

Universal Periodic Review
(26th session, October-November 2016)
Contribution of UNESCO to Compilation of UN information
(to Part I. A. and to Part III - F, J, K, and P)

Timor-Leste

I. BACKGROUND AND FRAMEWORK

Scope of international obligations: Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO

I.1. Table:

<i>Title</i>	<i>Date of ratification, accession 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 state party to this Convention	<i>Reservations to this Convention shall not be permitted</i>		Right to education
Convention on Technical and Vocational Education. (1989)	Not state party to this Convention			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	NA	NA	N/A	Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	NA	NA	N/A	Right to take part in cultural life
Convention on the Protection and				

Promotion of the Diversity of Cultural Expressions (2005)	NA	NA	N/A	Right to take part in cultural life
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II. INPUT TO PART III. IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS, TAKING INTO ACCOUNT APPLICABLE INTERNATIONAL HUMANITARIAN LAW TO ITEMS F, J, K, AND P

Right to education

1. NORMATIVE FRAMEWORK

1.1. Constitutional Framework

1. **The Constitution of the Democratic Republic of Timor-Leste of 2002**¹ explicitly recognizes the right to free and compulsory education in **Section 59** on Education and culture:

- i. “1. The State shall recognize and guarantee that every citizen has the **right to education** and culture, and it is incumbent upon it to promote the **establishment of a public system of universal and compulsory basic education that is free of charge** in accordance with its ability and in conformity with the law.
- ii. 2. Everyone has the **right to equal opportunities for education and vocational training**.
- iii. 3. The State shall recognize and supervise private and co-operative education.
- iv. 4. The State should ensure the access of every citizen, in accordance to their abilities, to the highest levels of education, scientific research and artistic creativity. [...].”

2. **Section 18** on Child protection states:

- i. “1. Children shall be entitled to special protection by the family, the community and the State, particularly against all forms of abandonment, discrimination, violence, oppression, sexual abuse and exploitation.
- ii. 2. Children shall enjoy all rights that are universally recognised, as well as all those that are enshrined in international conventions commonly ratified or approved by the State.
- iii. 3. Every child born inside or outside wedlock shall enjoy the same rights and social protection.”

¹ <http://www.unesco.org/education/edurights/media/docs/50746c462d89e335c721fad02cda4291c2c60ee6.pdf>
<http://www.unesco.org/education/edurights/media/docs/7aa8c8cd63d2e3ec8a6546d6ba1f4071161ce516.pdf>
<http://www.unesco.org/education/edurights/media/docs/c9bd90d95b5befc241c5c43baa02062082914216.pdf>
<http://www.wipo.int/wipolex/fr/details.jsp?id=7613>

Official Website of the Government of Timor-Leste, <http://www.gov.east-timor.org/constitution/constitution-Timor-Leste.pdf>

3. **Section 16** sets that “1. All citizens are equal before the law, shall exercise the same rights and shall be subject to the same duties.
4. 2. **No one shall be discriminated** against on grounds of color, race, marital status, gender, ethnical origin, language, social or economic status, political or ideological convictions, religion, education and physical or mental condition.”
5. **Article 23** adds “Fundamental rights enshrined in the Constitution shall not exclude any other rights provided for by the law and shall be interpreted in accordance with the Universal Declaration of Human Rights.”
6. **Section 19 (2)** establishes that “The State shall promote education, health and vocational training for the youth as may be practicable”.
7. **Section 25.5** :*relates only to the state of exception!*) “*In no case shall a declaration of a state of siege affect the right to life, physical integrity, citizenship, non-retroactivity of the criminal law, defence in a criminal case and freedom of conscience and religion, the right not to be subjected to torture, slavery or servitude, the right not to be subjected to cruel, inhuman or degrading treatment or punishment, and the guarantee of non-discrimination.*”

1.2. Legislative Framework

8. **The General Law of Education of 2008**² establishes the general framework of the education in Timor-Leste and provides for “the right to education” in **Article 2 (1)**.
9. The educational system is the set of means by which the right to education is protected and guaranteed through the execution of permanent training and formation oriented to favor the overall development of persons, social progress and democratization (**Article 1**).
10. **Article 2 (1)** establishes that the right to education and to culture is guaranteed to all citizens by the Constitution and law. (2) The right to education is executed throughout effective lifelong learning and training, and aims to consolidate a free, responsible, democratic life destined to respect human dignity and promote: a. the development of human personality; b. equality of opportunities and overcoming economic, social, and cultural inequalities; c. social progress.
11. **Article 3** establishes that the education system guarantees the freedom to learn and to teach.
12. **Article 9 (4)** establishes that Pre-school education attendance is optional in the recognition that parents and the family play an essential role in early childhood education, however subjected to the State’s policy on compulsory school attendance for children from the age of five.

² <http://www.unesco.org/education/edurights/media/docs/f77b288f6f43d41372f8b7d3bbe1abdcaee180be.pdf>
 Law No. 14/2008 - *Lei De Bases Da Educaçã*o, 2008, accessible online at: <http://www.jornal.gov.tl/?mod=artigo&id=1453> (in Portuguese)

13. **Article 11** establishes that basic education is universal, compulsory and free and lasts for nine years.
14. **Article 18 (7)** stipulates that the State should create the conditions that ensures to citizens the opportunity to attend higher education, to prevent the discriminatory effects arising from previous economic and regional inequalities or social disadvantages.
15. **The Organic Law of the Ministry of Education**³ establishes that the Ministry of Education is the central organ of the Government responsible for the conception, execution, coordination, and the evaluation of policies that are defined and approved by the Council of Ministries, concerning education, culture, science and technology.

1.3. Policy Framework

16. By the **Constitutional Government Program 2007-2012 (*Programa do IV Governo Constitucional*)**⁴, the government proposed to develop programs aimed at improving quality and equity in education by adopting the following guiding principles:
- i. Equity, implying a large institutional sensitivity to local and social differences in access to education, giving special attention to regions and disadvantaged social groups;
 - ii. Quality, by focusing on the process and learning outcomes;
 - iii. Social and economic pertinence that translates into a constant search for social and economic gains for Timor-Leste and its citizens;
 - iv. Participation of families in management and decision-making;
 - v. Social partnerships with the support of private entrepreneurship at all levels of the education system with the aims of planning and coordinating educational policy;
 - vi. Never replace or limit the intervention of the state as a promoter of education, the Government considers the role of other partners, namely the Church and NGOs indispensable in the promotion of private education, as an alternative to public education;
 - vii. To facilitate the modernization of the system, anchored on the principles set out above, it becomes necessary, in the presence of this Legislature, to develop studies to evaluate programmatic options and develop alternative scenarios that allow the release of the bases of a National Human Resource Development through permanent dialogue with society and the different social actors, by avoiding uncoordinated interventions and striving for clear guidelines and aimed at the standardization of educational programs in a national language that constitutes a unit vector of all citizens of Timor Leste;
 - viii. progressively create infrastructure and facilities necessary to enable the teaching and non-teaching staff in schools, enabling them in this difficult task of educating in

³ http://www.cultura.gov.tl/sites/default/files/Organica_ministerio_educacao_portugues.pdf

⁴ <http://timor-leste.gov.tl/?p=16&lang=en>

knowledge and values from the perspective of market integration and education for respect for others and to build the common good.

17. In order to improve education in Timor-Leste, the government adopted the **National Education Strategic Plan (NESP) (2011-2030)**.⁵ The National Education Strategic Plan (NESP) for the period of 2011-2030 is the first attempt to comprehensively analyse the situation of education in Timor-Leste. The NESP identifies challenges that affect the Ministry of Education's ability to meet the country's obligations to education as stated in the Timor-Leste Constitution, as well as its commitment to the Millennium Development Goals (MDGs) for 2015 and other National Priority targets. The priorities of the programme are:

- i. *-the Reform of Education 2011-2030*, which constitutes the main section of the NESP. The main education programmes Pre-School, Basic, Secondary, Recurrent and Higher Education describe a vision, long-term objectives, shorter-term outcomes, results and targets. The Priority Programmes present the key strategies and activities for achieving these outcomes. There are two programmes that show how teaching quality and social inclusion objectives will be achieved for the education sector as a whole.
- ii. *-the Reform of the Management of Education 2011-2030*, which presents six key management areas: general management, human resources, de-concentration and organisational improvement, planning and budgeting excellence, IT and management information systems (MIS), and donor co-ordination.

18. In 16 February 2015, the **Program of the Sixth Constitutional Government** was launched. It was considered necessary to reform the Fifth Government thoroughly, to improve Government efficiency and effectiveness and to create synergies around the implementation of the *Strategic Development Plan 2011-2030* in order to provide better services to the population⁶. According to the Program of the Sixth Constitutional Government (2015), over the next two and a half years the Government will continue building at least 250 new pre-schools and refurbishing all presently degraded classrooms, so that there is a sufficient number of classrooms in every geographic area of the country. All new schools and classrooms will be properly equipped⁷.

i) General information

19. There is insufficient data after 2011 in the sectors of Pre-school, Higher and Professional training Education, it is therefore difficult to assess or evaluate the participation, quality and other situations in these education levels. The only official statistic available is that the

⁵ <http://moe.gov.tl/pdf/NESP2011-2030.pdf>.

⁶ Government of Timor-Leste, accessed at :[<http://timor-leste.gov.tl/?cat=39&lang=en#prog1.2>]

⁷ Government of Timor-Leste, accessed at :[<http://timor-leste.gov.tl/?cat=39&lang=en#prog1.2>]

proportion of young people aged 25-34 years old who have completed tertiary education is 7% (University plus Polytechnic Diploma) in 2010.⁸

20. For the pre-school level, the Program of the Sixth Constitutional Government (2015) aims to expand and improve services to provide comprehensive early childhood care and education, especially for our most vulnerable and disadvantaged children⁹.
21. In secondary education, the net enrolment rate is still low at 25% in 2013 (latest data, though it has improved since 2006/07 academic year.¹⁰ However, the age factor in Timor-Leste should be taken into consideration, because a lot of the 15-17 youth, who are at the proper age for Secondary education are still enrolled in Pre-Secondary or even Primary schools, due to the high Repetition Rate.¹¹ Therefore, more focus should be put on improving the quality of previous education in order to solve the participation problem in Secondary education.
22. The quality related indicators of secondary education show good results.¹² The repetition rate is lowest and drop-out rate is second lowest next to pre-secondary education. However, similar to pre-secondary education, once the participation to the secondary education increases in the future, more effort will be required from the government to ensure school facilities and qualified teachers in the future.¹³ One data requires attention is that the Promotion Rate drops in general since 2010, especially from Grade 9 to Grade 10, and male students are doing even worse than female students.¹⁴
23. Even though the literacy situation has been improving since 2004, the literacy rate in 2010 (age 15 and above) is 57.8%,¹⁵ indicating that still nearly 42% of adults are illiterate. The Youth Illiteracy (age 15 to 24) rate is around 22% in the whole country in 2010.¹⁶ The most vulnerable population is adult female living in the rural area (60 illiterates as the year of 2010).¹⁷ In order to improve the literacy rate, especially in reaching the population in rural areas, the Timorese government will consider utilizing the other stakeholders such as NGO or international agencies, which has their own networking in the remote area.¹⁸ In the light of lacking regular data, a more comprehensive monitoring system should also be established to collect information and statistics for adult literacy in Timor-Leste.

ii) Inclusive Education

⁸ Secretariat of State for Youth and Sports of Timor-Leste, Youth Situation Review Report of 2014, p. 9, see at [http://www.unicef.org/timorleste/YSR_Report_Final_Tetum_and_English_\(2\)_21.11.14.pdf](http://www.unicef.org/timorleste/YSR_Report_Final_Tetum_and_English_(2)_21.11.14.pdf).

⁹ Government of Timor-Leste, accessed at :[<http://timor-leste.gov.tl/?cat=39&lang=en#prog1.2>]

¹⁰ MoE, EMIS, Net Enrolment Rate (NER) Table of 2004-2013 in Timor-Leste (Grade 10 to 12), in EFA 2015 National Review: Timor-Leste, *supra* note **Error! Bookmark not defined.**, p. 32.

¹¹ EFA 2015 National Review: Timor-Leste, *supra* note **Error! Bookmark not defined.**, p. 33.

¹² EFA 2015 National Review: Timor-Leste, *supra* note **Error! Bookmark not defined.**, p. 35.

¹³ EFA 2015 National Review: Timor-Leste, *supra* note **Error! Bookmark not defined.**, p. 42.

¹⁴ MoE, EMIS, Promotion Rate (PR) Table 2010-2012 of Secondary Education in Timor-Leste, in EFA 2015 National Review: Timor-Leste, *supra* note **Error! Bookmark not defined.**, p. 35.

¹⁵ EFA 2015 National Review: Timor-Leste, *supra* note **Error! Bookmark not defined.**, p. 43.

¹⁶ Youth Situation Review Report of 2014, *supra* note 8, p. 12.

¹⁷ EFA 2015 National Review: Timor-Leste, *supra* note **Error! Bookmark not defined.**, p. 47.

¹⁸ EFA 2015 National Review: Timor-Leste, *supra* note **Error! Bookmark not defined.**, p. 47.

24. **According to the Program of the Sixth Constitutional Government (2015)**, local languages may be used as teaching and learning languages in order to improve access to education and to ensure that children have a sound basis of literacy and numeracy. This would enable a smooth transition for mastering the official languages of Timor-Leste¹⁹.

iii) Teachers

25. In respect with **Training of Teachers**, two statutes have also been passed in this purpose - Statute of Careers for Child Educators and Teachers of Basic and Secondary Education (Statute of Teaching Careers) in 2010,²⁰ Statute of the National Institute for Training of Teachers and School Workers in 2011.²¹

26. **The Programme of the Sixth Constitutional Government (2015)** aims to **improve teacher competences and skills**, while training new teachers with a strong pedagogic and scientific component. Nurturing the learning and teaching of Portuguese, as well as promoting its use in the teaching of science, mathematics and other fields of knowledge, will also be priorities over the next two and a half years of the Government²².

iv) Quality education

27. The **quality of education maintains well up to date, but it is deteriorating year by year**.²³ In addition, the current deteriorating situation may be more severe in the future as the participation in pre-secondary education is improved and more students enter pre-secondary schools.²⁴ Hence, a much more efforts need to be made to increase the number of qualified teachers, schools and improve the facilities in schools.

v) Financing of education

28. According to the GMR 2015, the elimination of school fees increased enrolment of disadvantaged groups such as girls and orphans²⁵.

29. **In this regard, the Program of the Sixth Constitutional Government (2015)** also aims to strengthen the financial management in the education sector²⁶.

vi) Gender equality

¹⁹ Government of Timor-Leste, accessed at :[<http://timor-leste.gov.tl/?cat=39&lang=en#prog1.2>]

²⁰ Decree-Law No. 23/2010, see at <http://www.jornal.gov.tl/lawsTL/RDTL-Law/RDTL-Decree-Laws/Decree-Law%2023-2010.pdf>.

²¹ Decree-Law No. 04/2011, see at <http://www.jornal.gov.tl/lawsTL/RDTL-Law/RDTL-Decree-Laws/Decree-Law%204%20-%202011.pdf>.

²² Government of Timor-Leste, accessed at :[<http://timor-leste.gov.tl/?cat=39&lang=en#prog1.2>]

²³ EFA 2015 National Review: Timor-Leste, *supra* note **Error! Bookmark not defined.**, p. 31.

²⁴ EFA 2015 National Review: Timor-Leste, *supra* note **Error! Bookmark not defined.**, p. 31.

²⁵ UNESCO Global Monitoring Report 2015, p.87.

²⁶ Government of Timor-Leste, accessed at :[<http://timor-leste.gov.tl/?cat=39&lang=en#prog1.2>]

30. According to the GMR 2015, in Timor-Leste, for every 100 literate men, there were only 66 literate women in 2001 but 83 in 2010; the ratio is projected to increase to 89 by 2015 «(...) le Timor-Leste ne comptait que 66 femmes alphabètes pour 100 hommes en 2001, contre 83 en 2010 ; selon les projections, ce rapport devrait être de 89 pour 100 en 2015²⁷.
31. In pre-secondary education, the gender disparity issue is more severe than in Primary schools. Generally, statistics from Promotion Rates,²⁸ Repetition Rate,²⁹ Drop-out Rate³⁰ all show that female students are doing much better than the male.
32. In terms of gender parity, more female students succeed to step from primary to pre-secondary education than males in Timor-Leste. This phenomenon seems to increase year by year. The difference was originally only 0.75% in 2004/05, but it became 4.38% in 2008/09 and ended in 7.93% in 2013. Although the female's success should be positively accepted, Timor-Leste where the gender parity is always in good shape should focus more on improving the strategy to encourage male students to go to the next stage of education³¹.
33. In secondary education, **the gender parity on the participation related indicators are slightly skewed for female students**, likely because of the higher male repetition rate in the lower education level.³² In Secondary education, female students are worse among Promotion Rate, Repetition Rate and Drop-Out Rate.³³ The phenomenon is probably due to the high rate of sexual harassment against girls³⁴ and teenage pregnancy.³⁵ And this issue is generally under-reported as it occurs within the private domain and school setting amidst a culture of secrecy.³⁶

vii) Other (as appropriate)

34. -Violence against women

Timor-Leste has fought against violence for years, especially domestic violence and violence against children. A Law against Domestic Violence was passed in 2010, which covers physical, sexual, psychological and economic violence,³⁷ and the Ministry of Education has developed the policy of “zero violence in school”.³⁸ **However, use of**

²⁷ UNESCO Global Monitoring Report 2015, p. 138.

²⁸ MoE, EMIS, Promotion Rate (PR) Table 2004-2012 of Pre-Secondary Education in Timor-Leste, in EFA 2015 National Review: Timor-Leste, *supra* note **Error! Bookmark not defined.**, p. 23.

²⁹ MoE, EMIS, Repetition Rate (RR) Table 2004-2012 of Pre-Secondary Education in Timor-Leste, in EFA 2015 National Review: Timor-Leste, *supra* note **Error! Bookmark not defined.**, p. 24.

³⁰ MoE, EMIS, Drop-Out Rate (DR) Table 2004-2012 of Pre-Secondary Education in Timor-Leste, in EFA 2015 National Review: Timor-Leste, *supra* note **Error! Bookmark not defined.**, p. 25.

³¹ EFA 2015 National Review: Timor-Leste, *supra* note **Error! Bookmark not defined.**, p. 23.

³² EFA 2015 National Review: Timor-Leste, *supra* note **Error! Bookmark not defined.**, p. 39.

³³ MoE, EMIS, Drop-out Rate (DR) Table 2006-2012 of Secondary Education in Timor-Leste, in EFA 2015 National Review: Timor-Leste, *supra* note **Error! Bookmark not defined.**, p. 37.

³⁴ Committee on the Rights of the Child examines the report of Timor-Leste, Display News, Replies by the Delegation, 25 September 2015, see at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16505&LangID=E#sthash.uFK7R8ad.dpuf>.

³⁵ *Ibid.*

³⁶ Ministry of Finance of Timor-Leste and UNICEF, Situation analysis of Children in Timor-Leste, July 2014, p. 27, see at [http://www.unicef.org/timorleste/SitAn_FINAL_english_web\(1\).pdf](http://www.unicef.org/timorleste/SitAn_FINAL_english_web(1).pdf).

³⁷ Law on Domestic Violence, Decree-Law No. 7/2010, July 2010, see at http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---ilo_aids/documents/legaldocument/wcms_179323.pdf.

³⁸ Committee on the Rights of the Child, Combined second and third periodic reports of States parties due in 2013, CRC/C/TLS/2-3, 3 December 2014, para. 92, see at

violence was commonly accepted by the population, which raised the attention of the Experts of the CRC Committee at the consideration session on 25 September 2015.³⁹

In addition, according to 2009-2010 Timor-Leste Demographic and Health Survey (TLDHS), 30.3% of girls aged between 15 to 19 years old have experienced physical violence and 13% of women have experienced violence from their teacher.⁴⁰

Among them, sexual harassment should be paid more attention to, because this issue is generally under-reported as it occurs within the private domain and school setting amidst a culture of secrecy.⁴¹ And this might be one of the causes of high drop-out rate (not only for girls but also for boys), and high teenage pregnancy rate, which has significant effect on education situation when taking into consideration that abortion is a crime pursuant to the Constitution.

35. -Violence in schools

Corporal punishment, together with verbal abuse, constitutes ill-treatment of children, which has been regarded as a significant issue of children at school.⁴² Even though the government has taken several measures to address this issue, since the low reporting rate and tolerance of use of violence by the whole people, it keeps occurring frequently. And this might be one of the reasons leading to the higher drop-out rate for boys in primary or pre-secondary schools.

To address this issue, measures can be taken from the following aspects. First, the adoption of the Child Code should be accelerated, which should contain articles prohibiting sexual abuse, corporal punishment, discrimination and other violence against children. Second, several systems should be built and maintained urgently to provide helping service to children victims, such as “help line” system, reporting system.⁴³ Third, to strengthening the “zero violence in school” policy, and to make it really effective in preventing and prosecuting violent behaviors towards children in school.

36. A high fertility rate

The fertility rate in Timor-Leste is 5.2 per woman, which is among the highest in the whole world,⁴⁴ 45% of its population is younger than 15 years old,⁴⁵ which imposes a lot of pressure on the education system of Timor-Leste. Furthermore, birth registration is not well conducted in Timor-Leste, which makes it even more difficult to provide equal and comprehensive education services to children in Timor-Leste.

37. -Teenage Pregnancy

Teenage pregnancy affected the **drop-out rate of girls**. In 2010, the Ministry of Education had finalised research on teenage pregnancy. The study had focused on how early

<http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsnffS2i6k1LCtUjR1VLrtWhHX47%2fgaCQtyzXCSPobl%2f8n07c3fS8RoG%2bldQknowZz6uEgVhNLdpffYMwSxSjg%2fllJnkjArj1iYebq0OcRUwu>.

³⁹ Committee on the Rights of the Child examines the report of Timor-Leste, Display News, Questions by experts, 25 September 2015, *supra* note 34.

⁴⁰ Combined States Parties Report of Timor-Leste, *supra* note 38, para. 117.

⁴¹ Situation analysis of Children in Timor-Leste, *supra* note 36, p. 27.

⁴² Combined States Parties Report of Timor-Leste, *supra* note 38, p. 213.

⁴³ Committee on the Rights of the Child examines the report of Timor-Leste, Display News, Questions by experts, 25 September 2015, *supra* note 29.

⁴⁴ World Bank, World Development Indicators, see at <http://data.worldbank.org/topic/health>.

⁴⁵ World Bank, Reproductive Health at a Glance: Timor-Leste, May 2011, p. 1, see at <http://siteresources.worldbank.org/INTPRH/Resources/376374-1282255445143/TimorLeste52411web.pdf>.

pregnancies affected the drop-out rates of girls, the views of students, parents, teachers and the communities in order to assist in the development of policy recommendations for their **re-entry into the education system**. Results of the study had demonstrated that almost half of pregnant teens were in the junior high school level. The majority of those were in rural areas. In relation to attitudes the survey had revealed that 75 per cent of families and 92 per cent of teachers had supported the return of the student to school after birth. The Ministry of Education had implemented a policy that provided access to schooling after delivery, and provided an option of school transfer⁴⁶.

2. COOPERATION

38. Timor-Leste is **not party** to the 1960 UNESCO Convention against Discrimination in Education.
39. Timor-Leste did **not report** to UNESCO on the measures taken for the implementation of the 1960 UNESCO Recommendation against Discrimination in Education within the framework of the:
- i. **Seventh Consultation** of Member States (covering the period 2000-2005)
 - ii. **Eighth Consultation** of Member States (covering the period 2006-2011)
40. Timor-Leste did **not report** to UNESCO on the measures taken for the implementation of the 1974 UNESCO Recommendation **concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms** within the framework of the:
- i. **Fourth Consultation** of Member States (covering the period 2005-2008)
 - ii. **Fifth Consultation** of Member States (covering the period 2009-2012)
41. Timor-Leste did **not report** to UNESCO on the measures taken for the implementation of the 1976 UNESCO Recommendation on the Development of Adult Education within the framework of the:
- i. **First Consultation** of Member States (1993)
 - ii. **Second Consultation** of Member States (2011)
42. Timor-Leste is **not party** to the 1989 UNESCO Convention on Technical and Vocational Education.

Freedom of opinion and expression

⁴⁶ Committee on the Rights of the Child examines the report of Timor-Leste, concluding observation of 25 September 2015, accessed : <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=16505&LangID=E>

1. Constitutional and Legislative Framework:

43. According to Article 41 of the constitution of Timor-Leste, all persons have “the right to information sources”. Freedom of the press and expression are protected by the constitution, and cannot be limited by any type of censorship according to the Articles 40 and 41.⁴⁷ However, limitations on these rights are allowed “based on the imperative of respect for the constitution and the dignity of the human person,” according to Article 40(3).
44. There is no Freedom of Information law in Timor-Leste, nor any other media legislation. The penal code settles media-related disputes. A draft media law has been proposed, but was sent back to Parliament by the President of Timor-Leste in 2014. It included freedom of information and further regulation of access to official documents. The law is currently under revision.
45. Defamation is mentioned in Article 285 of the Penal Code of 2009⁴⁸ which sets up punishments of a fine or imprisonment up to three years⁴⁹.

2. Media Self-Regulation:

46. Timor-Leste does not have a Press Council. The draft media law, which is currently under revision, calls for the establishment of an official Press Council.
47. Asosiasaun Jornalista **Timor** Lorosae (AJTL), The Sindicato dos Jornalistas de Timor Leste (SJTL), Centru Jornalistiku Investigativu Timor-Leste (CJITL), Asosiasaun Radio Komunitario Timor-Leste (ARKTL), Timor-Leste Photographers Association (TILPA) and the Press Club Timor Leste provide for some activities aimed to self-regulate media in Timor-Leste.
48. During the Journalist Congress in 2013, a Code of Ethics⁵⁰ was adopted, which serves as a self-regulating basis for professional journalists in Timor-Leste.

3. Safety of journalists:

49. UNESCO recorded no killing of journalists in Timor-Leste so far. Journalists operate in a safe environment.

⁴⁷ https://www.constituteproject.org/constitution/East_Timor_2002?lang=en

⁴⁸ http://www.unodc.org/res/cld/document/penal-code_html/Penal_Code_Law_No_19_2009.pdf

⁴⁹ Ibid.

⁵⁰ <https://arktlenglish.files.wordpress.com/2013/12/kode-etik-final.pdf>

III. RECOMMENDATIONS

Right to education

50. Recommendations made within the framework of the first cycle of the Working Group on the Universal Periodic Review, considered on (please check the date on the following [web site:](http://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx) <http://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx>)

51. Latest observations reported by UPR on January 2012 - [view](#)

52. The recommendations listed below enjoy the support of Timor-Leste.

- i. 77.43. Speed up implementation of policies and measures for promotion and protection of the basic social and economic rights, where major challenges would be disease control, illiteracy eradication, poverty reduction and food security (Vietnam);

53. The following recommendations enjoy the support of Timor-Leste which considers that they are already implemented or in the process of implementation:

- i. 78.15. Effectively implement the Law against Domestic Violence by raising awareness of this law to public officials, to local community leaders and by citizenship education; and additionally discourage cultural practices that violate women's rights, such as forced and early marriage (Germany);
- ii. 78.17. Comprehensive training on positive discipline to teachers (Hungary);
- iii. 78.28. Persevere in the implementation of its commitment to strengthen various existing programs to eradicate poverty and ensure universal access to public services, despite constraints in the areas of health, education, housing, nutrition and other areas related to human rights and to seek the support of the international community to implement projects in these areas (Morocco);
- iv. 78.29. Continue its efforts in the development of overall infrastructure in the country and capacity building for its personnel to ensure the provision of the basic needs of its people, particularly for food, energy, education, health care and access to justice (Thailand);
- v. 78.31. Continue implementation of effective policies and programmes aimed at improving among others the health, education, standard of living and access to safe drinking water and sanitation of the people (Malaysia);
- vi. 78.32. Continue improving the health and education systems (Holy See);
- vii. 78.36. Continue its efforts to strengthen its education system in accordance with the Basic Law on Education (Singapore);
- viii. 78.37. Further implement the National Education Strategic Plan 2011-2013 (Indonesia);

- ix. 78.38. 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 (Costa Rica);
- x. 78.39. Take steps to improve equality in education in response to the low enrolment rate of female students in secondary and higher education (Japan);
- xi. 78.40. Ensure that education programmes pay special attention to the prevention of sexual abuse and harassment and enable women to return to school after pregnancy (United Kingdom of Great Britain and Northern Ireland);
- xii. The following recommendations will be examined by Timor-Leste which will provide responses in due time, but no later than the 19th session of the Human Rights Council in March 2012:
- xiii. 79.35. Continue, with urgent international assistance and cooperation without conditionality, to strengthen its policies in the fields of education and health in order to be able to provide the basic social services required by its people, in conditions that guarantee equal access, with special attention to the most vulnerable sectors of the population (Venezuela);

54. **Analysis:**

Timor-Leste has taken steps to improve teacher's training, to develop the overall infrastructure of the country's educational system, as well as developing a greater number of primary schools institutions, especially through the **Programme of the Sixth Constitutional Government (2015)**. Nevertheless, according to the available information, it appears that Timor-Leste has not yet taken steps toward prohibiting corporal punishment in all settings, including schools. Moreover, Timor-Leste, has not, to the extent of our knowledge, included comprehensive sexuality education into its curricula.

55. **Specific Recommendations:**

- i. Timor-Leste should be strongly encouraged to ratify the UNESCO Convention against Discrimination in Education.
- ii. Timor-Leste should be strongly encouraged to further submit state reports for the periodic consultations of UNESCO's education related standard-setting instruments.
- iii. Timor-Leste could be encouraged to further take steps toward prohibiting corporal punishment in all settings, especially in school and prevent violence against children.
- iv. Timor-Leste could be encouraged to continue taking steps toward the implementation of universal basic education accessible and inclusive, especially for disadvantaged groups such as children with disabilities.

Cultural Rights

- 56. Timor-Leste is encouraged to ratify the Convention concerning the Protection of the World Cultural and Natural Heritage (1972), the Convention for the Safeguarding of the Intangible Cultural Heritage (2003), and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005). UNESCO's cultural conventions promote access to and participation in cultural heritage and creative expressions and, as such, 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 facilitate 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.

Freedom of opinion and expression

57. Timor-Leste is recommended to decriminalize defamation and place it within a civil code that is in accordance with international standards.⁵¹
58. Timor-Leste is recommended to introduce a freedom of information law that is in accordance with international standards.⁵²
59. Timor-Leste is recommended to facilitate the introduction of self-regulatory mechanisms among media professions.

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

60. Timor-Leste, in the framework of the 2015-2017 consultations related to the revision and monitoring of the Recommendation on the Status of Scientific Researchers is encouraged to report to UNESCO on any legislative or other steps undertaken by it with the aim to implement this international standard-setting instrument, adopted by UNESCO in 1974. Timor-Leste did not submit its 2011-2012 report on the implementation of the 1974 Recommendation. In providing its report in 2015-2017 on this matter, Timor-Leste is kindly invited to pay a particular attention to the legal provisions and regulatory frameworks which ensure that scientific researchers have the responsibility and the right to work in the spirit of the principles enshrined in the 1974 Recommendation.

⁵¹ 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.

⁵² 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.