



**FLOWERS IN THE WALL**  
**Truth and Reconciliation in Timor-Leste, Indonesia, and Melanesia**  
by David Webster

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## Human Rights and Truth

FERNANDA BORGES

*This chapter is the text of a speech by former Member of Parliament Fernanda Borges, delivered on the occasion of United Nations Human Rights Day, 2010. Borges was at the time a member of the Timorese National Parliament and president of Parliamentary Committee A, responsible for justice and constitutional issues.*

I must begin by saying that through our struggle for Timorese 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 "first

generation rights.” That alone is not enough. We must 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 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 them. The “fear factor” has pushed us to 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 in parliament, I was 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, which 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!* report, 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 of 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 victims, which cannot be measured in economic or monetary terms. Cost should be viewed from 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.

Further, reparations are an investment because the finite number of vulnerable victims between the age group of thirty to sixty-five 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 reparations program now, we would effectively cap 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 vulnerable victims 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 affect 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, if we do not make this investment, studies also reveal that victims of violence remain traumatized and unable to work. Perpetrators used to violent behaviour 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 victims' rights to truth, justice, and reparations, the state is also not guaranteeing non-repetition of past atrocities. Economic sustainability will be better guaranteed if we can assist the victims to put the past behind them 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 cover all aspects of life, that they are indivisible and interdependent. In this sense, addressing poverty by meeting the United Nations Millennium Development Goals is important, because it is part of human rights. Our past success in achieving our human rights is really attributable 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. People's 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 development, 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 are freed from the poverty trap.

Finally, I am proud that Timor-Leste was successful in gaining a seat on the CEDAW (Convention on the Elimination of All Forms of Discrimination Against Women) committee and then 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.