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COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-seventh session

SUMMARY RECORD OF THE 1291st MEETING

Held at the Palais Wilson, Geneva,
on Thursday, 17 January 2007, at 10 a.m.

Chairperson: Ms. LEE

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The meeting was called to order at 10.05 a.m.

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

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

1. At the invitation of the Chairperson, the members of the delegation of Timor-Leste took places at the Committee table.
2. Ms. LOBATO (Timor-Leste) said that education was high on the Government's agenda and that its policy was to increase the number of schools in rural areas. However, the rural population was scattered in small, remote communities with low numbers of children, a lack of infrastructure and access problems but it planned to have a road system in place within five years to provide access to rural areas and allow more schools to be built. The Catholic Church had played a very important role in education and in 2007 had donated funds to supplement the Government's six-month education budget allocation of 600,000 United States dollars, which the Church had administered, specifically supporting education, health and professional training programmes.
3. Returning to the Committee's questions on health, she said that significant progress had been made over the previous five years in health-care provision, thanks to the enormous efforts of the Government, donor countries and NGOs. Almost all towns in Timor-Leste were currently equipped with health centres and there was a national hospital currently undergoing redevelopment, 5 hospitals at district level, 67 community health-care centres and 182 clinics.
4. Mr. VITAL (Timor-Leste) said that many people had returned to their native communities in rural areas following independence. Although building schools in remote, sparsely-populated areas posed difficulties in terms of access and lack of infrastructure, the Government had the political will to respond to needs and that was reflected in its annual budget allocation to education. Further financial assistance had come from bilateral and multilateral cooperation, for example from the United Nations Children's Fund (UNICEF) and the World Bank.
5. The CHAIRPERSON asked for clarification on the status of education for girls in Timor-Leste. The initial report indicated that more females than males over nine years of age were illiterate, which suggested that girls were less able to access education.
6. Ms. LOBATO (Timor-Leste) said that it was true that girls did not yet have the same opportunities as boys. In rural areas in particular, cultural beliefs dating back hundreds of years perpetuated the idea that men had more rights than women but the Government was determined to create policies to change people's attitudes to the issue of gender equality. Increasing public awareness was a key factor and she emphasized that Timor-Leste had received help and cooperation to try to overcome the problem.

7. Ms. AIDOO commended the efforts being made to change people's attitudes to female education. She suggested that a helpful strategy would be to create a community-based early childhood development programme for the under fives, which would enable older girls who were currently obliged to stay at home to look after younger siblings to attend school. It would also address Timor-Leste's previously-mentioned lack of provision for the very young.
8. The CHAIRPERSON said that research had shown that education was the key to overcoming poverty and educating girls was crucial in that respect. She asked the delegation what Timor-Leste's definite plans were for improving education and whether it would meet the Millennium Development Goals on literacy rates.
9. Ms. LOBATO (Timor-Leste) said that making school compulsory was the Government's first priority and, as an incentive and goodwill gesture, it was offering concrete help in the form of providing stipends, books, shoes, uniforms and hot school meals. It had also run a literacy and numeracy programme for about 2,000 adults, with good results.
10. Mr. FILALI was interested in the quality of education provided in Timor-Leste and requested information on class sizes, teaching methods and teacher recruitment procedures. He asked if there was an appropriate salary structure to ensure high teacher retention rates. He also asked if any textbooks were printed in Timor-Leste.
11. Ms. LOBATO (Timor-Leste) replied that there were 35 to 40 students to 1 teacher and, although no new teachers were currently being recruited, the Government recognized the need to train more. All existing teachers therefore attended an in-service training programme every afternoon and the first cohort of 80 teachers had recently graduated from the programme. With regard to teaching materials, the Government had received substantial financial aid from Portugal and Brazil and had allocated budget funds for printing textbooks and other teaching materials.
12. Mr. LICÍNIO BRANCO (Timor-Leste), responding to the remaining questions on health issues, said that, apart from establishing the new community-based health-care programme, the Government was promoting family health through the media, with the help of volunteers from the community. Provision included immunizations, family planning, antenatal, maternal and child health care. As a result, immunization coverage was improving and awareness of health issues was rising. In addition, women had set up self-support groups in communities, with the help of NGOs, to deal with maternal and child health. Breastfeeding was also being promoted and the national community police were working together with UNICEF to raise awareness among schoolchildren regarding alcohol and drug abuse and pornography.
13. Mr. CITARELLA said that States that had ratified the Optional Protocol on the sale of children, child prostitution and child pornography had an obligation to introduce the crimes specified in that Protocol into their national legislation. He noted that Timor-Leste had taken no action to introduce those crimes into its Penal Code since its ratification of the Optional Protocol, which implied that the Protocol was not being implemented there.

14. Ms. LOBATO (Timor-Leste) said that her Government would take his comments into consideration and would try to improve or adopt the necessary national laws to ensure that the Optional Protocol was fully implemented. However, she again asked Committee members to show their understanding of Timor-Leste's situation. The Government was keen to work very closely with the Committee to try to ensure that priority be given to drafting and adopting the most important laws as soon as possible.

15. Ms. SMITH said that, while the Committee sympathized with Timor-Leste's problems, it was obligated to introduce such legislation because it had ratified the Convention and its Optional Protocols. She asked to see a plan of the order in which Timor-Leste intended to introduce the different items of legislation needed to fulfil the requirements of the Convention and its Optional Protocols.

16. Mr. KOTRANE associated himself fully with the comments of the previous speaker. He commended the very positive preparatory steps that Timor-Leste had already taken but said that it had still done very little to actually implement the Convention and its Optional Protocols and the Committee had still not received a proper report of the steps Timor-Leste had taken towards implementation.

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; CRC/C/OPAC/TLS/1/Q/1)

17. Mr. HORNAI (Timor-Leste) said that at the time of ratifying the Optional Protocol, Timor-Leste already had a national law in place forbidding children under 17 from taking part in armed conflict. The Government had made great efforts to disseminate information on the provisions of the Protocol at both national and district level and to emphasize the importance of respecting the principles it embodied. To that end, information had been disseminated in Timor-Leste's official languages of Portuguese and Tetum and in its working languages of English and Indonesian, by way of national and local electronic and printed media and TV and radio stations. Despite its political will, the circumstances facing Timor-Leste, and in particular the major military crisis of 2006, had prevented it from fully implementing the provisions of the Protocol. However, it had adopted a law in 2001 forbidding anyone other than a member of the national police force or armed forces from possessing weapons.

18. Following the 2006 military crisis, it had drawn up a bill regarding martial arts, and legislation was in place to implement the provisions of the Protocol with regard to protecting the rights of both victims and perpetrators of offences. Under the law, the Prosecutor General's office represented the State in legal proceedings to protect the rights of victims, while the Office of the Provedor, an independent body established under the Constitution, was responsible more generally for representing the interests of citizens and combating the abuse of power. A number of NGOs were also actively engaged in defending victims of human rights violations. Prostitution was defined as a criminal offence in the Penal Code. The Government, which had

been in power for just six months, had spared no effort in upgrading the country's legislation; it had already drawn up some 33 bills, including an adoption law, that had been submitted to the Council of Ministers and the National Parliament.

19. Mr. CITARELLA, noting that Timor-Leste had been the scene of both domestic and international conflicts in recent years, asked whether the Government had a specific plan for the recovery and rehabilitation of children who had been caught up in such conflicts.

20. Ms. LOBATO (Timor-Leste) said that while there were no longer any children taking part in armed conflict in Timor-Leste, many were involved in unarmed criminal activity, such as stone-throwing and arson. The Government had drawn up a bill dealing with juvenile justice in order to address such problems. A number of local and international NGOs helped the Government to assist child victims of sexual exploitation or assaults, incest and rape. The Government had also drawn up a bill governing martial arts and sports associations, which had been adopted by the Council of Ministers and was currently being considered by Parliament.

21. Ms. AL-THANI said that according to the report, some children in rural areas were denied opportunities for education and employment. Who was denying them such opportunities, and what was being done to change the situation?

22. Ms. LOBATO (Timor-Leste) said that with respect to the denial of services to demobilized child soldiers, the report described the situation as it had stood in 2004. The Government unfortunately did not have a clear picture of the current situation.

23. Mr. ZERMATTEN (Country Rapporteur) asked whether the martial arts associations were informal armed groups, in which case they would be covered by the Optional Protocol, or gangs engaged in criminal activity, in which case they would fall under the purview of the future law on juvenile delinquency. Were they simply sports clubs that had sometimes drifted into violent or illegal activities? It was important for the Committee to understand how the Government considered such groups.

24. Ms. AL-THANI, noting that martial arts groups had reportedly been involved in the exploitation of children, asked whether the new bill would ban them altogether, or merely regulate their activities.

25. Ms. LOBATO (Timor-Leste) said that martial arts groups were in fact informal sports and cultural associations. During the recent political turmoil, they had been manipulated by various factions and had been incited to commit illegal acts. Such groups were not armed; the children who were members tended to identify with the groups' leaders, who currently had no formal status. The Government had decided to adopt a law on martial arts associations in order to provide a framework for their exercise of the right of association and to make the groups and their leaders more answerable for the actions of their members. The bill would be regulatory in nature and would not have the aim of banning the groups altogether.

26. Mr. FILALI asked whether the new law would prohibit the use and possession of weapons and munitions, or merely govern the everyday activities of the associations.

27. Ms. LOBATO (Timor-Leste) said that the bill in question governed only the activities of martial arts groups. An existing regulation banned the possession and use of weapons and munitions. The Government had recently put forward a proposal to replace that regulation with a legislative act.

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

28. Mr. LICÍNIO BRANCO (Timor-Leste) said that the Government currently lacked information on the sale of children, but would work closely with the social services on the subject. A working group on trafficking had been in existence for nearly five years, but its formal establishment had been delayed owing to recent political developments. Nonetheless, several steps had been taken to combat trafficking in children. The Government had updated the Penal Code to bring it into line with international treaties, and Government agencies were engaged in talks with international institutions such as the United Nations Integrated Mission in Timor-Leste (UNMIT), the United Nations Development Fund for Women (UNIFEM), the United Nations Children's Fund (UNICEF) and the International Organization for Migration (IOM) with a view to adopting more effective instruments. Training had been given to the police, the immigration service and the armed forces, and the Government had conducted awareness campaigns to combat trafficking, inter alia with a view to preventing corrupt practices.

29. Ms. AIDOO said that the delegation's replies underscored the problems that the Committee encountered with the lack of data and statistics. She urged the Government of Timor-Leste to consider undertaking a number of studies and surveys to collect information on the sale of children, trafficking in children, child prostitution and pornography. While the report did not contain any information on where the problems occurred, which groups were involved or how many persons were affected, such data were needed if strategies were to be planned. The National Directorate of Statistics should be directly involved as well as the State Secretariat of Labour and Solidarity. It was to be hoped that gathering such information would also be one of the priorities of the National Commission for the Rights of the Child once it was established in June.

30. Mr. CITARELLA said that the Committee also lacked information on the legal implications of offences under the Optional Protocol, for example the sale of a child by parents to a foreigner or the illegal adoption of a child by a foreigner.

31. Ms. LOBATO (Timor-Leste) said that to date, there had been no cases of the sale of children to foreigners by their parents. That did not mean that there were no provisions in the criminal law outlawing such practices, and the issue would be given further consideration when Timor-Leste drafted its new Penal Code so as to strengthen the rules prohibiting and penalizing the sale of children. She noted that three weeks previously, the Ministries of Justice, Foreign Affairs and Internal Administration had agreed to monitor borders with a view to protecting children from becoming victims of trafficking.

32. The CHAIRPERSON asked the delegation what was being done to combat the sexual exploitation of children and child prostitution.

33. Mr. HORNAI (Timor-Leste) said that public prosecutors were making every effort to combat prostitution and the creation of prostitution rings. Working with the police, they took measures to control the operation of brothels and investigate persons and organizations engaged in procuring. The Indonesian Criminal Code had had a number of loopholes in that regard; for example, it provided that persons were liable if they employed child prostitutes up to the age of 17, but that meant that the use of child prostitutes between 17 and 18 years of age was not punishable. Judges, prosecutors and lawyers had received training on those issues with the support of the United Nations Development Fund (UNDP). The new draft Penal Code, which had been submitted to the Council of Ministers, contained provisions on the exploitation of persons involved in prostitution. The various crimes which fell under the overall category of prostitution had not yet been defined, but studies had been conducted, and the courts could rule on all related offences.

34. Ms. LOBATO (Timor-Leste) recalled the close link between prostitution and poverty. The Penal Code contained provisions making prostitution and procuring a crime. To cite a recent example, a foreigner was currently in custody awaiting trial for involvement in a prostitution ring. The new Penal Code would contain more specific provisions to punish such acts.

35. The CHAIRPERSON said that the Committee was concerned not so much about criminalizing prostitution or its organization but more about criminalizing the exploitation of children for sexual services.

36. Ms. AIDOO pointed out that, in signing the Optional Protocol, Timor-Leste had committed itself to complying with its provisions, which required States to introduce legislation to prevent the exploitation of children for prostitution. She wanted to know whether the authorities provided children who had been victims of trafficking or prostitution with psychological, social or other assistance. It would also be useful to learn what legal measures existed to protect child victims who were asked to testify in their own cases.

37. Ms. SMITH reminded the delegation that in order to be in compliance with the Optional Protocol, Timor-Leste legislation prohibiting child prostitution must cover children up to the age of 18. The Optional Protocol did not concern itself with the prohibition of prostitution, but with the exploitation of children.

38. Ms. KHATTAB (Alternate Country Rapporteur) was aware that poverty alleviation took time to achieve results, but a country could not wait to make progress in fighting poverty before it took action to protect the rights of children. There was a minimum core package which a country could immediately begin to implement. The solution to combating prostitution lay in education. Poor States must give top priority to ensuring that vulnerable children had access to free, quality education and did not drop out of school. It was important to make poor families and children aware of the benefits of education so that they did not resort to prostitution. Fighting prostitution through criminal sanctions was not enough.

39. Ms. ORTIZ sought information about the child protection networks which, according to the delegation, existed in several districts. She asked who was involved in those networks, what initiatives they had carried out, how were they trained and how children were taught to defend themselves from exploitation, sale, prostitution and pornography.

40. Mr. POLLAR pointed out that in his own country, Uganda, the tendency had been to decriminalize prostitution and to focus on punishing the sexual exploitation of children.

41. Ms. LOBATO (Timor-Leste) said that the State Secretariat of Labour and Solidarity was responsible for looking into those issues. A number of NGOs active in the area received financial support from the Government. To the extent possible, the State Secretariat of Labour and Solidarity gave assistance to victims. Seven Public Defenders provided legal assistance to persons who could not afford to pay for a lawyer; another three were being trained. A department in the police force was also being trained to deal with those issues.

42. In view of the many laws awaiting passage, the Government had decided to ratify a number of conventions and protocols as quickly as possible. The problem was lack of resources; Timor-Leste sought technical assistance in elaborating the laws and mechanisms needed to incorporate the Optional Protocol into its domestic legal system. In that connection, her Government hoped to continue to benefit from the support of UNICEF and UNDP, as well as from bilateral development projects.

43. Ms. AIDOO suggested that the Government should try to set priorities among the many laws that needed to be dealt with. Some of the laws went together. For example, Timor-Leste had not ratified International Labour Organization (ILO) Convention No. 138 concerning Minimum Age for Admission to Employment or Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, which fitted in very well with the Optional Protocol.

44. Mr. KOLTRANE, on a methodological point, said that it would have been preferable for the Government to have first implemented measures and mechanisms on the basis of cooperation with international organizations and the opinions of jurists and other experts prior to discussing the results with the Committee, because it would then have been possible for the Committee to assess the progress made and to offer suggestions for future action.

45. Ms. ORTIZ asked whether Timor-Leste might consider elaborating a national initiative for the implementation of the Convention and its two Optional Protocols.

46. Ms. LOBATO (Timor-Leste) thanked the members of the Committee for their comments and for their suggestions on ways of improving the protection of children's rights in the country's legislation. She would communicate those suggestions to her Government; many of them could no doubt be incorporated into the national development plan.

The meeting was suspended at 12 a.m. and resumed at 12.15 p.m.

47. Ms. LOBATO (Timor-Leste) said that her delegation would take account of the valuable suggestions made by members of the Committee. Timor-Leste faced many challenges in terms of constructing its infrastructure and institutions, introducing legislation, and developing social assistance for a young population in need of support. The country would continue to rely on the technical and specialized assistance of the United Nations in order to achieve its objectives, particularly when it came to drafting new legislation. The future of Timor-Leste lay in its children, and the country would strive to build a better future for them.

48. Ms. KHATTAB (Alternate Country Rapporteur) thanked the delegation of Timor-Leste for its constructive dialogue with the Committee, which was fully aware of Timor-Leste's limitations. She hoped that the country's efforts would extend to the actual implementation of the rights of the child as contained in the Convention.

49. The Committee's concluding observations would emphasize that, even with its very limited resources, the Government was required to put in place a minimum core package of implementation measures immediately. Such measures would need to be multi-sectoral, because the nature of children's issues meant that they could not be tackled effectively in isolation. Generally speaking, Timor-Leste would need to draw on the resources of the United Nations and other development partners.

50. The Committee's concluding observations would clarify the action to be taken by the Government. It should, as a matter of urgency, establish a legal framework compliant with the Convention, regardless of whether it opted for a separate children's code. The Government should ensure that the National Commission for the Rights of the Child was given an adequate mandate and sufficient resources. It should draft a national plan of action for guaranteeing children's rights, based on the outcome document "A world fit for children" adopted by the General Assembly at its special session on children held in May 2002 and the declaration of the commemorative high-level plenary meeting devoted to the follow-up to the outcome of the special session on children.

51. The Timorese Government should begin to implement a data collection system. Data should be disaggregated in a way that made it possible to concentrate on the rights of marginalized children and eliminate all forms of discrimination. Children should be made visible in the State budget, through rights-based budget tracking, and in international assistance programmes. Civil society should be involved not only in the implementation of children's rights, but also in planning and policy formulation. In addition, the Government should act immediately to tackle the problem of birth registration, in order to ensure that every child was registered at birth free of charge.

52. The Government should support vulnerable families by making education compulsory and ensuring that there were no hidden costs or disincentives for poor families to send their children to school. With regard to health, close attention should be paid to infant, under-five and maternal mortality rates and deaths from preventable diseases. As a matter of priority, special protection should be made available for street children, displaced children, and those who were victims of the crimes covered by the two Optional Protocols to the Convention.

53. She commended the delegation of Timor-Leste for ensuring that the Convention would be translated into other languages; the Committee's concluding observations would also need to be translated and distributed to decision makers within the Government so that they were aware of the benefits of investing in children from an economic and human rights perspective. Achieving democracy and peace would further help to strengthen children's rights.

54. The CHAIRPERSON, referring to the Optional Protocol on the involvement of children in armed conflict, thanked the delegation of Timor-Leste for the early submission of their report on the Optional Protocol. The Government should take steps to criminalize the recruitment - voluntary or otherwise - of under 18s into the military forces. Birth certificates should be required as proof of age. Timor-Leste should implement a mechanism to ensure that child soldiers and children affected by conflict in the years prior to independence had access to counselling and services to facilitate their reintegration into society. The Optional Protocol should be disseminated to all parents and relevant departments and ministries. The concluding observations of the Committee should likewise be widely publicized and shared with adults and children alike.

55. Ms. AIDOO noted that the delegation had demonstrated the political will of the Government to do its best for children, and had shown appreciation of the Committee's concerns about the urgency of implementing children's rights. Despite the many difficulties it faced, Timor-Leste had the opportunity to lay solid foundations for the implementation of its legal obligations under the Optional Protocol on the sale of children, child prostitution and child pornography.

56. One area of concern to the Committee was the lack of data and statistics available in Timor-Leste. The Government should work with the National Directorate of Statistics and National Commission for the Rights of the Child to develop a database as soon as possible, as the Government needed information and statistics in order to develop policies, strategies and programmes to protect children and prevent offences against them.

57. With regard to legislation, article 3 of the Optional Protocol required States parties to ensure that offences against children were fully covered by criminal or penal law. The recommendations of the Committee would make clear the procedures that needed to be adopted in order to protect children who were victims of the crimes covered by the Optional Protocol. A focused programme was needed to raise awareness of the Optional Protocol on the sale of children, child prostitution and child pornography at all levels of Government and among professionals working with children. Parents should be informed of the consequences of selling their children or involving them in prostitution, and, most importantly, children should be made aware of their rights. The Government should provide psychological and physical support to children who had been victims of the crimes covered by the Optional Protocol, and ensure their social integration in cases where they were stigmatized due to their involvement in prostitution or trafficking.

58. Timor-Leste should take steps to adopt the National Plan of Action on Human Trafficking. It should ratify ILO Convention No. 138 concerning Minimum Age for Admission to Employment, ILO Convention No. 182 on the Worst Forms of Child Labour, and the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

59. Since the Optional Protocol covered issues that were mainly visible at the level of the community or family, the Government should interact more with NGOs, which tended to have

considerable influence in those spheres. Since a large proportion of the population of Timor-Leste was under 18, it was crucial to ensure that childrens' rights were protected and that children were not lost or damaged as a result of the crimes covered by the Optional Protocol.

60. The CHAIRPERSON said that she hoped that the delegation had found the dialogue with the Committee fruitful, and that its observations would help the Government to lay the foundations for its legislation, policies and programmes. The case of Timor-Leste had demonstrated that moments of crisis opened up new possibilities, and she was confident that Timor-Leste had every opportunity to be a country fit for children.

The meeting rose at 12.45 p.m.