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Timor-Leste

The present report is a compilation of the information contained in reports of the treaty bodies and special procedures, including observations and comments by the State concerned, in reports of the United Nations High Commissioner for Human Rights, and in other relevant official United Nations documents. It is presented in a summarized manner owing to word-limit constraints. For the full texts, please refer to the documents referenced. The report does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review, and developments during that period.

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I. Background and framework

A. Scope of international obligations¹

1. International human rights treaties²

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

2. Other main relevant international instruments⁴

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified</i>
<i>Ratification, accession or succession</i>			Convention on the Prevention and Punishment of the Crime of Genocide
			Rome Statute of the International Criminal Court
			Palermo Protocol ⁵

<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified</i>
Convention on refugees and its protocol ⁶		Conventions on stateless persons ⁷
Geneva Conventions of 12 August 1949 and Additional Protocols I and II ⁸		Additional Protocol III to the 1949 Geneva Conventions ⁹
ILO fundamental conventions except Nos. 100, 105, 111 and 138 ¹⁰	ILO fundamental conventions Nos. 100 and 111 ¹¹	ILO Conventions Nos. 169 and 189 ¹²
		Convention against Discrimination in Education

1. The United Nations country team in Timor-Leste noted that, during the first universal periodic review, Timor-Leste had indicated that it planned to ratify CRPD, but that it had not yet done so.¹³ In 2015, the Committee on the Elimination of Discrimination against Women encouraged Timor-Leste to consider ratifying ICPED and CRPD.¹⁴ The Committee on the Rights of the Child recommended that Timor-Leste ratify OP-CRC-IC,¹⁵ CRPD¹⁶ and ICPED. It also recommended that Timor-Leste ratify the optional protocols to the core human rights treaties deposited with the Secretary-General to which it was not yet party.¹⁷

2. In 2015, the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families recommended that Timor-Leste consider making the declarations provided for in articles 76 and 77 of ICRMW.¹⁸

B. Constitutional and legislative framework

3. The Committee on the Elimination of Discrimination against Women called upon Timor-Leste to enact legislation to regulate the relationship between the ordinary and the traditional legal systems, after an open dialogue with civil society, including women's organizations.¹⁹

4. The Committee was concerned that the amendment to article 141 of the Penal Code had further restricted women's access to safe and legal abortions.²⁰

5. The Committee called upon Timor-Leste to accelerate the adoption, within a clear time frame, of the trafficking, land, expropriation, real estate financial fund and civil registration bills.²¹

C. Institutional and human rights infrastructure and policy measures

Status of national human rights institutions²²

<i>National human rights institution</i>	<i>Status during previous cycle</i>	<i>Status during present cycle²³</i>
Office of the Provedor for Human Rights and Justice	A (2008)	A (re-accredited in November 2013)

6. The Special Rapporteur on extreme poverty and human rights recommended that a higher degree of financial independence be afforded to the Office of the Provedor for Human Rights and Justice in order to ensure its compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).²⁴

7. The Committee on the Rights of the Child regretted that neither a special unit for children nor a focal point for children's rights within the Office of the Provedor had been established, owing to a lack of expertise and human resource capacity, and financial constraints. It was concerned that the Office had not taken an active role in defending children's rights and following up on complaints by children or made on behalf of children.²⁵

8. The Special Rapporteur on extreme poverty recommended that Timor-Leste finalize the adoption of a national plan of action on gender-based violence and human trafficking, and dedicate sufficient resources to enable the Secretariat of State for the Promotion of Equality and key ministries to implement the plan. The Special Rapporteur also recommended that Timor-Leste adopt a national plan of action for children's rights and provide the National Commission for the Rights of the Child with the necessary resources to enable it to carry out its mandate.²⁶

II. Cooperation with human rights mechanisms

A. Cooperation with treaty bodies

1. Reporting status

<i>Treaty body</i>	<i>Concluding observations included in previous review</i>	<i>Latest report submitted since previous review</i>	<i>Latest concluding observations</i>	<i>Reporting status</i>
Committee on the Elimination of Racial Discrimination	-	-	-	Initial report overdue since 2004
Committee on Economic, Social and Cultural Rights	-	-	-	Initial report overdue since 2005
Human Rights Committee	-	-	-	Initial report overdue since 2004
Committee on the Elimination of Discrimination against Women	July 2009	2013	November 2015	Fourth report due in 2019
Committee against Torture	-	-	-	Initial report overdue since 2004
Committee on the Rights of the Child	February 2008 (on CRC, OP-CRC-AC and OP-CRC-SC)	2013	October 2015	Fourth report due in 2020
Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families	-	2015	September 2015	Second report due in 2020

2. Responses to specific follow-up requests by treaty bodies

Concluding observations

<i>Treaty body</i>	<i>Due in</i>	<i>Subject matter</i>	<i>Submitted in</i>
Committee on the Elimination of Discrimination against Women	2017	National machinery for the advancement of women; rural women ²⁷	-
Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families	2017	Labour exploitation of children; freedom of association; right to vote for Timorese migrant workers abroad; trafficking in persons ²⁸	-

B. Cooperation with special procedures²⁹

	<i>Status during previous cycle</i>	<i>Current status</i>
<i>Standing invitation</i>	No	No
<i>Visits undertaken</i>	Internally displaced persons Disappearances	Poverty
<i>Visits agreed to in principle</i>	Poverty Internally displaced persons/summary executions (joint visit)	
<i>Visits requested</i>	Torture	Torture Minority Internally displaced persons/summary executions (joint visit)
<i>Responses to letters of allegation and urgent appeals</i>	During the period under review, two communications were sent. The Government did not reply to the communications.	

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

A. Equality and non-discrimination

9. The Committee on the Elimination of Discrimination against Women remained concerned that neither the Constitution of Timor-Leste nor its ordinary legislation included a definition of discrimination against women in accordance with article 1 of CEDAW. It was also concerned about the decision not to adopt a specific gender equality law.³⁰

10. The Committee on the Rights of the Child commended the inclusion of specific provisions for the protection of children from discrimination in the Constitution of Timor-Leste and in other laws, including with respect to children with disabilities and children born out of wedlock. It was concerned, however, that certain groups of children, especially children of returnees, children who were not in possession of a baptism certificate, children born out of wedlock, children conceived from sexual relations among family members, and children with disabilities, faced de facto discrimination, most importantly with regard to access to education and other services.³¹

11. The country team noted that the exhaustive list of grounds in the Constitution on which discrimination was prohibited did not include sexual orientation, and that same-sex unions were not recognized. It also noted that research conducted in 2014 among 198 gay and transgender persons had showed that 27 per cent of them had reportedly experienced physical maltreatment, 35 per cent had been verbally maltreated, 31 per cent had been refused access to health-care services, and 25 per cent had been provided with poor quality health services.³²

B. Right to life, liberty and security of person

12. The country team stated that security operations conducted over several months in 2014 and 2015 against groups outlawed by Parliament had led to numerous allegations of human rights violations by the police and the military, including torture, excessive use of force, ill-treatment, destruction of property and arbitrary arrest. By March 2016, five of the killings that had taken place in that context had not yet been accounted for.³³

13. The Committee on the Elimination of Discrimination against Women welcomed the adoption of the Law against Domestic Violence (No. 7/2010), which criminalized domestic violence, including sexual violence, “even within a marriage”.³⁴ The Committee was, however, concerned about the absence of legal provisions specifically criminalizing marital rape and qualifying rape as a serious crime.³⁵

14. The country team noted that a government evaluation of the 2012-2014 National Action Plan on Gender-Based Violence had revealed that the budget allocation was limited and that there was insufficient interministerial coordination on implementing and monitoring the Law against Domestic Violence.³⁶

15. The Committee on the Elimination of Discrimination against Women was concerned about the prevalence of domestic violence, including incest and sexual abuse of girls, the low reporting rate stemming from victims’ fear of stigmatization or revictimization and the general lack of awareness among women and men, including community leaders, of the criminal nature of domestic violence.³⁷

16. The Committee on the Rights of the Child was concerned about the prevalence of abuse and neglect of children,³⁸ and about the widespread sexual abuse of children, including incest, in Timor-Leste.³⁹ It recommended that Timor-Leste formulate a comprehensive strategy to combat child abuse in all settings, implement the Law against Domestic Violence and the policy for child protection, and adopt and implement the draft child protection law.⁴⁰

17. The Committee noted that the draft children’s code prohibited corporal punishment in schools and provided for mandatory reporting obligations with respect to child abuse. It was concerned, however, that corporal punishment was widely accepted in society and remained lawful in schools, in the home and in residential institutions.⁴¹

18. The United Nations Educational, Scientific and Cultural Organization (UNESCO) noted that corporal punishment, together with verbal abuse, constituted ill-treatment. Even

though the Government had taken several measures to address that issue, it continued to be a frequent occurrence.⁴²

19. The Committee on the Rights of the Child was concerned about the high number of children involved in labour, the majority of whom worked in agriculture, including the coffee sector, in fishing, construction, domestic service, street and market vending and prostitution, and about the situation of children forced to work as servants to settle their families' outstanding debts.⁴³

20. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families was concerned at reports that boys (as well as men) from Cambodia, Myanmar and Thailand were forced to work on foreign fishing boats operating in Timorese waters, where they faced conditions of confinement and malnutrition and did not receive any medical care.⁴⁴

21. The Committee on the Rights of the Child recommended that Timor-Leste develop a comprehensive strategy for the protection of children in street situations and provide children in street situations with adequate protection and assistance for recovery and reintegration, including shelter, education and vocational training, health-care services, including HIV/AIDS screening, substance abuse treatment programmes and mental health counselling.⁴⁵

22. The same Committee was concerned that Timor-Leste was a destination country for women and girls subjected to sex trafficking and had been a source country for adults and children for forced labour.⁴⁶ The Committee on the Elimination of Discrimination against Women was concerned that sanctions for pimping and forced prostitution were not effectively and adequately imposed.⁴⁷

23. The same Committee was concerned that there had been no convictions in Timor-Leste for the crime of trafficking in 2013-2014 and only one conviction in 2015, that victim identification efforts remained inadequate and that the support services were underutilized owing to a lack of victim identification.⁴⁸

C. Administration of justice, including impunity, and the rule of law

24. The country team noted that the mobile courts initiative that had started in 2010 had been rolled out in 2014, bringing justice closer to the people and increasing awareness of the formal justice system. Nonetheless, access to justice remained a challenge for a large part of the population. There were permanent courts in only 4 of the 13 municipalities. Travel could be lengthy owing to poor road conditions and it was costly, especially for the poor. Knowledge of the formal justice system and of legislation, most of which was available in Portuguese only, remained low. It was essential to enhance the reach and functioning of the Office of the Public Defender and to establish a framework for free legal aid, particularly for the most vulnerable. Many Timorese preferred traditional dispute resolution mechanisms owing to their familiarity and accessibility, but those mechanisms did not always adhere to international human rights standards, particularly regarding women's rights.⁴⁹ The Special Rapporteur on extreme poverty made recommendations in that regard.⁵⁰

25. The country team noted instances of interference by the executive and legislative in the justice system; on several occasions, the leadership of the nation had expressed public criticism of judicial decisions. In 2014, as a result of parliamentary and government resolutions on an audit in the justice sector, international judicial personnel had been dismissed and had left the country.⁵¹

26. The Committee on the Elimination of Discrimination against Women was concerned about the very low percentage of women seeking legal aid owing to, among other things, low legal literacy, language barriers and the small number of district courts.⁵² The Committee was also concerned about the fact that women largely continued to use the traditional rather than the formal justice system, which limited the enjoyment of their rights.⁵³

27. The Committee was further concerned about the failure to prevent and provide redress for all crimes against women and girls and about the low number of investigations, prosecutions and convictions in cases of alleged rape and sexual abuse, the lenient sentences in domestic violence cases, the failure to issue protection orders and the excessive use of mediation under the informal justice system in cases of domestic violence.⁵⁴

28. The Committee called upon Timor-Leste to accord priority, without further delay, to the full implementation of the witness protection law adopted in 2009.⁵⁵

29. The country team noted that since the first universal periodic review, a few trials had been held for crimes against humanity that had occurred in 1999. Processes had come to a halt in October 2014 when international judges, who were by law required to sit on the panel in serious crimes cases, had been dismissed. That had seriously affected the rights of the victims to a remedy for human rights violations.⁵⁶

30. The Committee on the Elimination of Discrimination against Women noted that the Governments of Indonesia and Timor-Leste were working together to establish a survivor healing programme, particularly for survivors of rape, sexual slavery and other forms of sexual violence committed during the Indonesian occupation in 1999. The Committee was, however, concerned that survivors of that sexual violence continued to experience social stigma and ostracism, and had limited access to medical, psychological, reproductive and mental health services and treatment.⁵⁷ It urged Timor-Leste to implement the recommendations of the Commission for Reception, Truth and Reconciliation and the Commission on Truth and Friendship relating to redress for women and girls who were victims of violations during that period.⁵⁸

31. The Committee was concerned that the bills to establish a national reparation programme and a public memory institute, which had been submitted to the National Parliament in July 2010, had still not been adopted.⁵⁹

32. The Committee on the Rights of the Child noted that the juvenile justice regime was currently undergoing significant review and reform. The Committee was concerned about the insufficient capacity and specialized training of personnel in child justice administration and about the use of informal community mediation mechanisms to deal with serious cases of children in conflict with the law.⁶⁰ The country team noted that there had been limited investment in the development of a holistic juvenile justice system that would include prevention, diversion, social reintegration and aftercare.⁶¹

33. The Committee on the Rights of the Child was concerned about the grouping together of juveniles and adult prisoners at the Becora prison, and the lack of a single juvenile centre.⁶²

D. Right to privacy, marriage and family life

34. The Committee on the Elimination of Discrimination against Women welcomed the adoption of the Civil Code (Law No. 10/2011) of 14 September 2011 providing for equal rights of women and men in marriage.⁶³

35. The Committee noted with concern that the minimum age for marriage was set at 17 years for both boys and girls and that, at 16 years of age, girls and boys could enter into marriage with the consent of their parents.⁶⁴ The Committee on the Rights of the Child was concerned that child marriage, especially of girls, remained highly prevalent.⁶⁵

36. The Committee on the Elimination of Discrimination against Women called upon Timor-Leste to expeditiously adopt a comprehensive strategy to eliminate discriminatory stereotypes and harmful practices such as child and forced marriage and polygamy.⁶⁶

37. The Committee noted with concern that traditional inheritance systems continued to exclude women from land ownership.⁶⁷ It also noted with concern that traditional or church marriages were rarely registered with the civil registry office, which meant that women's rights to inheritance and property upon separation or as a result of bereavement were negatively affected.⁶⁸

38. The Committee noted with concern that the fault-based divorce system enshrined in the Civil Code put women, including women who were victims of domestic violence, at a disadvantage.⁶⁹

39. The Committee on the Rights of the Child recommended that Timor-Leste ensure that all children were provided with birth certificates free of charge, including through outreach programmes in remote areas, and adopt and implement the draft civil registry code.⁷⁰ The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families was concerned at the lack of specific measures to register migrant children at birth and to ensure their citizenship rights.⁷¹

40. The Committee on the Rights of the Child was concerned that informal foster-care arrangements, whereby children were placed in families other than biological families, put those children at risk of abuse and exploitation.⁷² It was also concerned about the informal adoption practice whereby families placed their children with other families, often because of situations of poverty and indebtedness.⁷³

E. Freedom of expression, and the right to participate in public and political life

41. The country team noted that, under the Media Act, new journalists had to be licensed by the Press Council and all journalists were required to defend the public interest and the democratic order.⁷⁴

42. UNESCO noted that defamation was criminalized under the Penal Code, which provided for punishments of a fine or imprisonment for up to three years. UNESCO recommended that Timor-Leste decriminalize defamation and place it within a civil code that was in accordance with international standards.⁷⁵

43. The country team noted that citizens, including human rights defenders, were generally free to express themselves. Occasional incidents of threats and intimidation had been reported against staff of non-governmental organizations who had publicly raised issues of human rights concerns or in order to prevent them from speaking out on sensitive issues.⁷⁶

44. The Committee on the Elimination of Discrimination against Women welcomed the adoption of Law No. 7/2011 establishing electoral lists of standing and alternate candidates, which must include at least one woman in each group of three candidates.⁷⁷ It was, however, concerned that women in Timor-Leste continued to face persistent barriers to gain access to decision-making positions, and that women's representation in government

decision-making positions remained low at 20 per cent and the proportion of female village chiefs was extremely low at 2 per cent.⁷⁸

45. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families regretted that the law currently allowed Timorese voters to vote only in their village of registration. It recommended that Timor-Leste take all measures to ensure the implementation of the right to vote for Timorese migrant workers residing abroad.⁷⁹

46. The country team noted that the law regarding the right to vote for persons with intellectual disabilities was inconsistent. While an article denying persons “clearly and publicly known as mentally ill” the right to vote had been repealed in the parliamentary electoral law, the same article remained in force in the presidential election law.⁸⁰

F. Right to work and to just and favourable conditions of work

47. The Committee on the Elimination of Discrimination against Women welcomed the adoption of the Labour Code (Law No. 4/2012) guaranteeing equality of opportunity and treatment in employment and prohibiting verbal, non-verbal and physical sexual harassment.⁸¹ The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families welcomed the establishment of the National Directorate of Job Placement and Protection for the Unemployed, in 2013.⁸²

48. The Committee on the Elimination of Discrimination against Women noted with concern discrimination in recruitment and promotion, given that women needed higher qualifications to attain the same decision-making positions as men.⁸³

49. The Committee also noted with concern that most women did not participate at all in the labour force: 78 per cent of those who did participate were engaged in the informal sector without appropriate social security coverage, and 86 per cent of women and girls with disabilities had no access to vocational training.⁸⁴ The Committee recommended that Timor-Leste monitor the working conditions of women in the informal economy, particularly in agriculture, to ensure that they had access to social protection, including with regard to maternity protection.⁸⁵

50. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families was concerned about the lack of attention by labour inspectorates to the employment conditions of migrant workers, including those working in the offshore industry and in the commercial, construction, fishing and hospitality sectors.⁸⁶

51. The Committee was concerned at reports that only a very limited number of migrant workers in Timor-Leste had joined trade unions, that some migrant workers did not join unions for fear of dismissal and that employers did not allow migrant workers to join trade unions or participate in their activities or benefit from their services.⁸⁷

G. Right to social security and to an adequate standard of living

52. The country team highlighted the fact that a legal framework that could settle competing land claims fairly and provide for proper protection from forced evictions was key to ensuring that Timor-Leste fulfilled its obligations regarding the right to adequate housing and other rights that were likely to be affected if people had no security of tenure over the land they used or owned. The country team also noted that the number of relocations and evictions had increased since the first universal periodic review, particularly in Dili, on the south coast and in the Special Administrative Region of Oecusse, where large infrastructural projects were being developed, affecting hundreds of households.⁸⁸

53. The Special Rapporteur on extreme poverty recommended that Timor-Leste review the imposition of conditionalities in the Bolsa da Mãe programme, expand the programme and establish a complaint mechanism.⁸⁹ The Committee on the Elimination of Discrimination against Women recommended that Timor-Leste increase the investment from the national budget in the Bolsa da Mãe programme in order to redress the imbalance with other, male-focused programmes and increase the monthly stipend for female-headed households.⁹⁰

54. The Committee also recommended that Timor-Leste continue its efforts to transform the transitional regime for social security into a universal social security system and adopt specific measures to guarantee adequate social welfare for all women, particularly women and girls who took care of persons with disabilities within the family and who had been displaced by domestic violence.⁹¹

55. The Committee on the Rights of the Child was deeply concerned about the high rate of children living below the poverty line.⁹² It was also concerned that many families were in situations of poverty, faced food insecurity and lacked appropriate assistance, resulting in children being placed in residential care facilities. It recommended that Timor-Leste finalize and implement the Child and Family Welfare System Policy and strengthen the system of family benefits and child allowances and other services, such as accessible early childhood education and care.⁹³

56. The Committee on the Elimination of Discrimination against Women was concerned that women in rural areas continued to have limited or no access to skilled care at birth, to antenatal care, postnatal care and family planning or to justice, education, clean water, electricity, land and income-generating projects.⁹⁴

57. The Committee was also concerned that women's access to credit, including microcredit, remained insufficient.⁹⁵

H. Right to health

58. The country team stated that, while progress had been made in reducing under-5 and infant mortality, the level remained high compared to countries in the region, and considerable differences remained between rural and urban areas and between municipalities. Routine immunization coverage had remained stagnant at around 70 to 80 per cent for the past several years. Undernutrition was a major determinant of ill-health and contributed to a third of child mortality.⁹⁶

59. The Committee on the Elimination of Discrimination against Women was concerned that there was severe underreporting of maternal deaths and that the maternal mortality ratio remained the highest in East Asia.⁹⁷ The Committee on the Rights of the Child recommended that Timor-Leste ensure the provision of adequate resources, particularly for neonatal, prenatal and postnatal care, especially in rural areas, and improve training and access to health-care professionals and midwives for childbirth.⁹⁸

60. The Committee was concerned about the high levels of malnutrition, micronutrient deficiencies and stunting rates,⁹⁹ the high number of children not fully immunized, and insufficient access to safe drinking water, basic sanitation and hygiene facilities, including in schools and health facilities, especially in rural areas.¹⁰⁰

61. The Committee was concerned that there was limited access to mental health care and psychosocial rehabilitation for children, especially for those who were exposed to violence.¹⁰¹

62. The Special Rapporteur on extreme poverty recommended that Timor-Leste expand the coverage and quality of health-care services, goods and facilities, focusing on

addressing intra- and inter-district differences, capacity development of health workers, and maternal health care. The Special Rapporteur also recommended that Timor-Leste ensure that the Integrated Community Health Services were staffed with trained professionals and that adequate budgetary, logistical and infrastructure resources were allocated in a timely fashion. She further recommended that Timor-Leste commit sufficient resources to the implementation of the National Mental Health Policy and the Community-Based Rehabilitation Strategy.¹⁰²

63. The Committee on the Rights of the Child recommended that Timor-Leste raise awareness about open defecation and proper sanitation and hand washing practices.¹⁰³

64. The Committee was concerned about the high levels of indoor air pollution resulting from traditional cooking practices.¹⁰⁴ It recommended that Timor-Leste introduce clean cooking technologies and raise awareness about the links between respiratory illnesses and the use of firewood in traditional cooking practices, and reduce reliance on firewood, including by subsidizing the cost of cooking fuel.¹⁰⁵

65. The Committee was concerned about the high teenage pregnancy rate, which was linked to the prevalence of child marriage in Timor-Leste, and about the limited knowledge of reproductive health.¹⁰⁶ The Committee on the Elimination of Discrimination against Women was concerned that women and girls, especially in remote and rural areas, faced significant challenges in gaining access to sexual and reproductive health services, particularly skilled care at birth, antenatal and postnatal care and family planning, and that emergency health care remained extremely limited in rural areas.¹⁰⁷

I. Right to education

66. UNESCO noted that the Government had adopted the National Education Strategic Plan (2011-2030), which was the first attempt to comprehensively analyse the situation of education in Timor-Leste.¹⁰⁸

67. The country team highlighted the fact that, while there had been a consistent increase in absolute spending in education for over a decade, spending had declined as a proportion of the total national budget and gross domestic product. In 2014, only 8 per cent of the State budget had been allocated to education, and within the sector, there had been a decline in funding for basic education.¹⁰⁹

68. The Committee on the Rights of the Child was concerned about the low number of children enrolled in preschool and secondary schools, particularly in rural areas, the number of children out of school, repetition, especially at the pre-secondary level, and dropout rates, particularly among boys.¹¹⁰ It recommended that Timor-Leste increase access to, retention in and completion of basic education through inclusive and better quality education, particularly for children with disabilities, children living in extreme poverty, pregnant teenagers, children living in remote areas and children who were members of minority linguistic groups.¹¹¹ The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families recommended that Timor-Leste ensure access to the education system for migrant workers, especially their children, including through addressing linguistic barriers.¹¹² The country team recommended that Timor-Leste implement the inclusive education policy.¹¹³

69. The Committee on the Elimination of Discrimination against Women was concerned that the rate of school dropout among girls remained very high at almost 50 per cent between the primary and secondary levels, owing to early pregnancy, gender-based violence and the lack of adequate sanitation in schools, especially in rural areas.¹¹⁴

70. The Committee welcomed the zero-tolerance policy initiated by the Ministry of Education in 2011 against malpractice in the education sector, covering sexual violence, corporal punishment and other forms of violence in schools, but it regretted that the policy had not been effectively implemented.¹¹⁵ It was concerned that the sanctions for sexual harassment and abuse in schools were lenient and that teachers who were perpetrators of sexual violence were merely transferred to other schools.¹¹⁶

71. The Committee on the Rights of the Child was concerned about low literacy levels in Tetum and Portuguese.¹¹⁷ It recommended that Timor-Leste continue to develop bilingual textbooks and teacher guides in all core subjects.¹¹⁸ The Committee on the Elimination of Discrimination against Women recommended that Timor-Leste eradicate illiteracy, particularly among rural women, by conducting literacy programmes in local languages and in Portuguese.¹¹⁹

J. Persons with disabilities

72. The Committee on the Elimination of Discrimination against Women was concerned that women and girls with disabilities continued to experience social exclusion, stigma, violence and multiple discrimination on the basis of their gender and disability, especially regarding access to education, employment, health care and justice.¹²⁰

73. The Committee noted that Timor-Leste had a national policy on the rights of persons with disabilities, but that it was neither effectively implemented nor monitored. It was concerned that the adoption of the national action plan for persons with disabilities remained pending.¹²¹ The Committee on the Rights of the Child urged Timor-Leste to strengthen support for caregivers of children with disabilities, including by increasing the Bolsa da Mãe stipend.¹²²

74. The country team noted that persons with disabilities faced challenges in using health services as many health facilities were not physically accessible and health workers lacked the basic knowledge and skills to assist them.¹²³ The Committee on the Elimination of Discrimination against Women recommended that Timor-Leste improve access to all existing health-care facilities and services, including sexual and reproductive services, and expand the coverage of specialized health services for women and girls with disabilities.¹²⁴

75. The Committee recommended that Timor-Leste take measures, including temporary special measures, to ensure access to inclusive education and vocational training for women and girls with disabilities and to prevent discrimination in recruitment against women with disabilities.¹²⁵

76. The Committee on the Rights of the Child was concerned that sufficient and adequate facilities for children with disabilities in schools, sports and leisure facilities and residential facilities were lacking, particularly in rural areas.¹²⁶

K. Migrants, refugees and asylum seekers

77. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families was concerned that article 11 of the Immigration and Asylum Act explicitly prohibited non-nationals from “participation in the administration or social organs of a union, corporation or professional organization, or in agencies that monitor paid activities”, despite the 2003 decision of the Court of Appeal, which had found that and other provisions of the Immigration and Asylum Act unconstitutional.¹²⁷

78. The Committee was concerned that the national legislation governing the relationship between labour migration and residency was unclear, that the granting of a

work permit was conditional on the existence of employment and that loss of employment could result in the loss of the work permit.¹²⁸

79. The Committee recommended that Timor-Leste establish a system for compiling migration-related statistics and information covering all aspects of ICRMW, including migrant workers in an irregular situation, and that it collect detailed data on the status of migrant workers in Timor-Leste.¹²⁹

80. The Committee also recommended that Timor-Leste ensure that, in law and in practice, migrant workers and members of their families, including those in an irregular situation, had equal opportunities to those of nationals to file complaints and obtain effective redress.¹³⁰

81. The Committee was concerned about reports of incidents of physical and sexual violence, intimidation and negative attitudes towards migrant workers in Timor-Leste.¹³¹

82. The Committee recommended that Timor-Leste ensure that in administrative and judicial proceedings, including detention and expulsion proceedings, migrant workers and members of their families, particularly those in an irregular situation, were guaranteed due process on an equal basis with nationals of Timor-Leste before the courts and tribunals.¹³²

83. The Committee was concerned at reports of unresolved cases of deportation of Timorese migrants who were HIV-positive and female migrants who became pregnant.¹³³

84. The Committee encouraged Timor-Leste to facilitate the transfer of remittances by Timorese migrant workers abroad without prescriptive interference, and the transfer of earnings and savings of migrant workers with preferential transfer and reception fees.¹³⁴

85. The United Nations High Commissioner for Refugees (UNHCR) noted that under the 2003 Immigration and Asylum Act, individuals seeking asylum had to file their asylum application within 72 hours of their arrival in Timor-Leste. The 72-hour deadline could be particularly problematic in a nascent asylum system owing to the lack of understanding of and information about the asylum procedures, the lack of proper interpretation, of measures for persons with specific needs and of legal aid services.¹³⁵

86. The country team noted that the Government had reportedly forcibly returned a group of 95 potential asylum seekers from the Rohingya minority in Myanmar and from Bangladesh to Indonesia.¹³⁶

87. With respect to statelessness, UNHCR recommended that Timor-Leste collect accurate statistics on statelessness, disaggregated by age and gender, in order to examine the effect of statelessness on the enjoyment of rights and to identify legal and policy solutions to further prevent and reduce statelessness.¹³⁷

L. Right to development, and environmental issues

88. The Committee on the Elimination of Discrimination against Women was concerned that rural women had limited access to decision-making processes concerning the use of land, and that large-scale rural infrastructure projects that involved forced eviction, acquisition and relocation violated the rights of rural women to fair compensation and reallocation of land.¹³⁸

Notes

- ¹ Unless indicated otherwise, the status of ratification of instruments listed in the table may be found on the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>. Please also refer to the United Nations compilation on Timor-Leste from the previous cycle (A/HRC/WG.6/12/TLS/2).
- ² The following abbreviations have been used in the present document:
- | | |
|------------|---|
| ICERD | International Convention on the Elimination of All Forms of Racial Discrimination |
| ICESCR | International Covenant on Economic, Social and Cultural Rights |
| OP-ICESCR | Optional Protocol to ICESCR |
| ICCPR | International Covenant on Civil and Political Rights |
| ICCPR-OP 1 | Optional Protocol to ICCPR |
| ICCPR-OP 2 | Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty |
| CEDAW | Convention on the Elimination of All Forms of Discrimination against Women |
| OP-CEDAW | Optional Protocol to CEDAW |
| CAT | Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment |
| OP-CAT | Optional Protocol to CAT |
| CRC | Convention on the Rights of the Child |
| OP-CRC-AC | Optional Protocol to CRC on the involvement of children in armed conflict |
| OP-CRC-SC | Optional Protocol to CRC on the sale of children, child prostitution and child pornography |
| OP-CRC-IC | Optional Protocol to CRC on a communications procedure |
| ICRMW | International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families |
| CRPD | Convention on the Rights of Persons with Disabilities |
| OP-CRPD | Optional Protocol to CRPD |
| ICPPED | International Convention for the Protection of All Persons from Enforced Disappearance |
- ³ Individual complaints: ICCPR-OP 1, art. 1; OP-CEDAW, art. 1; OP-CRPD, art. 1; OP-ICESCR, art. 1; OP-CRC-IC, art. 5; ICERD, art. 14; CAT, art. 22; ICRMW, art. 77; and ICPPED, art. 31. Inquiry procedure: OP-CEDAW, art. 8; CAT, art. 20; ICPPED, art. 33; OP-CRPD, art. 6; OP-ICESCR, art. 11; and OP-CRC-IC, art. 13. Inter-State complaints: ICCPR, art. 41; ICRMW, art. 76; ICPPED, art. 32; CAT, art. 21; OP-ICESCR, art. 10; and OP-CRC-IC, art. 12. Urgent action: ICPPED, art. 30.
- ⁴ Information relating to other relevant international human rights instruments, including regional instruments, may be found in the pledges and commitments undertaken by Timor-Leste before the Human Rights Council, as contained in the note verbale dated 4 January 2008 sent by the Permanent Mission of Timor-Leste to the United Nations addressed to the President of the General Assembly.
- ⁵ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.
- ⁶ 1951 Convention relating to the Status of Refugees and its 1967 Protocol.
- ⁷ 1954 Convention relating to the Status of Stateless Persons, and 1961 Convention on the Reduction of Statelessness.
- ⁸ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); and Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts

- (Protocol II). For the official status of ratifications, see International Committee of the Red Cross, www.icrc.org/ihl.
- ⁹ Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see International Committee of the Red Cross, www.icrc.org/ihl.
- ¹⁰ International Labour Organization (ILO) Forced Labour Convention, 1930 (No. 29); Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); Right to Organise and Collective Bargaining Convention, 1949 (No. 98); and Worst Forms of Child Labour Convention, 1999 (No. 182).
- ¹¹ ILO Equal Remuneration Convention, 1951 (No. 100); and Discrimination (Employment and Occupation) Convention, 1958 (No. 111).
- ¹² ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169); and Domestic Workers Convention, 2011 (No. 189).
- ¹³ See United Nations country team submission for the universal periodic review of Timor-Leste, para. 2.
- ¹⁴ See CEDAW/C/TLS/CO/2-3, para. 45.
- ¹⁵ See CRC/C/TLS/CO/2-3, para. 64.
- ¹⁶ *Ibid.*, para. 65. See also para. 45 (h).
- ¹⁷ *Ibid.*, para. 65.
- ¹⁸ See CMW/C/TLS/CO/1, para. 14.
- ¹⁹ See CEDAW/C/TLS/CO/2-3, para. 9 (c).
- ²⁰ *Ibid.*, para. 30 (a).
- ²¹ *Ibid.*, para. 9 (b). See also paras. 34 (a) and 35 (a).
- ²² According to article 5 of the rules of procedure of the Global Alliance of National Human Rights Institutions Sub-Committee on Accreditation, the classifications for accreditation used by the Sub-Committee are: A: voting member (fully in compliance with each of the Paris Principles); B: non-voting member (not fully in compliance with each of the Paris Principles or insufficient information provided to make a determination); and C: no status (not in compliance with the Paris Principles).
- ²³ The list of national human rights institutions with accreditation status granted by the Global Alliance of National Human Rights Institutions is available from <http://nhri.ohchr.org/EN/Documents/Status%20Accreditation%20Chart.pdf>.
- ²⁴ See A/HRC/20/25/Add.1, para. 82.
- ²⁵ See CRC/C/TLS/CO/2-3, para. 18.
- ²⁶ See A/HRC/20/25/Add.1, para. 82.
- ²⁷ See CEDAW/C/TLS/CO/2-3, para. 46.
- ²⁸ See CMW/C/TLS/CO/1, para. 63.
- ²⁹ For the titles of special procedure mandate holders, see www.ohchr.org/EN/HRBodies/SP/Pages/Welcomepage.aspx.
- ³⁰ See CEDAW/C/TLS/CO/2-3, para. 8.
- ³¹ See CRC/C/TLS/CO/2-3, para. 24.
- ³² See country team submission, paras. 14 and 15.
- ³³ *Ibid.*, paras. 17 and 18.
- ³⁴ See CEDAW/C/TLS/CO/2-3, para. 4 (d).
- ³⁵ *Ibid.*, para. 16 (e).
- ³⁶ See country team submission, paras. 19-21.
- ³⁷ See CEDAW/C/TLS/CO/2-3, para. 16 (b).
- ³⁸ See CRC/C/TLS/CO/2-3, para. 34.
- ³⁹ *Ibid.*, para. 36.
- ⁴⁰ *Ibid.*, para. 35 (a).
- ⁴¹ *Ibid.*, paras. 32 and 33.
- ⁴² See UNESCO submission for the universal periodic review of Timor-Leste, para. 35.
- ⁴³ See CRC/C/TLS/CO/2-3, paras. 56 and 57.
- ⁴⁴ See CMW/C/TLS/CO/1, paras. 27 and 28.
- ⁴⁵ See CRC/C/TLS/CO/2-3, para. 59.
- ⁴⁶ *Ibid.*, para. 60.
- ⁴⁷ See CEDAW/C/TLS/CO/2-3, para. 20 (d).

- ⁴⁸ Ibid., para. 20 (c). See also CMW/C/TLS/CO/1, paras. 59 (d) and (f).
- ⁴⁹ See country team submission, paras. 23 and 24.
- ⁵⁰ See A/HRC/20/25/Add.1, para. 83.
- ⁵¹ See country team submission, para. 27.
- ⁵² See CEDAW/C/TLS/CO/2-3, para. 10 (d).
- ⁵³ Ibid., para. 10 (a).
- ⁵⁴ Ibid., paras. 16 (c) and (d). See also para. 10 (c).
- ⁵⁵ Ibid., para. 17 (f).
- ⁵⁶ See country team submission, para. 28.
- ⁵⁷ See CEDAW/C/TLS/CO/2-3, para. 18.
- ⁵⁸ Ibid., para. 19 (b).
- ⁵⁹ Ibid., para. 18.
- ⁶⁰ CRC/C/TLS/CO/2-3, para. 62.
- ⁶¹ See country team submission, paras. 25 and 26.
- ⁶² See CRC/C/TLS/CO/2-3, para. 62 (f).
- ⁶³ See CEDAW/C/TLS/CO/2-3, para. 4 (b). See also CRC/C/TLS/CO/2-3, para. 4 (b).
- ⁶⁴ See CEDAW/C/TLS/CO/2-3, para. 38 (b). See also CRC/C/TLS/CO/2-3, para. 22.
- ⁶⁵ See CRC/C/TLS/CO/2-3, para. 22.
- ⁶⁶ See CEDAW/C/TLS/CO/2-3, para. 15.
- ⁶⁷ Ibid., para. 38 (f).
- ⁶⁸ Ibid., para. 38 (g).
- ⁶⁹ Ibid., para. 38 (c).
- ⁷⁰ See CRC/C/TLS/CO/2-3, para. 31. See also CEDAW/C/TLS/CO/2-3, para. 39 (a).
- ⁷¹ See CMW/C/TLS/CO/1, para. 39.
- ⁷² See CRC/C/TLS/CO/2-3, paras. 40 and 41.
- ⁷³ Ibid., paras. 42 and 43.
- ⁷⁴ See country team submission, para. 30.
- ⁷⁵ See UNESCO submission, paras. 45 and 57.
- ⁷⁶ See country team submission, para. 31.
- ⁷⁷ See CEDAW/C/TLS/CO/2-3, para. 4 (c).
- ⁷⁸ Ibid., para. 22.
- ⁷⁹ See CMW/C/TLS/CO/1, paras. 49 and 50.
- ⁸⁰ See country team submission, para. 32.
- ⁸¹ See CEDAW/C/TLS/CO/2-3, para. 4 (a). See also CRC/C/TLS/CO/2-3, para. 4 (a), and CMW/C/TLS/CO/1, para. 6.
- ⁸² See CMW/C/TLS/CO/1, para. 7 (a).
- ⁸³ See CEDAW/C/TLS/CO/2-3, para. 28 (b).
- ⁸⁴ Ibid., para. 28 (c).
- ⁸⁵ Ibid., para. 29 (c).
- ⁸⁶ See CMW/C/TLS/CO/1, paras. 35 and 36.
- ⁸⁷ Ibid., para. 37.
- ⁸⁸ See country team submission, paras. 35-38.
- ⁸⁹ See A/HRC/20/25/Add.1, para. 84.
- ⁹⁰ See CEDAW/C/TLS/CO/2-3, para. 33 (b).
- ⁹¹ Ibid., para. 33 (a).
- ⁹² See CRC/C/TLS/CO/2-3, para. 52.
- ⁹³ Ibid., paras. 38 and 39.
- ⁹⁴ See CEDAW/C/TLS/CO/2-3, para. 34 (d).
- ⁹⁵ Ibid., para. 32 (c).
- ⁹⁶ See country team submission, paras. 40 and 41.
- ⁹⁷ See CEDAW/C/TLS/CO/2-3, para. 30 (b). See also country team submission, paras. 43-45.
- ⁹⁸ See CRC/C/TLS/CO/2-3, paras. 47 (a) and (b).
- ⁹⁹ Ibid., para. 46 (b). See also CEDAW/C/TLS/CO/2-3, para. 30 (c).
- ¹⁰⁰ See CRC/C/TLS/CO/2-3, para. 46 (b).
- ¹⁰¹ Ibid., paras. 48 and 49.
- ¹⁰² See A/HRC/20/25/Add.1, para. 83.

- ¹⁰³ See CRC/C/TLS/CO/2-3, para. 47 (e).
¹⁰⁴ Ibid., para. 46 (c).
¹⁰⁵ Ibid., para. 47 (g).
¹⁰⁶ Ibid., para. 50 (a).
¹⁰⁷ See CEDAW/C/TLS/CO/2-3, para. 30 (d).
¹⁰⁸ See UNESCO submission, para. 17.
¹⁰⁹ See country team submission, para. 53.
¹¹⁰ See CRC/C/TLS/CO/2-3, para. 54 (a).
¹¹¹ Ibid., para. 55 (b).
¹¹² See CMW/C/TLS/CO/1, para. 42.
¹¹³ See country team submission, paras. 51 and 55.
¹¹⁴ See CEDAW/C/TLS/CO/2-3, para. 26 (a). See also UNESCO submission, para. 37.
¹¹⁵ See CEDAW/C/TLS/CO/2-3, para. 26.
¹¹⁶ Ibid., para. 26 (e). See also CRC/C/TLS/CO/2-3, para. 54 (d).
¹¹⁷ See CRC/C/TLS/CO/2-3, para. 54 (b).
¹¹⁸ Ibid., para. 55 (d).
¹¹⁹ See CEDAW/C/TLS/CO/2-3, para. 27 (b).
¹²⁰ Ibid., para. 36 and CRC/C/TLS/CO/2-3, para. 44 (b).
¹²¹ See CEDAW/C/TLS/CO/2-3, para. 36. See also CRC/C/TLS/CO/2-3, paras. 44 (a) and 45 (a).
¹²² See CRC/C/TLS/CO/2-3, para. 45 (b).
¹²³ See country team submission, para. 45.
¹²⁴ See CEDAW/C/TLS/CO/2-3, para. 37 (c).
¹²⁵ Ibid., para. 37 (b).
¹²⁶ See CRC/C/TLS/CO/2-3, para. 44 (d).
¹²⁷ See CMW/C/TLS/CO/1, para. 47. See also para. 9 (a).
¹²⁸ Ibid., paras. 53 and 54.
¹²⁹ Ibid., para. 20.
¹³⁰ Ibid., paras. 25 and 26.
¹³¹ Ibid., para. 29.
¹³² Ibid., para. 32.
¹³³ Ibid., paras. 33 and 34.
¹³⁴ Ibid., para. 52.
¹³⁵ UNHCR submission for the universal periodic review of Timor-Leste, p. 4. See also country team submission, para. 58.
¹³⁶ See country team submission, para. 59.
¹³⁷ UNHCR submission, p. 5.
¹³⁸ See CEDAW/C/TLS/CO/2-3, paras. 34 (b) and (c).
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