



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

Forty-seventh session

SUMMARY RECORD OF THE 1289th MEETING*

Held at the Palais Wilson, Geneva,
on Wednesday, 16 January 2008, at 10 a.m.

Chairperson: Ms. LEE

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* No summary records were issued for the 1286th, 1287th, and 1288th meetings.

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

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 5)

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

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), introducing her country's initial report (CRC/C/TLS/1), said it was a milestone for Timor-Leste that marked an important step towards the implementation of the Convention and its Optional Protocols. Since gaining independence in 2002, Timor-Leste had sought to prioritize human rights, and that was reflected in its Constitution. However, as a young and poor country, Timor-Leste did not have established mechanisms for data collection, and the reporting process had been a challenging one. While Timor-Leste was committed to safeguarding children's rights, the implementation of policies was a gradual process that depended on the availability of resources. The Government had been forced to establish priorities and was currently taking steps to improve education and health. It was expected that the National Commission for the Rights of the Child would be operational by June.
3. Timor-Leste needed a comprehensive and consistent legal framework that would serve as a basis for implementing the rights of the child. Her delegation understood the importance of reflecting such rights in the Civil Code, the Penal Code and the Children's Code, which were at various stages of drafting and approval. Although it faced challenges such as poverty, insecurity, violence and displacement, Timor-Leste had the opportunity to incorporate the rights of the child into government structures, budgets and programmes and to ensure that they were protected by the legal system. The country was making progress in many respects, and would welcome the guidance of the Committee regarding further implementation of the rights of the child.
4. Mr. ZERMATTEN (Country Rapporteur) commended Timor-Leste for placing human rights at the heart of its development. It was encouraging that the National Commission for the Rights of the Child would soon become operational and that Timor-Leste prioritized children's issues. Timor-Leste had submitted its initial report to the Committee in good time, despite a crisis in 2006, which had resulted in the displacement of many children and would have a negative impact on their future and on the enjoyment of their rights.
5. He welcomed the progress made in introducing new legislation, such as the Children's Code, the Penal Code and the Civil Code, and laws on adoption, education and labour, and he commended the country for having incorporated the Convention and its two Optional Protocols into domestic law. The creation of a Central Civil Registry and an Ombudsman for Human Rights and Justice, and the publication of a mother and child handbook to educate parents about their responsibilities, were laudable initiatives. He particularly welcomed Timor-Leste's ratification of the seven human rights treaties, including their optional protocols, and of the Rome Statute of the International Criminal Court.
6. He wished to know whether the Convention was directly applicable by the judicial and administrative authorities in Timor-Leste, and whether it had already been directly invoked in

their decisions. The delegation should provide information about the progress achieved in studying the compatibility of national laws and draft legislation with the Convention, and indicate whether the technical assistance of the United Nations would be useful in that regard.

7. Since Timor-Leste had laws that dated from the Indonesian occupation and the Portuguese colonization in addition to those adopted by the National Parliament, it was important to clarify which type of law was applicable in terms of protecting children's rights. It would be interesting to know how civil law and tradition interacted. The Government should accelerate the process of adopting key legislation, such as the Civil Code and the Penal Code, which had a direct impact on the implementation of the rights contained in the Convention. He would welcome further information on the progress made in adopting the Civil Code, the Penal Code and the Children's Code.

8. It was unclear what specific objectives and resources had been agreed in order to implement the National Development Plan. He wondered how it was connected to the National Human Rights Action Plan, and what progress had been made in that regard.

9. The delegation should provide information about the links between the Office of the Provedor and the new commission for the Rights of the Child envisaged by Timor-Leste, as their respective roles were unclear. He wondered whether the Provedor or his colleagues were specialized in children's issues and whether children were allowed direct access in the event that their rights were violated. It was unclear to what extent the Office of the Provedor was independent and decentralized.

10. The delegation should indicate whether NGOs in Timor-Leste had been involved in drafting the report and what relationship they had with the Government. In terms of international cooperation, he wondered what was likely to happen when the United Nations and the other international organizations providing support to Timor-Leste withdrew.

11. Ms. KHATTAB (Alternate Country Rapporteur), commenting on the general measures of implementation, said that Timor-Leste should prioritize the Children's Code in order to create one law bringing together all legal provisions that maximized the protection of children. Specialists would be needed to draft and implement the code and she recalled that in 2006 Timor-Leste had begun a programme of training children's rights judges and defenders. Having found no reference to that programme in the report, she wondered whether it had gone ahead. She commended the proposed launch of the National Commission for the Rights of the Child and requested an answer to the Committee's question on whether the Provedor would be independent from the Government. With respect to budget allocations, she reiterated the Committee's request for data and also asked for information on the situation regarding international cooperation. She wished to know if there were any difficulties in securing foreign aid, who decided how such aid was allocated, since most donors insisted on there being a human rights component, and whether specific reference was made to children's rights. She asked how the Committee might help Timor-Leste ensure that children's rights appeared in its international cooperation agreements.

12. Turning to the definition of the child, she asked for clarification of the meaning of "light work". She also asked at what age children completed their basic, compulsory education, adding that they should not enter the labour market before completing such education. She said that the age for sexual consent and marriage for girls, at 15 years against 18 years for boys, was too low

and highly discriminatory and she asked what steps Timor-Leste was taking to raise those age limits. She also requested information on reports that some police were unaware, or did not respect, the minimum age for criminal responsibility, on why there was no minimum age for purchasing and smoking cigarettes, for accessing medical services without the approval of parents, for inheriting property or for giving testimony in court. Timor-Leste was currently drafting legislation to protect children working in the formal economy but no information had been given on children working in the informal economy and whether they would be protected.

13. With regard to general principles, she concurred with previous comments that non-discrimination seemed to be a problem and that certain categories of children were still subject to discrimination. For example, the children of former militia that had supported Indonesians were refused entry to schools in some remote areas. She asked whether there was societal discrimination against girls and whether any special educational programmes for girls had been established to help counteract the high female absence and drop-out rates. As for the principle of acting in the best interests of the child, she admired Timor-Leste's frankness in admitting that implementing the principle in judicial and administrative procedures was still a problem due to cultural differences. However, cultural differences were often used to justify discrimination and she would like more information on the country's range of cultural variations. She urged Timor-Leste to add special child protection to its priorities of sanitation, health and education.

14. Turning to the issue of registering births, she requested an update on progress made and details of items appearing on birth certificates but not on baptism certificates. She asked for clarification regarding paragraph 48 of the initial report and whether a child was given the name of the father without the latter's consent. Would the child receive any benefits or rights later on, such as maintenance and inheritance? She also asked for information on progress in early childhood development, since only 2 per cent of children were covered by the programme. Lastly, she requested an update on the status of the 2004 Memorandum of Understanding between the Governments of Timor-Leste and Indonesia to protect the rights of children separated from their families as a result of the 1999 forced deportation.

15. Mr. PURAS said that cooperation between government agencies and civil society was a prerequisite for the development of a healthy society and should be based on trust. As a young country, Timor-Leste was following a well-trodden path whereby, after a honeymoon period of good relations between governmental and non-governmental bodies, there sometimes followed a difficult and unavoidable period of conflict, confrontation, misunderstanding and mistrust. Civil society should be nurtured and NGOs respected, especially those daring to criticize or refuse to show loyalty to the Government. He requested Timor-Leste to provide further information on its achievements and challenges in attempting to build a civil society, in particular on what problems had emerged, how it had resolved them and how they would be resolved in a systemic way in the future.

16. Mr. KOTRANE asked for clarification of the exact role of the National Commission for the Rights of the Child and whether it was a high-level policy drafting committee or a monitoring body that would operate as a children's ombudsman. He wished to know how the two roles would be separated and coordinated. Would the Ministry of Education and Culture's national policy for young people cover every aspect of children's rights or would it be better to have a global action plan involving all government ministries and NGOs? Turning to the

definition of the child, he requested clarification regarding the age below which a child could be prosecuted, which he understood to be 12, although paragraphs 23 and 228 of the core document (pages 14 and 59 respectively) appeared to be contradictory in that respect.

17. Ms. VUCKOVIC-SAHOVIC, referring to poverty and its consequences, asked for an update on how Timor-Leste saw its economy improving, as some indicators were unfavourable with respect to children and the implementation of the Convention. She requested clarification on rural population statistics, as there was a discrepancy in the figures given in paragraphs 523 and 526 of the core document. It was important to know precise figures because children living in rural areas were more exposed to violence and poverty. She expressed concern at Timor-Leste's lack of a social security system and asked what was being done to rectify the situation. As for the problems related to data collection, she wondered whether better methods might be tried and requested an update on the progress of the development information system and on cooperation between UNICEF and the Government in collecting disaggregated data on children. She said that Timor-Lest should aim to have fully disaggregated data on children available for its next report to the Committee.

18. Mr. POLLAR asked why the number of births recorded in hospital documentation was higher than the percentage of women who reported delivery. What impact did teachers' preference for accepting baptism certificates have on school entry refusals, and how far had government discussions progressed regarding the introduction of civil registration? He requested clarification on mobilization measures with regard to registering births. Turning to religious education in schools, he asked for an update on discussions regarding the two religions that were not yet taught in schools. Only three religions were currently taught, even though the Constitution recognized five, and he wished to know how that affected children's rights. With regard to the right to freedom of expression, he asked for information on children's access to electronic and printed media to express their views and on school provision for allowing children to air their views, such as school councils, etc. He also asked about the status of the new Criminal Code and the Law on Assembly and Demonstration and their effects on children's rights, in particular their impact on the right of children to freedom of expression.

19. Ms. KHATTAB asked whether Timor-Leste had participated in the United Nations "A World Fit For Children Plus 5" meeting held in December 2007, and what Timor-Leste was doing to protect the rights of children born as a result of incest. She would welcome further information concerning the high mortality rates for infants and children under five. She asked how members of the Children's Parliament were chosen, and how the Parliament's agenda was selected.

20. Mr. FILALI requested details of how the rights of children to express their views freely, as enshrined in article 12 of the Convention, were guaranteed in practice, and how a culture conducive to that freedom of expression was being developed.

The meeting was suspended at 11.20 a.m. and resumed at 11.55 a.m.

21. Ms. LOBATO (Timor-Leste) said that freedom of religion was guaranteed under article 12 of the Constitution, and that a good relationship existed between Catholics (the predominant faith) and those who practised other religions, such as Islam, Protestantism, Hinduism and Buddhism. With regard to birth registration, she said that private schools were generally

governed by religious institutions. Sometimes those institutions required a child's baptism certificate to be produced for the purposes of enrolment, but it was not compulsory. The Office of the Ministry of Justice was responsible for providing birth certificates, for which a baptism certificate was not required; testimony from two persons declaring the child to be Timorese was sufficient.

22. A memorandum of understanding had recently been signed between the Government, the Church and other religious institutions, and civil society, to work together in the area of birth registration. With the support of the United Nations Children's Fund (UNICEF), work had already started in 12 districts on the registration of children under the age of five, and was soon to be extended to the capital, Dili. To date, a figure of over 160,000 children under the age of five had been recorded.

23. The Ministry of Justice contained a directorate for the drafting of legislation and another for the dissemination of information. With the support of UNICEF, research and consultation had recently been completed with a view to drafting legislation in the area of juvenile justice. The drafting process would commence as soon as possible.

24. She clarified that under the draft Penal Code, which was currently awaiting approval by Parliament, the age of criminal responsibility was 16. Civil society and non-governmental organizations (NGOs) had been consulted on that issue and their views would be taken into account in refining the relevant legislation.

25. With regard to traditional justice issues, the Constitution stated clearly that while customary law was recognized, it would automatically be rendered null and void in cases where it violated international instruments or fundamental rights. The problem was that greater dissemination of those international instruments was required. To that end, training was being provided in the Office of the Public Defenders on the rights of the child, including on implementation of the Convention.

26. The five million US dollars allocated in the Government's annual budget to NGOs illustrated the good relationship it enjoyed with those organizations. A special adviser for civil society, appointed by members of civil society, was attached to the Office of the Prime Minister. The Ministry of Justice also had a specific budget to work with local NGOs in areas such as disseminating knowledge of legal instruments.

27. The Government was committed to reducing poverty - rural poverty stood at 46 per cent and urban poverty at 26 per cent - but faced enormous challenges such as high levels of unemployment, dependence on subsistence farming, a small private sector, limited resources, large households, lack of basic infrastructure and the inability to meet basic needs. The continued support and assistance of the international community was therefore essential and should be channelled into the priority areas and programmes designated by the Government. Under the National Human Rights Action Plan those priority areas were: education, health, justice, security, agriculture and infrastructure. Detailed information on the Government budget allocated to those areas would be forwarded to the Committee.

28. She confirmed that some Indonesian laws were still being used while new legislation was under preparation. Once Parliament had ratified an international convention, it automatically came into force. International assistance was required, however, to ensure greater dissemination of those instruments and other laws, which were not always applied owing to lack of awareness.

29. Under article 27 of the Constitution, the Office of the Provedor was an independent, constitutional body established to deal with citizens' complaints of human rights violations in general, but not children's rights specifically. The Office of the Provedor forwarded the results of its investigations to the Office of the Prosecutor General, and was independent from the envisaged National Commission for the Rights of the Child, which would have both a monitoring and policy-making function and would be set up as soon as possible.

30. Mr. KOTRANE said that the functions of the National Commission for the Rights of the Child should not include monitoring in addition to its policy-making and coordination activities. Rather, an independent monitoring body should be established, for example within the Office of the Provedor, and mandated to receive complaints from parents - or from children themselves - relating to violations of the rights of the child.

31. Ms. LOBATO (Timor-Leste) said that, while the Office of the Provedor had not, to date, received any complaints from children, she welcomed the idea of establishing a special department within that institution to deal specifically with monitoring implementation of the rights of the child.

32. The CHAIRPERSON endorsed the comments made by Mr. Kotrane regarding the need for both a coordinating body for children's affairs and an independent monitoring body.

33. Ms. LOBATO (Timor-Leste) said that she did not believe that there was discrimination against children belonging to former pro-Indonesia militants. She would look into that matter in more detail, however, and would forward the results of her enquiries to the Committee. Some Timorese citizens had chosen to remain in Indonesia and acquire Indonesian citizenship.

34. Mr. CITARELLA asked whether customary law discriminated against children born out of wedlock or permitted marriage at a very early age.

35. Ms. LOBATO (Timor-Leste) said that the Constitution recognized customary law, but it was often quite difficult to implement customary law in practice. Timor-Leste was a poor country and had to give priority to meeting the basic needs of the people in terms of food, housing, security and schooling for children. Her Government was committed to addressing the specific questions that the Committee had raised. Customary law had existed for more than 400 years in the colonial period under Portugal and for 24 years under Indonesia. A lack of laws, infrastructure and human resources were obstacles to meeting the basic needs of the people. Her delegation did not have specific data on the questions posed, but the comments made by members of the Committee would be very useful.

36. Education in Timor-Leste was compulsory and free for all children between the ages of 6 and 15. Most schools had student councils, which met regularly and at which children took part in debates and elected their own representatives. Timor-Leste did not yet have a children's parliament, but the President had stressed the need to establish such a body.

37. Ms. ORTIZ expressed her deep respect for the efforts made in Timor-Leste in the area of institution-building, but she was concerned that in a country in which half of the population was under 18 years of age, childhood did not seem to be a priority issue. She enquired whether any consideration had been given to drafting a children's code and whether it was planned to set up a body to coordinate the work of the various ministries on implementing the Convention.

38. Mr. ZERMATTEN (Country Rapporteur) requested the delegation to provide some insight into the problem of domestic violence and the issue of corporal punishment, which was widely tolerated, including in schools. With regard to social services, he noted that, according to paragraph 660 of the core document there were only six social workers for the entire country, who were all located in the capital and were not very specialized. Notwithstanding financial difficulties, the Government should attempt to create a larger team of social workers who were specialized in the areas of the social services, health care and juvenile justice.

39. He was concerned about the problem of street children in Timor-Leste, because they were at risk of becoming the victims of economic or sexual exploitation. He called on the Government of Timor-Leste to work on preventive measures as well as programmes to occupy and shelter such children.

40. He then turned to the question of the age of criminal responsibility which according to the delegation had been set at 16. However, paragraph 23 of the initial report stated that children could be imprisoned for serious crimes from the age of 12. He urged the Government of Timor-Leste to set a clear age limit for such cases. If the age of criminal responsibility was 16, that meant that children between the ages of 16 and 18 were treated as adults and did not benefit from the protection of the Convention. In that connection, he referred to the Committee's general comment No. 10 (2007) on children's rights in juvenile justice, which might be very useful in preparing legislation on the subject.

41. Ms. KHATTAB (Alternate Country Rapporteur) said that she was still awaiting replies to her earlier questions, because they touched on education and health. She urged the Government of Timor-Leste to give priority to special protection, and she would also like to know what steps had been taken to implement the United Nations Secretary-General's Study on Violence against Children.

42. Ms. SMITH said that the replies of the delegation and the content of the initial report testified to Timor-Leste's commitment to protecting the rights of the child. The delegation had stressed the high priority of education. She enquired whether there was a legislative framework that guaranteed free education for all and whether the Government had a special education policy. According to the delegation, education was free of charge, but paragraph 652 of the core document stated that the Government was considering the introduction of school fees. She sought clarification on that point. She would also like to know what the policy was for training teachers and whether there were any programmes for improving their skills, and she enquired whether there was a lunch programme for schoolchildren and whether any attention was given to the special problems of rural schools, which were often so far away that children could not walk to them.

43. Mr. KRAPPMANN said that he was impressed by the reconstruction of the educational system of the country, but noted that a number of problems remained. He would like to know more about the early learning and pre-school programmes in Timor-Leste and how the Government planned to increase the enrolment in such programmes and improve the quality of early education. He also requested information on why primary and secondary school enrolment rates were so low. Did those schools prepare children for life? Were they culture-sensitive? He pointed out that corporal punishment, which was permitted in schools, might drive children away. According to some information, children often had only two or three classes per day, and he asked what efforts were being made to increase the time spent by children in school. He also asked what became of adolescent dropouts and children who had never attended school. Was it correct that very few children received vocational training? Were dropouts from primary and secondary schools admitted to vocational training institutions? It would be useful to learn where social workers were trained and whether the country had sufficient capacities to meet that need. Lastly, he asked for further details about the language problem in schools as that affected the overall policy towards languages of communication in the country.

44. Ms. AL-THANI also focused on the problem of low enrolment rates in primary and secondary schools. According to the report, parents often could not afford to enrol their children in school, and she wondered whether the Government had given consideration to providing scholarships to children from poor families. While paragraph 173 of the initial report had referred to the “100 Friendly Schools” project initiated with the support of the United Nations Children’s Fund (UNICEF), paragraph 174 had observed that there were no plans to expand the programme to other schools; that being the case, she wondered how Timor-Leste intended to meet the need for more schools in rural areas.

45. She welcomed the efforts made in preparing child-centred and values-based curricula and the Government’s intention to give greater importance to indigenous culture and have classes that dealt with human rights and gender-equality issues. She expressed concern, however, at the findings of a study, referred to in paragraph 195 of the initial report, about inhuman disciplinary treatment of children in schools, and she asked what legal measures were being taken to address the issue. According to the initial report, the study had identified a range of positive and affirmative practices that could be employed in schools, and she wondered whether the Government planned to draw on the study to issue a ministerial decision to cope with the problem. Lastly, she enquired whether the Government was taking any measures to prevent violations of children’s rights in the area of sports.

The meeting rose at 12.55 p.m.