

**Government Decree n.º 3/2020
of 28 of March**

**Measures for the Implementation of the Declaration of State of Emergency
introduced by Decree of the President of the Republic n.º29/2020, of 27
March**

In December 2019, the International Community was confronted with the discovery of a new strain of the coronavirus, which is called SARS-Cov2.

The new strain of the coronavirus has proved to be highly contagious among humans and particularly dangerous for certain population groups, particularly the elderly, those who are immunosuppressed and those suffering from chronic diseases.

In light of the rapid spread of SARS-Cov2, the World Health Organization declared, on January 30, 2020, the existence of a situation of risk to public health in other States given the spread of the disease. On March 11, 2020, the World Health Organization ended up declaring COVID-19, a disease caused by SARS-Cov2, as a pandemic.

Given the high number of SARS-Cov2 virus infections registered worldwide, as well as the steep number of deaths that have occurred as a result of these infections, members of the International Community, under technical guidance from the World Health Organization and others specialists in the fields of public health and epidemiology, have adopted a set of measures that aim to contain the expansion of COVID-19 cases and, consequently, the deaths that may result from these cases.

The Government, aware of the great threat that the potential appearance of an outbreak of COVID-19 may pose to public health in Timor-Leste, has been adopting a set of measures aimed at reducing the opportunities for an outbreak of said disease, via the importation of the SARS-Cov2.

Despite the efforts undertaken and the measures approved and implemented, on March 14, 2020, the Ministry of Health announced the first positive test case of COVID-19 for an individual residing in Timor-Leste. In view of this fact, the Government has intensified efforts to reduce the risk of new cases of infection by importation of SARS-Cov2, as well as contagion among individuals residing in Timor-Leste.

Nevertheless, and given the need to reinforce the measures already adopted and to implement new measures that further reduce the risk of contagion of SARS-Cov2 among the population residing in Timor-Leste, the Government proposed, to the President of the Republic, to decree a State of Emergency on the grounds of a calamity situation, whom, after authorization given by the National Parliament, through Law no. / 2020, of March 27, issued the Decree of the President of the Republic no. /2020, of March 27, which declared the state of emergency between 00:00 hours of March 28, 2020 and 23:59 hours of April 26, 2020.

In view of the declaration of a state of emergency, it is incumbent upon the Government to ensure that it is implemented by adopting the necessary measures to prevent the disease, contain the pandemic, save lives and ensure the subsistence of essential goods and services supply chains for our population, even if these measures may limit some fundamental rights and freedoms.

The measures approved through this decree are decided with respect for the constitutional limits, conforming to criteria of necessity and proportionality, and with a duration horizon that does not exceed the period of validity of the state of emergency.

Through the approval of these rules, the Government seeks to reduce the occurrence of new cases of COVID-19 in our national territory, either through situations of imported SARS-Cov2 or its transmission between persons already resident in Timor-Leste, following the guidelines of the World Health Organization and the example of other States.

With the view of achieving the objectives set out above, the measures provided for in this decree will have an important impact on the daily lives of the population residing in Timor-Leste, on the country's economic activity and on the functioning of public services. However, they are absolutely essential to mitigate the risks associated with the SARS-Cov2 infection and to return to normality as soon as possible.

Thus,

The Government, pursuant to article 115(1)(o) of the Constitution of the Republic, decrees the following, to have the force of law:

Chapter I General provisions

Article 1 Object

This decree approves the measures for the implementation of the declaration of state of emergency by the President of the Republic's Decree of no. .../2020, of 27 March.

Article 2 Territorial scope

This decree applies across all of the National territory.

Article 3 Principle of legality

The public administration bodies and services responsible for the application of the rules contained in the present decree, act in compliance with the law, within the limits of the powers that are attributed to them and in accordance with the purposes for which these same powers are conferred to them.

Article 4
Principle of equality

The public administration bodies and services responsible for applying the rules contained in this decree cannot give privilege, benefit, impair or exempt, from any duty, any citizen or foreign national who is in the national territory on the grounds of parentage, sex, race, language, territory of origin, religion, political or ideological beliefs, education, economic situation or social condition.

Article 5
Principle of proportionality

The public administration bodies and services responsible for applying the rules contained in this decree can only affect the legally protected rights and interests of citizens or foreign nationals who are in national territory when necessary and in terms that are appropriate and proportionate to the objectives to be achieved.

Chapter II
International travel

Section I
National territory entry and exit

Article 6
Prohibition on the entry of foreign nationals into national territory

1. Entry into the national territory is forbidden to foreign nationals.
2. The prohibition provided for in the preceding paragraph does not apply to foreigner nationals who were born in Timor-Leste territory and who usually reside here or who are the legal representatives of Timorese minors or third-country nationals who are legal residents of Timor-Leste over whom they exercise parental authority or ensure their support and education.
3. The prohibition provided for in paragraph 1 does not apply to foreign nationals who carry out their professional activity on oil platforms located in the Timor Sea.

Article 7
Exceptional authorization for foreign nationals to enter national territory

The Prime Minister, in duly substantiated cases, related to the defence of the national interest or convenience of service, may authorize the entry of foreigners into the national territory, exempting these from the prohibition provided for in paragraph 1 of the preceding article.

Article 8
Foreign nationals responsible for the transport or release of imported goods

1. Foreign nationals responsible for transporting or releasing goods do not need the authorizations provided for in the preceding article.
2. Foreign nationals referred to in the preceding paragraph may only remain in the international zone of seaports, airports or land border crossing posts and for the time strictly necessary for the completion of the procedures of delivery or release of goods.
3. The definition of an international zone is that contained in paragraph ee) of article 2 of Law no. 11/2017, of 24 May, on migration and asylum.

Section II
Health control of national territory entry and exit

Article 9
Mandatory health control

All individuals wishing to enter or leave the national territory are subject to mandatory health control, namely through the measurement of their body temperature or other means of diagnosis.

Article 10
Prohibition of boarding

1. Individuals who present symptoms of being sick with COVID-19 or infected with SARS-Cov2 cannot board ships or aircraft.
2. For the purpose of applying the preceding paragraph, the following are considered symptoms of COVID-19 disease or SARS-Cov2 infection:
 - a. Body temperature equal to or higher than 37,5.° C (thirty seven and a half degrees centigrade);
 - b. Cough;
 - c. Sore throat;
 - d. Cold/flu symptoms;
 - e. Breathing difficulties or shortness of breath.
3. Individuals who are prohibited from boarding ships or aircraft, in accordance with paragraph 1, must complete the Mandatory Medical Declaration Form and must be taken to a health facility or an Isolation Unit to undergo medical diagnosis examinations for COVID-19 or SARS-Cov2 infection.
4. The provisions of the preceding paragraphs are not applicable to medical evacuation cases.

Article 11
Mandatory therapeutic isolation

1. All individuals who enter the national territory are required to undergo medical diagnostic tests for COVID-19 or infection by SARS-Cov2 when they present the symptoms described in paragraph 2 of the preceding article.
2. Individuals referred to in the preceding paragraph are subject to mandatory therapeutic isolation when they are diagnosed with COVID-19 or infected with SARS-Cov2.

Article 12
Mandatory prophylactic isolation

Individuals entering the national territory are subject to prophylactic isolation with a minimum duration of fourteen days.

Chapter III
Circulation in national territory and establishment of residence

Section I
Mandatory Isolation

Article 13
Mandatory confinement

The following will go through mandatory confinement, at a health establishment or at their home:

- a. Patients with COVID-19 and those infected with SARS-Cov2;
- b. All individuals who enter the national territory;
- c. All individuals who are under surveillance from health authorities.

Article 14
Duration of the mandatory confinement period

The required mandatory confinement period provided for in:

- a) Subparagraph a) of paragraph 1 of the preceding article, ceases with medical discharge;
- b) Subparagraphs b) and d) of the preceding article, ceases at the end of fourteen days, counted from the start date of the confinement period.

Section II

Voluntary isolation

Article 15

Voluntary confinement

Individuals who are not subject to mandatory isolation and who do not carry out any professional activity or are exempt from fulfilling the duty to be present at the workplace must remain inside their homes.

Article 16

Rules of social distance on public roads

Individuals who are not subject to the mandatory isolation regime must travel unaccompanied, observing the distance of at least one meter from other passers-by and avoiding the formation of crowds of people.

Chapter IV

Gatherings and demonstrations

Article 17

Prohibition of gatherings and demonstrations

It is forbidden to hold gatherings or demonstrations involving more than five people.

Article 18

Prohibition of social, cultural and sporting events

Any social, cultural and sporting events that involve the gathering of people are prohibited.

Chapter V

Collective cult or religious activities

Article 19

Prohibition of religious events

It is prohibited to hold any religious celebrations and other worship events that involve the gathering of people.

Article 20

Funerals

Funerals are subject to the adoption of organizational measures that prevent the transmission of SARS-Cov2 and should not imply the presence of more than ten people at the same time.

Chapter VI

Law on private enterprise

Article 21

Suspension of collective passenger transport activities

Collective passenger transport activities are suspended.

Article 22

Rules on access to commercial and services premises

1. Individuals wishing to access the commercial and services premises are required to:
 - a) Use mouth and nose protection mask;
 - b) Clean hands before entering said facilities;
 - c) Respect the distance of at least one meter from other individuals.
2. Those responsible for commercial and services premises have an obligation to make available, at the entrance of their facilities, the necessary conditions for the fulfillment of the provisions of subparagraph b) of the preceding paragraph.
3. Entry into commercial and services premises is refused to individuals who do not comply with the provisions of subparagraphs a) and b) of paragraph 1.

Article 23

Markets

The provisions in the preceding article are applicable, with the necessary adaptations, to the places where the markets operate.

Article 24

Street vendors and their customers are obliged to comply with the provisions in article 22(1)(c).

Chapter VII

Public Administration

Article 25

Functioning of services and professional activity by public administration human resources

1. The Members of the Government and the executive bodies of the public legal entities included in the indirect administration of the State identify the human resources strictly necessary to ensure the functioning, under a regime of minimum services, of the public services that they are hierarchically responsible for.
2. For the purposes of the preceding paragraph, minimum services are those regarding which provision is essential to ensure the functioning of the Public Administration and the provision, to citizens and companies, of goods and services that are of an urgent nature or that cannot be postponed.
3. Human resources of the public administration who are exempt from the duty be present at the respective services must remain contactable by telephone and, whenever summoned for this purpose by their superior, must go to the services where they usually perform their respective professional activity.
4. The non-appearance of public administration employees, agents or workers who are not exempt from the duty of providing their professional activity in person is likely to generate disciplinary responsibility.
5. Members of the Government and the executive bodies of public legal entities included in the indirect administration of the State, whenever possible, should allow their respective human resources to provide their professional activity remotely through new communication and information technologies.

Article 26

Essential public services

1. The provisions in the preceding article in no case may imply the interruption or the supply of essential goods and services, namely and without prejudice of others:
 - a) health services;
 - b) urgent patient transport services;
 - c) security services;
 - d) civil protection services;
 - e) water and sanitation services;
 - f) electricity production, transportation and distribution services;

- g) air or maritime traffic control services.
2. The members of the Government responsible for the Government Departments that provide essential public services may, by order, determine the total or partial exemption from the payment of the fees provided for the provision of essential services.

Article 27

Access to facilities where services operate

1. Facilities where public services operate must ensure that there is a minimum distance of one meter between individuals who remain inside.
2. Those responsible for facilities where public services operate, which are not closed, ensure a distance of at least one meter between individuals waiting for authorisation to enter the said facilities.
3. Those responsible for the facilities where public services operate, which are not closed, ensure that, at the entrance of the facilities, the necessary means are made available so that the individuals who propose to enter them can clean their hands.
4. It is mandatory that individuals who intend to enter facilities where public services operate, which are not closed, clean their hands.
5. Whenever body temperature readers are available for this purpose, those responsible for the facilities where public services operate, which are not closed, should read the body temperature of all those who intend to enter the facilities, preventing the entry of anyone with a body temperature equal to or higher than 37.5 °C (thirty-seven point five degrees Celsius).
6. Those responsible for facilities where public services operate, which are not closed, immediately communicate to the services of the Ministry of Health, the identity of individuals who, under the provisions of the preceding paragraph, are prohibited from entering those facilities.

Chapter VIII

Final provisions

Article 28

Suspension of in person classroom activities and closure of the facilities of education, teaching and professional training establishments

1. All in person classroom activities are suspended.
2. During the period of suspension of in person teaching activities, the teaching-learning process should continue through the promotion of said process by the means of information and communication.

3. The Member of Government responsible for education, youth and sport promotes the distribution of books and other educational materials, namely by students residing in remote areas.
4. The facilities where pre-school, basic education, secondary education, higher education or vocational training establishments operate, public or private, are closed, and the permanence of any teachers or students therein is prohibited.

Article 29

Licences and permits

1. During the term this law is in force, licenses, permits, other administrative acts and documents remain valid regardless of the expiry of their respective term of validity.
2. The provisions of the preceding number include visas and residence or stay permits granted to foreigners who are in Timor-Leste.

Article 30

Security forces and services, civil protection agents and inspectors of the food and economic security authority

1. The enforcement of the provisions of the present decree is the responsibility of the security forces and services, civil protection agents and inspectors of the food and economic security authority, namely by:
 - a. Issuing the orders and instructions necessary for the application of the rules approved by this decree;
 - b. Promoting the necessary steps to ensure compliance with the mandatory isolation regime by all who are subject to said regime;
 - c. Promoting the dispersion of gatherings or concentrations of individuals on public roads;
 - d. Encouraging the compliance with the duty of voluntary confinement by all individuals who must observe said measure.
2. The Health services will inform the security forces and services about the identity of all individuals who are subject to mandatory isolation, as well as the location where they should remain in isolation.

Article 31

General Duty to cooperate

During the period of duration of the state of emergency, citizens and other entities are subject to the duty of collaboration, namely through the fulfilment of orders or instructions from the bodies and agents responsible for safety, protection and public health, in the prompt response to requests that, justifiably, are directed to the implementation of the measures provided for in this Decree.

Article 32
Date of Expiry

This diploma expires with the end of the state of emergency.

Article 33
Entry into force

This Decree enters into force on the day after its publication.

Approved by the Council of Ministers on 28 of March 2020.

The Prime-Minister

Taur Matan Ruak