



**PERMANENT MISSION OF THE DEMOCRATIC REPUBLIC OF TIMOR-LESTE TO THE
UNITED NATIONS OFFICE AND OTHER INTERNATIONAL ORGANIZATIONS IN GENEVA**

Response

to

**Questionnaire on social protection of older persons addressed to Governments by the
Independent Expert on the question of human rights and extreme poverty**

Introduction

The Constitution of Timor-Leste provides in its Section 56 that every citizen is entitled to social assistance and social security, and that the State shall promote the establishment of a social security system. Section 20 and Section 21 of the Constitution respectively provide specific guarantees for the special protection of elderly and citizens with disabilities by the State. Such Constitutional provisions reflect the commitment of the people of Timor-Leste for the creation of a more equitable society which cares for the disadvantaged group, especially the elders and citizen with disabilities.

Despite the commitment to create an equitable and inclusive society, the newness of the state institutions brings a significant challenge in achieving these objectives. To this day, consultation is still underway on the final draft of a comprehensive policy document on the national policy for social and humanitarian assistances. In the meantime, focused sectoral level policies and programs have been developed and implemented to address the necessities of the most vulnerable section of the Timorese society.

Since 2008, the Government of Timor-Leste has allocated funding for the payment of pensions for the former combatants of the liberation struggle, most of whom are old and/or with physical disabilities due to combat inflicted injuries. The years of liberation struggle left Timor-Leste with many female headed households, as the men were killed during the war. Most of these households are poor and are unable to afford their children's sustenance and education. In response to this situation, the Government,

through the Ministry of Social Solidarity, created the ‘bolsa da mãe’ scheme, allocating funding to support the neediest female headed poor households. The scheme is aimed to support the sustenance and educate of children of female headed households by providing them with a monthly subsidy. In addition, the Ministry of Social Solidarity also provide assistances for citizens who need to receive medical treatment overseas which cannot be provided by the medical care institutions in the country.

A separate scheme has also been created to care for the elderly and those with physical and mental disabilities. More detailed information on this scheme will be provided in response to the questions from the UN Independent Expert on the question of human rights and extreme poverty.

(i) The legal and institutional framework

1. Timor-Leste’s social scheme for people of old age is established by Decree-Law no. 19/2008 of 19 June 2008 regarding Support Allowance for the Elderly and Persons with Disabilities. The benefit is a non contributory one which is only based on the age of the beneficiary. According to Article 5 of the law, individuals entitled to benefit from the scheme shall be a citizen of Timor-Leste, have been residing within the national territory for at least 2 (two) years before the date of submission of application for the benefit, and is of at least 60 (sixty) years of age. This benefit cannot be accumulated with any other benefits from the State which are of permanent nature and of a greater nominal value.
2. Omitted.
3. The Ministry of Social Solidarity has the overall responsibility for the elderly support scheme, as provided for in article 10 of Decree-Law no. 19/2008. The implementation of the program on the ground is conducted by the National Directorate for Social Security, assisted by other agencies at the national level, District and Sub-District Administrations as well as the community leaders. In for the implementation of the program to run smoothly on a field level, the National Directorate of Social Security places its representatives within each of the 13 District Administration of the country. Community leaders also have a very important role to play in the implementation of the program. Being closer to communities, they are better placed to know the individual member of the community who wishes to benefit from the program. Therefore, the community leaders are both in the position to advice the official of the Directorate where there are discrepancies between information provided in application forms and the reality, assisting the candidate

beneficiaries with the necessary documentations, as well as making sure that the benefits are indeed received by the individuals who are entitled to them.

Timor-Leste has a very strong civil society sector, including NGOs. Most of the institutions which provide care for the elderly were initiated and/or are still maintained by civil society organisations. The experiences of these organisations, combined with the values of the Timorese society where people in the society care for each other, and especially are for the elders, are the essential factors which led to the formulation of the laws, policies and programs for social protection, including the ones which benefit the elder people.

(ii) Programme costs and coverage

4. Since its commencement until the end of 2009, the program has benefitted **63,614** (sixty two thousand six hundred and fourteen) elderly persons. At this point, 20,737 (twenty thousand seven hundred and thirty seven) candidates are awaiting verification of documents in order to be qualified for the benefits.
5. The program has a national coverage.
6. Since the program has only been commenced in 2008 and the number of beneficiaries is growing, it is not possible at this stage to determine the average annual budget allocated for it. On principle, there is the flexibility for the program should grow according to number of beneficiaries identified. In 2008, a sum of UD\$ 16.8 million were allocated for the scheme. Out of this, by the middle of the year US\$ 3,523,560 was spent to pay the subsidy allowance of 29,363 elderly for the first six months of the year. In 2009, the budget allocated for the elderly allowance scheme is \$16.25 million. This amount constitutes approximately 3.26% of Timor-Leste's GDP in 2008.
7. The social scheme for the elder people is entirely financed from the national state budget, exclusively to cover the amount of to be paid to the beneficiaries. The amount does not include the administrative and operational costs, which are covered by state budget allocated for the civil service and public administration.
8. The number of beneficiaries of the program is growing over the last two years since it was started. Some difficulties have been encountered in the process of registry and verification of documents. At the moment, the process of identification of persons is still relying on documents from Portuguese colonial time as well those from the Indonesian occupation. As a result, there are

often discrepancies in age and identities of applicants as indicated in different documents presented to the authorities. This issue has caused delay for some beneficiaries in receiving their benefits. Otherwise, the small size of the territory and population of Timor-Leste, the placement of government officials at the district level and the assistance of the community leader in disseminating information about the scheme have made it so that people are generally well aware of the program.

9. The amount of monthly pension paid to the elderly people is US\$20, which is an equivalent of 20% of the national minimum wage for civil servants. As the situation evolves, this amount may be increased, according to the availability of financial resources.

(iii) Implementation procedures

10. Payment of the benefits is made by bank transfer every month to the account of the beneficiaries, where available. Where beneficiaries have no bank account, payment is made every six months where teams of officials from the National Directorate of Social Security are dispatched to all of the villages to do the payment directly to the beneficiaries or their legal representatives.
11. The information on the program is disseminated through pamphlets and announcements through radio and TV in the two official languages, Tetum and Portuguese. At the community level, the community leaders further disseminate the information verbally in local languages at the community meetings.
12. No.
13. No. The program does not exclude or limit the beneficiaries from other public services.

(iv) Monitoring mechanisms and complaints procedures

14. The social scheme for the elderly is guided by the principles of objectivity, transparency, equality and legal certainty. The implementation of the programs is monitored through the normal process in the public administration to ensure that the benefits indeed go to those who are entitled to them. The higher level of the structure of the Ministry of Social Solidarity is responsible for monitoring the work of the other organs under their supervision in the implementation of the program. In addition to such internal monitoring, the implementation of

the program is also subject to monitoring conducted by the Office of the Ombudsperson for Human Rights and Justice.

15. Any person with a legitimate direct interest in the payment of the pension may challenge any decision made by a public official in relation to the pension. This may be done through filling a complaint, hierarchical appeal, or a contentious appeal to a competent court. A complaint may be presented to the entity who made a decision regarding the pension within 30 days of the decision. This complaint must be addressed within a period of 30 days. Where the result is not satisfactory, the interested person may appeal to a higher entity within the Ministry within 30 days, and shall be responded to within 30 days. Once the hierarchical appeal within the Government has been exhausted, the interested party may bring the case to a competent court for review.

16. No.

(v) Existing studies and evaluations of old age pensions

17. Omitted.

18. Omitted

(vi) Other available social protection schemes that benefit older persons

There are no other social protection scheme specifically targeting older people. The new Social Assistance and Humanitarian Assistance Policy which is currently in its final draft is hoped to provide a stringer framework for social protection schemes for the elderly once it is approved and implemented.