

Intervention by the Provedor for Human Rights and Justice
HR Day event – Inclusive Development as a Tool to ensure Equal Enjoyment for Human Rights
4 December 2013, Dili

Excellency, the President of National Parliament

Excellency, the President of the Court of Appeal

Excellency, the Minister of Justice

Excellencies, Members of National Parliament, the Judiciary, Government

Excellencies, Ambassadors and other member of the international community

Distinct representatives of civil society, the media, students

Representatives of the UN in Timor-Leste

Ladies and gentlemen,

Welcome and thank you all for coming to celebrate human rights day with us today.

Inisiativa ohin ne'e, ne'ebé hatama forsa hamutuk atu organiza eventu ne'e hanesan Governu, Instituisaun Nasionál Direitus Umanus nian no mós Nasoes Unidas, lori duni autór tolu ne'ebé iha knaar fundamentál ba iha área direitus umanus. Governu nu'udar ezekutivu sai nu'udar instrumentu Estadu atu implementa direitus umanus, atu estabelese no implementa polítika atu garante katak ema hotu-hotu bele duni goza sira-nia direitu. Provedoria iha knaar atu monitora implementasaun direitus umanus no ajuda Governu atu bele hametin mekanizmu implementasaun politika sira, liu-liu sira ho natureza sosiál no ekonómika. Ikus liu, Nasoes Unidas sai hanesan autor prinsipal, liu husi ninia orgaun sira no partisipasaun husi Nasaun hotu iha mundu tomak ne'e, Nasoes Unidas dezenvolve padraun internasionál direitus umanus, inklui Deklarasaun Universal Direitus Umanus no tratadu direitu labarik, ema ho defisiénsia no sira seluk. Partisipasaun husi Parlamentu Nasionál no mós sociedade sivil garante katak perspetiva ba kestaun direitus umanus ne'ebé ita hotu sei refleto ohin kompletu liután ho órgaun ho knaar lejislativu no sociedade sivil sira.

Last year I read an article which announced that, by 2015, Timor-Leste would have the highest number of doctors per population of any country in South East Asia, surpassing Malaysia and even Singapore¹. The next statistic I read however showed that there has been a progressive rise in malnutrition amongst children in Timor-Leste from 2002 until 2010².

¹ <http://www.theguardian.com/global-development/2012/jun/25/cuba-lifeblood-timor-leste-health-service>

² See, for example, Millennium Development Goal Secretariat, *Mid-Term Evaluation Report of Timor-Leste*, (November 2011)p2: "Malnutrition and under-nutrition remain at a high level and form an obstacle to

Many people were blaming this not on the lack of food, but on a lack of the variety of food types that farmers were growing and that people were eating. As I read more statistics, I saw that maternal mortality and infant mortality have both decreased by over 100% in ten short years³. However, poverty, one of the main causes for increased mortality rates, still encompasses over 40% of the population⁴. Access to education has increased by 30%, and illiteracy has decreased amongst adults and children⁵.

I trust that I am not the only one who gets puzzled when trying to understand the meaning of these statistics. I am using these statistics to remind all of us of how complex it is to 'develop' a country. We cannot just focus on the average country income or number of doctors to show Timor-Leste's development progress. Rather, we need to take a holistic approach to understand who such progress is reaching, whether any groups are being excluded from this progress and what state distribution mechanisms, such as transfer schemes or public goods, are needed to ensure equitable access and opportunities.

Ha'u fiar katak ha'u la'ós ema úniku iha ita nia soru-mutu ohin ne'ebé "fera ulun" atu bele koko komprende signifikadu husi estatística sira-ne'e.

Inclusive development is not just about equality of opportunity from a solely economic perspective, it also includes a human rights perspective that incorporates equality in the provision and access to public goods. The State must make efforts to ensure that a basic living standard for everybody in Timor-Leste is met. This does not mean that everybody has to have exactly the same access to all goods and services; it does however mean that a basic standard of health, education, shelter, nutrition and livelihood is met for every individual. By becoming a party to international treaties and through the rights expressed in our Constitution the Timorese State has a duty to provide these rights to every person. As we are all aware, the difficult part for every Government in every nation is ensuring that this does happen.

potential economic growth in Timor-Leste. Fifty-eight percent of children under the age of 5 are stunted (i.e. short for their age) including 33% who are severely stunted, a result of lack of adequate nutrition over an extended period and recurrent or chronic illness. Nineteen percent of children under the age of 5 are acutely malnourished (wasted or thin for their height) including 7% who are severely wasted. Prevalence of underweight (low weight for age) remains very high at 45 % which means an increase compared to 2003 when it was at 42% Moreover, 15% of children proved severely underweight. These figures show the severe state of young children and the high level of malnutrition across all three indicators."

³ See the Millennium Development Goals indicators - <http://mdgs.un.org/unsd/mdg/data.aspx> (maternal mortality 610 per 100,000 births in 2000, 300 per 100,000 in 2010, infant mortality under 1y/o – 87.3 per 1,000 in 1999, 47.8 in 2012)

⁴ Ministry of Finance Estimation (2009) – 41% - <https://www.mof.gov.tl/about-the-ministry/statistics-indicators/millennium-development-goals-indicators> , World Bank Figures (2007) 49.9% - <http://data.worldbank.org/country/timor-leste>,

⁵ See World Bank Statistics - <http://data.worldbank.org/country/timor-leste> – Primary School Enrolment (net) has risen from 67% in 2005 to 90% in 2012. Literacy total for those aged 15 and over in 2001 -38.6%, in 2011 – 58.3%. literacy amongst young people 15-24 is now at 80%

Part of such inclusive development is the provision of positive rights to vulnerable and specifically targeted groups. There are a number of promising initiatives which has inclusive development as one of its aim. Currently, Timor-Leste provides for a number of social assistance schemes for vulnerable groups, including pensions for the elderly, people living with disabilities, grants for teenage mothers to allow them to continue their education, MDG housing scheme, education allowances for those with economic vulnerabilities, including widower of Timor-Leste martir as well as the mother's grant (*bolsa da mae*). In Timor-Leste the policy is to provide free primary and secondary education for all. Access to tertiary education has been improved, including with the provision of University grant allowances.

Another important aspect of inclusive development is improving gender equality and Timor-Leste has created many gender inclusion policies to take this into account. These have resulted in there being a strong ratio of girls to boys in primary school, the highest number of female members of parliament in South-East Asia and a high proportion of women in the armed forces and police. These are again amongst the highest proportions in the world.

Since independence, serious efforts have been made to address other gender inequalities through policy reform, legislation, institutional mechanisms and public awareness campaigns. Despite this traditional gender biases affect all aspects of life in Timor-Leste as you can see from the higher illiteracy and mortality rates for women. Timor-Leste's government freely admits that these problems exist and there are programmes in almost all areas to try and resolve these violations of economic, social and cultural rights.

Timor-Leste also takes very seriously the recommendations that come from the UPR and the Treaty Body Committees. In the last review by the CEDAW Committee there were several recommendations relating to education, in particular equal access to education for girls at all levels. Straight after the recommendation was released the Government implemented a programme of Student Grants that were targeted at giving an equal number of women access to third level education at bachelor and masters level.

As you might also know, the government has also implemented a policy which allows pregnant girls stay in secondary school even after they have given birth. This also represents a step in the right direction to implement a CEDAW recommendation. This programme is also interesting because it gives pregnant teenagers in their final year of secondary school the chance to defer from taking their final exam for one year after they have given birth.

Policies such as these are the essence of what I call a human rights approach to development and what the UN thinks of as inclusive development. This inclusive development aims to ensure that people are not excluded from the benefits of development because of age, gender, disability, ethnicity, poverty, residence or sexual orientation. Inclusive development also works towards ensuring that Government policies are not just aimed at economic growth to benefit the richest people in Timor-Leste.

If the benefits of economic growth are concentrated in the hands of those that are already rich and powerful or to make a few become richer, while the vast majority remain in poverty, Timor-Leste will continue to suffer from various 'unfreedoms' as Amartya Sen once said. A human rights based approach to development takes into account pro-poor strategies that ensure that poverty and income inequality are tackled, including dealing with their symptoms such as unemployment, illiteracy, gender inequality and poor health. In reality, this goes much further than safety net system of welfare benefits. An inclusive development system should focus on State led strategies that respond to the imperatives of equality and social justice through nurturing economic growth, mass employment, social inclusion, the satisfaction of people's basic needs and the provision of socio-economic rights for the vast majority of the population. Is this wishful thinking? Perhaps, but I remember our Prime-Minister's speech from a recent conference organised by the IMF which stated that Timor-Leste needs to find its own solutions to its own problems, while learning from the development history of other countries in Asia. I trust that as a Timorese, we all aspire to ensure that everyone can benefit equally on the progress of our development. As Knut has already mentioned, Timor-Leste's Strategic Development Plan sets out a pathway to long-term, sustainable, inclusive development for the country. Short, medium and long-term targets have been included and these targets have indicators that can show us whether we are going in the right direction or not.

Timor-Leste can also make use of a number of international measurement tools to monitor inclusive development progress. I am sure everybody knows about the Human Development Index. An improvement of HDI is not only dependent on increased GDP, it must also show improvements in a number of other areas, including educational standards such as literacy and enrolment levels as well as health standards such as mortality rates.

The Millennium Development Goals is an important tool for measuring human rights progress. In my own opinion, MDGs are good at measuring development improvements for two reasons. The first is that they look at improvements from a non-income and economic perspective. Just because a country's GDP is rising, it does not mean that the average person has felt any improvements to their well-being. The second reason why they are so important for a NHRI is because of the interrelatedness of each of the MDG's, both to each other and also in the manner in which they enforce the indivisibility of our civil, cultural, economic, political and social rights. Will a hungry child properly benefit from a day's schooling? Will a child born into an unhealthy environment without clean drinking water really enjoy a healthier life or merely make more use of improved healthcare facilities? The MDG's are the first time that such issues have been considered on an global level. I can only hope that Timor-Leste's improvements in areas such as decreased maternal mortality is followed by public spending to ensure improvements in areas such as decreases in the levels of poverty so that all Timorese can fully avail of the benefits that meeting the MDG's will bring.

Ladies and Gentlemen,

The PDHJ represents as a bridge between the public institutions and the community, including, civil society organisations. In fact the PDHJ is an important public institution which can support inclusive development, by hearing concerns from individuals and attempting to ensure that the community at large also participate in the development of the country. Our door is always open to individuals and civil society groups who think we might be able to assist them in ensuring that public institutions meet their obligations. The PDHJ is always willing to learn from our colleagues in civil society. The PDHJ, being a NHRI, needs to find a balance between public and “out-of-public” advocacy strategies with public institutions. Sometimes we need to take steps which are out of the public light in order to support changes in Government policies and strategies.

Ladies and Gentlemen,

Development can only be inclusive if all groups participate in decision making and have their voices reflected in the development of public policies or strategies. The reality shows that public widespread participation is one definite way to ensuring that benefits from a public policy are shared fairly. Human rights based approaches that encompass participation, accountability and non-discrimination have a huge role to play in ensuring that vulnerable group’s voices are heard by policy makers.

Timor-Leste is a society based on very strong community values. However, I trust that we can make the effort to be a more egalitarian society. We often do not use words such as “discrimination” publicly but the reality is that many people in Timor-Leste, due to their level of education, their place of residence, their civil status, their physical capacity, health condition, amongst others are discriminated against and do not fully enjoy their human rights the way others do. Timor-Leste needs to ensure that equality is at the centre of our policies, laws and strategies, and that people are treated equally and fairly by public institutions, by our colleagues and our neighbours.

Before I finish I would like to remind you again of the important role that inclusive approaches to public policy and development strategies play. Human rights violations, from poverty through to illiteracy and discrimination not only exist in almost every country in the world today they can persist and furthermore be created in these countries because of narrow, economic growth based approaches to development. Such approaches lead to structural and institutional inequalities which in turn perpetuate economic, political and social inequalities.

To see the long term effects of this we need only look towards the uprisings that recently occurred in the Middle East. It is important that everybody gathered here today incorporates inclusive human rights based approaches to development into their policies and strategies. It is only through such an approach that we can create an equal society, that

not only prevents deprivation, but perhaps will also allow all of our grandchildren, if not our children, to enjoy their human rights on an equal basis and realise their full human potential.