

# TIMOR-LESTE 2020 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Timor-Leste is a multiparty, parliamentary republic. After May 2018 parliamentary elections, which were free, fair, and peaceful, Taur Matan Ruak became prime minister, leading a three-party coalition government. The 2017 presidential and parliamentary elections were also free and fair. In contrast with previous years, these elections were conducted without extensive assistance from the international community.

The national police maintain internal security. The military is responsible for external security but also has some domestic security responsibilities. The national police report to the Ministry of Interior, and the military reports to the Ministry of Defense. The prime minister served concurrently as the minister of interior. Civilian authorities maintained effective control over the security forces. Members of the security forces reportedly committed some abuses.

Significant human rights issues included: corruption; lack of investigation and accountability for violence against women; the worst forms of child labor; and trafficking in persons.

The government took some steps to prosecute members and officials of the security services who used excessive force but avoided conducting corruption (and labor law) investigations of politicians, government members, and leaders of the country's independence struggle. Public perceptions of impunity persisted.

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

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

There were no reports that the government or its agents committed arbitrary or unlawful killings. In March, two former police officers were sentenced to 25 and 20 years' imprisonment for the shooting deaths of three civilians in 2018.

#### **b. Disappearance**

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

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

The law prohibits such practices and limits the situations in which police officers may resort to physical force and the use of firearms. During the year, there were multiple reports of the use of excessive force by security forces. Most complaints involved mistreatment or use of excessive force during incident response or arrest. Conduct of off-duty police officers was also a problem.

In May an off-duty member of the public order battalion allegedly shot a pedestrian when the pedestrian yelled at the car he was riding in for aggressive driving. The national police (PNTL) investigated, and the officer was in detention awaiting trial.

As of October the investigation continued into members of the police task force unit and public order battalion following a 2019 incident in the city of Baucau. Community members alleged the unit responded with excessive force to an incident during the National Sport Festival. Baucau police claimed the victim of the incident was drunk and created a disturbance outside the stadium.

The PNTL and the military suspended members for some months following an internal investigation into allegations they fired their weapons at a music festival in Maliana. The individuals returned to service; their case was pending trial.

Citizens reported obstacles to reporting complaints about police behavior, including repeated requests to return later or to submit their complaints in writing. There was a widespread belief that members of the security forces enjoyed substantial impunity for illegal or abusive actions and that reporting abuse would lead to retaliation rather than positive change. Social media users shared photographs of injuries from alleged encounters with police. Prolonged investigations, delays in bringing cases to trial, and critical editorials from watchdog NGOs also contributed to this perception.

Various bilateral and multilateral partners continued efforts to strengthen the development of the police, especially through community policing programs and technical assistance efforts, including work to improve disciplinary and accountability mechanisms within the PNTL. The Ombudsman's Office for Human Rights and Justice (PDHJ) and the UN Human Rights Adviser's Unit provided human rights training to both the PNTL and the military.

## **Prison and Detention Center Conditions**

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

Physical Conditions: The prison in Dili (Becora), the country's largest, was grossly overcrowded. It had an estimated capacity of 290 inmates, but in October it held 540 adult and juvenile male and female convicts and pretrial detainees. Separate blocks housed juvenile and adult prisoners, and pretrial detainees were held separately from convicts. Gleno Prison was also overcrowded, with 120 inmates in a prison designed for 80 to 90. Only Suai Prison, also designed for 80 to 90, did not face serious overcrowding problems, although it had 97 inmates.

Gleno Prison held adult male and female convicts and pretrial detainees, all in separate blocks. Conditions were the same for male and female prisoners, who shared recreation areas. Housing blocks separated nonviolent offenders from violent offenders. Prisoners with mental disabilities had access to a psychiatrist, who visited once a week.

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

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

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

Administration: Prisoners and detainees could submit complaints to judicial authorities without censorship and request investigation of credible allegations of problematic conditions. The PDHJ oversees prison conditions and prisoner welfare. It monitored inmates and reported the government was generally

responsive to recommendations. Nonetheless, some human rights monitoring organizations questioned how widely known the complaint mechanism was and whether prisoners felt free to utilize it.

Independent Monitoring: The government permitted prison visits by the PDHJ, foreign governments, international organizations, local NGOs, and independent human rights observers.

#### **d. Arbitrary Arrest or Detention**

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

#### **Arrest Procedures and Treatment of Detainees**

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

The law requires a hearing within 72 hours of arrest. During these hearings, the judge may determine whether the suspect should be released because conditions for pretrial detention had not been met, released conditionally (usually after posting some form of collateralized bail or on condition that the suspect report regularly to police), or whether the case should be dismissed due to lack of evidence. Backlogs continued to decrease during the year, particularly in courts outside of Dili, due to changes in the incentive structure for prosecutors and a policy requiring prosecutors to handle more cases. Justice-sector monitoring organizations reported the system adhered much more closely to the 72-hour timeline than in past years.

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

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

Pretrial Detention: The law specifies that a person may be held in pretrial detention for up to one year without presentation of an indictment, two years without a first-instance conviction, or three years without a final conviction on appeal. If any of these deadlines are not met, the detained person may file a claim for release. Exceptionally complex cases can also provide justification for the extension of each of those limits by up to six months with permission of a judge. In many cases, the length of pretrial detention equaled or exceeded the length of the sentence upon conviction. Pretrial detainees composed approximately 20 percent of the total prison population.

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

#### **e. Denial of Fair Public Trial**

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

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

There were 33 judges and 34 prosecutors in the country as of September. The government and judicial monitoring organizations cited human resource problems as a major issue in the justice system.

## **Trial Procedures**

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

Justice-sector NGOs expressed concern that judges did not provide clear information or take the time to explain and read their decisions. Observers also claimed that in many cases judges did not follow the law that provides protections for witnesses. Additionally, the country has no juvenile-justice legislation, leaving many juveniles in the justice system without protections.

The constitution contemplates a Supreme Court, but one has never been established due to staffing and resource limits. The court of appeals carried out Supreme Court functions in the interim.

Mobile courts based in the cities of Dili, Baucau, Covalima, and Oecusse operated in areas that did not have a permanent court. These courts processed only pretrial proceedings and primarily handled cases of domestic and gender-based violence.

For “semipublic” crimes, where the process does not begin unless a victim files a complaint, some citizens utilized traditional (customary) systems of justice that did not necessarily follow due-process standards or provide witness protection but provided convenient and speedy reconciliation proceedings with which the population was 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 justice-sector NGOs noted that public defenders were confused about their duties to the client versus the state and that few viewed their

role as client advocates. Public defenders did not have access to transportation to visit clients in detention, so at times they met their clients for the first time in court.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **Civil Judicial Procedures and Remedies**

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

### **Property Restitution**

Community concerns regarding evictions and inadequate compensation for government expropriation of land continued during the year.

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

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

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Expression, Including for the Press**

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

### **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.

## **Academic Freedom and Cultural Events**

There were few government restrictions on academic freedom or cultural events, although the National Language Institute must approve academic research on Tetum and other indigenous languages and regularly did so.

### **b. Freedoms of Peaceful Assembly and Association**

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

#### **Freedom of Peaceful Assembly**

The constitution provides for “freedom to assemble peacefully and without weapons, without a need for prior authorization.” The law establishes guidelines on obtaining permits to hold demonstrations, requires police be notified five days in advance of any demonstration or strike, and establishes setback requirements at some buildings. The power to grant or deny permits is vested in the PNTL, which generally approved requests for demonstrations. During the COVID-19-related state of emergency, several requests to hold demonstrations were denied. Despite the restriction, the PNTL worked with demonstration organizers to provide them alternative means of safely speaking to their supporters and delivering their grievances to the subjects of their protest.

In September, Chief of Defense Force Lere Anan Timur announced his intention to detain Angela Freitas, leader of the new political movement National Resistance Defending Justice and the Constitution, following her and her movement’s efforts to organize a 15-day protest demanding the resignation of the president and challenging the legitimacy of the government. The group had received approval from the PNTL to hold their protest in the west end of Dili, and police officers had been assigned to provide support and security at the protest site. A small contingent of soldiers patrolled the street in front of Freitas’ house, which also served as the political movement’s headquarters, on the evening of September 1, acting on allegations of illegal weapons at the residence. No arrests were made. On September 2, Freitas criticized the general’s actions and announced the postponement of the protest.

### **c. Freedom of Religion**

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

#### **d. Freedom of Movement**

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

In response to the COVID-19 pandemic, the government implemented a state of emergency from March to June and again from August through the end of the year. The borders remained largely closed during this period, although the government permitted some entries and exits coordinated with the Ministries of Transport, Health, Interior, and Foreign Affairs.

#### **e. Status and Treatment of Internally Displaced Persons**

Not applicable.

#### **f. Protection of Refugees**

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations on issues related to the provision of protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

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

### **Section 3. Freedom to Participate in the Political Process**

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

## **Elections and Political Participation**

Recent Elections: Electoral management bodies administered an early parliamentary election in May 2018. International observers assessed it as free and fair. President Lu-Olo swore in Prime Minister Taur Matan Ruak and a partial cabinet in June 2018. International observers similarly assessed national presidential and parliamentary elections in 2017 as free and fair, with only minor, nonsystemic irregularities.

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

Participation of Women and Members of Minority Groups: No laws limit participation of women or members of minority groups in the political process, and they did participate. Electoral laws require that at least one-third of candidates on party lists be women. Following the 2018 parliamentary elections, women held 26 of the 65 seats in parliament but only eight of 46 ministerial, vice-ministerial, and secretary of state positions in the new government. Of 20 ministers, only the minister of social solidarity and inclusion (concurrently a deputy prime minister), the minister of foreign affairs and cooperation, and the minister of health were women. At the local level, at least three women must serve on all village councils, which generally include 10 to 20 representatives depending on village size. In 2016 local elections, the number of female village chiefs increased from 11 to 21 of the 448 nationwide chief positions. Traditional attitudes, limited networks, high rates of domestic violence, extensive child-care responsibilities, and other barriers constrained greater participation of women at the local and national levels.

The country's few ethnic and religious minority groups were well integrated into the political system; however, in 2018 Muslim leaders reported discrimination against Muslims joining civil service positions. The number of ethnic minority members of parliament and in other government positions was uncertain, since self-identification of ethnicity was not a common practice.

## **Section 4. Corruption and Lack of Transparency in Government**

The penal code provides criminal penalties for corruption by officials. The government faced many problems in implementing the law, and the perception that officials frequently engaged in corrupt practices with impunity was widespread. In August the president approved new anticorruption legislation, which parliament

had passed in July. The anticorruption commission (CAC) is charged with leading national anticorruption activities and has the authority to refer cases for prosecution; however, the CAC and the Prosecutor's Office did not routinely cooperate with each other on investigations. Although the CAC is independent, the government controls its budget, making it vulnerable to political pressure. Institutions with the power and the competence to address corruption avoided investigations of politicians, government members, and leaders and veterans of the country's independence struggle. The government undertook surprise inspections of government-run programs and increased pressure to implement asset-management and transparency systems.

Corruption: During the year the CAC continued investigations on corruption cases; however, there were no corruption-related convictions, sentences, or hearings as of November. Anecdotally, corruption was widespread among government officials. There were accusations of police, including border police, involvement in corruption--most commonly bribery and abuse of power. Allegations of nepotism in government hiring were common. The government developed and implemented several new standard operating procedures, policies, and regulations aimed at increasing transparency and improving customs services.

Financial Disclosure: The new anticorruption law requires that the highest members of government and members of parliament declare their assets to the court of appeals, and high-level public servants must declare their assets to the CAC. Declarations do not have to be made public, however, and the criminal penalties for noncompliance are unclear. Prime Minister Taur Matan Ruak made a public asset disclosure in August.

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

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

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 received complaints related to the COVID-19-related state of emergency measures and investigated 51 human rights cases allegedly committed by the military, police, teachers, or public servants. There were no reports of significant government interference. The PDHJ, in cooperation with the UN Human Rights Adviser's Unit, provided human rights training to the PNTL and the military.

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

### **Women**

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

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

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

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

Gender-based violence remained a serious concern. In 2016 an Asia Foundation study found that 59 percent of girls and women between the ages of 15 and 49 had

experienced sexual or physical violence at the hands of an intimate partner and that 14 percent of girls and women had been raped by someone other than a partner. In this context, local NGOs viewed the law requiring that domestic violence cases be reported to the police and handled in the formal judicial system as having a positive effect by encouraging victims of domestic violence to report their cases to police.

The Ministry of Social Solidarity and Inclusion is charged with assisting victims of domestic violence. Due to staff shortages, the ministry had difficulty responding to all cases. To deal with this problem, the ministry worked closely with local NGOs and service providers to offer assistance. Local NGOs operated shelters; however, demand for these services exceeded capacity. Local and international civil society collaborated with government to deliver public education and training to police and the military about combatting gender-based violence.

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

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

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

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

The secretary of state for equality and inclusion is responsible for the promotion of gender equality. This includes implementation of National Plan of Action against Gender-Based Violence campaigns to combat domestic violence and to implement a gender sensitive budget policy among other responsibilities.

## Children

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

Children born to stateless parents born in the country acquire citizenship. Children born in the country to foreign parents may declare themselves Timorese once they are 17 or older.

Education: The constitution stipulates that primary education shall be compulsory and free according to the state's ability. The law requires nine years of compulsory education beginning at age six; however, there is no system to ensure that the provision of education is free. Public schools were tuition free, but students paid for supplies and uniforms. According to 2018 government statistics, the net enrollment rate for primary education was 88 percent, while the net enrollment rate for secondary education was 35 percent. Nonenrollment was substantially higher in rural than in urban areas. While initial attendance rates for boys and girls were similar, girls often were forced to leave school if they became pregnant and faced difficulty in obtaining school documents or transferring schools. Lack of sanitation facilities at some schools also led some girls to drop out upon reaching puberty. Overall, women and girls had lower rates of education than men and boys.

Child Abuse: The law protects against child abuse; however, abuse in many forms was common. Sexual abuse of children remained a serious concern. Despite widespread reports of child abuse, few cases entered the judicial system. Observers criticized the courts for handing down shorter sentences than prescribed by law in numerous cases of sexual abuse of children. Incest between men and children in their immediate and extended family was a serious problem, and civil society organizations called for laws to criminalize it as a separate crime. Victims of incest faced a range of challenges such as limited information on the formal justice system, limited protection for the victims, threats and coercion from defendants, and social stigmatization from the family and community. In January the Dili District Court held an initial hearing in the case of a father alleged to have committed incest with his daughter. The prosecutor charged the father with sexual

abuse of a minor in the form of domestic violence and incest; the father confessed to the allegations.

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

Child, Early, and Forced Marriage: Although a marriage cannot be registered until the younger spouse is at least age 16, cultural, religious, and civil marriages were recognized in the civil code. Cultural pressure to marry, especially if a girl or woman becomes pregnant, was strong. Underage couples cannot officially marry, but they are often married de facto once they have children together. Forced marriage rarely occurred, although reports indicated that social pressure sometimes encouraged victims of rape to marry their attacker or persons to enter into an arranged marriage when a bride price was paid. According to the most recent information from UNICEF (2017), an estimated 19 percent of girls married prior to the age of 18.

Sexual Exploitation of Children: Sexual assault against children was a significant but largely unaddressed problem. The age of consent is 14. The penal code, however, makes sexual conduct by an adult with anyone younger than 17 a crime if the adult takes “advantage of the inexperience” of the younger person, and it increases penalties when such conduct involves victims younger than 14. Some commercial sexual exploitation of children occurred. The penal code makes both child prostitution and child pornography crimes. It defines a “child” for purposes of those provisions as a “minor less than 18 years of age.” The penal code also criminalizes abduction of a minor.

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

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

## **Anti-Semitism**

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

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **Persons with Disabilities**

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

The Ministry of Social Solidarity and Inclusion is responsible for protecting the rights of persons with disabilities. The Ministry of Health is responsible for treating mental disabilities. In many municipalities, children with disabilities were unable to attend school due to accessibility problems. The Council of Ministers approved a national inclusive-education policy in 2019; however, the government had not implemented the policy by year's end. Schools lacked wheelchair access and other infrastructure for inclusive education, according to a national disabilities NGO.

Civil society representatives complained that a national disabilities action plan formulated under the previous government was never implemented due to budgetary issues and lack of sensitivity within the line ministries. The current government did not act on plans for a national council for persons with disabilities prepared under the previous government, according to a national disability NGO.

Electoral regulations provide accommodations, including personal assistance, to enable persons with disabilities to vote. Civil society election monitors and the National Election Commission identified inconsistencies in the accessibility of polling places and accommodations for voters with disabilities in the 2018 parliamentary elections.

Service providers noted domestic violence and sexual assault against persons with disabilities was a growing concern. They indicated the police and judiciary were slow to respond to such incidents.

In September 2019 police received a formal complaint involving a widely publicized assault of a woman with psychosocial disabilities by two individuals in university uniforms. The case was forwarded to the Office of the Prosecutor and was pending trial.

Persons with mental disabilities accused of crimes are entitled by law to special protections.

### **Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity**

The constitution and law are silent on consensual same-sex sexual conduct and other matters of sexual orientation and gender identity. In a 2019 speech on the day of a Pride March in Dili, President Lu-Olo called for a society where “all citizens can live free from discrimination, violence, and fear.” While physical abuse in public or by public authorities was uncommon, lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons were often verbally abused and discriminated against in some public services, including at medical centers. The NGO CODIVA (Coalition on Diversity and Action) noted transgender members of the community were particularly vulnerable to harassment and discrimination. A 2017 study conducted for Rede Feto, the national women’s advocacy network, of lesbian and bisexual women and transgender men in Dili and Bobonaro documented the use by family members of rape, physical and psychological abuse, ostracism, discrimination, and marginalization against LGBTI individuals.

Access to education was limited for some LGBTI persons who were removed from the family home or who feared abuse at school. Transgender students were more likely to experience bullying and drop out of school at the secondary level. Civil society organizations asked the government to include LGBTI community issues in its national inclusive-education policy. CODIVA conducted LGBTI awareness training sessions for national police officers throughout the country.

### **HIV and AIDS Social Stigma**

According to civil society organizations, HIV and AIDS patients experienced social stigma and were ostracized by their families and communities. The national HIV/AIDS commission provided training to medical staff on fair and humane treatment for HIV/AIDS patients, with the goal of reducing discrimination patients encountered at hospitals and medical centers.

## Section 7. Worker Rights

### a. Freedom of Association and the Right to Collective Bargaining

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

There are official registration procedures for trade unions and employer organizations. Workers employed by companies or institutions that provide “indispensable social needs” such as pharmacies, hospitals, or telecommunications firms are not barred from striking, but they are “obliged to ensure the provision of minimal services deemed indispensable” to satisfy public needs during a strike. The law allows the Council of Ministers to suspend a strike if it affects public order. The law prohibits employer lockouts. The trade union confederation reported three strikes during the year through October.

The State Secretariat for Vocational Training and Employment (employment secretariat) is charged with implementing the labor code and labor-dispute settlement. The government lacked sufficient resources and skilled staff to enforce the right to freedom of association adequately. According to the employment secretariat, the most common labor issues were terminations where employers did not follow the procedures outlined in local labor law. The trade union confederation registered 182 complaints of alleged violations of labor rights between January and September. Many disputes involved employees who alleged dismissal without cause.

Violations of the labor code are punishable by fines and other penalties, and they were not commensurate with those for analogous laws involving denial of civil rights.

Alleged violations included unfair dismissal. The trade union confederation noted some companies led by veterans of the country’s independence struggle did not respect labor laws, believing their status would excuse any violations.

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

### **b. Prohibition of Forced or Compulsory Labor**

The penal code prohibits and criminalizes coercion, grave coercion, and slavery. The penal code also considers forced labor and deceptive hiring practices to be a form of human trafficking. The government did not effectively enforce the law. The law prescribes imprisonment, fines, judicial dissolution, and asset forfeiture as penalties, which were commensurate with those for analogous serious crimes, such as kidnapping. The law also authorizes compensation of victims.

Due to COVID-19-related preventive measures, the Interagency Working Group to Combat Human Trafficking met only two times during the year to discuss a range of migration-related issues in addition to trafficking.

Forced labor of adults and children occurred (see section 7.c.) but was not widespread. At times persons from rural areas who came to Dili in pursuit of better educational and employment prospects were subjected to domestic servitude. Family members placed children in bonded household and agricultural labor, primarily in rural areas, to pay off family debts.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law does not prohibit all of the worst forms of child labor. The law prohibits child labor and specifically prohibits children younger than 15 from working, except in "light work" and in vocational training programs for children ages 13 to 15. The labor law prohibits children younger than 17 from all forms of hazardous work, a definition that leaves 17-year-olds vulnerable to child labor and exploitation. The government generally did not enforce child labor laws outside the capital. The labor code does not apply to family-owned businesses operated for subsistence, the sector in which most children worked. By year's end the government had not adopted a list of prohibited hazardous work.

The Ministry of Social Solidarity and Inclusion, Secretariat of State for Professional Education and Employment, and PNTL are responsible for enforcing child-labor laws. A lack of child labor professionals at the employment secretariat hindered proper enforcement. The number of labor inspectors was inadequate to investigate child labor cases and enforce the law, particularly in rural areas where child labor in the agriculture sector was prevalent. Penalties for child labor and forced labor violations may include fines and imprisonment; these penalties were commensurate with those for analogous serious crimes, such as kidnapping.

Child labor in the informal sector was a problem, particularly in agriculture, street vending, and domestic service. Children in rural areas continued to engage in dangerous agricultural activities, such as cultivating and processing coffee in family-run businesses, using dangerous machinery and tools, carrying heavy loads, and applying harmful pesticides. In rural areas, heavily indebted parents sometimes put their children to work as indentured servants to settle debts. If a girl is sent to work as an indentured servant to pay off her family's debt, the receiving family could also demand a bride price payment. Children were also employed in fishing, with some working long hours, performing physically demanding tasks, and facing dangerous conditions.

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

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

#### **d. Discrimination with Respect to Employment and Occupation**

The law prohibits discrimination in employment or occupation, although it does not specifically prohibit such discrimination based on sexual orientation. The law also mandates equal pay. The government did not effectively enforce the law's provisions. Violations were referred for criminal proceedings, and penalties were commensurate to laws related to civil rights.

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

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

#### **e. Acceptable Conditions of Work**

The legally set minimum monthly wage was above the official national poverty level.

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

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

The government did not effectively enforce the law. The number of inspectors was insufficient to enforce compliance. Inspectors have the authority to make unannounced inspections and initiate sanctions and undertook more than 800 inspections. Alleged violations included failure to provide maternity benefits and nonpayment of wages. The labor code does not assign specific penalties or fines for violations of wage, hour, or occupational health and safety laws. These penalties were not commensurate for similar crimes, such as fraud and negligence. Labor unions criticized inspectors for visiting worksites infrequently and for discussing labor concerns only with managers during inspections.

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

working conditions, with many receiving less than minimum wage for long hours of work.

According to a local union, the government lacked the political will and institutional capacity to implement and enforce the labor code fully, and violations of minimum safety and health standards were common, particularly in the construction industry. There were no major industrial accidents.