

TIMOR-LESTE 2015 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Timor-Leste is a multiparty, parliamentary republic. Following free, fair, and relatively peaceful elections in 2012, Tour Matan Ruak was elected president and head of state; Kay Rala Xanana Gusmao became prime minister of a three-party coalition government. In February, Gusmao resigned and, in a peaceful transition, Dr. Rui Maria de Araujo of the opposition FRETILIN party (Revolutionary Front for an Independent East Timor), selected by Gusmao and approved by the president, became prime minister. Civilian control of the security forces was, at times, questioned.

Significant human rights problems included security force abuses, particularly during a joint police-military operation (see section 1), gender-based and domestic violence, and land tenure and expropriation concerns.

Other human rights problems included a lack of due process due to a weak judicial system, impingements on freedom of assembly and movement, trafficking in persons, and ineffective workers' rights protections.

During the year the government conducted a joint military-police operation targeting members of the Revolutionary Council of Maubere (KRM) in response to its suspected involvement in attacks on security forces. Human rights groups and the Office of the Ombudsman for Human Rights and Justice (PDHJ) reported numerous human rights abuses in relation to the operation.

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

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

a. Arbitrary or Unlawful Deprivation of Life

During the year the government allegedly committed unlawful killings. At least four members of the banned armed opposition group, the KRM, were killed, including its leader, Mauk Moruk, who died in August in an armed clash with government forces. The government claimed Mauk Moruk opened fire after being called upon to surrender. Local and international nongovernmental organizations

(NGOs) called for an investigation into the circumstances of the deaths, but the government had not responded by year's end.

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 limits the situations in which police officers may resort to physical force and the use of firearms. NGOs and the PDHJ, however, received complaints about the use of excessive force by security forces. Most complaints involved maltreatment, use of excessive force during incident response or arrest, threats made at gunpoint, and arbitrary arrest and detention (see section 1.d.).

For example, during government operations against the KRM, citizens in affected areas reported excessive use of force and arbitrary arrests. Many reported cases could not be processed by the Office of the Prosecutor General because the alleged violators could not be identified. In July the PDHJ released a report of its investigations into allegations of abuse, which found several credible cases of abuse, one case of sexual assault, and one case of torture. In the alleged torture case, the PDHJ reported that government forces had forced a woman to stand on a rock while they whipped her and demanded information regarding the whereabouts of her husband, a suspected KRM member. The government called for additional evidence from the PDHJ and reported that it will process complaints of abuse through its disciplinary channels. The operation against the KRM officially ended in August, shortly after the death of Mauk Moruk.

Prison and Detention Center Conditions

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. The prison in Dili (Becora) was overcrowded. It has an estimated capacity of 330 inmates, but at year's end held 475 adult and juvenile male convicts and pretrial detainees (juveniles and pretrial detainees were held in separate blocks from convicts). Gleno Prison was not overcrowded, but held women as well as adult male convicts and pretrial detainees, albeit in separate blocks. Conditions were the same for male and female prisoners,

who shared recreation areas. Non-violent offenders were also housed in separate blocks from violent offenders. There were no special facilities for the mentally ill.

Authorities provided food three times daily in the prisons; however, there was no budget for food in police station detention centers. While authorities provided water, its source and cleanliness could not be confirmed, and it was not available at all hours of the day. In Becora a clinic was staffed daily with a doctor accessible to all inmates, but medication was available only while the clinic was staffed. In Gleno a doctor was only available once per week; inmates were transported to the hospital if necessary. Beyond basic needs, authorities took inmates to a local hospital in Gleno or to Dili. Access to clean restroom facilities was generally sufficient, although without significant privacy.

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 in Dili, and reported that the government adopted several of its recommendations to improve conditions. 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 NGOs and independent human rights observers.

Improvements: The government took steps to improve prison standards by increasing cleanliness of toilets and housing, and by providing greater access to outdoor facilities.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, but authorities frequently violated these provisions. This occurred in part because judges were unavailable to issue warrants or make determinations on detentions. During operations against the KRM, the PDHJ reported that from March through May at least seven arrests without a warrant occurred, many of which resulted in detention for several days before the suspect was released or taken to court.

Role of the Police and Security Apparatus

The law does not fully clarify the roles of the national police (PNTL), the judicially mandated and recently established Scientific Police for Criminal Investigations (PSIK), and the military (F-FDTL). Security sector experts say also 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. An organic law detailing the structure, role, and disciplinary rules for the PNTL had not been enacted.

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.” The president is commander-in-chief of the armed forces, but the chief of defense, the F-FDTL’s senior military officer, exercised day-to-day command over the armed forces.

The lack of clear relationships and responsibilities between security forces applied to the joint operation against the KRM, although the forces made efforts to follow their legally appropriate roles. F-FDTL military police responded occasionally to incidents involving only civilians.

According to expert sources, civilian oversight of the PNTL and the F-FDTL remained relatively weak. Various bilateral 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 PNTL’s internal accountability mechanisms remained somewhat ineffective, but improved. Rates of reported cases closed without investigation decreased, but the office responsible for internal affairs (the PNTL Department of Justice) was not properly resourced to investigate and respond to all cases brought to its attention. The office increased its use of disciplinary measures, such as demotions, written admonitions, and fines. Nonetheless, especially outside the capital, district commanders may not fully engage in the disciplinary process, perhaps due partly to lack of familiarity with disciplinary procedures.

The internal affairs office may recommend that the Commander General refer cases to the Office of the Prosecutor General for investigation. In August the

minister of interior announced that the PNTL had expelled 100 PNTL personnel during the past five years for disciplinary reasons, but it was not clear how many of these cases involved human rights-related infractions.

Citizens reported obstacles to reporting complaints about police behavior, including repeated requests to return later or to submit their complaints in writing. One NGO also reported that cases they brought to the PNTL were often prejudged as lacking proof and that the quality of response varied widely depending on the district. Many victims traveled to the internal affairs office headquarters in the capital to take advantage of better resources, despite the difficulty and expense.

Under F-FDTL regulations, disciplinary incidents amounting to crimes can be referred to the prosecutor general, while cases of misconduct are processed through the internal disciplinary hierarchy. One security sector NGO assessed the F-FDTL's disciplinary system as strong but not entirely free of political influence. In one case of F-FDTL abuse of a civilian, the soldier was removed following a yearlong disciplinary proceeding.

During the year the government conducted a joint military-police operation targeting members of the KRM in response to its suspected involvement in attacks on security forces. The campaign was conducted under the auspices of a March 2014 parliamentary resolution condemning the KRM, the Popular Committee for the Defense of the Democratic Republic of East Timor, and unnamed "others" for alleged actions to subvert the state through use of illegal "military practices, such as graduations, parades, concentration, and training, always using military uniforms." Human rights groups and the PDHJ reported numerous human rights abuses in relation to the operation.

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; however, violations of this provision occurred. The extreme shortage of prosecutors and judges outside the capital contributed to prosecutor inability to obtain required warrants quickly, although one human rights NGO suggested that such instances also occurred when a warrant could, in fact, have been obtained. Human rights monitoring groups alleged that during the anti-KRM campaign, searches, arrests, and detention without warrants were commonplace.

The law requires a hearing within 72 hours of arrest to review the lawfulness of an arrest or detention. During these hearings the judge may also 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. The government's 2014 decision to rescind visas for international legal advisors, who had filled critical roles as judges, prosecutors, and investigators, led to severe backlogs.

The shortage of judicial officials often led police to make decisions independently about whether persons should be released after 72 hours or detained longer. In effect, timelines were often not followed or extended indefinitely, especially in low-priority cases.

Time in pretrial detention may be deducted from a final sentence, but there is no remedy 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.); however, due to a lack of human resources and transportation, public defenders were not always able to attend to their clients.

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 prior to conviction at the trial level, or three years prior to a final conviction on appeal. 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. Pretrial detainees composed approximately 25 percent of the total prison population. Procedural delays and staff shortages were the most frequent causes of trial delays. In many cases the length of pretrial detention equaled or exceeded the length of the sentence upon conviction.

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 concerns about the independence of some judicial organs in politically sensitive cases, a severe shortage of qualified personnel, and the complex legal regime influenced by the Portuguese, Indonesian, 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 that citizens generally enjoyed a fair, although not always expeditious, trial and that the judiciary was largely independent.

Administrative failings involving the bench, prosecution, and/or defense led to prolonged delays in trials. Moreover, the law requires at least one international judge on a panel in some cases, which has, after the cancellation of foreign judges' contracts, created substantial delays. For example, the appeal of a case related to human rights violations during the Indonesian occupation was scheduled to be heard during the year but was postponed.

Trial Procedures

Defendants enjoy a presumption of innocence, access to a lawyer, the right against self-incrimination, and habeas corpus. Trials are before judges or judicial panels; juries are not used. Defendants can confront hostile witnesses and present other witnesses and evidence. Defendants and their attorneys have access to government-held evidence and have a right of appeal to higher courts. The highest court in the country has held that immediate family members cannot refuse to testify against another family member, where the crime is a public crime and the immediate family member is the victim, a decision criticized by civil society organizations.

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 none has yet been established due to staffing and resource limits. The Court of Appeals serves supreme court functions.

A mobile court, including three judges, operated in areas that did not have a permanent court. While essential in providing access to justice for the country's widely distributed population, some justice sector observers noted that the quality

of its proceedings was adversely affected by the large number of cases processed--usually 30 or more cases in one week.

Many 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 that few defenders viewed their role as client advocates or were confused about their duties to the client versus the state.

Political Prisoners and Detainees

Because they believe the 2014 parliamentary resolution condemning the KRM and other groups as illegal did not follow proper procedures and was politically motivated, the PDHJ and other human rights groups argued that arrests and detentions in relation to the resolution violated human rights. During the year the government reported approximately 500 arrests of suspected KRM members. Most of those 500 were either released due to lack of evidence or subjected to restrictive measures, such as requirements to report regularly to the police or to provide identification. In July the PDHJ reported that many of those arrests were based solely on suspicion of involvement in the illegal groups without enough evidence to warrant the arrests.

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.

Property Restitution

There is no comprehensive national legislation on land rights and the government was criticized for disregarding many private claims and evicting some residents from land defined as public property or for which title was unclear. During the year the government expropriated an undisclosed number of homes in connection with large development projects in Oecusse and Suai. In Oecusse, NGOs and media reported evictions without compensation other than the promise of new

homes in different locations. In Suai communities complained that they were given some compensation but that they were led to believe additional funds and government support would be forthcoming. The Suai communities also complained that the alternative housing provided by the government did not meet community standards and that the relocations significantly changed their livelihoods and cultural systems.

The lack of a legal framework also led to alternative mechanisms for land acquisition that are of questionable legality. Other observers noted that evictions and expropriations often took place late at night or at inconvenient times for families in their homes.

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

The law prohibits arbitrary interference with privacy, family, home, or correspondence. Nonetheless, observers noted a general lack of privacy protections throughout the government, most prominently by security forces engaged against the KRM, but also in the health sector.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution provides for freedom of speech and press, and the government generally respected these rights. Independent media were active and expressed a wide variety of views without restriction. In September, however, the PSIK began an investigation into one of the most vocally critical blogs in the country because of alleged provocative language and accusations against historical leaders in the country.

Press Freedoms: Media continued to voice concerns about the 2014 media law, which they view as unnecessarily restrictive and providing too much power to a government Press Council which could manipulate the law for political purposes. Although some media concerns had been addressed before final passage of the law in October 2014, NGO criticism of the law continued, but there were no reports of the law being used to restrict press freedoms during the reporting period.

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. In August, one human rights group reported threats by the government in response to postings critical of the government's role in the death of Mauk Moruk. While improving, internet access remained prohibitively expensive or unavailable for most, especially outside urban areas. Reliable data on accessibility remained unavailable.

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, but such approval is regularly granted.

In relation to construction of the Suai Supply Base, local communities have complained that the government's plans will destroy lands that hold cultural value and artifacts.

b. Freedom of Peaceful Assembly and Association

The law provides for the freedoms of assembly and association, but there were restrictions on both in practice.

Freedom of Assembly

The law on assembly and demonstrations establishes guidelines on obtaining permits to hold demonstrations, requires that 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 within the PNTL.

Permits were sometimes withheld or were provided only in limited areas far from government buildings or urban centers. Human rights NGOs maintained that the PNTL interpreted the 2014 ban on armed opposition groups as a mandate to infringe upon freedom of assembly. For example, in June, citing security concerns, the PNTL denied a protest permit to a relative of Mauk Moruk, and deployed a heavy police presence to the area proposed for the protest.

Freedom of Association

The PDHJ reported that individuals have been harassed, detained, or arrested because of membership in organizations (the KRM and the CPD-RDTL) declared illegal in the March 2014 parliamentary resolution. A 2015 law complicated the formation of new political parties (see section 3).

c. Freedom of Religion

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

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-country Movement: As part of the operation against the KRM, government forces restricted some movement through checkpoints where, for example, busses were stopped and passengers were required to provide identification. Various citizens reported police harassment at checkpoints and elsewhere, especially if they were from the eastern part of the country.

Protection of Refugees

Access to Asylum: The law provides for the granting of asylum or refugee status; however, the system is not in line with international standards. There are 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 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. International observers reported that they knew of several asylum seekers in country who could not apply within the 72-hour limit or clear other procedural hurdles. Two asylum seekers abandoned their claims because of administrative difficulties and left the country.

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government in free and fair periodic elections based on universal suffrage for those 17 and older, and citizens exercised that ability.

Elections and Political Participation

Recent Elections: The most recent presidential and parliamentary elections took place in 2012 and were carried out with UN assistance. International observers assessed them as free and fair. Voter turnout was 74 percent, down from 80 percent in 2007. Some individuals complained that they were disenfranchised by a rule requiring voters to vote only in the village in which they registered. There are no procedures for international or absentee voting. Serious concerns about possible pre- and post-election violence proved largely unfounded and, unlike in 2007, the formation of the new government occurred in relatively peaceful circumstances. In February, Prime Minister Xanana Gusmao resigned, and Dr. Rui Maria de Araujo of the opposition FRETILIN party became prime minister. Gusmao had selected Araujo as his successor in addition to negotiating a reshuffle of the government. Gusmao presented the plan to President Ruak, who approved it per the constitution. The government transition, while not resulting from elections, occurred in peaceful circumstances.

Local-level elections originally scheduled to occur in October have been postponed indefinitely as the government debated a revision to the local election law and decided not to set election dates until the new law passed.

Political Parties and Political Participation: During the year the government increased the number of signatures required to start a political party from 1,500 to 20,000 with an additional requirement that the group must include 1,000 signatures from each of the 13 districts.

Participation of Women and Minorities: Electoral laws require that at least one-third of the candidates on party lists be women. Women hold 24 of the 65 seats in Parliament and several ministerial, vice-ministerial, and secretary of state positions. At the local level, at least three women must serve on every village council, which generally include 10 to 20 representatives, depending on the size of the village. Meaningful participation by women at the national and local levels, even when elected, may sometimes be constrained by traditional attitudes and stereotypes.

The country's few ethnic minority groups were well integrated into the political system. The number of members of these groups in parliament and 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 official corruption. The government faced many challenges in implementing the law, and the perception that officials frequently engaged in corrupt practices was widespread.

Since taking power in February, the government has taken steps to fight corruption by undertaking surprise inspections of government-run programs, increasing pressure to implement asset management and transparency systems, and making this a top priority.

Corruption: The Anti-Corruption Commission (CAC) is legally charged with leading national anticorruption activities and has the authority to refer cases for prosecution. Although the CAC is independent, its budget is controlled by the government and can be changed, making the CAC vulnerable to political pressures.

During the year the CAC addressed several corruption cases. For example, in October a court found the former state secretary for public works and the former coordinator of the Ministry of Public Works guilty of four corruption-related charges.

There were accusations of police, including border police, involvement in corruption--most commonly bribery and abuse of power. Police in some cases reportedly accepted bribes from brothels engaged in trafficking in persons. The chief of the PNTL investigations unit was convicted of corruption related to his failure to report in a drug trafficking case, but has appealed.

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.

Public Access to Information: 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 invalid. Regulations also provide for public access to court proceedings and decisions and

the national budget and accounts. Many documents, however, are only published in Portuguese. Moreover, obtaining hard copies entails a small fee and (often burdensome) travel to the printing office. The government publishes documents online; however, the internet is expensive and not widely available.

By law all government contracts and financial information are published on the online Transparency Portal. Some have complained that the website does not provide a narrative report from which one may determine spending.

Parliament met in closed sessions several times in the year, and parliamentary voting records were not published. Information on the government's Suai and Oecusse development projects was similarly difficult to obtain.

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. Government officials usually cooperated with these organizations, although it did not always respond to their recommendations.

The country's efforts to redress human rights abuses committed during the Indonesian occupation have been criticized as insufficient and ineffective. The government supported NGOs that organized an event bringing children taken to Indonesia during the occupation back to meet their families in Timor-Leste.

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. During the year the office investigated and monitored land evictions, access to justice, governance, prisoner complaints, and abuse by security forces. While there were no reports of significant government interference, the PDHJ did note that security forces restricted its access to some areas in Baucau, and some observers opined that the PDHJ exercised caution in its activities to avoid budget or other retaliation.

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

The constitution and relevant legislation prohibit discrimination based on grounds of color, race, marital status, gender, heritage, language, social or economic status, political or ideological convictions, religion, education, and physical or mental condition. Nonetheless, violence against women was a major problem, and discrimination against women, persons with disabilities, some minorities and the lesbian, gay, bisexual, transgender, and intersex (LGBTI) community occurred. Violence against children--both at home and in schools--and child labor were common.

Women

Rape and Domestic Violence: Gender-based violence remained a serious concern. Although rape, including marital rape, is a crime punishable by up to 20 years in prison, failures to investigate or prosecute cases of alleged rape and sexual abuse were common. The formal justice system addressed an increasing number of reported domestic and sexual abuse cases, but limited access to justice and cultural pressures led some communities to address rape and domestic violence through traditional law.

The Law Against Domestic Violence broadly covers all forms of domestic violence, including marital rape, and augments the Penal Code. While many cultural and institutional obstacles hinder implementation of the law, local NGOs viewed the law as having a positive effect by encouraging victims of domestic violence to report their cases to police. The secretary of state for the support and socio-economic promotion of women has a gender focal point in each district, which helps direct victims to appropriate resources and supports capacity building and key actors in their areas.

Domestic violence offenses were the most commonly charged crimes in the criminal justice system. Several NGOs that monitored the courts' treatment of such cases, and those providing services to victims in such cases, criticized the failure to issue protection orders and over-reliance on suspended sentences, even in cases involving significant bodily harm. Prosecutors routinely charged cases involving aggravated injury and use of deadly weapons as low-level simple assaults.

The police often referred cases of domestic violence to traditional leaders for resolution or work toward family reconciliation rather than pursue cases in the formal justice system as required by law. When the police do investigate, NGOs described the investigation as sometimes basic. In many cases the victim had to

leave her home--or remain there with her abuser--during investigation and prosecution of the case.

Police, prosecutors, and judges routinely ignored many parts of the law that protect victims. NGOs noted that fines were paid to the court and often came from shared family resources, further hurting the victim. During the year, however, judges sentenced defendants convicted of domestic violence offenses to incarceration in at least four cases, a modest increase over the previous year.

The PNTL's Vulnerable Persons Units (VPUs) generally handled cases of domestic violence and sexual crimes. The unit, however, does not have enough staff to provide a significant presence in all areas of the country, necessitating the involvement of other police units, especially community police, who are commonly present at the village level. Women's organizations considered VPU performance as variable but improved.

The government and civil society actively promoted awareness campaigns to combat all forms of violence against women.

The Ministry of Social Solidarity is charged with providing assistance to victims of domestic violence. During the year ministry's staff in each district included a gender-based violence focal point to coordinate a referral network, a coordinator for the Bolsa de Mae (Mother's Purse) support fund, and two additional actors who focused on children's issues. 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 to victims of violence, including shelters, a safe room at the national hospital, financial and food support, and escorts to judicial proceedings.

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

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of their children; manage their reproductive health; and have access to the means to do so free from discrimination, coercion, and violence. Economic, cultural, and religious considerations and distance (in rural areas) sometimes limited women's reproductive rights. Unmarried women under age 20, for example, may be denied reproductive health services. Additionally, in many areas, service providers sometimes required a husband's permission before

providing reproductive health services. Healthcare was not readily available for complications associated with abortion due to overall lack of women's healthcare and the criminalization of abortion.

According to 2014 estimates from the UN Population Division, 26 percent of women of reproductive age used a modern form of contraception. The Ministry of Health and NGOs promoted both natural and modern family planning methods, including the distribution of intrauterine devices, injectable contraceptives, and condoms, although government efforts heavily focused on natural methods. NGOs noted government clinics lacked the capacity and understanding to dispense some contraceptives properly and that clinics often lacked contraceptive stocks. Local service providers provided more than 50 percent of reproductive services.

According to 2015 World Health Organization estimates, the average maternal mortality rate in the country was 270 deaths per 100,000 live births. The UN Children's Fund (UNICEF) estimated that only 30 percent of children were delivered by a skilled health professional and 78 percent were delivered at home. Access to maternal health services remained a challenge for people in rural areas, although each district has at least one medical facility that provides maternal care. Sixty-one percent of mothers received antenatal care from a medical professional, and 32 percent of mothers received post-partum care. Recent efforts by the government and NGOs have expanded access to midwives and other skilled professionals in addition to increasing access to information and use of breastfeeding.

Discrimination: The constitution states that "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. There have been complaints that the company registering land claims used forms that do not protect women's rights to property or follow best practice as related to gender.

Other cultural practices, such as payment of a bride price as part of marriage agreements (barlake), also occurred in some areas and have been linked to domestic violence and to the inability to leave an abusive relationship. Additionally, in some communities widows were forced to marry their husbands' family member or leave their husbands' homes if they do not have children together.

Some women reported employment discrimination based on marital status (see section 7.d.).

The secretary of state for the support and socio-economic promotion of women is responsible for the promotion of gender equality. Several NGOs focused on women's issues and collaborate in a powerful network.

Children

Birth Registration: Children acquire citizenship through birth within the country or by having a citizen parent or grandparent. A central civil registry lists a child's name at birth and issues birth certificates. The rate of birth registration was low, especially in rural areas, but increasing. The government reported that children separated from their parents or those whose biological father is unknown have the right to access the registry through other responsible family members. There were no reports of discrimination based on birth registration. While access to services such as schooling does not depend on birth registration, birth registration 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 six years of age; however, there is no system to enforce attendance, nor is there a system to ensure that the provision of education is free. Language issues and teacher quality hampered the education system. Dropout rates were often very high due to distance, malnutrition, teenage pregnancy, or lack of parental support. While no school fees exist for public schools, students paid for supplies and uniforms. The most recent UN and government statistics available (2010) indicated that approximately 20 to 30 percent of primary school-age children nationwide were not enrolled in school, with non-enrollment substantially higher in rural than in urban areas. While initial attendance rates for boys and girls were similar, girls were often forced to leave school if they became pregnant and often faced difficulty in obtaining school documents or transferring schools.

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. In May, however, a court sentenced a perpetrator to 20 years' imprisonment for incest

against a 13 year-old girl. NGOs and some active parliamentarians have been vocal on the need for a comprehensive law on incest, but none has been passed.

While the Ministry of Education has a nominal zero tolerance policy for corporal punishment, there is no law on the issue, and reports indicated the practice was common. An organization working on children's rights found that in 87 schools across six districts, an average of three cases of corporal punishment were reported every day at each school.

Early and Forced Marriage: Although a marriage may not be registered until the youngest 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, is strong. Underage couples may not officially marry, but 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 where a bride price is paid. According to the most recent information from UNICEF (2010), an estimated 19 percent of girls married prior to the age of 18.

Sexual Exploitation of Children: Sexual assault against children was a significant problem, but one which cultural taboos left largely unaddressed. Some commercial sexual exploitation of children also occurred. The penal code makes sexual conduct by an adult with anyone below the age of 17 a crime, and increases penalties when such conduct involves victims younger than 14. The penal code also makes both child prostitution and child pornography crimes, and 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.

The government arrested and prosecuted three persons for trafficking minors for sexual exploitation during the year and a fourth for trafficking involving adults and minors. A Timorese woman who recruited unemployed girls to traffic them to Malaysia was arrested and reportedly imprisoned. The National Commission for Children's Rights reported 15 serious cases involving sexual exploitation and selling of children during the year.

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.

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 the disabled. No specific legislation addresses the rights and/or support of persons with disabilities.

The Ministry of Social Solidarity is responsible for protecting the rights of persons with disabilities. The Ministry of Health is responsible for treating mental illness. In many districts, children with disabilities were unable to attend school due to accessibility problems. There are no special educational services for children with mental or learning disabilities. Training and vocational initiatives did not address the needs of persons with disabilities.

Electoral regulations provide accommodations, including personal assistance, to enable persons with disabilities to vote.

Service providers noted that domestic violence and sexual assault against those with disabilities was a growing concern. They indicated further that such cases have been slow to receive support from the justice sector. Persons with mental illness accused of crimes are entitled to special protections by law. The public defender worked closely with the police to ensure mentally ill suspects received prompt access to a lawyer, the prosecution worked to ensure proper protections in proceedings, and all justice sector actors noted that they engage with service providers on these cases. Prisons do not have separate facilities for persons with mental disabilities.

There were reports that persons with mental disabilities sometimes faced discriminatory or degrading treatment due in part to a lack of appropriate community support or lack of referral to existing resources. There is a deficit of qualified psychologists in the country, and no long-term treatment facilities for those with mental disabilities. There is one Ministry of Health professional per district; however, lack of transportation hinders access. District offices often do not have proper supplies of effective drugs, and many with mental disabilities must wait several months for drugs.

National/Racial/Ethnic Minorities

Long-standing tensions between persons from the eastern districts (Lorosa'e) and persons from the western districts (Loromonu) seemed to have eased, and observers reported no specific incidents during the year. Anger toward the Chinese minority increased, especially due to resentments over their perceived economic advantages. Some Chinese shopkeepers were harassed, beaten, or had their shops burned, and several communities called for stricter regulations on Chinese business.

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 LGBTI community regarding 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. There were several instances of police refusing to process abuse cases when reported by LGBTI individuals. In one case security forces verbally abused a transgender person when she presented an identification card that showed a different gender. Those working with LGBTI individuals noted that abuse most commonly occurred within the family home. CODIVA identified at least one case in which a stranger assaulted a transgender person in the street.

Access to education was limited for some LGBTI individuals who are removed from the family home or who fear abuse at school. Several openly gay and lesbian individuals held positions in government, but other LGBTI individuals believed their orientation might be a barrier to entry into government service.

HIV and AIDS Social Stigma

The country's National AIDS Commission is responsible for providing information, programming, and campaigns on HIV/AIDS; however, no government body has yet been tasked with providing specific services and advocacy for such individuals.

Other Societal Violence or Discrimination

There were concerns that a large development project in the city of Suai posed a threat to the region's cultural heritage, as current plans would disturb several cultural heritage sites protected by the local community.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law protects the right of workers to form and join unions of their choosing, the right to strike, and collective bargaining, and the government generally respected this. The labor code governs labor relations and employment regulations, and generally upholds international standards. The law prohibits dismissal 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 code does not apply to workers in family-owned agricultural or industrial businesses used primarily for subsistence, nor does it apply to civil servants.

There are official registration procedures for trade unions and employer organizations, and a legal strike requires workers to provide written notification of strike five days in advance to police. 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. There were four strikes against four international companies during the year over employment contracts and salary entitlements. A union official noted that few strikes occurred because workers faced extreme job insecurity, which encouraged workers to seek mediation rather than risk losing work hours or the job.

The Secretary of State for Employment Policy and Vocational Training (SEPFOPE) is the government agency charged with implementation of the labor code and labor dispute settlement. The government lacked sufficient resources and skilled staff to protect freedom of association adequately. Local NGOs registered 36 cases of violations of labor rights, 15 of which were for unfair dismissal, including a significant level of anti-union discrimination. They noted that 90 percent of disputes are resolved through mediation. Although the resort to mediation often reflects labor's weakness in the country, in at least one instance, mediation led to the successful re-employment of the dismissed worker. One case of unfair removal of position was brought through the legal process and is awaiting resolution.

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. A large portion of workers are not unionized in large part because, according to SEPFOPE's most recent report (2013), 71 percent of the working population is employed in the informal sector. Attempts to organize workers often were slowed by the fact that workers generally had little experience negotiating contracts, promoting worker rights, or engaging in collective bargaining and negotiations.

b. Prohibition of Forced or Compulsory Labor

The penal code criminalizes enslavement and prescribes penalties of between eight and 20 years' imprisonment. The penal code also considers forced labor and deceptive hiring practices ("trickery") to be a form of human trafficking, for which one may also receive eight to twenty years' imprisonment. SEPFOPE acknowledged that it had insufficient human and financial capacity to enforce forced-labor laws.

Forced labor of adults and children occurred (see section 7.c.), but was not widespread.

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 generally prohibits child labor and specifically prohibits children under age 15 from working, except at “light work” and in vocational training programs for children between 13 and 15 years old. The law prohibits minors from engaging in dangerous work or work that jeopardizes their health. Child labor laws were generally not enforced outside the capital. The labor code does not apply to family-owned businesses operated for subsistence, the sectors in which most children worked.

The Ministry of Social Solidarity, SEPFOPE, and the PNTL are responsible for enforcing child labor law. A lack of child labor professionals at SEPFOPE hindered proper enforcement. Three of the government’s 22 labor inspectors are responsible for investigating child labor cases and enforcing child labor law. The Ministry of Social Solidarity employed 65 child protection officers who could also refer cases to labor inspectors. Inspectors are responsible for reporting cases of child labor and working with relevant ministries, such as Ministries of Health, Social Solidarity, or Education, to provide services when children were identified.

There were no reports of any child labor or forced child labor related prosecutions during the year.

Child labor in the informal sector was a problem, particularly in agriculture, street vending, and domestic service. In 2014, the National Commission against Child Labor was established to conduct national assessments of child and forced labor, to identify and create a list of work regarded as hazardous for children, and create a national action plan. SEPFOPE reported that in 2013 there were 233 known cases of children in the capital city of Dili involved in labor.

Although hard labor is uncommon for children, many children were expected to work--either selling goods on the street, assisting in agriculture, or at menial tasks. 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.

There were some reports of commercial sexual exploitation of children. Children in rural areas continued to engage in dangerous agricultural activities, such as cultivating and processing coffee within family-run businesses, using dangerous machinery and tools, carrying heavy loads, and applying harmful pesticides. Children were also employed in fishing, with some working long hours, performing physically demanding tasks, and facing other dangers such as drowning.

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 labor code prohibits discrimination based on color, race, civil status, gender, nationality, ethnic ancestry or origin, social position or economic status, political or ideological convictions, religion, physical or mental condition, age, or health status. The code also mandates equal pay. Implementation of the code's provisions was generally ineffective.

Employers may not require workers to undergo medical testing, including HIV testing, except with the worker's written consent. Work visa applications require medical clearance. There is no specific protection against discrimination on the basis of sexual orientation.

The law offers no specific legal protection against discriminatory hiring practices due to marital status. Discrimination against women reportedly was common throughout the government, but sometimes went unaddressed. NGO workers noted that this was largely due to the lack of employment opportunities and a fear of retaliation among victims. No reliable data was available on the problem. Women also were disadvantaged in pursuing job opportunities due to cultural norms, stereotypes, and an overall lower level of qualifications or education. Additionally, some reported that pregnant women did not receive the protections guaranteed by the labor code.

Disputes arising under the labor code are settled through the mediation and conciliation service and the labor arbitration council. Violations of the labor code are punishable by fines and other penalties, and violations of child labor laws are referred for prosecution under the criminal code. Penalties are inconsistent and are not sufficient to deter violations, especially in the informal sector.

A crackdown on undocumented foreign workers (see section 7.e.) has not targeted specific minorities, and Indonesian shopkeepers scheduled to be relocated by the government received similar treatment to national Timorese merchants who were also moved.

e. Acceptable Conditions of Work

The legally set minimum monthly wage is \$115. The official national poverty level is \$0.88 per day (the U.S. \$ is the legal currency). Approximately half the population lived below the poverty line. The labor code provides for a standard workweek of 44 hours and standard benefits such as leave and premium pay for overtime. 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 of worker health and safety. The law provides explicitly for the right of pregnant women and new mothers to discontinue work that might harm their health without a cut in pay. It does not provide any other worker the right to leave a hazardous workplace without threat of dismissal. In addition, paid maternity leave of 12 weeks is mandated, with compensated time for nursing up to six months. The law also requires five days of paid paternity leave. The law requires equal treatment and remuneration for all workers, including legally employed foreign workers.

The law covers all formal sectors except civil servants and family-owned businesses operated for subsistence. Domestic workers, a large percentage of the working population, especially of working women, were inadequately protected, with many receiving less than a livable wage for long hours of work. SEPFOPE acknowledged that they lacked staff and resources to provide effective protection. The annual budget for SEPFOPE’s labor inspection section, which includes 22 inspectors, was insufficient to enforce the law adequately.

The labor code does not assign specific penalties or fines for violations of wage, hour, or occupational health and safety laws. 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. Labor NGOs criticized inspectors for visiting worksites infrequently and for often only entering senior management offices during inspections.

According to a local union, the government lacked the political will and capacity to implement and enforce the labor code fully. For example, while the law stipulates that workers are entitled to annual leave and break time, workers were often denied them. Additionally, the union reported cases in which workers were not properly compensated for extra tasks, overtime work, or undertaking a night shift for which the law would require additional pay. According to the union, the main impediments to implementation were lack of institutional and individual capacity and political will.

Additionally, some conflicts of interest may inhibit government inspectors from conducting investigations as required by law. Government inspectors from SEPFOPE met company heads without consulting first with the workers to find out their concerns or issues. Worker health and safety issues were reportedly ignored in some inspections. Due to a lack of enforcement, the union voiced concerns about labor exploitation. The union noted that victims from around the country were often lured into Dili with the promise of better jobs and futures.

The labor law specifically outlaws all of the worst forms of child labor and prohibits minors (defined as a person younger than age 17) from all forms of hazardous work. According to SEPFOPE, there are no laws pertaining to hazardous work applicable to the informal sector.

An unknown number of undocumented migrant workers originally arrived in the country using tourist visas. Many of these migrants worked in fishing, construction, small business, and other sectors generally lacking strong enforcement and in which undocumented migrant workers were vulnerable to some forms of labor exploitation. During the year the government began to enforce work visa requirements for foreign workers. The operation did not appear to target specific nationalities, but uncovered illegal foreign workers primarily in the construction and domestic service sectors. Foreign workers without work visas were placed in detention pending deportation, payment of a fine, or a successful work visa application.

There were no documented cases of workplace fatalities or accidents during the year.