

TIMOR-LESTE 2013 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Timor-Leste is a multiparty 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. National security forces reported to civilian authorities, but the authorities failed at times to maintain effective control over the security forces. Security forces committed human rights abuses.

Principal human rights problems included police use of excessive force during arrest, abuse of authority, 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 poor prison conditions, warrantless search and arrest, uneven access to civil and criminal justice, corruption, gender-based violence, 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 is no institutional body that examines all security force killings. The Professional Standards and Discipline Office (PSDO) of the National Police of Timor-Leste (PNTL) examines killings by members of the PNTL and may refer cases to the Office of the Prosecutor General for investigation. No corresponding oversight body exists within the Defense Force (F-FDTL). The Office of the Ombudsman for Human Rights and Justice is responsible for examining general human rights abuses in the country.

There were no politically motivated killings by the government or its agents during the year; however, in June the Dili District Court sentenced a member of the PNTL to 16 years' imprisonment on charges related to the 2012 killing of a young man,

allegedly without provocation, while responding to election-related unrest in Hera, near the capital.

In 2012 the government indicted six F-FDTL soldiers on charges related to the 2010 beating death of a civilian in Laivai, Lautem, but the case has never been brought to trial.

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. In 2011 a law governing the use of force by the police came into effect. It limits the situations in which officers may resort to physical force and the use of firearms. Despite the new law, parliamentarians, NGOs, and the 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.

On March 15, two uniformed members of the F-FDTL and a member of the PNTL in civilian clothes allegedly searched and mistreated unlawfully three young men in Viqueque. The case was under criminal investigation at year's end.

On May 31, a member of the PNTL's Dili Task Force Unit beat a young man and punched a member of parliament who intervened. Parliament summoned the Secretary of State for Security regarding the incident, which remained under investigation at year's end.

PNTL operations targeting martial arts groups, beginning in July, led to numerous reports of arbitrary beatings and detentions. On July 30, a member of the PNTL beat an alleged martial arts group member during a house-to-house night operation in Dili. The case had not been investigated at year's end.

On September 4, a member of the F-FDTL in civilian clothes, along with two civilians, beat a young man in Baucau, leading to his hospitalization. The case remained under investigation at year's end.

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 total capacity of 330 inmates, but at year's end held 429 individuals. Approximately one-third of the inmates were pretrial detainees charged with homicide, robbery, or sexual assault. Fifteen of the prisoners were women, and four were juveniles. Although 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.

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. The government investigated and monitored prison and detention center conditions.

Independent Monitoring: The government permitted prison visits by the International Committee of the Red Cross and independent human rights observers. The Ombudsman's Office also conducted detainee monitoring in Dili. The law was unclear, however, on whether an ombudsman could serve on behalf of prisoners and detainees more broadly, for example, to address the status of juvenile offenders or improve pretrial detention, bail, and recordkeeping procedures.

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 the 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 remain unclear. Following a homicide in Dili on September 24, Prime Minister Gusmao, who also serves as the minister of defense and security, ordered the F-FDTL and the PNTL to conduct operations to capture the alleged perpetrator(s). The F-FDTL military police continued to respond occasionally to law and order incidents involving only civilians. Civilian oversight of the PNTL and the F-FDTL by the secretaries of state for security and defense, respectively, 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 remains a viable force. Nonetheless, it is generally poorly equipped, undertrained, and subject to numerous credible allegations of abuse of authority, mishandling of firearms, and corruption. Various bilateral partners continued efforts to strengthen the development of community policing practices. NGOs and parliamentarians continued to criticize the PNTL for what they saw as an overemphasis on a paramilitary, purely reactive style of policing, characterized by highly armed special units and an insufficient delineation of roles between the armed forces and the police.

The PNTL’s internal accountability mechanisms remained weak. At year’s end local NGO and press reporting indicated that the PSDO of the PNTL had dismissed at least eight 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 at a later date or to submit their complaints in writing. The Organic Police Law does not clearly establish civilian oversight over the PNTL.

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 17 Timorese national judges and nine 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. Detainees were not held incommunicado and, when lawyers were available, they did not have difficulty accessing their clients.

Pretrial Detention: Pretrial detainees comprised approximately 30 percent of the total prison population. Trial delays were most frequently caused by judicial inefficiency and staff shortages. 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 that such detentions be reviewed 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 Criminal Procedure Code 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 not spoken by the majority 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 were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Civil judicial procedures were beset by the same problems encountered by the judicial system as a whole. The Office of the Ombudsman for Human Rights and

Justice can sue government agencies/agents for alleged human rights abuses; however, the ombudsman's approach has been to refer allegations of abuse to the prosecutor general or the leadership of the PNTL or F-FDTL.

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

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

The government continues to struggle to complete long delayed national legislation and policies on land ownership. Continuing lack of clarity in this regard has 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 in practice.

Violence and Harassment: On July 16, a member of the PNTL Dili Task Force Unit beat a photojournalist who was covering the eviction of persons who had occupied a hotel being demolished. The journalist alleged that police beat him again at the police station following his arrest. The case had not been investigated at year's end.

Internet Freedom

There were no government restrictions on access to the internet or credible reports that the government monitored e-mail or internet chat rooms. Liberalization of the telecommunications sector in 2012 increased competition, expanded access and service quality, and lowered costs. While improving, internet access remained prohibitively expensive or unavailable for most Timorese, 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 freedom of assembly and association, and the government generally respected these rights in practice.

Freedom of Assembly

The law on assembly and demonstrations establishes guidelines on obtaining permits to hold demonstrations, requires police be notified four days in advance of any demonstration or strike, and establishes setback requirements at some buildings. In most cases, however, authorities allowed demonstrations to take place without the requisite advance notification, and rarely observed the setback requirement.

Freedom of Association

The constitution provides for freedom of association, and the government generally respected this right in practice. On July 2, the government approved a resolution permanently banning three major martial arts groups after investigation linked some members of these groups to criminal acts and gang violence. The PNTL subsequently launched operations throughout the country, detaining members of these groups and confiscating martial arts-related materials. While these measures were widely credited for significantly reducing gang-related violence, some local NGOs, as well as leaders of the martial arts groups, criticized the government for infringing freedom of association.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt/.

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

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

in practice. The government generally cooperates 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. During the year, however, authorities denied one group of irregular migrants access to humanitarian organizations and may have forcibly removed them from the country.

In-country Movement: Travel by road to the western exclave of Oecusse 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.

On July 1, a group of 95 irregular migrants, mostly Rohingya from Burma and Bangladesh, landed on the country's southeast coast after their boat experienced difficulties en route from Indonesia. PNTL and F-FDTL personnel denied all organizations, including the International Organization for Migration (IOM), access to the group. The PNTL transported the migrants to the north coast where on July 11 they boarded a fishing vessel to return to Indonesia. The migrants' spokesman claimed that the group was denied the opportunity to request protection and that the PNTL forcibly removed them. Local and international human rights groups criticized the government for failing to fulfill its obligations as a signatory to the UN Convention Relating to the Status of Refugees and as a member of the Bali Process on People Smuggling, Trafficking in Persons, and Related Transnational Crime. The government claimed the irregular migrants did not request protection or express any desire to stay in the country.

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

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

Elections and Political Participation

Recent Elections: International observer groups judged as free and fair the 2012 presidential and parliamentary elections, carried out with assistance from the UN integrated mission. Voter turnout for the parliamentary election was 75 percent, down from 80 percent in 2007 but still high by international standards. 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-minister 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 into society. The number of members of these groups in parliament and other government positions was uncertain because 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. Seventy-five cases remained under investigation.

On January 18, the Court of Appeals, functioning as the Supreme Court, rejected the extraordinary appeal of former Minister of Justice Lucia Lobato, who was

imprisoned in 2012 after being found guilty of misadministration of funds. On June 25, the court acquitted Secretary of State for Institutional Strengthening Francisco Borlaco of corruption charges. On October 30, the Dili District Court found former Secretary of State for the Environment Abilio Lima and two of his former staff guilty of active corruption, passive corruption for an illegitimate act, embezzlement, and the falsification of a technical report, dating from events in 2010. The court sentenced Lima to five years imprisonment and ordered him to pay \$5,300 (the U.S. dollar is the official currency) and cover court costs.

There were accusations of police corruption. 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.

Whistleblower Protection: The law does not protect public and private employees who make internal disclosures or lawful public disclosures of evidence of illegality, such as the solicitation of bribes or other corrupt acts, gross waste or fraud, gross mismanagement, abuse of power, or substantial and specific dangers to public health and safety.

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. In September, Prime Minister Gusmao asserted that all of his officials had declared their assets privately to the court in 2012. President Taur Matan Ruak declared his assets publicly in 2012 and encouraged all members of government to follow his example, but as of year's end, none had publicly declared 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, some sections of the official gazette were published 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, but during the year there were instances of security authorities preventing or resisting efforts to monitor human rights compliance. For example, in July the PNTL denied the IOM and other NGOs access to a group of irregular migrants temporarily stranded on the southeast coast.

Government Human Rights Bodies: The independent Office of the Ombudsman for Human Rights and Justice 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, and to make recommendations to the relevant authorities. The Ombudsman's Office is located in Dili with satellite offices in Same, Bobonaro, Oecusse, and Baucau. It had limited 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 members of minority groups 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, as were long delays. Authorities reported that the backlog of court cases led some communities to address rape accusations through traditional law, which does not always provide justice to victims. The definition of rape under the penal code

appears broad enough to make spousal rape a crime, although that definition had not been tested in the courts.

In 2010 parliament enacted the Law against Domestic Violence to provide protection and defense to vulnerable groups, including women, children, the elderly, and persons with disabilities, against all forms of violence, exploitation, discrimination, abandonment, oppression, sexual abuse, and mistreatment. 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 the police. Several NGOs that monitor the courts' treatment of such cases and those which provide services to victims in such cases were highly critical of how such cases were handled. 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. Investigation and prosecution can result in delays of up to two years from the initial report until disposition. 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 jail time, even in cases involving significant injury to the victim. At year's end a local NGO that tracks domestic violence reported 178 cases of domestic abuse; of these, 79 cases were referred to the prosecutor general for investigation and prosecution, 55 cases were tried, and 38 remained under investigation by the PNTL.

Domestic violence against women was a significant problem, often exacerbated by the reluctance of authorities to respond aggressively. The PNTL's Vulnerable Persons Units (VPUs) generally handled cases of domestic violence and sexual crimes. Women's organizations assessed VPU performance as variable. 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.

Sexual Harassment: A labor law that took effect in 2012 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 and to have the information and means to do so free from discrimination, coercion, and violence. Economic and religious considerations limited women's access to family planning information and education. Contraceptive use was low, although the Ministry of Health and NGOs promoted both natural and modern family planning methods, including the distribution of intrauterine devices, injectable contraceptives, and condoms. Adult women continued to suffer from higher mortality than men. The latest Demographic and Health Survey in 2010 reported that pregnancy and pregnancy-related causes accounted for 42 percent of deaths for women between the ages of 15 and 49. According to 2011 WHO 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. Sixty-one percent of mothers received antenatal care from a medical professional, and 32 percent of mothers received postpartum care. The Demographic and Health Survey in 2010 reported that malnutrition and lack of access to health services 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 hold sway, women may not inherit or own property. Traditional cultural practices such as payment of a bride price also occurred. Women also were disadvantaged in pursuing job opportunities at the village level.

The constitution provides for equal rights to own property, but traditional inheritance systems tended to exclude women from land ownership. In 2012 parliament passed a national land law, which included more specific rights for women's ownership of land, but the legislation was vetoed by the former president for unrelated reasons.

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 2010 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.

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

Children

Birth Registration: Children acquire citizenship through birth within the territory of 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.

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, no system is established to enforce compulsory education, nor has a system been established 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. In the aggregate, 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 July the government sentenced two perpetrators of child abuse characterized as incest to 16 and 18 years imprisonment, but despite widespread reports of such practices, few cases enter the judicial process.

Forced and Early Marriage: The legal age for marriage is 16 with marriage before that age rare. According to the most recent information from UNICEF (2010), an estimated 19 percent of girls married prior to the age of 18. In some segments of society, child marriage is seen as acceptable, especially in cases of arranged marriage. National civil society and international NGOs have called for increasing the legal age of marriage from 16 to 18.

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 provides an aggravated sentence. The penal code separately addresses “sexual abuse of a minor,” which is described as one “aged less than 14 years,” and also separately addresses “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 is 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.

Persons with Disabilities

Parliament has not enacted specific legislation regarding persons with disabilities. Nonetheless, the government has taken steps to fulfill its constitutional obligation to protect the rights of persons with disabilities. In 2011 the government established a high-level working group to develop a National Disability Policy. According to the 2010 government census, there are 48,243 persons with disabilities in the country. Persons with disabilities benefited from government social assistance and Bolsa Da Mae, a scholarship program provided by the government under the Ministry of Social Solidarity. The government has not enacted legislation or otherwise mandated accessibility to buildings for persons with disabilities, nor does the law prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities. Electoral regulations made accommodations for persons with disabilities, and permitted them to request assistance with voting. In many districts children with disabilities were unable to attend school due to accessibility problems. 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. 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. Authorities incarcerated persons with mental disabilities with the general prison population. 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.

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

The law makes no reference to consensual same-sex sexual relations. Lesbian, gay, bisexual, and transgender (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.

Three LGBT organizations were established in 2012: Fundasaun Timor Hari (FTH), Hywos, and Gayamor. FTH promoted LGBT community health and provides information on HIV and AIDS. Hywos promoted human rights regarding same-sex relationships. Gayamor strove to raise community awareness and knowledge about LGBT rights and nondiscrimination.

Other Societal Violence or Discrimination

Societal violence or discrimination against persons with HIV/AIDS was not a problem. There was no pattern of violence against other groups not covered above.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law, including related regulations and statutory instruments, protects workers' rights to form and join worker organizations without prior authorization, the right to strike, and collective bargaining. Unions may draft their own constitutions and rules and elect their representatives; however, attempts to organize workers generally were slowed by inexperience, a lack of organizational skills, and the fact that more than 80 percent of the workforce was in the informal sector. There are official registration procedures for trade unions and employer organizations.

Freedom of association and collective bargaining rights were respected. In 2012 parliament enacted a strike law. There was no employment related strike during the reporting period, so the provisions of the law have not been tested. While the law prohibits dismissal for union activity, it also allows for financial compensation in lieu of reinstatement, thus partially weakening the protection against employers' interference. The law also reduced the time required for written notification of a strike from 10 to five days, except for workers employed by those companies or institutions that provide "indispensable social needs" such as pharmacies, hospitals, or telecommunications firms. Workers in these categories are not barred from striking, but they are "obliged to ensure the provision of minimal services deemed indispensable" to the satisfaction of public needs during a strike.

In 2011 Indonesian national bank Mandiri fired three of its employees based in the country. The three employees filed complaints with the General Workers Union, which demanded their reinstatement. Bank Mandiri stood by its decision but agreed to pay compensation equal to 36 months of work to each of the fired employees. The General Workers Union viewed the compromise as a better compensation agreement than the law would have provided.

According to the International Labor Organization and labor unions, there were no known instances of dismissal for union activity during the year, and therefore the government was not called upon to take any action to enforce applicable laws. The law allows the Council of Ministers to suspend a strike if it affects public order. Lockouts by ownership are prohibited. The law prohibits foreigners from participating in the administration of trade unions, although there was no evidence that authorities enforced this prohibition.

The law on assembly and demonstrations could be used to inhibit strikes but was not used in this way (see section 2.b.) during the year.

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

b. Prohibition of Forced or Compulsory Labor

Government regulations prohibit forced or compulsory labor, although there were reports that such practices occurred. During the year there were reports of children placed in bonded domestic and agricultural labor by family members to pay family debts.

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

c. Prohibition of Child Labor and Minimum Age for Employment

The 2012 labor 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 labor law does not apply to family-owned businesses operated for subsistence or to domestic work, the latter of which was to be regulated by a separate law. Decree Law No. 10/2008 created the National Directorate for Social Reintegration, which is responsible for the development and implementation of programs aimed at promoting and protecting the rights of the child. Decree Law No. 19/2009 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.

Child labor in the informal sector was a problem, particularly in agriculture, street vending, and domestic service. In general, authorities limited the enforcement of the labor code outside of Dili. The Ministry of Social Solidarity, Secretary of State for Vocational Training and Employment Policy, and the PNTL are responsible for enforcing child labor law. The government has 20 labor inspectors, three of them responsible for investigating child labor cases and enforcing child labor law. The government, however, has no programs to address specifically the worst forms of child labor, especially dangerous forms of child labor in agriculture outside Dili. 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/programs/ocft/tda.htm.

d. Acceptable Conditions of Work

In 2012 the government established a minimum monthly wage of \$115. The labor law provides for a standard workweek of 44 hours, standard benefits such as leave and premium pay for overtime, and minimum standards of worker health and safety. Overtime cannot exceed 16 hours per week, except in emergency situations. 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. 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. The official national poverty level is \$0.88 per day. An estimated 41 percent of the population lived below the poverty line. According to the 2013 UNDP Human Development Report, an estimated 68 percent of the population is in “multidimensional poverty,” an experimental indicator factoring in education, health, and living standards.

An unknown number of illegal foreign migrants worked in the country. Many of them arrived using tourist visas and were not legally eligible to work. Opportunities in fishing, construction, small business, and other sectors act as a lure for these economic migrants, as do earnings in U.S. dollars. There is no formal mechanism for recruiting migrant workers.