

Timor-Leste

Country:

Timor-Leste

Year:

2016

Freedom Status:

Partly Free

Political Rights:

3

Civil Liberties:

3

Aggregate Score:

65

Freedom Rating:

3.0

Overview:

In February 2015, the ruling National Congress for Timorese Reconstruction (CNRT) formed a new unity government with the Revolutionary Front for an Independent Timor-Leste (Fretilin), previously in opposition. Independence leader Kay Rala Xanana Gusmão resigned as prime minister and was succeeded by Rui Maria de Araújo, a former health minister from Fretilin. Araújo represents a younger generation whose legitimacy stems in part from technical and professional skills rather than solely from participation in the independence struggle. The decision to bring Fretilin into the governing coalition was also an effort to restore a consensus-driven approach to government and prevent a recurrence of the instability that affected the country in 2006. Gusmão retained a seat in the cabinet as minister for planning and strategic investment.

Internal security continued to improve in 2015. In August, Paulino Gama, popularly known as Mauk Moruk, was shot and killed during a joint police-military operation targeting his Maubere Revolutionary Council (KRM), which had allegedly carried out attacks on police earlier in the year. KRM and another outlawed group, the Committee for the Popular Defense of the Democratic Republic of Timor-Leste (CPD-RDTL), do not represent a significant threat to physical security, but they had challenged Gusmão's legitimacy as well as that of the constitution. Mauk Moruk had been apprehended in March 2014 after both organizations were declared illegal by Parliament, but he was released on bail in December of that year.

Economic growth continued to be the government's primary concern in 2015. Timor-Leste remains one of the poorest countries in Southeast Asia. It depends on large drawdowns from its Petroleum Fund to finance infrastructure development projects and programs that ensure peace and stability, including payments to veterans of the independence struggle and army deserters who catalyzed the 2006 crisis. The withdrawals have exceeded sustainable levels for several years, and the fund could be depleted by 2025, according to some projections.

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 president and members of the 65-seat, unicameral Parliament serve five-year terms, with the president eligible for a maximum of two terms. The leader of the majority party or coalition in Parliament becomes prime minister.

Presidential and parliamentary elections were held in 2012, and observers deemed the voting largely free and fair. José Maria Vasconcelos, popularly known as Taur Matan Ruak, won the presidential election as an independent in a runoff against former parliamentary speaker Francisco Guterres of Fretilin. Due to the 3 percent vote threshold required to enter Parliament, only 4 out of 21 competing parties garnered seats. CNRT led with 30 seats and formed a coalition with the Democratic Party, which won 8 seats, and the new National Reconstruction Front of Timor-Leste—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 won 25 seats and remained in opposition until the February 2015 coalition deal, in which Gusmão stepped down and was replaced by Araújo of Fretilin.

B. Political Pluralism and Participation: 12 / 16

Fretilin led Timor-Leste's first elected government from 2001 to 2007 with little opposition, after which CNRT was formed and led all successive governments, with Fretilin in opposition. Although the new coalition agreement brokered in 2015 was meant in part to make way for a new generation of leadership, independence heroes and their rivalries dating back to the anti-Indonesian resistance movement continue to dominate national politics, and have at times caused governmental paralysis or even violence, as in the 2006 crisis. The 2015 agreement left no formal opposition force in Parliament.

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

Although Fretilin focused attention on specific cases of government corruption and financial mismanagement during its time in opposition, Parliament in general has shown little initiative in government oversight functions or the development of draft legislation. Draft bills introduced by the government are rarely debated. Some civil society organizations have played an oversight role by challenging the government on issues such as the budget, use of the Petroleum Fund, and the independence of the judicial sector. In December 2015, the president vetoed a proposed budget for 2016 that had been approved by Parliament, citing unsustainable spending and drawdowns from the Petroleum Fund.

Voter frustration with corruption and nepotism has plagued both Fretilin- and CNRT-led governments, and the new coalition cabinet in 2015 replaced several ministers who had been connected to past or current corruption cases. In 2014, Finance Minister Emilia Pires, a close associate of Gusmão, was indicted over a contract for hospital beds that was awarded to a firm

owned by her husband. She was not included in the new cabinet, and her trial was incomplete at year's end.

According to the constitution, the immunity of members of the government is automatically lifted if they are charged with a crime carrying more than two years in prison. In practice, however, the courts ask Parliament to lift immunity before proceeding with a case, and Gusmão sent a letter in late 2014 asking Parliament not to remove the immunity of government officials in the interests of government continuity and functioning. The letter was widely believed to have been written in support of Pires and the speaker of Parliament, Vicente Guterres, who was under suspicion in a separate procurement case.

An anticorruption commission created in 2009 has a broad mandate but lacks the authority to prosecute suspects. Timor-Leste was ranked 123 out of 168 countries and territories surveyed in Transparency International's 2015 Corruption Perceptions Index.

Civil Liberties: 36 / 60

D. Freedom of Expression and Belief: 12 / 16

Media freedom is protected in the 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 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 several daily newspapers and tabloids, some of which are loosely aligned with political parties. Estimates on internet penetration have varied in recent years, but according to the latest data from the International Telecommunication Union, the rate reached 13 percent in 2015.

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 false accusation, and defamation remains part of the civil code. There are sporadic reports of violence against journalists, including four assaults by police officers in March and April 2015.

A 2014 media law created a government-sponsored Press Council with the power to revoke journalists' credentials under a new licensing system. The law also stipulated that foreign owners may hold no more than a 30 percent stake in Timorese media outlets.

Freedom of religion is protected in the constitution, and Timor-Leste 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, and there are few constraints on open and free private discussion.

E. Associational and Organizational Rights: 8 / 12

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

Timor-Leste suffers from weak rule of law and a prevailing culture of impunity, which were exacerbated by shake-ups in the composition of the judiciary in 2014. Late in the year, the government, with support from Parliament, terminated the contracts and revoked the visas of foreigners working in judicial, prosecutorial, and anticorruption institutions. Due to limited capacity within the country, the judicial system has depended since independence on contracted foreign judges and lawyers. The 2014 terminations did not follow legal protocol, according to which only the Superior Council of Magistrates may remove judicial officers. As a result of the move, legal proceedings in some courts were delayed or forced to restart with new personnel in 2015.

The terminations were initially seen as political meddling aimed at disrupting corruption cases against government allies, though such cases were not abandoned. Analysts also pointed to perceived court bias against the government and instances of incompetence in the judiciary that damaged its legitimacy. In a bid to address the system's problems comprehensively, Parliament called for a thorough audit as part of its 2014 action. In December 2015, a new Legislative Reform and Justice Sector Commission was sworn in.

The expulsion of the foreign judicial officers, all Portuguese speakers, highlighted the language challenge facing the legal system in Timor-Leste. The use of Portuguese for court administration poses an obstacle due to the limited number of Portuguese speakers and the difficulty of translating legal terms into local languages. A shortage of Portuguese interpreters often forces the adjournment of trials.

The introduction of mobile courts in 2008—in part to reduce case backlogs—has helped bring formal justice to remote areas, but their expedited procedures have reduced fair trial standards. Across the justice sector, 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.

Internal security continued to improve in 2015. After KRM allegedly launched attacks on police in January and March, the police and military carried out security operations that led to the killing of the group's leader, Mauk Moruk, in August. During the operations, however, government forces subjected civilians to arbitrary arrest and physical abuse, according to Amnesty International. Police officers and soldiers are regularly accused of excessive force and abuse of power, though the courts have had some success in prosecuting them.

While hate crimes based on sexual orientation are considered an aggravating circumstance in the penal code, other protections against discrimination for LGBT (lesbian, gay, bisexual, and transgender) people are lacking. Issues like sexual orientation and gender identity reportedly

receive little public attention, but a small number of LGBT advocacy organizations have been active in recent years.

G. Personal Autonomy and Individual Rights: 9 / 16

Citizens generally enjoy freedom of unrestricted travel, though travel by land to the enclave of Oecusse is hampered by visa requirements and Indonesian and Timorese checkpoints. Individuals also enjoy free choice of residence and employment, but unemployment rates are high, and most of the population still relies on subsistence farming.

The status and reintegration of the thousands of Timorese refugees living in the Indonesian portion of the island—having fled a 1999 Indonesian crackdown in Timor-Leste following that year's referendum on independence—remained unresolved in 2015. 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 past conflicts, changes in sovereignty, and the unclear status of communal or customary land rights. A new draft land law designed to establish formal tenure and help resolve disputes was amended and presented to Parliament in 2013; it was still pending at the end of 2015.

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, and eight positions in the new cabinet, including the powerful position of finance minister. Despite a 2010 law against domestic violence, gender-based and domestic violence remain widespread. A 2015 survey by the Asia Foundation found that 59 percent of women who had been in a relationship had experienced sexual or physical partner violence, and of these, a majority experienced severe violence. 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.

Timorese women and girls from rural areas are vulnerable to human trafficking for sexual exploitation and domestic servitude, and children are sometimes placed in bonded labor. The government makes some effort to prosecute offenders. A draft antitrafficking bill meant to improve protection and prevention measures was submitted to Parliament in 2015 but had yet to pass at year's end.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

Full Methodology

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