

Timor-Leste

Mid-term Implementation Assessment



Promoting and strengthening
the Universal Periodic Review
<http://www.upr-info.org>



Introduction

1. Purpose of the follow-up programme

The second and subsequent cycles of the review should focus on, inter alia, the implementation of the accepted recommendations and the development of the human rights situation in the State under review.

A/HRC/RES/16/21, 12 April 2011 (Annex I C § 6)

The Universal Periodic Review (UPR) process takes place every four and one half years; however, some recommendations can be implemented immediately. In order to reduce this interval, we have created a follow-up process to evaluate the human rights situation two years after the examination at the UPR.

Broadly speaking, *UPR Info* seeks to ensure the respect of commitments made in the UPR, but also, more specifically, to give stakeholders the opportunity to share their opinion on the commitments. To this end, about two years after the review, *UPR Info* invites States, NGOs, and National Institutions for Human Rights (NHRI) to share their comments on the implementation (or lack thereof) of recommendations adopted at the Human Rights Council (HRC) plenary session.

For this purpose, *UPR Info* publishes a Mid-term Implementation Assessment (MIA) including responses from each stakeholder. The MIA is meant to show how all stakeholders are disposed to follow through on and to implement their commitments. States should implement the recommendations that they have accepted and civil society should monitor that implementation.

While the follow-up's importance has been highlighted by the HRC, no precise directives regarding the follow-up procedure have been set until now. Therefore, *UPR Info* is willing to share good practices as soon as possible and to strengthen the collaboration pattern between States and stakeholders. Unless the UPR's follow-up is seriously considered, the UPR mechanism as a whole could be adversely affected.

The methodology used by *UPR Info* to collect data and to calculate the index is described at the end of this document.

Geneva, 7 August 2014



Follow-up Outcomes

1. Sources and results

All data are available at the following address:

http://followup.upr-info.org/index/country/timor_leste

We invite the reader to consult this webpage since all recommendations, all stakeholders' reports, as well as the unedited comments can be found at the same internet address.

6 stakeholders' reports were submitted for the UPR. 6 NGOs were contacted. 3 UN agencies were contacted. The Permanent Mission to the UN was contacted. The National Human Rights Institution (NHRI) was contacted as well.

4 NGOs responded to our enquiry. 1 UN agency responded. The State under Review did not respond to our enquiry. The NHRI did not respond to our enquiry either.

The following stakeholders took part in the report:

1. **UN Agency:** United Nations High Commissioner for Refugees (UNHCR)
2. **NGOs:** (1) Anonymous (Anonymous) (2) Edmund Rice International (ERI) (3) Global Initiative to End All Corporal Punishment of Children (GIEACPC) (4) Istituto Internazionale Maria Ausiliatrice (IIMA)

IRI: 8 recommendations are not implemented, 13 recommendations are partially implemented, and 11 recommendations are fully implemented. No answer was received for 92 out of 127 recommendations and voluntary pledges.



2. Index

Hereby the issues that the MIA covers:

rec. n°	Rec. State	Issue	IRI	page
28	Algeria	Trafficking	partially impl.	page 16
42	Algeria	Development,Poverty	not impl.	page 5
68	Australia	Human rights education and training	fully impl.	page 6
16	Austria	National plan of action,Rights of the Child	-	page 14
23	Austria	Rights of the Child,Women's rights	partially impl.	page 14
27	Brazil	Torture and other CID treatment	not impl.	page 11
54	Brazil	Human rights education and training,Women's rights	fully impl.	page 17
64	Brazil	Labour,Rights of the Child,Technical assistance	fully impl.	page 18
98	Cambodia	Trafficking	not impl.	page 21
45	Costa Rica	Right to health	fully impl.	page 5
76	Costa Rica	Right to education,Right to food,Rights of the Child	fully impl.	page 6
84	Costa Rica	Disabilities,Right to education,Rights of the Child	fully impl.	page 9
67	France	Human rights education and training,Human rights violations by state agents	not impl.	page 13
26	Holy See	Corruption,Rights of the Child,Torture and other CID treatment,Women's rights	fully impl.	page 15
63	Hungary	Right to education	not impl.	page 5
83	Indonesia	National plan of action,Right to education	fully impl.	page 8
34	Ireland	Justice	not impl.	page 12
71	Italy	Rights of the Child,Women's rights	partially impl.	page 18
85	Japan	Right to education,Rights of the Child,Women's rights	fully impl.	page 19
47	Laos	Technical assistance	partially impl.	page 22
69	Malaysia	Justice,Technical assistance	fully impl.	page 22
48	Nepal	Justice	partially impl.	page 13
36	Norway	Justice,Rights of the Child	partially impl.	page 16
31	Portugal	Justice	partially impl.	page 12
57	Portugal	Rights of the Child,Women's rights	partially impl.	page 18
37	Republic of Korea	Justice	partially impl.	page 12
38	Republic of Korea	International instruments,Justice,Rights of the Child,Women's rights	partially impl.	page 12
82	Singapore	Right to education	not impl.	page 8
19	Slovenia	Women's rights	partially impl.	page 14
17	South Africa	NHRI,Rights of the Child	not impl.	page 14
14	Spain	NHRI	-	page 22
29	Spain	International instruments,Labour,Rights of the Child	-	page 16
35	Spain	Justice,Rights of the Child	partially impl.	page 16
86	United Kingdom	Right to education,Women's rights	partially impl.	page 20
41	Uruguay	International instruments,Rights of the Child,Technical assistance	fully impl.	page 17

3. Feedback on recommendations

ESC Rights

Recommendation n^o42: *Intensify programs to combat unemployment and poverty* (Recommended by *Algeria*)

IRI: *not implemented*

Istituto Internazionale Maria Ausiliatrice (IIMA) response:

There have not been many improvements in the fight against unemployment and poverty reduction since the last UPR session.

Recommendation n^o45: *Adopt urgent measures to improve access to health services, particularly in remote communities* (Recommended by *Costa Rica*)

IRI: *fully implemented*

IIMA response:

Health centers have been built in most rural areas and nearly all have access to an ambulance, or at least a motorcycle.

However, a lack of adequate human resources is a serious challenge because trained health personnel are reluctant to accept positions in rural areas. Furthermore, there is a serious lack of medication.

Diagnostic mistakes and lack of attentive care by doctors also contribute to a misuse of drugs. The hospital hygiene is very poor; doctors and nurses often are indifferent at the pain of the patient.

Recommendation n^o63: *Comprehensive training on positive discipline to teachers* (Recommended by *Hungary*)

IRI: *not implemented*

IIMA response:

Training on positive discipline is neglected.

Professional training for teachers is generally inadequate (This is compounded with the confusion created by the introduction of Portuguese as the official language. Teachers have to learn Portuguese, and reach a sufficient level of proficiency to enable them to use this language as a medium of education).



Critical thinking skills, mental exercises in problem-solving are lacking in the primarily basic education offered by teachers. The result is a society where initiative and creativity is lacking. While there is evidence that the government is aware of this problem, and that they are soliciting assistance and cooperation from outside Timor-Leste (in particular, Lusophone countries), there are inadequate structures to absorb and integrate these educators into a coherent and consistent system.

Recommendation n°68: Continue to provide adequate training, particularly in human rights, to the national police and defence force (Recommended by Australia)

IRI: fully implemented

United Nations High Commissioner for Refugees (UNHCR) response:

UNHCR has undertaken refugee protection training in 2012 for some 200 police cadets as part of induction training delivered at the Police Academy, and stands ready to continue to provide such capacity-building support. We understand that the curriculum of the course at the Police Academy for police cadets has also included some human rights-related issues.

Recommendation n°76: Continue efforts to develop policies and programmes to reduce malnutrition throughout the country, in particular by improving school meal programmes (Recommended by Costa Rica)

IRI: fully implemented

Edmund Rice International (ERI) response:

Timor-Leste Government has put a lot of efforts in implementing the school feeding program. This has been implemented throughout the school in Timor-Leste. There are several issues need to be addressed in order to fully deliver the program and reach out more to the most who in need especially to the district, sub district level, and the most remotes community to be able to enjoy the same right as the population who resides in the urban areas. This requires good planning and multisectoral coordination among other sectors such as Ministry of Finance, Ministry of Education, Ministry of State Administration, Ministry of Agriculture and Ministry of Infrastructure. There is need law reinforcement and a follow up through the regulations and law that agreed by the Government to implement. Monitoring and evaluation is crucial to ensure that the services and resources reach to the target where it matters the most.

The major barriers to children and adolescent face are lack of awareness, access in terms of distance in the remote areas and information sharing. This can be addressed by including health education in the curriculum at the same time providing the quality health services so that it can increase the level of service utilization at all level of the health care services from



primary care to tertiary care level. It is important to enable the environment to support the behavior change. Raising awareness serve as one mechanism however at the same time the services need to be available, accessible and with good quality. This will encourage children and adolescent will seek health care services.

Malnutrition, Smoking and early pregnancy are growing in Timor-Leste. It is important to raise awareness for parents, community and media to prevent such issues. It is important to revised the tobacco control law in Timor-Leste and introduce a new way of controlling tobacco. Introduce more regulations on no smoking zone in public areas such as school, public transport, offices and restaurants where it is most likely expose to the children and women including pregnant women.

Childhood nutrition has slightly improved, reflecting the significant and complex challenges that remain: originally the prevalence of underweight children under five was noted to have increased from 2003 to 2009/10 from 41.5 percent to 45.3 percent and stunting from 55 percent to 58 percent. This number has now decreased from 58 percent to 50.2 percent for stunting, 19 percent to 11 percent for wasting, and 45 percent to 37.7 percent for underweight among children 0-59 months (TL Food and Nutrition Survey, 2013). On the 20 July 2014, the Timor-Leste Government with Dr. Noeleen Heyzer Under-Secretary-General of the United Nations and Special Adviser of the United Nations Secretary-General for Timor-Leste launch the National Action Plan on Hunger and Malnutrition Free Timor-Leste and “Juntos Contra a Fome” in Dili, Timor-Leste.

SISCa is an integrated health services program, launched in 2008, to extend the reach of basic primary health care services to the community and household level in rural areas, where the majority of the population and vulnerable population live and where access to services is more limited. The doctors, nurses and midwives provide advice and preventive services for Antenatal Care (ANC), family planning, growth monitoring, immunization, food supplementation, nutrition education and medication. In total, SISCa is now providing as many as 442 monthly outreach visits throughout the country, including to some of the most remote areas. Most who attended SISCa were satisfied. The Department of Foreign Affairs and Trade (DFAT), the European Commission (EC) and the World Bank (WB) provide support to the Ministry of Health’s National Health Sector Strategic Support Project (NHSSP-SP).



The SISCa program is crucial as it brings health services to the communities in the most remote area and empowers communities through:

- Direct delivery of health services to communities across Timor-Leste which has increased through the return of Timorese-trained doctors from Cuba as General Practitioners and who are deployed throughout the Nation.
- Through the rural community outreach health program (SISCa), the Timor-Leste Government, DFAT, EC, and the WB are providing funds to support so that communities have better access to health services, particularly for women and children.
- SISCa has allowed easy and nearby access of integrated health assistance based on Basic Service Package to the community level, which will also improve data collection of children, pregnant mothers, and for the community to receive proper health intervention, while expanding health promotion and education efforts on modifying behaviors toward improved health practices.

Improving health services within the community has contributed to a number of significant gains in health outcomes in Timor-Leste. Under-five child mortality rates have fallen from 83 per 1,000 live births in 2003 to 64 per 1,000 live births in 2009/2010, with infant mortality falling from 60 to 45 per 1,000 live births during the same period.

Recommendation n^o82: *Continue its efforts to strengthen its education system in accordance with the Basic Law on Education (Recommended by Singapore)*

IRI: not implemented

IIMA response:

In accordance with the comments referring to Recommendation 63, the quality of teaching is very low to the extent that during meetings of the Ministry of Education, participants have referenced the "agony of the education." This is mainly due to teachers' insufficient educational backgrounds and absenteeism during work hours. Many teachers permit unprepared students advance to the next year even if they have not fulfilled the course requirements. The Ministry of Education should send inspectors to schools to assess the teaching quality.

Recommendation n^o83: *Further implement the National Education Strategic Plan 2011-2013 (Recommended by Indonesia)*

IRI: fully implemented

ERI response:

Yes. They have been following and trying to align with the National Education Strategic plan. 5 years plan and annual actions plans are aligned with National Education Strategic plan.

Recommendation n°84: Continue its efforts to offer universal education for all through the development of a greater number of primary school institutions as well as by increasing support to economically disadvantaged and vulnerable children, and providing support to children with disabilities (Recommended by Costa Rica)

IRI: fully implemented

IIMA response:

The lack of infrastructures and educational materials, and the distances that the children must cover in order get to school are pronounced.

There are opportunities for children with disabilities, as well as for poor and disadvantaged children, but many are not aware of these opportunities and only a few actually take advantage of them.

Additionally, corruption sometimes diverts essential resources and support away from the children with the greatest need.

ERI response:

The government of Timor-Leste has in the last two years strived to offer universal education for all by bringing education to all its citizens. When it took office in 2012, the government pledged to achieve the enrollment of all children in the primary education. In March 2014, the government launched the new National Program for the rehabilitation of community assets, part of which is to build new primary school buildings in the villages. This consequently boosting the number of primary schools throughout the territory, but the increase in population means that there is still more to do. Steps to ensure equality in education, particularly gender equality in terms of school enrolment has faced tough challenges. A number of high profile court cases in sexual abuse against school children, including some elected community leaders, appears to have an impact in sexual abuse prevention at school.

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Children with disabilities, adolescent mothers, working children and orphaned children face the greatest risk of not obtaining education. Specifically, the 2010 Census indicates that only 59 per cent of children aged 6-14 with disabilities were attending school, as compared to 77 per cent among all children in this age group. Also, very limited inclusive education practices are exercised to support their learning. Further, almost



half (47.9 per cent) of teenage mothers (15-19) in Timor-Leste had left school as opposed to only 12.8 percent of all young women. Only one-third (35 per cent) of working children (10-14) were still in school, as compared to 92 percent of all children aged 10-14. Only 66 per cent of 10-14 year old orphans attended school while 87 per cent of children with parents did, Situation Analysis of Children 2014, Timor-Leste.

However, the following points highlight Governments efforts to address the issue mentioned in Situation Analysis of Children in Timor-Leste, 2014 (SitAN). Ministry of Education stated that until 2017 they want to provide the basic education of 9 years to all children. For that they have also rebuilding and basic education schools.

Below is some of the progress made by the Ministry of Education:

- In 2008, a Unit for Inclusive Education was established under the Director General, but with no separate office. By end of 2009, the Project supported the establishment of a National Office under the DG for Corporate Services: equipped room/office with computer and other equipment + 1 International Consultant. At that time, the Ministry also allocated 1 national staff to support the Head of Unit.
- During 2010, the National Office was providing inputs on social inclusion to the National Education Strategic Plan 2011-2030 and to the 5 years-Plan for Education.
- In 2010, the National Office organized one day workshop in Oecusse for socialization of the concept of inclusive education targeting teachers, government local staff, community and local leaders.
- In May 2010, the 1st International conference on Inclusive Education was organized by the National Office. This was a key to collect ideas to support a future national policy for inclusive education.
- By early 2011, 2 days of training on inclusive education was conducted in Maubisse to all School Inspectors.
- School infrastructure construction and rehabilitation standards included special requirements to improve school accessibility for all children. A ramp was built in a school in Dili in which was identified a child in a wheelchair. Jose said that the National Office continues making recommendations and monitor the on-going school construction/renovation.
- The project also supported a Resources Center for Inclusive Education in Dili in terms of painting the building and signposting.
- On the policy side, after the International conference on Inclusive Education, UNICEF recruited a Consultant to work with the MOE in drafting the national policy for inclusive education. During 2012 and



2013, the draft policy was broadly discussed at national and district level. After this long process, the DG for Corporate Services assisted by the National Office is now ready to present the draft policy to the Minister of Education. It is expected that this Policy will be taken to the Council of Minister in July.

This is a very good example of sustainability. After all of these years, the MOE managed to have a National Office running and led by Ministry of Education Staff who was there since the beginning and has now 3 civil servants and 2 temporary staff working in the team. They are planning to have 13 district focal points for inclusive education.

It is important to note that Ministry of Education link with Ministry of Social Solidarity (MSS). MSS is responsible for establishing the conditional cash transfer targeted to vulnerable households with children and one of the conditionalities is that the Family has to send the children to schools. Strengthen the link and collaborations among Ministry are highly encouraged but its implementation still remains a challenge.

Justice

Recommendation n°27: Adopt a specific legislation to explicitly prohibit all forms of corporal punishments (Recommended by Brazil)

IRI: not implemented

Global Initiative to End All Corporal Punishment of Children (GIEACPC) response:

Corporal punishment remains lawful in the home, alternative care settings, day care and schools. A new Child Code has been drafted which would prohibit all corporal punishment, including in the home, but the process of law reform appears to have been delayed and the Code has not yet been adopted.

ERI response:

[...] A Child Code is still under discussion, which bans all forms of corporal punishment against children. When the code comes into effect, the legislation would augment the existing Penal code (enacted 2009), Law against domestic violence (2010) and the civil code (2011), which all stipulates for punishments for all forms of offences against the physical integrity of individuals, including special provisions for offences against children and women. The number of court proceedings in domestic violence



cases has increased in the last two years. Nevertheless there are still complaints that since many of these cases are sentenced with very lenient penalty and suspended, the effect of efforts in domestic violence is still far from expected.

Recommendation n°31: Increase and intensify the on-going efforts namely through the Legal Training Center (CFJ) to capacitate and qualify the legal professions, one essential pillar of the Justice system (Recommended by Portugal)

IRI: partially implemented

UNHCR response:

UNHCR has undertaken some initial capacity-building activities on refugee protection with members of the legal profession, and stands ready to contribute further to capacity building initiatives for members of the judicial sector on refugee law and refugee protection.

Recommendation n°34: Efforts be further accelerated to clear the backlog of pending cases in the Courts and that there should be early conclusion in the study now underway for strengthening the judicial system (Recommended by Ireland)

IRI: not implemented

Anonymous response:

We understand that cases in the Courts generally still take a long time for decisions, one factor being the absence of replacements following the departure of some judges.

Recommendation n°37: Make serious efforts to ensure that every individual has access to legal recourse for human rights violations through the formal judicial system, especially residents of districts and rural areas (Recommended by Republic of Korea)

IRI: partially implemented

Anonymous response:

It is recommended that access to legal recourse for human rights violations also be ensured for foreigners who are residing in Timor-Leste, including asylum-seekers and refugees.

Recommendation n°38: Make greater effort to ensure that victims of human rights violations, most often women and children, are allowed to exercise their right to seek redress in the formal judicial system, and to prevent any practices that fall short of international human rights standards (Recommended by Republic of Korea)

IRI: partially implemented

ERI response:

The first two recommendations [n° 35 and °36] are partly implemented, but not in specific juvenile legal institutions in light of their absence. The still absence of a specific Child Code is another factor. With the help of international community, most prominently the United Nations, the government of Timor-Leste has been conducting mobile courts in different parts of the country. Although this has helped in reducing the number of outstanding cases, the government should start establishing more district courts in order to broaden the access to justice to the citizens. Splitting the High Court from the Court of Appeal is also important in augmenting the delivery of quality justice service. At the moment, there are only 4 functioning district courts (including Dili) and a Court of Appeal, which also serves as the High Court.

Recommendation n°48: Continue building and strengthening national democratic mechanisms including the judicial institutions, and put in place all necessary institutional mechanisms for protecting the vulnerable population from all kinds of abuses (Recommended by Nepal)

IRI: partially implemented

Anonymous response:

It is recommended that such institutional mechanisms should also be accessible to refugees and asylum-seekers, as there have been reports that they have not been able to effectively access appropriate institutional mechanisms (such as police) when they tried to report human rights abuses and their concerns could not be addressed.

Recommendation n°67: Ensure that the police and the armed forces respect human rights and prevent human rights violations, in particular ill-treatment and excessive use of force, by carrying out trainings and strengthening civilian control of security forces (Recommended by France)

IRI: not implemented

Anonymous response:

In July 2013, a boat with 99 individuals (95 passengers including 71 Rohingya from Myanmar, and 4 boat crew), arrived in the shores of Timor-Leste. According to local stakeholders, while some individuals among the group reportedly requested to seek asylum in Timor-Leste, they were reportedly told by police that this was not an option for them. The group was reportedly told by police at gunpoint to leave Timor-Leste, and was eventually pushed back to sea by the authorities who provided them with another boat, to move onward to Indonesia. In light of this incident, further capacity-building and awareness-raising on refugee protection is needed.

Women & Children

Recommendation n°16: *Consider establishing a national action plan on the rights of the child (Recommended by Austria)*

IRI: -

IIMA response:

Despite some awareness-raising activities on the Convention on the Rights of the Child, violations of children's rights, as well as domestic violence, are mainly addressed within the family according to traditional practices that typically consist of resolving disputes on an interfamilial level, often with a village elder acting as the mediator in order to establish monetary reparations to the victim's family. In this way, the traditional practices are often applied instead of seeking help from the official authorities in the justice system. Problems often arise when the perpetrator comes from a wealthy or powerful family so it is difficult to hold him/her accountable and prevent future violations.

Recommendation n°17: *Provide the National Commission for the Rights of the Child with the necessary resources to ensure that it is able to carry out its mandate (Recommended by South Africa)*

IRI: *not implemented*

IIMA response:

The National Commission for the Rights of the Child exists and is functioning. However, doubts persist on whether financial resources currently allocated by the Government are sufficient for the Commission to accomplish all assigned tasks.

Recommendation n°19: *Ensure full respect for equal rights of women in all areas of life, including by ensuring the equal participation of women in decision making (Recommended by Slovenia)*

IRI: *partially implemented*

IIMA response:

The number of women who have been elected into the Parliament has increased. However, in other contexts, such as school management, the number of women represented is still minimal.

Recommendation n°23: *Make the Law against Domestic Violence widely known to public officials and society and monitor its effectiveness (Recommended by Austria)*

IRI: *partially implemented*

IIMA response:

Meetings and awareness-raising activities have been carried out at different societal levels, including in villages. However, domestic disputes are still solved using traditional laws and practices (See also comments to Recommendation 16).

Recommendation n°26: *Persist in its efforts to eradicate corruption, corporal punishment of children, discrimination against women and domestic violence* (Recommended by Holy See)

IRI: *fully implemented*

GIEACPC response:

Corporal punishment remains lawful in the home, alternative care settings, day care and schools. A new Child Code has been drafted which would prohibit all corporal punishment, including in the home, but the process of law reform appears to have been delayed and the Code has not yet been adopted.

IIMA response:

Regarding discrimination against women, several new NGOs have been established to address discriminatory practices against women. However, we note that while many offer positive services, some have gone to the other extreme by taking actions that fail to respect the local culture.

Concerning corporal punishment of children, particularly at school, we note that this practice still persists: it is difficult to eradicate a "tradition" of decades.

ERI response:

Effort to combat corruption is intensifying. On 15 July 2014, the National Parliament elected a new Commissioner for the Anti Corruption Commission after previously failed twice to elect a new commissioner mainly driven by the concern that one of the candidates was alleged to have an outstanding corruption case.

A Child Code is still under discussion, which bans all forms of corporal punishment against children. When the code comes into effect, the legislation would augment the existing Penal code (enacted 2009), Law against domestic violence (2010) and the civil code (2011), which all stipulates for punishments for all forms of offences against the physical integrity of individuals, including special provisions for offences against children and women.



The number of court proceedings in domestic violence cases has increased in the last two years. Nevertheless there are still complaints that since many of these cases are sentenced with very lenient penalty and suspended, the effect of efforts in domestic violence is still far from expected.

Recommendation n°28: Increase actions against the growing phenomenon of human trafficking for the purpose of sexual exploitation (Recommended by Algeria)

IRI: *partially implemented*

IIMA response:

Awareness-raising campaigns and seminars have been organized for various stakeholders.

ERI response:

The government of Timor-Leste submitted in 2012 a comprehensive anti-trafficking legislation to the Council of Ministers. The legislation, however, has been surpassed by other important legislations. Actions against human trafficking, therefore, has so far only been regulated by the penal code through its Articles: 163, 164 & 165 on human trafficking and 162, 163 on slavery and sales of humans. While no systematic data is available on human trafficking, different institutions acknowledge that Timor-Leste is still a destination for sex trafficking of women from neighboring countries.

Recommendation n°29: Adopt an minimum age limit for access to the labour market which is in conformity with international standards, in particular with that which is established by the ILO Minimum Age Convention (Recommended by Spain)

IRI: -

IIMA response:

Families (immediate and extended) often prioritize labour over education for their children, especially in rural areas. The parents, who may themselves be illiterate or semi-illiterate, would rather keep their children at home to help out, e.g. in the rice fields.

Recommendation n°35: Strengthen the judicial system, in particular through the implementation of a specific legal framework which regulates the responsibility of minors and which is consistent with existing international instruments in this area (Recommended by Spain)

IRI: *partially implemented*

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Recommendation n°36: Ensure that the principle of "best interest of the child" is well integrated in the draft legislation on juvenile justice and that



children in conflict with the law are deprived of their liberty only as a means of the last resort (Recommended by Norway)

IRI: *partially implemented*

ERI response:

The first two recommendations [n° 35 and °36] are partly implemented, but not in specific juvenile legal institutions in light of their absence. The still absence of a specific Child Code is another factor. With the help of international community, most prominently the United Nations, the government of Timor-Leste has been conducting mobile courts in different parts of the country. Although this has helped in reducing the number of outstanding cases, the government should start establishing more district courts in order to broaden the access to justice to the citizens. Splitting the High Court from the Court of Appeal is also important in augmenting the delivery of quality justice service. At the moment, there are only 4 functioning district courts (including Dili) and a Court of Appeal, which also serves as the High Court.

Recommendation n°41: In light of what is provided in article 7 of the Convention on the Rights of the Child and with the support of the international community, improve the system of birth registration including by intensifying efforts to sensitize and mobilize public opinion regarding the advantages of birth registration in the process of establishing children's identity and the enjoyment of their rights (Recommended by Uruguay)

IRI: *fully implemented*

IIMA response:

The Ministry of Health has initiated awareness-raising activities about the importance of birth registration. These projects have included providing pregnant women with a notebook in order to record personal data and all relevant medical information concerning the child. Furthermore, people have been educated on the difference between registration that takes place at the Baptism and formal registration with the Municipality. As a result, there has been an increase in formal birth registration.

ERI response:

Yes that the government has started systematic birth registration at all the public hospitals for new born babies and issuing birth certificates. The still relatively high number deliveries done outside the health facilities, however, mean that there are a lot of rooms for improvements.

Recommendation n°54: Organize campaigns aiming at promoting gender equality and to reinforce existing mechanisms to combat and to punish perpetrators of violence against women (Recommended by Brazil)

IRI: *fully implemented*

IIMA response:

Media campaigns, headed by the President of the Republic, the Prime Minister, and other high-ranking state officials, have used billboards and television outlets to raise awareness in order to combat violence against women.

Recommendation n°57: *Strengthen and intensify actions to combat domestic violence* (Recommended by *Portugal*)

IRI: *partially implemented*

IIMA response:

See comments to recommendations 16, 23 and 26.

Recommendation n°64: *Seek the cooperation of UN agencies, such as ILO, to combat child labour* (Recommended by *Brazil*)

IRI: *fully implemented*

IIMA response:

Various initiatives exist that have been organized in collaboration with UN agencies, especially if such activities are financially supported. However, we regret that such initiatives have produced a very limited impact on the daily life of the people in Timor-Leste, particularly with regard to full realization of human rights.

ERI response:

The government of Timor-Leste submitted in 2012 a comprehensive anti-trafficking legislation to the Council of Ministers. The legislation, however, has been surpassed by other important legislations. Actions against human trafficking, therefore, has so far only been regulated by the penal code through its Articles: 163, 164 & 165 on human trafficking and 162, 163 on slavery and sales of humans. While no systematic data is available on human trafficking, different institutions acknowledge that Timor-Leste is still a destination for sex trafficking of women from neighboring countries.

Recommendation n°71: *Establish a minimum age for marriage in line with international standards* (Recommended by *Italy*)

IRI: *partially implemented*

IIMA response:

A minimum age for marriage is established in the civil law code, but local traditions still persist. Young people are accustomed to living together (often in the girl's parents' house) without getting officially married until the man's family has paid the dowry to the woman's family, which can take decades.

Recommendation n°85: *Take steps to improve equality in education in response to the low enrolment rate of female students in secondary and higher education (Recommended by Japan)*

IRI: *fully implemented*

IIMA response:

Certain scholarship funds have been allocated for girls, especially for those who attend high school. However, there have been cases in which these scholarships have been awarded to the daughters of government officers or other individuals without real need.

ERI response:

The government of Timor-Leste has in the last two years strived to offer universal education for all by bringing education to all its citizens. When it took office in 2012, the government pledged to achieve the enrollment of all children in the primary education. In March 2014, the government launched the new National Program for the rehabilitation of community assets, part of which is to build new primary school buildings in the villages. This consequently boosting the number of primary schools throughout the territory, but the increase in population means that there is still more to do. Steps to ensure equality in education, particularly gender equality in terms of school enrolment has faced tough challenges. A number of high profile court cases in sexual abuse against school children, including some elected community leaders, appears to have an impact in sexual abuse prevention at school.

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The involvement has substantially increased.

Poor learning outcomes of Timorese students:

- High repetition rate, especially among early graders. Nearly 1 in 3 students in Grade 1 and 1 in 5 students in Grade 2 will repeat their grade.
- Low reading ability: More than 70 % of students at the end of Grade 1 and 40 % of Grade 2 were unable to read a single word of a simple text in Portuguese and Tetum. (2009 Early Grade Reading Assessments-EGMA)
- The 2011 Early Grade Math Assessment (EGMA) showed that 77 % of Grade 2 students and 62% of the Grade 3 children presented difficulties with simple math reasoning problems.

Driving factors

- Teachers with low qualifications—Most primary teachers have either a secondary school degree (71%) or below (6%).



- High proportion of voluntary teachers (24% in primary school) with low preparedness.
- High levels of teacher absenteeism. 13% of primary school teachers and 25% of secondary school teachers were absent from the classroom.
- Pre-service training of teachers needs overall institutional capacity strengthening
- The majority of Grade 4 students (57 percent) have a mother tongue that is neither of the two official instruction languages
- A quarter of primary schools lack Math and Portuguese textbooks and the majority have no Tetum textbooks.

MSS is also focus on this issue through child protection and gender based violence and when there are children involved they try to make the with Conditional Cash Transfer program. Ensure that the kids involve can go to school. Ministry of Education should strengthen this aspect.

Recommendation n°86: Ensure that education programmes pay special attention to the prevention of sexual abuse and harassment and enable women to return to school after pregnancy (Recommended by United Kingdom)

IRI: partially implemented

IIMA response:

Normally pregnant girls are permitted to return to school after childbirth, particularly in private schools.

ERI response:

The government of Timor-Leste has in the last two years strived to offer universal education for all by bringing education to all its citizens. When it took office in 2012, the government pledged to achieve the enrollment of all children in the primary education. In March 2014, the government launched the new National Program for the rehabilitation of community assets, part of which is to build new primary school buildings in the villages. This consequently boosting the number of primary schools throughout the territory, but the increase in population means that there is still more to do. Steps to ensure equality in education, particularly gender equality in terms of school enrolment has faced tough challenges. A number of high profile court cases in sexual abuse against school children, including some elected community leaders, appears to have an impact in sexual abuse prevention at school.

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Domestic violence is widely recognized as a serious issue in Timor-Leste affecting women as well as children who are both witnesses and victims.



Data from the 2009-2010 TLDHS show that approximately 38 per cent of women aged 15-49 years and 30.8 per cent of women aged 15-19 years had experienced physical violence since the age of 15. About 3.4 per cent of women aged 15-49 years and 2 per cent of women aged 15-19 years reported that they had experienced sexual violence since the age of 15. Very limited information and reliable data is available on violence against children in Timor-Leste, However several studies have highlighted widespread practice of corporal punishment (or physical violence) as a way for disciplining children both at home and in school Situation Analysis of Children in Timor-Leste, 2014 (SitAN).

Children without parental care are another issue of concern. In 2009, nearly one in four (23 per cent) of households had orphans (1.6 per cent had no parents and 9.4 per cent had only 1 living parent) or foster children (17.4 per cent) under the age of 18.13 Kinship care is a widespread traditional practice in Timor-Leste. While generally a positive practice, especially if children are cared for by immediate family members, the limited monitoring by protection services renders children at risk of abuse and exploitation. Institutionalisation of children is the exception rather than the rule in Timor-Leste. However, there are 59 residential care facilities in Timor-Leste and none of these are formally licensed to provide care or protection to children. Situation Analysis of Children in Timor-Leste, 2014 (SitAN).

Recommendation n°98: Accelerate efforts aimed at the effective implementation with full enforcement of its relevant plans of action and policies including that of the anti-trafficking legislation (Recommended by Cambodia)

IRI: not implemented

ERI response:

The government of Timor-Leste submitted in 2012 a comprehensive anti-trafficking legislation to the Council of Ministers. The legislation, however, has been surpassed by other important legislations. Actions against human trafficking, therefore, has so far only been regulated by the penal code through its Articles: 163, 164 & 165 on human trafficking and 162, 163 on slavery and sales of humans. While no systematic data is available on human trafficking, different institutions acknowledge that Timor-Leste is still a destination for sex trafficking of women from neighboring countries.

Other

Recommendation n°14: Increase human and financial resources of the Provedoria for Human Rights and Justice to improve the protection of human rights (Recommended by Spain)

IRI: -

UNHCR response:

Representatives of the Provedoria for Human Rights participated in a refugee protection training delivered by UNHCR in 2014. Continued capacity-building of the Provedoria for Human Rights is recommended, including on issues related to the right to seek asylum and protection of the rights of asylum-seekers and refugees. In this regard, UNHCR is available to provide technical assistance in building awareness and understanding of the Provedoria for Human Rights on asylum-related issues.

Recommendation n°47: Continue to cooperate with the UN and other international organisations to develop its legal and institutional framework with respect to the promotion and protection of Human Rights in Timor-Leste (Recommended by Laos)

IRI: *partially implemented*

UNHCR response:

UNHCR has provided comments to the Timor-Leste authorities on the draft revised Immigration and Asylum Law, with a view to assist the Government in strengthening the legal framework of the national asylum system in line with international standards, which it hopes will be reflected in the revised law to be adopted in future. UNHCR continues to stand ready to support and provide technical assistance to the Government in developing its legal and institutional framework regarding refugees, asylum-seekers and stateless persons.

Recommendation n°69: Seek technical assistance from the international donor community including relevant UN agencies and funds for building capacity for government officials, particularly law enforcement, legal and judicial personnel (Recommended by Malaysia)

IRI: *fully implemented*

UNHCR response:

In addition to training support mentioned previously, UNHCR has been providing capacity-building support on refugee protection to officials of the Asylum Office and immigration officials. A refugee protection training conducted in early 2014 also included officials from the Ministry of Social



Solidarity. UNHCR stands ready to continue to provide technical assistance and capacity-building on issues related to refugees, asylum-seekers and stateless persons.

Methodology

A. First contact

Although the methodology has to consider the specificities of each country, we apply the same procedure for data collection about all States:

1. We contact the Permanent Mission to the UN either in Geneva or New York;
2. We contact all NGOs that took part in the process. Whenever NGOs were part of coalitions, each NGO is contacted individually;
3. The National Institution for Human Rights is contacted, whenever one exists.
4. UN Agencies, which sent information for the UPR, are also contacted.

We post our requests to the States and send e-mails to NHRIs, NGOs and UN Agencies.

The purpose of the UPR is to discuss issues and share concrete suggestions to improve human rights on the ground. Therefore, stakeholders whose objective is not to improve the human rights situation are not contacted and those stakeholders' submissions are not taken into account.

However, since the UPR is meant to be a process that aims to share best practices among States and stakeholders, we take into account positive feedbacks from the latter.

B. Processing recommendations and voluntary pledges

The stakeholders that we contact are encouraged to use an Excel sheet, which we provide, that includes all recommendations received and voluntary pledges taken by the State reviewed.

Each submission is processed, whether the stakeholder has or has not used the Excel sheet. In the latter case, the submission is split among recommendations to which we think it belongs. Since such a task is more prone to misinterpretation, we strongly encourage stakeholders to use the Excel sheet.

If the stakeholder does not clearly mention whether the recommendation was “fully implemented” or “not implemented”, *UPR Info* usually considers the recommendation as “partially implemented”, unless the implementation level is obvious.

UPR Info retains the right to edit comments that are considered to not directly address the recommendation in question, when comments are too lengthy or when comments are defamatory or inappropriate. While we do not mention the



recommendations which were not addressed, they can be accessed unedited on the follow-up webpage.

C. Implementation Recommendation Index (IRI)

UPR Info developed an index showing the implementation level achieved by the State for both recommendations received and voluntary pledges taken at the UPR.

The **Implementation Recommendation Index (IRI)** is an individual recommendation index. Its purpose is to show an average of stakeholders' responses.

The *IRI* is meant to take into account stakeholders disputing the implementation of a recommendation. Whenever a stakeholder claims nothing has been implemented at all, the index score is 0. At the opposite, whenever a stakeholder claims a recommendation has been fully implemented, the *IRI* score is 1.

An average is calculated to fully reflect the many sources of information. If the State under Review claims that the recommendation has been fully implemented, and a stakeholder says it has been partially implemented, the score is 0.75.

Then the score is transformed into an implementation level, according to the table below:

Percentage:	Implementation level:
0 – 0.32	Not implemented
0.33 – 0.65	Partially implemented
0.66 – 1	Fully implemented

Example: On one side, a stakeholder comments on a recommendation requesting the establishment of a National Human Rights Institute (NHRI). On the other side, the State under review claims having partially set up the NHRI. As a result of this, the recommendation is given an *IRI* score of 0.25, and thus the recommendation is considered as “not implemented”.

Disclaimer

The comments made by the authors (stakeholders) are theirs alone, and do not necessarily reflect the views and opinions at UPR Info. Every attempt has been made to ensure that information provided on this page is accurate and not abusive. UPR Info cannot be held responsible for information provided in this document.

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