



EIGHT CONSTITUTIONAL GOVERNMENT

Government Decree no. 8/2020

of 30 of April

Measures for the Implementation of the Declaration of State of Emergency introduced by Decree of the President of the Republic no. 32/2020, of 27 April

On 11 March 2020, the World Health Organization declared the outbreak of COVID-19 as a pandemic.

In view of the possibility of spreading the aforementioned outbreak to our national territory, the State approved and implemented a set of measures aimed at reducing opportunities to import the SARS-Cov-2 virus, which causes COVID-19, to Timor-Leste.

A significant part of the COVID-19 prophylactic measures that were imposed by the State on citizens represented a significant limitation of their fundamental rights, freedoms and guarantees, which is why a state of emergency was declared by the President of the Republic beforehand, based on public calamity, which was in force throughout the national territory between March 28 and April 26, 2020.

These measures, despite the sacrifices they imposed on our population and our companies, have been producing positive results, since, to date, just over two dozen cases of COVID-19 have been diagnosed in Timor-Leste and there was no deaths.

Notwithstanding the positive results achieved so far, it is important to ensure the maintenance, in general, of the measures already adopted, reducing the opportunities for transmission of SARS-Cov-2 among the population residing in our national territory, this is especially pressing in view of the increase in the number of people infected with that virus in the Republic of Indonesia, a State with which we maintain land borders.

In view of the high risk of the spread of the COVID-19 outbreak to Timor-Leste, the President of the Republic, on a proposal from the Government and with prior authorization from the National Parliament, renewed the declaration of a state of emergency, which is in effect throughout the national territory, between 00:00 hours on April 28 and 23:59 hours on May 27, 2020.

According to the Decree of the President of the Republic No. 32/2020, of 27 April, during the validity of the state of emergency, the following are partially suspended: the right of international movement, the freedom of movement and the establishment of residence anywhere in the national territory, the right to assemble, the right to demonstrate, the freedom of worship in its collective dimension, the right to resist, the right to property, the right to private economic enterprise and the rights of workers, namely the right to strike.

With the approval of this decree, the Government proceeds to the regulation of the Decree of the Head of State, establishing the measures that will execute the declaration of the state of emergency that will be in effect between 00:00 hours of April 28 and 23:59 hours of May 27, 2020.

Thus,

The Government, pursuant to article 115(1)(o) of the Constitution of the Republic, decrees the following, to have the force of law:

Chapter I

General provisions

Article 1

Object

This decree approves the measures for the implementation of the declaration of state of emergency by the President of the Republic's Decree of no. 32/2020, of 27 April.

Article 2

Territorial scope

This decree applies across all of the National territory.

Article 3

Principle of legality

The public administration bodies and services responsible for the application of the rules contained in the present decree, act in compliance with the law, within the limits of the powers that are attributed to them and in accordance with the purposes for which these same powers are conferred to them.

Article 4

Principle of equality

The public administration bodies and services responsible for applying the rules contained in this decree cannot give privilege, benefit, impair or exempt, from any duty, any citizen or foreign national who is in the national territory on the grounds of parentage, sex, race, language, territory of origin, religion, political or ideological beliefs, education, economic situation or social condition.

Article 5

Principles of proportionality and necessity

1. The public administration bodies and services responsible for applying the rules contained in this decree can only affect the legally protected rights and interests of citizens or foreign nationals who are in national territory when necessary and in terms that are appropriate and proportionate to the objectives to be achieved.
2. The use of force in imposing compliance with the rules provided for in this decree is only authorised when it is not possible to resort to other means for that purpose.
3. The use of force is always preceded by a summons to obedience performed in a noticeable way and always within the strictly necessary and to the extent required for the fulfilment of the legal duty.
4. The means to be deployed in the use of force must comply with the prerequisites of the least intervention and the least possible injury, and more serious means can only be used, namely the use of weapons, instruments, equipment or objects when manifestly it is not feasible or sufficient to use physical force.

Chapter II

International travel

Section I

Entry into national territory

Article 6

Prohibition on the entry of foreign nationals into national territory

1. Entry into the national territory is forbidden to foreign nationals.
2. The prohibition provided for in the preceding paragraph does not apply to foreigner nationals who were born in Timor-Leste territory and who usually reside here or who are the legal representatives of Timorese minors or third-country nationals who are legal residents of Timor-Leste over whom they exercise parental authority or ensure their support and education.
3. The prohibition provided for in paragraph 1 does not apply to foreign nationals who carry out their professional activity on oil platforms located in the Timor Sea.

Article 7

Exceptional authorization for foreign nationals to enter national territory

The Prime Minister, in duly substantiated cases, related to the defence of the national interest or convenience of service, may authorize the entry of foreigners into the national territory, exempting these from the prohibition provided for in paragraph 1 of the preceding article.

Article 8

Foreign nationals responsible for the transport or release of imported goods

1. Foreign nationals responsible for transporting or releasing goods do not need the authorizations provided for in the preceding article.
2. Foreign nationals referred to in the preceding paragraph may only remain in the international zone of seaports or airports and for the time strictly necessary for the completion of the procedures of delivery or release of goods.

3. The definition of an international zone is that contained in paragraph ee) of article 2 of Law no. 11/2017, of 24 May, on migration and asylum.

Section II

Health control of national territory entry and exit

Article 9

Mandatory health control

All individuals wishing to enter or leave the national territory are subject to mandatory health control, pursuant to the terms of the International Health Regulations.

Article 10

Prohibition of boarding

1. Individuals who present symptoms of being sick with COVID-19 or infected with SARS-Cov2 cannot board ships or aircraft.
2. For the purpose of applying the preceding paragraph, the following are considered symptoms of COVID-19 disease or SARS-Cov2 infection:
 - a. Body temperature equal to or higher than 37,5.°C (thirty seven point five degrees Celcius);
 - b. Cough;
 - c. Sore throat;
 - d. Common cold;
 - e. Breathing difficulties.
3. Individuals who are prohibited from getting on buses or boarding ships or aircraft in accordance with paragraph 1 must complete the Mandatory Medical Declaration Form and are required to be taken to a health facility or isolation unit to be submitted to medical diagnostic tests for COVID-19 or infection by SARS-Cov-2.
4. The provisions of the preceding paragraphs are not applicable to medical evacuation cases.

Article 11

Mandatory therapeutic isolation

1. All individuals who enter the national territory are required to undergo medical diagnostic tests for COVID-19 or infection by SARS-Cov2 when they present the symptoms described in paragraph 2 of the preceding article.
2. Individuals referred to in the preceding paragraph are subject to mandatory therapeutic isolation when they are diagnosed with COVID-19 or infected with SARS-Cov2.

Article 12

Mandatory prophylactic isolation

Individuals entering the national territory are subject to prophylactic isolation with a minimum duration of fourteen days.

Chapter III

Circulation in national territory and establishment of residence

Section I

Mandatory Isolation

Article 13

Mandatory confinement

All of the following will go through mandatory confinement, at a health establishment, at their home or at an isolation centre established for this purpose by the State, as determined by the health authorities:

- a. Patients with COVID-19 and those infected with SARS-Cov2;
- b. Individuals who enter the national territory;
- c. Individuals who are under surveillance from health authorities.

Article 14

Duration of the mandatory confinement period

The required mandatory confinement period provided for in:

- a) Subparagraph a) of the preceding article, ceases with medical discharge;
- b) Subparagraphs b) and d) of the preceding article, ceases at the end of fourteen days, counted from the start date of the confinement period.

Section II

Voluntary isolation

Article 15

Voluntary confinement

Individuals who are not subject to mandatory isolation and who do not carry out any professional activity or are exempt from fulfilling the duty to be present at the workplace must remain inside their homes and limit their movement outside to the minimum necessary.

Article 16

Rules of social distance on public roads

1. Individuals who are not subject to the mandatory isolation regime when walking on public roads must do so unaccompanied, observing the distance of at least one meter and a half from other passers-by and avoiding the formation of crowds of people.
2. Individuals who remain on the public road waiting for the opportunity to enter commercial or service establishments or facilities where public administration services operate must maintain a distance of at least one metre and a half from the closest individual.
3. The provisions of the preceding paragraph are also applicable at the places of entry and exit of passengers on public transport.
4. Security forces officers must make all individuals aware of the need to comply with the provisions of the preceding paragraphs.

5. The security forces officers shall order the dispersion of the agglomerations of people who do not respect the provisions of paragraph 2 and inform that non-obedience to the communicated order may make them incur criminal liability.
6. Security forces officers shall identify individuals who disrespect the order issued and report the matter to the Public Prosecution Office.

Chapter IV

Gatherings and demonstrations

Article 17

Prohibition of gatherings and demonstrations

1. Meetings or demonstrations that involve the agglomeration of more than five people are prohibited, without prejudice to the provisions of sub-paragraph e) of paragraph 1 of article 3 and of paragraph 2 of article 4 of Law no. 3/2008, of 22 February.
2. Security forces officers must make all individuals aware of the need to comply with the provisions of the preceding paragraph.
3. Security forces officers shall order the dispersal of agglomerations of people who do not respect the provisions of paragraph 1 and inform them that the non-obedience to the communicated order may make them incur criminal liability.
4. Security forces officers shall identify individuals who disrespect the order issued and report the matter to the Public Prosecution Office.

Article 18

Prohibition of social, cultural and sporting events

1. Any social, cultural or sporting events that involve the gathering of people are prohibited.
2. Security forces officers must make all individuals aware of the need to comply with the provisions of the preceding paragraph.
3. Security forces officers shall order the dispersal of agglomerations of people who do not respect the provisions of paragraph 1 and inform them that the non-obedience to the communicated order may make them incur criminal liability.

4. Security forces officers shall identify individuals who disrespect the order issued and report the matter to the Public Prosecution Office.

Chapter V

Collective cult or religious activities

Article 19

Prohibition of religious events

1. Any religious celebrations and other worship events that involve the gathering of people are prohibited.
2. Security forces officers must make all individuals aware of the need to comply with the provisions of the preceding paragraph.
3. Security forces officers shall order the dispersal of agglomerations of people who do not respect the provisions of paragraph 1 and inform them that the non-obedience to the communicated order may make them incur criminal liability.
4. Security forces officers shall identify individuals who disrespect the order issued and report the matter to the Public Prosecution Office.

Article 20

Funerals

1. Funerals are subject to the adoption of organizational measures that prevent the transmission of SARS-Cov2 and should not imply the presence of more than ten people at the same time.
2. Security forces officers must make all individuals aware of the need to comply with the provisions of the preceding paragraph.

Chapter VI

Law on private enterprise

Article 21

Suspension of collective passenger transport activities

1. Public passenger transport by private economic operators is permitted, under the terms of the law.
2. Vehicles and vessels that are commercially engaged in public passenger transport shall be cleaned daily before starting the commercial activity journey.
3. The Minister of Transport and Communications may establish, by dispatch, cleaning centres for vehicles used for public passenger transport.
4. To remain inside public passenger transport vehicles and vessels, drivers, crews and passengers shall be required to wear protective masks for their mouths and noses.
5. Drivers or crew of public passenger transport vehicles and vessels shall refuse entry to individuals who do not comply with the provisions in the preceding paragraph.
6. Public transport passengers must avoid any form of physical contact with each other.
7. Security forces officers must make drivers, crews and passengers who are in public passenger transport vehicles and vessels aware of the need to comply with the provisions of the preceding paragraphs.
8. Security forces officers shall order:
 - a) That all passengers who are inside public passenger transport vehicles and vessels of passengers without a mouth and nose protection mask must leave, informing that the non-obedience to the communicated order may make them incur in liability criminal.;
 - b) The cessation of public passenger transport when the driver does not wear a mouth and nose protection mask and does not have any for immediate use, also stating that the non-obedience to the communicated order may make them incur criminal liability.
9. Security forces officers shall identify individuals who disrespect the order issued and report the matter to the Public Prosecution Office.

Article 22

Rules on access to commercial and services premises

1. The operation of all commercial, industrial, artisanal or services premises that are duly licensed for the purpose as prescribed by law, shall be permitted.
2. Individuals who wish to access the inside of the commercial or services premises and remain there, including those who carry their respective professional activity in said premises, are cumulatively obliged to:
 - a) Use mouth and nose protection mask;
 - b) Clean hands before entering said facilities;
 - c) Respect the distance of, at least, one meter and half from other individuals.
3. Those responsible for commercial and services premises have an obligation to make available, at the entrance of their facilities, the necessary conditions for the fulfillment of the provisions of subparagraph b) of the preceding paragraph.
4. Entry into commercial and services premises is refused to individuals who do not comply with the provisions of subparagraphs a) and b) of paragraph 1.
5. Security forces and inspectors of the food and economic safety authority shall identify individuals who do not comply with subparagraphs a) and b) of paragraph 1 and order them to withdraw from the commercial establishments or service premises, informing that non-obedience to the communicated order may make them incur criminal liability.
6. Security forces and inspectors of the food and economic safety authority shall communicate to the Public Prosecution Office the identity of individuals who do not comply with the order provided for in the preceding paragraph.

Article 23

Markets

1. Individuals who wish to access the inside of markets premises and remain there, including the vendors and their respective staff, are cumulatively obliged to:
 - a) Use mouth and nose protection mask at all times;
 - b) Clean hands before entering said facilities;
 - c) Respect the distance of, at least, one meter and half from other individuals.
2. The Municipal Authorities and the Municipal Administrations shall make available, at the entrance of the markets, the necessary conditions for the fulfillment of the provisions of subparagraph b) of the preceding paragraph.
3. The officials, agents or workers of the Municipal Authorities or Municipal Administrations, responsible for the management of markets or public order, shall control the entrances to the markets and:
 - a) Stop the entry of individuals who do not comply with the provisions of paragraphs a) and b) of paragraph 1;
 - b) Stop the entry of new individuals into the market premises when the number of those already in them prevents compliance with the provisions of paragraph c) of paragraph 1, given their size.
4. Officials, agents or workers of Municipal Authorities or Municipal Administrations, responsible for the management of markets or public order, shall order individuals who stop wearing a mouth and nose protection mask to exit the market and inform them that non-obedience to the communicated order may make them incur criminal liability.
5. In cases in which compliance with the order provided for in the preceding paragraph is refused, the officials, agents or workers of Municipal Authorities or Municipal Administrations, responsible for the management of markets or public order, shall request the intervention of the security forces.
6. Security forces officers shall identify individuals who disrespect the order issued and report the matter to the Public Prosecution Office.

Article 24

Street vending

1. Commercial street vending activities shall be permitted.
2. During the exercise of their commercial activity, street vendors:
 - a) Must maintain a distance of at least five one metre and half from their customers and other street vendors;
 - b) Wear mouth and nose protection mask at all times.
3. The security forces officers and the officials, agents and workers of the Municipal Authorities or of the Municipal Administrations, responsible for public order, must make street vendors aware of the need to comply with the provisions of the preceding paragraph.
4. The security forces officer and the officials, agents and workers of the Municipal Authorities or of the Municipal Administrations, responsible for public order, shall order the cessation of street vending activities and when the seller persists in the non-compliance with the provisions of paragraph 2, and informing that non-obedience to the communicated order may make them incur criminal liability.
5. In cases in which compliance with the order provided for in the preceding paragraph is refused, the officials, agents or workers of Municipal Authorities or Municipal Administrations, responsible for the management of markets or public order, shall request the intervention of the security forces.
6. Security forces officers shall identify individuals who disrespect the order issued and report the matter to the Public Prosecution Office.

Chapter VII

Public Administration

Article 25

Functioning of services and professional activity by public administration human resources

1. The Members of the Government and the executive bodies of the public legal entities included in the indirect administration of the State identify the

human resources strictly necessary to ensure the functioning, under a regime of minimum services, of the public services that they are hierarchically responsible for.

2. For the purposes of the preceding paragraph, minimum services are those regarding which provision is essential to ensure the functioning of the Public Administration and the provision, to citizens and companies, of goods and services that are of an urgent nature or that cannot be postponed.
3. Human resources of the public administration who are exempt from the duty be present at the respective services must remain contactable by telephone and, whenever summoned for this purpose by their superior, must go to the services where they usually perform their respective professional activity.
4. The non-appearance of public administration employees, agents or workers who are not exempt from the duty of providing their professional activity in person is likely to generate disciplinary responsibility.
5. Members of the Government and the executive bodies of public legal entities included in the indirect administration of the State, whenever possible, should allow their respective human resources to provide their professional activity remotely through new communication and information technologies.

Article 26

Essential public services

1. The provisions in the preceding article may in no case imply the interruption or the supply of essential goods and services, namely and without prejudice to others:
 - a) health services;
 - b) urgent patient transport services;
 - c) laboratory or complementary means of diagnosis services;
 - d) epidemiological surveillance services;
 - e) customs services;
 - f) quarantine and biosafety services;
 - g) migration services;
 - h) security services;

- i) civil protection services, including firefighting;
 - j) undertaker services;
 - k) water and sanitation services;
 - l) electricity production, transportation and distribution services;
 - m) air or maritime traffic control services;
 - n) port services;
 - o) maritime transport services;
 - p) waste collection services.
2. The members of the Government responsible for the Government Departments that provide essential public services may, by order, determine the total or partial exemption from the payment of the fees provided for the provision of essential services.

Article 27

Access to facilities where services operate

1. Facilities where public services operate must ensure that there is a minimum distance of one metre and half between individuals who remain inside.
2. Those responsible for facilities where public services operate, which are not closed, ensure a distance of at least one metre and half between individuals waiting for authorisation to enter the said facilities.
3. Those responsible for the facilities where public services operate, which are not closed, ensure that, at the entrance of the facilities, the necessary means are made available so that the individuals who propose to enter them can clean their hands.
4. Hand hygiene and the use of a nose and mouth protection mask are mandatory for all individuals wishing to enter and remain inside facilities where public services operate that are not closed.
5. Whenever body temperature readers are available for this purpose, those responsible for the facilities where public services operate, which are not closed, should read the body temperature of all those who intend to enter the facilities, preventing the entry of anyone with a body temperature equal to or higher than 37.5 °C (thirty-seven point five degrees Celsius).

6. Those responsible for facilities where public services operate, which are not closed, shall immediately request the intervention of security forces officers and immediately communicate to the services of the Ministry of Health, the identity of individuals who, under the provisions of the preceding paragraph, are prohibited from entering those facilities.

Chapter VIII

Property rights

Article 28

Public requisitioning for the guarantee of protection of public health

1. The member of the Government responsible for the area of health issues the orders and instructions necessary to guarantee the supply of goods and the functioning of services that are considered necessary for the protection of public health.
2. When this is deemed necessary for the protection of public health, the member of the Government responsible for the area of health shall determine, by order, the temporary request for:
 - a) Factories, workshops, fields or facilities of any nature, including health centres, services and private health establishments;
 - b) All types of goods and services to ensure the prevention or control of an outbreak of COVID-19 or the transmission of SARS-CoV-2.

Article 29

Requisition of immovable property or movable property for the protection of public health

1. When this is deemed necessary for the protection of public health, the Council of Ministers shall approve, in the form of a Government Resolution, the requisition of immovable or movable property from individuals that may be necessary for that purpose.
2. In duly justified cases, namely for reasons of urgency that imply risks to public health, the member of the Government responsible for the health area may,

through an order, request the immovable or movable property of individuals that is deemed necessary to safeguard said risks.

3. The Council of Ministers shall confirm the requisition of movable or immovable property that has been carried out pursuant to the preceding paragraph in the first meeting that takes place after the issuance of the order referred to in the preceding number.

Chapter IX

Workers' rights

Article 30

Suspension of the right to strike

The right to strike by workers who provide their professional activity in the following sectors is suspended:

- a) Health;
- b) urgent transport of patients;
- c) Laboratory analysis;
- d) Epidemiological surveillance;
- e) Customs control;
- f) Quarantine and biosafety;
- g) Migration;
- h) Security;
- i) Civil protection, including firefighting services;
- j) Undertaker services;
- k) Water or sanitation;
- l) Production, transport, distribution or sale of electricity;
- m) Telecommunications;
- n) Transport, supply or distribution of fuel;
- o) o) Transport or distribution of food or essential goods;
- p) Air or maritime traffic control;
- q) Ports;
- r) Airports;
- s) Waste collection.

Chapter X
Final Provisions

Article 31

Temporary closure of border posts

In exceptional cases, justified by the health and safety of the population, the Minister of the Interior may order the temporary closure of border posts.

Article 32

Suspension of in person classroom activities and closure of the facilities of education, teaching and professional training establishments

1. All in person classroom activities are suspended.
2. During the period of suspension of in person teaching activities, the continuing teaching-learning process should be promoted by the means of new technologies of information and communication.
3. The Member of the Government responsible for education, youth and sport shall promote the distribution of books and other teaching materials to students who do not have access to communication and information technologies, namely those residing in remote areas.
4. The facilities where pre-school, basic education, secondary education, higher education or vocational training establishments operate, public or private, only operate with the purpose of supporting distance learning, respecting the rules of physical distance, use of a mask and hand hygiene in order to prevent COVID-19.

Article 33

Licences and permits

1. During the term this law is in force, licenses, permits, other administrative acts and documents remain valid regardless of the expiry of their respective term of validity.
2. The provisions of the preceding number include visas and residence or stay permits granted to foreigners who are in Timor-Leste.

Article 34

Security forces and services, civil protection agents, inspectors of the food and economic security authority and officials, agents or workers of the Municipal Authorities or Municipal Administrations

1. The enforcement of the provisions of the present decree is the responsibility of the security forces and services, civil protection agents, inspectors of the food and economic security authority and officials, agents or workers of the Municipal Authorities or Municipal Administrations, namely by:
 - a) Issuing the legitimate orders, under the terms of this decree, consequence and participation for possible crimes as provided for in articles 11, 12, 16 to 19 and 21 to 24 of this decree;
 - b) Promoting the necessary steps to ensure compliance with the mandatory isolation regime by all who are subject to said regime;
 - c) Promoting the dispersion of gatherings or concentrations of individuals on public roads;
 - d) Encouraging the compliance with the duty of voluntary confinement by all individuals who must observe said measure.
2. The Health services will inform the security forces and services about the identity of all individuals who are subject to mandatory isolation, as well as the location where they should remain in isolation.

Article 35

Right of resistance

Any act of active or passive resistance to orders issued by the competent public authorities in execution of the declaration of a state of emergency is banned.

Article 36

Criminal liability

Failure to comply with the orders and instructions issued by the competent authorities for the application of articles 11, 12, 16 to 19 and 21 to 24 may result in possible offenders incurring criminal liability, under the terms of the Penal Code.

Article 37

General Duty to cooperate

During the period of duration of the state of emergency, citizens and other entities are subject to the duty of collaboration, namely through the fulfilment of orders or instructions from the bodies and agents responsible for safety, protection and public health, in the prompt response to requests that, justifiably, are directed to the implementation of the measures provided for in this Decree.

Article 38

Special duty of cooperation of municipal officials and community leaders

The Presidents of the Municipal Authorities, the Municipal Administrators, the Administrators of the Administrative Posts, the Chiefs of Sucos and the Chiefs of the Villages must cooperate with the bodies and services of the central administration, namely with the health authorities and the security forces, in:

- a) Dissemination of information, to local communities, on ways to prevent COVID-19;
- b) Sensitizing the population to the need to comply with the rules contained in this decree, namely those regarding voluntary confinement and social distance on public roads;
- c) Providing information to health authorities or security forces about individuals who exhibit the symptoms referred to in paragraph 2 of article 10;
- d) Immediate communication of cases of domestic violence against women, children, the elderly or people with disabilities;

- e) Providing information or execution of tasks requested of them for the purpose of preventing or combating COVID-19.

Article 39

Date of Expiry

This diploma expires with the end of the state of emergency.

Article 40

Entry into force

This Decree enters into force on the day after its publication.

Approved by the Council of Ministers on 28 April 2020

The Prime-Minister

Taur Matan Ruak