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Country:

Timor-Leste

Year:

2018

Freedom Status:

Free

Political Rights:

2

Civil Liberties:

3

Aggregate Score:

69

Freedom Rating:

2.5

Overview:

Timor-Leste has held competitive elections and undergone peaceful transfers of power, but its democratic institutions remain fragile, and disputes among the major personalities from the independence struggle dominate political affairs. Judicial independence and due process are undermined by serious capacity deficits and political influence.

Status Change Explanation:

Timor-Leste's status improved from Partly Free to Free and its political rights rating improved from 3 to 2 due to fair elections that led to a smooth transfer of power and enabled new parties and candidates to enter the political system.

Political Rights and Civil Liberties:

POLITICAL RIGHTS: 32 / 40 (+3)

A. ELECTORAL PROCESS: 11 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4

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 may serve up to two five-year terms. Francisco Guterres was elected president in March 2017, following a campaign period a European Union (EU) observer mission praised for its generally peaceful conduct. The mission assessed the election itself as having been generally well administered.

The leader of the majority party or coalition in Parliament becomes prime minister, and serves as head of government. Prime Minister Mari Alkatiri, of the Revolutionary Front for an Independent East Timor (Fretilin) was sworn in as prime minister in September, following the year's parliamentary elections.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

Members of the 65-seat, unicameral Parliament are directly elected and serve five-year terms. Fretilin won the most seats in the July 2017 parliamentary elections, taking 23, while the National Congress for the Reconstruction of Timor-Leste (CNRT) won 22; smaller parties won the remaining seats. Fretilin formed a minority government with the Democratic Party (PD), which was sworn in in September.

The EU observer mission similarly praised the administration of the parliamentary elections and their peaceful conduct, though it also noted irregularities including state abuse of administrative resources and reports of voter intimidation.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4

The 2017 EU Election Observation Mission generally praised the National Election Commission (CNE) for its oversight of the year's polls, but expressed concern that late changes to the election laws somewhat reduced the body's supervisory responsibilities. The mission also noted that provisions governing elections were found in a number of pieces of legislation, and called for legal mandates governing elections to be harmonized into a more coherent framework.

B. POLITICAL PLURALISM AND PARTICIPATION: 14 / 16 (+2)

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4 (+1)

Some campaign finance regulations favor larger parties, such as a lack of caps on spending, and a system in which government campaign subsidies are awarded after elections, according to the number of votes a party won.

Nevertheless, political parties are generally free to form and operate. Two new parties, the youth-aligned KHUNTO, and the People's Liberation Party (PLP), concentrated enough support ahead of the 2017 elections to win 13 legislative seats between them.

Score Change: The score improved from 3 to 4 because political parties are able to form and operate freely, as reflected by the strong performance of two new parties in the 2017 parliamentary elections.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4 (+1)

The 2017 parliamentary elections marked the second time since independence that governing power transferred between parties. The formation of a new minority government comprised of Fretilin and the DP also marked a shift back to partisan politics, as the previous unity government between the CNRT and Fretilin had left little meaningful opposition in the parliament.

While some smaller parties hold seats in parliament, parties associated with the independence movement continue to dominate politics.

Score Change: The score improved from 3 to 4 because in 2017, Timor-Leste experienced its second transfer of power between parties since independence.

B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 3 / 4

Politics is dominated by independence-movement figures who have formed political parties, and there has been some concern about their reluctance to retire and allow a new generation a chance to gain experience in government.

B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

Ethnic minorities are generally well represented in politics. Mari Alkatiri, the newly appointed prime minister, is Muslim, a significant religious minority in Timor-Leste.

Due to parity laws, Timor-Leste has the highest percentage of women in Parliament in the Asia-Pacific region. However, during internationally backed programs held in 2017 and aimed at increasing women's participation in politics, women overwhelmingly expressed the opinion that there would be few if any women candidates on party lists in the absence of parity laws, and that in practice women politicians have difficulty participating meaningfully in political processes.

C. FUNCTIONING OF GOVERNMENT: 7 / 12 (+1)

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 3 / 4 (+1)

In 2017, the government held elections without the supervision of a UN mission that had been deployed to help restore peace and security in the wake of a 2006 political crisis. The polls took place peacefully and were generally praised by monitors. A new minority

government was formed after the legislative elections, and at year's end, was working to win approval for its budget.

Score Change: The score improved from 2 to 3 because a government was formed following peaceful elections that were conducted without the supervision of a UN mission.

C2. Are safeguards against official corruption strong and effective? 2 / 4

The independent Anti-Corruption Commission (CAC) has no powers of arrest or prosecution and must rely on the prosecutor general, with input from police and the courts, to follow up on corruption investigations. Anticorruption bodies lack enough funding to operate effectively.

C3. Does the government operate with openness and transparency? 2 / 4

While the state has attempted to make budgets more accessible, procurement processes remain largely opaque. Requests for public information are not always granted, and at times require applicants to undertake inconvenient travel. Information is often issued in Portuguese, as opposed to local languages.

CIVIL LIBERTIES: 37 / 60 (+1)

D. FREEDOM OF EXPRESSION AND BELIEF: 13 / 16 (+1)

D1. Are there free and independent media? 3 / 4 (+1)

Media freedom is protected in the constitution. In practice, 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. Journalists are often treated with suspicion, particularly by government officials, and practice self-censorship.

However, in recent years, the country's press corps has been more willing to produce articles critical of the government. And, in a June 2017 development celebrated as a victory for press freedom, two journalists were acquitted of criminal defamation charges filed in 2015 by then prime minister Rui Maria de Araújo. The charges had come in connection with an article about alleged irregularities in procurement processes at the Finance Ministry.

Score Change: The score improved from 2 to 3 because journalists have been producing more articles critical of the government, and because the acquittal of two journalists in a high-profile defamation case reflected a willingness by the courts to uphold press freedom.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 3 / 4

Freedom of religion is protected in the constitution, and Timor-Leste is a secular state. Approximately 97 percent of the population is Roman Catholic. Protestant groups have reported some cases of discrimination and harassment.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Academic freedom is generally respected.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 3 / 4

There are few constraints on open and free private discussion. However, topics related to the 2006 unrest, in which armed clashes between the police and mobilized civilian groups resulted in numerous deaths and the displacement of some 150,000 people, remain sensitive.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 8 / 12

E1. Is there freedom of assembly? 3 / 4

Freedom of assembly is constitutionally guaranteed, and while it is generally respected in practice, some laws can be invoked to restrict peaceful gatherings. Demonstrations aimed at “questioning constitutional order” or disparaging the reputations of the head of state and other government officials are prohibited. Demonstrations must be authorized in advance, and laws restrict how close they can be to government buildings and critical infrastructure.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work? 3 / 4

Nongovernmental organizations (NGOs) can generally operate without interference, although the state actively monitors and regulates their work. Few NGOs operate outside of the capital.

E3. Is there freedom for trade unions and similar professional or labor organizations? 2 / 4

Workers, other than police and military personnel, are permitted to form and join labor unions and bargain collectively, though a 2011 law requires written notification five days in advance of a strike. In practice, few workers are unionized due to high levels of unemployment and informal economic activity.

F. RULE OF LAW: 7 / 16

F1. Is there an independent judiciary? 1 / 4

Since independence, the judicial system had depended on contracted foreign judges and lawyers due to limited capacity within the country. In 2014, however, the government, with parliamentary support, terminated the contracts and revoked the visas of foreigners working in judicial, prosecutorial, and anticorruption institutions. 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. A 2017 law explicitly permitted foreign judges.

F2. Does due process prevail in civil and criminal matters? 1 / 4

Across the justice sector, due process rights are often restricted or denied, owing largely to a dearth of resources and personnel. The training of new magistrates following the 2014 dismissals of foreign judges has been slow, resulting in significant case backlogs. 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. Nine of thirteen municipalities have no fixed courts. The use of Portuguese for court administration poses an obstacle due to the limited number of Portuguese speakers. A shortage of Portuguese interpreters often forces the adjournment of trials.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 3 / 4

Police officers and soldiers are regularly accused of excessive force and abuse of power, though the courts have had some success in prosecuting them. Public perception of the police has improved in recent years, as have general feelings of security.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 2 / 4

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

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 9 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 3 / 4

Citizens generally enjoy 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.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 2 / 4

While Timorese have the right to establish businesses, property rights are complicated by past conflicts and the unclear status of communal or customary land rights. A national land law designed to establish formal tenure and to help resolve disputes was enacted in June 2017.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

Equal rights for women are constitutionally guaranteed, but discrimination and gender inequality persist in practice and in customary law. Gender-based and domestic violence remain widespread. A 2016 study found that 14 percent of women 15-49 years of age had experienced non-partner rape. 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.

A government plan to restrict contraception to those who are married was proposed in July 2017, but it had not yet passed in the majority-Catholic country. Timor-Leste has a teenage pregnancy rate of 24 percent. An estimated 19 percent of teenage girls are married by age 18.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

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 has increased its efforts to prosecute offenders.

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