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Country:

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Year:

2015

FIW Status:

PF

PR Rating:

3

CL Rating:

3

Aggregate Score:

65

Combined Freedom Score:

3.0

Overview:

East Timor's internal security situation continued to improve in 2014, but government actions raised concerns at home and abroad regarding the commitment to democratic principles of the administration of Prime Minister Kay Rala Xanana Gusmão. Reconciliation between Gusmão and the opposition leader as well as the neutralization of armed, revolutionary ex-guerrilla groups helped reinforce political stability, but several high-level corruption scandals plagued the cabinet during the year.

In October, Parliament adopted a controversial media law, and the government revoked the work authorization of five foreign judges and three other international staff members working for judicial and anticorruption bodies. These two developments severely undermined the independence and capacity of the country's legal system and media.

Economic growth was a primary concern of the government in 2014. East Timor remains one of the poorest countries in southeast Asia.

Ratings Change:

East Timor's civil liberties rating improved from 4 to 3 due to a decrease in restrictions on peaceful assembly and an overall improvement in the internal security situation over the past several years.

Political Rights and Civil Liberties:

Political Rights: 29 / 40 [Key]

A. Electoral Process: 11 / 12

The leader of the majority party or coalition in the 65-seat, unicameral Parliament becomes prime minister. The directly elected president is a largely symbolic figure, with formal powers limited to the right to veto legislation and make certain appointments. The president and members of Parliament serve five-year terms, with the president eligible for a maximum of two terms.

In presidential and parliamentary elections in 2012, observers deemed the voting largely free and fair. José Maria Vasconcelos, better known as Taur Matan Ruak, won the presidential election as an independent in a run-off against former parliamentary speaker Francisco Guterres of the Revolutionary Front for an Independent East Timor (Fretilin). Due to the 3-percent threshold required to enter Parliament, only 4 out of 21 competing parties garnered seats in the legislative elections. The National Congress for Timorese Reconstruction (CNRT) secured 30 seats. It formed a coalition with the Democratic Party, which won 8 seats, and the new National Reconstruction Front of East Timor–Change (Frenti-Mudança), which had broken from Fretilin in 2011 and took 2 seats in the elections. Gusmão secured a second term as prime minister. Fretilin secured 25 seats and remained in opposition.

B. Political Pluralism and Participation: 12 / 16

The main players in Timorese politics are the governing coalition controlled by the CNRT, and the opposition Fretilin, which led East Timor's first elected government from 2001 to 2007. Independence heroes and their rivalries dating back to the anti-Indonesian resistance movement continue to dominate national politics, at times causing governmental paralysis and even violence. Parties have made little effort to prepare a new generation of political leaders.

There is a significant opposition vote, but Parliament has shown little initiative in its government oversight functions or the development of draft legislation. Draft bills introduced by the government are rarely debated. Fretilin has been more conciliatory toward government proposals in Gusmão's second term as compared to his first.

Cultural, ethnic, and religious minorities have full political rights and electoral opportunities. Amendments to the election laws made in 2011 require one-third of candidates on party lists for parliamentary elections to be female.

C. Functioning of Government: 6 / 12

Despite a relatively large cabinet of 55 members, power is concentrated in the 15-member Council of Ministers and the person of Gusmão, who also serves as minister of defense and security.

Voter frustration with corruption and nepotism has plagued both Fretilin- and CNRT-led governments. In one high-profile case, President Ruak granted an official pardon in August 2014 to former justice minister Lucia Lobato, who had been found guilty of corruption related to a government procurement project and sentenced to five years in prison in 2012. The pardon overrode the Supreme Court's 2013 rejection of her appeal. In August 2014, Finance Minister Emilia Pires, a close associate of Gusmão, was indicted over a contract for hospital beds awarded to a firm owned by her husband.

An anticorruption commission was created in 2009 with a broad mandate, except for powers of prosecution. A foreign police officer working with the commission was among the international citizens who lost their visas in November, following resistance by Gusmão to commission attempts to question government officials.

East Timor was ranked 133 out of 175 countries and territories surveyed in Transparency International's 2014 Corruption Perceptions Index.

Civil Liberties: 36 / 60

D. Freedom of Expression and Belief: 12 / 16

Media freedom is protected in the Timor constitution. In practice, however, the free flow of information remains hampered, primarily by poor infrastructure and scarce resources. Domestic media outlets are vulnerable to political pressure due to their reliance on government financial support in a media market with small audiences, low literacy rates, and limited nongovernmental sources of paid advertising. Radio is the medium with the greatest reach; printing costs and illiteracy rates generally prevent the expansion of print media. The country has four major daily newspapers, some of which are loosely aligned with the ruling or opposition parties. Only about 1 percent of the population has access to the internet.

Journalists are often treated with suspicion, particularly by government officials, and in many cases practice self-censorship. Authorities regularly deny access to government information. The 2009 penal code decriminalized defamation but retained provisions against "slandorous denunciation," and defamation remains part of the civil code.

In October 2014, Parliament unanimously passed a controversial media law. The final law did not include several earlier provisions that had been struck down by the Court of Appeals, but it restricted foreign investment in Timorese media to 30 percent. The final version also included other elements that press advocates criticized as undermining media freedom, such as the creation of a government-sponsored Press Council with the power to fine journalists for "undesirable" reports, a requirement that all reporters be accredited by the state, and a prerequisite that journalists have minimum academic qualifications and professional experience—a high bar in a poor, developing country. The law also opened the possibility that restrictive provisions could be applied to bloggers, book authors, publishers, and social media users. The law came into effect in December, though the constitutionality of the foreign investment provision remained contested.

Freedom of religion is protected in the constitution, and East Timor is a secular state, though approximately 97 percent of the population is Roman Catholic. Protestant groups have reported some cases of discrimination and harassment. While religious education is included

in the school curriculum, parents may remove their children from the classes. Academic freedom is generally respected.

E. Associational and Organizational Rights: 8 / 12 (+1)

Freedoms of association and assembly are constitutionally guaranteed and generally respected in practice. A 2004 law regulates political gatherings and prohibits demonstrations aimed at “questioning constitutional order” or disparaging the reputations of the head of state and other government officials. The law requires that demonstrations and public protests be authorized in advance and restricts how close these activities can be to government buildings and critical infrastructure. However, these restrictions have almost never been enforced in recent years. Nongovernmental organizations (NGOs) can generally operate without interference, although the state has more actively monitored and regulated their work since independence. Few NGOs operate outside of the capital.

Workers, other than police and military personnel, are permitted to form and join labor unions, bargain collectively, and strike; in practice, however, labor organizations are slow to form. Unionization rates are also low due to high levels of unemployment and informal economic activity. A 2011 law requires written notification five days in advance of a strike.

F. Rule of Law: 7 / 16 (+1)

East Timor suffers from weak rule of law and a prevailing culture of impunity, which were exacerbated by several shake-ups in the composition of the judiciary in 2014. In February, Claudio de Jesus Ximenes, president of the Court of Appeal—the country’s highest judicial body—resigned amid accusations of mishandling the case against former minister of justice Lobato. In October, the Gusmão administration pushed through two parliamentary resolutions that terminated the contracts of all foreigners working in judicial, prosecutorial, and anticorruption institutions. Although the resolutions linked the action to their technical capacity after court decisions against the government in cases involving taxation of oil revenue, many observers suspected government concerns over ongoing and potential future corruption cases involving high-level Timorese officials. Moreover, at least one of the judges had handled Lobato’s case on the Court of Appeals, causing some observers to speculate the expulsion was a form of reprisal. A week after the resolutions, the government revoked the work visas and permits of eight foreign judicial and anticorruption officials and gave them 48 hours to leave the country. The group included five of the country’s 29 judges. Several other international judicial staff subsequently left the country or had their work suspended. As a result of the de facto expulsions, legal proceedings in some courts were delayed or faced retrial. The government’s actions drew widespread international condemnation.

A considerable backlog in the courts is ongoing, despite the introduction of mobile courts in 2008. Due process rights are often restricted or denied, owing largely to a dearth of resources and personnel. The use of the Portuguese language for court administration poses an obstacle in district courts due to the limited number of Portuguese speakers and the challenge of translating legal terms into local languages. Absence of Portuguese interpreters often forces the adjournment of trials.

Alternative methods of dispute resolution and customary law are widely used, though they

lack enforcement mechanisms and have other significant shortcomings, including unequal treatment of women. A 2013 Asia Foundation report found that those who have knowledge of the formal court system have confidence in it, but most Timorese have greater confidence in local justice mechanisms.

East Timor began operating without direct international support in 2013 for the first time since independence. Internal security continued to improve in 2014 after authorities neutralized two groups of ex-guerrillas who had threatened to forcibly dissolve Parliament and cancel the 2002 constitution. In March 2014, leaders of the two groups surrendered to the police after Parliament approved action against them. They were awaiting trial at year's end.

The military and national police are constitutionally subject to oversight by a civilian secretary of state, a post currently held by Prime Minister Gusmão. According to a July 2014 report by the Institute for Policy Analysis of Conflict (IPAC), the national police force suffers from lack of leadership legitimacy, which constrains reform and professionalization. Police officers and soldiers are regularly accused of excessive force and abuse of power, though the courts have had some success in prosecuting them.

The law bans discrimination based on sexual orientation, and hate crimes based on sexual orientation are considered an aggravating circumstance in the penal code. Issues like sexual orientation and gender identity reportedly receive little public attention, but a small number of LGBT (lesbian, gay, bisexual, and transgender) advocacy organizations have been established.

G. Personal Autonomy and Individual Rights: 9 / 16

Citizens enjoy freedom of unrestricted travel, though travel by land to the enclave of Oecusse is hampered by visa requirements and Indonesian and Timorese checkpoints. The country's citizens also enjoy free choice of residence and employment, but unemployment rates are high, and an estimated 80 percent of the population still works in subsistence farming.

The status and reintegration of the thousands of Timorese refugees living in the Indonesian province of West Timor—having fled a 1999 Indonesian crackdown in East Timor following that year's referendum on independence—remained unresolved in 2014. The Timorese government has long encouraged the return of the refugees, but concerns over access to property and other rights, as well as the status of former militia members, continue to hinder their return.

While Timorese have the right to establish businesses, property rights are complicated by the legacies of the Portuguese and Indonesian administrations. Community property comprises approximately 90 percent of the land in East Timor. In 2012, then president José Ramos-Horta vetoed three land laws passed by Parliament to create a legal category for communal land and establish a mechanism for resolving land disputes outside of the court system. A new draft land law was amended and presented to Parliament in 2013 but was still pending at the end of 2014.

Equal rights for women are constitutionally guaranteed, but discrimination and gender inequality persist in practice and in customary law. Women hold 25 of the 65 seats in Parliament. Despite a 2010 law against domestic violence, gender-based and domestic violence remain widespread. A 2014 report by UNICEF found that 30 percent of adolescent

girls had been victims of violence, most often by female family members. Civil society groups have criticized the courts' use of prison sentences for only the most severe and injurious domestic violence cases. Many victims are reluctant to seek justice. East Timor is a source and destination country for human trafficking into forced labor and prostitution.

Scoring Key: X / Y (Z)**X = Score Received****Y = Best Possible Score****Z = Change from Previous Year****Full Methodology****Source URL:** <https://freedomhouse.org/report/freedom-world/2015/east-timor>