

# **TIMOR-LESTE 2012 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Timor-Leste is a multiparty parliamentary republic. President Taur Matan Ruak is head of state following free and fair presidential elections on March 17 and April 16. Prime Minister Kay Rala Xanana Gusmao heads a three-party coalition government formed following free and fair parliamentary elections on July 7. National security forces reported to civilian authorities, but there were some problems with discipline and accountability.

Principal human rights problems included police use of excessive force during arrest and abuse of authority, arbitrary arrest and detention, and an inefficient and understaffed judiciary system that deprived citizens of due process and 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, and violence against children including sexual assault.

The government took concrete steps to prosecute members of the security services who used excessive force or inappropriately treated detainees. However, public perceptions of impunity persisted.

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

#### **a. Arbitrary or Unlawful Deprivation of Life**

There were no politically motivated killings by the government or its agents during the year; however, on July 16 a member of the National Police of Timor-Leste (PNTL) shot and killed a young man, allegedly without provocation, while responding to election-related unrest in Dili. The PNTL suspended the officer immediately and opened an investigation that continued at year's end.

In April the government indicted six Defense Force (F-FDTL) soldiers on charges related to the 2010 beating to death of a civilian in Laivai, Lautem. Their trial had not begun at year's end.

#### **b. Disappearance**

There were no reports of politically motivated disappearances.

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

The law prohibits such practices, and the government generally respected the prohibition against torture; however, there were incidents of cruel or degrading treatment of civilians by police and military personnel. In September 2011 a new 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, nongovernmental organizations (NGOs), the UN Integrated Mission in Timor-Leste (UNMIT), and the Office of the Ombudsman for Human Rights and Justice received complaints about the use of excessive force by security forces. There were 10 incidents of alleged unlawful discharge of a firearm by PNTL officers, including four by off-duty officers. Most complaints involved beatings, use of excessive force during incident response or arrest, threats made at gunpoint, and intimidation.

On April 1, nine uniformed members of the F-FDTL allegedly and unlawfully searched and mistreated a man in Covalima, leading to his hospitalization. The case was under criminal investigation at year's end.

On June 4, three members of the Public Order Battalion of the police beat a young man in Dili at the time of his arrest. After his arrest, the man claimed other officers beat him at the police station.

NGOs accused police of using excessive force while responding to protesters during a May 1 labor strike. After some of the demonstrators threw stones, police tried stopping the event using tear gas and arresting 85 people. At least four protesters were hospitalized, and many complained of police brutality when interviewed by UN personnel.

In August 2011 a detained woman accused members of the PNTL of beating her while in custody in Baucau District. The PNTL denied the accusation, but an official investigation opened by the Ministry of Justice continued 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 authorities ran two prisons, located in Dili (Becora) and Gleno. Together the two prisons held 295 individuals and had an estimated capacity of 420 inmates. Approximately one-third of the inmates were pretrial detainees charged with homicide, robbery, or sexual assault. Nine of the prisoners were women, and 21 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. Alternative sentences for nonviolent offenders were not available.

Administration: Prisoners and detainees had reasonable access to visitors and were permitted religious observance. The Ministry of Social Solidarity has an agreement with the Directorate of Prisons to identify prisoners whose families have not visited, to contact the family members, and to assist the families with transportation to see the prisoner. Authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhumane conditions. Authorities investigated credible allegations of inhumane conditions and shared the results with NGOs and the UN. The government investigated and monitored prison and detention center conditions.

UNMIT personnel noted an allegation of mistreatment of a prisoner by prison guards during the first 72 hours of imprisonment. There were no special facilities for the mentally ill, who consequently were detained with other prisoners, but a mental health professional visited mentally ill prisoners on a weekly basis for routine treatment.

Monitoring: The government permitted prison visits by the International Committee of the Red Cross and independent human rights observers; however, for several days authorities denied observers access to any of the 85 people arrested at a May 1 International Workers' Day demonstration. The Ombudsman's Office was able to conduct detainee monitoring in Dili. The law was unclear on whether an ombudsman could serve on behalf of prisoners and detainees more broadly, 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; however, there were many instances in which these provisions were violated, often because magistrates or judges were unavailable to issue warrants or make determinations on detentions.

#### **Role of the Police and Security Apparatus**

The law designates the PNTL as the body with responsibility for law enforcement and maintenance of order within the country. The Border Police Unit, Immigration Unit, and Maritime Police Unit of the PNTL also have some responsibility for external security as it relates to the border, in coordination with the F-FDTL. By law the F-FDTL has no role in internal security unless specifically requested and approved by the government, the president, and parliament, but it may be used to support police in joint operations. In practice the roles and relationship between the PNTL and F-FDTL were still evolving. Prime Minister Gusmao also serves as minister of defense and security. Civilian secretaries of state for security and defense oversee the PNTL and F-FDTL, respectively. The president is commander-in-chief of the armed forces, but the chief of defense, the F-FDTL's senior military officer, exercised effective day-to-day command. The police commissioner handles the day-to-day operations of the PNTL and answers to the secretary of state for security.

The PNTL, with UNMIT assistance, continued efforts to reform, restructure, and rebuild in the wake of its collapse during the political crisis of 2006. UN Police officers supported the police as the PNTL needed and requested until October 31, but the PNTL had executive policing authority. More than 460 International Stabilization Force (ISF) personnel from Australia and New Zealand supported the police and security forces. The ISF concluded its mission on November 22, while UNMIT's mandate ended on December 31.

In 2011 the Office of the Secretary of State for Security completed its screening of PNTL officers for integrity and past crimes or misbehavior, with 122 officers recommended for criminal or disciplinary action. At year's end the screening process caused 15 officers to be dismissed, eight to receive disciplinary sanctions, while 24 cases were still pending criminal action, 17 were pending other disciplinary sanctions, and the 59 remaining cases were dismissed with no criminal or disciplinary action.

In spite of improvements, the PNTL remained poorly equipped and undertrained, subject to numerous credible allegations of abuse of authority, mishandling of firearms, and corruption. During the year an opposition parliamentarian, an international NGO, and a local NGO continued earlier criticism of the emphasis on a paramilitary style of policing, which they claimed included highly armed special units with insufficient delineation between the military and the police. The government increased community policing efforts, with training provided by both NGOs and government agencies, but resources devoted to the Community Policing Unit were limited.

Efforts were made to strengthen the PNTL's internal accountability mechanisms. At year's end the Professional Standards and Discipline Office (PSDO) had 85 cases, up from 67 the previous year. Three of the cases involved severe violations of human rights, including the shooting death of a civilian on July 16. The PNTL dismissed four officers in disciplinary cases. At the district level there were serious obstacles to the functioning of the PSDO. The PNTL district commander appointed PSDO officers and required reporting to his office. 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 complaint in writing. The Organic Police Law does not clearly establish civilian oversight of the PNTL.

### **Arrest Procedures and Treatment While in Detention**

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 determine also 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 eight foreign judges--meant that police often made decisions without legal authority whether persons arrested should be released or detained after 72 hours in custody. This contributed to an 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, with other areas lacking 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 that they never saw their lawyers, and there were concerns that some low-priority cases were delayed 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 33 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 was also missed in a large number of cases involving less serious crimes, exacerbating the pretrial detention problem.

#### **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. Among the challenges were 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, and 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.

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.

A 2003 land law broadly defines what property belongs to the government and faced criticism for its alleged disregard for many private claims. The government evicted some residents of land defined as public property, inciting criticism of the law from local human rights groups.

### **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: During presidential election campaigning in March and April, a small number of journalists were allegedly threatened by individuals working for or aligned with some presidential campaigns.

#### **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. Internet access was

expensive, slow, unreliable, and not widely available outside of urban areas. The International Telecommunications Union estimated that less than 1 percent of citizens used the Internet. The government liberalized the telecommunications sector during the year with the goal of increasing competition, expanding access and service quality, and lowering costs.

### **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. However, in practice authorities allowed demonstrations to take place without the requisite advance notification, and the setback requirement was rarely observed. One exception was an International Workers' Day demonstration on May 1. Police claimed that the demonstration was illegal because it took place within 100 meters of a government building, and they ordered the crowd to disperse. Some members of the crowd began to throw rocks and police arrested 85 individuals.

#### **Freedom of Association**

The constitution provides for freedom of association, and the government generally respected this right in practice. In late December, the government extended for a second year a ban on martial arts groups imposed after some members of these groups were linked to organized crime and violence. The ban was credited by NGOs and the government with greatly reducing martial arts group violence. However, it also limited the freedom of group members to meet and practice, including barring them from training together or participating in competitions.

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

See the Department of State's *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt/](http://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 cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

In-country Movement: Travel by road to the western enclave 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. A number of human rights and refugee advocates maintained that this time limit contravened the 1951 Convention relating to the Status of Refugees. These advocates also expressed concern that no written explanation is required for a denial of an asylum application.

### **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: Voters separately elected the president and parliament to five-year mandates in generally free and fair national elections in March, April, and July. The government headed by Prime Minister Gusmao is a three-party coalition controlling 40 seats in the 65-seat parliament. A change to the electoral law in 2011 required voters to cast their ballots in their places of registration, rather than at any voting center as had been permitted in the 2007 elections. Some NGOs criticized this requirement as inhibiting the ability of voters registered outside their places of residence to participate in the election.

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 includes a provision requiring 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 as 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 did not implement the law effectively, and officials engaged in corrupt practices. By law the Anti-Corruption Commission (CAC) is charged with leading national anticorruption activities and has the authority to refer cases for prosecution. The government established the CAC in 2010, taking responsibility for corruption cases from the Office of the Ombudsman for Human Rights and Justice. 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 more than 50 corruption cases to court.

In July a court sentenced Minister of Justice Lucia Lobato to three and a half years in prison after being found guilty of misadministration of funds. The Court of Appeals denied her appeal in December and increased the length of her sentence to five years. Authorities also indicted former minister of state administration and territorial administration Arcangelo Leite on charges of abuse of power. His case

was dismissed, but the prosecutor appealed, and a decision from the Court of Appeals was pending.

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 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. President Taur Matan Ruak declared his assets publicly in August and encouraged all members of government to follow his example.

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. In practice there were concerns that public access to information was constrained. For example, the official gazette was published only in Portuguese, although the law requires publication in Tetum as well.

### **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.

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, made up of 10 NGOs, closely cooperated with the ombudsman. There were no reports of government interference in ombudsman activities.

Based on recommendations from the Indonesia-Timor-Leste Commission on Truth and Friendship, parliament debated a national reparations program and the creation of an “Institute for Memory” during the year, but at year’s end no legislation implementing the commission recommendations had been passed.

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

Government regulations prohibit all forms of discrimination. Nonetheless, violence against women was a 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 the Law against Domestic Violence was enacted 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. During the year the PNTL received 153 reports of domestic abuse and referred them to the prosecutor general for investigation and prosecution.

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. VPU operations were severely constrained by lack of support and resources. 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. The government and

civil society actively promoted awareness campaigns to combat violence against women, including rape.

Sexual Harassment: A new labor law that took effect in June 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 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. The results of a demographic and health survey released in 2010 indicated significant improvements in mortality rates, but adult women continued to suffer from higher mortality than men, and pregnancy and pregnancy-related causes accounted for 42 percent of deaths for women ages 15-49. According to 2010 estimates by the UN Population Fund, the maternal mortality rate in the country was 370 deaths per 100,000 live births. Thirty percent of women had skilled attendance during childbirth, 61 percent of mothers received antenatal care from a medical professional, and 32 percent of mothers received postpartum care. An UNMIT report released in September 2011 described a woman with disabilities who was sterilized without consent after giving birth.

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 were disadvantaged also in pursuing job opportunities at the village level.

The constitution guarantees equal rights to own property, but in practice traditional inheritance systems tended to exclude women from land ownership. Parliament debated and 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. UNMIT's Gender Affairs Unit also monitored discrimination against women. 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. UN and government statistics from 2010 indicated that approximately 20-30 percent of primary-school-age children nationwide were not enrolled in school, and the figures 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 as a way 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.

Child Marriage: The legal age for marriage in Timor-Leste is 16, with marriage before that age rare. According to UNICEF in 2010, an estimated 19 percent of girls married prior to the age of 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 “age 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](http://www.state.gov/j/tip).

### **Persons with Disabilities**

Although the constitution protects the rights of persons with disabilities, 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 people with disabilities and permitted them to request assistance with voting. There were no reports of discrimination against persons with disabilities in employment, education, or the provision of other state services. 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. Persons with mental disabilities were incarcerated 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) appeared to be greatly reduced, 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. Gay men and lesbians 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.

### **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. The parliament enacted a new Strike Law in February, which took effect in June. 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. 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 also allows for the Council of Ministers to suspend a strike if it affects public order. Lockouts by ownership are prohibited in the new law. 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. The placement of children in bonded labor by family members in order to pay off family debts occurred during the year.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

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

The new labor law that took effect in June generally prohibits children under age 15 from working but permits "light work" and vocational training programs for children between 13 and 15. 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. Child labor in the informal sector was a problem, particularly in agriculture, street vending, and domestic service. In practice authorities limited the enforcement of the labor code outside of Dili.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/programs/ocft/tda.htm](http://www.dol.gov/ilab/programs/ocft/tda.htm).

#### **d. Acceptable Conditions of Work**

In June the government established a minimum monthly wage of \$115 (the U.S. dollar is the country's legal currency) per month. The new 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. 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 government had 20 labor inspectors on staff. The official national poverty income level is \$0.88 per day. An estimated 41 percent of the population lived below the poverty line.