



International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

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Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families

List of issues prior to submission of the second periodic report of Timor-Leste*

Section I

A. General information

1. Please provide information on the domestic legal framework regarding the Convention, including the following:

(a) Measures taken by the State party to harmonize its legislation with the provisions of the Convention since the adoption of the Committee's previous concluding observations,¹ including the Law on Immigration and Asylum (Law No. 11/2017);

(b) The nature and scope of bilateral and multilateral agreements concluded with other States pertaining to the rights of migrant workers and members of their families under the Convention.

2. Please provide information about the concrete measures taken to implement the rights of migrant workers and members of their families as set out in the Convention, both in law and in practice (para. 18), including:

(a) The implementation of and resource allocation for the National Action Plan for Labour Migration, the National Migration Policy, the National Employment Strategy 2017–2020, the National Diaspora Policy 2023–2027, the Remittance Mobilization Strategy and other relevant policies, strategies and programmes, including information on specific, time-bound and measurable goals and targets to effectively monitor progress in the implementation of the rights of migrant workers and members of their families;

(b) The implementation of labour agreements, such as the Employment Permit Scheme with the Republic of Korea, the Seasonal Worker Programme with Australia, and the Pacific Labour Scheme;

(c) The allocation of financial and human resources to ensure sufficient capacity for and effective coordination among the key ministries and institutions engaged in handling migration issues, including the Migration Service, the Secretariat of State for Vocational Training and Employment Policies along with its subsidiary directorates (on labour relations, labour inspections, employment and vocational training), the Inspectorate-General for Labour, the National Directorate for Consular Issues and the Commission to Combat Human Trafficking.

* Adopted by the Committee at its thirty-ninth session (2–13 December 2024).

¹ Unless otherwise indicated, paragraph numbers in brackets refer to the Committee's previous concluding observations ([CMW/C/TLS/CO/1](#)).



3. Please indicate what progress has been made towards the establishment of a coherent system for the collection and analysis of comparable quantitative, qualitative and disaggregated data on migration-related statistics and of information covering all aspects of the Convention in the State party and abroad, including on migrant workers in an irregular situation, and what measures have been taken to make such data accessible (para. 20).
4. Please indicate the steps taken to strengthen the financial, human and technical capacity of the Office of the Ombudsman for Human Rights and Justice, including to inform migrant workers of their rights and obligations, to hear complaints from migrants facing difficulties caused by their status as a migrant, and to undertake monitoring and prevention programmes, including in detention facilities.
5. Please provide information about measures taken to develop gender-responsive and child-sensitive education and training programmes on the Convention, to make such programmes available to all officials and persons working in migration-related areas, to ensure that migrant workers have access to information about their rights under the Convention and to work with civil society organizations and the media to disseminate information on the Convention and promote its implementation (para. 22).
6. Please describe the measures taken by the State party to counter corruption perpetrated by officials from various institutions with responsibilities relating to the implementation of the Convention, including law enforcement officials.

B. Information relating to the articles of the Convention

1. General principles

7. Please describe the measures in place to assist migrant workers and members of their families in the State party and Timorese nationals residing abroad to gain access to justice and effective remedies, including information on:
 - (a) The judicial and administrative entities competent in the State party to examine and decide on complaints from migrant workers and members of their families, including migrants in the informal labour sector and workers in an irregular situation;
 - (b) Data on the number and type of complaints examined by such entities since the Committee's previous concluding observations, and their outcomes, disaggregated by sex, age, nationality, disability, migration status and field of occupation;
 - (c) Provisions of the Convention that have been directly applied by public officials, including judicial cases and judgments in which the Convention has been invoked directly before the courts (para. 12);
 - (d) Legal assistance provided to migrant workers and members of their families in the State party and to Timorese nationals residing abroad or in transit through third countries, including the nature of such assistance;
 - (e) Any redress, including compensation, provided to the victims of rights violations under the Convention (para. 26);
 - (f) Any measures taken to inform migrant workers and members of their families about the judicial and other remedies available to them for violations of their rights.
8. Please provide information, with supporting data and specific examples, on how the coronavirus disease (COVID-19) pandemic has affected the development, adjustment and implementation of national pandemic prevention and management plans to protect the rights of migrant workers and members of their families, in a manner that:
 - (a) Ensures access to health services, including COVID-19 vaccines, without discrimination and regardless of nationality or migration status;

- (b) Takes the health measures necessary to prevent the spread of the disease and to maintain the desired level of health protection in workplaces;
- (c) Prevents infections in detention centres and provides healthcare services to those who have been infected;
- (d) Ensures that the families of migrant workers who have died of the disease are informed of their deaths and receive their remains;
- (e) Protects the rights of migrant workers and members of their families in other respects and mitigates the adverse effects of the pandemic, taking into account the joint guidance note issued by the Committee and the Special Rapporteur on the human rights of migrants on the impacts of the COVID-19 pandemic on the human rights of migrants.²

2. Part II of the Convention

Article 7

9. Please describe the measures taken to ensure that all migrant workers and members of their families in the State party or subject to its jurisdiction, whether or not they are in a regular situation, enjoy the rights provided for in the Convention without discrimination of any kind (para. 24). In particular, please provide information on:

- (a) The progress that has been made towards adopting a comprehensive anti-discrimination legislative framework that ensures, inter alia, that all migrant workers and members of their families can exercise the rights under articles 1 (1) and 7 of the Convention, without distinction of any kind, and covers all the grounds on which discrimination is prohibited under the Convention;
- (b) The administrative or judicial decisions that have interpreted the definition and application of the grounds for discrimination specified in laws such as the Labour Law (Law No. 4/2012), as applicable to migrant workers and members of their families;
- (c) The measures taken to review the State party's legislation with a view to repealing all discriminatory provisions to which migrant workers and members of their families are subject, specifying the measures taken to explicitly prohibit and eliminate all forms of gender-based discrimination, as well as on the status of the implementation of a comprehensive strategy in this respect;
- (d) The efforts made to raise awareness among local authorities, migration officials and the general public of the rights of all migrant workers and members of their families and of the importance of eliminating discrimination, racism and xenophobia against them and combating their social stigmatization;
- (e) The measures taken to guarantee non-discrimination and mitigate the impact of the effects of climate change, including natural disasters such as floods, droughts, cyclones, storms, earthquakes and environmental degradation, on the human rights of migrants, as well as to contribute to climate justice, including efforts to fill the gaps in the National Disaster Risk Management Plan 2008, the National Adaptation Plan 2011, the Strategic Development Plan 2011–2030, the National Climate Change Policy 2022 and the overall disaster management framework.

10. Please inform the Committee, with quantitative and qualitative information, about any cases of racism, xenophobia, discrimination, ill-treatment or violence, including gender-based violence, to which migrant workers and members of their families have been subjected in the State party and in States in which Timorese nationals are employed. Please also provide information about normative, institutional and procedural measures adopted by the State party to prevent, combat and remedy such practices, with a view to protecting the rights of victims, including their right to access to justice. Please clarify whether migrant women and girls stand to benefit from the National Action Plans on Women, Peace and Security 2016–

² See <https://www.ohchr.org/sites/default/files/CMWSPMJointGuidanceNoteCOVID-19Migrants.pdf>.

2020 and 2024–2028, the Women’s Economic Empowerment Strategy and other policies on gender.

3. Part III of the Convention

Articles 8 to 15

11. Please provide information on:

(a) Progress made towards the prevention and elimination of labour exploitation to which migrant workers, including those in an irregular situation, women and children, may be subjected;

(b) Measures taken to bring national legislation into compliance with the Forced Labour Convention, 1930 (No. 29) and the Worst Forms of Child Labour Convention, 1999 (No. 182), of the International Labour Organization, in particular the enactment of a law specifying the types of work prohibited for children and the adoption of a national action plan against child labour, as well as information on migrant children who are unlawfully subjected to labour;

(c) Regulations that oversee sectors with the highest levels of informal employment such as domestic work, agriculture and services, and other cyclical and hazardous industries such as the petroleum and minerals extractive sector, as well as on measures taken to ensure the protection of migrant workers in those sectors, especially for women and those in vulnerable situations;

(d) Measures taken to strengthen the labour inspection system;

(e) Migrant workers who are coerced into exploitative labour practices, especially those in the informal economy and migrant children who are above the minimum age for employment, with supporting data, including the number of complaints filed in that respect, and the results of the investigations into those complaints, including prosecutions, sentences and compensation obtained by the victims (para. 28);

(f) Assistance, protection and rehabilitation, including psychosocial rehabilitation, provided to victims of labour exploitation, including migrant children who have been forced to work on fishing boats operating in the maritime territory of the State party.

Articles 16 to 22

12. Please provide information about measures taken to investigate effectively all cases of violence and intimidation against migrant workers and to provide human rights training for public officials and awareness-raising for the general population, with a view to preventing such acts (para. 30).

13. Please provide information about:

(a) Measures taken to ensure that in administrative and judicial proceedings, including detention and expulsion proceedings, migrant workers and members of their families, particularly those in an irregular situation, are guaranteed due process on an equal basis with nationals of the State party before the courts and tribunals (para. 32) and are allowed contact with the consular or diplomatic authorities of their State of origin;

(b) Policies and practices that cease the migration-related detention of children and families, in line with the Committee’s joint general comment No. 4/No. 23 of the Committee on the Rights of the Child (2017), as well as of migrant workers and members of their families in vulnerable situations, in line with the Committee’s general comment No. 5 (2021);

(c) Measures that prioritize alternatives to administrative detention and that ensure that administrative detention is only used as a measure of last resort and in designated facilities separate from prisoners and where men and women are held separately, including a list of all places where migrants can be deprived of their liberty for any period of time;

(d) Data on migrant workers and members of their families detained for immigration offences, disaggregated by sex, age, nationality, disability, migration status and field of occupation, along with information about the place, reasons for detention, average

duration and detention conditions, including whether they have access to adequate basic services such as food, healthcare and hygienic conditions;

(e) Data on the expulsions of migrant workers and members of their families, disaggregated by sex, age, nationality, disability, migration status and field of occupation, along with information about the procedures used, including whether the Law on Immigration and Asylum (Law No. 11/2017) is used to justify the detention and expulsion of irregular migrants, whether any decisions have been appealed and the outcomes of such appeals.

14. Please provide information on border control measures, in particular with respect both to the procedures applicable to migrant workers and asylum-seekers arriving at the borders of the State party and to reception facilities and the ways in which they operate and are funded. Please also indicate the efforts made to process requests for protection, in particular to ensure that those in an irregular situation are afforded due process, with legal assistance and interpretation services, if required, and access to information in a language that they understand.

Article 23

15. Please provide information about measures taken:

(a) To ensure that all Timorese nationals residing abroad as migrant workers and members of their families, including those in an irregular situation and in the informal sector, have recourse to consular support for the protection of the rights set out in the Convention (para. 34), including in relation to deportation and repatriation, deprivation of liberty, social protection, medical care, working conditions, exploitation and violence, discrimination, employment disputes and the processing of identification documents;

(b) To provide emergency consular assistance for Timorese migrant workers and members of their families residing in countries where there is an absence of Timorese diplomatic representation;

(c) To allocate sufficient resources and build the capacity of the personnel in the State party's embassies and consulates abroad to possess appropriate knowledge about the laws and procedures of the countries in which Timorese nationals are employed, including in Australia, Greece, Indonesia, Portugal, the Republic of Korea and the United Kingdom of Great Britain and Northern Ireland, where most Timorese nationals abroad reside according to the National Diaspora Engagement Policy 2023–2027;

(d) To inform Timorese nationals residing abroad of the consular services and protection available to them and of methods to gain access.

Articles 25 to 30

16. Please provide information about measures taken to guarantee in law and in practice the labour rights of all migrant workers within its territory so that they enjoy treatment not less favourable than that which applies to nationals of the State party, and in particular (para. 36):

(a) To prevent and address abuse and discrimination in wages and time off and to ensure proper employment conditions of migrant workers, especially those working in the extractive, commercial, construction, fishing and hospitality sectors;

(b) To ensure that labour inspections are focused on the conditions of work of migrant workers and that migrant workers themselves are consulted during such inspections and in a confidential manner;

(c) To guarantee that labour inspectorates work independently from other departments, in particular immigration authorities, so as to encourage migrant workers to report cases of abuse and exploitation to the labour authorities without fear of immigration authorities becoming involved.

17. Please provide information about measures taken, including legislative amendments, to guarantee to all migrant workers the right to take part in trade union activities, to freely join trade unions and to occupy union leadership positions (para. 38).

18. Please provide information about measures taken to adopt and implement a framework to extend social security to all migrant workers and members of their families, including through the National Strategy for Social Protection 2021–2030, and to enter into bilateral and multilateral social security agreements in order to guarantee the social protection of all migrant workers, including to facilitate the transfer of social security contributions paid by Timorese nationals abroad.

19. Please provide information about measures taken:

(a) To ensure that all children of migrant workers are registered at birth and issued with personal identity documents, regardless of the parents' migratory status (para. 40); to raise awareness about the importance of birth registration among migrant workers and members of their families, especially those in an irregular situation; and to prevent situations of statelessness by ensuring that all individuals have access to a nationality, including by acceding to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness;

(b) To adopt concrete and effective measures to ensure access to the education system for migrant workers, especially their children, including by addressing linguistic barriers in public schools (para. 42).

Article 33

20. Please provide information about measures taken to disseminate information on the rights of migrant workers under the Convention, the conditions of their admission and employment, and their rights and obligations under the laws and practice of the States of employment.

4. Part IV of the Convention

Article 37

21. Please provide information about any targeted pre-departure and awareness-raising programmes developed and implemented and whether these programmes have been developed in consultation with relevant civil society organizations, migrant workers and their families, and recognized and reliable recruitment agencies (para. 44).

Article 40

22. Please provide information about measures taken to guarantee to migrant workers and members of their families, both in law and in practice, the right to form and be a member or leader of the executive bodies of associations and unions for the promotion and protection of their economic, social, cultural and other interests (para. 48), including information about the implementation of the Law on Immigration and Asylum (Law No. 11/2017), which revoked the former Immigration and Asylum Act (Law No. 9/2003) that had prohibited foreigners from taking part in unions.

Article 41

23. Please provide information about measures taken to ensure the implementation of the right to vote for Timorese migrant workers and members of their families residing abroad (para. 50), including for the 2022 presidential and 2023 parliamentary elections, under the Law on Voter Registration (Law No. 6/2016) and related government decrees. Please explain any improvements made since the 2017 and 2018 elections, along with the efforts made to disseminate information and facilitate the process to enable Timorese nationals to vote from abroad. Please also indicate other measures taken to facilitate their participation in public affairs without restriction.

Article 44

24. Please provide information about measures taken to ensure the protection of the unity of the families of migrant workers and to facilitate the reunification of migrant workers with their spouses or persons with whom they have a relationship that, according to the applicable law, is equivalent to marriage, as well as with their dependent unmarried children in compliance with the principle of the best interests of the child (para. 46), including data about family members who have been reunited with migrant workers in the State party.

Article 47

25. Please provide information about measures taken:

(a) To reduce fees and facilitate the transfer of remittances by Timorese migrant workers abroad, such as through partnerships established with financial institutions, given that remittances are a significant source of national income according to the State party's Remittance Mobilization Strategy;

(b) To facilitate the transfer of earnings and savings of migrant workers in the State party with preferential transfer and reception fees and to make savings more accessible to migrant workers and members of their families (para. 52).

Article 49

26. Please provide information on measures taken to ensure that migrant workers retain their residence permit in the event of termination of their remunerated activity prior to the expiration of their work visa or similar authorization to avoid such workers falling into an irregular situation (para. 54). Noting that under the Law on Immigration and Asylum (Law No. 11/2017), work visas will be cancelled upon the termination of the employment relationship upon which the work visa was originally granted, please clarify whether the migrant workers' residence permit remains valid during the period prior to the confirmation of their alternative employment.

Articles 51 and 52

27. Please provide information about:

(a) Whether migrant workers have the right to freely choose their remunerated activity and whether there are any restrictions placed on the categories of employment, functions, services or activities that migrant workers can undertake, including the reasons for such restrictions;

(b) Whether any conditions are placed on employers for employing migrant workers, including by the Secretariat of State for Vocational Training and Employment Policies, which may serve as a barrier to such employment.

5. Part V of the Convention**Articles 58 to 63**

28. Please provide information on the measures taken by the State party to ensure that frontier workers enjoy equal treatment to national workers, particularly in respect of remuneration and conditions of work, and to ensure systematic monitoring by the relevant authorities of employers' compliance with relevant international labour standards.

6. Part VI of the Convention**Article 64**

29. Please provide information on the measures taken, including consultations and cooperation with other States, to promote sound, equitable and humane conditions in connection with international migration of migrant workers and members of their families in the State party and abroad, including through multilateral and bilateral agreements, policies and programmes. Please also describe measures taken by the State party to enhance regular

pathways to migration for nationals of the State party through such agreements (para. 56) and how such measures have been mainstreamed in overall migration policies and programmes.

Articles 65 and 66

30. Please provide information on measures taken:

(a) To establish a regulatory regime for private recruitment and employment agencies, including a licensing system, recruitment monitoring, and inspections in order to prevent private recruitment agencies from charging excessive fees for their services and from acting as intermediaries for abusive recruiters, to ensure that they provide complete information to individuals seeking employment abroad and to ensure that they guarantee the effective enjoyment of all agreed employment benefits (para. 58);

(b) To ensure that controls are in place to prevent the re-registration of unscrupulous agencies that have had their licences revoked, and to investigate and punish illegal and exploitative practices by recruiters.

Article 67

31. Please provide information on:

(a) Cooperation programmes and readmission agreements in place between the State party and relevant States of employment for the voluntary return of migrant workers and members of their families to the State party, when they decide to return or when they are in the State of employment in an irregular situation;

(b) The institutions responsible and the measures taken to promote conditions that facilitate the reception and sustainable reintegration of migrant workers and members of their families upon return to the State party, including the development of industries for employment opportunities and the recognition of practical work experience and occupational qualifications acquired abroad;

(c) Data on returnees, disaggregated by sex, age, disability and occupation upon return.

Article 68

32. Please provide information about:

(a) The implementation of the Law on the Prevention and Fight against Human Trafficking (Law No. 3/2017) and the work of the Commission to Combat Human Trafficking established in 2021 in order to prevent and combat trafficking in persons, particularly in women and children, as well as the progress made in the adoption and implementation of a national action plan and of cooperation agreements with other States at the international, regional and bilateral levels towards this end;

(b) Systematic data on the cases of trafficking and smuggling of migrants, including investigations, prosecutions, sentences imposed on perpetrators and reparations provided to victims, disaggregated by sex, age, nationality, disability, purpose of trafficking and legal status of victims;

(c) The measures taken to provide protection and assistance to all victims of human trafficking, especially for women and children, in particular by providing shelters, medical care and psychosocial and other support to assist in their reintegration into society and by providing adequate resources towards this end (para. 60);

(d) The measures taken to provide adequate training and capacity-building for law enforcement officials, immigration officers, judges, prosecutors, labour inspectors, service providers, teachers, embassy and consular personnel and other relevant professionals in the State party, including on the legal framework on trafficking in persons and on the identification and referral of victims to appropriate services through gender-responsive and child-sensitive procedures.

Article 69

33. Please provide information on measures taken:

(a) To ensure that migrant workers and members of their families in an irregular situation in the State party have the opportunity to regularize their situation;

(b) To improve the protection and assistance afforded to Timorese nationals abroad in an irregular situation with a view to promoting the regularization of their situation, including through bilateral and multilateral agreements.

Section II

34. The Committee invites the State party to provide information, not to exceed three pages, regarding the protection of migrant workers and members of their families with respect to the following:

(a) Bills or laws and their respective regulations;

(b) Institutions and their mandates or institutional reforms;

(c) Policies, programmes and action plans covering migration and their scope and financing;

(d) Recent ratifications of human rights instruments and other relevant instruments;

(e) Recent comprehensive studies on the situation of migrant workers and members of their families.

Section III**Data, official estimates, statistics and other information**

35. Please provide updated statistical data and qualitative information covering the period since the adoption of the Committee's previous concluding observations on the following, disaggregated by sex, age, nationality, disability, migration status, and field of occupation where applicable:

(a) Volume and nature of migratory movements to and from the State party, including irregular migration, and the main industries occupied by migrant workers in the State party and by Timorese nationals abroad, including in informal employment such as domestic work;

(b) Timorese migrant workers and members of their families, in particular migrant children, who are detained abroad, and whether such detention is migration-related;

(c) Unaccompanied and separated migrant children in the State party;

(d) Asylum-seekers, refugees, stateless persons and other persons in need of international protection in the State party;

(e) Work visas and residence permits that have been issued and are pending, along with the average duration for issuance;

(f) Remittances received from Timorese nationals working abroad.

36. Please provide any additional information on any important developments and measures taken in the implementation of the Convention relating to the protection of the rights of migrant workers and members of their families that are considered a priority, including whether the State party envisages making the declarations under articles 76 and 77 of the Convention (para. 14). Please also provide information about efforts undertaken to translate and disseminate the Committee's previous concluding observations.

37. Please submit an updated common core document in line with the harmonized guidelines on reporting.³ In accordance with paragraph 16 of General Assembly resolution 68/268, the common core document should not exceed 42,400 words.

³ [HRI/GEN/2/Rev.6](#).