

Universal Periodic Review (40th session)

Contribution of UNESCO

Timor Leste

I. Background and framework

<i>Title</i>	<i>Date of ratification, accession, acceptance, or succession</i>	<i>Declarations /Reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education 1960	Not ratified	Reservation to this Convention shall not be permitted		Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	Ratification on 31 October 2016			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	Ratification on 31 October 2016			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)	Accession on 31 October 2016			Right to take part in cultural life

II. Promotion and protection of human rights on the ground

A. Education

1. The **Constitution of Timor-Leste**¹ guarantees the right to education, in section 59, but for citizens only, and therefore, that right does not apply to all within the territory.
2. Similarly, the **Framework Law on Education**² of 2008 enshrines the right to education. However, it does not apply to all within the territory, as it is limited to citizens (Article 2). Basic education is compulsory for 9 years (Article 11) and free from age six.

B. Freedom of opinion and expression

Constitutional and Legislative Framework:

3. Freedom of press and expression are protected by the constitution, according to Articles 40 (on Freedom of Expression and Information) and 41 (on “Freedom of the Press and Means of Social Communication”). They cannot be limited by any type of censorship (Article 40 (2)).³ According to Article 41, freedom of the press comprises “access to information sources”. However, limitations on the rights referred to in Article 40 exist “based on the imperative of respect for the Constitution and the dignity of the human person”, in accordance with Article 40(3).
4. Legal provision for access to information is provided in a very limited capacity by the Decree Law No. 43/2016 (Decreto-Lei No. 43/2016) adopted on 14 October 2016 on the Rules Regarding Access to Official Documents.⁴
5. Timor-Leste adopted the Media Law No.5/2014 (Lei da Comunicação Social No.5/2014)⁵ in 2014. The Media Law No.5/2014 governs matters related to the media and press in Timor-Leste. Article 21 of the Media Law provides for the creation of the Timor Leste Press Council (TLPC). Defamation was decriminalized through the adoption of this new Media Law. However, in 2020 the Minister of Justice proposed a draft law that would reinstall criminal defamation through the Penal Code.
6. The Media Law restricts who can be called a journalist and includes mandatory internships for those who would like to become journalists.

¹ <http://www.unesco.org/education/edurights/media/docs/50746c462d89e335c721fad02cda4291c2c60ee6.pdf>

² <http://www.unesco.org/education/edurights/media/docs/f77b288f6f43d41372f8b7d3bbe1abdcaee180be.pdf>

³ https://www.constituteproject.org/constitution/East_Timor_2002?lang=en

⁴ http://www.mj.gov.tl/jornal/public/docs/2016/serie_1/SERIE_I_NO_40a.pdf (in Portuguese)

⁵ <http://www.mj.gov.tl/jornal/?q=node/6488>

Implementation of legislation:

7. The Timor-Leste Press Council is provided by the Media Law No.5/2014 and was formally established on 10 May 2016 with five members representing the journalistic association, publishers, and the public.

Safety of journalists:

8. [As of 21 May 2021] UNESCO has recorded no killing of journalists in Timor-Leste since the Organization began systematic monitoring of killings of journalists in 2006.

III. Review and specific recommendations

A. Education

Free education:

- Education is free for **9 years**, which is below the requirements of the Education 2030 agenda, which recommends “at least 12 years of free, publicly funded, inclusive and equitable quality primary and secondary education” and “at least one year of free and compulsory pre-primary education of good quality”.⁶

Age of marriage:

- The **Civil Code** provides that the minimum age for marriage is 17 years old. However, minors can get married at the age of 16 years old with parental consent. It is widely recognized that child marriage can affect their education. Therefore Timor-Leste could be encouraged to amend its legislation to set a minimum age of marriage to 18 years old for boys and girls.

Corporal punishment:

- There is **no explicit prohibition** of corporal punishment in schools. Therefore the State could be encouraged to **promote non-violent forms of discipline** and prohibit corporal punishment.

⁶ SDG4-Education 2030 Framework for Action, para. 12.

ECCE:

- Pre-primary education is **not free or mandatory** in the country, while the Education 2030 agenda recommends “at least one year of free and compulsory pre-primary education of good quality”.⁷

Monitoring:

- The country can be commended for the monitoring that it ensures of its education system, with recent **EMIS data** available regarding, for example, the Net Enrolment Rate, average class size, pupil teach ratio etc.⁸

Covid-19:

- The Ministry of Education, youth and sport adopted a **Covid-19 response plan** in May 2020,⁹ the overall of which was to ensure that children continue with their education during the period of school closure and are supported to **reintegrate successfully and catch-up** on learning once schools reopen. Three main outcomes were defined in order to achieve this goal:
 - Outcome 1: All children have access to continuing education opportunities, including those with disabilities and from marginalized communities.
 - Outcome 2: Adequate preparedness measures are in place to allow schools to open safely both from a physical and a psychosocial point of view.
 - Outcome 3: The capacity for the education system to respond to emergencies is strengthened.

Specific recommendations:

9. Timor Leste should be encouraged to:
 - Ratify the Convention against Discrimination in Education
 - Consider constitutionally and legally guaranteeing the right to education for all within the national territory.
 - Extend free education for a duration of twelve years.
 - Ensure one year of free and compulsory pre-primary education.

⁷ SDG4-Education 2030 Framework for Action, para. 12.

⁸ Available on the website of the Ministry of education : [Dados Estatístico \(moe.gov.tl\)](https://dados.moe.gov.tl)

⁹ <https://planipolis.iiep.unesco.org/en/2020/covid-19-response-plan-6943>

- Enshrine in the legislation the prohibition of corporal punishment in educational establishments.
- Amend the legislation on marriage to raise the legal age to 18 years old.
- Submit regularly comprehensive national reports for the periodic consultations on UNESCO's education-related standard-setting instruments, and notably on the Recommendation against Discrimination in Education
- Share with UNESCO any relevant information to update its country profile on UNESCO's Observatory on the Right to Education¹⁰ and *Her Atlas*.¹¹

B. Freedom of opinion and expression

10. It is recommended that Timor-Leste sustain the decriminalization of defamation as per the Media Law No.5/2014, and ensure it is placed within a civil code according to international standards.¹²
11. It is recommended that the country guarantee that all provisions of the Media Law No.5/2014 are in line with international freedom of expression standards.
12. It is recommended that Timor-Leste ensure its access to information law is in accordance with international standards¹³ including removing restrictions and improving the ease of use by the public.
13. It is recommended that Timor-Leste take steps to strengthen the independence and professional capacity of the Timor-Leste Press Council, considering its status as a relatively new self-regulatory body.

C. Cultural Rights

¹⁰ <http://www.unesco.org/education/edurights/index.php?action=countries&lng=en>

¹¹ <https://en.unesco.org/education/girls-women-rights>

¹² See for example, General Comments No 34. of the International Covenant on Civil and Political Rights (ICCPR), 2006 Recommendation of the 87th Session Human Rights Committee, the recommendations of the UN Special Rapporteurs on the Right to Freedom of Opinion and Expression, and Resolution 1577 (2007) of the Parliamentary Assembly of the Council of Europe.

¹³ See for example, General Comments No 34. of the International Covenant on Civil and Political Rights (ICCPR), 2006 Recommendation of the 87th Session Human Rights Committee, the recommendations of the UN Special Rapporteurs on the Right to Freedom of Opinion and Expression, and Resolution 1577 (2007) of the Parliamentary Assembly of the Council of Europe.

14. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972), the Convention for the Safeguarding of the Intangible Cultural Heritage (2003), the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005). Timor Leste is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and are conducive to implementing the right to take part in cultural life as defined in Article 27 of the Universal Declaration of Human Rights and Article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Timor Leste is encouraged to give due consideration to the participation of communities, practitioners, cultural actors, and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples, and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

D. Freedom of scientific research and the right to benefit from scientific progress and its applications

15. Timor Leste did not submit its National Report on the implementation of the *Recommendation on Science and Scientific Researchers* (2017) for the consultation period from 2017 to 2020. Therefore Timor Leste is encouraged to report to UNESCO on its implementation actions, especially noting legislative or other measures adopted by it with the aim to ensure application of these norms and standards in national law, policy and practice paying particular attention to the legal provisions and regulatory frameworks which ensure the implementation of human rights of scientific researchers themselves (rights of association, freedom of research, expression and publication, etc.) as well as human rights obligations related to the practice of science generally; the human rights related to access to and uses of scientific knowledge through education; the principle of non-discrimination, requiring, in this case, active promotion of women and girls entering scientific careers, as well as protections for human rights of human subjects of research.