



JUST ATONEMENT INC.

justice
hope peace unity equal opportunity
golden age
progress sustainability democracy freedom
human rights harmony civilization

Just Atonement Inc.

119 W 24th Street, Second Floor
New York, New York 10011

Executive Director: [Dave Inder Comar](#)

Email: inder@justatonement.org

Telephone: [+1 646 600 5470](tel:+16466005470)

Just Atonement Inc. (JAI) is a global network of advocates who serve at the front lines in defending democracy, human rights, and a livable planet.

JAI invites and organizes legal professionals globally into a single order and aligns a vision of a peaceful, sustainable world, governed by the democratic rule of law; litigates in courts all over the world on cutting edge human rights cases to build peace and sustainability, and to defend democracy; and advocates for a vision of a true Golden Age for humanity: a world where countries settle their disputes peacefully, manage social and economic systems that are in harmony with the planet, and govern themselves through the principles of democracy, the rule of law, and human rights.

JAI submits this written submission with respect to the Universal Periodic Review of Timor-Leste.

Summary of Conclusions

1. Rising sea levels and an increase in the effects of climate change pose a major threat to life in Timor-Leste, endangering the lives and homes of citizens. Despite its commendable recognition of the threat posed by climate change and creation of a national adaptation plan, **Timor-Leste is not prepared for the effects of climate change and the imminent climate breakdown, and the lives of its citizens are in grave jeopardy as a result. Urgent action is needed to forestall immediate harm to the citizens of Timor-Leste because of the climate breakdown.**

2. As a small, mostly rural island nation, Timor-Leste's relative lack of infrastructure makes it particularly vulnerable to the effects of climate change. Many of the largest threats to the lives and well-being of Timor-Leste's citizens—food insecurity, lack of access to safe drinking water, and disease—will become more even dangerous as a result of climate change. Extreme weather events linked to climate change already pose a serious threat to the citizens of Timor-Leste, and this danger will increase as the climate breakdown progresses.

3. Since the restoration of independence in 2002, Timor-Leste has demonstrated a strong and commendable commitment to democracy and human rights. However, the effects of climate



change pose a grave threat to the nation's social, political, and economic systems, which, in turn, could undermine the fundamental rights of Timor-Leste's citizens.

4. Timor-Leste has made significant progress in supporting the rights of women and children, but substantial further progress is needed to ensure that the equal rights and well-being of vulnerable groups are adequately protected.

5. To ensure the continuing legitimacy of Timor-Leste's democratic systems, further reforms are needed to limit governmental impunity, prevent corruption, and preserve the right to due process and freedom of the press.

Analysis

Climate Change

6. As a small island nation, Timor-Leste faces serious imminent threats caused by climate change, both due to rising sea levels and as a result of the dangerous and unpredictable effects of climate change on the nation's economy, agriculture, and infrastructure.

7. The wellbeing of the citizens of Timor-Leste is critically endangered by the harm that climate change poses to agriculture in the region. More than 70% of Timor-Leste's population relies economically on rainfall-dependent agriculture, and 80% of the nation's crop production has no source of water other than rainfall. These agricultural practices will be disrupted by the effects of climate change on the region, which are projected to include hotter temperatures, unpredictable and highly variable rainfall, flooding, and sea level rise. The consequences of these effects on farming and agriculture are devastating; for example, during the unusually severe El Niño of 2016, hotter temperatures and shifts in rainfall patterns caused Timor-Leste's crop production to drop significantly, with rice production reduced by 57%.¹

8. Climate change threatens the food security of Timor-Leste's citizens. Although Timor-Leste's government has recognized food security as a key concern and has invested in agricultural infrastructure, the nation's existing crop production is not adequate to meet its citizens' nutritional needs.² Food security is one of the most pressing issues facing Timor-Leste, with approximately 36% of the population considered chronically food insecure.³ The harms caused by food insecurity include malnutrition and stunting of children's growth. As climate change disrupts Timor-Leste's agricultural system, the rate of food insecurity will increase, and the harms caused by food insecurity will be compounded.

9. Climate change threatens the water resources of Timor-Leste. Climate change leads to variable rainfall, droughts, and rising sea levels, which can cause saltwater intrusion into the

¹ USAID. *Climate Change Risk Profile - Timor Leste*, United States Agency for International Development, 2017.

² Food and Agriculture Organization of the United Nations (FAO). "Timor-Leste at a Glance." *FAO in Timor-Leste*, www.fao.org/timor-leste/fao-in-timor-leste/timor-leste-at-a-glance/en/.

³ Integrated Food Security Phase Classification (IPC). "Timor Leste: Chronic Food Insecurity Situation 2018-2023." *IPC Portal*, 30 Apr. 2018, www.ipcinfo.org/ipc-country-analysis/details-map/en/c/1151924/.



region's groundwater, making it unsuitable for use. Reduced access to safe drinking water can lead to an increased risk of water-borne diseases, including typhoid and diarrhea.

10. Climate change threatens Timor-Leste's coastal population and access to ocean resources. Rising sea levels and increased ocean temperatures increase the danger of storm surges near the coast and make artisanal fishing unfeasible by driving away fish populations.⁴ Increased temperatures in coastal regions also increase the area in danger of vector-borne diseases, including dengue and malaria.

11. Extreme weather events caused by climate change are a severe threat to the citizens of Timor-Leste. Because much of Timor-Leste's population is located in rural areas with little defense from extreme weather, weather events which can destroy housing and cause communities to be disrupted or displaced, like flooding and landslides, are particularly dangerous.

12. Urban areas of Timor-Leste are also vulnerable to extreme weather events. In April 2021, Severe Tropical Cyclone Seroja impacted over half of the population of Timor-Leste's capital city, Dili. Because Timor-Leste had not previously been in the range of extreme weather events of this type, the nation was unprepared for the cyclone, and infrastructure including the city's water systems was seriously damaged.⁵

13. In addition to the direct harm to individuals caused by extreme weather events, infrastructural damage worsens food and water insecurity and contributes to the risk of disease.

14. **The breakdown and collapse of the Earth's climate system is imminent and may have already commenced.** Timor-Leste must take appropriate steps to address climate change.

Recommendations

15. Article 25 of the Universal Declaration of Human Rights states that "everyone has the right to a standard of living adequate for the health and well-being of himself and of his family...". The UN General Assembly has recognized the human right to clean drinking water and sanitation in Resolution 64/292. The effects of climate change in Timor-Leste threaten to infringe on these human rights, as well the rights to life and self-determination. Therefore, the government of Timor-Leste must take measures to protect its citizens from the effects of climate change.

16. Timor-Leste has taken a pioneering role in recognizing the need for a comprehensive plan to respond to climate change. In June 2021, the nation finalized its National Adaptation Plan

⁴ See *supra* note 1.

⁵ "Timor-Leste's Most Destructive Floods in Recent Memory Likely Worsened by Climate Change." *Oxfam International*, 12 Apr. 2021, www.oxfam.org/en/press-releases/timor-lestes-most-destructive-floods-recent-memory-likely-worsened-climate-change.



(NAP) for climate change and submitted it to the UNFCCC secretariat.⁶ This plan identifies Timor-Leste's greatest points of vulnerability to climate change and sets out the priorities for the nation's response, including risk reduction and environmentally sustainable development. While the creation of the NAP is a significant step forward in addressing the risks posed by climate change, substantial action is still needed in order to protect the rights of its citizens from infringement. To that end, Timor-Leste should act to implement the goals of its NAP as submitted.

17. Timor-Leste should continue to pursue its domestic environmental agenda. Timor-Leste's legislative plan for 2021 includes the creation of a National Environmental Licensing Agency, along with new regulations focused on environmental education and responses to climate change. Where possible, Timor-Leste should proactively legislate in order to create sustainable, climate-resistant infrastructure, diversify its economy in order to reduce reliance on rainfed agriculture, and protect its citizens from the effects of extreme weather events.

18. Timor-Leste should solicit and accept support, education, and funding from other nations, international organizations, and civil society groups where feasible in order to strengthen its ability to manage the climate crisis, and to the extent that such partnerships are fair and reasonable to Timor-Leste.

19. To the extent such partnerships are fair and reasonable to Timor-Leste, Timor-Leste should continue working with Oxfam, UNDP, UNICEF, the Green Climate Fund, and other international groups to meet its humanitarian obligations and develop climate-resistant infrastructure, including the implementation of environmental conservatorship programs such as agroforestry and coastal conservation plans.

Women's Rights

20. Although Timor-Leste has made significant progress toward gender equality since independence, restrictive gender roles, *de facto* discrimination, and violence against women are still serious problems.

21. Timor-Leste's constitution calls for equality between men and women, and, as of the 2018 election, the proportion of female members in Timor-Leste's parliament was among the highest in the world; however, approximately 38% to 59% of women in Timor-Leste experience violence in their lifetimes,⁷ and the gender pay gap between men and women is the most severe of any country in the East Asia and Pacific region.⁸

⁶ United Nations Development Programme (UNDP). "Timor-Leste Submits Its National Adaptation Plan to the UNFCCC." *Climate Change Adaptation*, 20 June 2021, www.adaptation-undp.org/timor-lestesubmits-its-nap-to-the-unfccc.

⁷ "Government of Timor-Leste, European Union, and UN Launch Spotlight Initiative to End Violence against Women and Girls in Timor-Leste." *United Nations Timor-Leste*, United Nations, 5 Mar. 2021, <http://timorleste.un.org/en/99820-government-timor-lesteeuropean-union-and-un-launch-spotlight-initiative-end-violence-against>.

⁸ United Nations Development Programme (UNDP). "Gender Equality: UNDP in Timor Leste." UNDP, www.tl.undp.org/content/timor_lestee/en/home/gender-equality.html.



Recommendations

22. Timor-Leste has responded to recent criticisms of *de facto* discrimination against women by affirming its ongoing commitment to ending gender discrimination, promulgating laws to require female representation at the local government level, and approving a new National Action Plan on Gender-based Violence aimed at preventing violence and increasing women's access to support services and the justice system.⁹ Timor-Leste should continue these efforts to protect the rights of women and recreate its impressive gender parity in government at the local and individual level, particularly by creating opportunities for increased safety, political representation, and economic empowerment of rural women.

Children's Rights

23. Timor-Leste is a party to the International Convention on the Rights of the Child, but the exploitation and discrimination of children remains a serious problem. Especially in rural areas, child labor is a common practice, often including dangerous agricultural activities considered among the worst forms of child labor. Forced labor, human trafficking, and sexual trafficking and exploitation of children also remain serious problems.¹⁰

24. Violence against children, including domestic violence and sexual violence against girls and young women, remains common. The justice system of Timor-Leste currently provides very few methods for children to seek redress under the law.¹¹

Recommendations

25. Following criticism of its approach to children's rights, Timor-Leste created a National Action Plan for Children in 2017 and launched a national child labor survey, the results of which were released and analyzed in a report in 2019.¹² However, domestic legal protections for children remain inadequate, with significant gaps in enforcement that make effective implementation difficult.

26. In order to meet its obligation under the Convention on the Rights of the Child to protect the "inherent right to life" of the child and "ensure to the maximum extent possible the survival and development of the child", Timor-Leste should implement a comprehensive national plan to strengthen legal protections for children, give children greater access to the justice system, and create economic alternatives to child labor.

⁹ "Timor-Leste Steps It up: Affirms Ending Gender Discrimination an Ongoing Priority in Commitment to the SDGs and Beijing Platform for Action (Updated)." *UN Women*, www.unwomen.org/en/get-involved/step-it-up/commitments/timor-leste.

¹⁰ United States Department of Labor. "Findings on the Worst Forms of Child Labor - Timor-Leste." *Bureau of International Labor Affairs*, 2019, www.dol.gov/agencies/ilab/resources/reports/child-labor/timor-leste.

¹¹ "Child Protection and Child Participation." *UNICEF Timor-Leste*, 21 June 2021, www.unicef.org/timorleste/child-protection-and-child-participation.

¹² International Labour Organization and General Directorate of Statistics of Timor-Leste. International Labour Office, 2019, *Timor-Leste National Child Labour Survey 2016 - Analytical Report*.



Rule of Law and Freedom of the Press

27. As a pluralistic democracy with open, fair elections, peaceful transfers of power between parties, and a tradition of respect for civil liberties, Timor-Leste is in many ways a model of good government. However, despite these notable successes, Timor-Leste also struggles with corruption, impunity, and restrictions on the press, particularly at the level of local government and law enforcement.

28. Government representatives in Timor-Leste are perceived as operating with a high degree of impunity; their legal mandates are often unclear, and a lack of judicial personnel, resources, and infrastructure, especially in rural areas, makes claims of corruption, human rights abuse, and due process violations difficult for plaintiffs to bring in court. Although some police officers and soldiers have been successfully prosecuted for abuses of power, members of vulnerable and disadvantaged groups may be skeptical of the justice system's ability to protect them from discrimination.¹³

29. Freedom of the press has recently been a controversial issue in Timor-Leste. After widespread criticism, a proposed 2014 amendment to the nation's Media Code which would have created a government press council with the ability to sanction journalists was not adopted. However, in 2020, the minister of justice proposed a new law treating defamation as a criminal offense, which has faced opposition from media groups arguing that the new defamation laws could be used by corrupt government officials to suppress legitimate dissent and criticism.¹⁴

Recommendations

30. Article 19 of the International Covenant on Civil and Political Rights, to which Timor-Leste is a party, protects freedom of expression. Timor-Leste should not pass the proposed criminal defamation law, which would infringe upon citizens' freedom of expression by exposing them to criminal liability for criticizing public figures.

31. The United Nations Convention Against Corruption, to which Timor-Leste is a party, includes the obligation to "promote integrity, accountability and proper management of public affairs and public property". Therefore, Timor-Leste should act to limit corruption and impunity by government officials.

32. In 2020, Timor-Leste passed a new anti-corruption law, creating new guidelines for government officials and new criminal offenses for corruption. In addition to implementing these new laws, Timor-Leste should clarify public officials' legal mandates and develop its judicial infrastructure. These changes would help to ensure that citizens have the knowledge and ability

¹³ "Timor-Leste: Freedom in the World 2020 Country Report." *Freedom House*, 2020, <http://freedomhouse.org/country/timor-leste/freedom-world/2020>.

¹⁴ Guterres, Jonas. "Timor-Leste's Draft Defamation Law Will Make It Harder to Curb Corruption." *The Diplomat*, 11 Aug. 2020, <https://thediplomat.com/2020/08/timor-lestes-draft-defamation-law-will-make-it-harder-to-curb-corruption>.



to challenge government officials whose actions exceed their authority.

Acknowledgement

This submission was prepared by Dave Inder Comar (Stanford 2001, Stanford 2002, NYU School of Law 2005)

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