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## **National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21\***

### **Timor-Leste**

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\* The present document is being issued without formal editing.



## **I. Introduction**

1. Timor-Leste presented its Universal Periodic Review (UPR) report for the second cycle in 2016 and received recommendations from the Working Group from the Universal Periodic Review Mechanism that were adopted on 8 November 2016 in the 26<sup>th</sup> session of the UPR with 154 recommendations. In relation to the period of implementing all of the recommendations made to Timor-Leste, progress has been made and some are being implemented, and some are still being dealt with. This report presents relevant information and data for the period of review.

2. Therefore, Timor-Leste will update the recommendations that are being implemented in order of priority based on the National Strategic Development Plan, including obstacles and challenges that Timor-Leste has encountered whilst implementing these recommendations to be open and honest with the Human Rights Advisory UPR Working Group mechanism. The State of Timor-Leste and its people have a major commitment to improving and spreading the promotion and protection of human rights in Timor-Leste based on a culture of “mutual respect and non-discrimination”.

3. The report for the third cycle of the UPR covers human rights developments in the country and progress that Timor-Leste has achieved during the period of review and progress in implementing the recommendations received during the second UPR cycle in 2016, and also describes the obstacles and challenges faced by Timor-Leste in implementing protection for human rights.

## **II. Methodology**

4. This report for the third UPR cycle was prepared by the Ministry of Justice with support from line ministries and also support from the UN Human Rights Advisory Unit in Timor-Leste. This report was drafted by the National Directorate of Human Rights and Citizenship-MoJ which has full responsibility. The structure of this report is based on the guidelines from the UN Human Rights Council.

5. The technical team held consultations with the wider community and all entities, which was an important part of preparing this report, in the form of public consultations at the national level with key targets such as line ministries, civil society, the National Police of Timor-Leste, the Timor-Leste Defense Force, and the national human rights institution with the aim of gathering credible data and information on the implementation of UPR recommendations in Timor-Leste. The methodology used discussion groups and round table meetings.

## **III. Results achieved and challenges faced in protecting and promoting human rights in Timor-Leste**

### **Persons with disabilities**

#### **Recommendations 89.1-22, 150151, 142, 62, 87, 60-61**

6. After Timor-Leste presented its report for the second UPR cycle in 2016, Timor-Leste acknowledged that it had not yet ratified the Convention on the Rights of Persons with Disabilities, however the implementation of Government policies are sensitive to the rights of persons with disabilities, such as a policy of social assistance for persons with disabilities, through programs of the Ministry of Social Solidarity and Inclusion (MSSI) which have had a positive effect on persons with disabilities, as well as a policy of building infrastructure which is sensitive to persons with disabilities.

7. To ensure the rights of persons with disabilities, Timor-Leste has a national action plan for persons with disabilities, and this national action plan is an implementation tool which is part of the national policy for persons with disabilities and the line ministries and relevant Secretaries of State have defined this policy for implementation.

8. Timor-Leste has developed a national action plan for persons with disabilities (NAPD) 2014-2018. The implementation of the NAPD has met with some obstacles however some progress has been achieved which has had a positive impact on the development of persons with disabilities.

9. In 2021 the Government of Timor-Leste approved the second phase of the national action plan for persons with disabilities 2021-2030. The MSSSI adopted a new initiative to form a steering committee to develop a national action plan for persons with disabilities, and this steering committee is led by the National Directorate for the protection and promotion of persons with disabilities of the MSSSI, and members of this committee included representatives of persons with disabilities, line ministries and secretaries of state. The policy for persons with disabilities is to ensure that persons with disabilities can access all areas, such as physical development, economic issues, social issues, education, public services, and training.<sup>1</sup>

10. To strengthen the national action plan for persons with disabilities, MSSSI is preparing a draft law for a national council for persons with disabilities. This National Council is responsible for supporting, monitoring and evaluating the implementation of the national policy for the inclusion and protection of persons with disabilities.

11. To guarantee that persons with disabilities are entitled to assistance from the Government, the MSSSI has a program to distribute a “disabled allowance” for disabled persons that have reached 17 years of age across Timor-Leste including remote areas. The allowance is 30 dollars per month. In 2020 there were 8,470 disabled persons who received the disabled allowance. Also support was given to institutions that deal with disabled persons and the establishment of a National Rehabilitation Centre and ongoing dissemination of information about the rights of persons with disabilities to the entire community, and arrangements have been made to give full opportunities to the disabled to attend national and international sporting events, and the MSSSI has provided basic necessities to persons with disabilities, and also wheelchairs, prosthetic limbs, walking sticks for disabled persons. In 2019, the MSSSI provided budget support totalling \$327,131.13 to 10 organizations that support disabled persons.<sup>2</sup>

12. The Government through the Secretary of State for Employment Policy and Vocational Training (SEPFOPE) has adopted training which has included vocational training, to ensure that disabled persons can access vocational training, therefore SEPFOPE through the National Employment and Vocational Training Centre (CNEFP) set up specific training for disabled persons based on their respective physical abilities to attend certain types of training. The CNEFP has created conditions and spaces that are friendly and sensitive to persons with disabilities, and the CNEFP has provided training to persons with disabilities in the areas of bricklaying, welding, carpentry, plumbing, electricity and hospitality.<sup>3</sup>

## **National human rights institution Recommendations 89.46-49**

### **Office of the Ombudsman for Human Rights and Justice (PDHJ)**

13. To ensure the protection of all human rights in Timor-Leste, in accordance with its constitutional mandate, Timor-Leste has an independent body, namely the Office of the Ombudsman for Human Rights and Justice (PDHJ). The vision of the PDHJ is to protect human rights, strengthen integrity and promote good governance in Timor-Leste. To implement this vision the PDHJ is an independent body that has its own budget and policies, and each year the PDHJ is allocated annual funds from the State Budget.

14. The PDHJ has human resources to conduct its work. In 2020 the PDHJ had (138) staff members comprising 66 females and 72 males. From this total there were 100 public servants. They are divided between three offices, seven Directorates or equivalent within the PDHJ, namely the Directorate of Public Assistance, Directorate of Investigations, Directorate of Oversight and Recommendations, Directorate of Promotion, Directorate of Human Resource Management, Directorate of Administration and Finance, the Legal Assistance, Administrative and Research Unit, and four regional centres in Oecusse, Bobonaro, Baucau

and Same. The Office of the Ombudsman has a mixed system of structural and functional structures, based on Decree Law Number 31/2016. There are seventeen directorate and manager posts, and the PDHJ also has a plan to allocate 10 staff members to each territorial delegation.<sup>4</sup>

15. State efforts to increase the number of human and financial resources are aimed at ensuring the functioning of the PDHJ as a State institution that each year sees the allocation of funding to finance activities. The PDHJ receives technical and financial assistance from the United Nations Development Program with the aim of strengthening institutional capacity. The budget allocation to PDHJ for 2017-2020 was: 2017 \$1,616,360.00, 2018 \$1,129,354.00, 2019 \$1,968,032.00.

#### **Commission on the Rights of the Child (CRC)**

16. The Commission on the Rights of the Child (CRC) was established in 2014, and Decree-Law No. 27/2020, on the Organic Structure of the 8th Constitutional Government which stated that the national commission on the rights of the child is under the MSSSI and is a public institution that has autonomy in terms of administration, finance and property. CRC has Decreed-Law No. 27/2020 creates the institute for the defense of children's rights.

17. Obstacles faced by the CRC have been limited human resources because of a lack of permanent staff, and now there are eleven (11) staff working with the CRC. In addition to a lack of human resources the CRC also receives a small budget allocation each year.<sup>5</sup>

#### **Anti-Corruption Commission(CAC)**

18. As a nation based on the democratic rule of law, Timor-Leste continues to engage in efforts to eradicate corruption in Timor-Leste, in 2009 the CAC was established with Law No. 8/2009.

19. In 2020 the President of the Republic promulgated Law No. 7/2020 on measures to prevent and combat corruption. The promulgation of this law will further strengthen the competency of this institution to establish a higher standard of good governance.

### **Human rights policy and national action plan Recommendations 89.50-54**

20. Timor-Leste is committed to the protection and development of human rights. The Government acknowledges that it doesn't yet have a national action plan for human rights, however Timor-Leste already has the following national action plans: national action plan on gender-based violence, national action plan on zero hunger, action plan for women, peace and security, national action plan on the rights of the child and a national action plan for disabled persons. These plans will guarantee the rights of vulnerable groups, including women, children and persons with disabilities.

### **Ratification of international convention Recommendations, 89.1-4, 6-10, 27, 29**

21. The State of Timor-Leste has ratified seven international human rights conventions, and the State of Timor-Leste is also currently engaged in efforts to fulfil its commitment towards those international human rights instruments that have not been ratified, and the State is preparing human resources and financial resources and is endeavouring to increase institutional capacity to ensure the implementation of these international instruments in the future before they are signed and ratified together with their Optional Protocols.

22. Timor-Leste acknowledges that it has not yet ratified the Convention on the Rights of Persons with Disabilities, however now it is making preparations for the ratification process. The Ministry of Social Solidarity and Inclusion (MSSI), Ministry of Justice (MoJ) and the Ministry of Foreign Affairs and Cooperation (MFAC) has established a team to make preparations for ratification. Also, Timor-Leste acknowledges that it has not yet ratified the

International Convention for the Protection of All Persons from Enforced Disappearance (CPED).

23. Timor-Leste's Penal Code criminalises crimes against humanity in accordance with the standards set out in the Rome Statute, and the Penal Code in Articles 123 to 130 establishes principles relating to the crimes of genocide, crimes against humanity, and war crimes. Article 123 of the Penal Code states that the punishment for committing the crime of genocide is between 15 – 30 years in prison, and Article 124 states that any person who commits crimes against humanity shall receive a punishment of 15 to 30 years in prison, and Article 125 states that a person who commits war crimes against individuals shall receive a punishment of 15 to 30 years in prison. Therefore, Timor-Leste's Penal Code follows the legal provisions set out in the Rome Statute.

24. Even though Timor-Leste has not yet ratified the conventions linked to crimes against humanity, Timor-Leste's national laws guarantee the rights of citizens, and imposes heavy penalties against those who commit crimes against humanity.

25. Timor-Leste has not yet ratified ILO Convention 189 on Domestic Workers, however the Coordinating Minister of Economic Affairs is preparing a draft law on Domestic Workers that will be submitted to the Council of Ministers for approval.<sup>6</sup>

### **Cooperation with the UN human rights mechanism Recommendations 89.63-68**

26. The State of Timor-Leste acknowledges that, as a state-party to international human rights treaties it has been late in submitting its report to the committees since ratifying these treaties. Although late, Timor-Leste has met its obligations as a state-party with full capacity to write reports such as the initial report and the second and third reports on the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), initial report with a combined second and third report regarding the Convention on the Rights of the Child (CRC), initial report regarding the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW) and initial report regarding the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). Now the Ministry of Justice is drafting reports, namely the initial report regarding the International Covenant on Civil and Political Rights (ICCPR), initial report regarding the International Covenant on Economic, Social and Cultural Rights (ICESCR), fourth periodic report regarding the CRC, and is holding public consultations on the report regarding the International Convention on the Elimination of All Forms of Racial Discrimination.

27. After Timor-Leste presented its second cycle UPR report in 2016, in 2017 Timor-Leste presented its initial CAT report to the CAT committee in Geneva in November 2017, Timor-Leste also submitted its fourth CEDAW report in 2020.

28. In 2019 Timor-Leste invited the special rapporteur on indigenous peoples to visit Timor-Leste, and in April 2019 the special rapporteur on indigenous peoples, Ms. Victoria Tauli-Corpuz, visited Timor-Leste between 8-16 April, and during her visit she held meetings with State entities, the Government, civil society and she also visited community locations. The Government of Timor-Leste welcomes human rights mechanisms, such as special rapporteurs, to visit Timor-Leste to look at the human rights situation.

29. Timor-Leste has produced a roadmap for sustainable development Goals (SDG) in 2017. In 2019 Timor-Leste submitted its first report regarding a national voluntary review to implement the sustainable development goals at the UN, in New York.

### **Protection of children including against violence and abuse Recommendations 89.35, 45, 57, 102, 84, 101, 98-100, 58, 53-54, 131**

30. The State of Timor-Leste is committed to providing protection to children who have suffered abuse, discrimination, exploitation, neglect, violence and children in conflict with the law, and in 2016 the Government approved the 2016-2020 National Action Plan for

Children (NAPC), and this national action plan reinforces Timor-Leste's commitment to protect and promote the rights of the child.

31. The implementation of the 2016-2020 NAPC focuses on four thematic areas, firstly child protection, secondly child and adolescent health and nutrition, thirdly pre-school and primary education and children with disabilities, and fourthly adolescent participation, and the implementation of this NAPC is the responsibility of line ministries and secretaries of state.

32. The State of Timor-Leste is committed to the development of a system to fully protect children, and the State endeavours to harmonise all laws that relate to the promotion and the protection of the rights of children and adolescents, and the National Parliament is currently holding public consultations on a draft law for the protection of children and adolescents who are at risk. The aim of this law is to promote the rights and protection of children and adolescents who are at risk, to guarantee their essential welfare and development. Also, the parliament is engaging in discussion regarding a draft law for social welfare for children and families.<sup>7</sup>

33. To improve the welfare of children and families, the Government, through the MSSI has created the 'bolsa da mãe' program. This program is implemented through Decree-Law No. 18/2012 to provide conditional support. This program provides support to vulnerable families and children with the aim of improving the family's quality of life by investing in the education of children. The allowance given to children was \$5 for each child per month, and each year a household can receive a total of \$ 60 to 180.<sup>8</sup> Between 2015 and 2019 the 'bolsa da mãe' support program was allocated to 421,480 families.<sup>9</sup> The 'bolsa da mãe' program is still being implemented.

34. To improve child nutrition the Government of Timor-Leste launched a school feeding program to offer meals on one day to all children who attend primary school (1<sup>st</sup>-9<sup>th</sup> grade) across Timor-Leste. The aim of this School Feeding Program is to improve the nutrition of school aged children and to reduce the number of children who drop out of school, to motivate children to adhere to the learning process and increase their interest in learning and participation in classes to increase their knowledge and to improve quality. The Government also guarantees the quality of food given to the children in accordance with nutrition and health standards. The school feeding program has been implemented since 2018 until now.

35. The Government of Timor-Leste has adopted many measures to combat violence against women and children. The Government of Timor-Leste through the Secretary of State for Equality and Inclusion has produced a national action plan for gender-based violence 2017-2020, with four important pillars, namely: the prevention of gender-based violence, providing services to victims, access to justice for victims, and coordination, monitoring and assessment of initiatives that have been developed. In 2020 the Government launched a *Spotlight Initiative* program with the aim of combatting gender-based violence such as violence against women and girls.

## **Early marriage Recommendation 89.94**

36. The Constitution of Timor-Leste guarantees the rights of all people to marriage. Article 1500 of the Civil Code states that authorization for the marriage of a minor aged less than seventeen and above the age of sixteen shall be granted by the parents exercising parental authority or by the guardian.

37. The Government of Timor-Leste acknowledges that many cases of early marriage occur in Timor-Leste especially in remote areas, and most of these minors marry early because of the economic difficulties faced by their parents, and some of these marriages are based on the free consent of the minors. To prevent early marriage the Government of Timor-Leste through the Ministry of Health (MoH) and the CRC is raising awareness in schools and for communities, especially parents, about the impact of early marriage on health and also the impact on the lives of minors.

38. The Ministry of Education, Youth and Sport (MoE) has a policy of Zero Tolerance for corporal punishment in schools and the family. The MoE monitors schools and applies the policy of Zero Tolerance for physical/corporal punishment across the national territory, and provides opportunities to all children to make a complaint against torture or physical punishment committed by a family member or a teacher.

39. Timor-Leste's penal code criminalises rape, including rape committed by a family member, and Article 173 states that rape arising from a family relationship will result in a heavy penalty<sup>10</sup>.

40. The Law on Human Trafficking No. 3/2017 provides special measures to provide assistance to minors who are victims of human trafficking, and Article 18 on protection for minor victims states that children have privileged and immediate access to assistance from authorities.<sup>11</sup>

## **Juvenile justice Recommendations. 89.118-119**

41. Children have the right to receive special protection from the family, the community and the State, especially against all forms of neglect, discrimination, violence, sexual abuse and exploitation. Children enjoy all rights that are universally recognized, as well as those provided in the Timor-Leste Constitution and the law.

42. The Government of Timor-Leste through the MoJ is committed to drafting the Tutelary and Education Law for minors aged 12-16 and a Draft Special Penal Regime for Minors aged 16-21. The Draft Tutelary and Education Law for minors will apply tutelary and education measures, and also appropriate measures for a different educative process for minors who commit an act qualified in the law as a crime. This draft law is also aimed at minors who according to the law are exempt from criminal liability aged between 12-16.

43. In addition to the Tutelary and Education Law for minors, there is also other legislation such as the Special Penal Regime for minors which is applied to youths aged 16-21. The aim of this law is to establish a special penal regime that is applicable to youths who commit crime, who at the time of commission of the crime have reached 16 years of age, and have not yet reached 21 years of age. This legal regime states that even if they can be charged, they must be subject to special penal treatment.

## **Registration of children, recommendations. 89.42-43**

44. All children born in the territory of Timor-Leste have the right to be registered and it is obligatory to register them free of charge. The MoJ has collaborated with the MoH to create a booklet for pregnant mothers to be filled out from the time the mother becomes pregnant and during her health consultations until the baby is born. The MoJ has also established registration centres in the national hospital and in the municipalities so that babies born in hospital can be immediately registered.

45. In addition to registering children in hospital, those children who have not been registered in hospital or have been born at home can be taken by their parents to be registered at the MoJ through the Directorate General for registry and Notary Services at the national level as well as in the municipalities. The MoJ also conducts a mobile registration program that attends to communities across the entire territory of Timor-Leste, especially remote areas, and this mobile registration program is aimed at registering children aged 0-5. This mobile registration program has been operating since 2017 until now.

46. The children of migrants who are born in the territory of Timor-Leste have the same rights as East Timorese to access registration when the child is born, and the registration process for the children of migrants is the same as for East Timorese who are born, and there is no discrimination.

## Education

### Recommendations 89.130-131, 140, 144-147, 59, 152, 149

47. The State of Timor-Leste guarantees that all people can access education in accordance with Article 59 of the Timor-Leste Constitution and the Education System Framework Law No. 14/ 2008. A good education system needs good school infrastructure and good quality human resources, therefore the Government has given priority to infrastructure to build schools, and rehabilitated schools that have been damaged, and even though there has been progress with school infrastructure, further work is required to give priority to schools. The program to build and rehabilitate schools that have been damaged is a priority program of the Government.

48. The Government acknowledges that some schools in remote areas do not yet have good hygiene. However the Government is endeavouring to make sure that all schools have toilets for girls and boys and access to water to guarantee the health and hygiene of girls and boys at school.

49. The Ministry of Education, Youth and Sport (MoE) continues to disseminate information and hold seminars for schools that face the risk of violence to raise awareness about gender-based violence and provides training on reproductive health to schools at the national level and in the municipalities.

50. To improve the quality of education and human resources, because educators are an important pillar, the MoE has a policy of providing training to teachers through the National Institute of Training of Teachers and Education Professionals (INFÓRDEPE) with the aim of promoting quality training and further improving the development of teacher curriculum practices so they can provide good quality education to students. This teacher training has four models, firstly language training in the official languages of Portuguese and Tetum, the aim of this training is to increase the knowledge of teachers so they can speak, read, write and understand curriculum. Secondly, training on scientific and technical knowledge, and this training is aimed at helping teachers to provide them with wide knowledge about the national curriculum that is taught. Thirdly, training on methodology, and the aim of this training is to diversify the knowledge of teachers about appropriate techniques and strategies to assess learning in classes, and fourthly, professional training which is aimed at helping teachers to be good educators, motivators and to provide guidance.<sup>12</sup>

51. In addition, there is academic training for teachers, and INFÓRDEPE has cooperated with Portugal and Brazil to organise a bachelor degree course and specialised areas. INFÓRDEPE has collaborated with the National University of Timor-Leste to provide training to bachelor level teachers, and it has also provided ongoing training to teachers at the general secondary level, basic primary level and pre-school level. Between 2015 and 2020, INFÓRDEPE has provided training to teachers in a range of areas at all school levels and a total of 12,091 teachers attended training from a total of 14,868 teachers.<sup>13</sup>

52. Timor-Leste has a policy of inclusive education that was approved in January 2017. This policy is based on the Education System Framework Law and National Education Strategy Plan 2011-2030. This policy of inclusive education is aimed at ensuring that everyone can access education equally, promoting access to education for those who have special needs and no discrimination against vulnerable persons.

53. The MoE is responsible for persons with disabilities to access schools free of charge and provides technical assistance to the inclusive learning system as well as sign language training, braille, and how teachers can assist students in wheel chairs. In 2020, INFÓRDEPE collaborated with AGAPE international to provide training on sign language for 120 trainees from the municipalities of Ermera, Dili, Manatuto, Viqueque and Liquiça.<sup>14</sup> The MoE has implemented a program for children with disabilities at the public primary school level so they can study together with other students who do not have a disability, which promotes social interaction between them.

54. The Government of Timor-Leste has started implementing a literacy program with the motto of “Yes, I can” from 2008 until 2012. From 2014 until 2020 the Government implemented a literacy program “Yes, I can” and the program “alfanamor”. The ‘alfanamor’



program was attended by 21,205 participants who received a certificate. The MoE through the national directorate for back to school education has continued to invest in order to strengthen the sustainability of literacy training through an equivalency program. Since the literacy program was implemented it has not yet achieved the target of a Timor-Leste that is free from illiteracy, however the MoE continues to invest by allocating funding to the literacy program so that in the future all East Timorese will be literate.<sup>15</sup>

55. The Government acknowledges that the COVID-19 pandemic has affected Timor-Leste and has impacted on the education sector. COVID-19 has had a negative impact because students have not been able to continue their learning during the State of Emergency, local area confinement for public health reasons and lockdown, and training for teachers could not take place.

### **Adequate standard of living – food, water, social protection**

#### **Recommendations 89.54-55, 39, 154, 132-133, 136**

56. The Government of Timor-Leste has a program to improve people's lives, Timor-Leste has a National Action Plan to Eradicate Hunger and Malnutrition which guarantees that all people can enjoy their right to food security with good quality, healthy and nutritious food.

57. To guarantee and defend the rights of consumers to further improve the living conditions of the population so that they can obtain good quality food circulating in the markets of Timor-Leste, the Government through The Ministry of Tourism, Trade and Industry (MTTI) has established an Authority for Inspections and Monitoring of Economic, Health and Food-related Activities (AIFAESA),<sup>16</sup> which is responsible for better food security and nutrition by conducting inspections, monitoring and prevention in relation to food and nutrition including defending public health and receiving reports and complaints from the community about food that is for sale in shops and supermarkets.

58. Timor-Leste continues to implement a policy for community development in the economic sector in accordance with the National Strategic Development Plan<sup>17</sup> with the aim of eradicating poverty with mechanisms to increase income for the communities through subsidies to farmers, subsidies to small businesses and support to the private sector, creating jobs in the field of business and industry and having bilateral agreements with the Republic of Korea and Australia for workers programs.

59. The Government of Timor-Leste through the Ministry of Agriculture and Fisheries (MAF) has invested in agriculture with the aim of increasing the quality and quantity of sustainable income in relation to food and nutrition for farmers by providing technical support to farmers in rural and urban areas with the aim of changing the traditional system to conventional and modern practices, the distribution of large and small tractors to farmers, the distribution of rice hulling and rice pounding machines, the distribution of fertilizer, and subsidies for certified seeds.<sup>18</sup>

60. Timor-Leste has achieved progress in agriculture between 2017 and 2018, with the production of 26,426 tons each year with an increase of 82% and corn of 83,634 tons each year with an increase of 41%<sup>19</sup> and starting in 2019 local vegetables have dominated the national market, including the supermarkets. The MAF has continued with its policy to invest in farmer's groups.<sup>20</sup> The MAF through the National Directorate of Veterinarian Services has promoted basic care for animal health by providing free vaccinations for poultry, cows, pigs, in urban areas and rural areas.

61. To improve the living conditions of East Timorese citizens, the Government of Timor-Leste has implemented a program of providing subsidies to those aged sixty and above and invalids, where each person receives USD \$ 30.00 per month, as well as subsidies for veterans and subsistence for heroes and martyrs of the struggle to free the fatherland according to each level, whereby each person receives between USD \$ 85.00 to USD \$ 340.00.

62. The Government acknowledges the impact of COVID-19 to Timor-Leste in 2020, which has forced the state to implement a long State of Emergency in 2020 until 2021, and the implementation of a State of Emergency has had a negative impact on the rights of East Timorese citizens. The Government has limited the rights of citizens to move around, both

domestically and overseas, and the decisions made by the Government have been aimed at protecting citizens from COVID-19. However the State acknowledges that the implementation of a State of Emergency has had a negative impact on the economy of Timor-Leste. Therefore in 2020, the Government established a policy to provide a subsidy of USD 200.00 to each household in the national territory with an income of less than \$500.00. The Government paid this money directly to families at the national level and down to the village level.

63. Also because COVID-19 has continued in 2021, the Government of Timor-Leste started implementing the food basket program, and through this program the Government provided a subsidy to each person of fifty dollars (50.00) in the form of a voucher to purchase local food products at the national level, and distributed food directly to communities at the village level and municipality level, and these local products were purchased by the Government from farmers, and then the Government distributed the food to citizens across the entire territory of Timor-Leste with the aim of promoting local products and helping the economy of Timor-Leste recover during the State of Emergency.

64. The implementation of a State of Emergency because of the COVID-19 pandemic also has had a negative impact on the economic circumstances of the private sector, because many companies had no income, which impacted on workers who lost their jobs. To respond to this situation the Government, through the National Institute of Social Security (INSS), provided a subsidy to companies and a subsidy to informal workers who could not perform their work during the State of Emergency and lockdown.

65. INSS is an indirect State institution established in accordance with Decree Law No. 47/ 2016 with the aim of responding to security and social protection programs. During the COVID-19 pandemic, the State implemented a State of Emergency. The Government, through the INSS, was responsible for adopting measures of support for employers in the context of the COVID-19 pandemic, and the programs implemented by the INSS during the State of Emergency were: a labour support program in accordance with Decree-Law No. 16/2020 on Measures to support labour in the context of the COVID-19 pandemic and a support program to recover and maintain activities within the context of economic recovery in accordance with Decree-Law No. 51 /2020, and these programs were aimed at improving temporary income by providing subsidies to employer entities and their workers during the State of Emergency. The Government has allocated funds of USD 5,331,876.38 with a total of 11,623 beneficiaries.<sup>21</sup>

### **Discrimination against women or gender equality and non-discrimination based on sex**

#### **Recommendations 89.5, 69, 71, 34, 38, 72, 44-45, 75, 73, 97**

66. The legal provisions in relation to gender equality are set out in the Timor-Leste Constitution and the law which state that all citizens are equal before the law, and nobody shall be discriminated against on grounds of colour, race, sex, ethnic origin, language, ideology, religion and mental or physical condition, and women and men have the same rights and duties in all areas of family, culture, social, economic and political life, regardless of ancestry, nationality, age, level of education, and have the right to human dignity and shall be assured equal opportunity to live free from violence.<sup>22</sup>

67. The Government has taken all steps to establish the principle of equality without discrimination and equal treatment for all people, to ensure that women and men have the same rights to immovable property, to protect and promote the right to equality in all circumstances. The provisions on equality are set out in Law No. 3/2017 Against Human Trafficking, Law No. 12/2016 on the Creation of a Contributory Regime for Security Social and Law No. 13/2017 Special Regime on the Definition of Ownership of Real Estate.

68. Timor-Leste's penal code penalizes any person who causes a pregnant mother to have an abortion, and any pregnant mother who consents to an abortion by a third party, or by her actions or those of a third party, causes an abortion. A pregnant mother who has an abortion will not be punished when based on medical knowledge and experience, it is necessary to save the life of the pregnant mother or foetus, by terminating the pregnancy to remove the

pregnant woman from danger of death, provided that there is medical authorization and is performed by a medical practitioner or other health professional in a public health institution that is officially recognized, and with the consent of the pregnant woman.<sup>23</sup>

69. Timor-Leste's Civil Code sets out three types of marriage, namely catholic marriage, civil marriage and monogamous customary marriage, and now the MoJ is preparing a draft law on the civil registration code that will include all marriages, namely civil registered marriage, catholic marriage, civil marriage in religious form and civil marriage in monogamous customary form.<sup>24</sup>

70. Legislation in Timor-Leste gives priority to women to participate in political life, therefore there is a special quota for women. The Law on Election to the National Parliament states that the effective and supplementary list of candidates must include at least one woman in every three persons.

71. Law No. 9/2016 on Community Leaders states that the presentation of candidacies for Village Chief and Sub-Village Chief must contain at least one woman and the village council shall comprise one female delegate and one female youth representative, and this law also states that there must be one woman in the electoral team<sup>25</sup>.

72. The participation of women in political life in Timor-Leste continues to change, and in 2017 during the Parliamentary Elections there were 26 female members of the National Parliament, and women were elected as secretary of the chair, and first vice secretary and two deputies.

73. After the General Parliamentary Elections in 2017, in 2018 Timor-Leste held early elections and 22 females were elected as members of the National Parliament and one woman was elected as First Vice-President of the National Parliament, First Secretary to the Chair of the National Parliament and two women as Committee Presidents.

74. Also, in each successive government there has been an increase in women's participation at the executive level, namely assuming positions as members of government, whereby in the eighth government from 2018-2023 there were seven female members of Government, three Ministers, one Vice Prime Minister, three Vice-Ministers, and one Secretary of State.

75. Women's participation is not just at the national level but also at the village level, with each successive period showing a significant change in women's involvement, as 319 women nominated themselves as candidates for Village Chief in 2016 and 21 of them were elected as Village Chief.

76. The State maintained the Dili Declaration to empower women's economic autonomy, through entrepreneurship, or creation of work for themselves as an essential factor in achieving the sustainable development goals and targets of the 2030 Agenda, especially in reducing poverty through the allocation of a gender sensitive State budget each year. The State continues to develop all efforts to reform and uphold women's economic rights and equal access to economic resources, so they can have access to property and to promote full employment and dignified work. Starting in 2019 the Secretary of State for Equality and Inclusion (SEI) implemented an economic development program for women to provide support to women's groups through the public transfers of funds, and 106 women's groups received publicly transferred funds between 2019-2020. The SEI has continued to promote women's participation through training and capacity building in important areas such as leadership, management, accountability and finance, and also has created training centres in all municipalities.<sup>26</sup>

## **Gender-based violence**

### **Recommendations 89.86, 92-93, 96, 89, 90, 84, 88, 91, 74, 83, 87, 54-55, 95, 82, 85**

77. The Government acknowledges that gender-based violence continues to occur, especially against women, however the Government continues to endeavour to reduce gender-based violence in Timor-Leste.

78. The Government has launched a National Action Plan on Gender Based Violence 2017-2021 as a State commitment to resolve problems to reduce and eradicate gender-based violence that affects women, men and children in the community through coordination and the inclusive participation of all entities.

79. The State has a policy of continuing to promote and protect women and girls so they can enjoy their rights and continues to reduce discrimination in public and private institutions including human trafficking, sexual exploitation, early marriage and forced marriage practices and provides equal opportunities to women to be leaders at the political level.

80. The Government works with non-government organizations and has established safe and protected places for victims and survivors, offering temporary accommodation, including attending to victims and survivors of sexual abuse, domestic violence, the sexual abuse of children, or trafficking. Now there are safe rooms at the national hospital, referral hospitals and health centres in four municipalities and safe room services are provided by PRADET.

81. Also shelters have been established, as part of a collaboration between the Government and civil society organisations. In 2018, there were safe shelters in all of the 13 municipalities that also guarantee the safety of victims of gender-based violence and shelters also provide training on livelihood skills with the aim of reintegrating victims into the community who have the capacity to make a living.

82. To prevent sexual harassment from occurring in the workplace, the Public Service Commission has created a mechanism for reporting sexual harassment, and the Rosa CHATBOT facilitates reporting of gender-based violence in specific cases relating to sexual harassment that is committed by Public Servants in the workplace or in a public place. The Rosa CHATBOT protects the identity of those who make a complaint.

### **Equality on the basis of sexual orientation and gender identity Recommendations 89.76-77**

83. The Government acknowledges that some members of the lesbian, gay, bisexual and transgender (LGBT) community have faced negative stigmatization and violence in the community. However the Government is committed to protecting all citizens from violence and discrimination. Article 52 of the Timor-Leste Penal Code considers the circumstances are aggravated if the crime is motivated by sexual orientation, which results in heavier penalties. Therefore any member of the LGBT community who feels that they have suffered an act of stigmatization or intimidation that harms their physical, psychological or mental integrity committed by another person purely based on their different sexual orientation is entitled to make a complaint to the competent judicial authorities in accordance with the legal procedure set out in the Criminal Procedure Code.

84. The policy of the State guarantees and ensures that all citizens have the same rights and duties to live free, including the LGBT community. Although Timor-Leste does not yet have a specific law on civil unions regarding the private lives of LGBT members, the State continues to endeavour to increase the knowledge and awareness of citizens by disseminating laws and human rights to promote, respect and protect the rights of LGBT members in Timor-Leste. Although East Timorese law does not recognise civil unions between persons of the same sex, Timor-Leste does not penalize persons of the same gender who are in an intimate relationship.

85. Timor-Leste has achieved positive progress in the protection of LGBT at the political level. For example, in 2017 the Government supported a LGBT National Carnival which was held in Dili, and this carnival was attended by entities such as members of the LGBT community, religious groups, member of the Government and Government officials, and this event is held every year.

## Health

### Recommendations 89.136-139, 141-143, 122

86. The health system in Timor-Leste guarantees the fundamental rights of citizens to health as set out in the Constitution and the law, namely universal health services that are free for all. The Timor-Leste health system has shown significant progress from year to year.

87. Most of the population in Timor-Leste first access the health system through primary health services to receive assistance from health service staff at Health Centres in the Municipal capitals, Community Health Centres at the Administrative Post level and Health Posts that are responsible for providing health care to communities in rural areas.

88. Health care provided by staff through primary health services in rural areas, from the Sub-Village level, Village and Administrative Post level, is based on the plan from the Ministry of Health, and they have the capacity to provide health care at the health post level with curative programs and primary health care services that deal with prevention and promotion. Health care staff every week conduct mobile clinics for communities in rural areas with the use of motorcycles, as well as multi-purpose vehicles in areas that do not have a health clinic at the village or sub-village level to provide primary health care, which comprises basic curative services, vaccination programs, maternal and child health care, nutrition programs, tuberculosis programs, as well as health promotion and education.<sup>27</sup>

89. The Government of Timor-Leste has established 337 health posts, 69 community health centres, referral hospitals and a national hospital that are functioning adequately for citizens to access health treatments, including the establishment of facilities for health staff at the municipal level, administrative post level and village level so that health staff can provide services to the community with professional assistance in accordance with standard operating procedures from the Ministry of Health.<sup>28</sup>

90. All health facilities created by the Government are equipped with the same facilities, namely consultation rooms, wards, isolation rooms for communicable diseases, rehabilitation rooms for people suffering a mental illness. The Government has a policy of attending to patients suffering mental illness as the Guido-Valadares National Hospital, and now a mental health clinic is being constructed.<sup>29</sup>

91. The policy of the Ministry of Health (MoH) is that by 2020 each health post would have a doctor, two nurses and a midwife to provide primary health services across the entire territory where health facilities have been installed. The MoH continues to recruit health staff and in 2020 1,112 staff were recruited.<sup>30</sup>

92. To combat malnutrition in Timor-Leste, there is a National Action Plan to End Hunger and Malnutrition in Timor-Leste. There is also the National Advice Framework for Food Security and Sovereignty and Nutrition in Timor-Leste (KONSSANTIL) that is committed to a vision for Timor-Leste free from hunger and malnutrition.

93. The MoH continues to promote efforts to improve the problem of malnutrition in the community, which focuses on children under the age of five who are suffering from malnutrition, including prevention and treatment for lack of nutrition. There are also behavioural change campaigns on nutrition with the aim of reducing the malnutrition rate, including the percentage of children who receive follow-up and monitoring of their development. To improve the nutrition of citizens, the MoH offers nutritious food to patients who are staying in hospital, and patients are given three meals a day.

94. The MoH through the hospitals has a PINTL program (Partnership to Improve Nutrition in Timor-Leste) that supports actions aimed at reducing the incidence of malnutrition in pregnant mothers and promotes the breastfeeding of children and the provision of nutritious food to children under the age of five. These programs are aimed at improving nutrition for mothers and children by improving the practice of breastfeeding for babies and providing food to babies and children under the age of five through the promotion of health education and preparation of local foods, the distribution of micronutrients to children (Vitamin A, Albendazole, Powdered Micronutrients), the distribution of micronutrients supplements to adolescents, pregnant and breastfeeding mothers, and the treatment for extreme cases of malnutrition in mothers.

95. The Ministry of Health has played an important role in implementing reproductive education programs in Timor-Leste, with reproductive health programs to improve family planning, child spacing and limiting the number of children born as part of family planning, mechanisms for health care during pregnancy and childbirth, including education about healthy sexual relations between spouses before and after childbirth.<sup>31</sup>

96. The MoH enjoys cooperation with entities such as civil society organizations, the church and also international agencies that have a mission to provide support services to family planning programs. Until now, the MoH continues to receive assistance from partners and also through bilateral cooperation for health care and family planning in rural areas and remote areas in Timor-Leste.

97. The MoH has an action plan to improve Emergency Obstetric and Newborn Care 2016-2019, with the aim of continuing to save mothers and children who are affected by serious birth complications, during birth and post-birth, to reduce maternal and newborn mortality.

98. Timor-Leste's development in the area of Health and Education is a strategic priority in the national development pillar, and therefore each year the State of Timor-Leste invests heavily in this area.

99. Starting in 2020, the COVID-19 pandemic in Timor-Leste has had a negative impact on health services. The Government has continued efforts to reduce the transmission of COVID-19 in the community and all of the measures adopted by the Government to respond to COVID-19 have achieved good results. However, the Government acknowledges that the COVID-19 pandemic is a major obstacle that the Government needs to overcome. With financial and technical support from the world health organisation and development partners, the Government has saved the people from COVID-19, and now the Government is continuing with a vaccination program for citizens across the entire territory of Timor-Leste.

100. From year to year the budget allocated to investment in the area of health and education is given maximum attention, therefore each year the health and education sectors are given priority and large amounts of funding.<sup>32</sup>

## **Justice**

### **Recommendations 89.104-109, 30-33, 114, 96, 115-117**

101. Timor-Leste is a democratic nation based on the rule of law, and therefore it strengthens judicial independence especially the judicial pillar, and judges, prosecutors and lawyers, through legislative and administrative measures. Legislative measures regulate judicial actors and lawyers, as it is enshrined in Article 119 of the Timor-Leste Constitution that the courts are independent and subject only to the Constitution and the law. Article 132.3 states that in performing their duties, Public Prosecutors shall be subject to legality, objectivity, and impartiality criteria, and obedience toward directives and orders as established by law. Article 135.2 states the primary role of lawyers and defenders is to contribute to the good administration of justice and the safeguard of the rights and legitimate interests of the citizens.

102. To ensure that judicial actors, lawyers and public defenders provide professional services that are efficient, impartial and ethical, these professions are inspected and assessed, and recommendations are made to superiors, for example the courts, the Superior Council of Judicial Magistrates, to deal with the management and discipline of judicial magistrates, with the competence to appoint, demote, transfer and promote the judges in accordance with Article 28 of the Constitution. The management, efficiency of services and disciplinary actions relating to the Public Prosecution Service are the responsibility of the Superior Council for the Public Prosecution, which is led by the Prosecutor General. The public defenders are inspected by inspectors through coordination with the Superior Council for Public Defenders<sup>33</sup> and also private lawyers, according to the Legal Regime for Private Advocacy and the Training of Lawyers, Law No. 04/2015, Art 57 that states that until such time that there is a Bar Association, the council for the management and discipline of legal

practice has disciplinary powers in relation to private lawyers. Now the national parliament is debating a draft law on a bar association.

103. The strengthening of the justice system, and the capacity building of magistrates continues to be a priority of the MoJ through the Legal and Judicial Training Centre (LJTC), which continues to provide training to judicial actors, public defenders and private lawyers on the Penal Code, Civil Code and all proceedings and also ethics and deontology for these professionals. Training and practice are conducted in the country through the LJTC and also overseas, with rotating training every six months for judges to study and practice in Portugal.

104. The State acknowledges that there are many pending cases that have not been tried yet, especially civil cases because of a limited number of judges and the courts continue to endeavour to make changes by reducing the number of pending cases. An important step was taken in 2020 by adding another three judges who were appointed to district courts in Oecusse, Suai and Dili. In 2021, the LJTC will conduct recruitment for the training of 50 judicial magistrates and public defenders.

105. To ensure that everyone can access justice, including those in rural areas, the courts continue to hold mobile trials across the entire territory of Timor-Leste and the aim of these mobile trials are to bring justice to the people. Also the mobile trials can reduce the number of pending cases.

106. The Government acknowledges that during the state of emergency because of the COVID-19 pandemic, the courts did not function as per normal because they only attended to urgent cases and also the mobile trials did not take place.

107. In addition to increasing human resources in the judicial pillar, based on the Justice Sector Strategic Plan 2011-2030, there are goals to build more court buildings. A new Dili District courthouse is being built in Dili, and courts will be established in other municipalities. However due to limited financial resources, they will be established in phases. The 8th Constitutional Government has a politic in judicial reform, now the national parliament elaborates the law on Judicial organization, based on which will be established the supreme court of justice, the court of appeal as the court of second instance, as well as the supreme court of administrative tax and accounts. For the 2021-2022, three courts of first instance will be established in Lautem District, Ermera District and Viqueque District,. In addition, the National Parliament has approved the law on the statute of judicial magistrate. Meanwhile, a draft law on Public Prosecution (Ministério Público) and proposed law on the legal order of lawyers in Timor-Leste are currently being discussed.

108. Timor-Leste has two official languages, namely Tetum and Portuguese, and therefore legal documents can be drafted in Tetum and Portuguese, and in practice, more laws are in Portuguese than Tetum, due to limited human resources to provide translation. However, there is a Department of Translation from the National Directorate of Legal Assistance and Legislation (DNAJL) that endeavours to translate laws based on priority and existing resources. To guarantee access to justice for the entire community, there are also means to disseminate laws in Tetum to the community, which is organised by National Directorate of Human Rights and Citizenship for citizens at the levels of municipality, administrative post and village. In addition to disseminating laws in Tetum from the MoJ, other state institutions and civil society also disseminate laws to the community in Tetum.

109. The States of Timor-Leste and Indonesia have established an independent commission named the Commission for Truth and Friendship (CTF) between Timor-Leste and the Republic of Indonesia, which produced a final report "Per Memoriam Ad pem" to the National Parliament on 9 October 2008 recommending that the two states could give consideration to the circumstances to ensure that they do not occur again in the future and that they should seek legislative mechanisms for victims who have the right to the truth, reparations and the establishment of a memorial institute. Between 2008 and 2012, a draft law on a public memory institute and a draft law on a national reparations program for victims were submitted to the Commission A of the National Parliament. However, because of a difference of opinions, they have expired. The State has nevertheless incorporated reparations in a national political program to provide a subsidy to veterans, members of the clandestine network and survivors, including scholarships for the children of veterans.

110. In addition, the Government has produced Decree-Law No. 48/2016 on the creation of the Chega National Centre (CNC) with the role of dealing with the reparations process or solidarity for survivors based on the vision, mission and strategic plan. The CNC has a mission to promote the implementation of recommendations from the Commission for Reception, Truth and Reconciliation (CAVR), the CTF and the promotion of human rights.<sup>34</sup>

111. The CNC collaborates with all entities to conduct their role in accordance with the recommendation of the CAVR and the CTF. In 2019, the CNC created a solidarity fund policy to support a policy of reparations based on the concept, classification requirements and form design. There is data that has identified 170 survivors who meet the criteria to receive solidarity support or reparations. In 2021, the CNC also collaborated with the Ministry of State Administration to process and verify 76 persons and housing will be provided to vulnerable women who are victims of past violence. Starting in 2018, the CNC provided reparation funds totalling USD 200,000.00 and the MSSSI provided funds of USD 80,000.00.<sup>35</sup>

### **Freedom of expression, association Recommendations 89.123-127, 37, 79**

112. The Timor-Leste Constitution guarantees the citizens' right to freedom of expression as set out in Article 40 C-DRTL on freedom of speech and information.<sup>36</sup> Timor-Leste has the Media Law No. 5/2014 that guarantees that citizens can express their thoughts to contribute to the democratic process. As such, Article 9 of Law No. 5/2014 states that all persons have freedom to express and disseminate their ideas through the media and no person shall be harassed for their political, philosophical, religious or other opinions. The Timor-Leste Constitution also guarantees freedom of the press and mass media, as set out in Article 41 of the Timor-Leste Constitution and Article 11 of the Media Law on freedom of the press which only limits the right to honour, good name, reputation, privacy and presumption of innocence, judicial secrets and State secrets.

113. The professionalism of journalists is very important and the media law regulates how a person can become a professional journalist, and before a person becomes a journalist he/she needs to attend obligatory journalist training provided by the press council and then must complete a traineeship and exams before being accredited.<sup>37</sup> The media law also sets out the right of journalists to inform the public, which shall be exercised on the basis of Constitutional powers, and may not be subject to any interference that threatens the journalist's independence and objectivity, freedom to create, freedom of conscience, their right to seek and receive information, professional secrecy and the right to participate in editorial decisions of the media outlet for which they work with no constraints on their abiding to the ethical obligations of the profession.<sup>38</sup>

114. Timor-Leste reaffirms that the Constitution and the media law set out principles in accordance with human rights standards because they do not undermine the work of journalists regarding the freedom of expression.

### **Security Forces Recommendations 89.40-41, 78, 80, 110-113, 89**

115. Timor-Leste continues to strengthen its policy on human rights training for the security forces with the aims to guarantee that members of the security sector will perform their role to promote and protect the human rights of citizens when the aforementioned institutions carry out their functions in the community to guarantee peace, security and stability.

116. The F-FDTL and also the PNTL continue to receive training support from State institutions such as the Ministry of Defence, the Ministry of the Interior, Ministry of Justice, the Ombudsman for Human Rights and Justice (PDHJ) and international partners.

117. To increase the capacity of members of the police and F-FDTL, State institutions provide human rights training that is held in training centres with joint cooperation between



the PDHJ, the human rights advisory Unit in Timor-Leste which provide training to agents, sergeants, and officials who are deployed to the 13 municipalities and PNTL police units at the national and municipalities levels. Additional training of trainers (TOT) is also provided on the Use of Force Policy for PNTL members regarding how to use force in accordance with international procedures and standards.

118. Institutional cooperation for the security sector and judicial sector is an important pillar to guarantee and strengthen the principle of legality, which is set out in the penal code and the criminal procedure code for all measures that apply to cases relating to the arrest and detention, as well as the use of excessive force. Institutions carry out procedures against perpetrators who violate norms and human rights and they are investigated.

119. There is coordination between civil society, security institutions and the courts with a high level of confidence and professional understanding, and if there are cases that are considered to be a violation of human rights by security forces, the human rights institutions and civil society follow these processes and they are open from the time investigations take place within the military and the police until the matter goes to court without limiting access to the entire process.

120. A case involving members of PNTL who shot citizens with weapons during the third reporting period has been investigated and tried by the court. The excessive use of weapons by members of the security forces to kill, injure and commit other violations have been processed. In 2017, there were one hundred and sixteen cases committed by members of the PNTL with two dismissals, nineteen suspensions, sixteen fines, thirty two written reprimands, sixteen were closed without penalty, and thirty one cases are pending.<sup>39</sup>

121. In 2018, there were 214 cases considered to be violations of PNTL disciplinary regulations, abuse of power, and human rights violations that included the following sanctions: two dismissals, twenty two suspensions, twenty two fines, forty six written reprimands, one verbal reprimand, thirty four closed without penalty, eighty six still under investigation and one case processed by the courts. In 2019, the PNTL Department of Justice registered one hundred and ninety four cases, and there were fourteen suspensions, four fines, seventeen written reprimands, one verbal reprimand, twenty two closed without penalty, one hundred and twenty nine (129) under investigation, and seven processed by the courts.<sup>40</sup>

122. All State institutions have the obligation to promote, protect and guarantee the human rights of citizens. Timor-Leste has a commitment to reinforce and strengthen human rights institutions and to engage civil society in prevention, through civic education, training, investigations and monitoring of the security forces.

123. Cases involving the violation of human rights and any case of crimes that have occurred are investigated in accordance with the existing norms and are monitored by the PDHJ and civil society. Legal aid is provided to victims who have suffered human rights violations and any allegations linked to the security forces must be investigated to ensure that the entire process is transparent in all cases that occur.

124. The PNTL institution acknowledges that lack of training for members of the PNTL is an obstacle that leads to human rights violations by members of the PNTL. The PNTL is committed to providing ongoing training to its members. However, there are challenges such as limited funds for training hence training can only be organised with the support of partners because the PNTL institution does not have its own budget. A total of 1559 members of the PNTL have attended human rights training and more than 2561 members of PNTL have not yet received human rights training.<sup>41</sup>

125. When members of the security forces commit human rights violations, as well as other criminal acts, they are subject to military or police disciplinary procedures. The PNTL has an internal disciplinary mechanism through the department of justice and processes and disciplinary regulations are implemented. The military force regulations are even stricter for any elements of the F-FDTL who commit human rights violations as they are immediately investigated.

126. The Government acknowledges that during the implementation of the State of Emergency and lockdown because of the COVID-19 pandemic, certain rules were implemented and some members of the police committed human rights violations against

citizens. Those members who committed violations were processed in accordance with the applicable law.

## **Migrants**

### **Recommendations 89.43, 153**

127. Timor-Leste has ratified the ICMW. The law in Timor-Leste guarantees that the children of migrants who are born in Timor-Leste have the right to be registered and obtain a birth certificate, and the migrants who have a child born in the territory of Timor-Leste have the same rights with other East Timorese to access registration when the birth occurs.

128. The Government of Timor-Leste also guarantees the rights of East Timorese workers who are working overseas. East Timorese citizens overseas are given protection by the State, which is guaranteed in the Timor-Leste Constitution. To guarantee and protect the workers' rights, Timor-Leste has established embassies in the countries where East Timorese workers are working. If East Timorese citizens face difficulties, the embassy provides assistance and help to them.

129. East Timorese migrant workers who are working overseas have the right to vote in general elections. As part of the 2017 general elections, for the first time, East Timorese citizens overseas could participate in the elections, namely in the United Kingdom, 88 people voted, in Australia 474 people voted, in Portugal 310 people voted, and in the Republic of Korea 154 people voted. During the early general elections in 2018, voting also took place in the United Kingdom, Australia, Portugal and the Republic of Korea.

## **Human trafficking**

### **Recommendations 89.36, 95, 103**

130. In 2017, the President promulgated Law No. 3/2017 on Preventing and Combatting Human Trafficking, which guarantees the right to compensation for victims of human trafficking. It further complements Article 163 of the Penal Code dealing with human trafficking and Article 165 dealing with trafficking in human organs.

131. The Government of Timor-Leste has approved a Decree-Law no 9/2021 on the Commission to Combat Human Trafficking and sets out the composition, structure and mode of functioning. This Decree-Law will comply with what is set out in the law on preventing and combatting human trafficking to ensure there is inter-ministerial coordination with a mission to coordinate a range of entities at the national level that are responsible for preventing and combatting human trafficking. This Commission will be responsible for promoting and ensuring cooperation with foreign entities in the context of combatting human trafficking.<sup>42</sup>

132. The Government of Timor-Leste will establish a National Commission Against Human Trafficking as the entity responsible for coordination at the national level. There is currently a working group preparing for the creation of a national commission to combat human trafficking. After the National Commission to Combat Human Trafficking is established, the Commission will draft a national action plan on human trafficking.

*Notes*

- <sup>1</sup> National Directorate for the protection and promotion of persons with disabilities, MSSSI.
- <sup>2</sup> Ibid.
- <sup>3</sup> Information from the National Directorate of Vocational Training, SEPFOPE.
- <sup>4</sup> Data from the Human Resources Director, PDHJ and PDHJ 2019 Report.
- <sup>5</sup> Information for the Commission on the Rights of the Child.
- <sup>6</sup> Information from the National Directorate for Vocational Training, SEFOPE.
- <sup>7</sup> Information from the Commissioner on the Rights of the Child.
- <sup>8</sup> Information from the MSSSI in response to a CEDAW questionnaire.
- <sup>9</sup> Ibid.
- <sup>10</sup> Penal Code, Article 173.
- <sup>11</sup> Law No. 3/2017 on preventing and combatting human trafficking and fourth amendment to the Penal Code, Article 18 on the protection of minor victims.
- <sup>12</sup> Information from INFÓRDEPE, MoE.
- <sup>13</sup> Ibid.
- <sup>14</sup> Ibid.
- <sup>15</sup> Information from the National Directorate for Back to School Education, MoE.
- <sup>16</sup> Decree Law No. 26/2016, ALFAESA.
- <sup>17</sup> PEDN 2011-2030 Chapter 4.
- <sup>18</sup> Director of the National Directorate of Agriculture and Horticulture, MAF.
- <sup>19</sup> Food Security Bulletin form the MAP, edition No. 16.
- <sup>20</sup> Director of the National Directorate of Agriculture and Horticulture, MAF.
- <sup>21</sup> Information from the Executive Director of INSS.
- <sup>22</sup> Article 16 of the Timor-Leste Constitution and Article 4 of Law No. 7/2010, Law Against Domestic Violence.
- <sup>23</sup> Article 141 of the Timor-Leste Penal Code.
- <sup>24</sup> Article 1475 of the Civil Code and information from the DNAJL.
- <sup>25</sup> Law No. 9/2016 on Community Leaders.
- <sup>26</sup> Information from the National Directorate for General Development, SEII.
- <sup>27</sup> Information from the Directorate General of Cooperative Services, Ministry of Health.
- <sup>28</sup> Ibid.
- <sup>29</sup> Ibid.
- <sup>30</sup> Ibid.
- <sup>31</sup> Action Plan to Improve Emergency Obstetric and Newborn Care (Emonc) Timor-Leste 2016-2019.
- <sup>32</sup> Timor-Leste Budget Transparency Portal.
- <sup>33</sup> Decree Law No. 10/2017, Public Defenders Statute, art 35 and 36.
- <sup>34</sup> Article 3 of Decree-Law No. 48/2016.
- <sup>35</sup> Information from the Chega National Centre.
- <sup>36</sup> Timor-Leste Constitution, Art. 9,40,41.
- <sup>37</sup> Law No. 05/2014, Media Law, Articles 14-17.
- <sup>38</sup> Law No. 05/2014, Media Law, Article 8.
- <sup>39</sup> Information from the PNTL.
- <sup>40</sup> Ibid.
- <sup>41</sup> Information from the Police Training Centre.
- <sup>42</sup> Government Portal; Timor-Leste creates a commission to combat human trafficking.