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PDHJ's Answers to:

Guiding Questions for Defining the Normative Content of the Issues Examined at the Tenth Working Session of the Open-ended Working Group: Education, Training, Life-long Learning and Capacity-building

Definition

1. What are the definition of the rights of older persons to education, training, life-long learning and capacity-building in the national legislation in your country? Or how should such a right be defined, considering existing national, regional and international legal framework?

The Constitution of the Democratic Republic of Timor-Leste (CDRTL) in its article 20 defines the rights of the Older Persons which entails the measurement of economic, social and cultural designed to provide the elderly with opportunities to live in dignity through active participation in the community:

Article 20 (Senior Citizens)

1. *Every senior citizen has the right to special protection by the State.*
2. *The old age policy entails measures of economic, social and cultural nature designed to provide the elderly with opportunities for personal achievement through active and dignified participation in the community.*

In addition to article 59, point 2 and 4 of the CDRTL indicates:

"...2. Everyone has the rights to equal opportunities for education and vocational training."

...

4. *The State should ensure the access of every citizen, in accordance to their abilities, to the highest levels of education, scientific research and artistic creativity."*

2. What are the key normative elements of the rights of older persons to education, training, life-long learning and capacity-building, including such elements as availability, accessibility, acceptability and adaptability? Please provide references to existing standards where applicable.

The State Obligations, education sector / capacity building: The state created policies to diminish illiteracy with a special focus on older persons. There is no age limitation to access education. The Ministry of Education Program on Equivalence school programs are implemented throughout the 13 municipalities.

The Base Law on Education under article 18 (5) also foresees a special regime to be created by the government through Decree-Law for people over 23, that have not yet concluded secondary education, to access tertiary education. As no such special regime has been created, this is

currently regulated by Ministerial Diploma No 20/2019 that foresees for this and other cases a special regime of access to tertiary education.

The Ministerial Diploma No 20/2019 guarantees to older persons, under a special regime foreseen under Article 13: h) people that already have concluded tertiary education degree, i) veterans and m) people over 23 that still have not concluded secondary school, access to higher education.

3. What are the measures that should be undertaken by the State to respect, protect and fulfill the rights of older persons to education, training, life-long learning and capacity-building, regarding the normative elements as provided above?

Special measures and consideration that should be undertaken by the State for older persons are:

- a) carry on efforts to reduce illiteracy;
- b) create education, training, life-long learning and capacity-building programs;
- c) provide subsidy to older persons that do enroll in education, training, life-long learning and capacity-building programs created by the State.

4. What special measures and specific considerations should be considered in developing the normative content of the rights of older persons to education, training, life-long learning and capacity-building?

The Government needs to take into account education level of older persons in Timor-Leste specially in the municipalities, in order to establish appropriate education, training, life-long learning and capacity-building programs, that may engage with and be relevant to their day to day life, improving their quality of life and transforming them in active members of the society. These programs need to be available at Suco level to ensure accessibility.

As the tendency is that women do outlive their male partners gender is also an issue that needs to be taken into consideration when developing normative contents in this issue.

The time/period in which the programs are carried out also needs to be taken into account to ensure maximum participation from older persons in the community, as many are farmers or help look after grandchildren and carry out house chores which could deter them from engaging in such programs.

The State could also consider introducing a study subsidy for older persons that decide to engage in the education, training, life-long learning and capacity-building programs created by the State and made available to them, as a way to encourage them to engage in the program.

5. How should the responsibilities of non-State parties such as private sector be defined in the context of the rights of older persons to education, training, life-long learning and capacity building?

Encourage the private sector to employ older persons, even if in a part-time scheme, in order to benefit from their known-how and experiences. The State may offer to companies' tax cuts as a financial incentive for hiring older persons.

6. What are the best practices and main challenges faced by your country in the adoption and implementation of the normative framework on education, training, life-long learning and capacity-building for older persons?

- So far there is no information available on best practices established by the State for government program regarding the older persons, deriving from the implementation of programs with a special focus on older persons.
- One of the challenges is that older persons are unable to access government programs as they cannot provide it at Suco level, as well as the information about programs available, does not reached to older persons in rural areas.
- As a one of the world's youngest nation, the State's attention is only focused on youth, leaving only little room for oldest generation.
- Oldest generation's education level in general is very low, given the history of the country, which limits the scope of reach of the State initiatives.
- Due to high number of unemployment among youth, retiring age is usually strictly implemented, in order to make room for the younger generation. The impossibility of accumulating the pension with other remunerations/salary (Decree law No 17/2017 article 37, prohibition of accumulation from revenue from worker or their activities), often results in the lack of interest from older persons to continue with further studies and training.
- Lack of State resources in the area of education limits most older persons from engaging in tertiary education courses, as classes take place during normal working hours, period in which many cannot participate as they might have to work or need to take care of family members.

Guiding Questions for Defining the Normative Content of the Issues Examined at the
Tenth Working Session of the Open-ended Working Group:
Social Protection and Social Security (including social protection floors)

Definition

1. What is the definition of the right to social security and social protection (including social protection floors) for older persons in the national legislation in your country? Or how should such a right be defined, considering existing national, regional and international legal framework?

The article 20 from Timor-Leste's Constitution (CDRTL) and article 56 indicates security and social aid. All citizens have rights for protection and social assistance, according to the law:

Article 20 (Senior Citizens)

- 1. Every senior citizen has the right to special protection by the State.*
- 2. The old age policy entails measures of economic, social and cultural nature designed to provide the elderly with opportunities for personal achievement through active and dignified participation in the community.*

Article 56 (Social security and assistance)

- 1. Every citizen is entitled to social assistance and security in accordance with the law.*
- 2. The State shall promote, in accordance with its national resources, the establishment of a social security system.*
- 3. The State shall support and supervise the activity and functioning of institutions of social solidarity and other non-profit institutions of recognized public interest, in accordance with the law*

Scope of the rights. Definition of Social security for older persons mentioned in article 2 point 2 from Decree law No. 17/2017 on contribution regime of social security which is considered as social protection for older persons to enjoy the rest of their lives so that they would not become a burden for their children in the future and spent the rest of their life in dignity.

2. What are the key normative elements of the right to social protection and social security for older persons? Please provide references to existing standards on such elements as below, as well as any additional elements:

- a) Availability of contributory and non-contributory schemes for older persons.

Yes, both are available. Refer to non – contributory such as subsidy support to elderly persons and veteran installment who fought for independence.

In relation to the contributory regulated by Decree Law no. 17/2017.

- b) Adequacy of benefits to guarantee older person's access to an adequate standard of living and adequate access to health care.

In Timor-Leste access to health care is free and people also have a right to housing. This is regulated under article 57 and 58 of the CDRTL:

Article 57 (Health)

1. *Everyone has the right to health and medical care, and the duty to protect and promote them.*
2. *The State shall promote the establishment of a national health service that is universal and general. The national health service shall be free of charge in accordance with the possibilities of the State and in conformity with the law.*
3. *The national health service shall have, as much as possible, a decentralized participatory management.*

However, in reality to ensure the quality of health care the allocation of an adequate budget to the national health service is necessary. There are no special services tailor made for older persons.

Article 58 (Housing)

Everyone has the right to a house, both for himself or herself and for his or her family, of adequate size that meets satisfactory standards of hygiene and comfort and preserves personal intimacy and family privacy.

Although this right is foreseen in the CDRTL, there are no special policies or laws to provide older person with housing.

Standard subsidy received from the State by older persons is low, not being able to meet basic needs for subsistence. Veteran's pension is higher being able to guarantee adequate living standards.

- c) Accessibility, including older person's cover age by social security systems, eligibility criteria, and afford ability of contributions.

Regulated by article 5 from Decree-Law no 19/2008 on subsidy assistance for older persons, which states that you have to be Timorese, residing in Timor-Leste for 1 year and over 60 years of age.

Also Decree-Law 17/2017 states on article 18 that 60 years is the eligible age to access coverage but can be also accessed as early as 55, with the respective penalties as regulated under Article 53 and Article 19 which has the method of calculation for the pension amount.

- d) Equitable access by older persons to the enjoyment of the right to social security and social protection, paying special attention to groups in vulnerable situation. There are no special policies to address groups in vulnerable situation.

- e) Participation of older persons in the design and administration of the social security system. None that we have information on.

3. What are the measures that should be undertaken by the State to respect, protect and fulfill the right of social security and social protection for older persons, regarding the normative elements as provided above?

Some considerations from state/government such as:

1. Respect older persons through their involvement in government and target them for implementation of government program.
2. Protect older persons thorough establishing the policies/legislations which recognize older person as a part of Timor Lester's state.
3. Fulfill state/government obligations to provide the necessity of older persons.

4. What special measures and specific considerations should be considered in developing the normative content of the right of older persons to social protection and social security?

At present, the older persons require a special treatment when accessing to health services. The State/Government needs to provide this as they are vulnerable people and need special assistance.

5. How should the responsibilities of none-State parties such as private sector be defined in the context of the right of older persons to social protection and social security?

The State obligates the private sector to contribute with 6% of the 10% amount charged for social security cost of each employee. The remaining 4% is deducted from the employee's wages.

The private sector should also give employees the option to contribute to a private pension fund in order to increase their earnings once they retire and not to have to depend entirely on the State's social security system.

6. What are the best practices and main challenges faced by your country in the adoption and implementation of the normative framework on social security and social protection for older persons?

So far there is no best practices that have derived from the implementation of the program. Challenges that have happened are related to transfer of payment to older persons under the timeframe established under normative framework (monthly (Art 50 of Decree Law 17/2017), as many don't have bank accounts and must queued for several hours in Bank to receive their social security. PDHJ may require to the government to consider this issue above.

