



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Concluding observations on the combined second and third periodic reports of Timor-Leste\*

1. The Committee considered the combined second and third periodic reports of Timor-Leste (CRC/C/TLS/2-3) at its 2041st and 2042nd meetings (see CRC/C/SR.2041 and 2042), held on 25 September 2015, and adopted the following concluding observations at its 2052nd meeting (see CRC/C/SR.2052), held on 2 October 2015.

#### I. Introduction

2. The Committee welcomes the submission of the State party's combined second and third periodic reports and the written replies to the list of issues (CRC/C/TLS/Q/2-3/Add.1), which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses appreciation for the constructive dialogue held with the high-level and multisectoral delegation of the State party.

#### II. Follow-up measures taken and progress achieved by the State party

3. The Committee welcomes the ratification of or accession to the following instruments:

- (a) United Nations Convention against Transnational Organized Crime, in 2009;
- (b) Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, in 2009;
- (c) Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, in 2009;
- (d) International Labour Organization Worst Forms of Child Labour Convention, 1999 (No. 182), in 2009.

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\* Adopted by the Committee at its seventieth session (14 September-2 October 2015).



4. The Committee notes with satisfaction the adoption of the following legislative measures, among others:

- (a) Labour Code of 2012;
- (b) Civil Code of 2011;
- (c) Law against domestic violence of 2010;
- (d) Penal Code of 2009;
- (e) Law on protection of witnesses of 2009;
- (f) Basic law on education of 2008.

5. The Committee also welcomes the establishment or adoption of the following institutional and policy measures:

- (a) Timor-Leste Strategic Development Plan for 2011-2030;
- (b) National Education Strategic Plan for 2011-2015 and the Education Action Plan;
- (c) National Policy Framework for Preschool Education, in 2015;
- (d) National Commission for the Rights of the Child, in 2009 (currently known as the Commission for the Rights of the Child);
- (e) Child-friendly school programme, in 2009.

### **III. Main areas of concern and recommendations**

#### **A. General measures of implementation (arts. 4, 42 and 44 (6))**

##### **Committee's previous recommendations**

6. The Committee, while welcoming the State party's efforts to implement the Committee's concluding observations of 2008 on the State party's initial report (CRC/C/TLS/CO/1), notes that several of the recommendations contained therein have not been fully addressed, in particular, those related to dissemination, awareness-raising and training (*ibid.*, para. 23).

**7. The Committee urges the State party to take all measures necessary to address those recommendations from the concluding observations on the initial report submitted under the Convention which have not been fully implemented.**

##### **Legislation**

8. The Committee welcomes the ongoing legal reform that has contributed to the improvement of children's rights in the State party. However, it is concerned about the delay in the adoption of legislation in all areas affecting children's rights that is instrumental to the implementation of the Convention.

**9. The Committee reiterates its previous recommendation that the State party should continue and strengthen its efforts to develop consistent legislative frameworks in all areas affecting children's rights in compliance with the Convention (see CRC/C/TLS/CO/1, para. 9). In particular, the Committee urges the prompt adoption of the children's code, the juvenile justice regime, the law to prevent, suppress and punish trafficking in persons and laws currently being drafted that relate to child protection and alternative sentencing.**

### **Comprehensive policy and strategy**

10. The Committee notes the information provided by the State party that the development of a national plan of action for the implementation of children's rights in the State party is under discussion within the Consultative Council. The Committee is, however, concerned about the delay in the adoption and implementation of such an overarching plan of action.

**11. The Committee recommends that the State party expedite the adoption of a plan of action for children, as previously recommended (see CRC/C/TLS/CO/1, para. 11), and ensure the development of a strategy for its full implementation, including specific time-bound and measurable goals and targets to effectively monitor and evaluate progress in the implementation of children's rights throughout the State party. The national strategy should additionally be linked to national, sectoral and municipal strategies and budgets to ensure appropriate allocation of the human, technical and financial resources required for its implementation.**

### **Coordination**

12. The Committee notes the establishment of the Commission for the Rights of the Child in 2009, which is under the authority of the Minister of State, the Coordinator of Social Affairs and the Minister of Education. The Committee is, however, concerned that the Commission does not have the staff and resources necessary to discharge its mandate effectively.

**13. The Committee recommends that the State party provide the Commission for the Rights of the Child with the human, technical and financial resources necessary to effectively implement and coordinate comprehensive, coherent and consistent child-rights policies at all levels and to assess the impact of such policies and programmes on children's rights.**

### **Allocation of resources**

14. The Committee welcomes the significant increases in budgetary allocations for health, education and social services for children, as well as international assistance and development aid in relation to the implementation of the Convention. The Committee is, however, concerned about the lack of data on the proportion of budgetary allocations for the implementation of children's rights under the Convention.

**15. In the light of its day of general discussion on resources for the rights of the child and the responsibility of States, held in 2007, the Committee urges the State party to:**

(a) **Establish a budgeting process that includes a child rights perspective and specifies clear allocations to children in the relevant sectors and agencies, including specific indicators and a tracking system;**

(b) **Define strategic budgetary lines for children in disadvantaged or vulnerable situations who may require affirmative social measures, and ensure that those budgetary lines are protected even in situations of economic crisis, natural disasters and emergencies, especially with respect to health and education;**

(c) **Establish mechanisms to monitor and evaluate the efficacy, adequacy and equitability of the distribution of resources allocated to the implementation of the Convention;**

(d) **Provide disaggregated information on the proportion of the national budget allocated to the implementation of the rights of the child at the national and local levels.**

**Data collection**

16. The Committee notes that data collection processes are under development and that several ministries have developed databases for collecting and analysing data on children. It also notes the various surveys that have been conducted on children's issues. The Committee is, however, concerned that no national central database on children has been developed and about gaps in the overall data collection apparatus of the State party, in particular with respect to national planning, budgeting, monitoring and reporting.

17. **In the light of its general comment No. 5 (2003) on general measures of implementation of the Convention, the Committee recommends that the State party expeditiously improve its data collection system. The data should cover all areas of the Convention and be disaggregated by age, sex, disability, geographic location, ethnic origin and socioeconomic background. Furthermore, the Committee recommends that the data and indicators be shared among the ministries concerned and used for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention. In this context, the Committee also recommends that the State party strengthen its technical cooperation with, among others, the United Nations Children's Fund (UNICEF) and regional mechanisms.**

**Independent monitoring**

18. The Committee welcomes the information that the Office of the Provedor for Human Rights and Justice has been recognized as an "A" status institution, as well as the range of activities undertaken by the Office, including investigations, monitoring, awareness-raising and education programmes in Dili and the districts with respect to the Convention. The Committee, however, regrets that neither a special unit for children nor a focal point for children's rights within the Office has been established, owing to a lack of expertise, human resource capacity and financial constraints. It is also concerned about information received that the Office has not taken an active role in defending children's rights and following up on complaints by children or made on behalf of children.

19. **In the light of its general comment No. 2 (2002) on the role of independent national human rights institutions in the promotion and protection of the rights of the child, the Committee recommends that the State party:**

(a) **Establish an appropriately staffed and resourced section for child rights within the Office of the Provedor for Human Rights and Justice that is able to receive, investigate and address complaints by children in a child-sensitive manner, ensure the privacy and protection of child victims, and undertake monitoring, follow-up and verification activities for victims as previously recommended (see CRC/C/TLS/CO/1, para. 15);**

(b) **Raise awareness among the general public, and children in particular, of their right to file a complaint, and ensure that the procedures are accessible, confidential and child friendly.**

**B. Definition of the child (art. 1)**

20. While the Committee notes that the age of majority is 17, it is concerned that not all children under the age of 18 are benefiting from the full protection under the Convention.

21. **The Committee recommends that the State party take measures to ensure that all domestic laws ensure that, in accordance with article 1 of the Convention, all children under 18 benefit from the full protection under the Convention.**

22. The Committee is concerned that the minimum age for marriage is set at 17 for both boys and girls, and that child marriage, especially of girls, remains highly prevalent in the State party. The Committee is particularly concerned that 16-year-old girls and boys can enter into marriage with the consent of their parents.

23. **The Committee recommends that the State party:**

(a) **Ensure that the minimum age of marriage for boys and girls be raised to 18, and that a child below the age of 16 can in no circumstances marry;**

(b) **Develop awareness-raising campaigns and programmes on the harmful effects of early marriage on the physical and mental health and well-being of girls, targeting households, local authorities, judges and religious and community leaders;**

(c) **In the light of joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child on harmful practices (2014), take active measures to put an end to harmful practices against children in the State party.**

### **C. General principles (arts. 2, 3, 6 and 12)**

#### **Non-discrimination**

24. The Committee commends the inclusion of specific provisions for the protection of children from discrimination in the State party's Constitution and other laws, including with respect to children with disabilities and children born out of wedlock. The Committee is concerned, however, that certain groups of children, especially children of returnees, children who are not in possession of a baptism certificate, children born out of wedlock, children conceived from sexual relations among family members, and children with disabilities, face de facto discrimination, most importantly with regard to access to education and other services.

25. **The Committee recommends that the State party ensure that all children in the State party enjoy equal rights under the Convention without discrimination, both de jure and de facto, and that it intensify efforts to ensure the effective elimination of any form of discrimination against the above-mentioned groups of children and other groups of children in marginalized situations through, among other things, awareness-raising campaigns and education, especially at the community level and in schools.**

#### **Best interests of the child**

26. The Committee welcomes the information in the periodic report that the best interests of the child principle is mainstreamed across all sectors of government and is enshrined in the draft children's code and the draft law to prevent, suppress and punish trafficking in persons. However, the Committee is concerned about insufficient information regarding the State party's efforts to ensure the right of the child to have his or her best interests taken into account as a primary consideration in all actions, and to apply that right in all legislation, administrative and judicial proceedings, policies and programmes relating to children.

27. **In the light of its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party strengthen its efforts to ensure that this right is appropriately integrated and consistently interpreted and applied in all legislation, administrative and judicial proceedings and decisions, as well as in all policies, programmes and projects that are relevant to and have an impact on children. In this regard, the State party is encouraged to develop procedures and criteria to provide guidance to all relevant**

**persons in authority on determining the best interests of the child in every area and on giving due weight to those interests as a primary consideration.**

#### **Respect for the views of the child**

28. The Committee notes the State party's efforts to ensure respect for the views of the child in various draft laws and in relevant administrative processes and judicial proceedings relating to children. It also notes the numerous child participation activities and initiatives carried out by the National Youth Council, the National Directorate for Youth and the Youth Parliament. The Committee is concerned, however, that traditional and cultural practices do not readily accommodate and recognize the views of the child in homes, schools and communities, and that respect for the views of the child is not adequately implemented in practice in all relevant areas and at the national and local levels, including with respect to children with disabilities.

29. **In the light of its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party take measures to strengthen this right in accordance with article 12 of the Convention. To that effect, it recommends that the State party:**

(a) **Take measures to ensure the effective implementation of legislation recognizing the right of the child to be heard in relevant legal proceedings, including by establishing systems and/or procedures for social workers and courts to comply with this principle;**

(b) **Conduct programmes and awareness-raising activities to promote the meaningful and empowered participation of all children within the family, communities, schools and student council bodies, with particular attention paid to children in vulnerable situations, including children with disabilities.**

### **D. Civil rights and freedoms (arts. 7, 8 and 13-17)**

#### **Birth registration**

30. The Committee welcomes the information in the report of the State party concerning efforts to increase birth registration through the expansion of birth registration offices, the establishment of an online registry and mobile birth registration, as well as through the national campaign for the registration of children. The Committee is concerned, however, about the number of children who are not registered or are registered late, and about barriers to registration, in particular regarding children in rural areas and costs for documents. It also reiterates its concern that the draft civil registry code has not yet been approved (see CRC/C/TLS/CO/1, para. 35).

31. **The Committee recommends that the State party strengthen efforts to ensure that all children are provided with birth certificates free of charge, including through mobile units and outreach programmes in remote areas of the State party, raise awareness of the importance of birth registration and adopt and implement the draft civil registry code.**

### **E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)**

#### **Corporal punishment**

32. The Committee notes that the draft children's code prohibits corporal punishment in schools and provides for mandatory reporting obligations with respect to child abuse within

or outside the school. The Committee welcomes the information in the report of the State party about measures taken by the Ministry of Education to investigate complaints of corporal punishment in schools. The Committee, however, is concerned that corporal punishment is widely accepted in society as a way to discipline children and remains lawful in schools, as well as in the home and in residential institutions. It is also concerned about the lack of data on the number of incidents of corporal punishment in all settings.

**33. In line with its general comments No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment and No. 13 (2011) on the right of the child to freedom from all forms of violence, the Committee recommends that the State party:**

**(a) Adopt the children's code and amend its legislation to explicitly prohibit corporal punishment in all settings, including the family, schools and institutions;**

**(b) Promote positive, non-violent and participatory forms of child-rearing and discipline as an alternative to corporal punishment, and expand parenting education programmes and training for principals, teachers and other professionals working with and for children;**

**(c) Strengthen and expand its efforts through awareness-raising campaigns to inform the public in general about the negative impact of corporal punishment on children and actively involve children and the media in the process.**

#### **Abuse and neglect**

34. The Committee notes that the State party has undertaken various initiatives to address the issue of abuse and neglect of children, including the deployment of additional child protection officers in all 13 districts of the State party. The Committee is, however, concerned about the prevalence of abuse and neglect of children in the State party. It is furthermore concerned about the limited data available on child abuse and neglect and about the lack of information on investigations, follow-up, recovery and social reintegration.

**35. The Committee recommends that the State party:**

**(a) Further strengthen awareness-raising and education programmes, including campaigns, with the involvement of children, in order to formulate a comprehensive strategy for preventing and combating child abuse in all settings, including with respect to implementing the necessary legislation and policies, in particular the law against domestic violence and the policy for child protection, and adopting and implementing the draft child protection law;**

**(b) Establish an easily accessible mechanism for children and others to report cases of abuse and neglect, ensuring the necessary protection for such victims;**

**(c) Facilitate the physical and psychological rehabilitation of child victims and ensure they have access to health services, including mental health services;**

**(d) Ensure that all professionals and staff working with and for children are provided with the necessary training on how to prevent and monitor domestic violence as well as receive, investigate and prosecute complaints about such violence in a child- and gender-sensitive manner;**

**(e) Ensure the allocation of adequate human, technical and financial resources to the Child Protection Network to enable it to implement long-term programmes for addressing the root causes of violence and abuse;**

**(f) Encourage community-based programmes aimed at preventing and addressing domestic violence, child abuse and neglect, including by involving former**

**victims, volunteers and community members and providing them with training and support.**

#### **Sexual exploitation and abuse**

36. The Committee welcomes the criminalization of offences of sexual exploitation and abuse of children in the Penal Code. It also welcomes several initiatives by the State party to enhance the protection of children, including assistance and support for victims of sexual violence and abuse. The Committee, however, is seriously concerned about the widespread sexual abuse of children in the State party, including incest. It is also concerned about the lack of information and data on the number of cases brought before the courts and the outcomes of such proceedings. The Committee is further concerned that the National Action Plan on Gender-Based Violence lacks resources for its effective implementation.

37. **The Committee urges that the State party:**

(a) **Establish mechanisms, procedures and guidelines to ensure the mandatory reporting of cases of child sexual abuse, exploitation and incest, and the speedy and effective investigation of those cases and prosecution of perpetrators;**

(b) **Conduct awareness-raising and education programmes to combat the stigmatization of child victims of sexual exploitation, abuse and incest, and ensure accessible, confidential, child-friendly and effective channels for reporting such violations;**

(c) **Ensure that child protection agencies are adequately staffed and funded, and that all professionals and staff working with and for children undergo background checks and are provided with the necessary supervision and training;**

(d) **Provide systematic training to law enforcement officials, social workers and prosecutors on how to receive, monitor, investigate and prosecute complaints in a child- and gender-sensitive manner that respects the privacy of the victim;**

(e) **Ensure the development of programmes and policies for the prevention of child sexual exploitation and the recovery and social reintegration of child victims, in accordance with the outcome documents adopted at the World Congresses against Commercial Sexual Exploitation of Children;**

(f) **Effectively implement the National Plan of Action on Gender-Based Violence and ensure that it is adequately financed.**

#### **F. Family environment and alternative care (arts. 5, 9-11, 18 (1) and (2), 20, 21, 25 and 27 (4))**

##### **Family environment**

38. Despite the impressive number of services and programmes aimed at assisting parents and legal guardians in the performance of their child-rearing responsibilities, the Committee is concerned that many families are in situations of poverty, face food insecurity and lack appropriate assistance, resulting in children being placed in residential care facilities. The Committee is also concerned about inadequate financial support, despite poverty reduction initiatives and access to early childhood education and care for young children.

39. **The Committee recommends that the State party:**

(a) **Finalize and implement the Child and Family Welfare System Policy with its focus on strengthening families and communities to protect and care for their children;**

(b) **Intensify its efforts to provide appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities, in particular in situations of poverty and especially in rural areas, including by strengthening the system of family benefits and child allowances and other services, such as accessible early childhood education and care;**

(c) **Expand family counselling and parenting education programmes.**

#### **Children deprived of a family environment**

40. The Committee:

(a) Is concerned that informal foster care arrangements, whereby children are placed in families other than biological families owing to a variety of reasons, put these children at risk of abuse and exploitation;

(b) While noting that kinship care is a widespread traditional practice in Timor-Leste and is generally a positive practice, is concerned that the limited monitoring by protection services puts children at risk of abuse;

(c) Is concerned about inadequate government oversight regarding the placement of children and the monitoring of the quality of care in residential care facilities.

41. **Drawing the State party's attention to the Guidelines for the Alternative Care of Children, the Committee emphasizes that financial and material poverty, or conditions directly and uniquely attributable to such poverty, should never be the sole justification for removing a child from parental care, for receiving a child into alternative care or for preventing a child's social reintegration. In this regard, the Committee recommends that the State party:**

(a) **Further strengthen the support provided to biological families to prevent out-of-home placements, including informal arrangements;**

(b) **Increase efforts to ensure that children in need of alternative care are placed in family-based care rather than in institutions, and that they maintain contact with or are returned to their families when it is in their best interests;**

(c) **Ensure adequate safeguards and clear criteria, based on the needs and the best interests of the child, for determining whether a child should be placed in alternative care, including periodic review of the placement of children in children's homes;**

(d) **Strengthen government oversight regarding the operation of residential care facilities, and review the Policy, Procedures and Standards for Child Care Centres and Boarding Houses (2010) to ensure that all residential care facilities are operated in compliance with the policy, which should include an enforcement mechanism;**

(e) **Ensure that adequate human, technical and financial resources are allocated to alternative care centres and relevant child protection services, in order to facilitate the rehabilitation and social reintegration of children resident therein to the greatest extent possible.**

#### **Adoption**

42. The Committee is concerned about the practice in the State party regarding informal adoption whereby families place their children with other families, often because of situations of poverty and indebtedness. It is also concerned that the State party, which has ratified the Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, has not implemented this Convention in practice.

43. **The Committee recommends that the State party regulate on an urgent basis the issue of informal adoption in the State party. It also recommends that the State party adopt legislation and policies on adoption in accordance with the Convention. The Committee further recommends that the State party adopt laws and policies to implement the Convention on Protection of Children and Cooperation in respect of Inter-country Adoption and provide information on measures taken in this regard, including compliance mechanisms, in its next periodic report.**

**G. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1-3) and 33)**

**Children with disabilities**

44. The Committee welcomes the inclusion of disabilities in the Strategic Development Plan with respect to the promotion of health. It also welcomes the establishment of three training centres as pilot projects in Dili, Lautem and Aileu, which provide teachers with training to support children with disabilities in mainstream education. The Committee is, however, concerned that:

(a) The legislative and policy reforms, and the coordination at the national level, necessary to secure the rights and active participation of children with disabilities in all spheres of society have not been implemented;

(b) Children with disabilities are subjected to widespread discrimination, neglect and abuse, lack access to education and health care, and are not integrated effectively in all areas of social life;

(c) There is a lack of public awareness of the rights of children with disabilities;

(d) Sufficient and adequate facilities for children with disabilities in schools, sports and leisure facilities and residential facilities are lacking, in particular in rural areas;

(e) There is a lack of statistical data concerning children with disabilities in the State party;

(f) The State party has not yet ratified the Convention on the Rights of Persons with Disabilities.

45. **In the light of its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to adopt a human rights-based approach to disability, set up a comprehensive strategy for the inclusion of children with disabilities and:**

(a) **Continue to strengthen the legislative and policy framework, as well as efforts to coordinate laws and policies, for the promotion and protection of the rights of children with disabilities at the national level, including by reviewing and approving the National Action Plan for People with Disabilities and the National Policy on Inclusive Education and Action Plan, ensuring that they are implemented in an inclusive manner that enables children with disabilities to benefit;**

(b) **Strengthen support for caregivers of children with disabilities, including by providing counselling and training, increasing the Bolsa da Mãe stipend and considering implementing a stipend for caregivers to help support children with disabilities;**

(c) **Ensure that continuing training is provided for professionals working with children with disabilities, such as teachers, social workers and health, medical,**

therapeutic and care personnel, that guidelines and training materials are developed, and that mechanisms are in place to monitor the performance of care providers;

(d) Ensure that schools and health-care facilities are accessible and adequately staffed and funded, and that children with disabilities are treated with dignity and respect and benefit from effective protection;

(e) Undertake sustained public awareness campaigns to familiarize the public and other stakeholders with the rights of children with disabilities;

(f) Take all measures necessary to ensure that children with disabilities are integrated fully into all areas of social life, including schools, sports and leisure activities, and that facilities and other public areas are accessible for children with disabilities;

(g) Strengthen the collection of data, disaggregated by disability, to provide a comprehensive assessment of the situation of children with disabilities to inform key sectors about appropriate policies and programmes to advance the situation of children with disabilities;

(h) Consider ratifying the Convention on the Rights of Persons with Disabilities.

#### **Health and health services**

46. The Committee commends the State party for its commitment to providing access to primary health care free to all nationals of the State party, and notes plans to implement the National Health Sector Strategic Plan, as well as various strategies relating to immunization, nutrition and child and adolescent health. It also commends the reduction in the under-5 mortality rate and efforts to address the number of children classified as stunted, wasted and underweight; the improvements in the nutritional status of children overall; and the vaccination coverage of children, including the elimination of maternal and neonatal tetanus, small pox and polio, among others. The Committee, however, is concerned about:

(a) The insufficient number of skilled health-care professionals, poor health standards and insufficient formal health services in all parts of the State party, in particular in rural areas, which are persistent factors that serve to perpetuate the still high infant and under-5 mortality levels, the high maternal mortality rate, disabilities in children and the high incidence of disease;

(b) The high levels of malnutrition, micronutrient deficiencies and stunting rates, the high number of children not fully immunized, and insufficient access to safe drinking water, basic sanitation and hygiene facilities, including in schools and health facilities, especially in rural areas;

(c) The high levels of indoor air pollution resulting from traditional cooking practices;

(d) The need for continued improvements in breastfeeding and complementary feeding practices.

47. **The Committee, in the light of its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, recommends that the State party:**

(a) **Continue to strengthen efforts to ensure the provision of adequate financial and human resources, in particular for neonatal, prenatal and postnatal care, especially in rural areas;**

(b) **Improve training and access to health-care professionals and midwives for childbirth, and expand the community birth preparedness initiative to increase the number of deliveries at health-care facilities;**

(c) **Continue targeted interventions to prevent the stunting, wasting and undernourishment of children, including the promotion of proper feeding practices for infants and young children, and continue to raise awareness of nutrition issues and promote overall nutrition education, including through the revised National Nutrition Strategy;**

(d) **Increase the quantity and coverage of health-care professionals to ensure that children have access to high-quality health-care services, including immunizations in all districts, and implement the electronic child-tracking system to ensure that all children are registered for immunization;**

(e) **Strengthen efforts and increase resources to ensure that homes, schools and other public facilities have adequate safe drinking water, basic sanitation and hygiene facilities, in particular in rural areas, and raise awareness about open defecation and proper sanitation and hand washing practices, including by implementing the policy to promote open-defecation-free rural communities.**

(f) **Improve access to clean water facilities by strengthening government coordination, developing an action plan and providing the Department of Water Supply of the Ministry of Public Works with adequate staff and an adequate budget, in particular for rural communities;**

(g) **Strengthen measures to introduce clean cooking technologies and raise awareness about the links between respiratory illnesses and the use of firewood in traditional cooking practices, and reduce reliance on firewood, including by subsidizing the cost of cooking fuel;**

(h) **Approve and implement the Timor-Leste breastfeeding policy and the code of marketing of breast-milk substitutes, breast-milk supplements and related products, increase the number of health centres supporting these initiatives, and increase the current maternity leave from three months to six months to support appropriate infant feeding.**

#### **Mental health**

48. The Committee is concerned that there is limited access to mental health care and psychosocial rehabilitation for children, especially for those who were exposed to violence, including sexual violence and harassment, abuse and neglect.

49. **The Committee, referring to its general comment No. 15, recommends that the State party strengthen existing quality services and programmes of mental health for children and, in particular:**

(a) **Take measures to increase the number of specialists in children's mental health and ensure adequate facilities and outpatient services for psychosocial rehabilitation;**

(b) **Ensure that all professionals working with children are trained to identify and address mental health problems, in particular in children's homes, places of safety and juvenile correction centres.**

### Adolescent health

50. The Committee welcomes the information on the programmes and services aimed at preventing and treating adolescent health problems, including those relating to reproductive health. The Committee, however, is concerned:

(a) About the high teenage pregnancy rate, which is linked to the prevalence of child marriage in the State party, limited knowledge of reproductive health, and social and cultural barriers that prevent young people and adolescents from seeking reproductive health information and services;

(b) About the significant challenges faced by the State party in ensuring effective coverage of and access by adolescents to sexual reproductive health services, including for the prevention of HIV and sexually transmitted infections;

(c) About the high level of tobacco and alcohol consumption among adolescents;

(d) That no comprehensive study to assess the nature and scope of adolescent health problems has been undertaken by the State party, including with respect to substance abuse and prevention of HIV/AIDS.

51. **In the light of its general comment No. 4 (2003) on adolescent health and development in the context of the Convention, the Committee recommends that the State party:**

(a) **Develop awareness-raising campaigns and programmes on the harmful effects of early pregnancy on the physical and mental health and well-being of girls and their babies, targeting households, local authorities, religious leaders and judges;**

(b) **Promote age-appropriate sex education targeted at adolescents as well as the wider community, with special attention paid to the prevention of teenage pregnancies and sexually transmitted infections, including HIV/AIDS;**

(c) **Adopt laws establishing a minimum age for alcohol consumption and tobacco use, and establish support programmes and services to address substance abuse, as well as intervention programmes and awareness-raising campaigns;**

(d) **Undertake a comprehensive study to assess the nature and extent of adolescent health problems, with the full participation of adolescents, as a basis for future health policies and programmes.**

### Standard of living

52. While noting the allocation of some financial assistance to families by the State party, the Committee is deeply concerned about the high rate of children living below the poverty line, which affects their enjoyment of many of the rights protected by the Convention, including the rights to health, to education and to social protection.

53. **The Committee urges the State party to:**

(a) **Intensify its efforts to address, both in the short term and in a sustained manner, the high level of child poverty, including by designing public policies and a national plan to combat child poverty;**

(b) **Strengthen all social protection programmes, in order to further improve outcomes for children, and poverty reduction strategies, in order to identify priority actions against the exclusion of children, with specific and measurable objectives, clear indicators, deadlines and sufficient economic and financial support;**

(c) **Partner with UNICEF and others to create a nationally defined social protection floor for access by children to basic services, as part of the Social Protection Floor Initiative of the United Nations.**

## **H. Education, leisure and cultural activities (arts. 28-31)**

### **Education, including vocational training and guidance**

54. The Committee welcomes the significant progress at all levels of education, the significant investment in the construction and rehabilitation of school buildings and the significant increases in budgetary allocations for education, including vocational education. The Committee, however, is concerned about:

(a) The low number of children enrolled in preschool, low enrolment rates in secondary schools, in particular in rural areas, the number of children out of school, repetition, especially at the pre-secondary level, and dropout rates, in particular among boys;

(b) The inadequate number of public schools, inadequate facilities, indirect costs of education, the insufficient number of professionally trained teaching staff, inadequate teacher training and materials and low literacy levels in Tetum and Portuguese;

(c) Insufficient access to education by children with disabilities, adolescent mothers, working children, orphaned children, children living in poverty and linguistic minorities;

(d) Sexual harassment and violence in schools, early pregnancy among adolescent girls and stigmatization and exclusion faced by such girls upon returning to school.

55. **In the light of its general comment No. 1 (2001) on the aims of education, the Committee recommends that the State party:**

(a) **Implement the National Policy Framework for Preschool Education and the related strategic action plan, and implement the pilot project establishing 12 preschools in remote communities in the Aileu and Ermera districts as part of the child-friendly schools initiative, and allocate sufficient financial resources for the development and expansion of early childhood education;**

(b) **Increase access to, retention in and completion of basic education through inclusive and better quality education, in particular for children with disabilities, children living in extreme poverty, pregnant teenagers, children living in remote areas and children who are members of minority linguistic groups;**

(c) **Continue to improve the accessibility and quality of education for all children, and provide high-quality training for teachers, with particular emphasis on rural areas;**

(d) **Continue to develop bilingual textbooks and teacher guides in all core subjects;**

(e) **Ensure access, especially for children in vulnerable situations, to education regardless of the ability to pay for indirect expenses, including by stepping up school grants and feeding programmes, and continue to expand capacity to address the shortage of school facilities;**

(f) **Mainstream gender equality policies in the education sector, ensuring that gender issues and sensitivity training are made an integral, substantive and**

mandatory component of all teacher training at all levels, and address the situation of violence and sexual harassment in schools.

**I. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)-(d) and 38-40)**

**Economic exploitation, including child labour**

56. The Committee welcomes the establishment of the National Commission against Child Labour in 2014 and the General Labour Inspectorate in 2010, as well as the implementation of the Programme to Eliminate the Worst Forms of Child Labour. The Committee is, however, concerned about the high number of children involved in labour, the majority of whom are found in agriculture, including the coffee sector, fishing, construction, domestic service, street and market vending and prostitution, as well as the situation of children forced to work as servants to settle outstanding debts of their families.

57. **The Committee recommends that the State party:**

(a) **Take measures to prevent children from being economically exploited by adopting legislation and policies to address child labour in both the formal and informal sectors and ensuring compliance with article 32 of the Convention, in particular by prohibiting the procuring or offering of a child for all illicit activities, including bonded labour, as well as dangerous work;**

(b) **Continue to raise awareness about the negative consequences of child labour through public educational programmes, including campaigns organized in cooperation with opinion leaders, families and the media, such as those to commemorate the World Day against Child Labour;**

(c) **Consider ratifying the International Labour Organization Minimum Age Convention, 1973 (No. 138);**

(d) **Seek technical assistance from the International Programme on the Elimination of Child Labour of the International Labour Organization.**

**Children in street situations**

58. The Committee welcomes the information regarding initiatives by the State party to address children in street situations. It is, however, concerned about the insufficiency of information and data on children in street situations and the lack of a policy in this regard.

59. **The Committee recommends that the State party:**

(a) **Undertake a comprehensive study of the root causes forcing children into street situations, such as poverty, family violence and lack of access to education;**

(b) **Develop a comprehensive strategy for the protection of children in street situations with the aim of preventing and reducing this phenomenon;**

(c) **Provide children in street situations with adequate protection and assistance for recovery and reintegration, including shelter, education and vocational training, adequate health-care services, including HIV/AIDS screening, and other social services, including substance abuse treatment programmes and mental health counselling.**

**Sale, trafficking and abduction**

60. The Committee commends the establishment of the inter-agency working group on trafficking, and notes that the draft law to prevent, suppress and punish trafficking in persons, which specifically addresses child victims and witnesses, is now before the National Parliament. The Committee, however, is concerned that the State party is a destination country for women and girls subjected to sex trafficking and has been a source country for adults and children for forced labour. It is also concerned about the lack of data on the number of children involved in sexual exploitation, including prostitution, child pornography and human trafficking, as well as the lack of information on the training of border and law enforcement officials to prevent trafficking.

61. **The Committee recommends that the State party:**

(a) **Adopt and implement the law to prevent, suppress and punish trafficking in persons; establish, approve and implement the national plan of action to combat human trafficking; and strengthen capacity-building initiatives aimed at improving the response of law enforcement officials regarding cases of human trafficking;**

(b) **Establish a monitoring mechanism for the investigation and redress of such abuses, with a view to improving accountability, transparency and the prevention of violations of the Convention, and ensure the effective prosecution and punishment of those who exploit children for the purposes of prostitution or forced labour;**

(c) **Continue to implement appropriate policies and programmes for the prevention of child sexual exploitation and the recovery and social reintegration of victims, ensuring that education and training, as well as counselling, health care and other social services, are provided to them, in accordance with the outcome documents adopted at the World Congresses against Commercial Sexual Exploitation of Children;**

(d) **Expand public education campaigns on identifying possible victims and perpetrators, preventive measures and avenues for assistance and redress, including the Global Code of Ethics for Tourism, within the tourism industry.**

**Administration of juvenile justice**

62. The Committee notes the information in the report of the State party that the juvenile justice regime is currently undergoing significant review and reform. However, the Committee is concerned about:

(a) The lack of information on the draft tutelary and education law for minors 12 to 16 years of age, and the draft law on a special penal regime for minors 16 to 21 years of age setting the age for juvenile justice protection at 16;

(b) The insufficient capacity and specialized training of personnel in child justice administration, including lawyers, judges, prosecutors, public defenders and correctional officers;

(c) The lack of data on legal assistance provided to children in conflict with the law, diversion programmes and alternatives to detention, such as community service and probation;

(d) The absence of data on the number of children held in police stations and pretrial detention and on the duration of detention before such children are brought before a judge or magistrate;

(e) The use of informal community mediation mechanisms to deal with serious cases of children in conflict with the law;

(f) The grouping together of juveniles and adult prisoners at the Becora prison, and the lack of a single juvenile centre.

63. **In the light of its general comment No. 10 (2007) on children's rights in juvenile justice, the Committee urges the State party to bring its juvenile justice system into line with the Convention and, in particular, recommends that the State party:**

(a) **Ensure that all children, by definition persons under 18 years of age, are protected by the juvenile justice system;**

(b) **Adopt a holistic and preventive approach to addressing the problem of children in conflict with the law and the underlying social factors, with a view to supporting children at risk at an early stage, including by expanding intervention programmes, vocational training and other outreach activities;**

(c) **Promote restorative justice and alternative measures to detention, taking into consideration gender differentiated programmes for boys and girls in conflict with the law, such as diversion, probation, mediation, counselling or community service, wherever possible, and ensure that detention is used as a last resort and for the shortest possible period of time and that it is reviewed on a regular basis with a view to withdrawing it;**

(d) **In cases where detention is unavoidable, ensure that adequate facilities exist for children in conflict with the law, that children are not detained together with adults, and that detention conditions are compliant with international standards, including with regard to access to education and health services;**

(e) **Provide effective rehabilitation services, including access to mental health counselling and substance abuse treatment, as well as effective social skills development and education, including vocational training programmes;**

(f) **Enhance the skills and specialization of all relevant actors in the juvenile justice system, including law enforcement personnel, lawyers, judges and social workers, strengthen the judiciary and strengthen training materials;**

(g) **Make use of the technical assistance tools developed by the Interagency Panel on Juvenile Justice and its members, including the United Nations Office on Drugs and Crime, UNICEF, the Office of the United Nations High Commissioner for Human Rights and non-governmental organizations, and seek technical assistance in the area of juvenile justice from members of the Panel.**

## **J. Ratification of the Optional Protocol on a communications procedure**

64. **The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the Optional Protocol on a communications procedure.**

## **K. Ratification of international human rights instruments**

65. **The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the Convention on the Rights of Persons with Disabilities and the International Convention for the Protection of All Persons from Enforced Disappearance. It also recommends that the State party ratify**

the optional protocols to the core human rights treaties deposited with the Secretary-General to which it is not yet party.

#### **L. Cooperation with regional and international bodies**

66. The Committee recommends that the State party cooperate with, among others, the Association of Southeast Asian Nations Commission on the Promotion and Protection of the Rights of Women and Children and the Community of Portuguese-speaking Countries.

### **IV. Implementation and reporting**

#### **A. Follow-up and dissemination**

67. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the combined second and third periodic reports, the written replies to the list of issues of the State party and the present concluding observations be made widely available in the languages of the country.

#### **B. Next report**

68. The Committee invites the State party to submit its fourth periodic report by 15 April 2020 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 31 January 2014 (CRC/C/58/Rev.3) and should not exceed 21,200 words (see General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.

69. The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific document (see HRI/GEN/2/Rev.6, chap. I) and paragraph 16 of General Assembly resolution 68/268.