



Analysis of the Controversy in the 2025 Recruitment Process of the Polícia Nacional de Timor-Leste Agents

Report on Discrimination, Unconstitutionality, and
Recommendations for Transparent Police Governance

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1. Introduction and Context

HABADA NGO, as a civil society organization dedicated to monitoring police governance and human security in Timor-Leste, presents a detailed analysis of the 2025 recruitment process for agents of the Polícia Nacional de Timor-Leste (PNTL), which is regulated by Ministerial Diploma No. 17/2025, dated 25 June, concerning the Public Competition Regulation for Admission to the Police Agent Training Course of the National Police of Timor-Leste. This ministerial diploma was subsequently amended for the first time on 10 October 2025 through Ministerial Diploma No. 37/2025, dated 10 October, First Amendment to Ministerial Diploma No. 17/2025 of 25 June. Accordingly, this report is based on official documents, including ministerial diplomas, court rulings, press releases, statements issued by the Provedoria dos Direitos Humanos e Justiça (PDHJ), and announcements issued by the Recruitment Secretariat.

The 2025 recruitment process was marked by significant controversies, involving allegations of discrimination, nepotism, and violations of constitutional principles and international human rights standards. The process culminated in a judicial action submitted by the PDHJ, which resulted in a historic decision by the Court of Appeal declaring certain provisions of the ministerial diploma unconstitutional and unlawful.

This report aims to systematize the facts, analyze the arguments presented by the involved parties, assess the impact of the judicial decision, and formulate recommendations for future recruitment processes, in line with the mission of HABADA to promote transparency, justice, and integrity within police institutions such as the PNTL.

2. Recruitment Process and Initial Criticisms

The recruitment calendar commenced on 5 August 2025, with document submission open until 9 September 2025. Ministerial Diploma No. 17/2025 established a quota system determining the allocation as follows:

- 20% for children of members of the PNTL;
- 20% for children of patriots or veterans;
- 20% for female candidates;
- 40% for the general contingent.

While the intention to promote diversity and recognize historical contributions is highly commendable, HABADA identified several serious concerns from the outset, including:

- **Polícia Família": Risk of Nepotism and "Family Policing"**: Reserving positions based on family connections may undermine public trust and create perceptions of favoritism within the Polícia Nacional de Timor-Leste (PNTL).
- **Discriminatory Criteria**: The requirement for single marital status (Article 20, paragraph c) and restrictions based on health conditions (Annex VI) were considered potentially exclusionary and disproportionate.
- **Lack of Transparency**: The sequential preference system and quota allocations may exclude more qualified candidates in favor of criteria that are not merit-based.

HABADA's concerns were formally expressed through a press release on 12 August 2025, in which the organization called for clarity, independent oversight, and technical adjustments to ensure fairness and inclusivity in the recruitment process.

3. Position of the PDHJ

Through a press release dated 14 August 2025, the PDHJ presented a clear legal analysis, concluding that certain criteria in Ministerial Diploma No. 17/2025 violated fundamental human rights. PDHJ highlighted:

- The requirement for single marital status is discriminatory and contrary to Article 16 of the Constitution.
- Allocations based on family connections violate the principles of equality and the right to public service.
- Certain health-related exclusions are disproportionate and stigmatizing.
- Candidates involved in criminal proceedings were excluded in ways that violated the presumption of innocence.

As a result, **PDHJ filed a case with the Tribunal de Recurso, requesting an abstract review of the constitutionality of Ministerial Diploma No. 17/2025, based on Article 150 of the Constitution.** Following this legal action, the Ministry of Interior amended Ministerial Diploma No. 17/2025 through Ministerial Diploma No. 37/2025 of 10 October (First Amendment to Ministerial Diploma No. 17/2025, dated 25 June). Through this amendment, **the Ministry of Interior also removed PDHJ from the Supervisory and Monitoring Commission for the 2025 PNTL Agent Recruitment.** Even though PDHJ had previously served as a member of this commission (Article 17, paragraph h, number 2, Ministerial Diploma No. 17/2025).

4. Decision of the Court of Appeal

The Court of Appeal, in a landmark ruling (**Court of Appeal: Proc. No. 06/CONST/2025.TR, NUC: 0073/25.TRDIL**) dated 30 December 2025, declared certain provisions of Ministerial Diploma No. 17/2025 **unconstitutional and unlawful**:

4.1. Single Marital Status (Article 20, paragraph c)

- Considered direct discrimination based on civil status, violating Article 16, paragraph 2 of the Constitution and relevant international human rights instruments.
- The Court of Appeal rejected the Government's argument that this requirement was justified by the "specificity of police training," deeming it disproportionate and unnecessary.

4.2. Social Position-Based Preferences and Quotas (Articles 37 and 42)

- Preferences for children of PNTL members and children of patriots were considered direct discrimination based on social position.

- The Court of Appeal emphasized that such measures do not qualify as legitimate affirmative action, as they are not intended to address structural inequalities but instead create hereditary privileges.

4.3. Health Criteria (Annex VI)

- Automatic exclusion of candidates with certain health conditions who had recovered less than 12 months prior was considered discriminatory and disproportionate.
- The Court of Appeal emphasized the need for individual assessments of functional fitness, based on current scientific standards and the rights of persons with disabilities.

4.4. Exclusion of Individuals with Criminal Charges (Article 20, paragraph k)

- Considered a violation of the presumption of innocence (Article 34 of the Constitution).
- The Court of Appeal declared that exclusion is only legitimate following a final conviction and cannot be based on pending legal proceedings.

4.5. Effects of the Decision

- The Court of Appeal did not annul the ongoing recruitment process but ordered the removal of unconstitutional criteria and required a re-evaluation of candidates based on standards consistent with the Constitution.
- The decision is legally binding, applies to future recruitment processes, and requires immediate compliance by the administrative authorities.

5. Announcement on Recruitment Results and Corresponding Explanations

Despite the decision of the Court of Appeal, the Recruitment Secretariat released partial results on 3 February 2026, indicating that out of a total of 12,874 candidates, 10,597 passed the cultural, physical, psychological tests, and interviews, while 2,277 did not pass. The schedule for medical examinations was also released, with only 400 slots available.

Following this, candidates and civil society expressed their lack of confidence in the process, alleging “favoritism” and a lack of transparency in the recruitment process. Consequently, on 5 February 2026, candidates, with support from civil society, submitted a complaint to the PDHJ regarding the 2025 PNTL Agent Recruitment results issued by the Recruitment Secretariat.

6. Analysis and Observations from HABADA

6.1. Compliance with Constitutional and International Principles

The Court of Appeal decision reinforces the primacy of the Constitution and international human rights treaties in regulating public recruitment processes. HABADA welcomes this judicial clarification, highlighting that:

- Discrimination based on civil status, social position, health conditions, or legal status is unacceptable.

- Affirmative action must be justified by legitimate objectives aimed at addressing inequalities, not creating hereditary privileges.
- The presumption of innocence is a fundamental pillar of the rule of law and is equally applicable in administrative contexts.

6.2. Impact on Institutional Credibility

The 2025 recruitment process revealed serious shortcomings in police governance:

- **Lack of Consultation:** The ministerial diploma was issued without sufficient debate with relevant stakeholders, resulting in controversial criteria.
- **Weakness in Supervision and Monitoring:** The Recruitment Secretariat lacked transparency and did not implement robust mechanisms for independent oversight.
- **Public Distrust:** Allegations of nepotism and discrimination have undermined public confidence in the PNTL, a fundamental institution for Timor-Leste's security and democracy.

6.3. Challenges in Implementing the Court's Decision

Despite the clear ruling of the Court of Appeal, practical implementation has faced several obstacles:

- **Re-evaluation of Candidates:** There is a need to reassess candidates individually according to the new criteria, which requires resources, time, and transparency.
- **Effective Monitoring:** The absence of an independent oversight and monitoring mechanism with sanctioning power limits compliance with the Court's decision. This challenge is further compounded by the Ministry of Interior's decision to remove PDHJ from the Supervisory and Monitoring Commission for the recruitment process.

6.4. Lessons for Future Recruitment

HABADA identifies several critical lessons:

- **Merit-Based Approach:** Selection criteria should prioritize qualifications, competencies, and physical/psychological fitness, with individualized assessments.
- **Transparency and Accountability:** All stages of the process should be accessible to the public and include participation from independent observers.
- **Non-Discriminatory Inclusion:** Gender equality and the inclusion of vulnerable groups should be ensured without creating new forms of exclusion.
- **Strong Legal Framework:** Regulatory standards should undergo prior assessment for human rights impact and ensure compliance with constitutional provisions.

7. Recommendations from HABADA

Based on the analysis presented in this report, HABADA recommends:

7.1. Immediate recommendations

- **Annulment of Current Results:** Considering the irregularities identified, the 2025 recruitment process should be annulled and restarted with criteria aligned with the Constitution.
- **Dissolution of the Current Recruitment Organizational Structure:** The Recruitment Jury, Recruitment Secretariat, and the existing Supervisory and Monitoring Commission should be dissolved and replaced with an independent and pluralistic body.
- **Establishment of an Independent Supervisory and Monitoring Commission:** This commission should include representatives from the National Parliament Commission B, the PDHJ, and civil society, with a mandate to oversee the entire recruitment process.

7.2. Structural Recommendations

- **Revision of the Legal Framework:** The Ministry of Interior, in consultation with PDHJ and civil society, should develop new recruitment regulations that align with the Constitution and international standards.
- **Strengthening Institutional Capacity:** Invest in training for recruitment secretariats, with emphasis on ethics, human rights, and transparent management.
- **Accessible Complaint Mechanism:** Establish a simple and effective channel for candidates to submit complaints, ensuring prompt and binding responses.

7.3. Long-Term Recommendations

- **National Police Recruitment Policy:** Develop a comprehensive policy based on merit, diversity, and human rights, with periodic reviews.
- **Organizational Culture of Integrity:** Promote an institutional culture within the PNTL that values transparency, accountability, and public service.
- **International Cooperation:** Seek technical support from bilateral partners and organizations such as the United Nations to align recruitment standards with best international practices.

8. Conclusion

The 2025 recruitment process for PNTL agents represents a critical case study on the challenges of institutional development in a post-conflict democratic state. The Court of Appeal decision constitutes an important milestone in upholding constitutional principles and human rights, sending a clear message regarding the inadmissibility of unjustified discrimination and privileges.

However, effective implementation of this decision requires political will, institutional commitment, and civic vigilance. HABADA reiterates its role in monitoring this process and calls on all stakeholders—the Ministry of Interior, the PNTL, PDHJ, the National Parliament, and civil society—to work together to establish a police recruitment system that is fair, transparent, and merit-based.

The credibility of the PNTL and public trust do not depend solely on operational capacity but also on the integrity and legitimacy of its recruitment processes. Timor-Leste has the opportunity to transform this controversy into a catalyst for meaningful and enduring reforms in its security governance.