



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND

www.ohchr.org • TEL: +41 22 917 9000 • FAX: +41 22 917 9008 • E-MAIL: registry@ohchr.org

24 August 2022

Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of the Democratic Republic of Timor-Leste and welcome the constructive engagement of the Government of Timor-Leste during the 40th session of the UPR Working Group in January/February 2022.

As the final outcome report on the review of Timor-Leste was recently adopted by the Human Rights Council at its 50th session, I would like to take this opportunity to follow up on a number of areas raised in the two reports that my Office had prepared for the review of Timor-Leste – the Compilation of United Nations information and the Summary of Stakeholders' submissions – which I consider in need of particular attention over the next four and a half years, until the next cycle of the UPR. In identifying those areas, I have considered the statements and recommendations made by 77 delegations and the presentation made and responses provided by the delegation of Timor-Leste. I have also considered the actions taken by the Government of Timor-Leste to implement the 146 recommendations supported during the second cycle of the UPR. The aforementioned areas cover a range of issues, which appear in the annex to this letter.

I welcome your Government's efforts in combatting gender-based violence through the adoption of national action plans, as well as actions undertaken to protect the rights of women, children and persons with disabilities, and to fight hunger. I also note with interest other measures undertaken by the Government, including the Spotlight Initiative Programme, the preparation of a legislative proposal on domestic work and the creation of shelters for victims of gender-based violence. I also acknowledge the initiatives to prepare a new national action plan against trafficking in persons and an Integrated Criminal Information Management System, in addition to the creation of the National Police Development Programme.

I encourage your Government to reconsider the legal age of marriage, as well as to make further efforts to improve access to health facilities, in particular to prevention methods in combatting diseases such as HIV/AIDS. It is also important to address the stigma and discrimination associated with people living with HIV/AIDS. I strongly encourage your Government to ensure an environment that is conducive to human rights defenders' and journalists' being able to work freely without fear of reprisals nor being subjected to serious criminal charges. I also encourage further efforts to improve law enforcement and other relevant institutions, including through educational policies, with a view to ensuring protection of vulnerable communities, in particular the LGBTI community.

./..

H.E. Mrs. Adaljíza MAGNO
Minister for Foreign Affairs and Cooperation
Democratic Republic of Timor-Leste

I encourage Timor-Leste to develop a comprehensive national human rights action plan in order to achieve concrete results in the areas highlighted in the annex to this letter and to facilitate preparations for the fourth cycle of the UPR. My advice to all Member States is to develop and implement national action plans in close consultation and cooperation with all stakeholders, in particular the national human rights institution and all civil society organizations and, where necessary, with the support of international organizations, including my Office and other United Nations entities, under the leadership of the United Nations Resident Coordinator.

I also encourage Timor-Leste to establish a national mechanism for comprehensive reporting and follow-up to recommendations received from all international and regional human rights mechanisms and to treaty obligations, linking them to the Sustainable Development Goals. To this end, I strongly recommend the use of the OHCHR practical guide on this topic, which is available at:

http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf

Please note that I am sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting States with the implementation of the recommendations, following the review. One important measure that can positively contribute to follow-up action is voluntary mid-term reporting. Therefore, I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the UPR outcome report. In this regard, I encourage the Government of Timor-Leste to consider submitting a mid-term report on follow-up to the third cycle of the review by 2024.

As stated by the Secretary-General in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *"The Human Rights Council's universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council's recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals."*

My Office looks forward to discussing with you ways in which it may assist Timor-Leste in relation to the areas identified in this letter and its annex.

Please accept, Excellency, the assurances of my highest consideration.



Michelle Bachelet
High Commissioner for Human Rights

cc.: H.E. Mr. Tiago SARMENTO
Minister of Justice
Democratic Republic of Timor-Leste

Mr. Hemansu Roy TRIVEDI
United Nations Resident Coordinator
Democratic Republic of Timor-Leste

Ms. Claudia SOARES GOMEZ DIAZ
Human Rights Adviser of the United Nations High Commissioner for Human Rights in
the Office of the United Nations Resident Coordinator
Democratic Republic of Timor-Leste

Annex

Scope of international obligations and cooperation with international human rights mechanisms and bodies

- Ratifying the Optional Protocols to the International Covenant on Civil and Political Rights, to the International Covenant on Economic, Social and Cultural Rights, and to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of Persons with Disabilities, the International Convention for the Protection of All Persons from Enforced Disappearance, as well as the Indigenous and Tribal Peoples Convention 1989 (No. 169) of the International Labour Organization.
- Continuing cooperation with human rights mechanisms, including treaty bodies and special procedures, in particular by issuing a standing invitation to all special procedures mandate holders.

National human rights framework

- Amending the Constitution to include sexual orientation, gender identity and intersex status as prohibited grounds of discrimination.
- Developing a national action plan for the protection and promotion of human rights.
- Taking steps to provide capacity-building programmes, including targeted training for law enforcement officials.

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

A. Cross-cutting issues

Equality and non-discrimination

- Adopting policies and measures to encourage and enhance meaningful participation of LGBTI persons in decision-making and leadership at national and subnational levels.
- Developing and adopting legal and administrative measures to investigate acts of discrimination, stigmatization and violence against persons based on sexual orientation, gender identity and expression, and sexual characteristics.

Development, the environment, and business and human rights

- Continuing to promote sustainable economic and social development and redoubling the efforts to reduce poverty so as to improve people's living standards.
- Implementing policies to prevent and combat climate change and natural disaster risk reduction, as well as continuing to advocate for global action to conserve the environment.
- Strengthening efforts to guarantee the participation of women, children, persons with disabilities and local communities when developing and implementing climate change and disaster risk reduction policies.

B. Civil and political rights

Right to life, liberty and security of person

- Bringing the definition of torture established in article 167 of the Criminal Code into line with article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and ensuring that this crime is properly sanctioned.
- Developing a national road map for the prevention of torture.

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

- Continuing the capacity-building efforts in the field of justice and the judiciary.
- Adopting the necessary measures to continue to reduce the length of proceedings before the courts.
- Ensuring the wide public dissemination and full and effective implementation of the recommendations of the Commission for Reception, Truth and Reconciliation and the Truth and Friendship Commission regarding victims' rights to justice, truth and reparation.
- Strengthening the prosecutorial efforts of the anticorruption commission and increasing its independence from government control.

Fundamental freedoms

- Ensuring that the proposed criminal defamation law, cybercrime law, and data privacy and protection law do not unduly restrict the right to freedom of expression both online and offline.
- Revising the media law to ensure that it is in line with international standards and best practices related to the exercise of the right to freedom of expression.
- Ensuring a safe, secure and enabling environment, in law and in practice, for human rights defenders and journalists to carry out their work without fear of acts of intimidation or reprisals.

Prohibition of all forms of slavery

- Continuing to work on strengthening national mechanisms for combating human trafficking and providing support to the victims.
- Providing adequate training and resources for all relevant front-line officials so they can effectively identify victims of human trafficking and offer victims appropriate assistance.

Right family life

- Amending the relevant legislation to set the minimum age of marriage at 18 years for boys and girls.

C. Economic, social and cultural rights

Right to work and to just and favourable conditions of work

- Continuing efforts to provide education and training opportunities to strengthen the capacity of Timor-Leste workers, particularly young people and the unemployed.

Right to social security

- Increasing the effective coverage of the new social security scheme that provides a retirement pension, disability pension, survivor pension and benefits, and parental (maternity and paternity) benefits.

Right to an adequate standard of living

- Ensuring adequate funding in the national budget to provide food security, safe water and health care, including for people living in rural areas and in line with national plans and initiatives.
- Ensuring the allocation of sufficient resources for social protection programmes targeting different vulnerable groups.
- Continuing to implement national strategies and plans for the eradication of poverty, hunger and malnutrition.
- Increasing access to drinking water and sanitation, particularly in rural areas.

Right to health

- Continuing efforts to ensure equal access to quality health services throughout the country in both urban and rural areas.
- Redoubling efforts in ensuring the full enjoyment of the right to health, in particular by strengthening health-care services to reduce maternal mortality, by broadening access to immunization, especially for the population living in remote rural areas, and by improving child nutrition.
- Ensuring that women, children, rural communities and those in vulnerable situations are prioritized in Timor-Leste's COVID-19 economic recovery measures, including better access to health care, education and adequate income.
- Taking measures to strengthen the public health system, including by increasing the availability of sexual and reproductive health information and services, as well as mental health services, adapted to the needs of young people.
- Increasing the availability of youth-friendly sexual and reproductive health services and information, including on HIV, sexually transmitted infections and access to family planning services.

Right to education

- Continuing implementing its national education strategy plan for 2011– 2030 to ensure full and inclusive access to education by all citizens.

- Increasing the percentage of the national budget dedicated to education in line with Sustainable Development Goal 4.
- Continuing its efforts with regard to education, adopting policies to enhance access for children from urban and rural areas, and ensuring inclusion in education for girls and children with disabilities.
- Promoting education for children and young people, by improving education accessibility and attendance for rural areas, increasing investment, and taking further steps to eradicate corporal punishment in schools.
- Continuing developing a policy of providing training to teachers through the National Institute for Training of Teachers and Education Professionals.

D. Rights of specific persons or groups

Women

- Addressing issues of gender inequality, by implementing policies and practices to reduce domestic violence and other forms of discrimination against women and girls.
- Fully implementing and adhering to the national action plan against gender-based violence, including committing the required financial resources to provide core services for victims and strengthening legal institutions in order to ensure appropriate prosecution of cases of violence against women and girls.
- Increasing the availability of essential services for survivors of gender-based violence, such as women's shelters and medical and psychosocial support, particularly in rural areas.
- Maintaining efforts to increase women's participation at the national, regional and local levels.
- Increasing opportunities for women and strengthening women's capacity in participating equally in supply chains and markets, and enhancing women's access to and control over productive resources and assets.

Children

- Continuing to implement the policy relating to the child protection system.
- Setting up measures to provide legislative and programmatic safeguards to protect children from discrimination, child labour, forced labour, human trafficking, sexual trafficking and exploitation.
- Taking additional measures to prevent and abolish early marriage throughout the country.
- Adopting and effectively implementing a national action plan on the elimination of the worst forms of child labour.
- Explicitly prohibiting corporal punishment of children and taking concrete steps to ensure that all children, including girls, have access to education and to reduce high rates of child malnutrition and teenage pregnancy.
- Redoubling efforts in improving child nutrition and food security.



Persons with disabilities

- Establishing a national council for persons with disabilities to provide advice to and support the relevant ministries with responsibility for issues affecting persons with disabilities.
- Investigating the reports of violence against women and children with disabilities, and ensuring that perpetrators are brought to justice.
- Integrating women's rights into legislation comprehensively and paying particular attention to the protection of the rights of women and girls living with disabilities.

Indigenous peoples

- Consider adopting programmes aimed at protecting and revitalizing indigenous languages that are at risk of disappearing.
- Protecting the traditional ownership of the Timorese people over their lands and prioritizing the adoption of the laws complementary to the Land Law.

Migrants, refugees and asylum seekers

- Ensuring compliance with non-refoulement principles, by ensuring that all asylum seekers are given access to fair and efficient asylum procedures, including access to relevant information, interpretation and legal services.
- Implementing policies or strategies to ensure that migrant detention is used only as a measure of last resort, in line with the Migration and Asylum Law.

Stateless persons

- Introducing legislation establishing a statelessness determination procedure and collecting 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.

