

Timor-Leste is a source and destination country for men, women, and children subjected to forced labor and sex trafficking. Timor-Leste may be a source for women and girls sent to India, Singapore, and other countries in Southeast Asia and the Middle East for domestic servitude. Timorese women and girls from rural areas may be lured to the capital with the promise of better employment prospects and then forced into prostitution or domestic servitude. Timorese family members place children in bonded domestic and agricultural labor in order to pay off family debts. Foreign migrant women, including those from Indonesia, China, and the Philippines, are subjected to sex trafficking in Timor-Leste. Some foreign migrant women are recruited for legitimate work in their respective countries, but after their arrival are reportedly forced by brothel “bosses” and clients to use drugs or alcohol and to provide sexual services. Traffickers allegedly retain the passports of victims, and rotate sex trafficking victims in and out of the country every few months. Transnational traffickers may be members of Indonesian or Chinese organized crime syndicates. According to some NGOs, men and boys from Burma, Cambodia, and Thailand are forced to work on foreign fishing boats operating in Timorese waters where they face conditions of confinement, no medical care, and malnutrition.

The Government of Timor-Leste does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. In November 2013, the government hosted a seminar with the Indonesian embassy on transnational crimes, which included trafficking in persons. Despite these measures, the government did not demonstrate evidence of overall increasing efforts to address human trafficking over the previous year; therefore, Timor-Leste is placed on Tier 2 Watch List. Long-awaited anti-trafficking legislation remained pending despite having been submitted to the Council of Ministers in early 2012. The government did not investigate or prosecute any trafficking offenses or convict any traffickers. The government allocated funding to an NGO shelter to assist trafficking victims; however, the NGO did not expend those funds for that purpose because the government did not identify or refer any victims to these services. The government’s victim identification efforts remained inadequate, and law enforcement officials received limited training to address this gap.

Recommendations for Timor-Leste:

Enact comprehensive anti-trafficking legislation that has been pending; implement procedures to proactively identify victims of trafficking among vulnerable populations, such as women and children in prostitution and domestic work, and migrant workers on fishing vessels; investigate and prosecute trafficking offenses, and convict and punish trafficking offenders; increase training for front-line law enforcement officers, especially in the police Vulnerable Persons Unit and immigration police, on proper victim identification procedures and referral mechanisms, including recognition of trafficking victims who may possess their travel documents or may have entered the country legally; develop a national plan of action to combat trafficking and dedicate resources to implement the plan; conduct additional training for judicial officials on investigation and prosecution methods, including how to integrate procedures for proper victim protection throughout the duration of court proceedings; develop and formally establish policies which clarify inconsistencies in the country’s code of criminal procedure, thereby granting police clear authority to initiate investigations of crimes without the condition of having a victim self-identify; investigate and prosecute trafficking cases involving police officers who allegedly receive bribes from sex trafficking establishments; and develop and conduct public anti-trafficking information and education campaigns.

Prosecution

The Government of Timor-Leste demonstrated negligible human trafficking law enforcement efforts. Legislation that would prohibit all forms of human trafficking that has been in development since 2009 and was submitted to the Council of Ministers in early 2012 remained pending approval at the close of this reporting period. This legislation would help clarify the definition of trafficking and supersede other conflicting laws and legal tools that contradict each other when combating trafficking. Timor-Leste's penal code, in the meantime, prohibits and punishes all forms of trafficking crimes through Articles 163 and 164; Articles 162 and 166 prohibit slavery and the sale of persons. These articles prescribe sufficiently stringent penalties ranging from eight to 25 years' imprisonment, which are commensurate with those prescribed for other serious crimes, such as rape.

During the reporting period, the government did not investigate or prosecute any trafficking cases, compared to three investigations and one prosecution initiated in 2012. For a second consecutive year, no traffickers were convicted. In the previous reporting period, the National Police Vulnerable Persons Unit reported three investigations involving Timorese children in alleged domestic servitude; these investigations, however, did not lead to prosecutions.

In 2013, 115 officers from the National Police (PNTL) Border Patrol Unit participated in human trafficking training conducted by UNODC. The PNTL, in coordination with the Indonesian Embassy in Dili, organized an international seminar on transnational crime, which included human trafficking, attended by more than 200 PNTL officers and Timorese government officials, along with a number of Indonesian police. Despite allegations of police officers accepting bribes from establishments involved in alleged trafficking, the government did not report any investigations or prosecutions of government employees for alleged complicity in trafficking-related offenses during the reporting period.

Protection

The Government of Timor-Leste demonstrated negligible efforts to protect trafficking victims. It did not identify or protect any victims of trafficking in 2013. The government maintained a protocol for referring foreign victims to local NGO shelters for care, though no such victims were identified or referred during the year. The government did not operate any dedicated shelters for trafficking victims or provide trafficking victims with any protective services. The Ministry of Social Solidarity allocated the equivalent of approximately \$16,000 to support a local NGO shelter for trafficking victims, but these funds were repurposed for general anti-trafficking activities because no victims were formally identified by the government for the third consecutive year. Local NGOs reported identifying and assisting 10 potential trafficking victims, including two Timorese women victims of internal sex trafficking, one Timorese female child victim of labor trafficking, two Chinese women victims of sex trafficking, and five Timorese women victims of labor or sex trafficking in Malaysia. Local NGOs alerted relevant Timorese authorities to each of these cases, but no formal investigations were conducted.

Police continued to interpret an article in the Code of Criminal Procedure as granting general investigative authority only to public prosecutors, which led to a general policy of only investigating cases in which persons identified themselves as victims. Problems with victim identification continued, resulting in some victims remaining unidentified even when they came into contact with authorities, and some being deported for immigration offenses. Police often considered possession of a passport by a foreign migrant as an indication that he or she was not a victim of trafficking; further investigation of such cases was rare in the absence of victim self-identification. The law authorizes a temporary legal alternative to the removal of victims to countries where they may face retribution or hardship, which would allow them to stay in Timor-Leste for two years. It did not provide temporary or extended work visas to any trafficking victims in 2013.

Prevention

The Government of Timor-Leste demonstrated negligible efforts to prevent trafficking. Senior officials expressed concerns about the vulnerability of Timorese youth who may be lured by false promises of employment abroad. The government did not conduct any educational campaigns or workshops to increase awareness of trafficking, but provided the equivalent of approximately \$15,000 to a local NGO to provide anti-trafficking training and raise awareness of human trafficking issues in rural communities outside the capital. In 2012, the government reported increasing patrols of its territorial waters to combat criminality, but this effort did not result in increased identification of any trafficking victims. The government's inter-ministerial trafficking working group did not meet for a second consecutive year, and a draft national plan of action remained pending until parliament approves the draft anti-trafficking legislation.