

Timor Leste: The Provedoria dos Direitos Humanos e Justiça (PDHJ)

Recommendation: The SCA recommends that the PDHJ be re-accredited with **A** status.

The SCA notes the efforts of the PDHJ to promote and protect human rights in Timor-Leste. The SCA encourages the PDHJ to continue these efforts including strengthened responses to gender-based violence (GBV), close working relationships with CSOs, and strengthening of accountability of the military and police.

The SCA highlights that NHRIs that have been accredited A status should take reasonable steps to enhance their effectiveness and independence, in line with the Paris Principles and implement the recommendations made by the SCA during each review.

The SCA notes:

1. Selection and appointment of the Provedor

Article 12 of Law 7/2004 requires the Parliament to publicly call for candidates for Provedor. The PDHJ states that in practice, prior to the creation of a shortlist, the Parliament disseminates the notice among stakeholders and consultations take the form of written submissions to the Parliament. Whilst the SCA notes that the PDHJ has adopted a Normative Order formalizing the participation of CSOs in the appointment of Deputy Provedors, the same mechanism is not available for the selection and appointment of the Provedor.

The SCA considers that the process currently enshrined is not sufficiently broad and transparent. In particular, the selection and appointment process of the Provedor does not formalize broad consultations and/or participation of CSOs and other diverse groups. The SCA is of the view that involvement of civil society organizations should be formalized, for example by directly soliciting proposals from civil society, or allowing civil society to directly participate in the evaluation process.

The SCA encourages the PDHJ to advocate for the formalization and application of a process that includes a requirement to promote broad consultation and/or participation of CSOs in the application, screening, selection and appointment process of the Provedor.

The SCA refers to Paris Principle B.1 and to its General Observation 1.8 on 'Selection and appointment of the decision-making body of NHRIs'.

2. Pluralism and gender parity

Whilst the number of female staff in managerial positions has increased from 29% to 59%, the SCA observes the absence of people with disability in the PDHJ staff and the lower number of women in the regional offices.

The SCA reiterates that a diverse decision-making and staff body facilitates the NHRI's appreciation of, and capacity to engage on, all human rights issues affecting the society in

which it operates and promotes the accessibility of the NHRI for all citizens. Consideration must be given to ensuring pluralism in the context of gender, ethnicity or minority status.

The SCA encourages the PDHJ to continue to establish measures to support pluralism and diversity through its staff complement including ensuring gender balance and the participation of persons with disability.

The SCA refers to Paris Principles B.1 and to its General Observation 1.7 on 'Ensuring pluralism of the NHRI'.

3. Recommendations by NHRIs

Article 47 of the PDHJ Statute directs relevant authorities in receipt of PDHJ recommendations to provide an update after 60 days on the extent that recommendations have been acted upon. The SCA commends the substantial number of PDHJ recommendations that were implemented from 2018-2022 and that the PDHJ has tasked full-time staff with monitoring follow-up to recommendations from relevant authorities.

The SCA is of the view that in fulfilling its protection mandate, NHRIs should undertake rigorous and systematic follow-up activities to promote and advocate for the implementation of its recommendations and findings, and for the protection of those whose rights were found to be violated.

The SCA encourages the PDHJ to continue strengthening the follow up and implementation of its recommendations, including through the full implementation of Article 47 of its Statute.

The SCA refers to Paris Principles A.1, A.2, A.3 and to its General Observation 1.6 'Recommendation by NHRIs'.

4. Financial autonomy

Article 11(2) of the PDHJ Statute provides that the budget for the Office shall be prepared, approved and managed in accordance with the Law. The PDHJ states that, in practice, in the consideration of its budget, it appears before the Budget Review Committee (BRC) consisting of the Prime Minister and several Ministers to defend its proposal. The PDHJ indicates that the BRC may reduce the budget based on priorities and performance on previous budget execution. While the BRC does not have the right to suggest the type of activities the PDHJ can undertake, the SCA is concerned that under the budget adoption process the BRC has the power to revise the proposal prior to its presentation to Parliament. The SCA also notes information from the PDHJ that it has previously advocated with Parliament that it be allowed to manage and propose its budget independently in accordance with the PDHJ Statute, but as with all state institutions they are required to submit proposals as required by the State budget Law.

The SCA emphasizes that, to function effectively, an NHRI must be provided with an appropriate level of funding in order to guarantee its independence and its ability to freely determine its priorities and activities. It must also have the power to allocate funding according to these priorities.

Accordingly, the SCA encourages the PDHJ to advocate for appropriate modifications to applicable administrative procedures to ensure that its independence and financial autonomy is guaranteed. The SCA also recommends that the PDHJ advocate for adequate funding necessary to ensure that it can effectively carry out its mandate including enhancing accessibility of its offices.

The SCA refers to Paris Principle B.2 and to its General Observation 1.10 on 'Adequate funding of NHRIs.