



# International Covenant on Civil and Political Rights

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## Human Rights Committee

### List of issues prior to submission of the initial report of Timor-Leste\*

#### A. General information on the national human rights situation, including new measures and developments relating to the implementation of the Covenant

1. Please report on the main developments in the legal and institutional framework within which human rights are promoted and protected that have taken place since the ratification of the Covenant, especially in the past 10 years.

#### B. Specific information on the implementation of articles 1 to 27 of the Covenant

##### Constitutional and legal framework within which the Covenant is implemented (art. 2)

2. Please provide information about the constitutional and legal framework within which the Covenant is implemented, including information on the coexistence of statutory law alongside the traditional customary legal system and the compatibility of those systems with the Covenant. In this regard, please provide examples of any cases in which the courts have invoked or directly applied the provisions of the Covenant and indicate what measures have been taken to raise awareness of the Covenant among judges, prosecutors, lawyers and the public. Please also indicate whether the State party intends to ratify the Optional Protocol to the Covenant.

3. Please report on the measures taken to ensure that the Office of the Provedor for Human Rights and Justice of Timor-Leste functions in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). In particular, please provide information on the provision of sufficient financial and human resources for the Office's effective functioning. Please indicate the steps taken to guarantee the Office's independence and impartiality, including information on the selection criteria and the security of tenure for the Deputy Provedor.

##### Non-discrimination (arts. 2–3, 23 and 25–26)

4. Please indicate whether the State party has or intends to adopt comprehensive anti-discrimination legislation that provides a clear definition of and criminalizes direct, indirect and multiple discrimination in all spheres, including in the private sphere, contains all the grounds prohibited under the Covenant, and provides for effective remedies in judicial and administrative proceedings for victims of discrimination. Please include statistics on complaints of discrimination received during the past eight years, along with an indication of

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\* Adopted by the Committee at its 132nd session (28 June–23 July 2021).



the basis of discrimination, the nature of investigations conducted and their outcome, and any redress provided to victims.

**Combating impunity and past human rights violations (arts. 2, 6–7 and 17)**

5. Please report on all the efforts made to combat impunity, in particular with respect to past serious human rights violations committed during the Indonesian occupation (1975–1999) and in the aftermath of the State party’s independence referendum in 1999, including alleged cases of enforced disappearances, extrajudicial killings, torture and rape. Please provide updated information on the prosecution and conviction of perpetrators and the provision of adequate remedies for victims. In this regard, please clarify whether there is specific domestic legislation on reparations for victims of past human rights violations.

**Anti-corruption measures (arts. 2 and 25)**

6. Please report on the measures taken to prevent and combat corruption effectively, including information on the new anti-corruption law (Law No. 7/2020) and its compatibility with the Covenant. Please include statistical information on the number of investigations into and prosecutions for corruption in the past eight years and, in particular, information on cases involving high-level public officials. Please describe the mandates of the existing anti-corruption bodies, including the Anti-Corruption Commission, and comment on reports that insufficient financial resources are provided to these bodies, their mandates are limited and there is a lack of effective cooperation with the Office of the Prosecutor General.

**Gender equality (arts. 3 and 25–26)**

7. Please report on all measures taken, including by the Secretary of State for the Promotion of Equality, to: (a) eradicate the patriarchal attitudes and stereotypes that perpetuate discrimination against women; and (b) achieve the equitable representation of women in public and political life, especially in decision-making positions.

**State of emergency (art. 4)**

8. Please report on the State party’s legal framework concerning states of emergency, including information on its provisions, sanctions for violating the law, the possibility of judicial oversight of its application, and its compatibility with the Covenant, the Constitution and other national legal standards. Please explain whether there have been derogations from any rights under the Covenant during the states of emergency declared in response to the coronavirus disease (COVID-19) pandemic. Bearing in mind the Committee’s statement on derogations from the Covenant in connection with the COVID-19 pandemic,<sup>1</sup> please indicate whether any such derogations met the strict requirements of proportionality to the exigencies of the situation, relating to duration, geographical coverage and material scope, as well as whether other States parties were notified through the Secretary-General of the United Nations.

**Violence against women and domestic violence (arts. 2–3, 6–7 and 26)**

9. Please report on the legislative and other measures taken, including the 2017–2021 National Action Plan against Gender-based Violence, to prevent and combat violence against women and girls, including domestic and sexual violence, particularly in light of the increased number of cases of domestic violence during the COVID-19 pandemic. Please also provide updated information on: (a) the number of complaints filed concerning the various forms of violence against women, including domestic and sexual violence; (b) the investigations into and prosecutions of those complaints; (c) the sentences handed down; and (d) the measures taken for the protection, compensation and rehabilitation of victims.

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<sup>1</sup> CCPR/C/128/2.

**Voluntary termination of pregnancy and sexual and reproductive rights (arts. 3 and 6–7)**

10. Please report on the measures taken to improve access to sexual and reproductive health care, including access to safe abortion services, contraception and information in this respect, particularly for women and girls living in remote areas and rural areas.

**Right to life (art. 6)**

11. Please provide information on the legal framework on the use of force by the police, including during demonstrations. Please indicate whether the relevant laws comply with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement. Please comment on allegations of excessive use of force by security forces and police officers, including during arrests, and of misconduct by off-duty police officers, including the killing of three young men in Dili on 18 November 2018. Please provide information on the number of complaints filed, investigations conducted and prosecutions initiated, and on the sentences and penalties imposed on the perpetrators of such acts.

**Prohibition of torture and other cruel, inhuman or degrading treatment or punishment (art. 7)**

12. Please describe the legislative framework to prevent and combat torture, including the definition thereof and penalties stipulated in criminal legislation, and describe their compatibility with the Covenant. Please provide statistical information on the number of complaints received concerning torture or ill-treatment, and on the investigations, prosecutions and redress provided to the victims of such acts.

**Liberty and security of person (art. 9)**

13. Please indicate all the measures that are in place to ensure full respect of the fundamental procedural safeguards for detained persons, including the rights to have prompt access to a lawyer and to be brought before a judge within a prompt and prescribed time frame. Please report on the steps taken to reduce the use and duration of pretrial detention, including through increasing the use of non-custodial alternative measures to pretrial detention. In this regard, please include statistical data on the number of pretrial detainees and the actual application of alternative measures for the past eight years.

**Treatment of persons deprived of liberty (art. 10)**

14. Please provide information on the progress achieved in reducing prison overcrowding, particularly in Becora and Gleno prisons, and in improving material conditions in prisons and police detention facilities, including the adequate provision of bedding, water and food. Please indicate all the measures that have been taken to ensure adequate access to health and medical services for detainees, particularly in relation to tuberculosis and the COVID-19 pandemic. Please clarify whether pretrial detainees are kept separate from convicted prisoners, women from men, and children from adults in all detention facilities.

**Elimination of slavery, servitude and trafficking in persons (arts. 2, 7–8 and 26)**

15. Please report on the legislative and other measures taken to prevent and combat trafficking in persons, including for the purposes of sexual and labour exploitation, and include information on the investigation, prosecution and conviction of perpetrators and provision of protection, including shelters, and redress to victims. In particular, please report on the steps taken to: (a) address labour exploitation, including forced labour of children and migrant workers, especially in the agriculture, construction, mining and fishing sectors; and (b) provide training for law enforcement, judicial and migration officials, particularly on the identification and referral of victims of trafficking, especially victims of sexual exploitation.

**Treatment of aliens, including asylum seekers, refugees and stateless persons (arts. 7, 9, 12–13 and 24)**

16. Please provide information on the legal and administrative framework regulating asylum and statelessness, such as the 2017 Immigration and Asylum Act, and include statistical information on the number of asylum seekers, refugees, internally displaced persons and stateless persons in the State party. In light of the 72-hour time frame to submit an asylum application under section 100 (1) of the 2017 Act, please describe the measures taken to ensure that all asylum seekers have effective access to the territory of the State party and to fair asylum procedures. Please describe the mechanisms and criteria applied before the extradition, expulsion or deportation of foreign nationals from the State party in order to evaluate and verify the risk of being subjected to torture or other serious human rights violations upon their return.

**Access to justice, independence of the judiciary and fair trial (arts. 2 and 14)**

17. Please provide information on the measures taken to: (a) ensure access to the formal justice system for all, especially for those living in areas where courts have not been established, including information on awareness-raising efforts in this respect; (b) effectively address the backlog in courts. Please report on the steps taken to ensure the independence of the judiciary from the executive and political influence. Please describe the current procedures and criteria for the selection, appointment, suspension and removal of judges.

**Freedom of religion or belief (art. 18)**

18. Please provide information on measures taken to guarantee the right to freedom of thought, conscience and religion, and on the State party's relevant legal framework and its compatibility with the Covenant. Please comment on allegations of: (a) acts of violence committed against members of religious minority groups; and (b) discriminatory treatment of non-Catholic religious organizations by the Government and public officials, such as unequal budget allocations to those organizations and the rejection of marriage or birth certificates issued by them.

**Freedom of expression (arts. 19–20)**

19. Please provide information on the State party's legal and regulatory frameworks governing the right to freedom of expression, including the 2015 media law, the draft criminal defamation law proposed in June 2020 and the draft cybercrime law proposed in January 2021, and on their compatibility with the Covenant. Please also provide information on the mandate of the Press Council and the steps taken to ensure its independence and impartiality. Please respond to reports of political interference in the media and the practice of self-censorship by media outlets, often due to their reliance on government funding.

**Right of peaceful assembly (art. 21)**

20. Please provide information on the State party's legislation governing the right of peaceful assembly, including the law on freedom of assembly and demonstration (Law No. 1/2006) and on its compatibility with article 21 of the Covenant and the Committee's general comment No. 37 (2020) on the right of peaceful assembly. Please respond to allegations of arrests of peaceful protestors, including student protestors in August 2019 and September 2020, and intimidation by security forces of those who plan to hold peaceful assemblies.

**Rights of the child (arts. 7, 9–10, 14, 23–24 and 26)**

21. Please provide information on the measures taken to: (a) prevent and combat violence against children, including sexual violence, especially in rural areas, including information on the investigation, prosecution and conviction of perpetrators and provision of protection, including shelters, and redress to victims; (b) prohibit, in law and in practice, corporal punishment of children; and (c) ensure that all children are duly registered at birth.

**Participation in public affairs (arts. 25–26)**

22. Please report on the legislative and other measures taken to ensure the holding of free, fair and transparent elections, including information on the role of the National Election Commission and Technical Secretariat for Electoral Administration in this respect. Please indicate the steps taken to: (a) ensure the right to vote for all, especially persons with disabilities; and (b) fully implement campaign finance regulations, such as Law No. 3/2004 on political parties, Law No. 6/2008 on the legal regime for the financing of political parties and government decree No. 18/2017, and describe any existing oversight mechanisms.

**Rights of indigenous peoples (arts. 6 and 27)**

23. Please provide information on the legislative and other measures taken to ensure the promotion and protection of the rights of indigenous peoples and to obtain their effective and informed participation in decisions that affect them, particularly concerning land rights and the use of natural resources. In relation to the large-scale development projects being implemented on the customary lands of indigenous communities, please indicate the efforts made to: (a) conduct meaningful consultations to secure their prior, free and informed consent in this regard; and (b) provide redress to members of those communities.

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