



VIII CONSTITUTIONAL GOVERNMENT

GOVERNMENT DECREE Nº 9/2020

of 29 May 2020

Measures for the implementation of the declaration of the state of emergency made by Decree of the President of the Republic Nº 35/2020 of 27 May

Following the declaration on 11 March 2020 by the World Health Organization of the COVID-19 pandemic, the Democratic Republic of Timor-Leste adopted a set of measures aimed at preventing and controlling a possible outbreak of the disease in our country.

These measures did not prevent that a total of twenty-four cases were diagnosed in our national territory, but they contributed indelibly to the fact that this number did not increase. According to information provided by the Ministry of Health, and communicated internationally by the World Health Organization, there are currently no active cases of COVID-19 in Timor-Leste.

Nevertheless, it is important to note that Timor-Leste is not isolated from the rest of the International Community, so it is urgent to reduce any risks of re-importation of the SARS-Cov-2 virus into our territory. Ignoring such risks would endanger the health and life of the population living there.

Recognizing these risks, the Government proposed to the President of the Republic the renewal of the state of emergency, in order to enable the maintenance of measures aimed precisely at preventing the importation of SARS-Cov-2 into national territory or, if it is not possible to achieve such desideratum, to prevent and effectively control a possible outbreak of COVID-19 in Timor-Leste.

Some of the measures that must continue to be implemented constitute limitations on the exercise of fundamental rights and freedoms, and as such it is considered that, to be enacted in general, can only occur during the term of the state of exception, which was renewed through Decree of the President of the Republic Nº 35/2020 of 27 May, and whose implementation must now be regulated.

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 the state of emergency made by decree of the President of the Republic no. 35/2020, of 27 May.

Article 2

Territorial scope

This diploma applies throughout 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

Principles of proportionality and necessity

1. 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.
2. The use of force in imposing compliance with the rules provided for in this decree is only authorised when it is not possible to resort to other means for that purpose.
3. The use of force is always preceded by a summons to obedience performed in a noticeable way and always within the strictly necessary and to the extent required for the fulfilment of the legal duty.
4. The means to be deployed in the use of force must comply with the prerequisites of the least intervention and the least possible injury, and more serious means can only be used, namely the use of weapons, instruments, equipment or objects when manifestly it is not feasible or sufficient to use physical force.

Chapter II
International travel

Section I
Entry into national territory

Article 6

Prohibition of entry of foreigners 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 or airports 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, pursuant to the terms of the International Health Regulations.

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 point five degrees Celcius);
 - b. Cough;
 - c. Sore throat;
 - d. Common cold;
 - e. Breathing difficulties.
3. Individuals who are prohibited from getting on buses or boarding ships or aircraft in accordance with paragraph 1 must complete the Mandatory Medical Declaration Form and are required to be taken to a health facility or isolation unit to be submitted to medical diagnostic tests for COVID-19 or infection by SARS-Cov-2.
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

1. Individuals entering the national territory from abroad are subject to mandatory prophylactic isolation with a minimum duration of fourteen days.
2. Mandatory prophylactic isolation ceases with the end of the period set out in the preceding paragraph if there is no basis for the imposition of the compulsory containment regime.

Chapter III

Circulation in national territory and establishment of residence

Section I

Mandatory isolation

Article 13

Mandatory confinement

All of the following will go through mandatory confinement, at a health establishment, at their home or at an isolation centre established for this purpose by the State, as determined by the health authorities:

- a. Patients with COVID-19 and those infected with SARS-Cov2;
- b. Individuals who enter the national territory;
- c. 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 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 and limit their movement outside to the minimum necessary.

Article 16
Rules of social distancing on public roads

1. Individuals who are not subject to the mandatory isolation regime when walking on public roads must do so unaccompanied, observing the distance of at least one meter and a half from other passers-by and avoiding the formation of crowds of people.
2. Individuals who remain on the public road waiting for the opportunity to enter commercial or service establishments or facilities where public administration services operate must maintain a distance of at least one metre and a half from the closest individual.
3. The provisions of the preceding paragraph are also applicable at the places of entry and exit of passengers on public transport.
4. Security forces officers must make all individuals aware of the need to comply with the provisions of the preceding paragraphs.

Chapter IV
Public Administration

Article 17
Facilities where public administration bodies or services operate

1. Facilities where public services operate must ensure that there is a minimum distance of one metre and half 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 metre and half 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. Hand hygiene and the use of a nose and mouth protection mask are mandatory for all individuals wishing to enter and remain inside facilities where public services operate that are not closed.
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, shall immediately request the intervention of security forces officers and 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 V

Final provisions

Article 18

Temporary closure of border posts

In exceptional cases, justified on grounds of health and safety of the population, the Minister of the Interior may determine the temporary closure of border posts.

Article 19

School activities in person

1. Pre-school, primary education, secondary education, higher education and vocational or technical-vocational training establishments may carry out school activities on a face-to-face basis.
2. The performance of school activities in person will depend on compliance with the technical standards that are approved for this purpose by the Minister of Health in coordination with the relevant government departments.

Article 20

Markets

1. Individuals who wish to access the inside of markets premises and remain there, including the vendors and their respective staff, are cumulatively obliged to:
 - a) Use mouth and nose protection mask at all times;
 - b) Clean hands before entering said facilities;
 - c) Respect the distance of, at least, one meter and half from other individuals.

2. The Municipal Authorities and the Municipal Administrations shall make available, at the entrance of the markets, the necessary conditions for the fulfillment of the provisions of subparagraph b) of the preceding paragraph.
3. The officials, agents or workers of the Municipal Authorities or Municipal Administrations, responsible for the management of markets or public order, shall control the entrances to the markets and:
 - a) Stop the entry of individuals who do not comply with the provisions of paragraphs a) and b) of paragraph 1;
 - b) Stop the entry of new individuals into the market premises when the number of those already in them prevents compliance with the provisions of paragraph c) of paragraph 1, given their size.
4. Officials, agents or workers of Municipal Authorities or Municipal Administrations, responsible for the management of markets or public order, shall order individuals who stop wearing a mouth and nose protection mask to exit the market and inform them that non-obedience to the communicated order may make them incur criminal liability.
5. In cases in which compliance with the order provided for in the preceding paragraph is refused, the officials, agents or workers of Municipal Authorities or Municipal Administrations, responsible for the management of markets or public order, shall request the intervention of the security forces.

Article 21

Licenses 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 22

Supervision

1. The enforcement of the provisions of the present decree is the responsibility of the security forces and services, civil protection agents, inspectors of the food and economic security authority and officials, agents or workers of the Municipal Authorities or Municipal Administrations, namely by:
 - a) Issuing the legitimate orders, under the terms of this decree, consequence and participation for possible crimes as provided for in this Decree;
 - b) Promoting the necessary steps to ensure compliance with the mandatory isolation regime by all who are subject to said regime;
 - c) 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 23

Right of resistance

Any act of active or passive resistance to the orders issued by the competent public authorities in execution of the declaration of the state of emergency is banned.

Article 24

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 25

Special duty of cooperation of municipal officials and community leaders

The Presidents of the Municipal Authorities, the Municipal Administrators, the Administrators of the Administrative Posts, the Chiefs of Sucos and the Chiefs of the Villages must cooperate with the bodies and services of the central administration, namely with the health authorities and the security forces, in:

- a) Dissemination of information to local communities on ways to prevent COVID-19;
- b) Raising public awareness of the need to comply with the rules contained in this Decree, in particular those relating to voluntary confinement and social distancing on public roads;
- c) Providing of information to health authorities or security forces on individuals presenting the symptoms referred to in Article 10(2);
- d) Immediate reporting of cases of domestic violence against women, children, the elderly or people with disabilities;
- e) Communicate to the police authorities of the entry into national territory of people from abroad;
- f) Providing of information or carrying out the tasks requested for the purpose of preventing or combating COVID-19.

Article 26

Date of Expiry

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

Article 27

Entry into force

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

Approved by the Council of Ministers on May 29, 2020.

The Prime Minister

Taur Matan Ruak