



PROVEDORIA DOS DIREITOS HUMANOS E JUSTIÇA
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Guiding questions for the twelfth session of the General Assembly open-ended working group for the purpose of strengthening the protection of the human rights of older persons

Focus area 1: Contribution of older persons to sustainable development

The Scope:

Older persons have the right to contribute to sustainable development. The right to participate in, and contribute to, development is affirmed in the Declaration on the Right to Development. Article 25 of the International Covenant on Civil and Political Rights recognizes the right to participate in public affairs. Effective and meaningful participation enables the advancement of all human rights. On the other hand, when older persons are denied the ability or opportunity to contribute, or when their contribution is unrecognized or devalued, their dignity is denied. Understanding the contribution of older persons to sustainable development as a right enables States to identify steps that can be taken to uphold their dignity.

Substantive guiding questions:

National Legal and Policy Framework

1. What are the legal provisions, policy frameworks in your country that recognize older persons' right to participate in and contribute to sustainable development? This could include, but is not limited to:
 - a) ensuring that relevant human rights (in particular the right to freedom of opinion and expression, the right of access to information, and the rights to freedom of peaceful assembly and of association) are protected and implemented; [Art. 40 CDRTL \(right to freedom of expression and information\)](#); [Art. 42 CDRTL \(rights to freedom of assembly and of association\)](#).
 - b) protecting and enhancing civic space and collaboration with civil society that represents the voices of older persons in sustainable development; [Non](#).
 - c) good practices to ensure older persons' participation in, and contribution to sustainable development. [Non](#).

[Article 20 of the Constitution of Timor-Leste \(CDRTL\)](#) is the base for the legal provisions and policy framework that regulates the rights of older citizen in Timor-Leste:

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.*

Art 16 of the CDRTL also prohibits discrimination due to any physical condition and when interpreted with art. 23 of the CRDTL will also prohibit discrimination based on age. Older Persons also enjoy the rights stated in Art. 40 CDRTL (right to freedom of expression and information) and Art. 42 CDRTL (rights to freedom of assembly and of association), as any citizen.

Also Art. 61 (Environment) states that:

- “1. Everyone has the right to a humane, healthy, and ecologically balanced environment and the duty to protect it and improve it for the benefit of the future generations.*
- 2. The State shall recognize the need to preserve and rationalize natural resources.*
- 3. The State should promote actions aimed at protecting the environment and safeguarding the sustainable development of the economy.”*

2. What are the challenges faced by older persons for the realization of their right to contribute to sustainable development at national and international levels?

Lack of initiatives targeted at older persons to seek their contribution on sustainable development at national and international levels.

3. What data, statistics and research are available regarding older persons' contribution to sustainable development? **Non.**

Equality and non-discrimination

4. What measures are being taken to eliminate ageism, ageist stereotypes, prejudices and behaviors that devalue older persons' contribution to sustainable development? **Non, as in Timor-Leste older person in general are well respected and consulted in various issues concerning the community. Therefore, there has not been a need so far to implement measures addressing this.**

Remedies and Redress

5. What mechanisms are necessary, or already in place, for older persons to lodge complaints and seek redress for denial of their right to participate in and contribute to sustainable development?

Currently, in Timor-Leste there is no specific regulation that regulates access to justice for older persons. All citizens are equal before the law as stated in Article 16 of CDRTL.

Judicial: consider that all citizens are equal before law. Article 26 CDRTL: access to courts. Non – Judicial: PDHJ Article 27 of CDRTL, main purpose is to assist vulnerable groups, of which elder persons are included against violations committed by the state.

Focus area 2: Economic security

National legal and policy framework

1. What are the legal provisions and policy frameworks in your country that guarantees the minimum essential level of the enjoyment of economic, social and cultural rights, in particular the right to an adequate standard of living?

Article 58 of CDRTL (Housing) states that “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.”

Art. 56

(Social security and assistance)

1. Every citizen is entitled to social assistance and security in accordance with the law. ...

Art. 57 (Health)

1. Everyone has the right to health and medical care, and the duty to protect and promote them.

Art. 59 (Education and culture)

1. The State shall recognize and guarantee that every citizen has the right to education and culture, and it is incumbent upon it to promote the establishment of a public system of universal and compulsory basic education that is free of charge in accordance with its ability and in conformity with the law.

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

...

5. Everyone has the right to cultural enjoyment and creativity and the duty to preserve, protect and value cultural heritage.

Art. 50 (Right to work)

1. Every citizen, regardless of gender, has the right and the duty to work and to choose freely his or her profession.

2. The worker has the right to labor safety and hygiene, remuneration, rest and vacation.

3. Dismissal without just cause or on political, religious and ideological grounds is prohibited. ...

2. How is poverty defined in the national policy framework?

The national poverty line is at \$1.54 per capita per day. Nonetheless, 93.8 per cent of the population lives on income that is less than \$5 per day, with 80.8 per cent living with less than \$3.08 – only double the national poverty line.

<https://www.statistics.gov.tl/wp-content/uploads/2018/02/Poverty-Report-2014-final.pdf>

3. What are challenges faced by older persons living in poverty, including the impact of intersectional discrimination and inequality based on age, gender and other grounds?

The main challenge that older individuals experience is reduced labor productivity and capacity, meaning that they had to continue working or depend on their families for subsistence. Food-insecure households (at 40.4 per cent), can result in malnourishment resulting in weaker immune systems, aggravating chronic conditions for older persons. In 2010, 5 per cent of older persons experienced severe illness. Despite the free and universal public health services, many older persons find it difficult to access and pay for medical care. There is a significant gap in the provision of specialized care services for older persons, such as nursing homes, day-care centres and specialized health care. Outreach of social services (house visits), entertainment programs and care programs targeted at older persons are non-existent.

In the past no program was in place to provide support for them. This however has changed with the introduction of Timor-Leste's old-age and disability pension, SAII although revision of the existing indexing mechanism (the minimum wage of the public sector) is necessary to maintain the purchasing power of cash transfers over time and also improving the frequency of delivering the benefits, aiming to guarantee monthly payments is also essential.

There are also reports that many senior citizens suffer from psychological and physical violence or that are left without care even while living with the family. Many are illiterate do not have identification documents, which prevents them from accessing social assistance and leaves them in a fragile situation.

4. What data, statistics and research are available regarding older persons living in poverty?

Timor-Leste scenario regarding low old-age dependency ratio is only due to change after 2030 as Timor-Leste has a young and growing population, as a large proportion of the total population are still children.

In Timor-Leste, thanks to the introduction of the social protection system that has largely focused on older persons poverty has reduced faster among older persons than among children.

However, the social security programs available for older persons are still not enough to guarantee a comfortable standard of living, forcing them to continue working into late stages of life. According to the Assessment-Based National Dialogue report on

“Challenges and Ways Forward to Extend Social Protection to All in Timor-Leste”, by UN, ILO and the Ministry of Social Solidarity of Timor-Leste published in 2018, 40.3 per cent of older persons continue to work after age 60, and almost one in four persons continue to do so after 70 years – many working until death. The data suggest that even in a more vulnerable condition, work does not get lighter as people get older. Older persons continue to work an average of 38.4 hours per week, one in four older persons (26.8 per cent) is working in subsistence food production, and 13.3 per cent are engaged in more than one productive activity.

More information can be found at p 62-70:

https://www.ilo.org/jakarta/whatwedo/publications/WCMS_638103/lang--en/index.htm

Also

<https://www.usp2030.org/gimi/RessourcePDF.action?id=53963>

Progressive realization and the use of maximum available resources

5. What steps have been taken to address economic insecurity and poverty in older age and to ensure the right to an adequate standard of living for older persons?

In 2008 the Pension for Older Persons and People with Disabilities (Subsídio de Apoio a Idosos e Inválidos (SAII)) was introduced (Decree-Law No. 19/2008 altered by Decree-Law No. 31/2021).

The benefit amount is the same for all beneficiaries. Its value is defined by official decree and it is limited to one third of the minimum wage of civil servants. When launched in 2008, the SAII benefit was \$20 per month. The benefit was increased to its current value of \$30 per month in 2010. The benefit is above the national poverty line but below the international poverty line. It stands at 7.9 per cent of the average household income in the country. The state general budget for 2022 approved an increase of the benefit to \$50 dollars, however the Government has stated that the implementation of the updated amount will only be possible in 2023.

Being a universal program, all Timorese above the age of 60 are eligible for SAII. The 2010 Census showed that SAII delivers benefits to 94,287 individuals, which includes 86,974 older persons or 103 per cent of the target group. In 2017 Older person beneficiaries are 87,001, or 92.8% of total older persons population (aged 60 or older).

A contributory old-age pension scheme (linked to lifelong earnings and the length of the contributory career of each individual) started operating for both the public and private sectors in 2017, although it's limited to the formal sector, which represents only 30 per cent of employment. This will also help in the future to ensure the right to an adequate standard of living for older persons through a more sustainable system, while decreasing dependency on the SAII.

Veteran benefits' may also be available for older persons who were involved in the independence struggle. These benefits included a package of services and cash transfers that serve as social assistance and as a reward for their sacrifice for the country. However, these benefits are limited to veterans only.

6. What is the impact of macroeconomic policies on economic insecurity and poverty among older persons and vice versa? What policy options are available and/or implemented in order to expand fiscal space and maximize available resources to ensure economic security and the right to an adequate standard of living for older persons?

Despite very positive impact of macroeconomic policies on economic insecurity and poverty among older persons, the value of the benefit paid has not been adjusted since 2010. Inflation during this period has reduced the purchasing power of the transfer and has likely reduced the impact of the Program. Apart from the increase of the amount of the benefit, it would be a good idea to introduce into the law an indexation mechanism to help guarantee that the benefits remain at an adequate level to support older persons and people with disabilities in their subsistence. Also, the establishment of a contributory social security scheme to guarantee pension for the citizens as they age and retire is also very positive and will ensure in the future economic security and the right to an adequate standard of living for older persons.

7. What good practices are available in terms of ensuring older persons' economic security, including through a life-course approach?

The establishment of pension funds could be encouraged as a way of ensuring older persons' economic security.

Equality and non-discrimination

8. What measures are being taken to eliminate ageism and discrimination based on age that prevent older persons to access economic and other productive resources, including financial services, land, adequate housing and the right to inheritance? No specific measures of or discrimination based on age, as there are no discriminatory measures in place. However, in 2020 the government did introduce new regulation through *Despacho no 07/MOP/VIII/2020* to facilitate accessibility for people with mobility problems for new public and private building.

Remedies and redress

9. What mechanisms are necessary, or already in place, for older persons to lodge complaints and seek redress for denial of their economic security and enjoyment of the right to an adequate standard of living?

Currently, in Timor-Leste there is no specific regulation that regulates access to justice for older persons. All citizens are equal before the law as stated in Article 16 of CDRTL and have access to courts (Article 26 CDRTL). Non-Judicial System: PDHJ Article 27 of CDRTL, main purpose is to assist vulnerable groups, of which elder persons are included against violations committed by the state.