



TIMOR-LESTE

MINIMAL ADVANCEMENT – *Efforts Made but Continued Practice that Delayed Advancement*

In 2023, Timor-Leste made minimal advancement in efforts to eliminate the worst forms of child labor. The government increased funding for the labor inspectorate from \$490,869 in 2022 to \$535,000 in 2023. The National Commission Against Child Labor also resubmitted a proposal to ratify International Labor Organization Convention 138 on the Minimum Age for Work. However, despite new initiatives to address child labor, Timor-Leste is assessed as having made only minimal advancement because research indicates that pregnant girls are prohibited from attending school while pregnant or returning to school after pregnancy, making them more vulnerable to involvement in child labor, including its worst forms. In addition, Timor-Leste’s laws do not meet international standards on the minimum age for hazardous work as the Labor Code sets the minimum age for hazardous work at age 17. They also do not meet the standard on the prohibition of commercial sexual exploitation of children as the Penal Code fails to criminalize the use of a child for prostitution, as well as the use of children in illicit activities as the Penal Code is limited to children under the age of 17. In addition, it is unknown whether criminal law enforcement agencies took actions to address the worst forms of child labor during the reporting period.

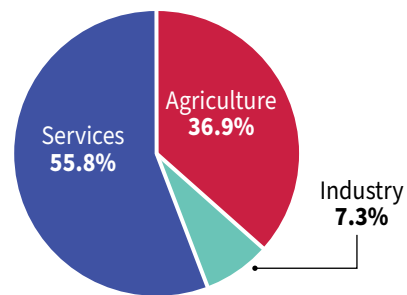


PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Statistics on Children’s Work and Education

Children	Age	Percent of Population
Working	5 to 14	12.3% (40,337)
Hazardous Work by Children	15 to 17	Unavailable
Attending School	5 to 14	83.7%
Combining Work and School	7 to 14	12.4%

Working Children by Sector, Ages 5-14



Children in Timor-Leste are subjected to the worst forms of child labor, including in commercial sexual exploitation, sometimes as a result of human trafficking, as well as forced domestic and agricultural work and forced labor in street vending.

Overview of Children’s Work by Sector and Activity



Agriculture

Farming and fishing.†



Industry

Construction† and mining.†



Services

Domestic work† and street work, including vending, begging, and scavenging. Also working in shopkeeping, selling goods in markets, and restaurant services.



Categorical Worst Forms of Child Labor‡

Commercial sexual exploitation, sometimes as a result of human trafficking. Forced domestic and agricultural work. Forced labor in street vending.

† Determined by national law or regulation as hazardous and, as such, relevant to Article 3(d) of ILO C. 182.

‡ Child labor understood as the worst forms of child labor per se under Article 3(a)–(c) of ILO C. 182.



SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE CHILD LABOR

The suggested government actions below would close gaps USDOL has identified in Timor-Leste’s implementation of its international commitments to eliminate the worst forms of child labor.

Legal Framework

Criminalize the use of children for prostitution.

Raise the minimum age for hazardous work from 17 to 18 years old.

Suggested Government Actions to Eliminate Child Labor (Cont.)

Ensure that the law's light work provisions specify the light work activities that are legally permissible.

Raise the minimum age for work from 15 to 16 years old to align with the compulsory education age.

Enforcement

Ensure that the Administration of the Labor Inspectorate General is staffed with the appropriate number of labor inspectors to conduct the targeted number of labor inspections.

Ensure that the Administration of the Labor Inspectorate General conducts inspections in the informal sector, including on farms and in private homes where domestic work takes place.

Ensure that labor law enforcement agencies receive sufficient funding to carry out inspections, especially in rural areas of Timor-Leste, including funding for fuel for government vehicles.

Ensure that criminal law enforcement officials receive sufficient training on laws related to the worst forms of child labor and human trafficking.

Ensure that the Vulnerable Persons Unit receives sufficient funding to carry out investigations.

Finalize, implement, and train all relevant officials on formal procedures for victim identification and employ proper screening procedures when encountering vulnerable populations, such as during raids, upon detention, or prior to initiating deportation.

Publish criminal law enforcement data related to the worst forms of child labor, including the number of investigations, prosecutions initiated, and perpetrators convicted.

Government Policies

Adopt the National Action Plan to Eliminate the Worst Forms of Child Labor in Timor-Leste.

Publish activities undertaken on an annual basis to implement the Timor-Leste Strategic Development Plan (2011–2030).

Establish a policy to enable girls to receive an education while pregnant and to encourage them to return to school after giving birth.

Social Programs

Cease the practice of prohibiting pregnant students from attending or re-enrolling in school after giving birth, ensure that they can obtain transfer documentation to continue their education during pregnancy if needed, and provide these students with assistance so they can return to school after giving birth.

Improve access to education by providing safe and healthy sanitation facilities, especially for girls, making schools accessible for children with disabilities, eliminating school-related expenses, allowing students to enroll without birth registrations, providing adequate training for teachers, and providing a sufficient number of teachers.

Institute programs to address child labor and the worst forms of child labor, including in agriculture.

Publish activities undertaken to implement social programs.



CHILDREN AT HIGHER RISK

In Timor-Leste, traffickers exploit some children from rural areas and the capital, Dili, in domestic work, commercial sexual exploitation, or other forms of forced labor. Of these children, those identifying as LGBTQIA+ are particularly vulnerable to commercial sexual exploitation. In addition, some rural families send children to live with relatives in Dili for school, work, or both; however, there are reports that some of those children are forced to work, including as street vendors, to earn their keep. Although data is limited, it is reported that children are sometimes directed to work on family farms against their wishes to pay off family debt.



BARRIERS TO EDUCATION ACCESS

Research indicates that pregnant girls are sometimes not permitted to continue their education at school and therefore drop out. Those wishing to re-enroll in school face hurdles doing so, including difficulty receiving necessary school documents or transferring schools. While there are indications that a policy mandating pregnant girls be allowed to attend and re-enroll in school is in development, research was unable to determine the draft policy's status in 2023. In addition, other barriers to education access in Timor-Leste include inadequate school facilities, a limited number of teachers, inadequate teacher training, and long distances to school, especially in rural areas. Children with disabilities are also often unable to attend school due to accessibility challenges. Further, students need birth records to enroll in school, and birth registrations are sometimes unavailable in rural areas. Although public education is free, families of students must pay for school uniforms and supplies, costs that can restrict access to school, particularly for children from poor and rural areas.






LEGAL FRAMEWORK FOR CHILD LABOR

Timor-Leste has not ratified a key international convention concerning child labor, ILO C. 138. In addition, Timor-Leste's laws do not meet international standards on the minimum age for hazardous work as the Labor Code sets the minimum age for hazardous work at 17, the prohibition of commercial sexual exploitation of children as the Penal Code fails to criminalize the use of a child for prostitution, and the prohibition of using children in illicit activities as the Penal Code is limited to children under the age of 17.

Child Labor Laws and Regulations	Meets International Standards	Legislation
Minimum Age for Work, 15 Years		Article 68 of the Labor Code
Minimum Age for Hazardous Work, 17 Years		Article 67 of the Labor Code
Identification of Hazardous Occupations or Activities Prohibited for Children		List of Hazardous and Prohibited Activities to Children Under the Age of 18
Prohibition of Slavery, Debt Bondage, and Forced Labor		Article 81 of the Immigration and Asylum Act; Articles 155, 162, 163, and 166 of the Penal Code; Fourth Amendment to Articles 163 and 164 of the Penal Code; Articles 8, 67 and 99 of the Labor Code
Prohibition of Child Trafficking		Article 81 of the Immigration and Asylum Act; Fourth Amendment to Articles 163 and 164 of the Penal Code; Articles 162 and 166 of the Penal Code; Articles 5(h), 67, and 99 of the Labor Code; Article 18 of the Law on Preventing and Combating Human Trafficking
Prohibition of Commercial Sexual Exploitation of Children		Article 81 of the Immigration and Asylum Act; Fourth Amendment to Articles 163 and 164 of the Penal Code; Articles 155 and 174–176 of the Penal Code; Articles 5(h), 67, and 99 of the Labor Code
Prohibition of Using Children in Illicit Activities		Article 155 of the Penal Code; Articles 5, 67, and 99 of the Labor Code
Minimum Age for Voluntary State Military Recruitment, 18 Years		Article 17 of the Law on Military Service
Prohibition of Compulsory Recruitment of Children by (State) Military		Article 14 of the Law on Military Service

Legal Framework for Child Labor (Cont.)

Child Labor Laws and Regulations	Meets International Standards	Legislation
Prohibition of Military Recruitment by Non-state Armed Groups		Article 125 of the Penal Code
Compulsory Education Age, 16 Years		Article 11 of the Education System Framework Law
Free Public Education		Section 59 of the Constitution of the Democratic Republic of Timor-Leste; Article 11 of the Education System Framework Law

Although Timor-Leste has adopted the List of Hazardous and Prohibited Activities to Children Under the Age of 18, it is uncertain how this law will interact with the Labor Code, which sets the minimum age for hazardous work at age 17 and does not meet international standards. The Labor Code also does not specify which activities qualify as light work. In addition, the Penal Code fails to criminalize the use of a child for prostitution and is limited to children under the age of 17, thus not meeting the international standard on the prohibition of commercial sexual exploitation of children and the use of children in illicit activities. Finally, the minimum age for work of 15 is lower than the compulsory education age of 16, which may encourage children to leave school before the completion of compulsory education.



ENFORCEMENT OF LAWS ON CHILD LABOR

In 2023, labor law enforcement agencies in Timor-Leste took actions to address child labor. However, there were no documented actions by criminal law enforcement agencies. In addition, insufficient financial and human resources hindered enforcement efforts.

Agencies Responsible for Child Labor Law Enforcement

Administration of the Labor Inspectorate General: Falls under the Coordinating Ministry of Economic Affairs and conducts labor inspections. Provides oversight of civil laws related to child labor, investigates incidents of forced labor, and refers potential criminal violations of labor laws to the Timor-Leste National Police (PNTL).

Timor-Leste National Police (PNTL): Enforce criminal laws against forced labor, commercial sexual exploitation, child abuse, and human trafficking. Include the Vulnerable Persons Unit (VPU).

Enforcement Mechanisms and Efforts

Has a Labor Inspectorate	Yes	Has a Complaint Mechanism	Yes
Able to Assess Civil Penalties	Yes	Imposed Penalties for Child Labor Violations	No
Routinely Conducted Worksite Inspections	Yes	Conducted Criminal Investigations for Worst Forms of Child Labor Crimes	Unknown
Unannounced Inspections Permitted	Yes	Imposed Penalties for Worst Forms of Child Labor Crimes	Unknown

In 2023, **26** labor inspectors conducted **1,932** worksite inspections, finding **0** child labor violations. It is **unknown** whether investigations into suspected cases of the worst forms of child labor were conducted, prosecutions were initiated, or perpetrators were convicted.



COORDINATION, POLICIES, AND PROGRAMS

<p>Key Mechanism to Coordinate Government Efforts on Child Labor</p> <p>Timor-Leste established a mechanism to coordinate its efforts to address child labor.</p>	<p>National Commission Against Child Labor (CNTI): Chaired by the Secretary of State for Training and Employment to develop child labor policies, raise awareness, and contribute to efforts to ratify and implement international conventions related to child protection. Develops the National Action Plan to Eliminate the Worst Forms of Child Labor in Timor-Leste. Disseminates formal information on the normative and technical framework applicable to child labor. Elaborates, approves, and periodically reviews the hazardous work list of jobs prohibited for children under age 18. During the reporting period, CNTI conducted several activities, including providing training on preventing and combating child labor for community police, local authorities, VPU investigators, and school inspectors at the municipal level; resubmitting ILO C. 138 for approval; and reviewing and resubmitting the Minister of Coordination Economic Affairs, Ministry Coordinator’s approval of the National Action Plan for Child Labor and the List of Hazardous Work Prohibited to Child Labor Under 18 Years.</p>
<p>Key Policies Related to Child Labor</p> <p>Timor-Leste established a policy related to child labor. However, it is unknown whether this policy was active during the reporting period.</p>	<p>Timor-Leste Strategic Development Plan (2011–2030): Provides short-term and long-term plans for the nation’s development, including the eradication of child labor and other forms of child exploitation, poverty alleviation, and implementation of social assistance programs. Also specifies commitments to improve the education system from 2011 to 2030. Research was unable to determine whether activities were undertaken to implement the Timor-Leste Strategic Development Plan (2011–2030) during the reporting period.</p>
<p>Key Social Programs to Address Child Labor</p> <p>Timor-Leste funded and participated in programs that include the goal of eliminating child labor. However, these programs are insufficient to address child labor in all sectors, including in domestic work and agriculture.</p> <p><i>† Program is funded by the Government of Timor-Leste.</i></p>	<p>Bolsa da Mãe:† Ministry of Social Solidarity and Inclusion (MSSI) poverty reduction program that provided cash benefits to poor households with children, woman-headed on the condition that children attend and successfully complete each level of schooling. Other participants of the program were single mothers, widows, and orphans. Funded by the Government of Timor-Leste and the Government of Australia, through the Australia-Timor-Leste Partnership for Human Development. No new activities were implemented nor was research able to determine whether any activities were undertaken to implement <i>Bolsa da Mãe</i> during the reporting period. Research indicates that this program was discontinued at the end of 2023.</p> <p>Casa Vida:† Joint program between MSSI and the Australian Department of Foreign Affairs and Trade’s “Nabilan Program and Shelter” initiative. Provides shelter, health assistance, and psychological counseling to minor survivors, including survivors of child labor. Provides specialized assistance for girls up to age 18 who have escaped situations of sexual violence. Receives referrals from civil society organizations as well as the PNTL VPU. Since its founding in 2008, <i>Casa Vida</i> has provided shelter and assistance for more than 300 children who were survivors of abuse. Research was unable to determine whether activities were undertaken to implement <i>Casa Vida</i> during the reporting period.</p>

For information about USDOL’s projects to address child labor around the world, visit dol.gov/ILABprojects
 For references, please visit dol.gov/ChildLaborReports