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2010 Human Rights Reports: Timor-Leste

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

2010 Country Reports on Human Rights Practices

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Timor-Leste is a multiparty parliamentary republic with a population of approximately 1.1 million. President Jose Ramos-Horta was head of state. Prime Minister Kay Rala Xanana Gusmao headed a four-party coalition government formed following free and fair elections in 2007. International security forces in the country included the UN Police (UNPOL) within the UN Integrated Mission in Timor-Leste (UNMIT) and the International Stabilization Force (ISF), neither of which was under the direct control of the government. The national security forces are the National Police (PNTL) and Defense Forces (F-FDTL). Security forces reported to civilian authorities, but there were some problems with discipline and accountability.

Serious human rights problems included police use of excessive force during arrest and abuse of authority; perception of impunity; arbitrary arrest and detention; and an inefficient and understaffed judiciary that deprived citizens of due process and an expeditious and fair trial. Domestic violence, rape, and sexual abuse were also problems.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were no politically motivated killings by the government or its agents during the year; however, on August 27, F-FDTL soldiers were involved in a fight with locals in Laivai, Lautem, in which one civilian was beaten to death. The case was handed to the Prosecutor General's Office and the Human Rights Ombudsman for investigation. At year's end the investigation was ongoing.

There were no developments in the May 2009 case in which a group of F-FDTL members allegedly beat two men on a beach in Dili; one of the victims was subsequently found dead.

On January 4, a PNTL officer was arrested after he allegedly shot and killed a 25-year-old man and injured another in Dili in December 2009. A judge released the officer a day later under restrictive measures. The PNTL suspended the officer and referred the case to the Prosecutor General's Office. The Prosecutor General brought charges against the officer and the trial commenced on December 9. At the end of the year the trial continued.

On March 3, the Dili District Court convicted and sentenced 23 of the former police and soldiers involved in the failed assassination attempts on President Ramos-Horta and Prime Minister Gusmao in February 2008. On August 27, President Ramos-Horta commuted the sentences of the 23 rebels, and they were released from prison.

On May 6, the Court of Appeals overturned the Dili District Court's February 15 sentencing of two civilian perpetrators of violent incidents in the 2006 crisis to lengthy prison terms. The civilians, leaders of a militant veterans group, were found guilty by the District Court of violence against persons and property and illegal use of firearms, ammunition, and explosives. The Court of Appeals stated that the evidence did not strongly support the lower court's ruling.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The law prohibits such practices, and the government generally respected the prohibition against torture; however, there were incidents of cruel or degrading treatment of civilians by police and military personnel. Parliamentarians, nongovernmental organizations (NGOs), UNMIT, and the Office of the Ombudsman for Human Rights and Justice received complaints about the use of excessive force by security forces. Most involved beatings, use of excessive force during incident response or arrest, threats made at gunpoint, and intimidation.

In the beginning of the year, the PNTL conducted operations in the Bobonaro and Covalima Districts against "ninjas" (armed individuals who concealed their identities with masks) accused of committing serious crimes. The police detained individuals who were alleged members of the Popular Council for the Defense of the Democratic Republic of Timor-Leste (CPD-RDTL), and there were accusations that some of the detained were beaten.

There were no updates on the following cases from 2009:

In June 2009 F-FDTL personnel beat at least two civilians and reportedly pointed their weapons at UNPOL members after breaking up a fight between two martial arts groups in Maliana, Bobonaro District. At year's end a criminal investigation was ongoing.

Also in June 2009 an F-FDTL member, using his rifle, allegedly threatened and beat a residential security guard. The guard filed official complaints with both the F-FDTL and PNTL, but it was not clear that an investigation was opened.

In September 2009 a group of F-FDTL members physically assaulted a Timorese woman and two foreign military personnel. One of the F-FDTL members involved was expelled from the military in December 2009. The criminal investigation continued.

In November 2009 an off-duty police officer allegedly shot and seriously injured Mateus Pereira in Vila Verde, Dili. The police officer was suspended for 120 days during an internal PNTL investigation. After the internal investigation the results were transferred to the Prosecutor General's office. At year's end no charges were filed.

At year's end there were no developments in the following 2008 incidents: the case of former Baucau PNTL subdistrict commander Francisco Ersio Ximenes serving a suspended one year sentence following his removal from active duty for

the beating of a victim with a baton during questioning; the case of three PNTL officers in Suai who allegedly participated in gang-related violence that resulted in 15 persons injured and 20 houses burned; and the case of PNTL Task Force members beating four Dili residents; or the two police officers who were sentenced to two and six months' suspended imprisonment for the assault of a woman in Ossu Subdistrict, Viqueque District.

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Prison and Detention Center Conditions

Prison conditions generally met international standards. Despite some improvements with regard to access to food and water, police station detention cells generally did not comply with international standards and lacked sanitation facilities and bedding. The lack of detention cells at some police stations discouraged the initiation of formal charges against detained suspects. The civilian authorities ran two prisons, located in Dili (Becora) and Gleno. Together the two prisons held 223 individuals (reliable estimates of the designed capacity of the prisons were not available). The vast majority were pretrial detainees charged with homicide, robbery, or sexual assault. Four of the prisoners were women, and 10 were juveniles. The F-FDTL operated a military prison facility at its headquarters in Dili without civilian oversight. There were no separate facilities for women and youth offenders.

Prisoners and detainees had reasonable access to visitors and were permitted religious observance. Authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhumane conditions. Authorities investigated credible allegations of inhumane conditions; however, the results of such investigations were not clearly documented in a publicly accessible manner. The government investigated and monitored prison and detention center conditions.

UNMIT personnel noted allegations of mistreatment of prisoners by prison guards during the first 72 hours of imprisonment and a lack of special facilities for the mentally ill, who consequently were detained with other prisoners.

The government permitted prison visits by the International Committee of the Red Cross and independent human rights observers. The Ombudsman's Office was able to conduct detainee monitoring in Dili. It was not clear whether an ombudsman could serve on behalf of prisoners and detainees more broadly, could address the status of juvenile offenders, or could improve pretrial detention, bail, and recordkeeping procedures.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention; however, there were many instances in which these provisions were violated, often because magistrates or judges were unavailable.

Role of the Police and Security Apparatus

The president is commander-in-chief of the armed forces, but the chief of defense, the F-FDTL's senior military officer, exercised effective day-to-day command. Civilian secretaries of state for public security and defense oversaw the PNTL and F-FDTL, respectively.

The PNTL, with UNMIT assistance, continued efforts to reform, restructure, and rebuild in the wake of its collapse during the political crisis of 2006. A central element was a "screening" to ensure that each of the approximately 3,000 PNTL officers was checked for integrity and past crimes or misbehavior. Following screening, officers were to go through renewed training and a six-month UNPOL mentoring program. By year's end all but 209 officers had completed the UNPOL program.

Each of the country's 13 districts has a district PNTL commander who normally reports to the PNTL general commander. In spite of improvements, the PNTL as an institution remained poorly equipped and undertrained, subject to numerous credible allegations of abuse of authority, mishandling of firearms, and corruption. An opposition parliamentarian and an

international NGO criticized the emphasis on a paramilitary style of policing, which includes highly armed special units and does not sufficiently delineate between the military and the police.

Efforts were made to strengthen the PNTL's internal accountability mechanisms. At year's end the Professional Standards and Discipline Office (PSDO) had 358 cases in its database, although all but 162 cases had been closed. These cases include assaults, use of violence, fraud, unlawful discharge of a weapon, neglect of duty, not reporting to duty, and misconduct. The PSDO forwarded substantiated cases to the appropriate authorities. Out of the substantiated cases, 16 cases resulted in verbal warnings, 42 cases resulted in written reprimands, 19 cases resulted in suspensions, and one case ended in dismissal. At the district level there were serious obstacles to the functioning of the PSDO. PSDO officers were appointed by, and reported to, the PNTL district commander. Persons with complaints about police behavior experienced obstacles when attempting to report violations including repeated requests to return at a later date or to submit their complaint in writing. The Organic Police Law promulgated in February 2009 does not provide for guaranteed participation from the civilian sector in police oversight.

In February 2009 the UN Security Council instructed UNMIT to begin handing over primary policing responsibilities to the PNTL once PNTL personnel in a particular district demonstrated the ability to perform those responsibilities adequately. Handovers occurred in four of the country's 13 districts in 2009: Lautem, Oecussi, Manatuto, and Viqueque. During the year, handovers occurred in six additional districts: Aileu, Ainaro, Baucau, Ermera, Liquica, and Manufahi.

More than 550 ISF personnel from Australia and New Zealand supported the police and security forces.

Arrest Procedures and Treatment While in Detention

The law requires judicial warrants prior to arrests or searches, except in exceptional circumstances; however, this provision was often violated. The extreme shortage of prosecutors and judges outside of the capital contributed to police inability to obtain required warrants.

Government regulations require a hearing within 72 hours of arrest to review the lawfulness of an arrest or detention and to provide the right to a trial without undue delay. During these hearings the judge may also determine whether the suspect should be released because evidence is lacking or because the suspect is not considered a flight risk. The countrywide shortage of magistrates meant that police often made decisions without legal authority as to whether persons arrested should be released or detained after 72 hours in custody. This contributed to an atmosphere of lawlessness and impunity. Judges may set terms for conditional release, usually requiring the suspect to report regularly to police.

The law provides for access to legal representation at all stages of the proceedings, and provisions exist for providing public defenders to indigent defendants at no cost. Public defenders were in short supply. Most were concentrated in Dili and Baucau, with other areas lacking the same level of access. Many indigent defendants relied on lawyers provided by legal aid organizations. A number of defendants who were assigned public defenders reported that they never saw their lawyer, and there were concerns that some low priority cases were delayed indefinitely while suspects remained in pretrial detention.

The pretrial detention limit of six months and the requirement that such detentions be reviewed every 30 days need not apply in cases involving certain serious crimes. The 30-day review deadline was also missed in a large number of cases involving less serious crimes, and a majority of the prison population consisted of pretrial detainees.

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. However, the country's judicial system faced a wide array

of challenges including concerns about the impartiality of some judicial organs, a severe shortage of qualified personnel, a complex and multisourced legal regime, and the fact that the majority of the population did not speak Portuguese, the language in which the laws were written and the courts operated. Access to justice was notably constrained.

Progress in establishing judicial institutions and recruiting and training qualified judges, prosecutors, and defense attorneys was slow. By year's end, 17 judges, 11 prosecutors, and 11 public defenders of Timorese nationality were assigned to the country's judicial institutions. Three non-Timorese public defenders and three judges served in the country.

Judges, prosecutors, and public defenders assigned to other districts outside Dili often did not reside in these areas. Their intermittent presence continued to hamper severely the functioning of the judiciary outside the capital.

The trial process often was hindered by nonattendance of witnesses due to lack of proper notification or lack of transportation. The shortage of qualified prosecutors and technical staff in the Prosecutor General's Office hampered its work and resulted in a large case backlog. International prosecutors continued to handle many sensitive cases. At year's end there was a nationwide backlog of approximately 4,500 cases, a reduction of approximately 700 cases from the previous year. The length of time for cases to come to trial varied significantly, with some delayed for years and others tried within months of accusations.

Trial Procedures

The law provides for the right to a fair trial; however, the severe shortages of qualified personnel throughout the system led to some trials that did not fulfill prescribed legal procedures. Trials are before judges. Except in sensitive cases, such as crimes involving sexual assault, trials are public. Defendants have the right to be present at trials and to consult an attorney in a timely manner. Attorneys are provided to indigent defendants. Defendants can confront hostile witnesses and present other witnesses and evidence. Defendants and their attorneys have access to government-held evidence. Defendants enjoy a presumption of innocence and have a right of appeal to higher courts.

The legal regime was complex and inconsistently applied, but the government adopted a new criminal procedure code and a penal code; the latter came into force in June 2009. The criminal procedure code was translated into Tetum (the language spoken most widely in the country), but the Penal Code was available only in Portuguese.

The Court of Appeal operated primarily in Portuguese. The UN regulations, many of which remained in force, were available in English, Portuguese, Indonesian, and Tetum. Laws enacted by parliament, intended to supplant Indonesian laws and UN regulations, were published in Portuguese but were seldom available in Tetum. Litigants, witnesses, and criminal defendants often were unable to read the new laws. Trials are required to be conducted in Portuguese and Tetum. However, the quality of translation provided in court varied widely, and translations into Tetum were often incomplete summaries.

In July 2009 a witness protection law came into force, but protection arrangements remained lacking. In many violent crimes, witnesses were unwilling to testify because of the high potential for retribution against them or their families. Court personnel also reported increased concern regarding their own safety.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Civil judicial procedures were beset by the same problems encountered by the judicial system as a whole. The ombudsman for human rights and justice can sue government agencies/agents for alleged human rights abuses; however,

the ombudsman's approach has been to refer allegations of abuse to the prosecutor general or the leadership of the PNTL or F-FDTL.

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

The law prohibits such actions, and the government generally respected these prohibitions in practice.

A 2003 land law broadly defines what property belongs to the government and was criticized as disregarding many private claims. In previous years the government evicted persons from land identified as state property at times with little notice and with no due process

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press, and the government generally respected these rights in practice. The independent media were active and expressed a wide variety of views without restrictions. Television and radio broadcasts were the primary sources for news. However, there was often no reception outside Dili and district capitals, and broadcasts were often irregular due to technical or resource problems. Many persons did not have access to television or radio.

In June a journalist from *Diario Nacional* was beaten by PNTL officers at the Government Palace, but it was not clear that an investigation was opened.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Internet access was extremely limited. According to International Telecommunication Union statistics for 2008, less than 1 percent of the country's inhabitants used the Internet.

Academic Freedom and Cultural Events

The government generally did not restrict academic freedom or cultural events. Academic research on Tetum and other indigenous languages must be approved by the National Language Institute.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law on assembly and demonstrations establishes guidelines to obtain permits to hold demonstrations and requires police be notified four days in advance of any demonstration or strike. The law also stipulates that demonstrations cannot take place within 100 yards of government buildings or facilities, diplomatic facilities, or political party headquarters. In practice demonstrations were allowed to take place without the requisite advance notification, and the 100-yard regulation was rarely observed.

Freedom of Association

The constitution provides for freedom of association, and the government generally respected this right in practice. However, in the beginning of the year, there were accusations that during the anti-"ninja" activities (see section 1.c.), the PNTL intimidated and asked members of CPD-RDTL to resign from the organization.

c. Freedom of Religion

For a complete description of religious freedom, please see the *2010 International Religious Freedom Report* at www.state.gov/g/drl/irf/rpt/.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Travel by road to the western enclave of Oecussi required visas and lengthy stops at Timorese and Indonesian checkpoints at the border crossings.

The law prohibits forced exile, and the government did not employ it.

Internally Displaced Persons (IDPs)

In June 2009 the government formally closed the last of the IDP camps set up after the 2006 political crisis displaced an estimated 150,000 individuals. All persons who remained in transitional shelters have returned home or been resettled. The Ministry of Social Solidarity administered reintegration assistance in coordination with local and international NGOs.

Protection of Refugees

The law provides for the granting of asylum or refugee status, and the government established a system for providing protection to refugees. The government granted refugee status or asylum in the past; however, there were concerns that the country's 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 entry into 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 them to return safely. A number of human rights and refugee advocates maintained that this time limit contravened the 1951 Convention relating to the Status of Refugees. These advocates also expressed concern that no written explanation is required when an asylum application is denied. In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation

The president and parliament were elected to a five-year mandate in generally free and fair national elections in 2007. The government headed by Prime Minister Gusmao is a four-party coalition controlling 37 seats in the 65-seat parliament.

There were 19 women in parliament. Women held three senior ministerial positions--finance, justice, and social solidarity--one vice-minister position, and one secretary of state position.

The country's small ethnic minority groups were well integrated into society. The number of members of these groups in parliament and other government positions was uncertain.

Section 4 Official Corruption and Government Transparency

The law provides for criminal penalties for official corruption; however, the government did not implement the law effectively, and officials frequently engaged in corrupt practices. By law the Anticorruption Commission is charged with leading national anticorruption activities and has the authority to refer cases for prosecution. The Anticorruption Commission was established in February, taking responsibility for corruption cases from the Office of the Ombudsman for Human Rights and Justice, and a commissioner was appointed in March. At year's end the Commission had begun several investigations.

The Ombudsman's Office transferred several high-profile corruption cases to the Prosecutor General's Office, including accusations of nepotism against the vice prime minister and the minister of foreign affairs for employing the vice prime minister's wife at a Timorese mission overseas. The Prosecutor General's Office submitted charges in this case.

There were accusations of police corruption in the country. Some of the accusations involved border police accepting bribes along the extensive land borders with Indonesia, and police accepting bribes from brothels that engaged in trafficking in persons.

On October 20, the Prosecutor General's Office brought charges against four members of the PNTL for stealing money from funds set up for the 2008 Anti-Rebels joint operations.

The country does not have financial disclosure laws. In 2009 Prime Minister Gusmao demanded that all cabinet officials in his government complete financial disclosure documents, but by year's end none had done so.

The law stipulates that all legislation, Supreme Court decisions (when the court is established), and decisions made by government bodies must be published in the official gazette. If not published they are null and void. Regulations also provide for public access to court proceedings and decisions and the national budget and accounts. In practice there were concerns that public access to information was constrained. For example, the official gazette was published only in Portuguese, although by law it is to be published in Tetum as well. Moreover, its irregular publishing schedule and varying cost meant that few journalists, public servants, or others had regular access to it or knew how to access it. During the year, the official gazette became available online.

Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations 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. NGOs also played an active role in assisting and advising in the development of the country. The government generally cooperated with these organizations, but during the year there were instances of security authorities preventing or resisting efforts to monitor human rights compliance.

UNMIT continued to play an important role in the country's development and cooperated closely with the government.

The Office of the Ombudsman is responsible for the promotion of human rights and good governance. It has the power to investigate and monitor human rights abuses and governance standards, and to make recommendations to the relevant authorities. The Ombudsman's Office was located in Dili, with satellite offices in Same, Bobonaro, Oecussi, and Baucau. It had limited ability to conduct outreach or activities in other districts. The Human Rights Monitoring Network, made up of 10 NGOs, closely cooperated with the ombudsman.

In July 2008 President Ramos-Horta and Indonesian President Yudhoyono publicly accepted the bilateral Commission on Truth and Friendship's (CTF) finding that gross human rights violations had been committed during and after the 1999

independence referendum. The report assigned "institutional responsibility" for such violations to the Indonesian Armed Forces. Presidents Yudhoyono and Ramos-Horta also accepted the report's other findings, conclusions, and recommendations. Neither government pursued individuals responsible for abuses at this time. In December 2009 parliament adopted a resolution acknowledging the work and reports of the CTF and the Commission for Reception, Truth, and Reconciliation. The resolution instructed that legislation be drafted to implement the recommendations of the two reports and to establish an autonomous body to carry them out. Parliament debated a national reparations program and "Institute for Memory" during the year, but at years' end, no legislation implementing the CTF recommendations had been passed.

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

Government regulations prohibit all forms of discrimination. Nonetheless, violence against women was a problem, and discrimination against women, persons with disabilities, and members of minority groups occurred.

Women

Gender-based violence remained a serious concern. Although rape is a crime, failures to investigate or prosecute cases of alleged rape and sexual abuse were common, as were long delays. Authorities reported that the backlog of court cases led some communities to address rape accusations through traditional law, which does not always provide justice to victims. The definition of rape under the Penal Code appears broad enough to make spousal rape a crime, although that definition had not been tested in the courts.

On May 3, the parliament passed the Law against Domestic Violence. The law was enacted to provide protection and defense to vulnerable groups including women, children, the elderly, and persons with disabilities, against all forms of violence, exploitation, discrimination, abandonment, oppression, sexual abuse, and mistreatment.

Domestic violence against women was a significant problem often exacerbated by the reluctance of authorities to respond aggressively. Cases of domestic violence and sexual crimes generally were handled by the PNTL's Vulnerable Persons Units (VPUs). Women's organizations assessed VPU performance as variable, with some officials actively pursuing cases and others preferring to handle them through mediation or as private family matters. VPU operations were severely constrained by lack of support and resources. Police at times came under pressure from community members to ignore cases of domestic violence or sexual abuse.

There was no law prohibiting sexual harassment, and sexual harassment was reportedly widespread, particularly within some government ministries and the police.

The government recognized the right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children to have the information and means to do so free from discrimination, coercion, and violence. Women's access to family planning information, education, and supplies was limited principally by economic considerations. Contraceptive use was low, although the Ministry of Health and NGOs promoted both natural and modern family planning methods, including the distribution of intrauterine devices, injectable contraceptives, and condoms. The results of a Demographic and Health survey released during the year indicated significant improvements in mortality rates, but adult women continued to suffer from higher mortality than men and 42 percent of such deaths were associated with pregnancy and childbirth. According to 2008 estimates by the UN Population Fund, the maternal mortality rate in the country was 370 deaths per 100,000 live births. Thirty percent of women had skilled attendance during childbirth, 61 percent of mothers received antenatal care from a medical professional, and only 32 percent of mothers received postpartum care. Both women and men had equal access to diagnostic and treatment services for sexually transmitted infections, including HIV.

Some customary practices discriminate against women. For example, in some regions or villages where traditional practices hold sway, women may not inherit or own property. Traditional cultural practices, such as payment of a bride price and occasionally polyandry, also occurred. Women were also disadvantaged in pursuing job opportunities at the village level.

The constitution guarantees equal rights to own property. Parliament debated a national land law, which included more specific rights for women's ownership of land, but at year's end, no land law legislation was passed.

The Secretary of State for the Promotion of Equality in the Prime Minister's Office is responsible for the promotion of gender equality. UNMIT's Gender Affairs Unit also monitored discrimination against women. Women's NGOs worked under an umbrella organization called Rede Feto (Women's Network). Rede Feto coordinated the work of NGOs working on women's issues and provided input to draft legislation on women's issues, such as the recent Law on Domestic Violence. The Secretary of State for the Promotion of Equality and the Advisor to the Prime Minister for Civil Society both coordinated and supported the work of Rede Feto.

Women's organizations offered some assistance to female victims of violence, including shelters for victims of domestic violence and incest, a safe room at the national hospital for victims of domestic violence and sexual assault, and escorts to judicial proceedings.

In November the country submitted its candidacy as a member of the UN Women Executive Board.

Children

Children acquire citizenship both through birth within the territory of the country and by having a citizen parent. A Central Civil Registry registers a child's name at birth and issues birth certificates. The rate of birth registration was low.

The constitution stipulates that primary education shall be compulsory and free; however, no legislation has been adopted establishing the minimum level of education to be provided, nor has a system been established to ensure provision of free education. According to UN statistics, approximately 20 percent of primary school-age children nationwide were not enrolled in school; the figures for rural areas were substantially higher than those for urban areas.

In rural areas heavily indebted parents sometimes provided their children as indentured servants as a way to settle the debt. If the child was a girl, the receiving family could also demand any dowry payment normally owed to the girl's parents.

There is no clearly defined age below which sex is by definition nonconsensual. Violence against children and child sexual assault was a significant problem. Some commercial sexual exploitation of minors occurred. The Penal Code describes a vulnerable victim for purposes of rape as a "victim aged less than 17 years" and provides an aggravated sentence. The Penal Code separately addresses "sexual abuse of a minor," which is described as one "age less than 14 years," and also separately addresses "sexual acts with an adolescent," which it defines as "a minor aged between 14 and 16 years." The Penal Code also makes both child prostitution and child pornography crimes and defines a "child" for purposes of those provisions as a "minor aged less than 17 years." The Penal Code also criminalizes abduction of a minor, although it does not define what constitutes a minor for purposes of that section.

In September 2009 the Prime Minister's office established the Timor-Leste National Commission on Child Rights. The commission is mandated to promote, defend, and monitor child rights.

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html.

Anti-Semitism

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

Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

Persons with Disabilities

Although the constitution protects the rights of persons with disabilities, the government has not enacted legislation or otherwise mandated accessibility to buildings for persons with disabilities, nor does the law prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities. There were no reports of discrimination against persons with disabilities in employment, education, or the provision of other state services; however, in many districts children with disabilities were unable to attend school due to accessibility problems.

Training and vocational initiatives did not address the needs of persons with disabilities. In the past some persons with mental disabilities faced discriminatory or degrading treatment due in part to a lack of appropriate treatment resources or lack of referral to existing resources; it was not clear whether this situation had improved. Mentally ill persons were imprisoned with the general prison population and were denied needed psychiatric care. An office in the Ministry of Social Solidarity was responsible for protecting the rights of persons with disabilities. Persons with disabilities are eligible for monthly special monetary stipends through the Ministry of Social Solidarity.

National/Racial/Ethnic Minorities

Although tensions between persons from the eastern districts (Lorosae) and persons from the western districts (Loromonu) contributed to the 2006 political crisis, such tensions appeared to be greatly reduced and no specific incidents were observed during the year.

Relations were generally good between the ethnic majority and members of several small ethnic minority groups including ethnic Chinese (who constitute less than 1 percent of the population) and ethnic-Malay Muslims.

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

The law makes no reference to homosexual activity. Gays and lesbians were not highly visible in the country, which was predominantly rural, traditional, and religious. According to the East Timor Law and Justice Bulletin (ETLJB), the principal international NGO that runs an HIV-AIDS transmission reduction program excludes gays from its program. Aside from the ETLJB report, there were no formal reports of discrimination based on sexual orientation, due in part to limited awareness of the issue and a lack of formal legal protections.

Other Societal Violence or Discrimination

There were no formal reports of discrimination based on HIV/AIDS status.

Section 7 Worker Rights

a. The Right of Association

The country has a labor code based on the International Labor Organization's standards. The law permits workers to form and join worker organizations without prior authorization. Unions may draft their own constitutions and rules and elect their

representatives; however, attempts to organize workers generally were slowed by inexperience, a lack of organizational skills, and the fact that more than 80 percent of the workforce was in the informal sector. There are official registration procedures for trade unions and employer organizations. At year's end the government began compiling data on the percentage of unionized workers in the formal sector.

While the law prohibits dismissal for union activity, it also allows for financial compensation in lieu of reinstatement, thus partially weakening the protection against employers' interference.

The law provides for the right to strike, but few workers exercised this right during the year. The law on assembly and demonstrations could be used to inhibit strikes but was not used in this way.

The law prohibits foreigners from participating in the administration of trade unions.

b. The Right to Organize and Bargain Collectively

While collective bargaining is permitted by law, workers generally had little experience negotiating contracts, promoting worker rights, or engaging in collective bargaining and negotiations. The Ministry of Social Solidarity is the government agency charged with labor dispute settlement.

There are no formal export processing zones.

c. Prohibition of Forced or Compulsory Labor

Government regulations prohibit forced or compulsory labor, and there were reports that such practices occurred. Men from Burma were subjected to conditions of forced labor in construction and other industries, while men from Cambodia and Thailand were forced to toil on fishing boats under harsh working conditions, and with poor food and no access to medical care. Also see the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/g/tip>.

d. Prohibition of Child Labor and Minimum Age for Employment

The law generally prohibits children under 18 from working; however, there are circumstances under which children between the ages of 15 and 18, as well as children under 15, can work. The minimum age does not apply to family-owned businesses, and many children worked in the agricultural sector. Child labor in the informal sector was a major problem. In practice enforcement of the labor code outside of Dili was limited.

e. Acceptable Conditions of Work

The law does not stipulate a minimum wage. The law provides for a standard workweek of 40 hours, standard benefits such as overtime and leave, and minimum standards of worker health and safety. The Ministry of Social Solidarity is responsible for enforcing the labor code. A National Labor Board and a Labor Relations Board exist, and there are no restrictions on the rights of workers to file complaints and seek redress. Workers have the right to remove themselves from hazardous conditions without jeopardizing employment; however, it was not clear whether they could avail themselves of this right in practice.

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