

# **TIMOR-LESTE 2022 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Timor-Leste is a multiparty, parliamentary republic. After the presidential run-off election on April 19, which was free, fair, and peaceful, Jose Ramos-Horta became president of the republic. After free, fair, and peaceful 2018 parliamentary elections, in which Taur Matan Ruak led a three-party coalition to a parliamentary majority, Ruak became prime minister.

The national police maintain domestic security. The military is responsible for national defense with limited domestic security responsibilities. The national police report to the Ministry of Interior, forensic police report to the Ministry of Justice, 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. There were credible reports that members of the security forces committed some abuses.

Significant human rights issues included credible reports of: arbitrary killings; government corruption; lack of investigation and accountability for gender-based violence; violence against persons with disabilities; and the worst forms of child labor.

The government took steps to prosecute members and officials of the security services who used excessive force or engaged in corruption; however, public perceptions of impunity persisted.

## **Section 1. Respect for the Integrity of the Person**

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

There were reports that the government or its agents committed arbitrary or unlawful killings.

On September 1, police in Dili detained a young man suspected of throwing rocks.

The suspect was found dead in the Dili Police Detention Center later that evening. Photographs of the deceased in a noose, crudely strung from a cable in the ceiling, circulated on social media. Police claimed he committed suicide; the deceased's family alleged police killed him. Authorities suspended eight police officers while the Forensic Criminal Investigative Police investigated the case.

On August 30, two police officers were sentenced to 14 years in prison for homicide for beating a man to death and injuring two others in Covalima municipality in January. The two officers convicted were off duty at the time; three other off-duty police officers were acquitted, and as of November one officer remained under house arrest pending trial.

## **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, and Other Related Abuses**

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 reports of the use of excessive force by security forces. Most complaints involved mistreatment or use of excessive force during incident response or arrest. Abusive conduct by off-duty police officers was also a problem.

As of October an investigation continued into a March 2021 incident widely shared on social media in which a national police (PNTL) officer instructed two sanitation workers to slap each other for violating the COVID-19-related travel limitations into and out of Dili municipality.

As of October authorities also continued to investigate two police officers in Dili municipality who in May 2021 allegedly assaulted a local street vendor while they were providing security at a municipality checkpoint.

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 and delays in bringing cases to trial also contributed to this perception.

Various bilateral and multilateral partners continued efforts to strengthen the development of the police, 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.

**Abusive Physical Conditions:** Becora Prison in Dili, the country's largest, was grossly overcrowded. It had an estimated capacity of 290 inmates, but in October held 448 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.

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. Prisoners who tested positive for tuberculosis shared cells with tuberculosis-negative prisoners. The PDHJ assessed ventilation and lighting as adequate in prisons but not in detention centers.

**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. Some human rights monitoring organizations questioned how widely known the complaint mechanism was and whether prisoners felt empowered 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 where a criminal has been caught in the act of committing an offense.

The law requires a judicial 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. 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:** In many cases the length of pretrial detention equaled or exceeded the length of the sentence upon conviction. Administrative failings involving the judge, prosecution, or defense led to prolonged delays in trials.

Pretrial detainees composed approximately 20 percent of the total prison population.

### **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 about 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, an official language only 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.

### **Trial Procedures**

The law provides for the right to a fair, timely, and public trial, and an independent judiciary generally enforced this right, except for timeliness.

Observers claimed that in many cases judges did not follow the law that provides protections for witnesses. 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 was too small to meet national needs. Several 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; individuals could not seek effective remedies for human rights abuses through domestic courts or other mechanisms.

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

The law prohibits arbitrary interference with privacy, family, home, or correspondence, and the government generally respected this law.

## **Section 2. Respect for Civil Liberties**

### **a. Freedom of Expression, Including for Members of the Press and Other Media**

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

**Censorship or Content Restrictions for Members of the Press and Other Media, Including Online Media:** Some journalists self-censored on issues involving leaders of the country's independence struggle or the Catholic church due to political or public pressure. Following a September report in the Dutch magazine *De Groene Amsterdammer* that Bishop Carlos Ximenez Belo, a hero of the country's independence movement, had been disciplined in secret by the Vatican in 2019 for allegedly sexually abusing boys in the 1990s, at least one Dili-based journalist who reported follow-up stories said he had been pressured and threatened. Some members of parliament demanded the media focus only on "substantiated news."

## **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.

## **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.

## **c. Freedom of Religion**

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

## **d. Freedom of Movement and the Right to Leave the Country**

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

## **e. Protection of Refugees**

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

**Access to Asylum:** The law provides for granting 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:** The country held a first-round presidential election on March 19 and a run-off election on April 19. International observers assessed the elections as free and fair, and Jose Ramos-Horta became president in May. Early parliamentary elections were held in May 2018 and international observers similarly assessed those as free and fair. President Lu-Olo swore in Prime Minister Taur Matan Ruak in June 2018.

**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 14 municipalities.

**Participation of Women and Members of Minority Groups:** No laws limit participation of women or members of historically marginalized groups in the political process, and they did participate. Electoral laws require that at least one-third of candidates on party lists be women. Traditional attitudes towards gender roles, limited political networks among women, 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, some Muslim leaders reported discrimination against Muslims in hiring for civil service positions.

## **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 engaged in corrupt practices with impunity was widespread. The anticorruption commission (CAC) is charged with leading national anticorruption activities and has the authority to refer cases for prosecution but was vulnerable to political pressure.

**Corruption:** In June the CAC suspended the hiring process for 184 forest guards, 15 of whom were alleged to have been selected due to nepotism or other irregularities. In October former minister of finance Emilia Pires and former vice minister of health Madalena Hanjam were sentenced to seven and four years in prison respectively for corruption related to the purchase of hospital beds in 2016. In October the CAC executed search warrants on the offices and residence of Minister of Parliamentary Affairs and Social Communications Francisco Jeronimo for allegedly awarding a contract to a company owned by his personal secretary to advance a China-backed modernization of the state broadcast company.

## **Section 5. Governmental Posture Towards 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, Bobonaro, Oecusse, and Baucau municipalities. During the year the office investigated 65 human rights violations 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 and Societal Abuses

### Women

**Rape and Domestic Violence:** Rape of a person, 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.

The government did not enforce laws on rape and domestic violence effectively. 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.

According to the Office of the Prosecutor General, domestic violence offenses were the second-most 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 survivor economically.

Gender-based violence remained a serious concern. In 2016 an Asia Foundation study (latest data available) 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.

The Ministry of Social Solidarity and Inclusion is charged with assisting survivors of domestic violence but had difficulty responding to all cases. To deal with this

problem, the ministry worked closely with local NGOs and service providers to supplement its help. Local NGOs operated shelters; however, demand for these services exceeded capacity. Local and international NGOs collaborated with the government to educate the public and train police and the military about combatting gender-based violence.

**Sexual Harassment:** The labor code prohibits sexual harassment in the workplace. The government did not enforce the law effectively. No complaints were filed during the year, but workplace and public harassment reportedly was widespread (see section 7.d.).

**Reproductive Rights:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities. Cultural and religious considerations sometimes limited access to sexual and reproductive health services. Some unmarried girls and women younger than age 20, for example, were denied reproductive health services due to service provider beliefs. In some health facilities, service providers occasionally contravened government policy and required a husband's permission before providing reproductive health services. Lack of sanitation facilities at some schools also led some girls to drop out upon reaching puberty.

The government provided access to sexual and reproductive health services for survivors of sexual violence; such services did not include emergency contraception.

In the World Health Organization's *World Health Statistics Report 2022*, the maternal mortality ratio was estimated at 152 deaths per 100,000 live births. Access to maternal health services was a problem in rural areas. The 2016 *Timor-Leste Demographic and Health Survey* (the most recent available) reported 77 percent of mothers received prenatal care from a medical professional, but only 35 percent of mothers received postpartum care; 57 percent of births were attended by a skilled health professional.

**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," and prohibits discrimination based on gender. The government did not

enforce the law effectively. Some customary practices discriminate against women, including traditional inheritance systems that tend to exclude women from land ownership. Women experienced discrimination in employment and occupation (see section 7.d.).

Some communities continued to practice the payment of a bride price as part of *barlake* (marriage agreements); this practice was 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.

## **Systemic Racial or Ethnic Violence and Discrimination**

The constitution states that “no one shall be discriminated against on grounds of color, race, marital status, gender, ethnic origin, language, social or economic status, political or ideological convictions, religion, education and physical or mental condition.” The penal code establishes aggravating factors in determining penalties, including crimes motivated for racist reasons or other discriminatory sentiments, including due to ethnicity or nationality. The code also makes racial or religious discrimination criminal acts. Members of groups organized to incite or encourage discrimination based on race or religion face imprisonment of between four and 12 years. Those who through written or other social communication means seek to incite racial or religious discrimination or encourage or provoke violence against a person or group of persons based on race, color, ethnic origin, or religion may be punished with imprisonment from two to eight years. The government generally enforced these laws.

## **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 2020 government statistics, the net enrollment rate for primary education was 86.5 percent, while the net enrollment rate for secondary education was 58 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. 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 child sexual abuse. Incest between men and children in their immediate and extended family was a serious problem. Victims of incest faced a range of difficulties, 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.

While the Ministry of Education has a zero-tolerance policy for corporal punishment, there was 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 forced persons to enter an arranged marriage when a bride price was paid. According to the most recent information from the government (2016 *Demographic Health Survey*), an estimated 14.9 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 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.

## **Antisemitism**

There was no indigenous Jewish population, and there were no reports of antisemitic acts.

## **Trafficking in Persons**

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

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

**Criminalization:** The constitution and law are silent on consensual same-sex sexual conduct and other matters of sexual orientation and gender identity.

**Violence against LGBTQI+ Persons:** 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. The penal code establishes discrimination due to sex or sexual orientation as aggravating factors in determining criminal penalties. 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.

**Discrimination:** The law prohibits discrimination based on sexual orientation, gender identity or expression, or sex characteristics. The NGO Coalition on Diversity and Action noted transgender members of the community were particularly vulnerable to harassment and discrimination.

Access to education was limited for some LGBTQI+ persons who were removed from the family home or who feared abuse at school. LGBTQI+ individuals were sometimes discriminated against in some public services, including at medical centers. 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.

**Availability of Legal Gender Recognition:** Legal gender recognition was not available.

**Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals:** While advocates reported that societal and familial pressure on LGBTQI+ persons to give up their identity persisted, there were no reports of so-called conversion therapy being practiced, nor has the government spoken out on this issue. There were no reports of so-called gender normalization surgeries on intersex children.

**Restrictions on Freedom of Expression, Association, or Peaceful Assembly:** There were no restrictions on freedom of expression, association, or peaceful assembly related to LGBTQI+ issues. President Jose Ramos-Horta and senior members of the government attended and spoke at the July Pride Parade attended

by several thousand.

## **Persons with Disabilities**

Persons with disabilities could not access education, employment (see section 7.d.), health services, public buildings, and transportation on an equal basis with others. Although the government's *National Action Plan (2021-2030)* was designed to increase vocational training opportunities and access as well as make health facilities accessible for persons with disabilities, as of November disability rights advocates reported funding was insufficient and the plan had not changed government operations or public services.

In many municipalities children with disabilities were unable to attend school due to accessibility problems such as the lack of wheelchair access and other infrastructure, according to a national disabilities NGO.

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

## **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 serving primarily for subsistence. The law also does not apply to public-sector workers or domestic workers.

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. Newly unionized workers generally lacked experience negotiating contracts and engaging in collective bargaining.

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 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 no strikes during the year through October.

The State Secretariat for Vocational Training and Employment is charged with implementing the labor code and labor dispute settlement. The secretariat reported the most common labor issues were terminations in which employers did not follow the procedures outlined in local labor law, such as dismissals without cause. The trade union confederation registered 147 complaints of alleged violations of labor rights between January and October. Individual labor disputes, except over 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. 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.

The government did not dedicate adequate resources, staff, or training to labor law enforcement. Violations of the labor code are punishable by fines and other penalties, and they were less than those for analogous laws involving denial of civil rights. Penalties were rarely applied against violators.

## **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 fully enforce the law in all sectors; however, it convicted two traffickers during the year. The law prescribes

imprisonment, fines, judicial dissolution, and asset forfeiture as penalties. The law also authorizes compensation of victims.

Forced labor of adults and children occurred (see section 7.c.) but was not widespread. At times persons from rural areas who went 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**

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 based on race, religion, national origin, color, sex, ethnicity, disability, age, HIV or AIDS status, refugee, or statelessness status. It does not specifically prohibit discrimination based on sexual orientation. The law mandates equal pay, but the government did not effectively enforce the law's provisions, although some violations were referred for criminal proceedings. Penalties were commensurate to those under other laws related to civil rights. Penalties were sometimes applied against violators.

The law requires equal treatment and remuneration for all workers, including legally employed foreign workers. Discrimination against women, including in hiring, reportedly was common in government employment and 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. Women made up approximately one quarter of the

labor force as a whole, but roughly 85 percent of the labor force in the informal sector. The unemployment rate for women was double the rate for men.

Persons with disabilities experienced discrimination in hiring and access to the workplace (see section 6).

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

## **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 occupational health and safety (OSH). 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. Inspectors have the authority to make unannounced inspections and initiate sanctions and undertook more than 1,500 inspections as of October. There were no major industrial accidents.

**Wage, Hour, and OSH Enforcement:** The government did not effectively enforce wage, hour, and OSH laws. The labor code does not assign specific penalties or fines for violations of wage, hour, or OSH laws. Penalties applied were less than those for similar crimes, such as fraud and negligence. Penalties were sometimes applied against violators. The number of inspectors was insufficient to enforce compliance. 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.

Household domestic workers, a large proportion 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.

**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.