

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 commercial sex 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 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. Schools lacked wheelchair access and other infrastructure for inclusive education, according to a national disabilities NGO.

In October the government approved the *National Action Plan (2021-2030)* for persons with disabilities. Increasing vocational training opportunities and access as well as making health facilities accessible for persons with disabilities were among the priorities.

Electoral regulations provide for 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.

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

HIV and AIDS Social Stigma

According to civil society organizations, HIV and AIDS patients experienced social stigma and were, as a rule, 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.

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

The constitution is silent on consensual same-sex sexual conduct and other matters of sexual orientation and gender identity. The penal code establishes discrimination due to sex or sexual orientation as aggravating factors in determining criminal penalties. While physical abuse in public or by public

authorities was uncommon, lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) persons were often verbally abused in public 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 LGBTQI+ individuals.

Access to education was limited for some LGBTQI+ 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 LGBTQI+ community issues in its national inclusive-education policy. CODIVA conducted LGBTQI+ awareness training sessions for national police officers throughout the country.

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 small-scale manufacturing businesses used primarily for subsistence. The law also does not apply to public-sector workers or domestic workers.

There are official registration and strike 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. A majority of employees is needed to conduct a strike ballot, and an absolute majority of voters must support strike action. Strikes are limited to work issues. The law prohibits employer lockouts. The trade union confederation reported one strike during the year through December.

The State Secretariat for Vocational Training and Employment (employment secretariat) is charged with implementing the labor code and labor-dispute settlement. The government did not effectively enforce the law; resources were inadequate, and staff lacked training. According to the employment secretariat, the most common labor issues were terminations in which employers did not follow the procedures outlined in local labor law. The trade union confederation registered 139 complaints of alleged violations of labor rights between January and September. Many disputes involved employees who alleged dismissal without cause. Individual labor disputes, except over contract termination on grounds of just cause, are submitted to conciliation and mediation before any recourse to courts. Courts were backlogged, and judicial procedures involved significant delays.

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.

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. In part because most workers were employed in the informal sector, the workforce was largely nonunionized. Attempts to organize workers were slow, and 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 in all sectors and did not convict any traffickers during the year. 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.

In June the government established the Commission to Combat Trafficking in Persons, composed of relevant ministries on human trafficking-related issues and a civil society representative. The commission held its first meeting in November.

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 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, an undefined term and an age limit 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.

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 occurred, 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 was 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 since race, religion, national origin, color, sex, ethnicity, disability, age, HIV/AIDS status or refugee or stateless status; 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 require workers to undergo medical testing, including HIV testing, only with the worker's written consent. Work-visa applications require medical clearance.

Discrimination against women, including in hiring, 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. Persons with disabilities experienced discrimination in hiring and access to the workplace.

e. Acceptable Conditions of Work

Wage and Hour Laws: 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.” Alleged violations included failure to provide maternity benefits and nonpayment of wages.

Occupational Safety and Health: The law sets appropriate minimum standards for worker health and safety. The law provides explicitly for the right of pregnant women and new mothers to adjust work responsibilities 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 1,200 inspections. 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.

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.

Informal Sector: 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.