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## East Timor

**Country:**

East Timor

**Year:**

2014

**FIW Status:**

PF

**PR Rating:**

3

**CL Rating:**

4

**Aggregate Score:**

34

**Combined Freedom Score:**

3.5

**Overview:**

East Timor began operating without direct international support for the first time in 2013. The UN Integrated Mission in Timor-Leste (UNMIT) departed in late 2012, and the last personnel from the Australian-led International Stabilization Force (ISF) withdrew in March, leaving local authorities with sole responsibility for security.

The country's stability rested in part on continuity in Timorese leadership, dominated by figures from the independence struggle such as Prime Minister Kay Rala Xanana Gusmão and President Taur Matan Ruak, and also on heavy government spending on infrastructure and other development projects. A May 2013 report by the International Crisis Group warned of government leaders' overreliance on their personal authority rather than institutional arrangements to solve problems, as well as the need for reforms before current independence leaders retire from public service and revenue from oil and gas reserves is depleted.

Economic growth was a critical concern in the government's 2014 budget and its 2011 strategic development plan. East Timor remains one of the poorest countries in Southeast Asia, and the state budget draws heavily on revenue from its well-regarded and ably managed Petroleum Fund. The fund reached over \$14.9 billion in 2013, though at current rates and with no additional planned projects it was expected to be exhausted by 2025.

High-level corruption accusations have continued into Gusmão's second term, though the judiciary has had some success in delivering convictions. The conviction of former justice minister Lúcia Lobato was upheld by the Supreme Court in January 2013.

Allegations emerged in 2013 that Australia had spied on East Timor's government in 2004 during discussions over a gas deal; East Timor claimed that the spying put it at a disadvantage in negotiations over potential oil and gas royalties and opened a case with the International Court of Justice at The Hague.

## **Political Rights and Civil Liberties:**

**Political Rights:** 29 / 40 [Key]

### **A. Electoral Process:** 11 / 12

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

East Timor successfully completed presidential and parliamentary elections in 2012, and despite some minor technical problems, the voting was deemed largely free and fair by observers. The first round of the presidential contest in March was led by Francisco Guterres, known as Lú-Olo, the party chairman of the Revolutionary Front for an Independent East Timor (Fretilin), and José Maria Vasconcelos, better known as Taur Matan Ruak, the former head of the National Defense Force (F-FDTL). Ruak, who ran as an independent but received last-minute support from Gusmão's National Congress for Timorese Reconstruction (CNRT) party, won in the second round in April with 61 percent of the vote.

Due to the 3 percent electoral threshold to enter Parliament, only 4 out of 21 competing parties garnered seats in the July legislative elections. Gusmão secured a second term as prime minister after the CNRT captured 30 seats, just short of the number needed to form a government alone. The CNRT entered into 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. The new government took office in August. Fretilin, which had led the first elected government from 2001 to 2007, 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 Gusmão's CNRT and Fretilin, led by former prime minister Mari Alkatiri, who does not have a seat in Parliament. 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. A 2006 political and security crisis resulted in widespread rioting, armed clashes with the police, numerous deaths, and the displacement of over 150,000

people.

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. Nevertheless, there were some signs of progress in 2013. Despite not serving in Parliament, Alkatiri led an ad hoc committee that succeeded in slightly reducing the government's proposed budget, demonstrating the first signs of a credible policy alternative. Gusmão responded positively to the budget debates by proposing that ministers report to Parliament every three months.

Cultural, ethnic, and religious minorities have full political rights and electoral opportunities in East Timor. Women hold 25 of the 65 seats in Parliament. Amendments to the election laws in 2011 required one-third of candidates on party lists for parliamentary elections to be women.

### **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 holds the portfolio of the Ministry of Defense and Security. The government has been criticized for not spending down its budget and delaying obligatory payments, due in part to mismanagement, limited human resources, and political impasse.

Voter frustration with corruption and nepotism has plagued both Fretilin- and CNRT-led governments. An anticorruption commission was created in 2009 with a broad mandate, except for powers of prosecution. In 2012, former justice minister Lobato was found guilty of corruption on a government procurement project and sentenced to five years in prison; her appeal was rejected in December 2012, and a subsequent extraordinary appeal to the Supreme Court was rejected in January 2013. In March, Secretary of State for Institutional Strengthening Francisco da Costa Soares Borlaco was charged with abuse of power during his tenure as director general of the Ministry of Finance; in May Parliament suspended him from his current position; in June, he was acquitted. In November, three high-level officials from the Ministry of the Environment—a former secretary of state, a former chief of staff, and a former treasurer—were sentenced to between one and five years in prison for crimes ranging from active corruption to falsification of documents. A contract with a Chinese company to supply school furniture came under fire during the year; the same company had won a contract in 2008 to build power plants and a national electricity grid, but failed to complete the project, forcing the government to turn to other companies and incur a significant loss and delay.

East Timor was ranked 119 out of 177 countries and territories surveyed in Transparency International's 2013 Corruption Perceptions Index.

**Civil Liberties: 34 / 60**

### **D. Freedom of Expression and Belief: 12 / 16**

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. Two journalists from different newspapers were indicted in 2012 for allegedly writing false accounts of a prosecutor’s handling of a fatal 2011 traffic accident. In March 2013, neither were found guilty of a criminal act, but they were ordered to pay small fines as civil compensation. A National Code of Ethics, drafted by several media organizations, was adopted by journalists in November at the National Congress of Journalists.

The free flow of information remains hampered primarily by poor infrastructure and scarce resources. Radio is the medium with the greatest reach. The country has four major daily newspapers, some of which are loosely aligned with the ruling or opposition parties. Printing costs and illiteracy rates generally prevent the expansion of print media. In 2013, only about 1 percent of the population had access to the internet.

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

#### **E. Associational and Organizational Rights: 7 / 12**

Freedoms of association and assembly are constitutionally guaranteed. However, 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. Nongovernmental groups can generally operate without interference, though the government extended its ban on *pencak silat* martial-arts clubs in July 2013 after rivalry among the clubs led to several violent incidents during the first half of the year.

Workers, other than police and military personnel, are permitted to form and join labor organizations, bargain collectively, and strike; in practice, however, labor organizations are slow to form. In 2011, the government approved a law governing the right of workers to strike, which reduced the time required for written notification prior to a strike from 10 days to 5 days. A new labor law implemented in 2012 established a minimum wage of \$115 per month, among other provisions. Unionization rates are low due to high levels of unemployment and informal economic activity.

#### **F. Rule of Law: 6 / 16**

The country suffers from weak rule of law and a prevailing culture of impunity. There is a considerable backlog in the understaffed court system; mobile courts were introduced in 2008 to improve access to justice outside of the capital. Due process rights are often restricted or denied, owing largely to a dearth of resources and personnel. 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. According to

a 2013 Asia Foundation report, while those who have knowledge of the formal court system have confidence in it, most Timorese have greater confidence in local justice mechanisms.

Internal security continued to improve in 2013. Gang violence—sometimes directed by rival elites or fueled by land disputes—continued sporadically, including clashes among *pencak silat* groups, though these are now banned. A dissident group, the Committee for the Popular Defense of the Democratic Republic of East Timor (CPD-RDTL), which rejects the current political system and government and advocates a return to the 1975 constitution and declaration of independence by Fretilin, raised its profile in 2013 when its members, mostly former anti-Indonesian guerrilla fighters, wore military fatigues and occupied land. They were forcibly evicted by the government, but concern about CPD-RDTL's plans persisted through the end of the year.

The military (F-FDTL) and police (PNTL) are constitutionally subject to oversight by a civilian secretary of state; Prime Minister Gusmão currently holds the relevant ministry's portfolio. Tension between the police and the military contributed to the 2006 political and security crisis, but it has since diminished significantly. Disputes regarding promotions are particularly acute in the PNTL, though the government made progress in 2013 on resolving the matter. While police officers and F-FDTL soldiers are regularly accused of excessive force and abuse of power, the courts have had some success in prosecuting them.

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 2013. 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, continues to hinder their return.

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, but 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, though unemployment rates are high, and an estimated 80 percent of the population still works in subsistence farming.

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, and land reform remains an unresolved and contentious issue. In February 2012, the outgoing Parliament passed three land laws that facilitated grant titles for plots with uncontested ownership, created a legal category for communal land, and established a system to resolve land disputes outside of the court system. However, then president José Ramos-Horta vetoed the laws, citing a lack of societal consensus, among other reasons. A new draft land law was amended and presented to Parliament in 2013, and was pending at year's end.

Equal rights for women are constitutionally guaranteed, but discrimination and gender inequality persist in practice and in customary law. Despite a 2010 law against domestic violence, gender-based and domestic violence remain widespread. A 2013 report by the UN Development Programme noted that many victims of domestic violence are deterred from seeking justice by factors including the desire to preserve family networks, the economic dependence of victims on perpetrators, community pressure, and perceived consequences of working within the formal justice system—such as abandonment or divorce. 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**

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