

Timor-Leste (Tier 2)

The Government of Timor-Leste does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Timor-Leste remained on Tier 2. These efforts included increasing the number of trafficking indictments and investigating and referring to prosecutors a case of an allegedly complicit official. The Minister of Justice directed the legal training center to institutionalize trafficking-specific curriculum for new judges, prosecutors, and defense attorneys and to conduct trainings for existing members of the judiciary and, in partnership with an international organization, the government disseminated the 2017 trafficking law in multiple districts for public awareness. However, the government did not meet the minimum standards in several key areas. For the third consecutive year, the government had not obtained any trafficking convictions. Victim protection services remained inadequate and the government did not finalize or approve standard operating procedures for victim identification—a critical need as official understanding of trafficking remained low and authorities continued to detain and deport potential trafficking victims for immigration violations without performing screening procedures.

PRIORITIZED RECOMMENDATIONS:

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 anti-trafficking laws. • Finalize, implement, and train officials on formal procedures for victim identification among vulnerable populations, including individuals in prostitution, domestic workers, and migrant workers on fishing vessels, and employ proper screening procedures upon detention or prior to initiating deportation. • Strengthen efforts to protect victims from arrest, deportation, or other punishment for unlawful acts which traffickers compelled them to commit. • Increase resources for protective services focusing on trafficking victims and proactively offer male victims the same services offered to female victims. • Amend the anti-trafficking provision of the penal code to ensure that force, fraud, or coercion are not a required element of sex trafficking cases involving 17 year old children. • Establish standard operating procedures on referring victims to appropriate care and train officials on their use. • Establish the human trafficking commission. • Develop a

current national action plan on trafficking and adequately fund its implementation.

- Conduct training for prosecutors and judges, including on how to integrate victim protection throughout the duration of court proceedings.
- Finalize data collection procedures.

PROSECUTION

The government maintained law enforcement efforts. Articles 163 and 164 of the criminal code criminalized all forms of labor trafficking and some forms of sex trafficking and prescribed penalties of eight to 25 years' imprisonment, which were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Inconsistent with international law, the law requires a demonstration of force, fraud, or coercion to constitute a sex trafficking offense involving a 17 year old child, and therefore does not criminalize all forms of child sex trafficking. In 2017, the government amended the criminal code, through the Law on Preventing and Combating Human Trafficking, to extend 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 did not have the capacity, expertise, or financial resources to train law enforcement on trafficking laws and victim identification; therefore, it partnered with an international organization and a foreign government to train some officials. In March 2019, the Minister of Justice directed the Judicial Training Center to institutionalize trafficking-specific curriculum for new judges, prosecutors, and defense attorneys and to conduct trainings for current members of the judiciary; at the close of the reporting period, this had yet to be implemented. In the past, police officers reported using their personal funds to pursue trafficking investigations due to inadequate resource allocation from the government. The government reported it investigated 65 cases—a significant decrease from 267 in 2017 and 176 in 2016. The government confirmed a total of five trafficking cases, a decrease from nine in 2017 and 79 in 2016. Authorities initiated four trafficking indictments in 2018, an increase compared with two in 2017. Seven cases from previous reporting periods remained pending prosecution due to continued evidence gathering and a limited number of judges. For the third consecutive year, the government did not obtain any convictions. During the reporting period, a district administrator was accused of raping a child sex trafficking victim and attempting to bribe her to not report the case; at the end of the reporting period the

case was with the prosecutor general's office for review while the district administrator remained in his position. In the previous reporting period, the government reported referring a case of an immigration official who allegedly facilitated labor trafficking of Bangladeshi workers to the prosecutor's office; the government confirmed the case was ongoing.

PROTECTION

The government maintained efforts to protect victims. For the fourth consecutive year, the Ministry of Justice reported continued efforts to develop standard operating procedures on victim identification. The police did not collect detailed law enforcement data, including on trafficking, and the Ministry of Social Solidarity and Inclusion (MSSI) only collected aggregate data on vulnerable persons and not trafficking-specific data. The government did not report how many of the 65 potential victims of trafficking in 2018 it confirmed as victims, compared with nine sex trafficking victims confirmed from 267 potential victims in 2017. Separately, an NGO, which partnered with the government stated it identified 12 victims.

The government did not provide rehabilitative services directly to victims. While the government had in past years provided some funding to three NGOs to provide shelter and psycho-social services to trafficking victims, during 2018, the government's nine months without an approved state budget delayed funding to the NGOs. MSSI technical field officers and 97 national police victim protection unit investigators identified and referred victims to services. An international organization continued to assess the availability and the quality of victim care as poor and noted that while the government stated it provided services to both men and women, its existing victim assistance was structured for domestic violence victims, who were overwhelmingly female. Local NGOs also faced large capacity constraints; the government's primary victim assistance provider was only able to provide shelter for four victims at a time. Adult victims may leave shelters unattended.

Law enforcement routinely performed raids on areas known for prostitution, which was legal in the country, in part to assess immigration status. According to immigration officials, police, and media sources, authorities detained en masse foreign women in prostitution—many of whom were possible victims of sex trafficking—during such raids and deported them without proper trafficking screening. For instance, in April 2018, authorities raided two karaoke bars and

found 27 women from Cambodia, China, and Vietnam; traffickers had allegedly recruited them online and promised free homestays and food but when they arrived, coerced them to engage in commercial sex acts, made them sleep in the bar, and forced them to pay both the owners of the bars and the recruiter a large portion of the money they received from sex buyers. The government did not identify any of these women as trafficking victims and the immigration director publicly stated the victims had misused their visas. Several of the women returned to their home countries. The government had not yet completed implementing regulations and guidance on the 2017 Law on Preventing and Combating Human Trafficking, which stated trafficking victims may not be detained, accused, or judged for having entered or resided illegally in Timor-Leste, nor for having participated in unlawful acts committed as a direct consequence of the victim's trafficking situation. Observers also noted that in many cases judges did not follow the Law on Witnesses, which provided important protections in court proceedings for victims. The government did not provide foreign victims with alternatives to their removal to countries where they may face hardship or retribution. The government reported it funded the repatriation of one foreign victim to her home country.

PREVENTION

The government decreased efforts to prevent trafficking. The government did not create its commission to combat trafficking as mandated in the 2017 trafficking law. It continued to use the interagency anti-trafficking working group, led by the Office of the Prime Minister and Ministry of Justice (MOJ), to coordinate anti-trafficking efforts; the working group met three times during the reporting period. The government did not update and extend its 2016-2018 national action plan or draft a new one. The government did not approve the working group's request from an earlier reporting period for a budget to implement the action plan. The sub-working group tasked in late 2016 with trafficking data collection had not yet collected or shared data. MOJ, in partnership with an international organization, disseminated and discussed the 2017 law in multiple districts for students, community members, NGOs, religious organizations, and local leaders to give information on trafficking prevention. The government did not have an anti-trafficking hotline. The government did not take measures to reduce the demand for commercial sex or forced labor.

TRAFFICKING PROFILE

As reported over the past five years, human trafficking of domestic and foreign victims occurs in Timor-Leste and human trafficking of victims from Timor-Leste takes place abroad. Traffickers lead Timorese women, girls, and occasionally young men and boys from rural areas to the capital with the promise of employment or education and exploit them in sex trafficking or domestic servitude. Traffickers exploit Timorese men in forced labor in construction. Some Timorese family members place children in bonded household and agricultural labor, primarily in domestic rural areas but also abroad, to pay off family debts. Traffickers deceive young men and women and adult women with promises of scholarship opportunities or high-paying jobs in other countries; often traffickers take the victim to a different country than promised, withhold their passports, pay them little to nothing, and force them into labor, including domestic servitude. Frequently Timorese victims overseas first transit through the porous border with Indonesia; some remain and are exploited in Indonesia. Foreign women from East and Southeast Asia are vulnerable to sex traffickers in Timor-Leste. Transnational traffickers may be members of Indonesian or Chinese organized crime syndicates, who 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 the suspicions of law enforcement officers through visa overstay violations. Traffickers also recruit Timorese women, send them to China or Indonesia, and force them into prostitution. Police accept bribes from establishments involved in trafficking or from traffickers attempting to cross borders illegally. Police have been identified as clients of commercial sex venues investigated for suspected trafficking. Traffickers exploit foreign fishing crews as forced labor on foreign-flagged vessels that transit Timor-Leste waters.