

## **TIMOR-LESTE: Tier 2**

The Government of Timor-Leste does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore Timor-Leste remained on Tier 2. The government demonstrated increasing efforts by investigating and prosecuting more trafficking cases, identifying significantly more victims, and pursuing criminal charges against a complicit official. However, the government did not meet the minimum standards in several key areas. The government did not obtain any convictions for trafficking offenses for the fifth consecutive year. Efforts to establish a standard operating procedure on victim identification were incomplete at the end of the reporting period. Authorities charged some suspected trafficking victims with immigration violations and confiscated their passports. Authorities also detained and deported without proper screening dozens of foreign women who may have been subjected to sex trafficking while working in establishments suspected of forced prostitution. Shelters upon which the government relied for victim protection were largely unable to provide adequate accommodations due to space constraints.

### **RECOMMENDATIONS FOR TIMOR-LESTE**

Adequately fund law enforcement agencies to conduct thorough investigations of trafficking offenses, proactively initiate prosecutions, and convict and punish traffickers, including complicit officials, in accordance with new anti-trafficking legislation; strengthen efforts to ensure victims do not face arrest, deportation, or other punishment for acts committed as a direct result of being subjected to trafficking; finalize, implement, and train officials on formal procedures for victim identification among vulnerable populations, such as individuals in prostitution, domestic workers, and migrant workers on fishing vessels, and ensure proper screening procedures are employed upon detention or prior to initiating deportation; increase measures to reduce demand for commercial sex acts; increase resources for protective services focusing on trafficking victims, and establish and train officials on standard operating procedures to ensure victims are consistently referred to appropriate care; conduct training for prosecutors and judges, including on how to integrate victim protection throughout the duration of court proceedings; finalize data collection procedures through the Interagency Trafficking Working Group; and increase anti-trafficking education and awareness campaigns for the public.

## **PROSECUTION**

The government increased law enforcement efforts. Articles 163 and 164 of the criminal code criminalized sex and labor trafficking and prescribed penalties of eight to 25 years imprisonment, penalties which were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. In February 2017, the government promulgated the Law on Preventing and Combating Human Trafficking to amend the criminal code, extending criminal liability for trafficking to “legal persons,” such as corporations. The law prescribes fines, judicial dissolution, and asset forfeiture as penalties, and authorizes compensation of victims.

The government reported it investigated 267 unconfirmed victims of trafficking—a significant increase from 176 in 2016. It confirmed nine of these as genuine trafficking cases, a significant decrease from 79 in 2016. Authorities initiated two prosecutions, a decrease from 16 in 2016. For the fifth consecutive year, the government did not obtain any convictions. The government reported initiating an investigation of an immigration official, allegedly complicit in facilitating labor trafficking of Bangladeshi workers. Authorities put the official on administrative leave and referred the case to the prosecutor’s office.

The government reported it did not have the capacity, expertise, or financial resources to train law enforcement or local leaders on trafficking and victim identification. In the past, police officers reported using their personal funds to pursue trafficking investigations due to inadequate resource allocation from the government. Foreign government funding provided training for 21 Timorese judges on the new human trafficking law in August 2017. The Ministry of Justice conducted efforts to socialize the new trafficking law among judges in four districts.

## **PROTECTION**

The government maintained efforts to protect victims. Among the 267 unconfirmed trafficking victims identified, the national police confirmed and referred nine—all sex trafficking victims—to short-term shelter and protective services run by a local NGO. This was a decrease from 21 in 2016. The government did not report providing any protective services directly to victims. The Ministry of Social Solidarity (MSS) had technical officers in the field in each of the 13 districts and the national police had 97 investigators in local communities as part of its victim protection unit to help identify victims. The standard operating

procedure for victim identification used by police consisted of 25 questions that determine whether a case was human trafficking. Through foreign government funding, a local NGO provided victim identification training to local leaders in two target districts (Oecusse and Dili).

The government allocated an unknown amount of funds to three NGOs to provide psycho-social and shelter services to trafficking victims. However, an international organization assessed access and quality to victim care as poor. The MSS stated it provided services to both men and women; however, a local NGO noted the logistical challenges of effectively serving male victims since the government was using the existing domestic violence infrastructure to assist victims, which tends to provide more services to women. Adult victims may leave shelters unattended.

The government's referral system employed MSS field staff to receive tips from local communities and coordinate with police and NGOs, which reported improved cooperation through the referral network. An unknown number of victims received vocational training, legal assistance, or reintegration support from NGOs, some of which received government funds. According to immigration officials, police, and media sources, foreign women in prostitution—many of whom were possible victims of sex trafficking—were sometimes detained en masse during law enforcement raids and deported without proper screening, or as a result of arresting officers' inability to derive pertinent information from the women due to their having been coached to provide identical accounts. Law enforcement reported karaoke bar owners confiscated the passports of foreign workers and only surrendered them if the police ordered the foreign workers' deportation. Authorities also charged some suspected victims with immigration violations, after which they appeared at initial court hearings and were made to forfeit their passports to secure their reappearance. Authorities believed this arrangement pushed some of the victims to return to their offending places of work rather than face deportation. The government did not provide foreign victims with alternatives to their removal to countries where they may face hardship or retribution, and the government did not report assisting in the voluntary repatriation of any victims.

The February 2017 Law on Preventing and Combating Human Trafficking provided extensive protections for victims, including those specific to victims testifying in criminal cases. The new law also authorized a period of reflection and potential residence permits to foreign victims as well as voluntary repatriation of Timorese victims from abroad. However, the government did not complete

implementing regulations for the new law. Foreign workers in forced labor or sex trafficking were not necessarily identified as being victims since workers were often charged with visa violations based on immigration investigations. In 2017, immigration authorities deported without screening for trafficking indicators 735 irregular migrants for violation of the migration and asylum law.

## **PREVENTION**

The government maintained efforts to prevent trafficking. The government did not conduct research to assess the trafficking problem in the country, nor did it systematically monitor its anti-trafficking efforts, but it established a sub-working group tasked with data collection. While the interagency trafficking working group met several times throughout the year, the government had not yet approved the proposed \$4 million, three-year budget to effectively implement the national action plan. According to the government, Timor-Leste entered into bilateral government-to-government labor migration agreements to protect Timorese laborers from exploitation abroad. There was only one recognized recruiting agency in Timor-Leste. The government did not conduct awareness-raising campaigns and did not maintain an anti-trafficking hotline. The government conducted anti-trafficking trainings for its diplomats in partnership with IOM. It did not take measures to reduce the demand for forced labor or commercial sex.

## **TRAFFICKING PROFILE**

As reported for the last four years, Timor-Leste is a source and destination country for men, women, and children subjected to forced labor and sex trafficking, and is a source for women and girls sent to Indonesia and other countries for domestic servitude. Timorese women, girls, and occasionally young men and boys from rural areas are led to the capital with the promise of better employment or education prospects and are subjected to sex trafficking or domestic servitude; there were reports of official complicity in these practices. Timorese family members place children in bonded household and agricultural labor, primarily in domestic rural areas but also abroad, to pay off family debts. Foreign women, including those from Southeast Asia, are vulnerable to sex trafficking in Timor-Leste. Transnational traffickers may be members of Indonesian or Chinese organized crime syndicates, and they appear to rotate foreign victims of sex trafficking in and out of the country for the length of a 90-day tourist visa in order to avoid raising suspicions or calling attention to the crime through visa overstay violations. Police accept bribes from establishments involved in trafficking or from traffickers attempting to cross borders illegally, and in prior years have been

identified as clients of commercial sex venues investigated for suspected trafficking. In 2017, there was an increase of potential trafficking cases involving foreign fishing vessels. During raids on vessels in September, the crews reported they were not paid or fed. In December, Indonesia captured a fishing vessel that was previously in Timor-Leste waters, and the crew made similar complaints about the labor conditions onboard. The government reported there is likely forced labor on construction sites.