



COUNTRY BASELINES UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2008)¹: TIMOR-LESTE

THE ELIMINATION OF ALL FORMS OF FORCED OR COMPULSORY LABOUR (FL)

REPORTING	Fulfillment of Government's reporting obligations	YES, since the 2006 Annual Review (AR). Timor-Leste joined the ILO in 2003.		
	Involvement of Employers' and Workers' organizations in the reporting process	YES, according to the Government: Involvement of the União Nacional de Pequenas Empresas (UNAPE) (National Union of Small Enterprises), the Associação Empresários Timor Loro Sa'e (ASSET LORO SA'E) (Employers' Association of Timor-Leste), the Serikat Bekerja Socialist Timorese (SBST) (Socialist Timorese Trade Union); and the Konfederasaun Sindikatu Timor-Leste (KSTL) (Timor-Leste Confederation of Trade Unions) by means of consultation and communication of a copy of Government's reports.		
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	NIL		
	Workers' organizations	NIL		
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	Timor-Leste has ratified neither the Forced Labour Convention, 1930 (No.29) (C.29) nor the Abolition of Forced Labour Convention, 1957 (No.105) (C.105).	
		Ratification intention	2008 AR: According to the Government: ILO technical assistance in order to better understand international labour standards (ILS) and the Declaration and a labour law review are necessary before the process of ratification of C.29 and C.105 can be initiated in Timor-Leste. However, ratification of C.29 has been discussed at tripartite level and will be submitted to Parliament after approval.	
	Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Constitution	NIL	
		Policy, legislation and/or regulations	<ul style="list-style-type: none"> • Policy <p>2006 AR: According to the Government: All forms of forced or compulsory labour are prohibited in the country. The principle and right (PR) of the elimination of all forms of forced or compulsory labour applies to all categories of persons or activities, but there is no national policy for its realization. The Government intends, however, to adopt a policy on this subject by 2006, and would appreciate receiving ILO assistance in this respect.</p> <ul style="list-style-type: none"> • Legislation 	

¹ Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: information provided by the Government under the Declaration Annual Review, observations by employers' and workers' organizations, case studies prepared under the auspices of the country and the ILO, and observations/recommendations by the ILO Declaration Expert-Advisers and by the ILO Governing Body. For any further information on the realization of this principle and right in a given country, in relation with a ratified Convention, please see: www.ilo.org/ilolex

			Section 9.2 of the Labour Code (Regulation No.2002/5) prohibits forced labour.
		Basic legal provisions	(i) The Labour Code (sections 2, 9.2 and 11.1 - 4).
		Definition of forced or compulsory labour	YES , section 2 of the Labour Code (Regulation No. 2002/5) defines forced or compulsory labour as follows: «Forced labour means all work or service that is extracted from any person under the threat or penalty and is not offered voluntarily.»
		Judicial decisions	NIL
	Exercise of the principle and right	Special attention to particular situations and human trafficking	2006 AR: According to the Government: Women and children, including a specific training awareness raising/training programme on women issues.
Information/Data collection and dissemination		YES 2006 AR: According to the Government: The Government collects demographic data as well as data on forced labour in the country.	
Monitoring, enforcement and sanctions mechanisms	2006 AR: According to the Government: The following measures have been implemented to promote and realize the PR: (i) legal reform (labour law and other relevant legislation); (ii) inspection/monitoring mechanisms; and (iii) civil or administrative sanctions. The National Labour Board established under the Labour Code includes two representatives each from employers' and workers' organizations and the responsible Government institution, as well as one representative of the population. Mandates of the National Labour Board include, <i>inter alia</i> , policy advice and dispute settlement. The Immigration Police and the Department of Labour are responsible for the identification, emancipation and/or rehabilitation of victims of forced labour. The Government has yet to find cases where the principle has not been respected; it is currently in the process of developing an instrument and mechanism in this regard.		
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Involvement of the social partners	2006 AR: According to the Government: There is a tripartite examination of issues. Employers' and workers' organizations have been involved in the development and implementation of government measures through their participation in the National Labour Board, which is the responsible government institution for, <i>inter alia</i> , policy advice and dispute settlement.	
	Promotional activities	2008 AR: The Government indicated that a government official was trained on International Labour Standards (ILS) and the Declaration Follow-up between May-June 2007 under the sponsorship of the ILO/Turin Centre.	
		2007 AR: According to the Government: A workshop on the Labour Code was organized in 2006. 2006 AR: According to the Government: The following measures have been implemented to promote and realize the PR in Timor-Leste: (i) awareness raising/advocacy; (ii) capacity building; (iii) employment creation/income-generation; (iv) educational programmes; international cooperation programme or projects; and (iv) tripartite examination of issues.	
Special initiatives/Progress	2006 AR: According to the Government: The prohibition of forced labour, under section 9.2 of the Labour Code, can be regarded as successful example in the realization of the PR.		
CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations	NIL
		Workers' organizations	NIL
	According to the Government	2008 AR: The Government indicated the following challenges: (i) legal provisions; (ii) lack of public awareness; (iii) capacity building and (iv) labour inspection is weak.	

		<p>2007 AR: According to the Government: The military crisis has affected the country in the last few months.</p> <p>2006 AR: The main difficulties encountered in Timor-Leste in realizing this PR are as follows: (i) lack of information and data; (ii) social values, cultural traditions; (iii) social and economical circumstances; (iv) legal provisions; (v) lack of capacity of Government institutions; (vi) lack of capacity of employers' organizations; (vii) lack of capacity of workers' organizations; and (viii) lack of social dialogue on this PR.</p>
TECHNICAL COOPERATION	Request	<p>2008 AR: The Government request ILO assistance to carry out a country assessment to be validated by a national tripartite workshop on the FPRW.</p> <p>2007 AR: According to the Government: Advisors are required on labour as well as training for staff of the Labour Relations and Inspectors.</p> <p>2006 AR: According to the Government: There is a need for ILO technical cooperation to facilitate the realization of the PR in Timor-Leste, in particular in the following areas, in order of priority: (1) capacity building of responsible government institutions; (2) legal reform (labour law and other relevant legislation); (3) strengthening capacity of employers' and workers' organizations; (4) strengthening data collection and capacity for statistical analysis; (5) awareness-raising, legal literacy and advocacy; (6) assessment in collaboration with the ILO of the difficulties identified and their implications for realizing the PR; (7) policy advice; (8) development of social protection systems; (9) training of other officials (police, judiciary, social workers, teachers); (10) employment creation, skills training and income generation for vulnerable workers; (11) sharing of experiences across countries/regions; (12) rural development policies (for example, land reform, rural infrastructure; agricultural extension, marketing, micro-finance); (13) cooperation between institutions (e.g. various ministries and relevant commissions); (14) cross-border cooperation mechanisms.</p>
	Offer	ILO (assistance in reporting in 2005).
EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS	<p>2008 AR: The ILO Declaration Expert-Advisers (IDEAS) listed Timor-Leste among the countries having expressed their intention to ratify C.29 and/or C.105 or to complete the ratification process. They encouraged these countries to accelerate this process so as to make an important step forward towards universal ratification. In particular, the IDEAs encouraged the Government of Timor-Leste (and four other governments) to initiate or finalize their national labour law review processes. In reforming and strengthening their legal framework in compliance with international labour standards, these countries will allow a better implementation of the principle and right. Finally, the IDEAs noted that a number of governments, employers' or workers' organizations in various countries, including Timor-Leste, were willing to meet these challenges and had requested technical cooperation, with a view to realizing country assessments and workshops with the support of the ILO. (Cf. Paragraphs 41, 43 and 51 of the 2008 Annual Review Introduction – ILO: GB.301/3).</p> <p>2007 AR: The IDEAS urged the Government of Timor-Leste and another to express their intentions concerning ratification of C.29 and/or C.105. However, the IDEAs welcomed the significant increase in the reports of action to combat forced labour in several countries, including Timor-Leste). An increasing number of States are recognizing that forced labour does exist in their country [...]. Such recognition is indispensable to combating forced or compulsory labour, as it is undoubtedly the first step in what in a daunting but essential task (Cf. Paragraphs 40 and 41 of the 2007 Annual Review Introduction – ILO: GB.298/3).</p> <p>2005 AR: The IDEAs looked forward to receiving a first reply from Timor-Leste (and few other countries) that had never reported under the Declaration Annual Review (Cf. Paragraph 8 of the 2005 Annual Review Introduction – ILO: GB.292/4).</p>	
GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS	NIL	