

Submission to the UN Committee on the Rights of the Child

For its consideration of the fourth periodic review of Timor-Leste

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Background

Timor-Leste suffered under a brutal occupation by the Indonesian military between 1975 and 1999, during which atrocities and crimes against humanity were committed against the people of Timor-Leste, including children. The effects of the conflict and the consequences of insufficient or complete absence of reparations for victims of the human rights violations have direct impact on Timorese people still today. Many suffer from severe socio-economic disadvantages and face stigma and discrimination as a direct result of the violence they experienced as children, including conflict-related sexual violence, forced removal from their families and being taken to Indonesia, as well as those who were born of conflict-related sexual violence.

This report focuses on three issues that have ongoing impacts on persons in Timor-Leste: 1) the absence of remedies and reparations for persons affected as children; 2) Separated or disappeared children, also known as ‘stolen children’ and; 3) obstacles to obtaining identity documents for children born of conflict-related sexual violence.

Throughout this report, ‘children affected by conflict-related sexual violence’ broadly encompasses four categories: child survivors of conflict-related sexual violence; children born of conflict-related sexual violence; children who witnessed sexual violence; and children whose parents/caregivers are survivors of sexual violence. In the case of Timor-Leste, they are now adults. However, their specific needs – due to the fact that they were affected as children – require a tailored approach.

Cluster 1. General measures of implementation

Subject: Access to justice and remedies

[1] The absence of remedies and reparations for persons affected by conflict-related sexual violence as children

Situations

The Timor-Leste Commission for Reception, Truth and Reconciliation (CAVR) made a number of recommendations based on their findings about human rights violations between 1974 and 1999. Despite the recommendations of the CAVR, to date no comprehensive reparation programme has been established by the State for any of the victims of the conflicts.

Among the many atrocities committed against the people of Timor-Leste during the conflicts, sexual violence was widespread and systematic. However, survivors of conflict-related sexual violence - the majority of whom were women and girls - have been largely neglected by initiatives for recognition or assistance, which have mostly prioritised male veterans. As a result, the harm

caused to survivors and children affected by conflict-related sexual violence continues to be profoundly damaging. Many of them live in precarious conditions, such as poverty from being forced into single-mother-headed households, exclusion from socio-economic structures, stigma from families and communities, and untreated physical and mental health issues.

In the absence of national reparation programmes for survivors and children affected by conflict-related sexual violence, civil society organisations (CSOs) have been key actors in supporting them for decades. Since 2023, the Global Survivors Fund (GSF), Asia Justice and Rights (AJAR), and Asosiasaun Chega! Ba Ita (ACbit) have been implementing an interim reparative measures project in Timor-Leste. The initiative is co-created with survivors, who serve as members of the project steering committee with decision-making powers, and work as community organisers on the ground. Through this process, the stories of 87 children born of rape during the conflicts have been documented as well as of 330 survivors of conflict-related sexual violence. (further information on the project: <https://www.globalsurvivorsfund.org/our-work/timor-leste>)

At the time of this submission, a reparation law is being drafted under the leadership of the National Working Group on Reparations chaired by the Centro Nacional Chega! (CNC), after many years of political unwillingness and rejections. The draft law is expected to be submitted to the Council of the Ministers in 2025.

Recommendations

- The Government of Timor-Leste should prioritise the adoption of the reparation law. The law must be inclusive of all survivors including children affected by conflict-related sexual violence and children forcibly taken from their families. The law should adopt survivor-centered and gender-sensitive approaches, establish clear and achievable procedures, and have realistic implementation plan.
- The Government and responsible agencies should ensure that survivors and children affected by conflict-related sexual violence are fully engaged and supported to co-create reparation policies and programmes. The full and effective participation of survivors, including children, in designing these policies and programmes ensures that reparations and other forms of support have the greatest and most meaningful impacts on their lives.
- The Government should prioritise addressing the most urgent needs of survivors and victims, including children affected by conflict-related sexual violence, but also provide long-term support, including financial assistance, free healthcare services, educational support including scholarships, and access to socio-economic opportunities such as employment, housing and access to land.
- The Government should invest in awareness-raising efforts to eliminate the severe stigma and discrimination faced by children affected by conflict-related sexual violence, which profoundly impact their everyday lives still today, including socially, culturally, and economically.

[2] Separated and disappeared children, also known as ‘stolen children’

Situations

During the 24 years of the occupation, thousands of children were forcibly removed from their families in Timor-Leste to Indonesia, some with ostensible approval from their families, others through clear deception or kidnapping. Recognising that child transfers involved varying degrees of coercion, we use the term ‘stolen children’ to describe children who were taken from Timor-Leste between 1975-1999.

Today, it is estimated that thousands of these children are living in Indonesia, often with new names, different families, and little to no knowledge of or contact with their families in Timor-Leste. Many of them, now adults, live in dire circumstances in Indonesia, including violence and abuse by their adoptive families, limited socio-economic opportunities, and difficulties obtaining citizenship documents. Many families in Timor-Leste continue to look for their children, while some consider them missing persons or dead in conflict.

Since 2013, AJAR and other CSOs as well as national human rights institutions from both Indonesia and Timor-Leste have been working on the search and reunification of stolen children. By the end of 2024, AJAR had documented more than 200 stolen children, over 100 of whom have since participated in reunion visits with their families in Timor-Leste. However, to date, they continue to live in Indonesia, unable to return to Timor-Leste due to economic hardships and fear of rejection and isolation.

The National Human Rights Institution of Indonesia (Komnas HAM) has consistently supported the efforts to obtain passports for stolen children to participate in the reunions. In November 2023, Komnas HAM signed a Memorandum of Understanding with the Office of the Ombudsman for Human Rights and Justice of Timor-Leste (PDHJ). A notable aspect of this progress is the joint effort by Komnas HAM and PDHJ to support the search and reunification of stolen children initiated by AJAR and the Working Group of Stolen Children (WGSC), a coalition of CSOs from Indonesia and Timor-Leste. CNC is a part of the WGSC, and they are involved in the search for stolen children, as well as supported the financial cost of reunions since its establishment in 2016.

It is crucial for both Indonesia and Timor-Leste governments to recognize the significant contributions of CSOs and national human rights institutions in both countries on the issue of stolen children. These actors are also advocating for the ratification of the Convention for the Protection of All Persons from Enforced Disappearances and comprehensive reparations for the victims, even after their reunification.

Recommendations

- The Government must take tangible steps to study and implement the recommendations of CAVR and the Commission for Truth and Friendship, including the establishment of the Commission for Disappeared/Missing Persons.
- The Government of Timor-Leste must acknowledge the existence of stolen children as victims and provide comprehensive reparations that encompass support for their right to socio-economic opportunities including the ownership of land, access to health services, and livelihood support.
- The Immigration Department should waive visa requirements (extensions or returns) for Timorese children returning to Timor-Leste for reunification or visits to their families.
- The Ministry of Foreign Affairs, CNC, and PDHJ must develop a clear policy for identification, search and reunification of missing children, with clear outlines of areas of responsibility and concrete actions that must be taken.
- If the Government is not able to pursue this work directly, it should provide support including funding to CSOs to enable them to continue the search and reunification initiatives.
- The Government of Timor-Leste should consider providing stolen children with official documents certifying their place and date of birth, recognising them as victims of human rights violations, with a special status signifying their right to citizenship and residency in Timor-Leste.
- The Government of Timor-Leste must ratify the Convention for the Protection of All Persons from Enforced Disappearances.
- The Government of Timor-Leste must work with civil society to develop a register for Timorese families with missing children and disappeared family members. This process needs to be co-created with survivors, integrating trauma-healing and empowering approaches. It needs to be adequately resourced and to support victims' associations who have significant knowledge of families with missing persons in their geographical areas.

Cluster 3. Civil and political rights

Subject: Name and nationality / Birth registration

Situations

Timorese children born of conflict-related sexual violence face many difficulties in obtaining identity documents such as birth certificates and baptism certificates. Despite regulations not preventing it, in practice, government officials are reluctant or not trained to issue a birth certificate to children of a single mother, and they often require single mothers to provide the name and

identity of the father. The custom of relying on baptism certificates as the basis for government-issued identity documents creates complications for children born of sexual violence in obtaining these documents as catholic churches also require the father's identity to issue a baptism certificate.

Moreover, due to the weak administrative system as well as cultural factors, discrepancies in names - such as inconsistent spelling or different names - are not uncommon across multiple identity documents. These discrepancies cause problems in various administrative procedures, and children born of conflict-related sexual violence are often among the most severely affected by this issue because they cannot provide their father's identity to support the required administrative process.

The challenge of obtaining legal identity documents is a persistent issue for children born of conflict-related sexual violence, affecting their lives not only during childhood but extending into adulthood. Many of these children face difficulties in exercising their rights, such as access to basic education and healthcare, and later opportunities including scholarships and employment. This exacerbates the already dire situation faced by many survivors and their children, and contributes to intergenerational discrimination and poverty.

AJAR, ACbit and GSF, with the participation of survivors, plan to support children born of conflict-related sexual violence in obtaining birth certificates through the ongoing interim reparative measures project.

Recommendations

- The Government should develop special measures to allow children born of sexual violence to obtain identity documents such as birth certificates without burdens. In no circumstances, by act or omission, should the Government implement policies that may render children born of conflict-related sexual violence stateless.
- The Government should ensure women's equal rights with men in relation to the transmission of their nationality to their children and their registration. The Government must end discrimination against single mothers with regard to the registration of their children.
- The government officials in charge of registration of citizens should be trained properly to register children of single mothers without questions or pressure to provide the name of a father, according to the official procedure that does not solely rely on baptism certificates. They should also be equipped with knowledge on the rights of the child including those affected by conflict-related sexual violence.