

TIMOR-LESTE 2014 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Timor-Leste is a multi-party, parliamentary republic. Following free and fair elections in 2012, President Taur Matan Ruak is head of state, and Prime Minister Kay Rala Xanana Gusmao leads a three-party coalition government. Authorities failed at times to maintain effective control over the security forces.

Principal human rights problems included police use of excessive force during arrest and abuse of authority, gender-based violence, arbitrary arrest and detention, and an inefficient and understaffed judiciary system that deprived citizens of an expeditious and fair trial.

Other human rights problems included warrantless search and arrest, uneven access to civil and criminal justice, corruption, violence against children including sexual assault, and trafficking in persons.

The government took 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

There were no politically motivated killings by the government or its agents during the year. In January there were two reports of police killing of unarmed citizens, allegedly without provocation, while responding to incidents in Atabae and Becora. Both cases were under investigation at 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 the government generally respected the prohibition against torture; however, there were incidents of cruel or degrading

treatment of civilians by police and military personnel. The law limits the situations in which police officers may resort to physical force and the use of firearms. Nongovernmental organizations (NGOs) and the Provedoria for Human Rights and Justice (PDHJ, or Office of the Ombudsman for Human Rights and Justice), 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.

During National Police (PNTL) and Defense Force (F-FDTL) joint operations targeting condemned rejectionist groups (see section 1.d.), there were numerous reports of excessive use of force and arbitrary arrests. In Baucau the PNTL allegedly beat 18 civilians, including children, to obtain information on the whereabouts of members of the condemned organizations. The case was under investigation at year's end. During the Community of Portuguese Language Countries July conference, there were reports of police evicting street vendors and destroying or extorting their wares. Several vendors were forced to buy their goods back from police.

Prison and Detention Center Conditions

Prison conditions generally met international standards. Police station detention cells generally did not comply with international standards and lacked sanitation facilities and bedding.

Physical Conditions: The country's two prisons, located in Dili (Becora) and Gleno, have an estimated capacity of 330 inmates, but at year's end held 453 individuals. Of these, 16 prisoners were women and 26 were juveniles. There were no separate facilities for women and youth offenders; authorities housed all female inmates in a separate block of the Gleno Prison and kept male juvenile offenders in a separate block in Becora Prison. Conditions were the same for male and female prisoners. There were no special facilities for the mentally ill. In Gleno prison, men and women were housed in separate cellblocks but shared recreation areas. Nonviolent offenders were housed in the same facilities as violent offenders.

The government took steps to improve the cleanliness of prison facilities; however, overcrowding was a serious concern. Authorities provided food three times daily. While authorities provided water, its source and cleanliness could not be confirmed. Authorities released inmates from their cells to retrieve their meals and for two hours of recreation per day. There was an on-site clinic, but medication

was available only while the clinic was staffed. Beyond basic needs, authorities took inmates to a local “hospital” in Gleno or to Dili.

Administration: Authorities permitted prisoners and detainees reasonable access to visitors and religious observance. The Ministry of Social Solidarity has an agreement with the Directorate of Prisons to identify prisoners whose families have not visited so that families can be contacted and transport arranged if necessary for visitation. Authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhuman conditions. Authorities investigated credible allegations of inhuman conditions and shared the results with NGOs. There are provisions for house arrest and remand to hospital, but the prevalence of their application was unclear. The PDHJ is the ombudsman that oversees the prisons and conducted detainee monitoring in Dili, but it interpreted the law to mean an ombudsman cannot serve on behalf of prisoners or detainees.

Independent Monitoring: The government permitted prison visits by the International Committee of the Red Cross and independent human rights observers.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, but authorities frequently violated these provisions, often because magistrates or judges were unavailable to issue warrants or make determinations on detentions.

Role of the Police and Security Apparatus

The law assigns the PNTL responsibility for law enforcement and maintenance of order within the country. The Border Patrol Unit, Immigration Unit, and Maritime Police Unit of the PNTL also have some responsibilities for external security, in coordination with the F-FDTL. By law the F-FDTL can play a role in internal security only in “crisis” or “emergency” situations declared by the government and president, but it may support police in joint operations if requested by a “competent entity.” Authorities routinely ignored these legalities, and the respective roles and relationship between the PNTL and the F-FDTL were unclear. On March 3, parliament passed a resolution condemning rejectionist groups, the Popular Council for the Defense of Timor-Leste (CPD-RDTL) and the Maubere Revolutionary Council (KRM). Following the resolution Prime Minister Gusmao, who also serves as the minister of defense and security, ordered the F-FDTL and the PNTL to conduct joint operations in order to capture key members of the

condemned groups. During the joint operations, there was a continued lack of clarity regarding the roles of the two security forces. The F-FDTL military police continued to respond occasionally to law and order incidents involving only civilians. Due in part to a complicated reporting structure, civilian oversight of the PNTL and the F-FDTL remained relatively weak. 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 F-FDTL.

With significant bilateral assistance replacing much of the training and capacity-building that the now-departed UN peacekeeping mission previously provided, the PNTL remained a viable force. The PNTL continued to grow in strength as a security force but lacked proper logistical planning and an approved budget by the government. Various bilateral partners continued efforts to strengthen the development of community policing programs.

No institutional body examines all security force killings. The Professional Standards and Discipline Office (PSDO) of the PNTL examined killings by members of the PNTL and may refer cases to the Office of the Prosecutor General for investigation. No corresponding oversight body existed within the F-FDTL. The PDHJ is responsible for examining general human rights abuses in the country.

The PNTL's internal accountability mechanisms remained weak. On June 24, the secretary of state for security approved the PNTL decision to dismiss 12 of its members who were involved in the disappearance of weapons during the 2006 crisis. At year's end local NGO and press reporting indicated that the PSDO of the PNTL had dismissed at least 12 officers in disciplinary cases; local NGOs were unable to obtain data on the number of cases the PSDO reviewed during the year.

PSDO functionality at the district level faced serious obstacles. Each of the 13 PNTL district commanders appointed PSDO officers and required reporting to their offices. Persons with complaints about police behavior experienced obstacles when attempting to report violations, including repeated requests to return later or to submit their complaints in writing, a practice uncommon in the country. The Organic Police Law establishes civilian oversight over the PNTL through the Secretary of State for Security and the Council of Ministers.

Arrest Procedures and Treatment of Detainees

The law requires judicial warrants prior to arrests or searches, except in exceptional circumstances; however, violations of this provision often occurred. 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 shortage of magistrates--there were only 22 Timorese national judges and four foreign judges--contributed to police often making decisions without legal authority about whether persons arrested should be released or detained after 72 hours in custody. This increased the atmosphere of lawlessness and impunity. Judges may set terms for conditional release, usually requiring the suspect to post some collateralized bail (whether financial or property-based) and 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, and other areas lacked 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 they never saw their lawyers, and there were concerns that authorities delayed some low-priority cases indefinitely while suspects remained in pretrial detention. Authorities did not hold detainees incommunicado and, when lawyers were available, they did not have difficulty accessing their clients.

On October 24, the parliament voted in closed session to cancel the contracts of all foreign staff in the courts including judges, personnel in the Public Prosecutor's Office, Public Defender's Office, Anti-Corruption Commission, and Legal Training Center, although some were eventually permitted to return to work. Independent observers and civil society organizations criticized the resolution as an unconstitutional violation of separation of powers and an attempt to intimidate national judges. Credible sources suggested that some of the foreign employees affected by the decision lacked sufficient legal ability and that others, including judges, colluded with parties to pending criminal or civil actions.

Pretrial Detention: Pretrial detainees composed approximately 30 percent of the total prison population. Judicial inefficiency and staff shortages most frequently

caused trial delays. In many cases the length of pretrial detention equaled or exceeded the length of the sentence upon conviction. The pretrial detention limit of six months and the requirement for review of such detentions every 30 days need not apply in cases involving certain serious crimes. The 30-day review deadline also was missed in a large number of cases involving less serious crimes, exacerbating the pretrial detention problem. The law specifies that a person may be held in pretrial detention for 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 may justify the extension of each of those limits by up to six months.

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. A wide array of challenges in the judicial system constrained access to justice, including concerns about the impartiality of some judicial organs, a severe shortage of qualified personnel, and a complex legal regime based on different legal sources, including Portuguese-era, Indonesian-era, and interim UN administration-era law. An additional constraint is that laws are written in Portuguese, a language spoken by less than 10 percent of the population.

Trial Procedures

Defendants enjoy a presumption of innocence. Trials are before judges; defendants do not have a right to trial by jury. Defendants have the right to consult an attorney, and the government provides attorneys to indigent defendants. Defendants can confront hostile witnesses and present other witnesses and evidence; however, immediate family members cannot be compelled to testify unless the crime is a public crime, such as domestic violence, and the immediate family member is the victim. In such cases family members can be compelled to testify and jailed if they refuse. Defendants and their attorneys have access to government-held evidence and have a right of appeal to higher courts.

Political Prisoners and Detainees

There was one report of a political prisoner arrested without warrant and held without charge since May. The government denied that the imprisonment of Paulino Gama, also known as Mauk Moruk and a member of the KRM, was politically motivated, but he was well known as a longtime political adversary of

Prime Minister Gusmao. At year's end Mauk Moruk was being held in Becora Prison, and no official charges had been brought against him.

Civil Judicial Procedures and Remedies

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

The government continued to struggle to complete long-delayed national legislation and policies on land ownership. Continuing lack of clarity in this regard resulted in criticism of the government for disregarding many private claims and evicting some residents from land defined as public property, although there were no such evictions from public property during the year.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and press, and the government generally respected these rights. An independent press, a functional judiciary, and a democratic political system combined to promote freedom of speech and press. The independent media were active and expressed a wide variety of views without restriction.

Press Freedoms: On May 6, the parliament unanimously passed a media law that severely restricts the freedom of print and broadcast media coverage. The president presented four articles from the media law to the Court of Appeals. The Court of Appeals rejected three of the articles as unconstitutional and returned it to parliament for further amendment. On October 27, parliament unanimously altered the three articles in response to the Court of Appeals ruling. There was no protest from the media or NGO community after parliament amended the three articles.

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. While improving, internet access remained prohibitively expensive or unavailable for most, especially outside urban areas. The International Telecommunications Union estimated that less than 1 percent of citizens 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

The law provides for the freedoms of assembly and association, and the government generally respected these rights in practice. There were, however, several reports of security forces applying pressure to organized groups to prevent them from protesting against the government, specifically on topics of corruption and pensions issues. The groups reported being intimidated by police and having their banners removed from public spaces.

Freedom of Assembly

The law on assembly and demonstrations establishes guidelines on obtaining permits to hold demonstrations, requires police be notified five days in advance of any demonstration or strike, and establishes setback requirements at some buildings.

There were several reports from human rights NGOs that the PNTL interpreted the March 3 parliamentary resolution as a mandate to prevent instability and, in doing so, had infringed upon the right to freedom of assembly. On several occasions NGOs notified the PNTL prior to holding organized protests against the government, but the PNTL denied permission or disrupted the demonstrations.

In August security forces reportedly threatened and intimidated local NGOs to discourage them from organizing demonstrations against the government. Civilian elements of the government intervened on behalf of the NGOs.

Freedom of Association

The constitution provides for freedom of association, and the government generally respected this right in practice. Following the March 3 parliamentary resolution condemning the CPD-RDTL and the KRM, the PNTL and F-FDTL launched joint operations throughout the country to disband the organizations. Some NGOs criticized the government for infringing upon freedom of association and said that security forces also restricted the activities of legal groups.

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. The government generally 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.

In-country Movement: Travel by road to the western exclave of Oe-cusse required visas and lengthy stops at Timorese and Indonesian checkpoints at the border crossings.

Protection of Refugees

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has a system for providing protection to refugees. The government granted refugee status; 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 a safe return.

There were no reports of refugees or asylum seekers during the year.

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

The law provides citizens the ability to change their government through free and fair elections, which they exercised through elections based on universal suffrage.

Elections and Political Participation

Recent Elections: International observer groups judged the 2012 presidential and parliamentary elections as free and fair, carried out with assistance from the UN integrated mission. Voter turnout for the parliamentary election was 75 percent, down from 80 percent in 2007. 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.

Participation of Women and Minorities: Women held 25 of the 65 seats in parliament, as well as two senior ministerial positions--finance and social solidarity--four vice ministerial positions, and four secretary of state positions. The electoral law requires that women make up at least one-third of the candidates on each political party's list for parliamentary elections.

The country's small ethnic minority groups were well integrated. 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 law provides for criminal penalties for official corruption; however, the government faced many challenges in implementing the law, and there were widespread perceptions that officials frequently engaged in corrupt practices.

Corruption: By law the Anti-Corruption Commission (CAC) is charged with leading national anticorruption activities and has the authority to refer cases for prosecution. The Office of the Prosecutor General, which has ultimate authority

for all criminal prosecutions, may also direct the CAC to investigate specific corruption cases. During the year the Office of the Prosecutor General brought approximately 40 new corruption cases to court. As of September 1, 46 cases remained under investigation. The CAC received 30 public complaints of corruption and dispatched five cases to the Office of the Prosecutor General for further investigation.

In August the government indicted Minister of Finance Emilia Pires on charges of corruption and abuse of power. Pires had been under investigation since 2012 by the Prosecutor-General and CAC for awarding her husband's business a \$2.04 million (the U.S. dollar is the official currency) contract to supply beds to the national hospital. She repeatedly denied the allegations and stated that she signed the contract on behalf of Prime Minister Gusmao. On October 22, Prime Minister Gusmao wrote to parliament requesting that immunity for members of his government not be waived. Two days later, in a closed session, parliament voted to terminate the contracts of foreign judges and advisors in the judicial system. Pires was scheduled to appear in court on October 27, but the corruption trial was not able to proceed due to the eviction of the international judges.

There were accusations of police corruption, most commonly bribery and abuse of power. Some of the accusations involved bribes accepted by the border police along the extensive land borders with Indonesia and bribes accepted by police from brothels that engaged in trafficking in persons. The government lacked sufficient capacity to identify sex workers as victims of human trafficking.

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. Prime Minister Gusmao announced that all of his government's officials had declared their assets privately to the court in 2012. At year's end President Taur Matan Ruak was the only official to have publicly declared his assets.

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 null and void. Regulations also provide for public access to court proceedings and decisions and the national budget and accounts; however, there were concerns that public access to information was constrained. For example, the government published some sections of the official gazette only in Portuguese, although the law also requires publication in Tetum.

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.

Government Human Rights Bodies: 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 to the relevant authorities. The PDHJ is located in Dili with satellite offices in Same, Maliana, Oe-cusse, and Baucau. During the year regional offices improved their ability to conduct outreach or activities in other districts. The Human Rights Monitoring Network, consisting of 10 NGOs, closely cooperated with the ombudsman. There were no reports of government interference in ombudsman activities.

Recommendations from the Indonesia-Timor-Leste Commission on Truth and Friendship and the Commission for Reception, Truth, and Reconciliation, regarding a national reparations program and the creation of an “Institute for Memory,” remained unaddressed.

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

Government regulations prohibit all forms of discrimination. Nonetheless, violence against women was a major problem, and discrimination against women, persons with disabilities, and the lesbian, gay, bisexual, and transgender (LGBT) community occurred.

Women

Rape and Domestic Violence: Gender-based violence remained a serious concern. Although 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. Prosecution times significantly improved during the year. Authorities reported a decrease in the backlog of court cases. The formal system addressed an increasing number of reported domestic and sexual abuses, but limited access to justice led some rural 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 was not tested in the courts.

The law provides 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. 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 situations to police. 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 how these cases were handled, although there were significant improvements in the past year. Prosecutors routinely charged cases involving aggravated injury and use of deadly weapons as low-level simple assaults. Police conducted only the most perfunctory of investigations. Often the victim had to leave her home during investigation and prosecution of the case. Police, prosecutors, and judges routinely ignored many parts of the law that protect victims. Finally, even after a case is successfully prosecuted, judges almost universally issued suspended sentences involving no prison time, including cases involving significant injury to the victim. During the year, however, judges sentenced defendants charged with domestic violence offenses to incarceration in at least two cases.

Domestic violence against women was a significant problem, often exacerbated by inefficiencies in the justice system. The PNTL's Vulnerable Persons Units (VPUs) generally handled cases of domestic violence and sexual crimes. Women's organizations assessed VPU performance as variable but improved. Some officials actively pursued cases, while others preferred to handle them through mediation or as private family matters. Lack of support and resources severely constrained VPU operations. Police at times came under pressure from community members to ignore cases of domestic violence or sexual abuse. The PNTL disciplinary code allows the PNTL to impose disciplinary sanctions on police who commit domestic violence in their own homes, but the PNTL rarely enforced this provision. The government and civil society actively promoted awareness campaigns to combat violence against women, including rape.

The Ministry of Social Solidarity and women's organizations offered 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.

Female Genital Mutilation/Cutting (FGM/C): There is no law specifically prohibiting FGM/C. The practice was not prevalent in the country.

Sexual Harassment: The labor law prohibits sexual harassment in the work place, but such harassment reportedly was widespread.

Reproductive Rights: 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; and the right to attain the highest standard of reproductive health, free from discrimination, coercion, and violence. Economic and religious considerations limited women's access to family planning information and education. The Ministry of Health and NGOs promoted both natural and modern family planning methods, including the distribution of intrauterine devices, injectable contraceptives, and condoms. Modern contraceptive use was low, however, due to the inconsistent supply of family planning commodities and a lack of health workers skilled at using long-acting methods.

According to 2011 World Health Organization estimates, the average maternal mortality rate in the country was 300 deaths per 100,000 live births. A skilled health professional attended 59 percent of urban births (those occurring in Dili) but only 21 percent of rural births. Access to emergency health care was extremely limited in rural areas, but management of abortion-related complications was provided where health care was available. Sixty-one percent of mothers received antenatal care from a medical professional, and 32 percent of mothers received postpartum care. The 2010 Demographic and Health Survey reported that lack of access to health services or skilled birth attendance were among the major factors influencing the maternal mortality ratio.

Discrimination: Some customary practices discriminate against women. For example, in some regions or villages where traditional practices are predominant, women may not inherit or own property. Practices such as payment of a bride price also occurred. The constitution provides for equal rights to own property, but traditional inheritance systems tend to exclude women from land ownership. Women pursuing employment faced discrimination based on marital status (see section 7.d.).

The Secretary of State for the Promotion of Equality in the Prime Minister's Office is responsible for the promotion of gender equality. Women's NGOs worked under an umbrella organization called Rede Feto (Women's Network), which coordinated the work of NGOs working on women's issues and provided input to draft legislation on women's issues, such as the Law on Domestic Violence. The Secretary of State for the Promotion of Equality and the advisor to the prime minister for civil society coordinated and supported the work of Rede Feto.

Children

Birth Registration: Children acquire citizenship through birth within the country or by having a citizen parent. A Central Civil Registry lists a child's name at birth and issues birth certificates. The rate of birth registration was low. There were no reports of discrimination based on birth registration. While access to services such as schooling do 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 compulsory education, nor is there a system to ensure provision of free education. 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, and the rates of nonenrollment for rural areas were substantially higher than those for urban areas. Male children were more likely to attend school than were female children.

Child Abuse: In rural areas heavily indebted parents sometimes provided their children as indentured servants to settle debts. If the child was a girl, the receiving family could also demand any dowry payment normally owed to the girl's parents. Sexual abuse and incest against children were also serious concerns. In March a tribunal sentenced a perpetrator of child abuse characterized as incest to 18 years' imprisonment, but despite widespread reports of such practices, few cases entered the judicial process.

Early and Forced Marriage: The legal age for marriage is 16 years, and marriage before that age was rare. According to the most recent information from the UN Children's Fund (2010), an estimated 19 percent of girls married prior to the age of

18. In some segments of society, child marriage is acceptable, especially in cases of arranged marriage.

Female Genital Mutilation/Cutting (FGM/C): There is no law specifically prohibiting FGM/C. The practice was not prevalent in the country.

Sexual Exploitation of Children: There is no clearly defined age below which sex is by definition nonconsensual. Violence against children and child sexual assault were significant problems. Some commercial sexual exploitation of minors occurred. The penal code describes a vulnerable victim for purposes of rape as a “victim less than 17 years of age” and stipulates an aggravated sentence. The penal code separately addresses “sexual abuse of a minor,” which is described as one “aged less than 14 years,” and “sexual acts with an adolescent,” which it defines as “a minor between 14 and 16 years of age.” 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, although it does not define what constitutes a minor for purposes of that section.

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 law does not prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities, and there is no specific legislation regarding persons with disabilities. The government had not enacted legislation or otherwise mandated accessibility to buildings for persons with disabilities. There are no known provisions with regard to access to air travel or other forms of transportation.

Training and vocational initiatives did not address the needs of persons with disabilities, but electoral regulations makes accommodations for persons with disabilities and permits them to request assistance with voting. 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. In many districts children with disabilities were unable to attend school due to accessibility problems. Authorities incarcerated persons with mental disabilities with the general prison population.

According to the 2010 government census, there were 48,243 persons with disabilities in the country. An office in the Ministry of Social Solidarity is responsible for protecting the rights of persons with disabilities.

National/Racial/Ethnic Minorities

Tensions between persons from the eastern districts (Lorosae) and persons from the western districts (Loromonu) remained largely dormant, and observers reported no specific incidents during the year.

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

The law makes no reference to consensual same-sex sexual relations. LGBT persons were not highly visible in the country, although there were some openly gay public personalities. There were no formal reports of discrimination based on sexual orientation or gender identity, due in part to limited awareness of the issue and a lack of formal legal protections. The Islands of South East Asia Network on male and transgendered sexual health reported that in August a transgender person was beaten in Aileu district based on her clothing choices, and in October another transgender person was stabbed and beaten by her brother.

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. While the law prohibits dismissal for union activity, it allows for financial compensation in lieu of reinstatement. The law prohibits foreign migrant workers from participating in the leadership of trade

unions. 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 those 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 lockouts by employers.

The Ministry of Social Solidarity is the government agency charged with labor dispute settlement. The government lacked sufficient resources and skilled staff committed to protect freedom of association adequately. Lack of skilled professionals in the labor area created long delays in the judicial process and forced persons to settle disputes informally with NGO mediation assistance.

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. 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. Workers generally had little experience negotiating contracts, promoting worker rights, or engaging in collective bargaining and negotiations.

As of September 1, labor NGOs reported 101 unfair dismissal cases and said a significant number of those dismissals constituted antiunion discrimination.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, although there were reports that such practices occurred. The law mandates penalties for human trafficking, which includes forced labor, ranging from eight to 20 years’ imprisonment. The penalties increase to 12 to 25 years of imprisonment when aggravating factors are present, such as when the victim is forced to commit a crime, or where the perpetrator is in a position of public or religious authority. The government reported that it had insufficient human and financial capacity to enforce forced-labor laws.

Forced labor of adults and children occurred (see section 7.c.).

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 children under age 15 from working but permits "light work" and vocational training programs for children between 13 and 15 years old. The law does not apply to family-owned businesses operated for subsistence or to domestic work. The law prohibits the violation of children's rights, such as abandonment, harm, mistreatment, cruel treatment, child labor, sexual abuse, prostitution, pornography, trafficking of children, and enlistment of child soldiers. The law generally prohibits minors from engaging in dangerous work or work that jeopardizes their health.

Generally, authorities did not enforce the law outside of Dili. The Ministry of Social Solidarity, Secretary of State for Professional Training and Employment Policy, and the PNTL are responsible for enforcing child labor law. Three of the government's 25 labor inspectors are responsible for investigating child labor cases and enforcing child labor law. There were no reports of any child labor-related prosecutions during the reporting period.

Child labor in the informal sector was a problem, particularly in agriculture, street vending, and domestic service. During the year the government established the National Commission against Child Labor to conduct a national assessment of child and forced child labor and, subsequently, create a national action plan. According to the commission, the number of child laborers was unknown.

There were reports of children placed in bonded domestic and agricultural labor by family members to pay family debts; there were some reports of commercial sexual exploitation of children (see section 6, Children). Children in rural areas continued to engage in many 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 or Occupation

The law prohibits discrimination based on gender, and the constitution and labor code provide for equal pay. The law offers no specific legal protection against discriminatory hiring practices due to marital status, and married women had significantly greater difficulty in obtaining formal employment than unmarried women. Women also were disadvantaged in pursuing job opportunities at the village level (see section 6, Women).

The labor law prohibits discrimination based on race, civil status, gender, religion, physical or mental condition, or political convictions. Employers may not require works to undergo medical testing, including HIV testing, unless it is with the written consent of the worker.

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 accessory sanctions.

e. Acceptable Conditions of Work

The minimum monthly wage is \$115. The official national poverty level is \$0.88 per day. An estimated 37 percent of the population lived below the poverty line. The labor law 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, without reduction to remuneration, that might negatively affect their health. It does not provide any other worker the right to leave a hazardous workplace without threat of dismissal. The law requires equal treatment and remuneration for all workers, including legally employed foreign workers. The law covers all sectors except government, domestic work, and family-owned businesses operated for subsistence.

The Ministry of Social Solidarity and Secretary of State for Professional Formation and Employment are responsible for enforcing the labor code. There were 25 general inspectors tasked with inspecting workplace conditions. 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 the inspectors for visiting work sites infrequently and often entering only senior management offices during inspections.

An unknown number of workers originally arrived in the country using tourist visas and were not legally eligible to work. These migrants worked in fishing, construction, small business, and other sectors generally lacking strong enforcement and in which migrant workers were vulnerable to some forms of labor exploitation. There were no documented cases of workplace fatalities or accidents during the reporting period.