

UNITED NATIONS INTEGRATED MISSION IN TIMOR LESTE

# HUMAN RIGHTS STANDARDS AND PRACTICE FOR LAW ENFORCEMENT IN TIMOR LESTE



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OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS



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IN TIMOR LESTE**



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## Note

This guide is designed to be a readily accessible and portable reference for police officers. It is organized into major human rights topics of concern to the police, such as investigations, arrest and detention, use of force and protection of vulnerable population

Under each topic, there is a section summarizing the relevant international human rights standards (in blue), followed by the relevant legislation in Timor-Leste (in red), and a “practice” section containing recommendations for applying those standards (in green).

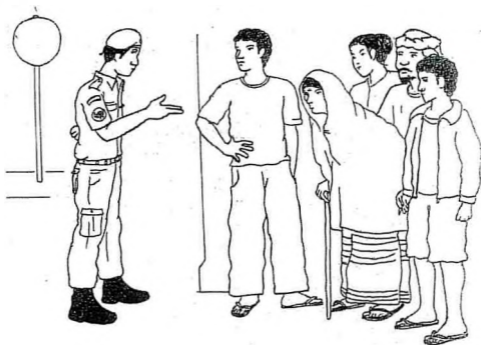
The source of the human rights standards and practice is the Expanded Pocket Book on Human Rights for the Police, compiled by OHCHR. The contents on Timor-Leste’s legislation and “practice” sections are the product of the training working group of 2007 (UNMIT Human Rights and Transitional Justice Section, Legal Affairs Unit, UNICEF, UNIFEM, UNFPA and UNHCR). Recent amendments were made to the information by UNMIT Human Rights and Transitional Justice Section.

# UN Code of Conduct for Law Enforcement Officials

1. Always fulfill the duty imposed on you by law, by serving the community and protecting all persons against illegal acts.
2. Respect and protect human dignity and maintain and uphold the human rights of all.
3. Only use force when strictly necessary and to the extent required.
4. Keep matters of a confidential nature confidential, unless the performance of duty or the needs of justice strictly require otherwise.
5. Never torture or inflict cruel, inhuman or degrading treatment.
6. Ensure full protection of the health of all persons in your custody.
7. Do not commit any acts of corruption.
8. Respect the law and the present code of conduct and prevent and oppose any violations thereof.



## Non-Discrimination in Law Enforcement



All persons are equal before the law, and are entitled, without discrimination, to equal protection of the law.

Police shall not unlawfully discriminate on the basis of race, gender, religion, language, color, political opinion, national origin, property, birth or other status.

Become familiar with the community you serve.

Meet with leaders and representatives of various

# Non-Discrimination in Law Enforcement

ethnic and racial communities.

Participate in foot patrols and community service activities in ethnically diverse neighborhoods.

Speak out against ethnic or racial stereotyping in the community, and in the police station.

Participate in ethnic/race-relations training programmes offered by your service.

Speak to minority group members in the communities you serve, to learn their needs, complaints and suggestions. Be sensitive and responsive.



## Investigations, Interviews and Searches

Everyone has the right to security of the person.

Everyone has the right to a fair trial.

Everyone is to be presumed innocent until proven guilty in a fair trial.

No one shall be compelled to confess or to testify against him or herself.

No one shall be subjected to unlawful attacks on his or her honor or reputation.

No one shall be subjected to arbitrary interference with his or her privacy, family, home or correspondence.

Neither arbitrary, nor unduly intrusive, investigatory activities shall be permitted.

Investigations shall be competent, thorough, prompt and impartial.

Crime scenes shall be carefully processed, and evidence carefully collected and preserved.

# Investigations, Interviews and Searches

No pressure, physical or mental, shall be exerted on suspects, witnesses or victims in attempting to obtain information.



Torture and other inhuman or degrading treatment is absolutely prohibited.

Victims and witnesses are to be treated with compassion and consideration.

Confidentiality and care in the handling of sensitive information are to be exercised at all times.

## Investigations, Interviews and Searches

**Maximum duration** of inquiry from time report of crime is received (Art.224, 232 CPC)

- a) 6 months if accused is in detention. If case very complex, Prosecutor can extend once only with 6 months; or
- b) 1 year if no-one is in detention. In complex case, Prosecutor can extend with 1 more year.

**Searches** (Art. 56, 168-171, 226 CPC)

**General rules for searches of persons, items or places:**

1. with order from Judge (copy to be given to person concerned); or
2. without order from Judge (Judge needs to be immediately informed after search) only:
  - a) when written consent from person concerned; or
  - b) in case of *flagrante delicto* in relation to offence carrying imprisonment as a sentence; or

# Investigations, Interviews and Searches

- c) in urgent matters when strong suspicion that items relating to criminal offence are hidden and delay might lead to modification, removal or destruction or pose danger to safety of persons and goods.

Report of search should be made immediately (unless no object found) and should be signed by person concerned.

## **Special rules for body searches Body searches**

should respect dignity of person being searched. Women to be searched by women, men by men (UN Human Rights Committee).

# Investigations, Interviews and Searches

## Special rules for searches of homes

If you need to search a home (inhabited building), you should do so:

- a) during the day (between 6am and 8pm); and
- b) with a warrant from the Judge



## Investigations, Interviews and Searches

You can, however, search a house without a warrant, if you get written consent from the person concerned (occupant of house).

In general, do not search houses at night

### **Two exceptions:**

- a) if you get *written consent* from occupant; or
- b) if there is threat to life or physical integrity of someone in the house.

## Investigations, Interviews and Searches

Treat all suspects as innocent persons, politely, respectfully and professionally.

Before proceeding to any investigatory action, ask yourself: Is it legal? Will it hold up in court? Is it necessary? Is it unduly intrusive?

Know the community to which you are assigned.

Develop proactive strategies for preventing crime, including through awareness of risks existing in your community.

## Arrest

Everyone has the right to liberty and security of the person and to freedom of movement.

No one shall be subjected to arbitrary arrest or detention.

No one shall be deprived of his or her liberty except on such grounds and in accordance with such procedures as are established by law.

Anyone who is arrested shall be informed, at the time of the arrest, of the reasons for his or her arrest.

Anyone who is arrested shall be promptly informed of any charges against him or her.

Anyone who is arrested shall be brought promptly before a judicial authority.



# Arrest

Anyone who is arrested has the right to appear before a judicial authority for the purpose of having the legality of his or her arrest or detention reviewed without delay, and shall be released if the detention is found to be unlawful.

Anyone who is arrested has the right to trial within a reasonable time, or to release.

All arrested or detained persons shall have access to a lawyer or other legal representative and adequate opportunity to communicate with that representative.



A record of every arrest must be made.

The family of the arrested person shall be notified promptly of his or her arrest and place of detention.

No one shall be compelled to confess or to testify against himself or herself. Where necessary, an interpreter shall be provided during interrogation.

## Arrest

**Arrest** (Art.218 – 220, 194 CPC))

1. with warrant, from Judge (copy to be given to accused);
2. without warrant, only:
  - a. in *flagrante delicto* (crime is being committed or has just been committed); or
  - b. for crimes punishable with > 3 years imprisonment; and if there are indications that the suspect is preparing strong to escape legal action; and if emergency or dangerous situation arises where one can not wait for judge to issue warrant

# Arrest

## **RIGHTS OF ACCUSED** (Art. 60, 63, CPC and Section 30 Constitution)

Be immediately informed, in a clear and precise manner, of reasons for arrest or detention;

Be immediately, and at any time when asked to make statements, informed of his/her rights;

To contact, and freely communicate, with lawyer;

To contact, and inform, family member(s) or another person of his/her arrest;

To freely decide to make, or not to make, statements;

Be free from torture and other inhuman treatment;

Appeal any unfavourable decision; and

To be promptly brought before a judge (within a maximum period of 72 hours from time of arrest).

# Arrest

## **REQUESTING IDENTITY OF SUSPICIOUS PERSON** (Art. 53, CPC)

Police may request identity of person if suspicion that s/he is preparing to commit or has committed a crime.

If the person cannot/does not identify him/herself, the police shall take person immediately to nearest police station for identification (fingerprinting, photographing etc.).

The person should be released within 12 hours, unless there are grounds for detention.

# Arrest

Review regularly, for a clear understanding, your powers of arrest and the procedures to adopt upon, and following, arrest.

Participate in training to develop and maintain the necessary interpersonal skills, especially communication skills, to enable you to effect arrests expertly, discreetly and with due respect for human dignity.

Where resistance is not evident, attempt calm, polite, disarming language when effecting an arrest, resorting to strong, authoritative tones only when necessary.

Develop and maintain skills in the use of handcuffs and other means of restraint.

Develop your self-confidence, including through self-defence skills.

Seek an arrest order/warrant whenever possible.

Carry a small card in your uniform, setting out the rights of an arrestee, and read those rights, verbatim, to the arrestee once he or she has been secured.

Study conflict-resolution techniques, through in-service training or community education programmes.

## Detention

Detained persons shall be held only in officially recognized places of detention, and their family and legal representatives are to receive full information.

In places of detention, children are to be separated from adults; women from men; and unconvicted persons from convicted persons.

Decisions about the duration and legality of detention are to be made by a judicial or equivalent authority.



# Detention

The detainee shall have the right to be informed of the reason for detention and any charges against him or her.

Detainees have the right to contact with the outside world, to visits from family members, and to communicate privately and in person with a legal representative.

Detainees shall be kept in humane facilities.

The religious and moral beliefs of detainees shall be respected.

Every detainee shall have the right to appear before a judicial authority, and to have the legality of his or her detention reviewed.

The rights and special status of women and juvenile detainees are to be respected.

No one shall take advantage of the situation of a detained person to compel him or her to confess or to otherwise incriminate himself or herself or another person.

Measures for discipline and order shall be only those set out in law and regulations, shall not exceed those necessary for safe custody, and shall not be inhumane.

## Detention

Study the entry, review and assessment records of all detainees, to be aware of persons at risk.

Study and employ modern best practice techniques for interviewing.

Wear a clearly visible identity badge at all times.

Do not enter the facility carrying a firearm, except to transport a detainee outside.

Carry out regular, periodic checks of detainees, to ensure safety and security. Facilitate the use of recreational materials, books and writing materials.

Consult closely with medical personnel on all matters of diet, restraint and discipline.

Report immediately any suspicion of mistreatment of detainees – physical or mental.

Never use restraint instruments for punishment. Use them only where necessary, to prevent escape during transfer; on certified medical grounds, or on the order of the Director where other methods have failed, for the purpose of preventing injury to the detainee or others, or damage to the facility. Carefully study rules on the use of force.

## Use of Force

Non-violent means are to be attempted first.

Force is to be used only when strictly necessary but with restraint.

Force is to be used only for lawful law enforcement purposes.

No exceptions or excuses shall be allowed for unlawful use of force.

Use of force shall always be proportional to lawful objectives.



Damage and injury are to be minimised.

A range of means for differentiated use of force is to be made available. All officers are to be trained in the use of these various means of differentiated use of force, including the non-violent means.

## Permissible Circumstances for the Use of Firearms

Firearms are to be used only in extreme circumstances and only:

- in self-defense or defense of others against imminent threat of death or serious injury;  
or
- to prevent a particularly serious crime that involves a grave threat to life;  
or
- to arrest or prevent the escape of a person posing such a threat and who is resisting efforts to stop the threat;  
and
- in every case, only when less extreme measures are insufficient.

Intentionally lethal use of force and firearms shall be permitted only when strictly unavoidable in order to protect human life.



## Accountability for the Use of Force and Firearms

All incidents of the use of force or firearms shall be reported to and reviewed by superior officials.

Superior officials shall be held responsible for the actions of police under their command if the superior official knew or should have known of abuses but failed to take concrete action.

Officials who refuse unlawful superior orders shall be given immunity.

Officials who commit abuses of these rules shall not be excused on the grounds that they were following superior orders.

## Procedures for the Use of Firearms

The officer should:

- identify himself or herself as a police official;
- give a clear warning; and
- allow adequate time for the warning to be obeyed

**but**

This shall not be required if the delay would result in death or serious injury to the officer or others or if it is clearly pointless or inappropriate in the circumstances to do so.

### **After the Use of Firearms**

Medical aid is to be rendered to all injured persons.

The relatives or friends of those affected are to be notified.

Investigations are to be allowed where requested or required.

A full and detailed report of the incident is to be provided.

## Use of Force and Firearms

Enrol in training programmes to improve your skills in first aid, self-defence, the use of defensive equipment, the use of non-lethal instruments, the use of firearms, crowd behavior, conflict resolution, and personal stress management.

Acquire and practice the use of shields, defensive vests, helmets and non-lethal instruments.

Acquire, practice and utilise a range of means for the differentiated use of force, including non-lethal incapacitating weapons.

Participate in stress-counseling activities.

Carefully store and secure all firearms issued to you. Assume that every firearm is a loaded firearm.

Study and employ techniques for persuasion, mediation and negotiation.

Plan in advance for the gradual, progressive, use of force, beginning with non-violent means.

## Civil Disorder

Be alert as to the physical and mental state of your colleagues, and intervene where necessary to see that they receive appropriate care, counseling or training.

All measures for the restoration of order shall respect human rights.

Any limitations on rights shall be only those determined by law.

Any action taken, and any limitations on rights, shall be solely for the purpose of securing respect for the rights and freedoms of others, and for meeting the just requirements of morality, public order and the general welfare of the public.

Any action taken and any limitations on rights shall be only those consistent with the requirements of a democratic society.

No exceptions are permitted with regard to:

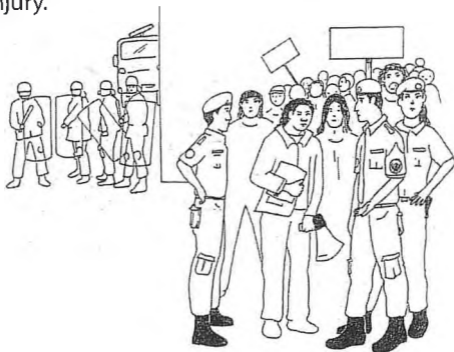
- the right to life;
- the right to freedom from torture;
- the prohibition of slavery;
- the prohibition of imprisonment for failure

# Civil Disorder

- to fulfill a contractual obligation;
- the prohibition on *ex post-facto* laws;
- the recognition of everyone as a person before the law; and
- the right to freedom of thought, conscience and religion

Force applied shall be proportional to the lawful law enforcement objectives.

Every effort shall be made to limit damage and injury.



## Civil Disorder

No unnecessary limitations on the right to free speech, assembly, association or movement shall be imposed.

No limitations shall be imposed on freedom of opinion.

The independent functioning of the judiciary shall be maintained.

All wounded and traumatized persons shall be immediately cared for.

Adopt community policing strategies, and monitor levels of social tensions between various groups in society, and between those groups and the authorities.

Be alert as to any preparations for unlawful demonstrations.

Be tolerant of unlawful, but peaceful, non-threatening assemblies, so as not to escalate the situation unnecessarily.

Establish contacts with representatives and individuals in the crowd.

Where it is necessary to disperse a crowd, always leave a clear and obvious corridor of escape.

# Civil Disorder

## HUMAN RIGHTS PRACTICE

Deal with a crowd as a group of independently thinking individuals, not as a single-minded mass.

Avoid unnecessarily provocative tactics.

Develop crowd-control techniques which minimize the need for the use of force.

Enrol in training programmes to improve your skills in first aid, self-defence, the use of defensive equipment, the use of non-lethal instruments, the use of firearms, crowd behavior, conflict resolution, and personal stress management.

Acquire and practise the use of shields, defensive vests, helmets and non-lethal instruments.

Acquire, practise and utilize a range of means for the differentiated use of force, including non-lethal incapacitating weapons.

Study and employ techniques for persuasion, mediation and negotiation.

Plan in advance for the gradual, progressive use of force, beginning with non-violent means.

## Protection of Children

Children are to benefit from all the human rights guarantees available to adults. In addition, the following rules shall be applied to children:

- Children shall be treated in a manner which promotes their sense of dignity and worth; which facilitates their reintegration into society; which reflects the best interests of the child; and which takes into account the needs of a person of that age.



- Children shall not be subjected to torture; to cruel, inhuman or degrading treatment or punishment; to corporal punishment; or to life imprisonment without chance of release.

## Protection of Children

- Detention or imprisonment of children shall be an extreme measure of last resort, and detention shall be for the shortest possible time.
- Children shall be separated from adult detainees.
- Detained children shall receive visits and correspondence from family members.
- A minimum age for criminal responsibility shall be established.
- Non-judicial proceedings and alternatives to institutional care shall be provided for.
- The child's privacy shall be respected, and complete and secure records are to be maintained and kept confidential.
- The use of physical restraints and force on children shall be exceptional, employed only when all other control measures have been exhausted and failed, and shall be employed for the shortest possible time.

## Protection of Children

- Weapons shall not be carried in juvenile institutions.
- Any discipline shall be with regard for respect of the child's dignity, and shall instill a sense of justice, self-respect and respect for the human rights of the child.
- Officials dealing with juveniles shall be specially trained and personally suited for that purpose.
- Periodic, as well as unannounced, visits by inspectors to juvenile facilities shall be provided for.
- Parents are to be notified of any arrest, detention, transfer, sickness, injury or death.

## Protection of Children

### WHO IS A CHILD?

Every human being under the age of 18 is considered a child, regardless of status, such as marriage and motherhood etc. (CRC, Art. 1)

### WHY DO CHILDREN HAVE A RIGHT TO SPECIAL TREATMENT?

Children are more vulnerable than adults and therefore have a right to special protection in order to ensure that their rights are being upheld.

Children are still growing and learning and may not be mature enough to take responsibility for their actions.

Therefore, children have a right to be given other opportunities or alternatives for reintegration into the family and community, and not be punished in the same way as adults.

**Whenever you encounter a case of child abuse or a child at risk, contact:**

- **Vulnerable Persons Unit (UNPOL/PNTL): 7231305 and**
- **DNSS Child Protection Unit: 7274156**

# Protection of Children

## **Always keep in mind when dealing with children:**

- Law enforcement personnel have an obligation both to respect children and not violate their rights AND to actively protect them against violations by others.
- Law enforcement personnel have been both protectors and violators of children's rights in recent conflicts.
- Law enforcement officers have a responsibility to protect children and to be a good role model for children at all times.

## **How to deal with a child who is a victim of child abuse?**

- In dealing with a child victim of any form of violence, neglect, exploitation, or abuse, law enforcement officials must seek assistance from the National Division of Social Services (DNSS) to ensure that the child receives prompt and appropriate care and protection.

## Protection of Children

- If the child needs immediate medical attention, provide the necessary transportation and accompany the child to the hospital or health clinic and report the matter to DNSS.

### **How to deal with a child who is at risk of abuse?**

- When a law enforcement official witness or receive reports of a child at risk of abuse, similar investigative procedures shall be utilized as those when investigating a report of child abuse.
- However, many at risk children may not have been the victims of a criminal offence, but due to many factors, including lack of parental guidance the child may be at risk of harm.
- A law enforcement official shall not take collective action where the case involves a group of children (e.g. group of street children).

## Protection of Children

- Each child must be treated as an individual and the circumstances must be individually ascertained before providing any intervention.

For more detailed information on how to respond to a case of child abuse or a case of a child at risk, see the *Police Rules of Operation and Procedure: Investigating Child Abuse and Children at Risk of Abuse*.

Whenever you encounter a case of child abuse or a child at risk, contact the **vulnerable persons unit: 723 1305** and the **DNSS Child Protection unit: 727 4156**

## Protection of Children

### What is “criminal responsibility?”

“Criminal responsibility” is when a person can be held legally accountable for his/her actions and therefore may be subject to criminal proceedings (CRC, Art. 40, 3 (b)).

### What is the age of criminal responsibility in Timor-Leste?

There is no domestic law regulating the age of criminal responsibility in Timor-Leste yet.

In Timor-Leste, the age of criminal responsibility is 16. Children under 16 cannot be arrested, not prosecuted (Art. 20 Timor-Leste Criminal Code (TLCC))

## Protection of Children

### How to deal with a child who has committed a crime or is suspected of having committed a crime?

The Timorese Criminal Procedural Code does not provide for specific procedures for young offenders, aged between 16 to 21.

According to the draft Timorese Criminal Code, this will be regulated under a specific juvenile justice legislation which is yet to be developed.

As a consequence, all rules in the Criminal Procedure Code apply to young offenders, while their implementation should take into account the vulnerability of a child and the best interest of the child, as required under international law.

#### Therefore:

- Immediately **inform the Office of the Prosecutor** about any arrest (Criminal Procedural Code Art. 222, 223); and
- Immediately **contact the National Division of Social Services (DNSS)** who will assist in identifying the name and age of the child.

## Protection of Children

Depending on the age of the child, the Office of the Prosecutor or DNSS will either accompany the child home and follow up the case, or accompany the child through any legal proceedings

**A child under the age of criminal responsibility should not be detained!** When in doubt about the age of a child, you must assume that the child is below the age of criminal responsibility. However, a child who commits a serious crime must be referred to the DNSS for assessment and case management.

For more information on how to deal with young offenders, see the ***Police Rules of Organization and Procedure: Juvenile Procedures***.

Whenever you arrest a child immediately ***inform the Prosecutor and call the DNSS Child Protection Unit: 7239589***

For more information on the Protection of Children, call **UNICEF Child Protection Section: 7231104**

## Protection of Children

Enrol in specialized training on the effective and humane treatment and care of juvenile offenders.

Participate in educational programmes for children to help in preventing juvenile crime and juvenile victimization.

Get to know the children in your duty area, and their parents.

Be alert to places and adults presenting criminal risks, and to the presence of children in such places or in contact with such adults.

If children are seen away from school during school hours, investigate and notify parents and school authorities.

Promptly investigate any evidence of neglect or abuse of children in their homes, communities or police facilities.

Meet regularly with social workers and medical professionals to discuss children's issues relating to your work.

## Protection of Children

For non-serious crimes, return juvenile offenders to parents or social agencies.

Keep all records pertaining to children in separate and secure storage.

Report to superiors any information indicating that a colleague is not appropriately suited to deal with juveniles.

## Protection of Women

Women are entitled to the equal enjoyment and protection of all human rights in the political, economic, social, cultural, civil and all other fields.

Violence against women, in all its forms, violates and impairs or nullifies the enjoyment by women of human rights and fundamental freedoms.

Police shall exercise due diligence to prevent, investigate and make arrests for all acts of violence against women, whether perpetrated by public officials or private persons, in the home, in the community, or in official institutions.

Police shall take rigorous official action to prevent the victimization of women, and shall ensure that revictimization does not occur as a result of the omissions of police or gender-insensitive enforcement practices.

Violence against women is a crime and must be treated as such, including when it occurs within the family.

## Protection of Women

Arrested or detained women shall not suffer discrimination and shall be protected from all forms of violence or exploitation.

Women shall be detained separately from male detainees.

Women detainees shall be supervised and searched by female officers and staff.



## Protection of Women

Pregnant women and nursing mothers shall be provided with special facilities in detention.

Law enforcement agencies shall not discriminate against women in recruitment, hiring, training, assignment, promotion, salary, or other career and administrative matters.

Law enforcement agencies shall recruit sufficient numbers of women to ensure fair community representation and the protection of the rights of female suspects, arrestees and detainees.

## Protection of Women

In Timor-Leste, prostitution is **NOT** a crime; however the **ORGANISATION** of prostitution and seeking the services of a prostitute **IS** a crime.

There should be prosecution of crimes such as violence against women and girls and there should be **NO IMPUNITY** for those responsible for committing sexual violence or any other types of crimes against women and girls.

It should be noted that Timorese women have also had negative experiences with uniformed and civilian peacekeepers in the past, through alleged cases of sexual harassment and abandonment of babies.

# Protection of Women

## NATURE OF GENDER BASED VIOLENCE (GBV) IN TIMOR LESTE

- There is high prevalence of GBV in Timor-Leste due to the patriarchal society, dowry system (bride-price) and polygamy.
- GBV in Timor-Leste takes several forms, including domestic violence, sexual assault, trafficking for sexual exploitation in addition to violence suffered at the hands of state security forces or militia during the Indonesian occupation.
- Almost one quarter of all women in Timor-Leste have experienced violence from a partner and young women under 21 years of age are especially at risk.
- GBV, especially domestic violence, is seen as a private issue and often dealt with as such. Many women do not wish to report cases because of personal shame and believe the police and the Courts will not treat their cases seriously.
- **Domestic violence** is a **PUBLIC CRIME** according to current legislation and it is mandatory that they be investigated by the police.

## Protection of Women

### HOW VIOLENCE AND DISPLACEMENT IN TIMOR-LESTE HAS AFFECTED WOMEN

- Many women have lost their homes, their income and now live in a different community with different people. Many families have been split because one partner was born in the east and another in the west.
- Women's role as care-givers often means an increased workload, e.g. helping to repair homes, finding food/fuel for the family and looking after sick family members. Many of these women will be female heads of households.
- BOTH women and men are suffering trauma as a result of the recent violence in Timor-Leste and previous crises e.g.; 1999. Men can demonstrate violent behaviour, as a result of alcohol intake, towards their wives and children.

# Protection of Women

## WAYS IN WHICH THE INTERNATIONAL FORCES CAN HELP MINIMISE THE NEGATIVE EFFECTS OF THE RECENT CONFLICT ON WOMEN

Remember that both military and police have been violators of women's rights in the past in Timor-Leste. The perception still exists that associating with military personnel or police risks stigmatisation from the community.

Identify cases of violence against women and report to the referral network of support services for victims. Referral Network of Support Services contact numbers are:

- Redo Feto (Women's Network NGO): 331 7405
- Emergency at Dili National Hospital: 729 6662
- Division of Social Services (child abuse cases): 727 4156
- PRADET Safe Room (counselling): 725 4597
- FOKUPERS (counselling): 332 1354
- JSMP (victim support services/legal): 729 5795
- Saude Mental: 332 1097
- UNPOL: 723 0365

## Protection of Women

For all cases of child abuse and GBV, liaise with the Vulnerable Persons Unit (VPU/UNPOL)

Help monitor cases of violence against women in the IDP camps and communities through:

- Prompt assistance without discrimination to a woman's origin, i.e. East or West region;
- Respect a woman's right to privacy and confidentiality, avoiding, where possible, repetitious questioning and procedures; and
- Treat each case with the utmost professionalism and sensitivity.

Treat domestic violence crimes as legally equivalent to other assaults.

Respond promptly to domestic violence and sexual violence calls; inform victims of available medical, social, psychological and material support; and provide transportation to a safe place.

## Protection of Women

Investigate domestic violence thoroughly and professionally.

Interview victims, witnesses, neighbours and medical professionals.

Prepare detailed reports of domestic violence incidents and follow up carefully, both with superiors and with the victim; check reports against previous incidents in the files; and take all necessary action to prevent re-occurrence.

After medical, administrative and other procedures have been completed, offer to accompany a victim of domestic violence to her home to move her personal effects to a safe place.

Enrol in training to develop your skills in aiding and protecting victims of domestic violence.

Cooperate closely with medical professionals and social agencies in handling cases of domestic violence.

Ensure that a female officer is present during all contact with women offenders, and with women victims of crime.

## Protection of IDPs

Defer completely to female colleagues, where possible.

Separate female from male detainees.

Be sure that female officers supervise and search female detainees. If male, abstain from, and discourage, gender-insensitive conversations and jokes with male colleagues.

Ask female colleagues for their feelings and perceptions on any policies, practices, behaviour or attitudes which are gender-specific, initiate improvements yourself, and support them in their efforts to do so.

## Protection of IDPs

### DEFINITION of "IDP"

"Internally Displaced Persons (IDPs)" are persons or groups of persons who have been forced or obliged to flee or leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalised violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognised State border.

### GUIDING PRINCIPLES ON INTERNAL DISPLACEMENT

It was developed by the Representative of the UN Secretary General on IDPs, urged by the UN Secretary General to be accepted as the "basic norm for protection" of IDPs by States.

The UN General Assembly encouraged its further dissemination and application and it is referred to by the UN Security Council in statements and resolutions.

It was endorsed by international organisations (UNHCR, ICRC, international NGOs).

## Protection of IDPs

It addresses the specific needs of internally displaced persons worldwide.

It identifies rights and guarantees relevant to the protection of IDPs from, and during, displacement, as well as during return and reintegration ("rights-based approach" covering all phases of displacement).

It reflects, and is consistent with, international human rights and humanitarian law standards and principles, and shall be observed by all authorities and organisations.

It shall be applied without discrimination of any kind, such as race, colour, sex, language, religion or belief, political or other opinion, national, ethnic or social origin, legal or social status, age, disability, property, birth, or on any other similar criteria.



# Protection of IDPs

## SELECTED PRINCIPLES

IDPs are citizens of their country and have the same rights as other persons in their country.

They have the right to dignity and physical, mental and moral integrity as every human being.

They shall be protected against direct or indirect attacks or other acts of violence including attacks against their camps and settlements.

They shall be protected in particular against rape, mutilation, torture, cruel, inhuman or degrading treatment or punishment, gender-specific violence, forced prostitution, indecent assault, sexual exploitation, or forced labour of children.

They have the right to liberty and security and not be subjected to arbitrary arrest or detention.

They have the right to liberty of movement, freedom of choice or residence and to move freely in and out of camps and other settlements.

## Protection of IDPs

They have the right to an adequate standard of living, including essential food and water, basic shelter and housing, appropriate clothing and essential medical services and sanitation.

They shall have their property and possessions protected. Property and possessions left behind by IDPs should be protected against destruction and arbitrary and illegal appropriation, occupation or use.

They shall have full participation in the planning and management of their return or resettlement and reintegration.

They have the right to request and to receive protection and humanitarian assistance.

# Protection of IDPs

## SELECTED DUTIES AND RESPONSIBILITIES OF AUTHORITIES

Provide humanitarian assistance to IDPs, grant and facilitate the free passage of humanitarian assistance and grant persons engaged in humanitarian assistance rapid and unimpeded access.

Establish conditions, as well as provide the means, which allow IDPs to return voluntary, in safety and dignity to their choice of home and ensure full participation of IDPs in the planning and management of their return or reintegration.

For further information, call the NGO **Hamutuk Hari Futuru: (Senhor Secundino) : 724 1831**

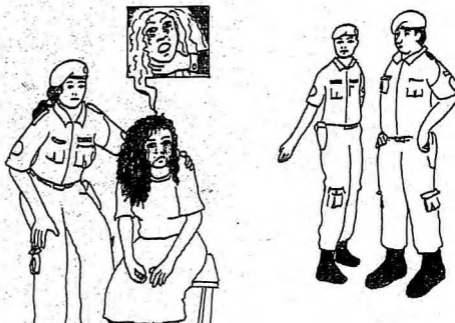
## Protection of Victims

All victims of crime, abuse of power or human rights violations shall be treated with humanity and respect.

Victims shall have access to mechanisms of justice and prompt redress.

Victims shall be informed of their rights in seeking redress and protection.

Victims shall be informed of their role in formal proceedings, the scope, timing and progress of proceedings, and the disposition of their cases.



## Protection of Victims

Victims shall be allowed to present their views and feelings on all matters where their personal interests are affected.

Victims shall receive all necessary legal, material, medical, psychological and social assistance, and shall be informed of their availability.

The privacy and safety of victims shall be protected.

Police shall be trained in the needs of victims, and should be provided with guidelines to ensure proper and prompt aid.

Inform all victims, in clear and understandable language, of available legal, material, medical, psychological and social assistance, and, if they so desire, put them directly in contact with such assistance.

Keep a roster of contacts at hand, with all information on available services for assistance to victims.

## Protection of Victims

Carefully explain to victims their rights, their role in legal proceedings, the scope, timing and progress of such proceedings, and the disposition of their cases.

Provide transportation to medical services, and to the victim's residence, and offer to check the security of the premises and to patrol the area.

Enrol in victim-assistance training.

Keep records of victims secure, and carefully protect their confidentiality. Inform victims of measures that will be taken to these ends.

Return any recovered property of the victim as soon as possible after completing necessary procedures.

# Police Violations of Human Rights

Law enforcement agencies shall be accountable to the community as a whole.

Effective mechanisms shall be established to ensure internal discipline and external control as well as the effective supervision of law enforcement officials.

Law enforcement officials who have reason to believe that a violation has occurred, or is about to occur, shall report the matter.

Provisions shall be made for the receipt and processing of complaints against law enforcement officials made by members of the public, and the existence of those provisions shall be publicized.

Investigations of violations shall be prompt, competent, thorough and impartial.

Investigations shall seek to identify victims; recover and preserve evidence; discover witnesses; discover cause, manner, location and time of the violation; and identify and apprehend perpetrators.

## Police Violations of Human Rights

Superior officers shall be held responsible for abuses if they knew, or should have known, of their occurrence, and did not take action.

Police are to receive immunity from prosecution or discipline for refusing unlawful superior orders.

Obedience to superior orders shall not be a defense for violations committed by police.



# Sources for Human Rights Standards and Practice



## Sources for Human Rights Standards and Practice

The summaries of human rights standards and practice contained in this guide are based on the human rights sources listed below.

For the full text of any of these instruments, please contact:

**Human Rights and Transitional  
Justice Section, UNMIT  
Caicoli Street, Dili, Timor Leste.  
Tel. +670-331 2210, Ext. 6770  
[www.ohchr.org](http://www.ohchr.org)**

SOURCES

- Universal Declaration of Human Rights
- International Covenant on Civil and Political Rights
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

# Sources for Human Rights Standards and Practice

## SOURCES

- Convention on the Rights of the Child
- International Convention on the Elimination of All Forms of Racial Discrimination
- Convention on the Elimination of All Forms of Discrimination against Women
- Code of Conduct for Law Enforcement Officials
- Basic Principles on the Use of Force and Firearms by Law Enforcement Officials
- Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment
- Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power
- Declaration on the Protection of All Persons from Enforced Disappearance
- Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions

# Sources for Human Rights Standards and Practice

- Guidelines on the Role of Prosecutors
- Declaration on the Elimination of Violence against Women
- United Nations Standard Minimum Rules for Non custodial Measures (The Tokyo Rules)
- United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules")
- United Nations Rules for the Protection of Juveniles Deprived of their Liberty
- Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice

## SOURCES

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