

TIMOR-LESTE 2018 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Timor-Leste is a multiparty, parliamentary republic. After parliamentary elections in May, which were free, fair, and peaceful, Taur Matan Ruak became prime minister, leading a three-party coalition government. The 2017 March presidential and July parliamentary elections were also free and fair. When the minority government failed to pass a state budget, President Francisco Guterres Lu Olo dissolved parliament and called early elections, which took place in May. In contrast with previous years, these elections were conducted without extensive assistance from the international community.

Civilian authorities maintained effective control over the security forces.

Human rights issues included corruption and violence against women.

The government took some steps to prosecute members and officials of the security services who used excessive force, but public perceptions of impunity persisted.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There was one report that the government or its agents committed arbitrary or unlawful killings. An off-duty police officer killed three civilians and injured others after firing his weapon at a party in Dili November 17. The minister of defense and security expressed condolences to families, and an informal dialogue between police and families eased immediate tensions. Two officers were suspended immediately, and the national police were investigating the incident.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices and limits the situations in which police officers may resort to physical force and the use of firearms. During the year, there were multiple reports of the use of excessive force by security forces. Most complaints involved maltreatment or use of excessive force during incident response or arrest. Conduct of off-duty police officers was also a problem. A security sector nongovernmental organization (NGO) reported that in September an off-duty police officer in Manatuto escalated a verbal confrontation with a civilian by changing into his uniform and returning with a squad car and two other officers. The three officers allegedly beat the civilian, placed him under arrest, and beat him in the car while transporting him to the police station.

Prison and Detention Center Conditions

Prison and detention center conditions generally did not meet international standards.

Physical Conditions: According to human rights monitoring organizations, police station detention cells generally did not comply with international standards and lacked sanitation facilities and bedding, although police were making efforts to improve them.

The prison in Dili (Becora), the country's largest, was grossly overcrowded. It had an estimated capacity of 290 inmates, but in September held 585 adult and juvenile male convicts and pretrial detainees. According to independent monitors, juvenile and adult prisoners were held in the same block, although separate blocks housed pretrial detainees and convicts.

Gleno Prison was also overcrowded, with 110 inmates in a prison designed for 80 to 90. Gleno held women as well as adult male convicts and pretrial detainees, all in separate blocks. Conditions were the same for male and female prisoners, who shared recreation areas. Housing blocks separated nonviolent offenders from violent offenders. There were no specific supports for offenders with mental disabilities.

Pretrial detainees composed approximately 20 percent of the total prison population.

Authorities provided food three times daily in prisons and detention centers. While authorities provided water in prisons, it was not always available in detention centers and Gleno Prison experienced seasonal water shortages.

Medical care was inadequate. A doctor and a nurse staffed a clinic at Becora Prison five days per week and a psychiatrist visited once per week. A doctor visited Gleno Prison once per week. For urgent cases and more advanced care, authorities took inmates to a local hospital in Gleno or Dili. Prisoners who tested positive for tuberculosis shared cells with TB-negative prisoners. Access to clean toilets was generally sufficient, although without significant privacy. The Ombudsman's Office for Human Rights and Justice (PDHJ) assessed ventilation and lighting as adequate in prisons but not in detention centers. Prisoners were able to exercise for two hours daily.

Administration: Prisoners and detainees could submit complaints to judicial authorities without censorship and request investigation of credible allegations of problematic conditions. The PDHJ oversees prison conditions and prisoner welfare. It monitored inmates and reported the government was generally responsive to recommendations. Nonetheless, some human rights monitoring organizations questioned how widely known the complaint mechanism was and whether prisoners felt free to utilize it.

Independent Monitoring: The government permitted prison visits by the PDHJ, foreign governments, international organizations, local NGOs, and independent human rights observers. During a routine monitoring visit to prisons in Gleno and Becora in October, local human rights NGO HAK met prisoners, guards, and administrators and provided human rights training for prisoners and guards.

Improvements: The prison system made administrative changes to ensure there were cars, drivers, and guards assigned to transport prisoners to court dates. These actions reduced the pretrial detention population.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus

The law does not fully clarify the particular authority of the national police (PNTL), the judicially mandated Scientific Police for Criminal Investigations, or

the military (F-FDTL). Security-sector experts also said that the operational roles and relationship between the PNTL and the F-FDTL were unclear.

The PNTL is legally responsible for law enforcement and maintenance of order within the country. It has several specialized units, including border, maritime, and immigration units.

The F-FDTL is legally responsible for external security, and may play a role in internal security only in “crisis” or “emergency” situations declared by the government and president. The F-FDTL, however, may support police in joint operations if requested by a “competent entity.”

Civilian oversight of the PNTL and the F-FDTL improved, in comparison with previous years. Parliamentary Committee B--responsible for foreign affairs, defense, and security--was increasingly active in engaging the minister of defense and security and the commander general of the national police to address concerns with internal security and police professionalization. Various bilateral and multilateral partners continued efforts to strengthen the development of the police, especially through community policing programs and technical assistance efforts, including work to improve disciplinary and accountability mechanisms within the PNTL. The PDHJ and the UN Human Rights Adviser’s Unit provided human rights training to both the PNTL and the F-FDTL.

The PNTL’s internal accountability mechanisms remained somewhat ineffective but improved. The office responsible for internal affairs did not have sufficient resources to investigate and respond to all cases brought to its attention. The office increased its use of disciplinary measures, including demotions, written admonitions, and fines. Nonetheless, especially outside the capital, municipality commanders at times did not fully engage in the disciplinary process, perhaps due partly to lack of familiarity with disciplinary procedures.

The PNTL internal affairs office may recommend that the commanding general refer cases to the Office of the Prosecutor General for investigation. As of September the Office of the Prosecutor General had received 83 reports of excessive use of force from PNTL. This was a significant increase over the previous year, during which the office received approximately 70 reports.

An internal PNTL investigation into a 2017 incident in Maliana found that staff from the quick reaction unit used excessive force. The PNTL suspended the staff

involved. Separately, the victim brought a civil case against the PNTL. As of November the case was awaiting trial in Suai District Court.

F-FDTL regulations permit referral of disciplinary incidents amounting to crimes to the prosecutor general (misconduct is processed internally). One security-sector NGO assessed the F-FDTL's disciplinary system as strong but not entirely free of political influence.

The F-FDTL was investigating an October incident during which an F-FDTL member allegedly killed a civilian in Laga, Baucau. The PNTL and F-FDTL jointly investigated a July incident during which members of the PNTL and F-FDTL allegedly fired their weapons at a music festival in Maliana. Following the investigation, both entities opened internal disciplinary processes, which continued as of November.

Citizens reported obstacles to reporting complaints about police behavior, including repeated requests to return later or to submit their complaints in writing.

There was a widespread belief that members of the security forces enjoyed substantial impunity for illegal or abusive actions and that reporting abuse would lead to retaliation rather than positive change. Social media users posted and shared photos of injuries from alleged encounters with police. Prolonged investigations, delays in bringing cases to trial, and critical editorials from watchdog NGOs also contributed to this perception.

Arrest Procedures and Treatment of Detainees

The law requires judicial warrants prior to arrests or searches, except in exceptional circumstances or in cases of flagrante delicto.

The law requires a hearing within 72 hours of arrest. During these hearings, the judge may determine whether the suspect should be released because conditions for pretrial detention had not been met, released conditionally (usually after posting some form of collateralized bail or on condition that the suspect report regularly to police), or whether the case should be dismissed due to lack of evidence. Although the government's 2014 decision to rescind visas for international legal advisers, who had filled critical roles as judges, prosecutors, and investigators, continued to affect the justice system, backlogs decreased during the year, particularly in courts outside of Dili. Justice-sector monitoring organizations

reported that the system adhered much more closely to the 72-hour timeline than in past years.

Time in pretrial detention may be deducted from a final sentence, but there is no remedy to make up for pretrial detention in cases that do not result in conviction.

The law provides for access to legal representation at all stages of the proceedings and provisions exist for providing public defenders for all defendants at no cost (see section 1.e.). Due to a lack of human resources and transportation, however, public defenders were not always able to attend to their clients and sometimes met clients for the first time during their first court hearing.

Pretrial Detention: The law specifies that a person may be held in pretrial detention for up to one year without presentation of an indictment, two years without a first-instance conviction, or three years without a final conviction on appeal. If any of these deadlines are not met, the detained person may file a claim for release. Exceptionally complex cases can also provide justification for the extension of each of those limits by up to six months with permission of a judge. In many cases, the length of pretrial detention equaled or exceeded the length of the sentence upon conviction.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: While persons arrested or detained may challenge the legal basis of their detention and obtain prompt release, justice-sector monitoring organizations reported such challenges rarely occur, likely due to limited knowledge of the provision allowing such challenges.

e. Denial of Fair Public Trial

The law provides that judges shall perform their duties “independently and impartially without improper influence” and requires public prosecutors to discharge their duties impartially. Many legal sector observers expressed concern about the independence of some judicial organs in politically sensitive cases, a severe shortage of qualified personnel, and the complex legal regime influenced by legacies of Portuguese, Indonesian, and UN administration, and various other international norms. An additional problem is that all laws and many trial proceedings and court documents are in Portuguese, a language spoken by approximately 10 percent of the population. Nonetheless, observers noted citizens generally enjoyed a fair, although not always expeditious, trial and that the judiciary was largely independent.

Administrative failings involving the judge, prosecution, or defense led to prolonged delays in trials. Moreover, the law requires at least one international judge on a panel in cases involving past human rights abuses. There have been no new such cases since 2014; in addition, cases opened before 2014 were left pending indefinitely with no timeline for coming to trial.

There were 32 judges and 35 prosecutors in the country as of November. The government and judicial monitoring organizations cited human resource challenges as a major issue in the justice system.

Trial Procedures

The law provides for the right to a fair, timely, and public trial, and an independent judiciary generally enforced this right. Under the criminal procedure code, defendants enjoy a presumption of innocence, access to a lawyer, and rights against self-incrimination, to be informed promptly of charges, and to attend their trial. Trials are held before judges or judicial panels; juries are not used. Defendants may be present at their trial and can confront hostile witnesses and present other witnesses and evidence, and may not be compelled to testify or admit guilt. Defendants have a right of appeal to higher courts. The government provides interpretation, as necessary, into local languages. Observers noted the courts made progress in providing interpretation services during court proceedings, and all courts had at least one interpreter.

Justice-sector NGOs expressed concern that judges did not provide clear information or take the time to explain and read their decisions. Observers also noted that in many cases judges did not follow the Law on Witnesses, which provides important protections for witnesses. Additionally, the country has not passed juvenile justice legislation, leaving many juveniles in the justice system without protections and perhaps subject to vigilante justice by frustrated communities seeking justice.

The constitution contemplates a Supreme Court, but it has not been established due to staffing and resource limits. The Court of Appeals carries out Supreme Court functions in the interim.

Mobile courts based in Dili, Baucau, Covalima, and Oecusse operated in areas that did not have a permanent court. These courts processed only pretrial proceedings.

For “semi-public” crimes, where the process does not begin unless a victim files a complaint, some citizens utilized traditional (customary) systems of justice that did not necessarily follow due process standards or provide witness protection, but provided convenient and speedy reconciliation proceedings with which the population felt comfortable.

The public defender’s office, concentrated in Dili, was too small to meet the need, and many defendants relied on lawyers provided by legal aid organizations. A number of defendants who were assigned public defenders reported they never saw their lawyers, and some observers noted public defenders were confused about their duties to the client versus the state and that few viewed their role as client advocates. Public defenders did not have access to transportation to visit clients in detention, so sometimes met their clients for the first time in court.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

As there is no separate civil judicial system in the country, civil litigation experienced the same problems encountered in the criminal justice system. No regional human rights body has jurisdiction in the country.

Property Restitution

The government promulgated land tenure legislation in 2017. This new law, however, cannot be implemented without supplemental legislation addressing eviction, community property, and other issues. Community concerns over evictions and inadequate compensation for government expropriation of land continued during the year. Communities relocated for government infrastructure projects in Oecusse in 2017 had not received compensation for their land because they were unable to produce proof of ownership, according to an NGO network that monitored land disputes.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

Although the law prohibits arbitrary interference with privacy, family, home, or correspondence, observers noted a general lack of privacy protections throughout the government, particularly in the health sector.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution provides for freedom of expression, including for the press, and the government generally respected this right. An independent press and a functioning democratic political system promoted freedom of expression, including for the press.

Libel/Slander Laws: President Francisco Guterres Lu-Olo and other officials cited the need for stronger antidefamation laws to prevent criticisms of prominent political figures on social media.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority. According to the International Telecommunication Union, 25 percent of the population used the internet in 2016.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events. The National Language Institute must approve academic research on Tetum and other indigenous languages and regularly did so.

b. Freedoms of Peaceful Assembly and Association

The constitution provides for the freedoms of peaceful assembly and association, and the government generally respected these rights.

Freedom of Peaceful Assembly

The constitution provides for “freedom to assemble peacefully and without weapons, without a need for prior authorization.” The law establishes guidelines

on obtaining permits to hold demonstrations, requires police be notified five days in advance of any demonstration or strike, and establishes setback requirements at some buildings. The power to grant or deny permits is vested only in the PNTL.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

Protection of Refugees

Access to Asylum: The law provides for granting asylum or refugee status; however, the system does not align with international standards. There were concerns that regulations governing asylum and refugee status may preclude genuine refugees from proving their eligibility for such status. For example, persons who wish to apply for asylum have only 72 hours to do so after entering the country. Foreign nationals already present in the country have only 72 hours to initiate the process after the situation in their home country becomes too dangerous for a safe return.

Section 3. Freedom to Participate in the Political Process

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: Electoral management bodies administered an early parliamentary election in May. International observers assessed it as free and fair. President Lu-Olo swore in Prime Minister Taur Matan Ruak and a partial cabinet in June.

International observers similarly assessed national presidential (March) and parliamentary (July) elections in 2017 as free and fair, with only minor, nonsystemic irregularities.

Political Parties and Political Participation: To register, new political parties must obtain 20,000 signatures, which must also include at least 1,000 signatures from each of the 13 municipalities.

Participation of Women and Minorities: No laws limit participation of women or members of minorities in the political process, and they did participate. Electoral laws require at least one-third of candidates on party lists be women. Following the May parliamentary elections, women held 26 (or 40 percent) of the 65 seats in the National Parliament but only six out of 29 ministerial, vice-ministerial, and secretary of state positions. Of 12 ministers in the Eighth Constitutional Government, only the minister of education and the minister of social solidarity and inclusion were women. At the local level, at least three women must serve on every village council, which generally include 10 to 20 representatives, depending on village size. In 2016 local elections, the number of female village chiefs increased from 11 to 21 out of 448 nationwide. Traditional attitudes, limited networks, high rates of domestic violence, extensive childcare responsibilities, and other barriers constrained meaningful participation of women at the local and national levels.

The country's few ethnic minority groups were well integrated into the political system. The number of ethnic minority members of parliament and in other government positions was uncertain, since self-identification of ethnicity was not a common practice.

Section 4. Corruption and Lack of Transparency in Government

The penal code provides criminal penalties for corruption by officials. The government faced many challenges in implementing the law, and the perception that officials frequently engaged in corrupt practices with impunity was widespread. The Anticorruption Commission (CAC) is charged with leading national anticorruption activities and has the authority to refer cases for prosecution; however, the CAC and the Prosecutor's Office did not routinely cooperate on investigations. Although the CAC is independent, the government controls its budget, making it vulnerable to political pressure. The CAC has been without a chairperson since July, and political maneuvers in parliament delayed the vote on the new CAC commissioner. Institutions with the power and the

competence to address corruption avoided investigations of politicians, government members, and leaders and veterans of the country's independence struggle. To fight corruption, the government undertook surprise inspections of government-run programs and increased pressure to implement asset management and transparency systems.

Corruption: During the year the CAC addressed several corruption cases. Anecdotally, corruption was widespread among government officials. There were accusations of police, including border police, involvement in corruption--most commonly bribery and abuse of power. Allegations of nepotism in government hiring were common. The customs service was under scrutiny for alleged corruption related to incoming goods, but no cases were filed. The *2016 National Risk Assessment of Money Laundering and Terrorist Financing* called corruption endemic.

In October former secretary of state for institutional strengthening Francisco Borlaku began serving a two-year prison sentence for "crimes of economic participation" related to the construction of a hospital in Baucau.

Financial Disclosure: The law requires that the highest members of government declare their assets to the Court of Appeals, but the declarations do not have to be made public, and there are no criminal penalties for noncompliance. Prime Minister Taur Matan Ruak made a public asset disclosure after taking office in June.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials usually cooperated with these organizations, although the government did not always respond to their recommendations.

Civil society groups criticized the government for insufficient efforts to address crimes committed during Indonesian control of Timor-Leste. The government was generally unresponsive but created the Centro Nacional Chega in 2017 to continue documentation of Timorese resistance to Indonesian occupation.

Government Human Rights Bodies: By law the independent PDHJ is responsible for the promotion of human rights and good governance and has its own budget and dedicated staff. It has the power to investigate and monitor human rights abuses and governance standards as well as make recommendations, including for prosecution, to relevant authorities. The PDHJ has satellite offices in Manufahi, Maliana, Oecusse, and Baucau. According to the deputy director, the PDHJ received 186 governance and human rights complaints from January to July. During the year the office investigated and monitored land evictions, access to justice, governance, prisoner complaints, and abuse by security forces. There were no reports of significant government interference. The PDHJ, in cooperation with the UN Human Rights Adviser's Unit, provided human rights training to the PNTL and the F-FDTL.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: Rape, including marital rape, is a crime punishable by up to 20 years in prison. The law broadly covers all forms of domestic violence. Penalties for “mistreatment of a spouse” include two to six years’ imprisonment; however, prosecutors frequently used a different article in domestic violence cases (“simple offenses against physical integrity”), which carries a sentence of up to three years in prison.

Failures to investigate or prosecute cases of alleged rape and sexual abuse were common. The PNTL’s vulnerable persons units generally handled cases of domestic violence and sexual crimes, but they did not have enough staff to provide a significant presence in all areas of the country.

Nevertheless, the formal justice system addressed an increasing number of reported domestic and sexual abuse cases. According to the Office of the Prosecutor General, domestic violence offenses were the second-most commonly charged crimes in the criminal justice system, after simple assault. Prosecutors, however, routinely charged cases involving aggravated injury and use of deadly weapons as low-level simple assaults. Judicial observers also noted judges were lenient in sentencing in domestic violence cases. Several NGOs criticized the failure to issue protection orders and overreliance on suspended sentences, even in cases involving significant bodily harm.

Police, prosecutors, and judges routinely ignored many parts of the law that protect victims. NGOs noted that fines paid to the court in domestic violence cases often came from shared family resources, hurting the victim economically.

Gender-based violence remained a serious concern. In 2016 an Asia Foundation study found that 59 percent of girls and women between ages 15 and 49 had experienced sexual or physical violence at the hands of an intimate partner and that 14 percent of girls and women had been raped by someone other than a partner. In this context, local NGOs viewed the law as having a positive effect by encouraging victims of domestic violence to report their cases to police.

The Ministry of Social Solidarity and Inclusion is charged with assisting victims of domestic violence. Due to staff shortages, the ministry had difficulty responding to all cases. To deal with this problem, the ministry worked closely with local NGOs and service providers to offer assistance. Local NGOs dependent on budget transfers from the government reduced their activities because of a nine-month delay in approving the state budget for the year.

Sexual Harassment: The labor code prohibits sexual harassment in the workplace, but workplace and public harassment reportedly was widespread. Relevant authorities processed no such cases during the year (see section 7.d.).

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: The constitution states, “women and men shall have the same rights and duties in all areas of family life and political, economic, social, cultural life,” but it does not specifically address discrimination. Some customary practices discriminate against women, including traditional inheritance systems that tend to exclude women from land ownership.

Some communities continued to practice the payment of a bride price as part of marriage agreements (barlake); this practice has been linked to domestic violence and to the inability to leave an abusive relationship. Some communities also continued the practice of forcing a widow either to marry one of her husband’s family members or, if she and her husband did not have children together, to leave her husband’s home.

The secretary of state for equality and inclusion is responsible for the promotion of gender equality. More than 30 NGOs focused and collaborated on women’s

issues. Early in the parliamentary election campaign, this advocacy network signed pacts with the leaders of major political parties to uphold and defend the rights of women and children in the program for the new government.

Children

Birth Registration: Children acquire citizenship by birth in the country or from a citizen parent or grandparent. A central civil registry lists a child's name at birth and issues birth certificates. Birth registration rates are high, with no discernible difference in the rates of registration for girls and boys. While access to services such as schooling does not depend on birth registration, it is necessary to acquire a passport. Registration later in life requires only a reference from the village chief.

Education: The constitution stipulates that primary education shall be compulsory and free. The law requires nine years of compulsory education beginning at age six; however, there is no system to ensure that the provision of education is free. Public schools were tuition free, but students paid for supplies and uniforms. According to 2017 government statistics, the net access rate for primary education was 88 percent, while the net access rate for secondary education was 32 percent. Nonenrollment was substantially higher in rural than in urban areas. While initial attendance rates for boys and girls were similar, girls often were forced to leave school if they became pregnant and faced difficulty in obtaining school documents or transferring schools. Lack of sanitation facilities at some schools also led some girls to drop out upon reaching puberty. Overall, women and girls had lower rates of education than men and boys.

Child Abuse: The law protects against child abuse; however, abuse in many forms was common. Sexual abuse of children remained a serious concern. Despite widespread reports of child abuse, few cases entered the judicial system. Observers criticized the courts for handing down shorter sentences than prescribed by law in numerous cases of sexual abuse of children during the year. Incest between men and children in their immediate and extended family was a serious problem, and civil society organizations called for laws to criminalize it as a separate crime. Victims of incest faced a range of challenges such as limited information on the formal justice system, limited protection for the victims, threats and coercion from defendants, and social stigmatization from the family and community. A local NGO monitored 49 cases of incest between 2012 and May 2018 and claimed the actual number was far higher.

While the Ministry of Education has a zero tolerance policy for corporal punishment, there is no law on the issue, and reports indicated the practice was common.

Early and Forced Marriage: Although a marriage cannot be registered until the younger spouse is at least age 16, cultural, religious and civil marriages were recognized in the civil code. Cultural pressure to marry, especially if a girl or woman becomes pregnant, was strong. Underage couples cannot officially marry, but they are often married de facto once they have children together. Forced marriage rarely occurred, although reports indicated that social pressure sometimes encouraged victims of rape to marry their attacker or persons to enter into an arranged marriage when a bride price was paid. According to the most recent information from UNICEF (2015), an estimated 19 percent of girls married prior to the age of 18.

Sexual Exploitation of Children: Sexual assault against children was a significant, but largely unaddressed, problem. The age of consent is 14, according to the Penal Code. Some commercial sexual exploitation of children also occurred. The penal code makes sexual conduct by an adult with anyone younger than age 17 a crime and increases penalties when such conduct involves victims younger than age 14. The penal code also makes both child prostitution and child pornography crimes. It defines a “child” for purposes of those provisions as a “minor less than 17 years of age.” The penal code also criminalizes abduction of a minor.

There were reports that child victims of sexual abuse were sometimes forced to testify in public fora despite a witness protection law that provides for video link or other secure testimony.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State’s *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.html>.

Anti-Semitism

There was no indigenous Jewish population, and there were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The constitution grants equal rights to and prohibits discrimination against persons with disabilities in addition to requiring the state to protect them. No specific legislation addresses the rights or support of persons with disabilities.

The Ministry of Social Solidarity and Inclusion is responsible for protecting the rights of persons with disabilities. The Ministry of Health is responsible for treating mental disabilities. In many municipalities, children with disabilities were unable to attend school due to accessibility problems. The Council of Ministers approved a national inclusive education policy; however, the government did not implement the policy during the year. Schools lacked wheelchair access and other infrastructure for inclusive education, according to a national disabilities NGO.

Electoral regulations provide accommodations, including personal assistance, to enable persons with disabilities to vote. Civil society election monitors and the National Election Commission identified inconsistencies in the accessibility of polling places and accommodations for voters with disabilities in the May parliamentary elections.

Service providers noted domestic violence and sexual assault against persons with disabilities was a growing concern. They indicated the police and judiciary were slow to respond to such incidents. Persons with mental disabilities accused of crimes are entitled to special protections by law.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

The constitution and law are silent on same-sex relations and other matters of sexual orientation and gender identity. The PDHJ worked with civil society organization CODIVA (Coalition on Diversity and Action) to increase awareness in the lesbian, gay, bisexual, transgender, and intersex (LGBTI) community of processes available for human rights complaints. While physical abuse in public or by public authorities was uncommon, LGBTI persons were often verbally abused and discriminated against in some public services, including medical centers. CODIVA noted transgender members of the community were particularly

vulnerable to harassment and discrimination. A 2017 study conducted for Rede Feto, a national women's advocacy network, with lesbian and bisexual women and transgender men in Dili and Bobonaro documented the use by family members of corrective rape, physical and psychological abuse, ostracism, discrimination, and marginalization against LGBTI individuals.

Access to education was limited for some LGBTI persons who were removed from the family home or who feared abuse at school. Transgender students were more likely to experience bullying and drop out of school at the secondary level.

In July members of civil society groups organized Timor-Leste's second-ever Pride March in Dili. The march included participation from civil society, students, activists, nuns, and government officials and represented progress towards exercising freedom of association for all persons.

HIV and AIDS Social Stigma

The National AIDS Commission is responsible for providing information and programming on HIV/AIDS; however, no government body was tasked with providing specific services. According to civil society organizations, HIV and AIDS patients experienced social stigma and were ostracized by their families and communities.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the rights of workers to form and join unions of their choosing, to strike, and to bargain collectively. The law prohibits dismissal or discrimination for union activity, and it allows for financial compensation in lieu of reinstatement. The law prohibits foreign migrant workers from participating in the leadership of trade unions, but does not restrict their membership. The law does not apply to workers in family-owned agricultural or industrial businesses used primarily for subsistence.

There are official registration procedures for trade unions and employer organizations. Workers employed by companies or institutions that provide "indispensable social needs" such as pharmacies, hospitals, or telecommunications firms are not barred from striking, but they are "obliged to ensure the provision of minimal services deemed indispensable" to satisfy public needs during a strike.

The law allows the Council of Ministers to suspend a strike if it affects public order. The law prohibits employer lockouts.

The State Secretariat for Professional Education and Employment is charged with implementing the labor code and labor dispute settlement. The government lacked sufficient resources and skilled staff to enforce the right to freedom of association adequately. The trade union confederation registered 164 complaints of alleged violations of labor rights between January and July. Many disputes involved employees who alleged dismissal without cause or firing upon returning from sick or maternity leave. According to the trade union confederation, many workers were fired because of a lack of government contracts to the private sector during a protracted political impasse that left the country without a state budget from January to September.

Violations of the labor code are punishable by fines and other penalties, but they are not sufficient to deter violations. Alleged violations included failure to provide maternity benefits, nonpayment of wages, and unfair dismissal. The trade union confederation alleged that the State Secretariat for Professional Education and Employment's mediation procedures favored the employer.

Workers' organizations were generally independent and operated without interference from government or employers. Unions may draft their own constitutions and rules and elect their representatives. The majority of workers were employed in the informal sector, resulting in a large nonunionized work force. Attempts to organize workers were slow since workers generally lacked experience negotiating contracts and engaging in collective bargaining.

b. Prohibition of Forced or Compulsory Labor

The penal code prohibits and criminalizes enslavement. The penal code also considers forced labor and deceptive hiring practices to be a form of human trafficking. The secretary of state for youth and labor acknowledged having insufficient human and financial capacity to enforce the laws. The law prescribes imprisonment penalties; however, these were not sufficient to deter violations.

The Law on Preventing and Combating Human Trafficking prescribes fines, judicial dissolution, and asset forfeiture as penalties, and authorizes compensation of victims. The Interagency Working Group to Combat Human Trafficking conducted training sessions for law enforcement and met twice during the year. Government officials and UN agencies cited a lack of resources and nine months

without an approved state budget as obstacles to fully implementing the national action plan.

Forced labor by adults and children occurred (see section 7.c.), but it was not widespread. Timorese women, girls, and occasionally young men and boys from rural areas who came to Dili in pursuit of better educational and employment prospects were in some instances subjected to domestic servitude. Timorese family members placed children in bonded household and agricultural labor, primarily in domestic rural areas, to pay off family debts.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits child labor and specifically prohibits children younger than age 15 from working, except in “light work” and in vocational training programs for children between ages 13 and 15. The labor law specifically outlaws all of the worst forms of child labor and prohibits minors (persons younger than age 17) from all forms of hazardous work, a definition that leaves 17-year-olds vulnerable to child labor and exploitation. The government generally did not enforce child labor laws outside the capital. The labor code does not apply to family-owned businesses operated for subsistence, the sector in which most children worked. The government has not adopted a list of prohibited hazardous work.

The Ministry of Social Solidarity and Inclusion, the Secretariat of State for Professional Education and Employment, and the PNTL are responsible for enforcing child labor law. A lack of child labor professionals at the Secretariat of State for Professional Education and Employment hindered proper enforcement. The number of labor inspectors was inadequate to investigate child labor cases and enforce the law, particularly in rural areas where child labor in the agriculture sector is prevalent. Penalties for child labor and forced labor violations may include fines and imprisonment; however, they were insufficient to deter violations.

Child labor in the informal sector was a problem, particularly in agriculture, street vending, and domestic service. Children in rural areas continued to engage in dangerous agricultural activities, such as cultivating and processing coffee in family-run businesses, using dangerous machinery and tools, carrying heavy loads, and applying harmful pesticides. In rural areas, heavily indebted parents

sometimes put their children to work as indentured servants to settle debts. If the child is a girl, the receiving family could also demand any bride price payment normally owed to the girl's parents. Children were also employed in fishing, with some working long hours, performing physically demanding tasks, and facing dangerous conditions.

There were some reports of commercial sexual exploitation of children (also see Section 6, Children).

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings/.

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination in employment or occupation, although it does not specifically prohibit such discrimination based on sexual orientation. The code also mandates equal pay. The government did not effectively enforce the code's provisions.

Employers may only require workers to undergo medical testing, including HIV testing, with the worker's written consent. Work visa applications require medical clearance.

Discrimination against women reportedly was common throughout the government, but it sometimes went unaddressed. NGO workers noted this was largely due to lack of other employment opportunities and fear of retaliation among victims. Women also were disadvantaged in pursuing job opportunities due to cultural norms, stereotypes, and an overall lower level of qualifications or education. Some reported that pregnant women did not receive maternity leave and other protections guaranteed by the labor code.

e. Acceptable Conditions of Work

The legally set minimum monthly wage was \$115 (the U.S. dollar is the legal currency). The official national poverty level was \$1.00 per day.

The labor code provides for a standard workweek of 44 hours. Overtime cannot exceed 16 hours per week, except in emergencies, which the labor code defined as "force majeure or where such work is indispensable in order to prevent or repair serious damages for the company or for its feasibility." The law sets minimum

standards for worker health and safety. The law provides explicitly for the right of pregnant women and new mothers to stop work that might harm their health without a cut in pay. It does not provide other workers the right to leave a hazardous workplace without threat of dismissal. The law requires equal treatment and remuneration for all workers, including legally employed foreign workers.

The State Secretariat for Professional Education and Employment acknowledged that it lacked inspectors and resources to enforce labor standards effectively. Nine months without an approved state budget also hindered the government's ability to perform inspections, particularly outside Dili.

The law, including legislation pertaining to hazardous work, does not apply to the informal sector. According to data from the Ministry of Finance, the informal sector employed 72 percent of the workforce. Domestic workers, a large percentage of the working population, especially of working women, were inadequately protected and particularly vulnerable to exploitative working conditions, with many receiving less than minimum wage for long hours of work.

The labor code does not assign specific penalties or fines for violations of wage, hour, or occupational health and safety laws. Labor unions criticized inspectors for visiting worksites infrequently and for only discussing labor concerns with managers during inspections.

According to a local union, the government lacked the political will and institutional capacity to implement and enforce the labor code fully, and violations of minimum safety and health standards were common, particularly in the construction industry.