to implement.

The “fear factor” has consumed us to totally compromise on justice, and in some ways shy away from the very words “human rights” and from having a frank reflection on what the real situation is and its deep causes.

As Chair of Committee A I am often asked to justify the cost and financial sustainability in implementing a reparations program in Timor Leste. I would like to take a little time to explain this concern that has become a key factor in the postponement of the debate in the National Parliament for two very important human rights laws. They are, the law that establishes an institution to continue to implement the recommendations of the CAVR “Chega” and CVA, and a reparations law.

First of all promoting human rights should not be seen as a cost but an investment in the people’s well being and in the newly established state like Timor Leste, founded on the principles of human rights and the rule of law. The State also has a moral and ethical obligation to provide assistance to the victims which cannot be measured in economic or monetary terms.

Cost should be viewed in the perspective of the harm that these vulnerable victims will bear, if we deny them the assistance they rightly deserve in accordance with the law. I say it is an investment because the finite number of vulnerable victims between the age group of 30 to 65 years old, to be determined through a registration process, will not grow in the future, in terms of monetary burden to the State.

In front loading the costs of a reparation program now, we are effectively capping the costs to this finite group of vulnerable victims. This may save us a lot in service needs and financial support in the future.

Appropriate measures should be taken now to help them address the traumatic experiences of the past, and provide them with the confidence to be able to participate in the development process.

This investment will also effect the next generation of East Timorese who are family members of these victims. If the individual vulnerable victims are provided with assistance, their children and their families will contribute to a healthier society.

Naturally there will be more people capable of participating actively in the economy. On the other hand, studies also reveal, if we do not make this investment, victims of violence remain traumatised and unable to work. Perpetrators used to violent behavior can also reoffend if there is no accountability.

The neglect of these groups of vulnerable victims may assist in the people losing confidence in the state to protect their human rights, which can then lead to further violence. In denying victim's rights to truth, justice and reparations, the State is also not guaranteeing non-repetition of past atrocities.

Economic sustainability all round will be better guaranteed if we can assist the victims to put the past behind and help break down the poverty traps in order to chart a path to sustainable economic development based on people's rights.

If we are going to do justice to human rights in a post-conflict setting, it is important to acknowledge and understand that human rights covers all aspects of life, is indivisible and interdependent. In this sense, addressing poverty by meeting the MDG is important, because it is human rights.

Our past success in achieving our human rights is really attributed to the total commitment, sacrifices and risks that many brave people made. Our future success in implementing human rights will depend on a renewed total commitment from the State in the long term interest of the nation and the well being of the people.

There are great opportunities for Timor Leste to deliver on human rights. The current state of the nation requires real concerted effort to promote and protect people's social, economic and cultural rights in a holistic way. It is encouraging and positive that the Government of Timor Leste has for the first time included MDG goals as one of its objectives in the 2011 Budget.

The focus will be in providing housing for the vulnerable. For this policy to work, the National Parliament will need to quickly approve the land laws. Peoples' right to land ownership and security in property rights is a determining factor in economic development.

To be able to make a real impact on MDG's we must double our efforts and budgetary resources for education, health and agriculture. Human development and sustainable food security will go a long way in ensuring that people is freed from the poverty trap.

Finally, I am proud that Timor Leste was successful in achieving a seat in the CEDAW Committee and in winning a seat at UN Women. We can certainly now speak up to stop discrimination at

the international level. On a local level we must swiftly act to end the plague of domestic violence and child sexual violations and incest.

The National Parliament will need to make proposals to strengthen the budget for the implementation of the domestic violence law.

I would like to end my intervention now by paying tribute to Aung San Suu Kyi. We hope that her freedom will help bring closer her people's civic and political rights.

Happy Human Rights Day 2010!