

In 2012, Timor-Leste made a moderate advancement in efforts to eliminate the worst forms of child labor. The Government passed a new labor law that specifically prohibits forced labor and contains several provisions on light work, including an increase in the minimum age for light work from 12 to 13. The new law also provides protection for children working in family-owned businesses. The Child Labor Commission working group finalized a list of hazardous activities from which children would be prohibited and submitted it to the Council of Ministers for approval. However, Timor-Leste still lacks a mechanism to fully coordinate all Government efforts to combat child labor. Furthermore, the Government has not established any programs targeting the worst forms of child labor, which are needed especially for children in agriculture. Children continue to engage in the worst forms of child labor in Timor-Leste, particularly in dangerous activities in agriculture.



## Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Timor-Leste are engaged in the worst forms of child labor, many of them in dangerous activities in agriculture.(3-7) Within agriculture, many children cultivate and process coffee, especially on family farms.(4, 7-9) Children working in agriculture may use dangerous machinery and tools, carry heavy loads, and apply harmful pesticides.(5, 6) Although evidence is limited, there are reports that children also work in fishing.(8) Children working in fishing may work long hours, perform physically demanding tasks, and face dangers such as drowning.(5, 8, 10)

Children are also engaged in domestic work.(7) These children may be required to work long hours, performing strenuous tasks, without sufficient food or shelter. These children may be isolated in private homes and are susceptible to physical and sexual abuse.(5, 11)

In a few cases, families place their children in indentured servitude or bonded labor in order to settle outstanding debts.(12-14)

Limited evidence suggests that some children can be found in commercial sexual exploitation and may be trafficked for that purpose.(7, 9)

There are reports of children working on the streets, but specific information on hazards is unknown.(7, 8)

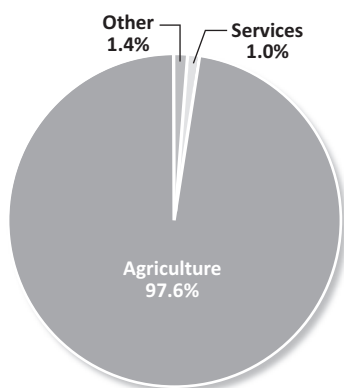
## Laws and Regulations on the Worst Forms of Child Labor

The Labor Code sets the minimum age for employment at 15, although the law creates exemptions for work done at vocational schools.(9, 14, 15) The exemption exists to allow children attending technical and artistic schools to engage in supervised, hands-on activities in school.(9) In addition,

## Statistics on Working Children and Education

Children	Age	Percent
Working	10-14 yrs.	19.9 (26,228)
Attending School	10-14 yrs.	69.7
Combining Work and School	10-14 yrs.	12.6
Primary Completion Rate		65.5

## Working Children by Sector, Ages 10-14



### Sources:

**Primary completion rate:** Data from 2010, published by UNESCO Institute for Statistics, 2013.(1)

**All other data:** Understanding Children's Work Project's analysis of statistics from TLSLS Survey, 2007.(2)

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the Labor Code prohibits employing a child between ages 15 and 18 in work that jeopardizes his or her health, safety, or morals, but the Labor Code does not explicitly define hazardous activities or occupations from which children are prohibited.(15) During the reporting period, Timor-Leste's Child Labor Commission working group finalized a list of hazardous activities from which children would be prohibited and submitted it to the Council of Ministers for approval.(4, 7)

## International Conventions and Selected Laws on Child Labor and Education

	C138, Minimum Age	No
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	14/15
	Free Public Education	Yes

Likewise during the reporting period, the Government passed a new labor law that specifically prohibits forced labor and includes several provisions on light work. The law raises the minimum age for light work from 12 to 13 years, removes the previous exemption for children working for family-owned businesses other than farms, prohibits children from working at night, and sets the number of hours that can be worked to no more than five hours per day or 25 hours per week.(7, 16) In addition, the law provides a definition for light work that includes “not jeopardizing their schooling or participation in Government-approved vocational training programs.”(16) However, the law does not provide a list of activities that qualify as light work.(7)

The Law of Basic Education provides free and compulsory primary education for children for nine years.(7, 14) The Law requires children to start school in the year they turn 6,

regardless of whether they have reached that age by the time the school year begins. As such, some children start school at age 6 and therefore finish at age 15, whereas children who begin at age 5 finish at age 14.(9) Because some children 14 years of age are no longer required to attend school and are not legally eligible to work, they may be particularly vulnerable to the worst forms of child labor.

The Constitution, Labor Code, and Penal Code Article 163 forbid compulsory labor at any age.(9, 15, 17) Trafficking in persons is prohibited, and the Immigration and Asylum Act and Penal Code Article 164 stipulate aggravated penalties for those who traffic minors. Penal Code Article 175 also includes penalties for those who offer, obtain, seek, or deliver minors for purposes of child prostitution.(9, 12, 18) The Penal Code also prohibits child pornography and the use of children in illegal activities such as drug trafficking.(4)

The Labor Law prohibits forced or compulsory recruitment of children for use in armed conflict.(7) The minimum age for compulsory and voluntary recruitment into military service is 18.(19)

## Institutional Mechanisms for Coordination and Enforcement

The Child Labor Commission (CLC) is the primary body tasked with designing and developing policies on child labor. The Commission was created with the financial and technical assistance of the ILO and the Government of Brazil.(7, 20-22) The CLC is located within the Office of the Prime Minister, but is chaired by the Chief Labor Inspector of the Secretary of State for Vocational Training and Employment Policy.(9) The CLC comprises the Secretariats of State for Vocational Training and Employment Policy, Youth and Sports, and Promotion of Equality; the Ministries of Education, Agriculture, Finance, Justice, Health, Social Solidarity, Tourism, Public Works and Commerce, Industry, and the Environment; trade unions; the Chamber of Commerce and local NGOs.(9) The mission of the CLC is to recommend policies, raise awareness, and contribute to efforts to ratify the international conventions related to child protection.(4)

During the reporting period, members of the CLC participated in child labor conferences in both Mozambique and Guinea-Bissau.(7)

The Secretary of State for Vocational Training and Employment Policy (SEPFPOE) works in collaboration with the Ministry of Social Solidarity (MSS) and the National Police of Timor-Leste (PNTL) to enforce child labor laws.(7) In 2012, the

total budget for the inspectorate directorate of SEPFOPE was \$190,000 and included an allocation of \$70,000 for labor inspector training. In addition, the office had two cars, one of which was inoperable during the reporting period.(7) According to SEPFOPE and the ILO the available resources are insufficient to adequately conduct inspections, particularly outside of Dili.(7)

In 2012, the Government employed 20 labor inspectors, and three had formal responsibilities both to investigate child labor cases and to enforce child labor laws. The ILO noted that this is an appropriate number of inspectors.(7, 9) SEPFOPE inspectors did not receive any specific child labor related training in 2012; however, in collaboration with the ILO-IPEC and the Brazilian Government, SEPFOPE plans to conduct a child labor specific training for inspectors in 2013. There was no information on whether this training occurred as of the writing of this report.(7) During the reporting period, SEPFOPE reportedly conducted 10 random and unannounced inspections of businesses in the formal sector and found no child labor violations.(7) The Government continues to lack a formal mechanism for filing complaints regarding hazardous and forced child labor.(13, 23) In addition, the inspectorate directorate does not publish data on the overall number of investigations.(3) Finally, research found no evidence that there is any governmental agency that supports the coordination of child labor enforcement efforts with the provision of appropriate social services for the victims of the worst forms of child labor.

The Inter-Agency Trafficking Working Group, chaired by the Ministry of Foreign Affairs and Cooperation, coordinates the Government's anti-trafficking efforts. The Trafficking Working Group also includes the MSS, Ministry of Justice (MOJ), the Ministry of Defense and Security, the Secretary of State for the Promotion of Equality, the SEPFOPE, and the immigration police component of the National Police (PNTL).(13)

The Ministry of Defense and Security oversees the Immigration Police, the Border Police, and the National Police Force, all of which work to enforce criminal laws against forced labor, sexual exploitation, and trafficking.(4, 7)

In 2012, three investigators from the PNTL's Vulnerable Persons Unit attended a UNICEF training on appropriately handling cases that involve children, including those children in the worst forms of child labor.(7)

The Vulnerable Persons Unit carried out three investigations involving children between the ages of 7 and 10 found in domestic service. The investigations resulted in the discovery of three violations and each of the children was referred to the MSS and returned home.(7) The three cases were referred to the Office of the Prosecutor General but legal proceedings had not started at the conclusion of the reporting period.(7, 9)

### **Government Policies on the Worst Forms of Child Labor**

The Timor-Leste Strategic Development Plan 2011-2030 includes short-term and long-term plans for the nation's development. Some of these plans include poverty alleviation and social transfer programs. The Plan also specifies commitments to improve the educational system over the next 20 years. The educational component of the Plan specifically addresses improvement of gender parity in primary schools and the prevention of school dropouts.(7, 24)

In 2008, in collaboration with the ILO and worker representatives, the Government established the Decent Work Country Program (DWCP). The Program prioritizes the improvement of youth employment conditions and opportunities.(25) In 2011, the Child Labor Commission began to develop a National Action Plan Against Child Labor.(4) The National Action Plan has not yet been completed, in part because the terms of reference of the CLC are pending approval.(9)

In early 2012, a National Plan of Action on anti-trafficking was presented to the Council of Ministers for review; however, no action was taken during the reporting period.(13)

### **Social Programs to Eliminate the Worst Forms of Child Labor**

The Government of Timor-Leste supports the project for the Elimination of the Worst Forms of Child Labor.(9) The main objective of the project is to contribute to the implementation of ILO C. 182.(4) The project has been instrumental in re-establishing the Child Labor Commission.(4, 9)

In 2012, the Government provided \$15,000 in funds to a local NGO, PRADET, to support an as-needed shelter specifically to offer services for victims of trafficking; however, these funds were not used for this purpose due to a lack of victims. Instead, most of the funds were repurposed for trafficking awareness outreach, including to middle and high school age children.(9, 13) The Government funded a 2-day international

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conference on trafficking issues that was open to the public and delivered an anti-trafficking public service announcement through media outlets.(13)

The Government of Timor-Leste continued to fund and fully support the Mother's Purse (*Bolsa da Mae*), a cash subsidy provided to poor families with a female head of household, through the Ministry of Solidarity. The program aims to improve the well-being of children by conditioning the subsidy on children's school attendance and their regular medical visits.(7) The program serves an estimated 15,000 children. The Government supported a school feeding program to provide one hot meal per day to children in school, reaching around 325,000 students.(7) The question of whether these

programs have an impact on child labor does not appear to have been specifically researched.

In 2012, Timor-Leste participated in the USDOL-funded, 4-year Global Action Program on Child Labor Issues Project which is active in approximately 40 countries. In Timor-Leste, the project aims to build the capacity of the national Government and develop strategic policies to address the elimination of child labor and forced labor.(26)

While the Government has implemented programs that target vulnerable populations, research found no evidence that it has carried out programs to specifically address the worst forms of child labor, especially dangerous forms of child labor in agriculture.

## Based on the reporting above, the following actions would advance the elimination of the worst forms of child labor in Timor-Leste:

Area	Suggested Actions	Year(s) Action Recommended
Laws and Regulations	Specify the activities considered "light work" in the Labor Code.	2010, 2011, 2012
	Approve the proposed list of hazardous work from which children are prohibited.	2012
	Establish a compulsory age for education that is equivalent to or greater than the minimum age for work.	2009, 2010, 2011, 2012
Coordination and Enforcement	Ensure that there is a mechanism to support the coordination of child labor enforcement efforts with the provision of appropriate social services for victims of the worst forms of child labor.	2011, 2012
	Allocate enough resources to adequately conduct and carry out labor inspections.	2012
	Create a mechanism to file hazardous and forced child labor complaints.	2009, 2010, 2011, 2012
	Centrally track and publish the results of enforcement efforts, including labor inspections, criminal investigations and child victims assisted.	2010, 2011, 2012
Policies	Complete and implement the National Action Plan Against Child Labor.	2012
	Approve and implement the National Plan of Action on Human Trafficking.	2012
Social Programs	Assess the impact that existing social programs may have on child labor.	2009, 2010, 2011, 2012
	Institute programs to specifically address the worst forms of child labor, especially in dangerous forms of agriculture.	2009, 2010, 2011, 2012

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