



Convention on the Rights of the Child CRC/C/OPSC/TLS/Q/1Add.114January 2008

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COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-seventh session

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**WRITTEN REPLIES BY THE GOVERNMENT OF TIMOR LESTE TO THE LIST OF ISSUES
(CRC/C/OPSC/TLS/Q/1) TO BE TAKEN UP IN CONNECTION WITH THE CONSIDERATION OF THE INITIAL
REPORT OF TIMOR-LESTE SUBMITTED UNDER ARTICLE 12, PARAGRAPH 1, OF 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)**

[Replies received on 9 January 2008]

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

1. Different areas of implementation of the Optional Protocol fall under the respective relevant ministries, including the Ministry of Social Solidarity (formerly the Ministry of Labour and Community Reinsertion), the Ministry of Justice, the Ministry of Education and Culture, the Secretary of State for the Promotion of Equality and the immigration and police agencies. The Commission for the Rights of the Child will be the coordinating body; prior to its establishment, this role will be filled by the Office of the Advisor on Human Rights.

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

2. The Government of Timor-Leste is cooperating with several agencies to promote and create awareness of the Optional Protocol as part of overall efforts to promote the Convention on the Rights of the Child. It is included in the general approach in relation to the rights of the child, and there are no measures in place specifically for the promotion of the Optional Protocol.

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

3. A two-pronged approach based on prevention and intervention is in place. However, it is important to note that the implementation of this approach in practice is highly dependent on the availability of resources both in terms of human capacity and logistical support.

4. In respect of prevention, the National Division for Social Reinsertion (DNRS) is working with agencies and other counterparts to create a mechanism for the detection of trafficking, sale of children, child prostitution and child pornography. A working group has been established for this purpose and some of these measures are already in place. As part of the preventive measures, efforts are made to raise awareness of the negative impact of these violations through advocacy at community level.

5. In respect of intervention, DNRS, health and police services work together to intervene in the cases of abuse which are detected. Legal support is provided to victims through legal institutions. The Trafficking Working Group was established in 2003 and consists of Government departments, international agencies and international and local NGOs. Its role is to prevent trafficking both within Timor-Leste and across borders. Preventive work primarily consists of raising awareness of the illegality of trafficking. There is also a detention dimension: recently, a group of 21 women who were being trafficked was stopped at the border. It is the role of immigration and police services to investigate cases of violations of the Optional Protocol. It is not possible at present to provide further information on the cases of sale of children noted in the State party report.

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

6. It is envisaged that the draft Penal Code will criminalize all acts and activities listed in paragraph 3 of the Optional Protocol. The activities referred in article 3 of the Optional Protocol, are listed on the draft Penal Code, in section 132 on trafficking and slavery of persons, section 152 on mistreatment, including prostitution and physical abuse of children under the age of eighteen, section 158 on sale of persons, section 162 on sexual activity with children under ten, section 167 on child prostitution, section 168 on child prostitution, and section 169 on sexual abuse of children. As the Optional Protocol has been ratified by Timor-Leste in accordance with section 9 of the Constitution of Timor-Leste, it already forms part of the domestic legislative framework of Timor-Leste. A further safeguard for the inclusion of acts and activities listed in paragraph 3 of the Optional Protocol is that section 151 of the Constitution provides for the review of the unconstitutionality of an omission of legislative measures necessary for the implementation of the Constitution.

The main provision of the Portuguese-language draft of the draft Penal Code has been provided as a separate attachment.

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

7. Specific efforts to tackle the problem of child prostitution are generally still on the level of advocacy and awareness-raising. This includes efforts to provide information on the health implications and other negative consequences of child prostitution with particular emphasis on increasing awareness among parents. In addition to advocacy to raise awareness of health consequences, a working group on HIV, consisting of Government-supported local NGOs, has been established and is working in close collaboration with the Ministry of Health.

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

8. The importance of the legislating and regulating transactions occurring at commercial outlets, street vendors and border entry points in order to obstruct irregular trade is recognized. At present, approved legislation regarding border entry points is in place.

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

9. Neither the operating procedures on human trafficking nor the National Plan of Action on Human Trafficking are in place yet. The Trafficking Group did not meet in 2006 due to the crisis. Current measures initiated through the Working Group include awareness-raising, training sessions for community police, cooperation with agencies in order to provide services to victims of exploitation and trafficking, and efforts to develop community-based child protection networks.

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

10. Apart from the measures already mentioned in answers to previous questions, there is no further information available on the specific protection of children in orphanages, boarding schools and IDP camps. The preventive approach and the broad emphasis on advocacy and awareness-raising are carried out with the understanding that children residing in orphanages, boarding schools or IDP camps may be especially vulnerable.

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

11. Within the police, there is a Vulnerable Police Unit with staff who have received human rights and gender awareness training to deal with vulnerable cases for women and children. According to the National Division for Social Reinsertion (DNRS), in terms of the protection available to child victims within the court system, the problem is that there is a lack of expertise on how to protect children. For example, no specific measures are taken when a child victim is called as a witness in a trafficking or sexual exploitation case.

The Ministry of Health, in cooperation with international and national agencies, provides some psychological support for child victims of sexual exploitation and trafficking as well as monitoring within the community.

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

12. Instances of abuses committed against children may not be reported because of the sensitive nature of the abuse if it is of a sexual nature or because the victim might not know where to report an act of abuse. The National Division for Social Reinsertion (DNRS) knows of instances of abuses against children committed by non-citizens and international personnel. However, while a non-citizen with no affiliation to an international organization may be prosecuted in the national justice system, if for example an abuse is committed by personnel of an international organization, it is likely to be dealt with internally by the organization in question. This, along with weak law enforcement powers, is part of the reason why very few cases of this nature are tried before the national courts. Regrettably, it is not possible to provide information about specific instances or compensation for abuse at this time.

Question 11 (CRC/C/OPSC/TLS/Q/1, para. 11)

13. The Secretary of State for the Promotion of Equality coordinates with agencies, church organizations and NGOs, including FOKUPERS, the ALOLA Foundation and REDE FETO, to provide reintegration and related support for victims of offences under the Protocol. As mentioned in response to question 9, the Ministry of Health, in cooperation with international and national agencies, provides some psychological support for child victims of sexual exploitation and trafficking as well as monitoring within the community. As stated in the State party report, strengthening the institutional capacity framework for the National Division for Social Reinsertion (DNRS) and other relevant actors (see paragraph 843) is among the priorities in relation to children who have suffered abuse and neglect. The need for further training of social services staff has been identified, and the DNRS is working together with agencies and other relevant actors to address this need. Furthermore, a programme of reintegration for children is in place, and the DNRS is working in cooperation with agencies to further the wider process of reintegration in terms of monitoring child victims within the community and providing health care and counselling. However, also in this context, the lack of resources precludes systematic implementation of these measures.
