



**Convention on the Rights  
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COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-seventh session

SUMMARY RECORD OF THE 1290th MEETING

Held at the Palais Wilson, Geneva,  
on Wednesday, 16 January 2008, at 3 p.m.

Chairperson: Ms. LEE

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The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 5) (continued)

Initial report of Timor-Leste (CRC/C/TLS/1; CRC/C/TLS/Q/1 and Add.1;  
HRI/CORE/TLS/2007) (continued)

1. At the invitation of the Chairperson, the members of the delegation of Timor-Leste took places at the Committee table.
2. Mr. VITAL (Timor-Leste) said that in order to improve the quality of education a programme of in-service training for teachers had been established three years earlier, with assistance from Brazil and Portugal. To date, 800 teachers had benefited from the programme. The World Food Programme (WFP) was supporting a school meals programme, to which the Government had allocated additional resources in order to establish the programme on a permanent footing and extend it to the whole of the country. The Friendly Schools project was making progress: 500 schools were now giving emphasis to the participation of children and their parents and that figure should rise to 900 in the near future. A programme to train pre-school teachers had also been introduced by the Ministry of Education and Culture, with assistance from the United Nations Children's Fund (UNICEF).
3. The nine-year cycle of compulsory schooling was free. Scholarships could be awarded for further education, especially for pupils obtaining the best results at school. Corporal punishment was prohibited in schools, and zero tolerance was applied in that regard. A head teacher had recently been arrested for striking pupils.
4. Mr. BRANCO (Timor-Leste) said that the State Secretariat of Labour and Solidarity had designated credits for the training at the district level of "outreach personnel" to establish a rights-of-the-child culture among community and religious organizations and their leaders. A whole rights-based child-protection network was being established in three districts, and the intention was to extend it to the whole of the country. No specific domestic violence programme had been adopted, but action was being taken at the local level. A study conducted by the authorities had in fact shown that in order to put an end to violence against children the efforts should be focused primarily on awareness-raising, children's participation, and teacher training. The social services were carrying out prevention activities with street children in close collaboration with non-governmental organizations (NGOs).
5. Ms. LOBATO (Timor Leste) said that Timor-Leste was not free of discrimination against girls and women, but such discrimination was more widespread in some regions than in others. Differing cultures, traditions and customary rights were in fact found throughout the country; while in some communities it was men who inherited, in others it was women. In any event, to change attitudes in that regard would require a lengthy period of education and awareness-raising – as the authorities fully realized. One of their priorities was to complete the drafting of the Children's Code, in collaboration with UNICEF.
6. Mr. ZERMATTEN (Country Rapporteur) said that he would like the delegation to give more information about the forthcoming Children's Code, indicating whether it was to be a comprehensive instrument covering all the matters addressed by the Convention, including juvenile justice, and specifying the date by which it might be adopted by Parliament.

7. Mr. FILALI asked what the State party was doing to make good the shortage of judges and lawyers and whether the education provided by the law faculty prepared future judges for the entry into force of the Children's Code.
8. Ms. AL-THANI asked why the report stated that the school dropout rate was connected with the costs of school attendance when compulsory education was free.
9. Ms. LOBATO (Timor-Leste) said the Children's Code would be drafted by the Government once the ongoing public consultations had been completed, with the participation of locally elected representatives, in all the districts. It was only then that Parliament would be able to adopt it. The public consultations on matters connected with juvenile justice had been concluded, but others had not yet been completed; the drafting of the Code might be finalized by the end of 2008.
10. Compulsory education was indeed free. The costs mentioned in the report were not school fees but the hidden costs of education, such as transport and meals. That was why the Government had invested funds to continue to implement the school meals project launched by WFP. Scholarships were a strong element of the State's education policy. In addition, donors enabled the most gifted students to go to study abroad, in particular in Portugal, Australia, New Zealand and Hawaii.
11. Although Portuguese and Tetum were now the two official languages, the country was still in a transitional phase, during which Indonesian was still sometimes used, especially in the institutions catering for older students. The official languages were well established at the pre-school level.
12. Ms. ORTIZ asked for further information about the vocational training available to young people. In particular, it would be useful to know whether English was widely taught, a factor which, for example, would enable the oil industry to recruit local staff rather than foreigners.
13. Mr. BRANCO (Timor-Leste) said that there were many vocational training centres, run either by the State or by NGOs or other organizations, which enabled young people to acquire a knowledge of English and information technology as well as other skills called for in the labour market.
14. Ms. LOBATO (Timor-Leste) added that the country had received assistance from Brazil and Portugal with the opening of a vocational training school in Dili. A number of Catholic associations were also offering that kind of training. The exact number of students enrolled in such establishments could be communicated later in writing.
15. The NGOs working with children were very closely supervised. For example, one NGO which wanted to send 13 students to study in Malaysia had had its request rejected because it had not provided adequate guarantees.
16. The universities regularly held conferences to boost the awareness of the general public of human rights in general and children's rights in particular. Work was also being done in that field by the Ministry of Justice in collaboration with the law faculty.
17. Ms. HERCZOG said that she would like know more about the training received by social workers and would welcome details of the various measures taken to combat poverty.

18. Mr. PURAS said that he wished to know how the State party intended to solve the difficulties connected with grass-roots ignorance of health problems, with the recruitment and training of health professionals, and with the departure of the best of them to foreign countries. He would also like to know why a country of one million inhabitants had so many children placed in institutions.

19. Ms. AIDOO asked about the effectiveness of the training of adolescents in reproductive health in view of the increase in the number of early pregnancies and the decline in the average age of girls becoming pregnant for the first time. She also wished to know whether there were special arrangements for dealing with the mental health problems of children and adolescents.

20. Since there were 600 to 800 pregnancy-linked deaths per 100,000 live births, she wondered about the effectiveness of the reproductive health programmes for families and whether collaboration had been established with religious bodies, community leaders and traditional authorities in order to help pregnant women to bring their pregnancies to term under the best possible conditions. She also wished to know what was being done to combat the malnutrition which many of them suffered and which was a major factor of mortality. She asked in particular whether the Government envisaged introducing grass-roots education programmes on food and health for pregnant women and establishing a system to ensure their referral to the nearest medical centre, when necessary.

21. The CHAIRPERSON asked whether, in view of the high infant mortality rate, which was due partly to the poor vaccination coverage, the State party received technical assistance, enjoyed international cooperation, or had a health strategy in that field; she also wished to know whether there was a national nutrition strategy. She asked further whether steps had been taken to tackle the causes of child disability and prevent parents from keeping their disabled children at home, cut off from the rest of society.

22. Mr. POLLAR asked what measures had been taken to prevent mother-to-child transmission of HIV/AIDS.

23. Ms. ORTIZ asked what programmes had been established under the poverty reduction strategy to enable children to remain with their families instead of being placed in an institution or entrusted to families better able to bring them up, the latter practice being very widespread in Timor-Leste. That form of supportive “adoption” should be more closely supervised and regulated by the State. The Committee was also concerned about the large number of placement institutions and the poor monitoring of them.

24. Ms. ORTIZ recommended that the State party should move as quickly as possible to promulgate the adoption act which was being drafted and should in the meantime suspend all international adoptions. She asked whether Timor-Leste envisaged ratifying the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoptions.

25. Ms. AIDOO said that the poverty reduction strategies should not address solely the economic aspects of the problem but also the situation of women and children, with regard to their health in particular, for a high fertility rate associated with a high maternal mortality rate had the effect of perpetuating poverty from one generation to the next.

26. The CHAIRPERSON asked whether the mothers of newborn babies, most of whose confinements took place at home, were informed about the benefits of exclusive breastfeeding as

set out in the International Code of Marketing of Breast-milk Substitutes, for the use of overly expensive substitutes contributed to the malnutrition of unweaned infants.

27. Ms. KHATTAB (Alternate Country Rapporteur) noted that Portuguese was the language used in the courts and in the texts of legislation even though not all members of the population spoke it; she asked what action was being taken to deal with that problem.

The meeting was suspended at 4.05 p.m. and resumed at 4.25 p.m.

28. Ms. LOBATO (Timor-Leste) said that in November 2007 the Government had adopted a programme designed to solve the health and malnutrition problems and reduce poverty. It was collaborating with several foundations and with UNICEF in the programme's implementation.

29. The Government had decided to suspend all adoptions pending the promulgation of a specific act regulating the modalities of adoption and the creation of a specialized adoptions body.

30. The country had insufficient judges but the law allowed the recruitment of foreign judges, a situation which obliged the State party to provide interpretation services as Portuguese was the only language used in the courts. However, that was an interim measure, for the Government was making enormous efforts to train prosecutors, lawyers, judges and jurists. In addition, the Ministry of Justice had a translation service, which should enable it to have all legislation translated.

31. In view of the country's paucity of resources and the large number of laws to be adopted, the delegation could not give an opinion on how long it would take to draft the Children's Code. Additional information would be communicated to the Committee in writing.

32. Mr. ZERMATTEN (Country Rapporteur) asked whether there was a body responsible for protecting children.

33. Ms. LOBATO (Timor-Leste) said the country did not yet have a commission or ministry responsible for protecting children, but the State Secretariat for Labour and Solidarity, which handled all social issues, had a children's department. However, that did not mean that Timor-Leste was not interested in that matter: it intended to create a commission responsible for the portfolio in 2008.

34. Mr. KRAPPMANN said that it was regrettable that the Government had set as its sole objective in education to increase the rate of school attendance and that it gave so little attention to the quality of the teaching. It was also regrettable that pupils did not have a greater number of daily contact hours.

35. Ms. LOBATO (Timor-Leste) said that the education authorities were well aware of the need to secure good-quality teaching: that was why they had introduced in-service training courses for teachers. That was also the reason why children had classes only in the mornings, for the afternoons were reserved for teacher training.

36. Mr. POLLAR said that he would like to know whether the State party had a law establishing the same rights and duties for fathers and mothers with respect to education.

37. Ms. ORTIZ asked what programmes had been introduced for the rehousing of displaced persons and whether, in order to tackle the housing shortage affecting all segments of the

population, there were plans for the construction of new housing. Information about the new legislation on property ownership would also be welcome.

38. Ms. LOBATO (Timor-Leste) said that the United States of America had allocated 10 million dollars under a bilateral agreement to a huge research project which should result in the elaboration of a new property ownership system to replace the current system, which was the result of 450 years of Portuguese occupation and some 24 years of occupation by Indonesia. A new legal framework, including an instrument containing detailed regulations on property ownership, ought to restore the confidence of foreign investors and promote the recovery of the national economy.

39. Where the protection of children was concerned, the Constitution guaranteed all the country's children, whether born in Timor-Leste or abroad, the protection of their family, their community and the State against all forms of violence, neglect and exploitation. Children were also guaranteed the exercise of all the rights referred to in the international conventions and treaties to which Timor-Leste was a party.

Initial report of Timor-Leste under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC/C/OPAC/TLS/1)

40. The CHAIRPERSON, speaking as a member of the Committee, congratulated the State party for having submitted its initial report (CRC/C/OPAC/TLS/1) before the due date.

41. She noted with satisfaction that the minimum age for voluntary enlistment in the armed forces had been set at 18 years, but it was a matter for concern that the forcible recruitment of minors had nevertheless not been made an offence. It was also very worrying that, in the absence of a birth certificate, the consistent testimony of three persons was deemed sufficient proof of the age of a potential recruit.

42. She would like to know how the Optional Protocol was publicized among the population and whether the State party had established services responsible for caring for children involved in armed conflict once they had been demobilized, with regard to their mental health and education in particular.

43. She asked about the current stage of the bill regulating martial arts groups.

44. Mr. CITARELLA said that he would like to know whether the State party had adopted an act prohibiting the supply, sale and use of weapons in Timor-Leste and whether checks were carried out to ensure that the weapons left over from the armed conflict were gradually withdrawn from circulation.

45. Mr. KRAPPMANN, supported by Ms. KHATTAB (Alternate Country Rapporteur), asked whether a culture of peace and intercultural dialogue had been included in school curricula in order to prevent any new conflict and establish a lasting peace.

46. Mr. FILALI, referring to paragraphs 13 and 14 of the report, said that he was concerned about the explicit recognition of the existence of provisions on the enlistment of young persons aged under 18 in the FALINTIL-East Timor Defence Forces (FALINTIL-FDTL) and about the fact that such children could thus take a direct part in hostilities. Could the State party could not amend the act in question, which had entered into force five months before the Optional Protocol?

47. Ms. ORTIZ asked whether the State party used the media to make the population more aware of the harmful effects of involving children in armed conflicts; if so, she wished to know in which language the messages were issued.

48. Mr. ZERMATTEN (Country Rapporteur) asked whether the draft Penal Code would include punishment for recruiting children aged under 18 into the armed forces and whether the recruitment of children to take part in an “unofficial” armed conflict or one taking place in another country would be liable to prosecution.

Initial report of Timor-Leste under the Optional Protocol on the sale of children, child prostitution and child pornography (CRC/C/OPSC/TLS/1)

49. Ms. AIDOO welcomed the fact that the State party had consulted several governmental bodies and NGOs, as well as officials at various levels of government, when preparing the report under consideration and noted with satisfaction the creation of various national human rights bodies, including the Office of the *Provedor*.

50. She stressed that it was a matter of urgency for the State party to establish the National Commission for the Rights of the Child, scheduled for June 2008, and asked whether the Office of the *Provedor* regarded the protection of children as one of its priorities.

51. The lack of statistics on the various questions relating to the protection of children was regrettable, for it prevented the Committee from forming an accurate picture of the scale of the sale of children and child prostitution in Timor-Leste. She welcomed the creation of the National Directorate of Statistics and asked about the time-frame within which the State party considered that it would be able to provide more specific data on those phenomena.

52. She asked when the national programme on trafficking in human beings would be completed and about the measures which the Government was taking to prevent the trafficking and sale of children to work abroad. She said that details of the bilateral agreements on foreign work contracts, which increased the risk of the sale of children, would be welcome and asked whether the Government envisaged taking action to protect minors and combat corruption in the police force and the immigration service.

53. It would also be useful to have some information about the trafficking problems within the country, especially with respect to children sent to the towns to work in factories. The delegation might indicate whether the Government envisaged ratifying Conventions Nos. 138 and 182 of the International Labour Organization, concerning respectively the minimum age and the worst forms of child labour, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

54. The prostitution and sexual exploitation of children posed a serious problem, which was linked to the age of consent and marriage, the high rate of youth unemployment, and the escalating poverty. She asked whether steps were being taken to enhance the awareness of the general public and inform parents, children and village heads about the consequences of the prostitution and sexual exploitation of children. She also wished to know whether the Government or NGOs had produced any studies on the question and whether the Government intended to mobilize sufficient human and financial resources to train police officers and to inspect the various places where child prostitution might be practised.

55. She regretted very much the lack of information about child pornography and asked what action the Government had taken to deny children access to pornography.

56. She considered that the psychological assistance given by the Ministry of Health to children victims of sale, prostitution or sexual exploitation was inadequate as such and asked whether steps had been taken to provide the children in question with material and social aid.

57. She welcomed the creation of a police unit to deal with the most vulnerable persons, which would be responsible in particular for children victims of the acts covered by the Protocol, and asked whether the NGOs working with such children had been involved in the elaboration of the relevant programmes.

58. Mr. KOTRANE said that, although the Optional Protocol took precedence over domestic law in the event of incompatibility, that rule did not apply to criminal matters, when an international convention could not be implemented if there was a gap in domestic law. He would like to know whether the new Penal Code would fill the gaps in the Indonesian Penal Code currently in force. Amongst other things, the definitions of the crimes of sale of children, sexual exploitation of children and child pornography must correspond to the definitions given in the Protocol. Paragraph 29 of the initial report (CRC/C/OPSC/TLS/1) indicated that the draft Penal Code established penalties for engaging a person aged under 16 in prostitution. All children aged under 18 were entitled to protection under the Protocol.

59. Mr. ZERMATTEN (Country Rapporteur) said that it was regrettable that child victims did not enjoy special protection under the criminal procedures: that fact explained why they did not enter complaints and refused to testify, as well as fuelling the feeling of impunity. In the drafting of the new Penal Code and Code of Criminal Procedure the State party should give special attention to the situation of children; he suggested that it should base the work on the United Nations Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime.

60. Ms. KHATTAB (Alternate Country Rapporteur) asked whether Timor-Leste had to deal with the problem of mothers who left to work abroad without their children and whether any protection measures had been introduced for such children.

61. She would like to know whether the Division for Community Reinsertion had sufficient human and financial resources to do its work and would welcome some information about the establishment of a free telephone line to receive complaints from children victims of the crimes covered by the Protocol and about the appointment of a children's mediator.

62. Mr. FILALI said that the draft Penal Code should incorporate at least the content of articles 2 and 3 of the Optional Protocol. The instructions given to members of the forces of law and order not to visit certain places were not sufficient; the law should be applied in all cases of violation, even when the persons concerned enjoyed immunity. In that connection he wished to have additional information about the law of extradition and the country's extraterritorial jurisdiction.

63. The CHAIRPERSON asked whether there had already been any prosecutions of child rape committed during peacekeeping operations.

The meeting rose at 5.55 p.m.