



Human Rights Council
Working Group on the Universal Periodic Review
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Compilation on Timor-Leste

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies^{1,2}

2. The Committee against Torture and the United Nations country team recommended that Timor-Leste consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention on the Rights of Persons with Disabilities.³ The Committee against Torture also recommended that Timor-Leste consider ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.⁴

3. The Committee against Torture encouraged Timor-Leste to consider making the declaration under article 22 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, recognizing the competence of the Committee to receive and consider communications from individuals subject to its jurisdiction.⁵

4. The Office of the United Nations High Commissioner for Refugees (UNHCR) recommended that Timor-Leste accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.⁶

5. The United Nations country team recommended that Timor-Leste ratify the Minimum Age Convention, 1973 (No. 138), the Abolition of Forced Labour Convention, 1957 (No. 105), the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), and the Violence and Harassment Convention, 2019 (No. 190), of the International Labour Organization.⁷

6. The United Nations Educational, Scientific and Cultural Organization (UNESCO) recommended that Timor-Leste ratify the Convention against Discrimination in Education.⁸



7. The United Nations country team noted that Timor-Leste had not yet issued a standing invitation to special procedure mandate holders.⁹ The Committee against Torture recommended that Timor-Leste promptly accept the request of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment to visit the country.¹⁰

III. National human rights framework¹¹

8. The United Nations country team noted that the Government had agreed to draft and adopt a national action plan on human rights. Despite initial and promising steps in 2014, the process had since stalled owing to insufficient allocation of government budget and human resources.¹²

9. The Committee against Torture commended Timor-Leste for its initiatives to amend its policies and procedures in order to afford greater protection of human rights and to apply the Convention against Torture, in particular the adoption of the second National Action Plan on Gender-based Violence (2017–2021); and the adoption of the National Action Plan for Children in Timor-Leste (2016–2020), which called for the issue of corporal punishment to be addressed.¹³

10. While taking note of the existing general training programmes on human rights for police officers, members of the armed forces and judicial officers, the Committee remained concerned by the lack of information on the impact of the training provided. Furthermore, it expressed regret at the lack of specific training provided to law enforcement officials, judges, prosecutors, forensic doctors and medical personnel on how to detect and document physical and psychological sequelae of torture and other cruel, inhuman or degrading treatment or punishment.¹⁴

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination

11. The United Nations country team noted that there was 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 was prohibited in the Constitution. Nevertheless, sentiments of discrimination based on sexual orientation constituted “aggravating circumstances” if a crime was committed. Despite the fact that sexual relations between consenting adults of the same sex were not criminalized, same-sex unions were not recognized by law.¹⁵

12. The United Nations country team also noted that rules, practices and systemic discrimination in schools, based on differences concerning sexual preferences and/or gender identities, led many lesbian, gay, bisexual, transgender, queer and intersex students to miss school, with implications for access to the job market and future qualified work.¹⁶

13. It further noted that although national legislation protected the rights of people living with HIV, they experienced significant stigmatization and discrimination even within their families, their communities and the health-care sector.¹⁷

14. It stressed that the coronavirus disease (COVID-19) pandemic and the floods emergency in 2020 and 2021 had increased the marginalization of many vulnerable groups, who were more susceptible to the health and economic impacts of such disasters but also faced specific challenges in terms of access to information, health and educational services, social protection and response programmes, and support systems provided by the State. Older persons and individuals with multiple vulnerabilities suffered the most, such as members of single-parent households in rural areas and women and girls with disabilities. Persons with

disabilities were particularly affected owing to the lack of specific approaches designed to target them, even though there were attempts to include them in responses.¹⁸

15. It noted that despite an effort to increase the rate of issuance of birth certificates through advocacy campaigns and capacity-building of service providers, there had been no dramatic increase in the data. It recommended that Timor-Leste bring birth registration services closer to beneficiaries, especially in rural areas, while making the administrative process more effective and less costly.¹⁹

2. Development, the environment, and business and human rights

16. The Special Rapporteur on the rights of indigenous peoples noted serious concerns that had been raised regarding environmental and social consequences of the large-scale *Tasi Mane* project and the failure to undertake comprehensive impact assessments. Local communities were concerned over the pollution that would affect water and land resources, impacting on human health and biodiversity.²⁰

17. The Special Rapporteur also noted that the Government, in its Strategic Development Plan (2011–2030), had acknowledged the importance of strengthening the bond of the Timorese people with nature in order to ensure sustainable management of the environment and natural resources for the next generations.²¹ She commended the Government for its positive recognition of customary practices for natural resource management, and encouraged the Government and international donors to support traditional authorities and communities to further strengthen the use of customary practices for conservation and climate change adaptation.²²

B. Civil and political rights

1. Right to life, liberty and security of person²³

18. The Committee against Torture noted with concern that acts of torture and ill-treatment were treated as if they were the same offence under the provisions of the Criminal Code. The definition set out in its article 167 was limited to acts directly committed by persons vested with specific public functions, which could prevent prosecution of public officials working in areas not explicitly mentioned or other persons with delegated functions or officials who consented or acquiesced to the infliction of severe pain or suffering by others. It also noted that the definition of torture contained in the Criminal Code did not include pain and suffering inflicted for the purpose of discrimination of any kind, as required by the Convention against Torture. It further expressed concern that the Criminal Code failed to ensure appropriate penalties for acts of torture, since it set the minimum penalty for torture at only two years of imprisonment.²⁴

19. The Committee expressed concern at the repeated assertion by Timor-Leste that no cases of torture had been recorded by the authorities during the period under review. In that connection, the Committee reiterated its concern that widely publicized cases of alleged torture or ill-treatment by police officers in Atauro, Oecusse and Maliana had not resulted in any prosecutions and, more broadly, that the Committee had received information concerning many allegations of torture and ill-treatment, including excessive use of force, involving the police, as well as reports that the security forces reportedly committed such abuses with impunity. Furthermore, the Committee expressed regret at the lack of information provided by Timor-Leste on the results of its investigation into many alleged incidents of torture and ill-treatment committed by members of the police and military in the context of a joint operation against the Maubere Revolutionary Council in 2014 and 2015, such as the one in Lalulai village, Bacau municipality, where a number of individuals, including women and children, had allegedly been arbitrarily detained, beaten and threatened by the authorities to compel them to divulge information about the whereabouts of members of the group.²⁵

20. The United Nations country team noted that excessive use of force, ill-treatment and arbitrary arrests, by police and, to a lesser extent, the military, continued to be regularly reported. Those reports continued in the context of the implementation of the restrictions related to the COVID-19 pandemic that had been imposed under successive states of

emergency since March 2020. There had also been statements by high-ranking officials and a member of Parliament encouraging security forces to shoot or use excessive force against persons violating the law.²⁶ The Committee against Torture expressed similar concerns in this regard.²⁷

21. The Committee against Torture expressed regret that the practice in prisons of using “security cells” to accommodate incoming inmates implied the application of a solitary confinement regime to all prisoners during their first days of incarceration. The Committee also expressed regret that Timor-Leste had not provided information regarding the Committee’s concern at reports that all new prisoners were subjected not only to solitary confinement for several days, but also to regular beatings and/or degrading treatment by prison staff as a form of initiation.²⁸

22. The Committee noted that overcrowding was among the main problems facing the prison system. It expressed appreciation for the efforts by Timor-Leste to improve conditions of detention, in particular the planned construction of a juvenile detention centre and two prisons in Bacau and Manufahi municipalities and the installation of closed-circuit television cameras to deter prison violence. While taking note of the arrangements for the separation of categories of detained persons, the Committee remained concerned at reports indicating that the strict separation of minors from adults, pretrial detainees from convicted prisoners and women from men was not always guaranteed. The Committee expressed regret that, while Timor-Leste had indicated that it was endeavouring to construct a separate detention centre for juveniles, it had not indicated that it was endeavouring to construct a separate detention centre for women.²⁹

23. The Committee recommended that Timor-Leste: (a) establish a fully independent complaint mechanism that persons deprived of their liberty could access confidentially and that had the authority to investigate promptly, impartially and effectively all reported allegations of and complaints about acts of torture and ill-treatment; and (b) ensure that all suspected perpetrators of torture and ill-treatment were immediately suspended from their duties and remained suspended for the whole period of the investigation, particularly where there was a risk that they would otherwise be in a position to reoffend, carry out acts of reprisal against the alleged victim or hinder the investigation.³⁰

24. The Committee noted with concern the lack of a legal framework for the provision of redress to victims of torture and ill-treatment. It expressed regret that Timor-Leste had not provided information on redress and compensation measures ordered by the courts or other State bodies and actually provided to the victims of torture or ill-treatment or their families since the entry into force of the Convention against Torture in the country. The Committee also expressed regret that Timor-Leste had presented no information on redress programmes or measures taken to support and facilitate the work of non-governmental organizations that sought to provide rehabilitation to victims of torture and ill-treatment.³¹

25. The Committee expressed concern that little progress had been made regarding the investigation of many alleged cases of enforced disappearance that had occurred in Timor-Leste during the period 1975–1999. It also noted with concern that Timor-Leste had not yet established a commission on enforced disappearance tasked with gathering data about all disappearances perpetrated throughout that period and with identifying the whereabouts of the estimated 4,500 children from Timor-Leste who had been forcibly taken to Indonesia during the occupation.³²

2. Administration of justice, including impunity, and the rule of law³³

26. The United Nations country team noted that mobile courts continued to bring justice closer to the people and to raise awareness of the formal justice system. The Government had had full ownership of the mobile courts since 2019, and they had been operating despite limited resources. However, access to justice remained a challenge for a large part of the population. Only four district courts and one court of appeal existed across the country. Travel could be costly and lengthy owing to poor road conditions. The construction of a new district court in Dili was under way.³⁴ The Special Rapporteur on indigenous peoples noted that the capacity of the justice system remained limited and that it struggled with a backlog of thousands of cases. A donor project seeking to expand the presence of mobile courts

pending the establishment of additional district courts had been temporally suspended for funding reasons.³⁵

27. The Special Rapporteur noted that, in terms of access to justice and compliance with human rights standards, there were shortcomings in both the formal justice system and the customary justice system. In the customary justice system, hearings were commonly conducted in public, which was clearly unsuitable for crimes relating to emotionally vulnerable victims of domestic violence and child abuse. Some customary justice practices might entail physical punishments, in contravention of international human rights law.³⁶

28. The Committee against Torture urged Timor-Leste to ensure that all complaints of torture and ill-treatment were promptly investigated in an impartial manner by an independent body and that there was no institutional or hierarchical relationship between the body's investigators and suspected perpetrators of such acts, and to strengthen the capacity of the police forensic and criminal investigations unit to undertake such investigations.³⁷

29. The Committee noted the procedural safeguards set out in article 60 of the Code of Criminal Procedure, namely the rights of detainees to be brought before a judge 72 hours after their arrest, to be informed of the reasons for their arrest and of their rights, to remain silent, to have access to an independent lawyer, if necessary through legal aid, and to contact relatives. The Committee expressed regret, however, at the lack of information provided on the measures and procedures in place to ensure the practical application of those and other fundamental legal safeguards to prevent torture and ill-treatment. In that respect, it had been reported that detainees were frequently deprived of timely access to a lawyer. Furthermore, the Committee expressed concern at allegations regarding the failure to maintain accurate detention registers and to adhere to the 72-hour limit for detainees to be brought before the judge.³⁸ According to the Committee, Timor-Leste should take effective steps to ensure in practice that confessions obtained under torture or ill-treatment were ruled inadmissible, and should expand vocational training programmes for both judges and prosecutors so as to ensure their ability to effectively identify torture and ill-treatment and investigate all allegations of such acts.³⁹

30. While welcoming the creation in July 2017 of the memorial institution Chega! National Centre, the Committee expressed serious concern about the continued failure by Timor-Leste to implement a number of key recommendations from the Commission for Reception, Truth and Reconciliation and the Commission of Truth and Friendship established by Indonesia and Timor-Leste. In that regard, the Committee expressed concern about the absence of any concerted efforts to bring to justice those responsible for the killing or disappearance of an estimated 18,600 people and the more than 11,000 allegations of torture and over 1,000 allegations of sexual violence, including rape and sexual slavery, documented by the Commission for Reception, Truth and Reconciliation.⁴⁰ The United Nations country team expressed similar concerns.⁴¹

31. The Committee called upon Timor-Leste to ensure the wide public dissemination and full and effective implementation of the recommendations of the Commission for Reception, Truth and Reconciliation and the Commission of Truth and Friendship regarding victims' rights to justice, truth and reparation; to take effective measures to allow the special panels for serious crimes to be reconvened and for prosecutions involving allegations of crimes of torture, including sexual violence, and enforced disappearance, to resume; to seek cooperation with the Indonesian authorities in extraditing persons for whom the special panels for serious crimes had issued arrest warrants for crimes including torture, and to enhance efforts to ensure criminal accountability for perpetrators of crimes committed in the past, and particularly for those with the greatest responsibility for their commission; to consider including the database on victims, alleged perpetrators and witnesses compiled by the United Nations Serious Crimes Investigation Team and given to the national authorities in 2013 in a publicly accessible national archive; and to ensure the expeditious redrafting of proposed legislation to provide redress for all victims of past human rights violations, as recommended by the Chega! National Centre, and to ensure that all victims of torture and ill-treatment, including sexual violence, obtained redress, including compensation and the means for as full rehabilitation as possible.⁴²

3. Fundamental freedoms and the right to participate in public and political life⁴³

32. The United Nations country team noted that there had been reports of occasional incidents of intimidation against the staff of non-governmental organizations after publicly raising cases or issues of human rights concern or involving State agents.⁴⁴

33. UNESCO noted that defamation had been decriminalized through the adoption in 2014 of the Media Law (No. 5/2014). However, in 2020, the Minister of Justice had proposed a draft law that would reinstall criminal defamation through the Criminal Code.⁴⁵ UNESCO recommended that Timor-Leste sustain the decriminalization of defamation in accordance with the Media Law, and ensure that it was incorporated into the Civil Code in accordance with international standards.⁴⁶ The United Nations country team made similar recommendations.⁴⁷

34. The United Nations country team noted that Timorese nationals were 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 Timorese nationals abroad might be unable to vote, uninterested in voting or unaware of the voting procedures.⁴⁸

4. Prohibition of all forms of slavery⁴⁹

35. The United Nations country team noted that the National Action Plan to Combat Human Trafficking (2016–2018) had allowed for the establishment in 2016 of the Inter-Agency Anti-Trafficking Working Group to improve coordination for the achievement of the four goals under the National Action Plan (prevention, protection, prosecution and partnerships).⁵⁰

5. Right to privacy and family life⁵¹

36. UNESCO noted that the minimum age for marriage was 17 years, but that minors could get married at the age of 16 years with parental consent. UNESCO encouraged Timor-Leste to amend its relevant legislation to set the minimum age of marriage at 18 years for boys and girls.⁵² The United Nations country team made similar recommendations.⁵³

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work⁵⁴

37. The United Nations country team recommended that Timor-Leste expand social protection to informal workers to promote the transition to decent jobs.⁵⁵

2. Right to social security

38. The United Nations country team noted that in 2016, the Government had established a new social security system, including a general scheme, which was mandatory and contributory for all formally employed workers (employers and employees) from the private and public sectors, and a voluntary scheme for all other workers. The new system provided a retirement pension, disability pension, survivor pension and benefits, and parental (maternity and paternity) benefits. Currently, the effective coverage was still very low, particularly in a country where informal work dominated. Although the current non-contributory social protection programmes aimed to target different groups of vulnerable people, the effective coverage was similarly very low, and benefit amounts were inadequate for an effective impact on national poverty reduction. A basic law for social protection and a national strategy on social protection were expected to be approved before the end of 2021.⁵⁶

3. Right to an adequate standard of living⁵⁷

39. The United Nations country team noted that the Unique Identification System, intended to enable effective access for citizens to government services and to support better service provision and monitoring, would be introduced through an integrated strategy

between 2021 and 2025. The population census, rescheduled for 2022, would also allow better government planning and budget allocation.⁵⁸

40. The Special Rapporteur on indigenous peoples noted that statistics indicated that nearly half of all children under 5 years of age in Timor-Leste suffered from chronic malnutrition and about 36 per cent of the population was chronically food insecure.⁵⁹ She recommended that the Government strengthen resources for the implementation of the *Bolsa da Mãe* programme in order to support poor female-headed households.⁶⁰

4. Right to health⁶¹

41. The United Nations country team noted that the Government had continued to strengthen the implementation of the family health programme through domiciliary visits, particularly in rural and/or remote areas, for early detection of disease and immediate referral. The integrated community health service had continued to deliver services in areas where health facilities were not available. Moreover, the Government had continued to establish new health facilities in areas with low service coverage. Access to immunizations had improved with the expansion of the vaccine cold chain and availability of trained health staff in health posts. Enhanced coverage of routine childhood immunization had led to the elimination of measles and brought rubella under control in 2018, before the expected regional target in 2023. Still, around 10 to 20 per cent of the population, living in very remote locations, had poor access to immunizations.⁶²

42. The United Nations country team also noted that physical barriers to access to medication and contraceptives remained significant, especially in remote areas, but that cultural and religious constraints also limited access to modern methods of family planning, especially for people who did not have children or were unmarried. Contraceptives were provided free of charge in public health facilities, but were mostly reserved for women who already had children.⁶³

43. It stressed that young women seemed to have little agency in the decision to engage in sexual relationships. The relatively high rate of teenage pregnancies (7 per cent), and issues such as maternal mortality due to unsafe abortion, baby abandonment and infanticide, tended to confirm such findings. As knowledge on reproductive health was particularly low among women, the Government's sexual reproductive health and rights education programmes were expected to contribute to a reduction in the prevalence of those issues. However, cultural sensitivity on the subject remained a barrier to implementation. For example, abortion was not allowed in the case of rape or incest.⁶⁴

44. The Committee against Torture expressed particular concern that, pursuant to a 2009 amendment to the Criminal Code, abortion was a criminal offence in all cases except where necessary to protect the life of the mother and that the Code did not provide exceptions to that rule in cases in which compelling a woman to continue a pregnancy could result in her experiencing severe pain and suffering, particularly in cases of rape, incest or severe fetal impairment.⁶⁵

5. Right to education⁶⁶

45. The Special Rapporteur on indigenous peoples noted that disparities persisted in access to education between children from urban and rural areas. The 2015 census had shown a significantly higher literacy rate in urban areas (86.2 per cent) as compared with rural areas (52.5 per cent). Net enrolment in primary education in urban areas was almost 100 per cent compared with 60 per cent in rural areas. Educational materials were lacking and school infrastructure conditions poor.⁶⁷

46. The United Nations country team noted that the quality of education was directly affected by the large numbers of students competing for limited classroom space. Schools often ran double or triple shifts in the same space, reducing students' contact hours to only two hours a day.⁶⁸

47. UNESCO noted that the Ministry of Education, Youth and Sports had adopted a COVID-19 response plan in May 2020, the overall goal of which was to ensure that children

continued with their education during the period of school closure and were supported to reintegrate successfully and catch up on learning once schools reopened.⁶⁹

D. Rights of specific persons or groups

1. Women⁷⁰

48. The United Nations country team stated that despite advances to protect and promote women's rights, the integration of women's human rights into legislation still lacked a systematic and comprehensive approach, rendering many laws gender-blind or non-compliant with international gender commitments. Women were often reluctant to claim their rights, and in cases in which they did, customary norms could guide the process. For example, customary norms in accessing and inheriting land were deeply gendered and did not reflect women's rights under the new Land Law (2017).⁷¹

49. The United Nations country team also noted that gender-based violence was recognized as one of the most pervasive and widespread human rights concerns in Timor-Leste, with three in five (59 per cent) ever-partnered women (aged 15–49 years) having experienced physical and/or sexual intimate partner violence in their lifetime. Of these, 86 per cent had not sought assistance from formal agencies, services or other authorities. Women and girls with disabilities, as well as lesbian, gay, bisexual, transgender, queer and intersex persons, were at an even higher risk of violence, often perpetrated by family members.⁷²

50. The Committee against Torture expressed concern about the reluctance of Timor-Leste to criminalize marital rape and incest as distinct crimes, and expressed regret at the lack of information provided on the number of complaints, investigations, prosecutions, convictions and sentences imposed in cases of gender-based violence against women.⁷³

51. The United Nations country team noted that in the 2017 elections, 49 per cent of voters had been women. In 2020, women had held 38 per cent of National Parliament seats, above the regional average (19 per cent) and the global average (26 per cent). However, women were still underrepresented in other key decision-making positions.⁷⁴

52. It also noted that there had been an increase in women's participation in the formal labour force but that gender disparities remained. Despite the fact that by 2019, 45.7 per cent of the total labour force had constituted women, there was a gender pay gap of 16 per cent in formal employment.⁷⁵

2. Children⁷⁶

53. The United Nations country team stated that high levels of physical and emotional violence against children had been reported in both home and educational settings. Specialized government services to support children and adolescent survivors of violence had not yet been developed, with serious implications for the reintegration of children into safe families.⁷⁷

54. The Committee against Torture expressed concern at the fact that corporal punishment of children in the home, school and alternative care and day-care settings was not yet explicitly prohibited under national law and that it remained widespread. According to the Committee, Timor-Leste should amend and/or enact legislation so as to explicitly and clearly prohibit corporal punishment in all settings and take the measures necessary to prevent such punishment, including through strict enforcement of the Ministry of Education's guidelines on classroom discipline; and encourage non-violent forms of discipline as alternatives to corporal punishment and conduct public information campaigns to raise awareness about the harmful effects of such punishment.⁷⁸

55. The United Nations country team noted that justice for children was currently administered using adult justice laws, with few or no special considerations for children. Two draft laws on juvenile justice were still pending approval: a juvenile justice law for children aged 12 to 16 years and a special criminal regime for young adults aged 16 to 21 years. Both were insufficiently aligned with international standards, such as on the age of criminal responsibility.⁷⁹ It also noted that there was limited investment in the development of a

holistic juvenile justice system that would include prevention, diversion, social reintegration and aftercare. Alternative measures to ensure that children were not detained needed to be developed.⁸⁰

3. Persons with disabilities⁸¹

56. The United Nations country team noted that a national action plan for persons with disabilities for the period 2021–2030 had been drafted, but was pending approval by the Council of Ministers.⁸² The Special Rapporteur on indigenous peoples noted a lack of appropriate policies and services, especially in rural areas. The situation of persons with disabilities was not adequately recorded in statistics, nor were they adequately addressed by government policies on education, health and access to justice.⁸³

57. The United Nations country team emphasized that persons with disabilities continued to encounter ongoing, day-to-day discrimination and violence, as well as income insecurity. One of the biggest challenges for persons with disabilities was access to justice, mostly due to lack of knowledge on how to navigate the system and receive support.⁸⁴

58. The Committee against Torture expressed concern at the limited availability of psychiatric services for persons with intellectual and psychosocial disabilities in Timor-Leste, resulting in a situation in which they were forced to stay with their families, and at reliable reports suggesting that there were many cases of persons with intellectual and psychosocial disabilities being subjected to ill-treatment by family or community members, including being confined and restrained by force in degrading conditions.⁸⁵

59. The United Nations country team noted that the law continued to be inconsistent regarding the right to vote of persons with intellectual and psychosocial disabilities. While an article denying persons “clearly and publicly known as mentally ill” the right to vote was repealed from the Law on the Election of the National Parliament, the same article remained in force in the Law on the Election of the President of the Republic.⁸⁶

60. The United Nations country team also noted that the lack of easily accessible and disability-friendly health-care facilities and the challenges in transportation in rural areas were common barriers for persons with disabilities.⁸⁷

61. It further noted that, in 2017, the Government had developed a progressive new national policy on inclusive education, outlining the importance of education for all vulnerable children, and that efforts were required to ensure its effective implementation. Furthermore, teachers did not possess the necessary skills to teach children with disabilities, including on the use of sign language and the provision of material in Braille, and the curriculum did not sufficiently cover issues faced by children with disabilities.⁸⁸

4. Indigenous peoples

62. The Special Rapporteur on indigenous peoples noted certain initiatives by government officials to consult with local communities and impart public information on certain legislative and administrative measures. There were, however, legislative and administrative issuances that required additional access to information and consultation. Such processes, which were provided for under the laws and applied to a certain extent in practice, were not being observed within the full scope, context and framework of free, prior and informed consent.⁸⁹

63. The Special Rapporteur recommended that the Government protect the traditional ownership of the Timorese people over their lands and prioritize the adoption of the laws complementary to the Land Law. The Timorese people, especially affected local communities, should be consulted in the drafting of such laws; their rights under the United Nations Declaration on the Rights of Indigenous Peoples, notably to free prior and informed consent, should be duly respected and protected by the future laws and the implementation of land registration.⁹⁰

64. Noting that some indigenous languages could be on the brink of disappearance in Timor-Leste, the Special Rapporteur called upon the Government to take further measures to protect and revitalize all indigenous languages in the country.⁹¹

5. Migrants, refugees and asylum seekers⁹²

65. The United Nations country team noted that in 2017, the Migration and Asylum Law had been approved, which specified that irregular migrants were to be expelled from the country and that if they remained after being notified of the expulsion, they could be detained. There was no policy or strategy to ensure that migrant detention was used only as a measure of last resort. Progress towards implementation of the law had been slow.⁹³

66. The Committee against Torture noted that it remained concerned at reports that Timor-Leste might have acted in breach of the principle of non-refoulement. While taking note of the adoption of the Migration and Asylum Law in 2017, the Committee expressed concern that the new law retained a 72-hour limit for filing asylum applications and that appeals against the rejection of an asylum application did not have an automatic suspensive effect.⁹⁴

67. UNHCR recommended that Timor-Leste remove the deadline of 72 hours to apply for asylum and enhance cooperation with UNHCR in an effort to improve the fairness of asylum procedures, and that it ensure that all individuals expressing an interest in seeking asylum upon arrival in Timor-Leste were given access to fair and efficient asylum procedures, relevant information, interpretation services and legal assistance.⁹⁵

6. Stateless persons

68. UNHCR recommended that Timor-Leste introduce legislation establishing a statelessness determination procedure, and that it collect accurate statistics on statelessness, disaggregated by age and gender, to examine the effect of statelessness on the enjoyment of rights and to identify legal and policy solutions to further prevent and reduce statelessness.⁹⁶

Notes

- ¹ Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Timor-Leste will be available at <https://www.ohchr.org/EN/HRBodies/UPR/Pages/TLIndex.aspx>.
- ² For relevant recommendations, see [A/HRC/34/11](#), paras. 89.1–89.4, 89.6–89.26, 89.28–89.29, 89.63–89.68 and 89.97.
- ³ [CAT/C/TLS/CO/1](#), paras. 11 (d) and 43, and United Nations country team submission for the universal periodic review of Timor-Leste, para. 4. See also [A/HRC/42/37/Add.2](#), para. 75.
- ⁴ [CAT/C/TLS/CO/1](#), para. 29 (c).
- ⁵ *Ibid.*, para. 49.
- ⁶ UNHCR submission for the universal periodic review of Timor-Leste, p. 2.
- ⁷ United Nations country team submission, para. 4.
- ⁸ UNESCO submission for the universal periodic review of Timor-Leste, para. 8.
- ⁹ United Nations country team submission, para. 5.
- ¹⁰ [CAT/C/TLS/CO/1](#), para. 50.
- ¹¹ For relevant recommendations, see [A/HRC/34/11](#), paras. 89.27, 89.30–89.34, 89.36–89.38, 89.40–89.42, 89.44, 89.46–89.56, 89.62, 89.69, 89.71, 89.81–89.82, 89.84–89.85, 89.87–89.88, 89.92–89.93, 89.95, 89.101–89.102, 89.106, 89.112, 89.115, 89.119, 89.123–89.124, 89.131 and 89.142.
- ¹² United Nations country team submission, para. 11.
- ¹³ [CAT/C/TLS/CO/1](#), para. 6 (a)–(b).
- ¹⁴ *Ibid.*, para. 46.
- ¹⁵ United Nations country team submission, para. 8.
- ¹⁶ *Ibid.*, para. 19.
- ¹⁷ *Ibid.*, para. 52.
- ¹⁸ *Ibid.*, para. 20.
- ¹⁹ *Ibid.*, paras. 39 and 41.
- ²⁰ [A/HRC/42/37/Add.2](#), paras. 48–49.
- ²¹ *Ibid.*, para. 55.
- ²² *Ibid.*, para. 90.
- ²³ For relevant recommendations, see [A/HRC/34/11](#), paras. 89.78–89.80, 89.96, 89.103, 89.108, 89.110, 89.113 and 89.116.
- ²⁴ [CAT/C/TLS/CO/1](#), para. 20.
- ²⁵ *Ibid.*, para. 12.
- ²⁶ United Nations country team submission, para. 23.
- ²⁷ [CAT/C/TLS/CO/1](#), para. 14.
- ²⁸ *Ibid.*, para. 22.
- ²⁹ *Ibid.*, para. 24.
- ³⁰ *Ibid.*, para. 27.
- ³¹ *Ibid.*, para. 36.
- ³² *Ibid.*, para. 10.
- ³³ For relevant recommendations, see [A/HRC/34/11](#), paras. 89.105, 89.107, 89.111, 89.114 and 89.117.
- ³⁴ United Nations country team submission, para. 33.
- ³⁵ [A/HRC/42/37/Add.2](#), para. 23.
- ³⁶ *Ibid.*, para. 31.
- ³⁷ [CAT/C/TLS/CO/1](#), para. 17 (a).
- ³⁸ *Ibid.*, para. 18.
- ³⁹ *Ibid.*, para. 39.
- ⁴⁰ *Ibid.*, para. 8.
- ⁴¹ United Nations country team submission, paras. 36–37.
- ⁴² [CAT/C/TLS/CO/1](#), para. 9.
- ⁴³ For relevant recommendations, see [A/HRC/34/11](#), paras. 89.125–89.127.
- ⁴⁴ United Nations country team submission, para. 42.
- ⁴⁵ UNESCO submission, para. 5.
- ⁴⁶ UNESCO submission, para. 10.
- ⁴⁷ United Nations country team submission, para. 45.
- ⁴⁸ *Ibid.*, para. 69.
- ⁴⁹ For relevant recommendations, see [A/HRC/34/11](#), para. 89.103.
- ⁵⁰ United Nations country team submission, para. 13.
- ⁵¹ For relevant recommendations, see [A/HRC/34/11](#), paras. 89.57, 89.98 and 89.121–89.122.
- ⁵² UNESCO submission, para. 8.
- ⁵³ United Nations country team submission, paras. 40–41.

- ⁵⁴ For relevant recommendations, see [A/HRC/34/11](#), para. 89.130.
- ⁵⁵ United Nations country team submission, para. 49.
- ⁵⁶ *Ibid.*, para. 46.
- ⁵⁷ For relevant recommendations, see [A/HRC/34/11](#), paras. 89.39, 89.73, 89.132–89.136, 89.148–89.149 and 89.154.
- ⁵⁸ United Nations country team submission, para. 48.
- ⁵⁹ [A/HRC/42/37/Add.2](#), para. 72.
- ⁶⁰ *Ibid.*, para. 96.
- ⁶¹ For relevant recommendations, see [A/HRC/34/11](#), paras. 89.137–89.141, 89.143 and 89.152.
- ⁶² United Nations country team submission, paras. 50–51.
- ⁶³ *Ibid.*, para. 56.
- ⁶⁴ *Ibid.*, para. 57.
- ⁶⁵ [CAT/C/TLS/CO/1](#), para. 34.
- ⁶⁶ For relevant recommendations, see [A/HRC/34/11](#), paras. 89.54, 89.72, 89.144–89.147 and 89.151.
- ⁶⁷ [A/HRC/42/37/Add.2](#), para. 66.
- ⁶⁸ United Nations country team submission, para. 62.
- ⁶⁹ UNESCO submission, para. 8. See also United Nations country team submission, para. 61.
- ⁷⁰ For relevant recommendations, see [A/HRC/34/11](#), paras. 89.5, 89.45, 89.70, 89.74–89.77, 89.83, 89.86, 89.89–89.91, 89.120 and 89.128–89.129.
- ⁷¹ United Nations country team submission, para. 7.
- ⁷² *Ibid.*, para. 25.
- ⁷³ [CAT/C/TLS/CO/1](#), para. 32.
- ⁷⁴ United Nations country team submission, para. 16.
- ⁷⁵ *Ibid.*
- ⁷⁶ For relevant recommendations, see [A/HRC/34/11](#), paras. 89.35, 89.58, 89.94, 89.102 and 89.118.
- ⁷⁷ United Nations country team submission, para. 29.
- ⁷⁸ [CAT/C/TLS/CO/1](#), paras. 40–41. See also UNESCO submission, para. 8.
- ⁷⁹ United Nations country team submission, para. 9.
- ⁸⁰ *Ibid.*, para. 35.
- ⁸¹ For relevant recommendations, see [A/HRC/34/11](#), paras. 89.60–89.61 and 89.150.
- ⁸² United Nations country team submission, para. 14.
- ⁸³ [A/HRC/42/37/Add.2](#), para. 75.
- ⁸⁴ United Nations country team submission, para. 17.
- ⁸⁵ [CAT/C/TLS/CO/1](#), para. 42.
- ⁸⁶ United Nations country team submission, para. 44.
- ⁸⁷ *Ibid.*, para. 53.
- ⁸⁸ *Ibid.*, para. 64.
- ⁸⁹ [A/HRC/42/37/Add.2](#), para. 61.
- ⁹⁰ *Ibid.*, para. 86.
- ⁹¹ *Ibid.*, para. 62.
- ⁹² For relevant recommendations, see [A/HRC/34/11](#), paras. 89.43, 89.104 and 89.153.
- ⁹³ United Nations country team submission, para. 68.
- ⁹⁴ [CAT/C/TLS/CO/1](#), para. 30.
- ⁹⁵ UNHCR submission, pp. 3–4.
- ⁹⁶ UNHCR submission, p. 2.
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Tables for UN Compilation on Timor-Leste

I. Scope of international obligations¹

A. International human rights treaties²

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified/not accepted</i>
<i>Ratification, accession or succession</i>	ICERD (2003) ICESCR (2003) ICCPR (2003) ICCPR-OP 2 (2003) CEDAW (2003) CAT (2003) OP-CAT (signature, 2005) CRC (2003) OP-CRC-AC (2004) OP-CRC-SC (2003) ICRMW (2004)	--	OP-CAT (signature, 2005) CRPD ICPPED
<i>Complaints procedures, inquiries and urgent action³</i>	OP-ICESCR (signature, 2009) OP-CEDAW, art. 8 (2003) CAT, art. 20 (2003)	--	ICERD, art. 14 OP-ICESCR (signature, 2009) ICCPR, art. 41 ICCPR-OP 1 CAT, arts. 21 and 22 OP-CRC-IC ICRMW, arts. 76 and 77 OP-CRPD ICPPED
<i>Reservations and / or declarations</i>	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Current Status</i>
	OP-CRC-AC (Declaration, art. 3(2), minimum age of recruitment at 18 years, 2004)	--	OP-CRC-AC (Declaration, art. 3(2), minimum age of recruitment at 18 years)

B. Other main relevant international instruments

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified</i>
<i>Ratification, accession or succession</i>	Geneva Conventions of 12 August 1949 and Additional Protocols I and II ⁴ Rome Statute of the International Criminal Court Conventions on refugees ⁶ Palermo Protocol ⁸ ILO fundamental Conventions except for Nos. 105 and 138 ⁹		Convention on the Prevention and Punishment of the Crime of Genocide Additional Protocol III to the Geneva Conventions of 12 August 1949 ⁵ Conventions on stateless persons ⁷ ILO fundamental Conventions Nos. 105 and 138 ¹⁰ ILO Conventions Nos. 169 and 189 ¹¹ Convention against Discrimination in Education

II. Cooperation with human rights mechanisms and bodies

A. Cooperation with treaty bodies¹²

Reporting status

<i>Treaty body</i>	<i>Concluding observations included in previous review</i>	<i>Latest report submitted since previous review</i>	<i>Latest concluding observations</i>	<i>Reporting status</i>
CERD	--	--	--	Initial report overdue since 2004.
CESCR	--	--	--	Initial report overdue since 2005.
HR Committee	--	--	--	Initial report due in August 2022. Initially overdue since 2004 and 2016. ¹³
CEDAW	November 2015	2021	--	Fourth report pending consideration.
CAT	--	2016	December 2017	Second report overdue since 6 December 2021.
CRC	October 2015	--	--	Fourth report overdue since 2020.
CMW	September 2015	--	--	Second report overdue since 2020.

Responses to specific follow-up requests from concluding observations

<i>Treaty body</i>	<i>Due in</i>	<i>Subject matter</i>	<i>Submitted</i>
CEDAW	2017	National machinery for the advancement of women and rural women. ¹⁴	Reminder sent. ¹⁵
CAT	2018	Past human rights violations; investigation of allegations of excessive use of force and ill-treatment by the police and the military; and investigation of all complaints of torture and ill-treatment. ¹⁶	2018. ¹⁷ Request for further information. ¹⁸
CMW	2017	Exploitation or forced labour of child migrant workers; right to form and be a member of the executive bodies of associations and unions; right to vote for Timorese migrant workers residing abroad; and trafficking in persons. ¹⁹	2017. ²⁰ Dialogue ongoing. ²¹

Views

<i>Treaty body</i>	<i>Number of views</i>	<i>Status</i>
CEDAW	1 ²²	Information requested. ²³

B. Cooperation with special procedures²⁴

	<i>Status during previous cycle</i>	<i>Current status</i>
<i>Standing invitations</i>	No	Yes
<i>Visits undertaken</i>	Poverty	Indigenous peoples
Visits agreed to in principle		
Visits requested	Torture	Minority issues (Reminder) Leprosy

Responses to letters of allegation and urgent appeal During the period under review, 1 communication was sent. The Government replied to no communication.

C. Status of national human rights institutions²⁵

<i>National human rights institution</i>	<i>Status during previous cycle</i>	<i>Status during present cycle²⁶</i>
Provedor for Human Rights and Justice (PDHJ)	A	A

Notes

- ¹ Unless indicated otherwise, the status of ratification of instruments listed in the table may be found on the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>. Please also refer to the United Nations compilation on Timor-Leste from the previous cycle (A/HRC/WG.6/26/TLS/2).
- ² The following abbreviations have been used in the universal periodic review document:
- | | |
|------------|--|
| ICERD | International Convention on the Elimination of All Forms of Racial Discrimination; |
| ICESCR | International Covenant on Economic, Social and Cultural Rights; |
| OP-ICESCR | Optional Protocol to ICESCR; |
| ICCPR | International Covenant on Civil and Political Rights; |
| ICCPR-OP 1 | Optional Protocol to ICCPR; |
| ICCPR-OP 2 | Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty; |
| CEDAW | Convention on the Elimination of All Forms of Discrimination against Women; |
| OP-CEDAW | Optional Protocol to CEDAW; |
| CAT | Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; |
| OP-CAT | Optional Protocol to CAT; |
| CRC | Convention on the Rights of the Child; |
| OP-CRC-AC | Optional Protocol to CRC on the involvement of children in armed conflict; |
| OP-CRC-SC | Optional Protocol to CRC on the sale of children, child prostitution and child pornography; |
| OP-CRC-IC | Optional Protocol to CRC on a communications procedure; |
| ICRMW | International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; |
| CRPD | Convention on the Rights of Persons with Disabilities; |
| OP-CRPD | Optional Protocol to CRPD; |
| ICPPED | International Convention for the Protection of All Persons from Enforced Disappearance. |
- ³ Individual complaints: ICCPR-OP 1, art. 1; OP-CEDAW, art. 1; OP-CRPD, art. 1; OP-ICESCR, art. 1; OP-CRC-IC, art. 5; ICERD, art. 14; CAT, art. 22; ICRMW, art. 77; and ICPPED, art. 31. Inquiry procedure: OP-CEDAW, art. 8; CAT, art. 20; ICPPED, art. 33; OP-CRPD, art. 6; OP-ICESCR, art. 11; and OP-CRC-IC, art. 13. Inter-State complaints: ICCPR, art. 41; ICERD, art. 11; ICRMW, art. 76; ICPPED, art. 32; CAT, art. 21; OP-ICESCR, art. 10; and OP-CRC-IC, art. 12. Urgent action: ICPPED, art. 30.
- ⁴ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II);. For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at <https://www.dfae.admin.ch/eda/fr/dfae/politique-exterieure/droit-international-public/traites-internationaux/depositaire/protection-des-victimes-de-la-guerre.html>.
- ⁵ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at

<https://www.dfae.admin.ch/eda/fr/dfaef/politique-exterieure/droit-international-public/traites-internationaux/depositaire/protection-des-victimes-de-la-guerre.html>.

- ⁶ 1951 Convention relating to the Status of Refugees and its 1967 Protocol.
- ⁷ 1954 Convention relating to the Status of Stateless Persons, and 1961 Convention on the Reduction of Statelessness.
- ⁸ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.
- ⁹ International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.
- ¹⁰ International Labour Organization Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 138 concerning Minimum Age for Admission to Employment.
- ¹¹ ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169) and Domestic Workers Convention, 2011 (No. 189).
- ¹² The following abbreviations have been used in the present document:
- | | |
|--------------|---|
| CERD | Committee on the Elimination of Racial Discrimination; |
| CESCR | Committee on Economic, Social and Cultural Rights; |
| HR Committee | Human Rights Committee; |
| CEDAW | Committee on the Elimination of Discrimination against Women; |
| CAT | Committee against Torture; |
| CRC | Committee on the Rights of the Child; |
| CMW | Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families. |
- ¹³ A/74/40, p. 17; A/73/40, p. 15; and A/72/40, p. 17
- ¹⁴ CEDAW/C/TLS/CO/2-3, para. 46.
- ¹⁵ Letter from CEDAW to the Permanent Mission of Timor-Leste to the United Nations Office and other international organizations in Geneva, dated 13 April 2018, available from INT_CEDAW_FUL_TLS_30887_E.pdf (ohchr.org) (accessed on 1 October 2021).
- ¹⁶ CAT/C/TLS/CO/1, para. 48.
- ¹⁷ CAT/C/TLS/CO/1/Add.1.
- ¹⁸ Letter from CAT to the Permanent Mission of Timor-Leste to the United Nations Office and other international organizations in Geneva, dated 27 June 2019, available from INT_CAT_FUL_TLS_35367_E.pdf (ohchr.org) (accessed on 1 October 2021).
- ¹⁹ CMW/C/TLS/CO/1, para. 63.
- ²⁰ CMW/C/TLS/CO/1/Add.1.
- ²¹ Letter from CMW to the Permanent Mission of Timor-Leste to the United Nations Office and other international organizations in Geneva, dated 26 April 2018, available from INT_CMW_FUL_TLS_30986_E.pdf (ohchr.org) (accessed on 1 October 2021).
- ²² CEDAW/C/69/D/88/2015.
- ²³ CEDAW/C/69/D/88/2015, para. 9.
- ²⁴ For the titles of special procedure mandate holders see: <https://spcommreports.ohchr.org/about/abbreviations>.
- ²⁵ According to article 5 of the rules of procedure of the Global Alliance of National Human Rights Institutions (GANHRI), the classifications for accreditation used by the Sub-Committee are: A: voting member (fully in compliance with each of the Paris Principles); B: non-voting member (not fully in compliance with each of the Paris Principles or insufficient information provided to make a determination); and C: no status (not in compliance with the Paris Principles).
- ²⁶ The list of national human rights institutions with accreditation status granted by the Global Alliance of National Human Rights Institutions (GANHRI), accessed at: <https://ganhri.org/wp-content/uploads/2021/01/Status-Accreditation-Chart-as-of-20-01-2021.pdf>.