



**Convention on the
Rights of the Child**

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COMMITTEE ON THE RIGHTS OF THE CHILD
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**WRITTEN REPLIES BY THE GOVERNMENT OF TIMOR LESTE
CONCERNING THE LIST OF ISSUES (CRC/C/TLS/Q/1) RECEIVED BY
THE COMMITTEE ON THE RIGHTS OF THE CHILD RELATING TO
THE CONSIDERATION OF THE INITIAL REPORT OF
TIMOR LESTE (CRC/C/TLS/1)***

[Received on 9 January 2008]

Introduction

1. The Democratic Republic of Timor-Leste is committed to the observance and protection of international human rights. Under the Constitution of Timor-Leste, it is a fundamental objective of the State to guarantee and promote fundamental rights and freedoms for citizens (section 6 (b)). Timor-Leste has ratified all seven core human rights treaties, including the Convention on the Rights of the Child and the two Optional Protocols.
2. Recently, already limited national capacities have been further stretched by resources required by the crisis of 2006 and the governmental restructuring of 2007. As a new country, Timor-Leste has little pre-established experience with treaty reporting to draw upon, and the process is also impeded by limited available data across the sectors. These combined factors have affected the pace at which progress has been made on initiatives aimed at the full implementation of the Convention on the Rights of the Child and the two Optional Protocols.
3. The responses to the questions set by the Committee on the Rights of the Child are based on the fullest information available at the time of writing.

PART I

A. Data and statistics

Question 1 (CRC/C/TLS/Q/1, para. 1)

4. According to the 2004 census produced by the National Statistics Directorate, children constitute approximately 50 per cent of the population of Timor-Leste. The National Statistics Directorate is working with limited financial resources and staff capacities and is regrettably unable to provide detailed disaggregated statistical information at this time. The Ministry of Finance and Planning, in cooperation with United Nations agencies, is in the process of setting up a development information system (DevInfo). Poverty reduction is a key focus area in this respect, and the aim is to also provide disaggregated statistical information on particular vulnerable groups, including children.

At present, it is not yet possible to provide an accurate indication of the number of children living below the national poverty line.

Question 2 (CRC/C/TLS/Q/1, para. 2)

5. At the time of writing, it has not been possible to obtain this information from the Ministry of Finance and Planning.

B. General measures of implementation

Question 1 (CRC/C/TLS/Q/1, para. 1)

6. The Government is in the process of drafting the Code of the Rights of the Child. The draft of the Civil Code has been submitted to the Council of Ministers for

review prior to approval. The draft Civil Code contains several provisions of relevance to the rights of the child:

- The right of the child to be provided for by his or her parents. This includes the right to food;
- The right to a name;
- The right to be registered in the Civil Registry;
- The right to be subject to parental authority until the age of majority or independence from the parents;
- The right to be under State protection, if the parents are deceased or otherwise unable to exercise parental care;
- The right to education, health and security;
- The right to freedom of expression and to state his or her opinion in important family matters;
- The obligation of the parents to promote their children's intellectual, moral and physical development;
- The right of the parents to determine the religion and education of children below the age of sixteen years.

7. Besides these general rights included in the draft of the Civil Code, there are also other complementary laws, in draft form, which refer to the legal substance and the legal procedure in cases of adoption, exercise of parental authority and the establishment of the guardianship of minors.

Question 2 (CRC/C/TLS/Q/1, para. 2)

8. There is currently no set date for the enactment of the draft legislation regarding children. The draft is under continual development, and it is envisaged that the drafting process will be completed within the next year. As the Convention on the Rights of the Child is an international treaty which has been ratified by Timor-Leste, it already forms part of the domestic legislative framework of Timor-Leste. The purpose of the draft legislation is to give practical effect to the commitment of the Government in respect of the Convention, and it therefore follows that the legislation will be drafted in such a way as to ensure compatibility with the Convention. The various legislative drafts will work to support the practical implementation of the provisions of the Convention in practice.

Question 3 (CRC/C/TLS/Q/1, para. 3)

9. At the time of writing, it was not possible to identify any case before the domestic courts where the Convention has been invoked, although it cannot be conclusively confirmed that there have been no such cases.

Question 4 (CRC/C/TLS/Q/1, para. 4)

10. The main Government institution for the collection of statistical data is the National Statistics Directorate; however, as stated above and in the State party report, its ability to fulfil this function fully depends on the availability of resources, which are limited at present. The development information system (DevInfo) which the Ministry of Finance and Planning is developing in cooperation with United Nations agencies aims to support the Ministry's national development planning with a primary focus on poverty reduction. At present, there are no data collection mechanisms in

place specifically for the implementation of the Convention. However, human right focal points are used to gather information in respect of human rights generally, including children's rights. Furthermore, it is envisaged that the National Commission for the Rights of the Child will also strengthen the data collection mechanism.

Question 5 (CRC/C/TLS/Q/1, para. 5)

11. The Office of the Human Rights Advisor, now operating under the Ministry of Justice, coordinates implementation measures to be taken by the National Division of Social Reinsertion (DNRS, formerly the National Division of Social Services) of the Ministry of Social Solidarity (formerly the Ministry of Labour and Community Reinsertion) and the Ministry of Education and Culture. The National Division of Social Reinsertion cooperates with several international and national agencies in respect of implementation measures.

Question 6 (CRC/C/TLS/Q/1, para. 6)

12. Due to the recent post-election changes in the governmental structure, the Office of the Advisor on Human Rights has been moved from the Office of the Prime Minister to the Ministry of Justice, resulting in a delay in the establishment and activation of the National Commission for the Rights of the Child. However, an ad hoc Committee has been set up to prepare the final establishment of the National Commission on the Rights of the Child. No date has been set for the final establishment, as this depends on the availability of resources; however, the aim is to establish this body as soon as possible. As decreed by the Prime Minister in 2005, the mandate of the National Commission includes the implementation and application of the Code of the Rights of the Child, currently in the drafting stage. Its mandate also includes advising Government on matters concerning the Code of the Rights of the Child as well as related legislation and measures.

Question 7 (CRC/C/TLS/Q/1, para. 7)

13. The Provedor, Sebastião Ximenes, and two Deputy Provedors were elected pursuant to the Constitution of Timor-Leste in 2005. The Office of the Ombudsman for Human Rights and Justice (the Office of the Provedor) is a body operating independently of the Government of Timor-Leste, which is charged with examining and responding to complaints of abuses of public power, including human rights violations, misadministration and corruption by public bodies. To this end, and as expounded in the Initial Report, the mandate of the Provedor extends to the investigation of human rights violations, oversight of the functioning of public authorities, the review of legislation and referral to the Supreme Court for review of the unconstitutionality of the omission of any measure which may be deemed necessary for the implementation of the Constitution. As the mandate of the Provedor encompasses human rights violations, it follows that the Provedor will also be able to investigate and take such measures as are within his/her powers to resolve complaints of violations of the human rights of children. Section 7.2 of the Statute of the Office of the Provedor provides that children must be able to benefit from the services of the Provedor.

Question 8 (CRC/C/TLS/Q/1, para. 8)

14. Significant progress has been made in respect of the National Human Rights Action Plan (NHRAP). The Working Group, which is headed by the Adviser on Human Rights, is continually working to develop the NHRAP. The work of the Adviser's Working Group has included setting out timetables and strategies and identifying the need for a correspondence with the National Action Plan and consultation with the public, the results of which have been collated in the NHRAP baseline report. Furthermore, 32 Human Rights Focal Point Officers have been established in different areas of the country ranging from the level of ministries and secretaries of state to district levels. The NHRAP has not yet been finalized; however, it is envisaged that it will include further protective measures in respect of international adoption as well as measures for the eradication of child labour.

Question 9 (CRC/C/TLS/Q/1, para. 9)

15. While some consideration for the best interests of the child is implicit in the constitutional provisions on the primacy of the family and the protection of the child, at this relatively early stage in the development of the justice system, there seems to be little understanding and application of the specific principle of the best interests of the child in judicial and administrative decisions. Within the judicial system, however, there is recognition of the special situation of the child, and weight is attached to the interests and rights of the child. Apart from the general measures to promote and create awareness for the rights of the child, no further measures have been taken. While traditional forms of justice used in the local communities do not operate under any set framework, cultural principles applied in several fora of traditional justice do not violate the rights of the child. Traditional proceedings are conducted orally and there may be significant cultural differences between the regions. Generally speaking, specifically ensuring consideration of the best interests of the child would require a prior overall structuring and State monitoring of these types of traditional forms of justice.

Question 10 (CRC/C/TLS/Q/1, para. 10)

16. Priorities for implementation of the Convention relate to measures taken in the sanitation, health and education areas.

PART II

Please provide the Committee with copies of the text of the Convention on the Rights of the Child and the two Optional Protocols in Tetum and Portuguese as well as in other languages or dialects if and when available. If possible, please submit these texts in electronic form.

The Convention on the Rights of the Child is available in Portuguese and Tetum. These have been submitted in electronic form as a separate attachment. The two Optional Protocols are not yet available in Portuguese and Tetum.
