



**United Nations Country Team in  
Timor-Leste**

**Report for the  
Universal Periodic Review (UPR)  
of Timor-Leste**

**40<sup>th</sup> Session of the UPR Working Group  
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# United Nations Country Team Report for the Universal Periodic Review of Timor-Leste, 14 July 2021

## Table of contents

<b>Introduction .....</b>	<b>3</b>
<b>I. Background and framework .....</b>	<b>3</b>
Scope of international obligations .....	3
Cooperation with human rights mechanisms.....	3
Constitutional and legislative framework.....	4
Institutional and human rights infrastructure and policy measures .....	5
<b>II. Implementation of international human rights obligations .....</b>	<b>5</b>
Equality and non-discrimination .....	5
Right to life, liberty and security of the person .....	7
Administration of justice, including impunity, and the rule of law .....	9
Right to privacy, marriage and family life .....	10
Freedom of expression, association and peaceful assembly, and the right to participate in public and political life .....	10
Right to social security and to an adequate standard of living .....	11
Right to health .....	11
Right to education .....	13
Migrants, refugees and asylum-seekers .....	14

# United Nations Country Team Report for the Universal Periodic Review Timor-Leste, February-March 2022

Submitted on 14 July 2021

## Introduction

1. This report is submitted by the United Nations Resident Coordinator in Timor-Leste based on a collaborative effort of the UN Country Team.<sup>1</sup> It focuses on implementation of recommendations from the second Universal Periodic Review (UPR) of Timor-Leste in 2016 and key human rights developments since then. The human rights situation in Timor-Leste has continued to improve since the last UPR. This report focuses on existing challenges and provides suggestions on how these can be addressed.

## I. Background and framework

### Scope of international obligations

2. Of the nine-core international human rights instruments, Timor-Leste has yet to ratify the International Convention for the Protection of All Persons from Enforced Disappearances (ICPPED) and the Convention on the Rights of Persons with Disabilities (CRPD), despite previous commitments.<sup>2</sup> The establishment of the National Council on Disability, which Timor-Leste considers pre-condition for membership to the CRPD, has been pending since 2017.

3. Of the eight ‘Fundamental International Labour (ILO) Conventions’, Timor-Leste has ratified six. Timor-Leste has not yet ratified the Convention concerning Minimum Age for Admission to Employment (C138). It is however party to the Convention on the Rights of the Child that requires State Parties to set a minimum age. Moreover, the Labour code sets the minimum age for employment at 15.<sup>3</sup> Timor-Leste has not yet ratified the Convention concerning the Abolition of Forced Labour (C105), though the Constitution and the Labour Code both prohibit forced labour.<sup>4</sup>

4. Recommendations:

- Ratify the ICPRED and the CRPD.
- Ratify ILO Conventions C138 and C105, the Tripartite Consultations (International Labour Standards) Convention (No. 144), and the Violence and Harassment Convention (No. 190).

### Cooperation with Human Rights Mechanisms

5. In April 2019, Timor-Leste hosted the visit of the Special Rapporteur on the Rights of Indigenous Peoples. No standing invitation has been issued yet to Special Procedures mandate holders. Since the last UPR, Timor-Leste has submitted two treaty reports: to the Committee Against Torture (2016); and the Committee on the Elimination of All Forms of Discrimination Against Women (2019). Other reports, to the International Covenant on Civil and Political Rights (ICCPR) and International Covenant on Economic, Social and Cultural Rights (ICESCR) have been drafted by the Government in 2019 and 2020, respectively. These have not yet been submitted to Parliament for approval.

### Constitutional and legislative framework

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<sup>1</sup> Contributions for this report are from the Human Rights Adviser’s Unit, ILO, IOM, UNDP, UNFPA, UNESCO, UNICEF, UN Women and WHO.

<sup>2</sup> Human Rights Council, Report of the Working Group on the Universal Periodic Review, Timor-Leste, A/HRC/34/11, 28 December 2016, para 18, and recommendations 89.2 and 89.8-22.

<sup>3</sup> Article 68, Law 4/2012, Labour Code.

<sup>4</sup> Section 50.4, Constitution of the Democratic Republic of Timor-Leste. Article 8, Labour Code.

6. Since the second UPR, key legislation was passed, including the Law on Measures to Prevent and Fight Corruption<sup>5</sup> and the Law on Prevention and Fight Against Trafficking in Persons and Fourth Amendment to the Penal Code (Anti-Human Trafficking Law).<sup>6</sup> The latter lists forced marriage as a form of human trafficking however, child marriage, a practice identified as prevalent in Timor-Leste<sup>7</sup>, as a form of forced marriage, is not explicitly mentioned.

7. Despite advances to protect and promote women's rights, the integration of women's human rights in legislation still lacks a systematic and comprehensive approach, rendering many laws 'gender blind' or non-compliant with international gender commitments. Women are often reluctant to claim their rights, and in cases where they do, customary norms may guide the process.<sup>8</sup> For example, customary norms in accessing and inheriting land are deeply gendered and do not reflect women's rights under the new 2017 Land Law.<sup>9</sup>

8. There is hardly any reference to discrimination on the grounds of sexual orientation and gender identity in national legislation or policies, including in the exhaustive list of grounds in which discrimination is prohibited in the Constitution.<sup>10</sup> Nevertheless, sentiments of discrimination based on sexual orientation, constitute 'aggravating circumstances' if a crime is committed.<sup>11</sup> Despite the fact that sexual relations between consenting adults of the same sex are not criminalized, same sex unions are not recognized by law.

9. Justice for children is currently administered using adult justice laws, with few or no special considerations for children. Two draft laws on juvenile justice continue pending approval - the Juvenile Justice Law for Children 12-16 and a Special Criminal Regime for Young Adults 16-21. Both are insufficiently aligned with international standards, such as the age of criminal responsibility.

10. Recommendations:

- Ensure all laws are in line with applicable international human rights standards, including banning discrimination based on sexual orientation and gender identity.
- Allocate sufficient resources to provide targeted capacity building on human trafficking legislation for PSIC, Prosecutors and Judges.
- Finalize Juvenile Justice legislation in compliance with international standards and contextually appropriate.
- Consider aligning the definition of a minor in draft legislation to international standards (12 to under 18) or to include all minors as defined under the Constitution and the Civil Code (12 to under 17). Guarantee in law that criminally responsible children over 16 years are entitled to specialized treatment and protection.

## **Institutional and human rights infrastructure and policy measures**

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<sup>5</sup> Law No. 7/2020, Law on Measures to Prevent and Fight Corruption.

<sup>6</sup> Law No. 3/2017, Law on Prevention and Fight Against Trafficking in Persons and Fourth Amendment to the Penal Code.

<sup>7</sup> CEDAW Committee, Concluding observations on the combined second and third periodic reports of Timor-Leste, CEDAW/C/TLS/CO/2-3, 24 November 2015, paragraph 14. Committee on the Rights of the Child, Concluding observations on the combined second and third periodic reports of Timor-Leste, CRC/C/TLS/2-3, 30 October 2015, paragraph 22, 23, 50.

<sup>8</sup> *Women's Multiple Pathways to Justice: Alternative Dispute Resolution and the Impact on Women in Timor-Leste* (2018), UN Women

<sup>9</sup> Article 4, Law No. 13/2017, Special Regime for the Ownership of Immovable Property, provides that "equality between women and men" and "prohibits any discrimination in respect to ownership, acquisition, management, administration, enjoyment, transfer and disposition."

<sup>10</sup> Section 16/2, Constitution of the Democratic Republic of Timor-Leste.

<sup>11</sup> Article 52. 2 (e), Penal Code.

11. The Government has agreed to draft and adopt a National Action Plan (NAP) on Human Rights. Despite initial and promising steps in 2014, the process has since stalled due to insufficient allocation of government budget and human resources.

12. As of December 2020, 70% of the activities of the 2016-2020 NAP on the UN Security Council Resolution 1325 (2000) on Women, Peace and Security, had been implemented with a budget of USD 747,469 for 2020. This is a significant increase compared to 14.9% of activities implemented in 2017 with a budget execution of USD 166,611<sup>12</sup>. Discussions on the second phase of the NAP 1325 are underway.

13. A NAP against Human Trafficking was established over a three-year period (2016-2018). It allowed for the establishment in 2016 of the Inter-Agency Counter-Human Trafficking Working Group (HTWG) to improve coordination for the achievement of its four goals (prevention, protection, prosecution and partnerships). The HTWG provided important inputs for drafting the anti-human trafficking law.<sup>13</sup> A new NAP has been drafted but is yet to be finalized.

14. A NAP for Persons with Disabilities (PwD) for the period 2021-2030 has been drafted but is pending Council of Minister's approval.

15. Recommendations:

- Allocate sufficient resources to prepare a national human rights action plan.
- Review lessons learnt in the first NAP 1325 and develop the second with meaningful participation of women and PwD. Strengthen inter-ministerial coordination in its implementation and allocate resources to adequately monitor progress.
- Finalize the NAP for PwD and the new NAP against human trafficking and strengthen the work of the HTWG.

## II. Implementation of international human rights obligations

### Equality and non-discrimination<sup>14</sup>

16. Timor-Leste has made significant progress in enhancing women's participation in politics. In the 2017 elections, 49% of voters were women<sup>15</sup>. In 2020, women held 38% of National Parliament seats, above the regional average (19%) and global average (26%).<sup>16</sup> In other key decision-making positions, women are still under-represented. For example, in December 2016, only 21 women (4%) were elected as Suco Chief.<sup>17</sup> There has been an increase of women's participation in the formal labour force but gender disparities remain. Despite the fact that by 2019, 45.7% of the total labour force constituted women,<sup>18</sup> there is a gender pay gap of 16% in the formal employment.<sup>19</sup>

17. PwD continued encountering ongoing, day-to-day discrimination and violence, as well as income insecurity. One of the biggest challenges for PwD is in accessing justice, mostly due to lack of knowledge on

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<sup>12</sup> Information from the Unit for Planning, Monitoring and Evaluation of the Prime Minister's Office (UPMA) and the relevant line ministries.

<sup>13</sup> Law No. 3/2017.

<sup>14</sup> Gender and the rights of children and persons with disabilities are mainstreamed throughout the document where information was available and as relevant.

<sup>15</sup> Factsheet: Parliamentary Election 2017, Timor-Leste, UNDP.

<sup>16</sup> Proportion of seats held by women in national parliament (2020), World Bank. Retrieved from <https://data.worldbank.org/indicator/SG.GEN.PARL.ZS?locations=TL>

<sup>17</sup> Timor-Leste Country Updates at the sixty-first session of the Commission on the Status of Women, March 2017.

<sup>18</sup> Proportion of seats held by women in national parliament (2020), World Bank. Retrieved from <https://data.worldbank.org/indicator/SL.TLF.TOTL.FE.ZS?end=2019&start=2019>

<sup>19</sup> *Gender and SDGs* (2018), UN Women, SEII, UNFPA and GDS. <https://asiapacific.unwomen.org/en/digital-library/publications/2018/08/gender-and-sustainable-development>

how to navigate the system and receive support.<sup>20</sup> Data about PwD is rarely collected and there is no exact overview of the overall number and specific needs of different groups of PwD in Timor-Leste.<sup>21</sup> Only PwD who entered the government subsidy system are registered, but many are unable or unaware how to register, especially in more remote locations.

18. Despite being a culturally conservative country, Timor-Leste has been slowly opening up to discussions about the rights of lesbian, gay, bisexual, transgender and intersex (LGBT) persons. With an increasingly vocal LGBTI community, two pride parades were organized in 2017 and 2018. Political leaders have publicly manifested support for the need to protect LGBT rights. In a video aired before the 2017 parade, at-the-time Prime Minister Rui Maria de Araújo became the first Southeast Asian leader to publicly denounce discrimination against LGBT individuals.<sup>22</sup>

19. The language used in the 2019 National Policy for Inclusive Education<sup>23</sup> did not mention LGBT students, nor are issues of gender identity and expression or sexual orientation included in it. Rules, practices and systemic discrimination in schools, based on differences concerning sexual preferences and/or gender identities, leads many LGBT students to miss school,<sup>24</sup> with implications for access to the job market and future qualified work. Many become dependent on their families, friends, or doing low pay jobs and living under extremely difficult economic conditions. A study conducted in 2017<sup>25</sup> showed disturbing findings of violence and discrimination committed by family members, including physical violence and ‘corrective rape’.

20. The COVID-19 pandemic and the floods emergency in 2020 and 2021 increased the marginalization of many vulnerable groups, who are more susceptible to the health and economic impacts of such disasters, but also face specific challenges in accessing information, health and educational services, social protection and response programs, as well as support systems provided by the state. Elderly and individuals with multiple vulnerabilities suffered the most - for instance, single-parent households in rural areas and women and girls with disabilities.<sup>26</sup> PwD were particularly affected due to the lack of specific approaches designed to target them, even though there were attempts to include PwD in response.<sup>27</sup> For example, via the introduction of sign language in public television (RTTL) news items.

## 21. Recommendations:

- Adopt policies and measures to encourage and enhance meaningful engagement and representation of women, PwD, LGBTI and other vulnerable groups in decision-making and leadership at national and sub-national levels.
- Provide training to key government officials and other practitioners across all sectors on the diverse needs, experiences and rights of different vulnerable groups, and strengthen their capacities in working with and providing support to survivors of violence.
- Increase technical and financial investment in social inclusion initiatives and policies, including within Government institutions that target, among others, PwD and LGBT.
- Make schools safer and more inclusive by developing relevant anti-discrimination policies and codes of conduct that specifically prohibit harassment, bullying and discrimination based on gender identity, gender expression and sexual orientation.
- Take into consideration the diverse needs of different vulnerable groups in the context of the COVID-19

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<sup>20</sup> *The effects of COVID-19 on persons with disabilities and their families* (December 2020), Human Rights Adviser Unit at the UN Resident’s Coordinator’s Office and OHCHR, page 16.

<sup>21</sup> *Idem*.

<sup>22</sup> <https://youtu.be/t5y01VVNnG8>

<sup>23</sup> *National Policy for Inclusive Education*, Ministry of Education, Youth and Sports, available at <http://www.moe.gov.tl/pt/inclusive/send/14-inclusive/16-3-english-politika-nasional-depois-aprovasaun-husi-cdm>

<sup>24</sup> *Access to Education for LGBTI people in Timor-Leste* (December 2020). Human Rights Adviser Unit at the UN Resident’s Coordinator’s Office and OHCHR’s UN Free and Equal campaign.

<sup>25</sup> *The Lives of Lesbian and Bisexual Women and Transgender Men in Timor-Leste* (2017), ASEAN SOGIE Caucus and Timor-Leste Women’s Network.

<sup>26</sup> As evidenced in findings in rapid gender assessments, monitoring by women’s organizations and the Joint UN Socio-Economic Impact Assessment in 2020.

<sup>27</sup> *The effects of COVID-19 on persons with disabilities and their families* (December 2020), Human Rights Adviser Unit at the UN Resident’s Coordinator’s Office and OHCHR.

and other emergency and disaster response and recovery planning and preparedness.

### **Right to life, liberty and security of the person**

22. Human Rights training continues for the police in a joint project of the Police Academy, the National Human Rights Institution - the *Provedoria* for Human Rights and Justice (PDHJ) - and the UN, but there is a need for greater ownership of the process by the Police. Since mid-2017, medium ranking officers of the armed forces started receiving training on human rights standards in a joint programme of the PDHJ, the Ministry of Defence and the UN.

23. Excessive use of force, ill-treatment and arbitrary arrest, by police and to a lesser extent, the military, continue to be regularly reported and constitute the majority of human rights complaints received by the PDHJ.<sup>28</sup> These reports continued in the context of the implementation of the COVID-19 related restrictions imposed by successive 'states of emergency' declared since March 2020.<sup>29</sup> There were also statements by high ranking officials and a member of parliament encouraging security forces to shoot or use excessive force against persons violating the law.<sup>30</sup> Of particular concern has been the number of deadly incidents involving off duty police staff using service weapons, often followed by confrontations between communities and the police. According to the police's Organic Law,<sup>31</sup> off-duty police members are forbidden to carry and use service weapons, which must be collected and warehoused appropriately.

24. In known cases of reported human rights violations by police, particularly those publicized in the media and where there was strong public calls for accountability, the police command and Ministers have given public assurances that the incidents will be duly investigated and brought to justice. However, in most cases there is limited information on whether investigations were properly conducted and what these resulted in.

25. GBV is recognized as one of the most pervasive and widespread human rights concerns in Timor-Leste<sup>32</sup>, with three in five (59%) ever-partnered women (15-49 years) having experienced physical and/or sexual intimate partner violence in their lifetime.<sup>33</sup> 86% of these did not seek assistance from formal agencies, services or other authorities. Women and girls with disabilities, as well as LGBT persons, are at an even higher risk of violence,<sup>34</sup> often perpetrated by family members.

26. Since the promulgation of the 2010 Law against Domestic Violence, there is an improved awareness of domestic violence as a public crime and an increasing number of cases reported to the police.<sup>35</sup> This number is still considered to be relatively low, due to public tolerance of domestic violence as a private family affair; fear of stigmatization by victims and re-victimization; limited medical, psychological and legal assistance; few adequate shelters; and limited human resources and infrastructure reducing the reach of the police's Vulnerable Persons' Unit. Mediation under the informal justice system tends to be excessively utilized in these cases.

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<sup>28</sup> PDHJ Annual Report 2020, pages 18-26.

<sup>29</sup> *Ibid.*

<sup>30</sup> See for example, GMNTV, 20 May 2020. <https://youtu.be/gWpGMPNJywM>

<sup>31</sup> Article 5, Decree-Law No. 9/2009, *Organic Law of Timor-Leste's National Police*.

<sup>32</sup> The Secretariat of State for Equality and Inclusion, NAP-GBV 2017-2021. <http://asiapacific.unwomen.org/en/digital-library/publications/2017/10/national-action-plan-on-gender-based-violence-2017-2021>).

<sup>33</sup> *Understanding Violence against Women and Children in Timor-Leste: Findings from the Nabilan Baseline Study: Summary Report* (2016), The Asia Foundation.

<sup>34</sup> *A Research Report on the Lives of Lesbian and Bisexual Women and Transgender Men in Timor-Leste* (2017), Rede Feto and ASEAN SOGIE Caucus. *Mapping of Justice Services for Women and Children with Disabilities in Timor-Leste* (2021) UN Partnership to Promote the Rights of Persons with Disabilities (UNPRPD) – Empower for Change Project; and information from Ra'es Hadomi Timor Oan (RHTO) - an organization of PwD in Timor-Leste mandated to advocate for the rights of PwD.

<sup>35</sup> *Report to the National Parliament Regarding the Implementation of the NAP GBV in 2019*. Secretariat of State for Equality and Inclusion (SEII).

27. In the context of deepened economic and social tensions as a result of the COVID-19 pandemic, accentuated by restricted movement, social isolation and disruption of essential services, women and girls faced greater risks of sexual and domestic violence, as well as neglect.<sup>36</sup> This risk was particularly enhanced among women and girls with disabilities and older women.<sup>37</sup> GBV considerations were not taken into account in the 2020 National COVID-19 Response and Recovery plan, to ensure the delivery of accessible, safe, gender-sensitive and continued essential services to GBV survivors.

28. The Government adopted a new NAP on GBV (2017-2021). In the period of 2016 to 2019, the number of beneficiaries of medical treatment services increased 60%. However, the limited state budget allocation (less than 1% in 2019) remains a challenge to implementation, monitoring and reporting of the NAP's commitments.

29. Physical and emotional violence against children has been reported high at both home and educational settings.<sup>38</sup> Specialized government services to support children and adolescent survivors of violence have not yet been developed, with serious implications for reintegration of children into safe families. The Child Protection Law, the Children Code and the Adoption Law are all in the drafting/approval process for a few years, although in 2017, the Government approved a law on discipline in educational establishments that protects children from any type of corporal punishment and psychological abuse.<sup>39</sup>

30. Despite challenges with setting up a legal and policy framework, the Ministry of Social Solidarity and Inclusion (MSSI) has taken targeted initiatives to prevent violence against children and strengthen the child protection system, including the training of social service workers who support children and families in need.

31. Recommendations:

- Allocate resources for human rights capacity building for the police and defense forces, to assume ownership of the programs.
- Ensure accountability for violations reportedly committed by security forces and that outcomes are shared publicly.
- Enforce or review existing norms and mechanism regarding control of service weapons. Conduct regular psychological assessments and support on anger management.
- Strengthen knowledge and availability of comprehensive essential services for survivors of GBV, particularly in rural areas.
- Strengthen coordination of referral service networks and collaboration between actors providing support to GBV survivors.
- Ensure adequate resourcing for and monitoring of NAP GBV commitments, as well as for addressing GBV in the COVID-19 and disaster response and recovery plans.
- Finalize and approve pending draft legislation and policies on child protection, allocating adequate human and financial resources for implementation.
- Increase budget allocation for continuum care services for children, and prioritize preventative services, including family support services.

### **Administration of justice, including impunity, and the rule of law**

32. The Government has made efforts to continue strengthening judicial institutions. The number and capacity of magistrates and other judicial personnel has increased through training at the Government's Legal

<sup>36</sup> *Issue brief: COVID-19 and ending violence against women and girls* (2020), UN Women. <https://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2020/issue-brief-covid-19-and-ending-violence-against-women-and-girls-en.pdf?la=en&vs=5006>

<sup>37</sup> *Issue brief: Women's Needs and Gender Equality in Timor-Leste's COVID-19 Response* (2020) UN Women [https://asiapacific.unwomen.org/-/media/field%20office%20esecasia/docs/publications/2020/05/tl%20comms%20brief\\_29april\\_tv.pdf?la=en&vs=2726](https://asiapacific.unwomen.org/-/media/field%20office%20esecasia/docs/publications/2020/05/tl%20comms%20brief_29april_tv.pdf?la=en&vs=2726)

<sup>38</sup> *Study on Violence against Children in and Around Educational Settings in Timor-Leste* (2015); *Baseline Study of Knowledge, Attitudes and Practices towards Ten Key Focus Areas of Parenting in Timor-Leste* (2016) UNICEF.

<sup>39</sup> Decree-Law No 29/2017, Regulation for Discipline of Teaching and Non-Teaching Staff of School Establishments.



Training Centre (LTC) however, greater efforts are needed to improve gender parity in the sector, as well as to increase the capacity and number of national trainers.

33. Mobile courts continue to bring justice closer to the people and awareness of the formal justice system. The Government has taken full ownership of the mobile courts since 2019, which have been operating despite the limited resources. Yet, access to justice remains a challenge for a large part of the population. Only four district courts and one Court of Appeal exist across the country. Travel can be costly and lengthy due to poor road conditions. The construction of a new Dili District Court is underway.

34. While the Office of the Public Defender has made efforts to strengthen the legal information dissemination and extrajudicial service,<sup>40</sup> enhanced reach and functioning of the free legal aid services, in particular to the most vulnerable, is still essential. Language remains a barrier to access legal information, laws, and justice despite a legal requirement for policy documents and laws to be available in both Portuguese and Tetum.<sup>41</sup>

35. There is limited investment in the development of a holistic juvenile justice system that would include prevention, diversion, social reintegration and after-care. Alternative measures to ensure that children are not detained need to be developed. A mechanism established in 2014 by the MoJ to coordinate the judiciary, social welfare and law enforcement actors in providing child friendly services for children in contact and conflict with the law, is still not operating. In 2020, the MoJ started drafting legislation to implement the Open Prison Regime for youth in detention.<sup>42</sup>

36. The trial processes for crimes against humanity committed in 1999 continued suspended, after they came to a halt in October 2014, following the dismissal by Parliamentary resolution of international judges, who by law are required to sit on the panel in cases involving serious crimes. This has seriously affected the right of victims to a remedy for human rights violations. The Parliamentary debate on the draft law on reparations was postponed indefinitely since 2012. Bilateral efforts to establish a commission for the disappeared as recommended by the Timor-Leste – Indonesia Truth and Friendship Commission (CVA) has not progressed.

37. In December 2016, the public institute *Centro Nacional Chega* (CNC) was created. The CNC is responsible for promoting the implementation of the recommendations of the Commission for Reception, Truth and Reconciliation (CAVR), as well as the common recommendations to the CAVR and CVA regarding the construction of a national centre for memory, research and learning. In the continued absence of a national reparations program, established by law, and that would officially recognise the status of the victims, the CNC has been credited with extensive work making sure victims have access to alternative national programs for aid and funding.

38. Recommendations:

- Continue efforts on judicial and legal reform to harmonize with global standards.
- Develop the capacity of national legislators in drafting and developing laws and ensure their availability in Portuguese and Tetum.
- Ensure implementation of the Justice Sector Strategic Plan (2011-2030)
- Prioritize investments in developing a juvenile justice system and train police, lawyers, prosecutors, judges, and prison staff accordingly.
- Ensure timely and adequate legal aid for defendants, including children in conflict with the law at the point of access/referral, often at the level of police.
- Address overcrowding in prison and improve conditions in police detention.
- Guarantee that processes in serious crimes committed in 1999 can recommence.
- Debate and accelerate the process to finalize and approve the law on reparations.

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<sup>40</sup> Decree-Law No. 10/2017, New Statute of the Public Defender's Office.

<sup>41</sup> Decree-Law No. 11/2017, Regime for the Use of the Official Languages in the Justice Sector.

<sup>42</sup> Decree Law No.14/2014, Open Prison Regime for youth in detention.

## **Right to privacy, marriage and family life**

39. Despite an effort to increase the rate of issuance of birth certificates through advocacy campaigns and capacity building of service providers, there has been no dramatic increase in the data. Specific measures to register migrant children were still not introduced.

40. The Civil Code continues to maintain the minimum age of consent of marriage at 16 years old, <sup>43</sup> contravening international standards.<sup>44</sup>

41. Recommendations:

- Bring birth registration services closer to beneficiaries, especially in rural areas, while making the administrative process more effective and less costly.
- Amend the Civil Code to raise to 18 the minimum age of consent for marriage.

## **Freedom of expression, association and peaceful assembly, and the right to participate in public and political life**

42. Generally, citizens, including human rights defenders, are free to express themselves. Occasional incidents of intimidation have been reported against NGO staff after publicly raising cases or issues of human rights concern or involving State agents. Although in 2021 the country ranks high in the RSF's World Press Freedom Index and journalists report a level of freedom to express their opinions, the RSF describes that journalists face various forms of pressure to restrict their work, including intimidating legal proceedings, police violence and public shaming by government officials or parliamentarians.<sup>45</sup>

43. In 2020, the MoJ drafted a decree-law to reintroduce criminal defamation into the Penal Code. This provision had been removed in the 2014 Media Law because of not being compliant with human rights standards. The draft stipulates that any person who publicly states and publishes through social media "facts" or "opinions" that may offend the honour, good name and reputation of a current or previous member of government, church official or any public official can be held liable for criminal defamation. Longer prison penalties are established if the plaintiff is a public official, or if the offensive statement is made through traditional or social media. It is unsure if the Government will pursue this legislation after wide public criticism.

44. The law continues to be inconsistent regarding the right to vote for persons with mental disabilities. While an article denying persons "clearly and publicly known as mentally ill" the right to vote was repealed in the Parliamentary Electoral Law<sup>46</sup>, the same article remains in force in the Presidential Election Law, in violation of the ICCPR.<sup>47</sup>

45. Recommendations:

- Guarantee implementation of the Media Law is in line with Timor-Leste's obligations under international human rights treaties.
- Repeal any proposal for the criminalization of defamation.
- Investigate and take necessary action in incidents of threats and intimidation against human rights defenders and journalists.
- Repeal the prohibition of persons with mental disabilities to vote in Presidential elections.

## **Right to social security and to an adequate standard of living**

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<sup>43</sup> Article 1490, Civil Code.

<sup>44</sup> Joint General Recommendation No.31 of the Committee on the Elimination of All Forms of Discrimination Against Women, and General Comment No.18 of the Committee on the Rights of the Child (2014) on harmful practices.

<sup>45</sup> [Timor-Leste | RSF](#)

<sup>46</sup> Law 7/2011, Second Amendment to Law 6/2006 (Law on the Election of the National Parliament). Law 8/2011, Second Amendment to Law 7/2006 (Law on the Election of the President of the Republic), Article 5 b).

<sup>47</sup> Article 25, ICCPR.

46. In 2016, the Government established a new social security system.<sup>48</sup> It includes a general scheme that is mandatory and contributory for all formal employed workers (employers and employees) from private and public sector. It also includes a voluntary scheme for all other workers. The new system provides an old age pension, disability pension, survivor pension and benefits, and parental (maternity and paternity) benefits. Currently, the effective coverage is still very low, particularly in a country where informal work dominates. Although the current non-contributory social protection programs aim to target different groups of vulnerable people, the effective coverage is similarly very low and benefits amounts are inadequate for an effective impact on national poverty reduction. A Basic Law for Social Protection and a Social Protection National Strategy is expected to be approved before the end of 2021.

47. The Special Regime for the Ownership of Immovable Property (“Land Law”) was approved in 2017, after several years of discussions and political stalemate. The new legislation provides a legal solution for settling competing land claims since before independence, finally bringing to people some security of tenure over land they use or own. Before it can be implemented, the law requires several pieces of complementary legislation, still pending, including one regulating evictions. Evictions are a major concern for poor families without a land title. A 2016 study found that 70% of occupants in Dili feared eviction within the following five years.<sup>49</sup>

48. The introduction of the Unique Identification System, an integrated strategy for the implementation of an identification single system that enables citizens to effectively access government services and supports better service provision and monitoring, will be implemented between 2021 and 2025. The population census, now rescheduled for 2022, will allow better government planning and budget allocation.

49. Recommendations:

- Expand social protection to informal workers to promote the transition to decent jobs.
- Improve efficiency and effectiveness of social protection programmes and systems by using emerging technologies, in which ICT platforms and linkage between social protection databases to national identification systems will likely guarantee inclusive and rapid responses.
- Ensure the adoption, according to human rights standards, of the complementary legislation to give effect to the Land Law, particularly regarding evictions. Avoid forced evictions and ensure adequate protection for the most vulnerable if evictions take place.

## Right to health

50. The government continued strengthening the implementation of the family health program through domiciliary home visits particularly in rural and/or remote areas for early detection of disease and immediate referral. The integrated community health service *Servicos Integradu Saude Comunitaria*, continued delivering services in areas where health facilities were not available. Moreover, the government continued establishing new health facilities in areas with low service coverage.

51. Access to immunizations improved with the expansion of the vaccine cold chain and availability of trained health staff in health posts. Enhanced routine childhood immunization coverages led to the elimination of Measles and control Rubella in 2018, before the expected regional target in 2023. Still, around 10-20% of the population, living in very remote locations, have poor access to immunizations.

52. Despite the low prevalence rate of HIV (around 0.2%)<sup>50</sup>, this rate is rapidly increasing and most likely under-reported. Although national legislation protects the rights of people living with HIV,<sup>51</sup> they experience significant stigma and discrimination even within their families, communities and the health care sector.<sup>52</sup>

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<sup>48</sup> Law 12/2016, Creation of the Contributory Social Security Scheme.

<sup>49</sup> *Survey on Access to Land, Tenure Security and Land Conflicts in Timor-Leste* (December 2016), The Asia Foundation and Van Vollenhoven Institute for Law.

<sup>50</sup> Joint United Nations Programme on HIV-AIDS (2020), UNAIDS

<sup>51</sup> Law No.4/2012, The Labor Code, Section III.

<sup>52</sup> *HIV Stigma Index Report. Dili, Timor-Leste* (2017), Estrela+.

53. The lack of easily accessible and disability-friendly healthcare facilities and the challenges in transportation in rural areas are common barriers for PwD.<sup>53</sup> Following an assessment conducted by the MoH in 2019,<sup>54</sup> a new plan proposes improvement of accessibility and disability friendly-user health facilities. The government also initiated a pilot project on disability-inclusive health in some Municipalities, training health workers on the principles of disability inclusion.

54. While access to health has improved considerably, its overall quality and utilization levels have not. An assessment conducted in 2019<sup>55</sup> identified significant quality concerns, including regarding workforce, facilities and quality of care. As a result, in 2020 the MoH launched the National Healthcare Quality Improvement Strategic Plan for Timor-Leste (2020 - 2024).

55. Despite a decrease from an average of 5.7 children in 2009-10 to 4.2 children in 2016,<sup>56</sup> the total fertility rate in Timor-Leste remains among the highest in the region. Among currently married women (15-49 years), the unmet need for contraception has decreased from 32% in 2010 to 25% in 2016, while the met need slightly increased from 22% to 26%. The total demand for family planning among married women remains relatively limited and slightly decreased for the same period.<sup>57</sup>

56. Physical barriers in accessing medication and contraceptives remain significant, especially in remote areas, but also cultural and religious constraints limit access to family planning modern methods, especially for people without children or unmarried. Contraceptives are provided for free in public health facilities but are mostly reserved for women who already have children.

57. Young women seem to have little agency in the decision to engage in sexual relationships.<sup>58</sup> The relatively high rate (7%) of teenage pregnancies,<sup>59</sup> and issues such as maternal mortality due to unsafe abortion, baby abandonment or infanticide, tend to confirm these findings. As knowledge on reproductive health is particularly low among women, the Government's sexual reproductive health and rights education programmes are expected to contribute to a reduction in the occurrence of these issues. However, cultural sensitivity on this subject remains a barrier to implementation<sup>60</sup>. For example, abortion is not allowed in the case of rape or incest.<sup>61</sup>

58. In 2017, the MoH developed the Emergency Obstetric and Newborn Care (EmONC) Improvement Plan of Action (IPA), which aims at sustaining and further contributing to the improvement of maternal and newborn health and reducing maternal and newborn mortality. In 2019, the number of functional EmONC facilities per 500,000 population increased to 6.2, as compared to 3.4 in 2015.<sup>62</sup> The National Standards and Protocols for Intrapartum Care and Immediate Postpartum Care for health facility have also been developed by MoH and started to be disseminated in the country.

59. Recommendations:

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<sup>53</sup> Leaving No Youth Behind in Timor-leste: Policy Brief #5 - *Young People with A Disability* (April 2018), Belun and the UN, page 2. Retrieved from [https://timor-leste.unfpa.org/sites/default/files/pub-pdf/05\\_DISABILTY\\_ENG\\_PRINT%20%281%29.pdf](https://timor-leste.unfpa.org/sites/default/files/pub-pdf/05_DISABILTY_ENG_PRINT%20%281%29.pdf). p.3.

<sup>54</sup> *Disability-inclusive health service assessment in Referral Hospital Baucau and Five Community Health Centers in Viqueque municipality* (2019), Ministry of Health.

<sup>55</sup> *Needs assessment on quality in Timor-Leste. Step 2 of the Twinning Partnership for Improvement between Timor-Leste and Macao SAR China* (2019), WHO.

<sup>56</sup> *2016 Timor-Leste Demographic and Health Survey*, published in 2018 by the General Directorate of Statistics (GDS), Ministry of Health and ICF.

<sup>57</sup> *Idem*.

<sup>58</sup> *4<sup>th</sup> Periodic State Party Report on the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)* (2019), Secretary of State for Equality and Inclusion (SEII).

<sup>59</sup> *2016 Timor-Leste Demographic and Health Survey*, published in 2018 by the General Directorate of Statistics (GDS), Ministry of Health and ICF.

<sup>60</sup> *4<sup>th</sup> Periodic State Party Report on the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)* (2019), Secretary of State for Equality and Inclusion (SEII).

<sup>61</sup> Article 141, Decree Law 19/2009, Penal Code.

<sup>62</sup> *Midterm Review of the Emergency Obstetric and Newborn Care Improvement Plan of Action* (2021), MoH.

- Improve access to disability-user friendly facilities and increase the availability of respectful and equitable health services to PwD.
- Implement the National Healthcare Quality Improvement Strategic Plan for Timor Leste (2020 - 2024) and the National Healthcare Financing Strategy 2019-2023.
- Continue strengthening pre-service and in-service training of medical doctors, nurses, and midwives including quality and safety improvement elements.
- Increase the availability of youth-friendly Sexual Reproductive Health services and information, including on HIV, STIs and access to family planning services, which should be available in accordance with new Family Planning policy.
- Continue strengthening EmONC service by implementing the IPA to sustain the improvement of maternal and newborn health.
- Strengthen the monitoring and evaluation system on the implementation of the health programme to ensure quality output and outcome, and support evidence-driven decision making.
- Increase the coverage and accessibility of maternal and sexual reproductive health services to population in remote areas.

## Right to education

60. Only 24% children have access to preschool education.<sup>63</sup> In 2017 in Grade 1, repetition rates were at 23.9% and student dropouts at 5.57%.<sup>64</sup> Roughly 11% of children (aged 6–17 years) have never attended school.<sup>65</sup> Among them are working children, young female farmers and young parents. Meanwhile, 32% of the population aged 15 years and older is illiterate.

61. Since the declaration of a State of Emergency in March 2020 due to COVID-19, schools have been closed for prolonged periods on and off. Despite efforts at distance education through various platforms, children’s participation and the extent of their learning is not yet determined.

62. The quality of education is directly impacted by the large numbers of students competing for limited classroom space. Schools often run double or triple shifts in the same space, reducing student’s contact hours down to only two hours a day.<sup>66</sup> While hours of teaching and learning should be 4.5 hours per day, actual contact time is only around 66% of that.<sup>67</sup> Physical conditions of schools also continue to require improvements, in particular water and sanitation facilities.

63. Although the population with disabilities is believed to be markedly under-reported, from the data available,<sup>68</sup> only 15.3% of PwD can read and write in any of the four working languages in the country.<sup>69</sup> Almost half of children with disabilities between 3 and 18 years are not attending schools.

64. In 2017, the Government developed a progressive new national Inclusive Education Policy outlining the importance of education for all vulnerable children. In addition to children with disabilities, it also highlights the importance of targeting the inclusion of broader marginalized groups, such as children who do not speak the official languages of instruction, young mothers and pregnant adolescent girls. Efforts are required to ensure its effective implementation. Furthermore, teachers do not possess the necessary skills to teach children with disabilities, including on use of sign language and provision of braille, and the curriculum does not sufficiently integrate issues faced by children with a disability. The re-entry policy also needs to be reviewed to enable young mothers and early dropouts to re-join school.

65. In a country with 16 native mother tongues and 36 local dialects, and where 66% of children speak a language other than Tetum at home<sup>70</sup>, the issue of medium of instruction continues to be a barrier to learning

<sup>63</sup> Education Management Information System (EMIS) 2019, Ministry of Education, Youth and Sports.

<sup>64</sup> EMIS 2017, Ministry of Education, Youth and Sports.

<sup>65</sup> [https://www.statistics.gov.tl/wp-content/uploads/2013/12/Education\\_Monograph.pdf](https://www.statistics.gov.tl/wp-content/uploads/2013/12/Education_Monograph.pdf)

<sup>66</sup> *Analysis of education sector in Timor-Leste* (2018), The Government of Timor-Leste, p.151

<sup>67</sup> The Early Grade Reading Assessment (EGRA) (2017), Ministry of Education, Youth and Sports.

<sup>68</sup> UNESCO Institute for Statistics (UIS), extracted on 9 July 2021

<sup>69</sup> Timor-Leste Census 2015.

<sup>70</sup> Timor-Leste Census 2015.

for many children and increases the risk of early dropout. At present, the medium of instruction in early basic education is Tetum, with a carefully planned introduction to literacy in Portuguese, the only two official languages of the country.<sup>71</sup>

66. Recommendations:

- Continue efforts to increase the quality, accessibility and availability of education, including resourcing adequately continuous teacher training and oversight.
- Ensure adequate resources for pre-school and primary education (which is compulsory).
- Monitor systematically school attendance of children for policies to ensure continued access.
- Conduct further consultation, resource adequately and implement the inclusive education policy.

### **Migrants, refugees and asylum-seekers**

67. There is limited data on the extent of human trafficking to, from and within Timor-Leste. A baseline report conducted in 2016<sup>72</sup> identified over 811 persons trafficked between 2000 and 2016. The predominant form of trafficking in persons is out of Timor-Leste (about 600 persons), followed by trafficking into the country (about 160 persons), and internal trafficking (74 persons). These numbers only include cases officially recorded. Regional trends and evidence suggest the actual number is likely far higher. According to the Anti-Human Trafficking Law,<sup>73</sup> Timor-Leste can provide voluntary return assistance to victims (not expulsion or deportation), taking into consideration the victim's health, safety and well-being.

68. In 2017, the Law on Migration and Asylum was approved.<sup>74</sup> It specifies that irregular migrants shall be expelled from the country, and if they remain after being notified of the expulsion, they may be detained. There is no policy or strategy to ensure that migrant detention is used only as a measure of last resort. Progress towards implementation of this law has been slow.

69. Timorese nationals are eligible to vote from abroad in national, parliamentary and presidential elections. They must vote in person at a diplomatic mission or designated voting centre and be in possession of a valid voter card and passport. Many may not be able, interested, and/or aware of the procedures. The Ministry of Foreign Affairs and Cooperation is still reviewing options to enable Timorese abroad to participate in elections without having to travel long distances to access voting locations.

70. Recommendations:

- Reinforce migration management policy and systems, introduce an effective border management system, implement measures to reduce irregular employment, disseminate information on entry legal requirements, raise awareness of migrant communities on risks associated with irregular migration, and allocate adequate financial and human resources to it.
- Allocate sufficient resources for finalizing human trafficking data collection procedures and provide training to relevant officials on formal procedures for victim identification.

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<sup>71</sup> Revised National Base Curriculum, introduced in 2015.

<sup>72</sup> *Baseline Study on Trafficking in Persons in Timor-Leste, Trends, Data Sources and Gaps and Ways Forward* (2016), IOM with support from the United States Department of State (Office to Monitor and Combat Trafficking in Persons).

<sup>73</sup> Law No. 3/2017, Law on Prevention and Fight Against Trafficking in Persons and Fourth Amendment to the Penal Code

<sup>74</sup> Law No. 11/2017, which outlines the rights and obligations of immigrants, the process and conditions for obtaining different categories of visas, special stay authorisation and residency, including conditions upon which these can be revoked; provisions regarding family reunification as well as penalties that can be incurred. Moreover, it regulates the conditions for refugee status determination; offences against those who support irregular migration; the employment of irregular immigrants and marriages of convenience.