

**DECREE-LAW No. 26/2021
of 26th of November**

EXCEPTIONAL AND TEMPORARY MEASURES OF HEALTH SURVEILLANCE IN RESPONSE TO COVID-19 DISEASE PANDEMIC

Law No. 24/2021, of 19 November, proceeded with the first amendment to Law No. 10/2004, of 24 November, Law on the System of Health, simultaneously approving exceptional measures and temporary health surveillance in response to the Covid-19 disease pandemic.

As can be read in the preamble of Law No. 24/2021, of 19 November “simultaneously, given the current health crisis in public health resulting from the epidemic caused by COVID-19, it is urgent to enshrine in the legal system exceptional measures and suitable temporary measures to prevent its spread, which shall be in force for a period of time fixed by law, without prejudice to its renewal depending on the evolution of the epidemiological situation of the country.”

In particular, article 3 of Law No. 24/2021, of 19 November approved a set of exceptional and temporary measures and health surveillance response to the Covid-19 disease pandemic that it is up to the Government to implement.

As such and with a view to preventing the spread of the SARSCoV- 2 and contain the consequences of the Covid-19 disease pandemic, it is urgent to approve a set of exceptional measures to be in force throughout the national territory, until the 19th of March 2022, in compliance with the provisions of article 3 of the Law No. 24/2021, of November 19.

Thus, the Government decrees, under the provisions of paragraph 3 of article 115 of the Constitution of the Republic, paragraph 5 of article 11 of Law no. 10/2004, of 24 November, amended by Law no. 24/2021, of 19 November, and paragraph 1 of article 3 of Law no. 24/2021, of November 19, the following to have effect as law:

**Article 1
Objective**

This legal document approves the exceptional measures and temporary health surveillance in response to the COVID-19 disease pandemic.

**Article 2
Territorial scope of application**

This legal document applies throughout the national territory.

**Article 3
Principle of legality**

Public administration institutions and services responsible for the application of the rules contained in this legal document act in obedience to the law and directions within the limits of the powers attributed to them and in accordance with the purposes for which the same powers are conferred on them.

**Article 4
Principle of equality**

Public administration institutions and services responsible for the application of the rules contained in this legal document cannot privilege, benefit, harm or exempt from any duty, any citizen or foreigner in the national territory by reason of ancestry, gender, sexual orientation, race, language, territory of origin or place

of residence, religion, political or ideological convictions, education, economic status or social position, marital status or physical or mental status.

Article 5

Principles of proportionality and necessity

1. Public administration institutions and services responsible for the application of the rules contained in this legal document can only affect the legally protected rights and interests of citizens or foreigners who are in the national territory when necessary and in terms appropriate and proportionate to the objectives to be achieved.
2. The use of force in enforcing compliance with the rules provided for in this legal document is only authorized when that objective cannot be accomplished by other means.
3. The use of force is always preceded by a direction to obey performed in a perceptible way and always within strict necessity and to the extent required for the fulfillment of legal duty.
4. The means to be used in the use of force comply with the assumptions of minimal intervention and minimal injury possible, and more severe means, namely the use of weapons, instruments, equipment or objects can only be used when it is manifestly not feasible or sufficient to not have recourse to physical force.

Article 6

Mandatory health control

1. All individuals who intend to enter or leave the national territory are necessarily subject to health control, under the terms of the International Health Regulations.
2. For the purposes of complying with the provisions of the previous paragraph, entry and exit from the national territory is carried out exclusively at border posts authorized for this purpose, during their hours of operation, with entry subject to the presentation of a negative result of a SARS-CoV-2/COVID-19 detection test performed within a preceding period not exceeding five days.
3. Individuals who enter the national territory disrespecting the provisions of paragraphs 2 and 3 are punished with a fine of from 30 to 250 US dollars and bear the expenses resulting from the respective prophylactic isolation.
4. The application and collection of the fine provided for in the previous paragraph complies with the provisions of articles 149 to 154 of Law no. 11/2017, of May 24th.

Article 7

Boarding ban

1. Individuals who present symptoms of COVID-19 or are infected with SARS-CoV-2 cannot get on buses or board ships or aircraft.
2. For the purposes of applying the previous paragraph, symptoms of COVID-19 disease or infection with SARS-CoV-2 are considered to be:
 - a) Body temperature or fever equal to or greater than 37.5°C (thirty-seven and a half degrees centigrade);
 - b) Cough;
 - c) Sore throat;
 - d) Constipation;
 - e) Breathing difficulties or shortness of breath.

3. Individuals who are prohibited from getting on buses or boarding ships or aircraft, in accordance with paragraph 1 must fill in the Compulsory Medical Declaration Form and are obligatorily taken to a health facility or isolation unit to undergo diagnostic medical examinations for COVID-19 or SARS-CoV-2 infection.
4. The provisions of the previous paragraphs are not applicable to medical evacuation cases.

Article 8

Mandatory medical diagnostic tests

Diagnostic medical examinations for COVID-19 or SARS-CoV-2 infection are required to be undertaken for all individuals who:

- a) Present the symptoms described in paragraph 2 of the previous article at the time of entry into the national territory or in any other circumstances;
- b) Have been in close contact, have cohabited or shared the same environment with a patient with COVID- 19 or infected with SARS-CoV-2.

Article 9

Mandatory therapeutic isolation

1. Individuals who are diagnosed with COVID-19 or infection by SARS-CoV-2 are mandatorily subject to therapeutic isolation, in a health facility or isolation center established for that purpose by the State.
2. Therapeutic isolation can be carried out at home, by order with reasons by the Minister of Health, with the ability to delegate and sub-delegate, considering the clinical status of the individual concerned, the available capacities in health facilities and health centers, isolation centres established for that purpose by the State and the fulfillment of minimum health and hygiene requirements of housing, defined in a ministerial diploma of the Minister of health.
3. The rules for mandatory therapeutic isolation compliance in a residence are approved by a ministerial diploma of the Minister of Health.

Article 10

Mandatory prophylactic isolation

1. Individuals are subject to mandatory prophylactic isolation, in a health establishment, residence or in an isolation centre established for this purpose by the State, who:
 - a) Enter national territory from abroad;
 - b) Are suspected of being infected with SARS-CoV- 2, but whose COVID-19 tests are inconclusive;
 - c) Are health professionals who have worked in an isolation center where care is provided to patients with COVID-19 or those infected with SARSCoV- two;
 - d) Refuse to perform a mandatory diagnostic medical examination and present the symptoms provided for in Article 7(2).
2. Exceptions to the provisions of subparagraph a) of the previous paragraph are for individuals who prove complete vaccination against SARS-CoV-2/COVID-19 and present, within a maximum period of 48 hours after entering the national territory, a negative SARS CoV 2/COVID-19 detection test result.
3. Rules for complying with mandatory prophylactic isolation are approved by ministerial diploma of the Minister of Health.
4. Mandatory prophylactic isolation ceases with the end of the period provided for in the following article if there is no basis for the imposition of the mandatory therapeutic isolation regime.

5. Special rules for mandatory prophylactic isolation of aircraft crew members who ensure international carriage of passengers or goods, drivers of heavy vehicles for international land transport of goods, as well as of workers in the oil sector and humanitarian support workers, are approved by ministerial diploma of the Minister of Health.

6. Expenses related to prophylactic isolation in a health facility, residence or in private isolation centre, are borne by each individual.

7. In the cases referred to in subparagraph d) of paragraph 1, the expenses related to prophylactic isolation are always borne by the individual.

Article 11

Length of the isolation period

1. The planned isolation period:

a) in relation to article 9, ceases with medical discharge;

b) in relations to paragraph 1 of the previous article, ceases at the end of fourteen days from the start date of the period of isolation without prejudice to the provisions of the following paragraph.

2. The period of isolation of crew members of aircraft that ensure the international transport of passengers or goods and drivers of international land transport and heavy goods vehicles coincides with the period they are in the national territory, not including the time they are crewing the vehicles.

Article 12

Social, cultural and sporting events

1. Any social or cultural events held must avoid crowds and conform to compliance with the social distancing rules provided for in Article 15.

2. Individual sporting activities are allowed.

3. Collective sports activities are allowed on a public road or in spaces, public or private, of collective use, provided that they do not result in groups of people, and are in compliance with the social distancing rules provided for in Article 15.

4. Social, cultural and sporting events take place preferably outdoors and, when this is not possible, must be carried out in properly ventilated facilities.

Article 13

Religious events

In carrying out any celebrations of a religious nature and other events of worship, where there are groups of people, care must be taken to comply with the social distancing rules provided for in Article 15 of this legal document.

Article 14

Carrying out funerals

When performing funerals, care must be taken to comply with the social distancing rules provided for in Article 15 of this legal document.

Article 15
Social distancing rules

1. During the time this legal document is in force, all individuals who are residents of Timor-Leste are required to:

- a) Keep a distance of at least one metre in relation to other individuals with whom they do not live in a common place
- b) Use a face mask that covers the nose and mouth when accessing or remaining in public spaces or when collectively in private;
- c) Sanitize their hands when they intend to enter commercial, industrial or service establishments, in places where markets operate or in buildings where public administration services operate;
- d) Avoid the formation of groups of people on public roads.

2. For the purposes of this legal document, a group of people is considered to be the meeting of more than two people less than two metres apart.

Article 16
Criminal liability

Disrespect for orders and instructions issued by the competent authorities for the application of the rules of this legal document may imply criminal liability of the offender pursuant to the provisions of paragraph 4 of article 3 of Law no. 24/2021, of 19 November, and the Penal Code.

Article 17
Non-compliance with measures by foreigners

Disrespect, by foreigners, of orders and instructions issued by the competent authorities for the application of the rules of this legal document is immediately communicated to the Migration Service, for all legal purposes.

Article 18
Operation of land border posts

1. The land border posts of Motain, Suai Salele, Sakato and Oesilo, during the period of validity of this legal document, only work on:

- a) Mondays, between 9:00 am and 3:00 pm, for the departure of people and goods from the national territory;
- b) Wednesdays, between 9:00 am and 3:00 pm, for the entry into national territory of persons and goods.

2. The Minister of the Interior, in duly justified cases, in particular related to the implementation of the public interest, may authorize the operation of border posts on a day and time other than those referred to in the previous paragraph.

Article 19
Temporary closure of facilities which operate public services

1. The members of the Government, when there is a concrete risk to public health, may, through recommendation of the Minister of Health, determine the closure of facilities where services operate under their direct administration.

2. The executive bodies of public legal persons integrated into indirect administration, when there is a concrete risk to public health, may, upon recommendation of the Minister of Health, determine the closure of facilities for administrative agencies' services that operate under their control.

Article 20

Access to the workplace of employees of the public administration

Access to the workplace of employees, agents and contractors of the direct and indirect administration of the State is conditional on proof of complete vaccination against SARS-CoV-2/COVID-19 or, alternatively, proof of negative result in Polymerase Chain Reaction test (PCR, in English) for the detection of SARS-CoV-2/COVID-19, carried within the previous five days.

Article 21

Access to the facilities for public services

1. Access to facilities where public services are provided is subject to the presentation of proof of full SARS-CoV-2/COVID-19 vaccination or, alternatively, a negative detection test result of SARS-CoV-2/COVID-19, carried out within the previous five days.

2. Exceptions to the provisions of the previous paragraph, are the cases in which access to the places referred to therein jeopardizes the exercise of fundamental rights, freedoms and guarantees of the individual.

Article 22

Temporary closure of facilities operating educational or teaching establishments

1. The Minister of Education, Youth and Sports, when a specific public health risk is verified, may, upon recommendation of the Minister of Health, determine the temporary closure of facilities where educational establishments operate pre-school, primary or secondary education.

2. The Minister of Higher Education, Science and Culture, when a specific public health risk is verified, may, upon recommendation of the Minister of Health, determine the temporary closure of facilities where higher education establishments operate.

Article 23

Provisional suspension of fairs and markets

The Ministers of State Administration and Tourism, Commerce and Industry, when they verify the existence of a concrete risk for public health, can through operating joint statement and upon recommendation of the Minister of Health, determine the provisional suspension of activities at fairs or on the premises of markets.

Article 24

Licenses and Authorizations

1. Licenses, authorizations and other administrative acts and documents remain valid regardless during the period of validity of this law from January 31, 2021.

2. The provisions of the previous paragraph do not apply to deadlines for validity resulting from the application of an international agreement or a law passed in the exercise of the legislative competence of the National Parliament.

Article 25

Document proving complete vaccination

The template for the proof of complete vaccination document issued by the State is approved by ministerial diploma of the Minister of Health.

Article 26
Supervision

1. Supervision of compliance with the provisions of this legal document is the responsibility of the security forces and services and the epidemiological and health surveillance teams and those in charge of them, in particular:

- a) The issue of legitimate orders, under the terms of this legal document, relating to the commission and participation in the possible commission of crimes as provided for in this decree;
- b) Promote the necessary steps to ensure the compliance with the mandatory isolation regime by all who are subject to this regime;
- c) Promote the necessary steps to ensure the prohibition of the formation of groups of people and the compliance with social distancing rules provided for in this law, whether on public roads or in public or private spaces for collective use, with the exception of the inviolability of the domicile as per Article 37 of the Constitution of the Republic of East Timor.

2. The health services inform the security forces and services of the identity of all individuals who are subject to mandatory isolation, as well as operating the place where they should stay in isolation.

Article 27
Participation in acts of violence

Administration officials, agents and public servants that provide the respective activity in the health facilities or isolation centers provided in the present legal document, report obligatorily to the Ministry Public or the National Police of Timor-Leste the acts of gender-based violence against women or acts of violence against children, the elderly or people with disabilities that they become aware of in the exercise of their respective functions.

Article 28
General duty of cooperation

During the period of validity of this legal document, all who are in national territory are subject to the duty of cooperation, namely through compliance with orders or instructions that for this purpose are transmitted and in the prompt satisfaction of requests that, justifiably, are addressed to them, for the realization of the measures provided for in this legal document.

Article 29
Special duty of cooperation of regional officials, municipal and community leaders

The President of the Authority of the Special Administrative Region of Oe-Cusse Ambeno, the Presidents of the Municipal Administration Authorities, Municipal Administrators, Administrators of the Administrative Posts, the Chefes do Sucos and the Village leaders must cooperate with the agencies and services of the central administration, namely with the health authorities and security forces, for:

- a) Dissemination of information to local communities, on ways to prevent COVID-19;
- b) Provision of information to health authorities or to security forces on individuals who present the symptoms referred to in Article 7(2);
- c) Immediate reporting of cases of gender based violence committed against women, children, the elderly or disabled people;
- d) Communication to the police authorities of entry into the national territory of persons coming from abroad;

- e) Supervision, monitoring and supervision of compliance with prophylactic or therapeutic isolation;
- f) Dispersion of groups of people on public roads;
- g) Provision of information or performance of tasks that are requested for the purpose of preventing or combating to COVID-19;
- h) Participation in public awareness campaigns about the importance of vaccination against COVID-19.

Article 30
Expiry

This legal document expires on March 19, 2022.

Article 31
Implementation

This statute enters into force on November 29, 2021.

Approved by the Council of Ministers on 24 November 2021.

To be published.

The Prime Minister,

Taur Matan Ruak

Promulgated on 26. 11. 2021.

To be published.

The President of the Republic,

Francisco Guterres Lu Olo