



IYCF Policy Desk Review: Timor-Leste

Objective

Despite significant economic growth and overall food security in Southeast Asia, the burden of child malnutrition remains high. In addition, infant and young child feeding (IYCF) rates continue to fall below global recommendations. Given this context, the need to invest in protecting, promoting, and supporting infant and young child nutrition is recognized as critical for the region.

The timing is opportune to build regional momentum for IYCF policies, though much remains to be done to translate the solid scientific evidence base into both political action and effective programs at scale.

The current IYCF policy environment – including national codes of marketing of breastmilk substitutes, maternity entitlements, and health systems strengthening – must be strengthened across the entire ASEAN region to begin the challenging process of improving infant and young child nutrition. To be successful, policy change processes must be rooted in evidence.

Our work to generate evidence will begin by conducting a nutrition policy landscape of the ASEAN region to better understand current strengths and gaps, and to provide a comprehensive set of recommendations for action at the country level.

Methodology

For this IYCF policy landscape analysis, both primary and secondary sources were tapped to review and establish the baseline status of key IYCF policies in Timor-Leste. Those included:

- World Health Organization policy database
- The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW): Country Report
- Convention on the Rights of the Child (CRC)
- CEDAW and CRC Committees' Feedback Reports
- Global Nutrition Report
- The International Baby Food Action Network (IBFAN)
- The United Nations Children's Fund (UNICEF)
- Government of Timor-Leste

The Current IYCF Landscape in Timor-Leste

Timor-Leste is one of the nations with the worst health outcomes in Asia. Nevertheless, the government has made a strong commitment to improve national health. Childhood mortality levels have decreased from 83 to 45 deaths per 1,000 live births from 1999 to 2009. In addition, under-5 mortality levels have decreased from 115 to 64 deaths per 1,000 live births in the same period.¹

¹ Opinion Leader Research on Infant and Young Child Feeding in Timor-Leste – Desk Review: Current Situation, Barriers and Policy Supports

However, Timor-Leste is one of the countries in the Asia-Pacific region with an alarming nutrition situation. In 2013, more than half of children under-5 were stunted—a number that hasn't decreased significantly in the last decade.

Despite a significant increase in the exclusive breastfeeding rate over the past 10 years, only 52 percent of children are breastfed to 6 months of age,¹ and only 33 percent of children are still breastfed at age 2.²

Summary of Policy Landscape

Timor-Leste is a very young country—having only liberated from Indonesia in 2002. Despite this, Timor-Leste is not lacking in policies. In just over a decade, it has developed a comprehensive Labor Law with maternity and paternity entitlements, a national BMS Code, as well as several other laws that protect and promote young child nutrition and optimal IYCF practices. However, nearly half of these policies remain in draft—some for 5-10 years. This is viewed by many leaders as a barrier to improving IYCF in the country.³ In 2014, teaming with other Community of Portuguese Language Countries (CPLP), the Government of Timor-Leste launched an action plan and campaign against hunger. The national action highlights one of the many initiatives from the Government of Timor-Leste around food security and nutrition since 2008.

Assessment of Timor-Leste's IYCF-Related Policies

Over the years, Timor-Leste has taken steps to improve its infant and young child nutrition policies. Timor-Leste ratified The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), a UN treaty described as an “international bill of rights” for women, in 2002, and the Convention on the Rights of the Child (CRC) in 2003. The CRC outlines the civil, political, economic, social, health, and cultural rights of children. The country also launched the Zero Hunger Challenge (ZHC) in 2014, though it is worth noting that the country has not joined the Scaling Up Nutrition (SUN) movement yet and has not ratified International Labour Organization (ILO) C183 – Maternity Protection Convention, 2000. Below is an assessment of Timor-Leste's IYCF-related policies, and key considerations to strengthen the current IYCF policy environment in Timor-Leste.

Marketing of Foods for Infants and Young Children, Feeding Bottles, Teats and Dummies^{4,7} (Draft)

Timor-Leste's Marketing of Foods for Infants and Young Children, Feeding Bottles, Teats and Dummies was developed in 2003, but has remained in draft since.

The Code applies to artificial milks for infants; other products used to feed infants, especially when they are marketed for use in a feeding bottle; and to feeding bottles and teats.

The draft law has strict regulations against commercial promotion, banning the advertisement and marketing of infant formula products through media and other avenues, restricting promotional strategies and sales of products, and ensuring instructions and information on products are written in the local language. The law further prohibits any healthcare professionals and workers from accepting

² UNICEF SOWC – 2014

³ Opinion Leader Assessment: Infant and Young Child Feeding in Timor Leste

⁴ Marketing of Foods for Infants and Young Children, Feeding Bottles, Teats and Dummies

any kind of financial or material benefits from manufacturers or distributors. Penalties are set forth in the draft law for violations of provisions of Timor-Leste's Code.

Strict labeling provisions for infant formula, follow-up formula, complementary foods, teats, dummies, and feeding bottles are also included in the draft law.

Specifically, the Code includes the following 10 provisions:

- No advertising of any of these products to the public
- No free samples to mothers
- No promotion of products in healthcare facilities
- No company nurses to advise mothers
- No gifts or personal samples to health workers
- No words or pictures idealizing artificial feeding, including pictures of infants on the labels of products
- Information on health workers should be scientific and factual
- All information on artificial feeding, including the labels, should explain the benefits of breastfeeding, and the costs and dangers associated with artificial feeding
- Unsuitable products, such as sweetened condensed milk, should not be promoted for infants
- All products should be a high quality and take account of the climactic and storage conditions of the country where they are used

Key considerations:^{5,6}

- Review and finalize Timor-Leste's National BMS Code
- Explore working with custom regulations. It is worth noting that, since most products on the BMS market come from Indonesia, the status of BMS code in Indonesia has a direct effect on Timor-Leste.
- Enact and implement Timor-Leste's National BMS Code, including an effective monitoring system
- Engage other relevant ministries and partners to sign an IYCF pledge to promote optimal feeding practices
- Promote public awareness of the harms of bottle feeding, including seminars and through the media
- Engage in a Code education program for the healthcare system, increasing the awareness of healthcare workers of their responsibilities under the Code
- Integrate the BFHI assessment procedure with Code monitoring

Timor-Leste Breastfeeding Promotion Policy⁷ (Draft)

The Timor-Leste Breastfeeding Promotion Policy was drafted in 2009, and has remained in draft form since.

The goal of the policy is to contribute to the reduction of neonatal infant mortality and morbidity through improving breastfeeding practices. The objectives of the policy are to significantly increase:

- The percentage of infants breastfed within the first hour of birth;

⁵ <http://worldbreastfeedingtrends.org/report/WBTi-Thailand-2010.pdf>

⁶ 2014-2017 Advocacy Plan Workbook – Strengthening Timor Leste's National IYCF Policies

⁷ Timor-Leste Breastfeeding Promotion Policy_Draft_Ministry of Health_July, 2009

- The percentage of infants receiving colostrum during the first few days of birth;
- The percentage of women practicing exclusive breastfeeding for the first six months;
- The percentage of women who are providing complementary food and continuing breastfeeding up to 2 years and beyond; and
- The provision of appropriate and timely advice and support from health staff or trained community workers for:
 - Lactating women experiencing problems with breastfeeding
 - Mothers or caretakers of infants, 0-6 months old, who are in exceptionally difficult circumstances

Key strategies of the draft policy include:

- Building an institutional environment in Timor-Leste that promotes and supports breastfeeding;
- Education and training of all relevant health staff, including private health service providers; and
- Protection and promotion of breastfeeding in the community.

Implementation of the strategies of the policy would be continuously monitored and reported on bimonthly by the National Breastfeeding Association.

*Key considerations:*¹

- Develop and implement comprehensive IYCF guidelines
- Develop and implement a comprehensive education, training and policy advocacy program to address sub-optimal IYCF practices
- Review, finalize, enact, and implement Timor-Leste's Breastfeeding Promotion Policy

Maternity Entitlements

Currently, women make up about 40% of the workforce in both the formal and informal sector in Timor-Leste.⁸

Maternity Leave – Chapter V, Section I of the Timor-Leste Labor Law⁹ (Approved 2012)

Under Timor-Leste's Labor Law, established in 2012, female workers shall have the right to paid maternity leave for the minimum period of 12 weeks, 10 of which shall be taken after delivery. In addition, male workers have the right to a five-day paid paternity leave after the birth of their children without losing the right to seniority.

Under Article 61 of the Labor Law, it is mandated that employers pay the remuneration to the workers during the period of maternity and paternity leave.

Article 62 of the Labor Law states that pregnant workers have the right to be away from work without the loss of paid wages, and that they have the right to be away from work in order to breastfeed their children—until the child reaches the age of six—equivalent to two breastfeeding periods per day with the duration of one hour each.

⁸ <http://www.ilo.org/public/english/bureau/program/dwcp/download/timorleste.pdf>

⁹ <http://www.jornal.gov.tl/lawsTL/RDTL-Law/RDTL-Laws/Law%204-2012%20%20Labour%20Code.pdf>

Article 65 of the Labor Law protects females from dismissal or loss of wages upon return to the workforce.

The Labor Code is implemented into informal and formal sectors and enforced by the Secretariat of State for Vocational Training and Employment through general inspectorate of labors department. However, the enforcement has been viewed as weak in the country as there have been some company and business owners who have not complied with the Code for female workers. There have been reports that women in the labor force are not taking their maternity leave for fear of losing their jobs, as there is currently a lack of legislation that protects job security for women in the country. In addition, nearly 62 percent of the labor force is not aware of the Labor Code.¹

Paid leave of absence – Section II of the Timor-Leste Statute of the Civil Service

Under Article 53 of the Civil Service Statute, civil servants are entitled to maternity leave without facing a loss of paid wages. The duration of, and other specific rules for, each category of leave are established in a Government decree.

Under Article 62 of the Civil Service Statute, maternity leave absences are protected if a civil servant or agent justifies the absence in writing prior to the absence or within five days after reporting back to the workplace.

*Key considerations:*⁶

- Allocate public funds to pay for parental leave entitlements to prevent discrimination in the labor market
- Extend paid maternity leave from 12 weeks to 16 weeks
- Provide accommodations in the workplace for breastfeeding and/or child care in the formal sector
- Make information available about the Labor Law in workplaces
- Educate relevant authorities and employers about the economic benefits of supporting breastfeeding in the workplace
- Encourage mothers to use the maternal leave available as part of their rights
- Strengthen data systems on the maternal protection situation in Timor-Leste
- Hold a national workshop to engage discussion on strengthening the maternal protection law with relevant government partners and parliamentarians

Action Plan for a Hunger- & Malnutrition-Free Timor-Leste¹⁰ (Approved 2014)

The Action Plan for a Hunger- & Malnutrition-Free Timor-Leste was approved in 2014. The action plan maps a set of indicators by which to assess the overall progress on the challenge to achieve a hunger- and malnutrition-free Timor-Leste by 2025, and was built around five strategic pillars:

- Pillar 1: 100 percent equitable access to adequate, nutritious and affordable food all year round;
- Pillar 2: Zero stunted children less than 2 years of age;
- Pillar 3: All food systems are sustainable;
- Pillar 4: 100 percent increase in smallholder productivity and income; and
- Pillar 5: Zero loss or waste of food.

¹⁰ Action Plan for a Hunger & Malnutrition Free Timor-Leste_Zero Hunger Challenge

The National Council for Food Security, Sovereignty and Nutrition in Timor-Leste (KONSSANTIL) will function as the high-level reporting and decision-making body. Its key role is to take policy and major strategic decisions, and to ensure full commitment from all relevant stakeholders, and it will also be responsible for the coordination of the development and implementation of the cross-sectoral, multi-level monitoring and evaluation system.

Health Systems^{11,12}

Timor-Leste's Constitution embeds healthcare as a fundamental right for all citizens and imposes a duty on the government to promote and establish a national health system that is universal, general, free of charge and, as far as possible, decentralized and participatory.

However, Timor-Leste faces many health challenges, including poor and unequal access to health services, the absence of a regulatory framework, and an inadequate referral system. In addition, there is a shortage of doctors and technical expertise, leaving a need for further technical supervision in health sector development—e.g., development and refining of health sector strategies and policies, development of long-term budget requirements, capacity building of local staff, increase in public awareness and education on health issues.

The Ministry of Health is currently providing medical services to all 13 districts throughout Timor-Leste with the assistance of a team of international medical officers and specialists.

Currently, IYCF counseling is provided to pregnant women during ANC consultation and post-partum. In addition, women receive community-level support and counseling on IYCF practices. However, there is currently no health financing for IYCF, and only two hospitals are BFHI accredited.

*Key considerations:*⁶

- Revise and finalize Primary Health Care service packages to include IYCF components
- Strengthen capacity in nutrition to implement IYCF and other high-impact nutrition interventions at all levels
- Strengthen coordination within the health sector and among other sectors
- Strengthen the monitoring and evaluation framework and establish nutrition surveillance that includes IYCF indicators
- Advocate for the increase in funding around Early Essential Newborn Care (EENC) and the 10 steps to expand to both public and private hospitals
- Institutionalize the BFHI through hospital accreditation and reaccreditation

Outstanding Questions and Information

- National Nutrition Strategy (2015-2020)
 - Current draft version of the policy (Only the *July, 2004 16/07 Version*¹³ is available online)
- National Food and Nutrition Security Policy
 - Current draft version of the policy

¹¹ http://www.who.int/countryfocus/cooperation_strategy/ccsbrief_tls_en.pdf

¹² http://www.searo.who.int/timorleste/publications/Health_Information_TLS_Health_profile_RDTL.pdf

¹³ <http://www.basics.org/documents/26-Timor-Leste-National-Nutrition-Strategy.pdf>

Appendix A: Summary of Related IYCF Policies

<i>Policy/Act</i>	<i>Year</i>	<i>Purpose</i>	<i>Enforced by</i>
Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW)	2002	End discrimination against women in all forms	United Nations
Convention on the Rights of the Child (CRC)	2003	Protect all children's rights by promoting social progress and a better standard of life	United Nations
Timor-Leste Breastfeeding Promotion Policy	2009 (draft)	Reduce neonatal infant mortality and morbidity by improving breastfeeding practices	National Breastfeeding Association; Timor-Leste Ministry of Health
Maternity Leave – Chapter V, Section I of the Timor-Leste Labor Law	2012	Protect employees' rights and set forth employers' obligations and responsibilities	Secretariat of State for Vocational Training and Employment
Action Plan for a Hunger & Malnutrition-Free Timor-Leste	2014	Achieve a hunger- and malnutrition-free Timor-Leste by 2025	The National Council for Food Security, Sovereignty and Nutrition in Timor-Leste (KONSSANTIL)

Appendix B: Timor-Leste Country Profile, Global Nutrition Report (placeholder for content)

Appendix C: Timor-Leste's Legislative Process¹⁴

The National Parliament is the supreme legislative body of Timor-Leste. Parliament can exercise its law-making power in two ways:

1. By directly enacting legislation; or
2. By delegating its law-making authority to the Government

The president can limit Parliament's power by exercising the power to veto legislation passed by the Parliament. The president also has the power, in limited circumstances, to dissolve the National Parliament and call for a new round of national parliamentary elections.

Law-making authority is principally given to Parliament acting as a whole. The president of the National Parliament is responsible for admitting draft legislation, while members of Parliament and parliamentary benches have the power to initiate legislation—meaning they have the power to introduce draft laws for deliberation and a vote by the National Parliament. The Constitution gives three state actors the power to initiate new legislation:

1. The members of Parliament
2. The Parliamentary groups that specialize in particular issues
3. The Government Ministries

Initiation is the first step toward making a piece of draft legislation into law. This is the point at which the new item is first introduced to Parliament for consideration. Draft legislation that is initiated by members of Parliament or parliamentary benches is called a draft law, whereas draft legislation that is initiated by the government is called a bill. Note that a bill is different from a decree-law. A decree-law is legislation enacted by the government, either pursuant to legislative authorization granted by Parliament, or the government's inherent legislative power. A bill is a piece of draft legislation initiated by the government for Parliament to deliberate upon. The Government enacts decree-laws unilaterally. When the government initiates a bill, it is proposing legislation that it would like Parliament to pass.

Any individual or group of individuals may write a piece of draft legislation, but it will not be considered by Parliament unless one of the actors of the Constitution initiates it. The author or authors of a piece of draft legislation must consider the purpose of the law they hope to pass and how they will give effect to this purpose through appropriate legislation. When drafting a law, the authors should also be mindful of the formal requirements the Rules of Procedure place on draft legislation.

Rules of Procedure (Article 98 – Formal requirements concerning draft laws and bills):

1. Draft laws and bills shall:
 - a. Be drawn up in any official language, the text in the Portuguese language being the basic text which shall prevail over the versions in other languages, the members of Parliament being allowed to speak in any working language;
 - b. Be drawn up under the form of articles, possibly divided into paragraphs and subparagraphs;
 - c. Have a title which shall convey its principal object; and
 - d. Be preceded by a brief justification or explanation of the motives.

¹⁴ <http://web.stanford.edu/group/tllep/cgi-bin/wordpress/wp-content/uploads/2012/09/Constitutional-Law-in-Timor-Leste.pdf>

The formal requirements for draft legislation are minimal and largely self-explanatory. The draft must be in a language that the members of Parliament can read, organized at least into articles, and have a title. Finally, it must include a brief introduction that explains the purpose of the legislation. In addition to these formal requirements, no draft law or bill that violates the Constitution may be admitted. Finally, Article 93 of the Rules of Procedure requires that “Members of Parliament and parliamentary benches may not submit draft laws or draft amendments which involve, during the ongoing economic year, an increase in state expenditure or decrease state revenue set out in the Budget.” In other words, once a budget has been set and implemented, there cannot be laws or amendments changing spending or revenue for that economic year.

The president of the National Parliament is responsible for appraising all newly initiated draft laws and bills. If an initiative conforms to the above requirements, the president of the National Parliament admits the draft, numbers it, and refers it to the competent specialized standing committee, where applicable. The president of the National Parliament must promptly inform the plenary of her decision to admit or reject a draft law or bill. The members have until the end of the next plenary session to appeal this decision. Once an appeal is filed, the president of the National Parliament submits the matter to the plenary for deliberation and a conclusive 170 vote on the matter. If a draft law or bill is rejected, the draft may not be put forward again during the same legislative session.

If a piece of draft legislation is admitted, the process for setting the agenda, as discussed previously, determines when it will actually go before the plenary. If a draft law or bill is admitted but not voted on during the legislative session during which it was initiated, it does not need to be renewed during the next legislative session. It remains open for consideration by Parliament until the end of the parliamentary term. Similarly, admitted bills only expire upon the resignation of the government or the end of the parliamentary term. If a piece of draft legislation lapses because of the conclusion of the parliamentary term or resignation of the government, it will have to be re-initiated at the start of the next parliamentary term.