

Research Article

Violations of Cultural Human Rights in The Context of Timor-Leste Analysis From A Cultural Human Rights Perspectived

Mateus Pacheco de Araújo¹, Cesario Timotio Guterres², Mariano Viegas Amaral³, Tito Manuel Jubileu dos Reis⁴

^{1,2,3,4} University Da Paz, Dili Timor Leste

Corresponding Author, Email: mateuspachecodearaujo@gmail.com

Abstract

This study addresses socio-cultural human rights violations based on ethnicity as a severe global disaster, particularly impacting the values of civil society in Timor Leste. Every society's culture serves as a foundation, marking its history and identity, and Timor Leste is no exception. Historically, the Timorese people lived in harmony, guided by a collective philosophy where the community was united, sharing joys and hardships together. However, this harmony was disrupted due to Portuguese colonialism and the illegal invasion by the Indonesian government, which severely damaged the cultural rights and way of life of the Timorese people. Despite the destruction of cultural values by these external forces, the Timorese people retained their cultural identity and practices. In the modern era, globalization and modernization pose significant threats to these cultural values, which risk being lost if not carefully preserved. This paper argues that there is an urgent need to protect the cultural values that define the identity of Timor Leste, ensuring they remain a vital part of the nation's heritage and a source of pride for future generations.

Keywords: Cultural Human Rights, Violations, Timor-Leste, Human Rights Perspective



INTRODUCTION

Historically, Timor Leste also has its own culture that makes the people of Timor Leste live in harmony from time to time, because culture makes people respect each other as brothers, uncles, nephews, not only here the people of Timor Leste are also very united, because the people of Timor Leste have traditions that always go through processes such as making uma lulik (Building Traditional Houses), attending funerals and traditional events, the people of Timor Leste live with different languages, different traditions and different beliefs, have traditional clothes and also traditional dance and music that represent their knowledge, history and identity (Ribeiro, 2022).

The process of making uma lulik (Building a Traditional House) is different from building an ordinary house or a modern house, because the process of building uma lulik is not done by one or two people or by one family and household, but the process of making uma lulik also involves other families and households of the same generation such as parents and uncles or grandparents who are of the same generation (Grenfell, 2008). not only family or one generation, but also involving the community in the entire process when the construction of uma lulik (Building a Traditional House) begins. Lia mate (Deceased Person) is a custom that is always carried out by the majority of the Timor Leste community, for example; If someone dies in a household/family, not only the deceased's family feels the loss but the entire community also feels the loss, so the community gathers, burying the body according to the customs of the household and family (Guthrey, 2016).

This life is like when a man and woman decide to get married because they both have a love relationship, or parents decide to marry their daughter/son who at that time they were not secretly married or had a secret marriage (Webster, 2013). However, both families from the woman's side and the man's side will also sit together and be accompanied by the entire community to carry out the wedding procession according to the norms or customs of the family and community (Kinsella & Blau, 2013) .

The Timorese people used to live with various arts such as carving wood into animals and humans, forging iron into katanas and diman (spears), in various traditional dances that made them unique and different in their society, but at that time they did not live with discrimination against all these differences, because they believed and worshiped that the differences in their society made it beautiful(Boldoni, 2020).

Different languages, which represent their identity and history of origin, as well as different traditional clothes to represent their wealth in a society. Timorese people also have different beliefs where some believe in and worship stones, some believe in and worship water, some believe in and worship trees, some believe in and worship animals such as pigs, dogs, birds, monkeys, crocodiles, and other sacred animals and objects (Molnar, 2009). Timorese people also have their own traditional music and dance, where people always sing and dance together in traditional festivals such as in building traditional houses, the process of living life in the event of a deceased person and other traditional events such as when there is an event that will be displayed by the community as their tradition to represent their identity and values. providing space for all women and men to have the freedom to participate.

METHOD

Research objects and samples

This study employs a qualitative approach with a literature review methodology. The qualitative research aims to provide an in-depth understanding of cultural human rights violations in Timor Leste by analyzing various relevant literature that includes studies on cultural rights, international human rights policies, and the social and cultural dynamics of the Timorese society.

The literature review method is applied by examining various written sources related to cultural rights violations, both from international documents and state policies, to obtain a comprehensive understanding of the implementation and challenges of cultural rights within the context of Timor Leste. The focus of this literature review is to understand how cultural rights are protected, recognized, and promoted at the international level, as well as the challenges faced by Timor Leste in preserving cultural diversity and the cultural rights of its people.

The data collected from the literature will be analyzed using qualitative descriptive analysis. This technique aims to identify and categorize key issues related to cultural rights violations in Timor Leste, as well as to understand how cultural rights are addressed in various international documents and their implementation in Timor Leste.

This analysis will also evaluate the effectiveness of state policies in promoting and protecting the cultural rights of its people and the challenges faced in preserving cultural identity amidst globalization and modernization. Through this approach, the study seeks to provide a deeper understanding of the importance of cultural rights protection within the global human rights framework and specifically in the context of Timor Leste.

RESULT AND DISCUSSION

Analysis of the Universal Declaration of Cultural Rights

Everyone has the right to enjoy their culture in conditions of equality, dignity, and without discrimination. Our cultural rights relate to material aspects, and they are lived out as the kind of housing and people we live with; the food we grow or eat, and how we grow or eat it; the rituals and religions we practice; and the standards of property we consider fair (Rothschild, 2023). Culture is expressed in our relationships with parents, children, siblings, friends, and strangers as well as with other cultures and with the physical world around us. Whether consciously or unconsciously, culture is a primary source of self-definition and a sense of belonging for individuals. As a result, challenges to culture trigger intense and emotionally threatening survival responses.

Human rights are the foundation of a just and inclusive society. As thinking about human rights has evolved, it has become clear that human rights encompass not only political and civil rights, but also cultural rights. One concept that has gained increasing attention is Cultural Rights, which emphasizes the need to respect, protect and promote the cultural heritage of peoples.

a) Definition of Cultural Rights

Cultural Rights refer to the inherent right of individuals and groups to participate fully in cultural life, contribute to the formation of cultural identity, and inherit

cultural heritage. This right is recognized as an integral part of universal human rights (Hooi, 2017).

b) Legal Basis and International Documents

Many international documents recognize Cultural Rights. For example, the UN Universal Declaration of Human Rights of 1948, as well as the UN Convention on Economic, Social and Cultural Rights of 1966, affirm cultural rights as human rights that must be recognized and respected.

c) Cultural Rights in the Context of Legal Equality

The concept of legal equality is an important foundation for Cultural Rights. Legal equality refers to fair and equal treatment before the law, without discrimination on any basis such as race, color, sex, language, religion or social origin. In this context, Cultural Rights opens the door to diversity and respects the right of individuals and groups to express, preserve and develop their cultural heritage without fear of discrimination. This ensures that all communities and cultural groups can feel valued and recognized in the legal community (Silove et al., 2009).

d) Challenges and Role of Communities

Although cultural rights are increasingly recognized, there are still real challenges to be overcome. Globalization and modernization can threaten the survival of local cultures. Therefore, it is important for communities to engage collectively in the protection and preservation of their cultural heritage. Cultural Rights are a step towards a more just and inclusive society. By recognizing, protecting and promoting cultural rights, we can shape a society that accepts diversity as an asset and ensures that individuals and groups have an equal place in the legal community. Through global collaboration and local action, we can create a world that respects and celebrates cultural diversity within a framework of legal equality.

e) Human Rights and Cultural Relativism

Cultural relativism is the assertion that human values, far from being universal, vary greatly according to different cultural perspectives. Some therefore claim that human rights are relative rather than universal and can be interpreted and applied differently in different cultural, ethnic, and religious traditions. Traditional culture is not a substitute for human rights; it is the cultural context in which human rights must be upheld, integrated, promoted, and protected. Human rights must be approached in a way that is meaningful and relevant in different cultural contexts. Furthermore, cultural rights are not unlimited. Cultural rights are limited when they infringe on other human rights, meaning that cultural rights cannot be used or interpreted in such a way as to justify any action that leads to the denial or violation of other human rights and fundamental freedoms (Khoo et al., 2022). Human rights “represent a broader consensus on human dignity than any one culture or tradition.” As stated in the Preamble to the Universal Declaration of Human Rights (UDHR, 1948), human rights are “a common standard of enjoyment for all peoples and peoples.” However, these contents and values may differ from minority cultures. Similarly, when seeking to advance the culture of a group, education may explicitly or implicitly promote the superiority of one ethnic or racial group over another. Traditional culture is not a substitute for human rights; it is the cultural context in which human rights must be upheld, integrated, promoted, and protected. Human rights must be approached in ways that are meaningful and relevant in different cultural contexts (Ramos-Gonçalves, 2020).

f) Cultural Rights in the Framework of Human Rights

The direct reference to cultural rights in the Universal Declaration of Human Rights (UDHR, 1948) is rather narrow. Article 27.1 states:

Everyone has the right to take part in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

Article 15 of the International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966) is less expansive. The Convention on the Rights of the Child (CRC, 1989) not only guarantees the child the right to “enjoy his or her own culture, to profess and practice his or her own religion or to use his or her own language” (Article 30) but also that education should foster – “respect for his or her own cultural identity, language and values.” (Article 29(c)). In this section we will look at how violations of cultural rights occur in society. Violations of cultural human rights occur when a society feels that it is losing its own identity.

Analysis of Cultural Rights and Guarantees in the Context of Timor-Leste

Cultural rights are protected in international and regional human rights instruments. Therefore, the State has an obligation to protect, respect and fulfill cultural rights such as: Value systems, belief systems, Language, Religion, Customs, Art, Music, Dance, Traditional Clothing and Architecture.

Looking at Cultural Rights guaranteed in (UDHR₁₉₄₈), we would like to say that before the Universal Declaration of Human Rights and Cultural Rights in 1948 the Timorese people lived with their own culture according to the customs and traditions of the Timorese people from time to time and from generation to generation today.

The East Timorese have their own culture. We only see some elements of Timorese culture: building houses according to Timorese customs and conditions; farming according to Timorese experience; soru tais, homan biti and luhu, da'an pintua, te'in tukir, according to Timorese customs; there are also elements such as bidu, tebedai, dahur, hananu, dadolin, wearing tais, lipa, or hakfolik; mama malus, bird's feet; cutting, and making various styles (Jakubowski, 2016).

Men throw machetes, knives, swords and spears; with riti make belak, kabauk; women weave tais, weave biti and luhu. Since ancient times, the Timorese people have had their own customs, their own traditions, their own “way” or “method” of living in the world, among other people, with their own identity (Ramos-Gonçalves, 2020). Therefore, to ensure that the culture of Timor Leste is not lost, on March 22, 2002, the Constituent Assembly of Timor Leste approved and enacted the Constitution of Timor Leste, and there it is also explained that the State recognizes and respects the norms and customs of Timor Leste which originate from customs and traditions. (Read Article 2° Nu.4 KRDTL) and also guarantee that the state makes the personality of the Timorese people and their cultural heritage (Read Article 6° paragraph "G" KRDTL)

Although the KRDTL recognizes the culture of Timor Leste in the articles mentioned above, the State of Timor Leste only talks about its recognition and appreciation, not yet talking about its promotion and protection (Ramos Gonçalves, 2012). Therefore, we need to see that with the evolution of modern society that is strongly adapting to global dynamics, the state has an obligation and moral responsibility to preserve and protect the human rights of the culture of the Timorese people, because culture is an instrument that represents the identity of a society.

CONCLUSION

This study investigates the violation of cultural human rights in Timor Leste, emphasizing the destruction of cultural identity due to colonization and modern

challenges. The findings demonstrate the deep cultural roots of the Timorese people, which have been severely impacted by external forces such as Portuguese and Indonesian occupation. Despite these historical challenges, Timor Leste's cultural identity persists, and it is vital to protect and preserve it in the face of globalization and modernization.

The research highlights that cultural rights, as fundamental human rights, are integral to the identity of the Timorese people. The Timorese culture is expressed through various elements such as language, customs, traditions, music, dance, and beliefs, which represent their historical heritage. The violation of these cultural rights not only threatens the identity of the people but also poses a broader risk to human dignity.

Furthermore, while Timor Leste's Constitution recognizes and respects the cultural heritage of its people, the state has yet to fully address the promotion and protection of these rights. The study emphasizes that the state of Timor Leste has a moral and legal responsibility to ensure that cultural rights are not only recognized but also actively preserved and protected through both local and international frameworks. This responsibility includes integrating cultural rights into policies and ensuring that all citizens can freely express and practice their cultural identity without fear of discrimination or suppression.

The research calls for the Timorese government and international organizations to work together to safeguard cultural diversity and human rights in Timor Leste, ensuring that cultural rights are fully protected as an integral part of the human rights agenda. The recognition and protection of these rights are essential for the survival of the cultural heritage of Timor Leste, fostering a more just, inclusive, and diverse society for future generations.

Bibliography

- Boldoni, C. M. S. (2020). *Heritage Politics in Timor-Leste: Ambivalent Perspectives from Venilale*. ISCTE-Instituto Universitario de Lisboa (Portugal).
- Constitution of the Democratic Republic of Timor-Leste
- Convention on the Rights of the Child (CRC, 1989)
- Grenfell, D. (2008). Reconciliation: Violence and nation formation in Timor-Leste. In *Rethinking Insecurity, War and Violence* (pp. 193–205). Routledge.
- Guthrey, H. L. (2016). Local norms and truth telling: Examining experienced incompatibilities within truth commissions of Solomon Islands and Timor-Leste. *The Contemporary Pacific*, 1–29.
- Hooi, K. Y. (2017). Provedoria for Human Rights and Justice (PDHJ) in Timor Leste: Between Human Rights Activism and Limitations. *National Human Rights Institution In Southeast Asia*, 214.
- International Covenant on Economic, Social and Cultural Rights (IESCR, 1966)
- Jakubowski, A. (2016). *Cultural Rights as Collective Rights: an international law perspective* (Vol. 7). Brill.
- Khoo, Y. H., da Silva, A. B., & Tam, T. N. T. P. (2022). *Rethinking human rights and peace in post-independence Timor-Leste through local perspectives*. Springer.
- Kinsella, N., & Blau, S. (2013). Searching for conflict related missing persons in Timor-Leste: Technical, political and cultural considerations. *Stability: International*

- Journal of Security and Development*, 2(1), 10.
- Molnar, A. K. (2009). *Timor Leste: Politics, history, and culture*. Routledge.
- Ramos-Gonçalves, M. (2020). Genealogies of Human Rights Ideas in Timor-Leste: "Kultura", Modernity, and Resistance. *Nómadas*, 53, 51–67.
- Ramos Gonçalves, M. (2012). *Beyond the visible: Perceptions of human rights in Timor-Leste street art*.
- Ribeiro, L. (2022). Elaboration Of The National Legislation Of The Democratic Republic Of Timor-Leste Based On The Legal Ideal In The Constitution Of 2002. *Jurnal Revolusi Indonesia*, 2(3).
- Rothschild, A. (2023). Human Rights in Timor-Leste's Struggle for Independence. *Indonesia*, 115(1), 31–43.
- Silove, D., Brooks, R., Steel, C. R. B., Steel, Z., Hewage, K., Rodger, J., & Soosay, I. (2009). Explosive anger as a response to human rights violations in post-conflict Timor-Leste. *Social Science & Medicine*, 69(5), 670–677.
- Universal Declaration of Human Rights (UDHR, 1948)
- Webster, D. (2013). Languages of human rights in Timor-Leste. *Asia Pacific Perspectives*, 11(1), 5–21.