

# **Timor-Leste 2023 Human Rights Report**

## **Executive Summary**

There were no significant changes in the human rights situation in Timor-Leste during the year.

Significant human rights issues included credible reports of: serious government corruption; extensive gender-based violence; violence against persons with disabilities; and the worst forms of child labor.

The government took steps to identify and prosecute members and officials of the security services who may have committed human rights abuses; 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**

Unlike previous years, there were no reports that the government or its agents committed arbitrary or unlawful killings, including extrajudicial

killings.

## **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 prohibited such practices and limited the situations in which police officers could resort to physical force and the use of firearms. 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.

In several incidents, police officers were accused of using excessive force resulting in physical injury to the victims, including a shooting during a rock-throwing incident and an assault by an off-duty officer. In another event, a soldier allegedly shot a child during a birthday party. No one was killed in these incidents; as of November authorities were investigating them.

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 the perception of impunity.

## **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 455 convicts and pretrial detainees.

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 Ombudsman's Office for Human Rights and Justice (PDHJ) assessed ventilation and lighting as adequate in prisons but not in police 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 oversaw 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 nongovernmental organizations (NGOs), and independent human rights observers.

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

The law prohibited arbitrary arrest and detention and provided for the right of any person to challenge the lawfulness of their arrest or detention in court. The government generally observed these prohibitions.

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

The law required judicial warrants prior to arrests or searches, except in exceptional circumstances or in cases where a criminal was caught in the act of committing an offense.

The law required a judicial hearing within 72 hours of arrest. During these hearings, the judge could determine whether the suspect should be released because conditions for pretrial detention had not been met, or 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.

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

The law provided for access to legal representation at all stages of the proceedings, and provisions existed for providing public defenders for all defendants at no cost.

**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 provided that judges should perform their duties “independently and impartially without improper influence” and required 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. Additionally, all laws and many trial proceedings and court documents were 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 provided 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 provided protections for witnesses. For “semipublic” crimes, in which the process did not begin unless a victim filed 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. 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.

### **f. Transnational Repression**

Not applicable.

### **g. Property Seizure and Restitution**

Not applicable.

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

The law prohibited 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 provided 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 media members.

**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.

## **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content.

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

The constitution provided 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 provided 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 provided for granting asylum or refugee status; however, the system did not align with international standards. There were concerns that regulations governing asylum and refugee status could preclude genuine refugees from proving their eligibility for such status. For example, persons who wished to apply for asylum had only 72 hours to do so after entering the country. Foreign nationals already present in the country had only 72 hours to initiate the process after the situation in their home country became too dangerous for a safe return.

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

The constitution and law provided 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**

**Abuses or Irregularities in Recent Elections:** Parliamentary elections were held in May and international observers assessed those as fair and free of abuses and irregularities.

**Political Parties and Political Participation:** To register, new political parties had to obtain 20,000 signatures, including at least 1,000 signatures from each of the 14 municipalities.

**Participation of Women and Members of Marginalized or Vulnerable Groups:** No laws limited participation of women or members of historically marginalized or vulnerable groups in the political process, and they did participate. Electoral laws required 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.

## **Section 4. Corruption in Government**

The penal code provided 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 anti-corruption commission (CAC) was charged with leading national anti-corruption activities and had the authority to refer cases for prosecution but was vulnerable to political pressure.

**Corruption:** In August the Court of Appeals announced the corruption case against former Minister of Parliamentary Affairs and Social Communications Francisco Jeronimo remained under investigation. In October 2022, the CAC executed search warrants on the offices and residence of 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.

In January CAC notified former Minister of Agriculture and Fishery Pedro dos Reis of an investigation into an allegation of corruption within his ministry. The final investigation report was submitted to office of the prosecutor general in March; no information on further action was available as of November.

## **Section 5. Governmental Posture Towards International and Nongovernmental Monitoring and 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 was responsible for the promotion of human rights and good governance and had its own budget and dedicated staff. It had the power to investigate and monitor human rights abuses and violations of governance standards as well as to make recommendations, including for prosecution, to relevant authorities. There were no reports of significant government interference in its work. The PDHJ, in cooperation with the UN Human Rights Adviser's Unit, provided human rights training to the national police and the military.

## **Section 6. Discrimination and Societal Abuses**

### **Women**

**Rape and Domestic Violence:** Rape of a person, including marital rape, was a crime punishable by up to 20 years in prison. The law broadly covered all forms of domestic violence. Penalties for "mistreatment of a spouse" included two to six years' imprisonment; however, prosecutors frequently charged suspects in domestic violence cases with "simple offenses against physical integrity," which carried a sentence of up to three years in prison, even when the use of deadly weapons was a factor.

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 national police's vulnerable persons units were generally responsible for handling 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. Judicial observers 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 survivors.

Gender-based violence remained a serious concern. The Ministry of Social Solidarity and Inclusion was 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.

**Other Forms of Gender-based Violence or Harassment:** The labor code prohibited sexual harassment in the workplace. The government did not enforce the law effectively. No complaints were filed, but workplace and public harassment reportedly was widespread. The Trade Union

Confederation promoted the prevention of violence against and sexual harassment of women and girls in the workplace.

**Discrimination:** The constitution stated, “Women and men shall have the same rights and duties in all areas of family life and political, economic, social, cultural life,” and prohibited discrimination based on gender. The government did not enforce the law effectively. Some customary practices discriminated against women, including inheritance systems that tended to exclude women from land ownership.

Employment discrimination against women, including in hiring, reportedly was common and often went unaddressed. Women were disadvantaged in pursuing job opportunities due to discrimination, gender 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. The unemployment rate for women was double the rate for men.

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

**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 religious beliefs. In some health facilities, service providers occasionally contravened government policy by requiring a husband's permission before providing reproductive health services. Lack of sanitation facilities at some schools led some girls to drop out upon reaching the age of menstruation.

The government provided access to sexual and reproductive health services for survivors of sexual violence; such services did not include emergency contraception nor postexposure prophylaxis.

In the World Health Organization's *World Health Statistics Report 2023*, the maternal mortality ratio was estimated at 117 deaths per 100,000 live births. Access to maternal health services was a problem in rural areas. Limited access to professional prenatal care, support during childbirth, and postpartum care were major factors contributing to high maternal mortality.

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

The constitution stated that "no one shall be discriminated against on grounds of color, race, ethnic origin, (or) language." The penal code established aggravating factors in determining penalties, including crimes

motivated for racist or other discriminatory reasons, including due to ethnicity or nationality. The code also made racial discrimination a criminal act. Members of groups organized to incite or encourage discrimination based on race faced imprisonment of between four and 12 years. Those who through written or other social communication means sought to incite racial discrimination or encourage or provoke violence against a person or group of persons based on race or ethnic origin could be punished with imprisonment from two to eight years. The government generally enforced these laws, although some Muslim leaders reported discrimination against hiring Muslims for civil service positions.

## Children

**Birth Registration:** 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 did not depend on birth registration, it was necessary to acquire a passport.

**Education:** The constitution stipulated that primary education was compulsory and free according to the state's ability. Public schools were tuition free, but students paid for supplies and uniforms. According to 2021 government statistics, the net enrollment rate for primary education was 87.2 percent, while the net enrollment rate for secondary education was 58.8 percent. Enrollment was substantially lower in rural than in urban areas. While initial attendance rates for boys and girls were similar, girls



often did not attend school while menstruating, due to inadequate sanitation facilities, or were forced to leave school if they became pregnant. Girls also 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 prohibited child abuse; however, abuse in many forms was common. Sexual abuse and assault of children remained a serious concern. Despite widespread reports of child abuse, few cases were prosecuted. 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 victims, threats and coercion from defendants, and social stigmatization from family and community.

While the Ministry of Education had 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:** No marriage could be registered until the younger spouse was at least age 16. Cultural, religious, and civil marriages sometimes were concluded in which one or both spouses were younger than 16. Cultural pressure to marry, especially if a girl or woman

became pregnant, was strong. Underage couples were often considered as de facto married once they had children. Forced marriage rarely occurred, although reports indicated 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. There was no recent, reliable data on the frequency of underage marriage.

**Sexual Exploitation of Children:** The age of consent was 14. The penal code, however, made sexual conduct by an adult with anyone younger than 17 a crime if the adult took “advantage of the inexperience” of the younger person, and it increased penalties when such conduct involved victims younger than 14. Some commercial sexual exploitation of children occurred. The penal code made both child commercial sex and child pornography crimes. It defined a “child” for purposes of those provisions as a “minor less than 18 years of age.” The penal code also criminalized abduction of a child.

## 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 were silent on consensual same-sex sexual conduct.

**Violence and Harassment:** 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 established discrimination due to sex or sexual orientation as aggravating factors in determining criminal penalties. Observers believed family members used rape, physical and psychological abuse, ostracism, discrimination, and marginalization against LGBTQI+ individuals.

**Discrimination:** The constitution protected against discrimination on various grounds but made no mention of sexual orientation. 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 expelled by their family 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:** 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 did the government speak 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. Senior members of the government attended and spoke at the July Pride Parade attended by several thousand individuals.

## **Persons with Disabilities**

Persons with disabilities could not access education, employment, health services, public buildings, and transportation on an equal basis with others. Disability activists noted many persons with disabilities faced significant

infrastructure challenges to equitable service, including access to voting centers for those with significant mobility challenges.

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 provided for the rights of certain workers to form and join unions of their choosing, to strike, and to bargain collectively. The law prohibited dismissal or discrimination for union activity, and it allowed for financial compensation in lieu of reinstatement. The law prohibited foreign migrant workers from participating in the leadership of trade unions but did not restrict their membership. The law did not apply to workers in family-owned agricultural or small-scale manufacturing businesses serving primarily for subsistence. The law also did not apply to public-sector

workers or domestic workers.

Workers' organizations were generally independent and operated without interference from government or employers. Unions could 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 were official registration and strike procedures for trade unions and employer organizations. Workers employed by companies or institutions that provided "indispensable social needs" such as pharmacies, hospitals, or telecommunications firms were obliged to ensure the provision of minimal services deemed indispensable to satisfy public needs during a strike. The law allowed the Council of Ministers to suspend a strike if it affected public order. A majority of employees was needed to conduct a strike ballot, and an absolute majority of union members had to support strike action. Strikes were limited to work issues. The law prohibited employer lockouts. The trade union confederation reported no strikes through November.

The State Secretariat for Vocational Training and Employment was charged with implementing the labor code and with labor dispute settlement. The secretariat reported the most common labor issues were terminations in which employers did not follow the procedures outlined in law, such as dismissals without cause. The Trade Union Confederation registered 176

complaints of alleged violations of labor rights between January and September. Individual labor disputes, except over termination on grounds of just cause, were 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 social, economic, and political status would excuse any violations.

The government did not dedicate adequate resources, staff, or training to enforce laws protecting rights such as the right to organize, collectively bargain, or strike. Violations of these laws were 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**

See the Department of State's *Trafficking in Persons Report* at <http://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 (see section 6)**

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

**Wage and Hour Laws:** The legally set minimum monthly wage was above the official national poverty level. Nonpayment of wages was reported.

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

**Occupational Safety and Health:** The law set appropriate minimum standards for occupational safety and health (OSH) and the government proactively identified unsafe conditions. The law provided explicitly for the right of pregnant women and new mothers to adjust, without a cut in pay, work responsibilities that might harm their or the child’s health. The law did not provide other workers the right to leave a hazardous workplace without threat of dismissal. Inspectors had the authority to make unannounced inspections and to initiate sanctions and undertook more than 1,900 inspections for the period January to September. The government responded to workers’ OSH complaints. There were no major industrial



accidents.

**Wage, Hour, and OSH Enforcement:** The State Secretary for Professional Training and Employment was responsible for enforcing wage, hour, and OSH laws; it did not effectively enforce them and the labor code did not assign specific penalties for violations of these laws. Penalties were sometimes applied, but were less than those for similar crimes, such as fraud and negligence. 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. Alleged violations also included failure to provide maternity benefits.

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.

Labor law did not apply to the informal sector (overwhelmingly women), which according to a government survey in 2021 comprised 77 percent of the workforce.