



Convention on the Rights of the Child

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Committee on the Rights of the Child Seventieth session

Summary record of the 2041st meeting

Held at the Palais Wilson, Geneva, on Friday, 25 September 2015, at 10 a.m.

Chairperson: Mr. Mezmur

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

Consideration of reports of States parties (continued)

Combined second and third periodic reports of Timor-Leste (CRC/C/TLS/2-3, CRC/C/TLS/Q/2-3 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Timor-Leste took places at the Committee table.*

2. **Mr. Valente** (Timor-Leste) said that Timor-Leste had adopted a range of legislative measures and policies to ensure compliance with the provisions of the Convention on the Rights of the Child. Key legislation included the Penal Code, the Civil Code, the Basic Law on Education and the Law against Domestic Violence. The provisions of the draft Tutelary and Education Law for Minors exempted children under 16 from criminal liability, and a special regime was to be introduced for adolescents between the ages of 16 and 21, to ensure that the general provisions of the Penal Code did not apply to that age group. He stressed that the best interests of the child were taken into account in domestic legislation.

3. Efforts to combat child trafficking included a new law against human trafficking, approved by the Council of Ministers.

4. The new Basic Law on Education guaranteed education for all, and the National Education Strategic Plan underlined the importance of improving gender balance in schools. Priority Programme 6 focused on social inclusion, aiming to promote the participation of girls and women, and to guarantee equal access to education at all levels. In a country where half the population was under the age of 19, it was essential to prioritize education and professional training for young people. Other measures in the field of education included a project to raise awareness of the justice system and promote the rights of the child.

5. The Government had taken steps to increase birth registration and to clarify the provisions of the Civil Registry Code, in order to guarantee citizens the fundamental right to identity.

6. Measures had been taken to promote and protect the rights of children with disabilities, and the Ministry of Health planned to develop a comprehensive policy on activities designed for those children. The Ministry had also developed a strategic plan for the period 2011-2030, establishing child protection as a priority and mainstreaming the principle of the best interests of the child. Noting that the national health-care plan included a national immunization programme and campaign, he drew the Committee's attention to recent achievements in the field of health care, such as improved immunization coverage, a drop in the child mortality rate, and measures to ensure the provision of integrated health-care services to communities throughout Timor-Leste, as part of the policy on Integrated Services for Community Health. The Government's Health Promotion Programme encouraged women to seek antenatal care and give birth in a health facility, and training on family planning and contraception was provided to midwives and nurses.

7. The organizational structure of the National Commission on the Rights of the Child had been approved in May 2014, and the Commission had been placed under the administrative authority of the Minister of State, Coordinator of Social Affairs and Minister of Education, in order to improve coordination and provide a better service to citizens.

8. Remaining challenges included the lack of a central database on children, which made it difficult for ministries to utilize collected data in the development of new policies and programmes. He noted that the Government was developing a national

action plan for children, in consultation with a broad range of stakeholders, including non-governmental organizations (NGOs).

9. Finally, he drew the Committee's attention to the adoption, in June 2015, of the Dili Declaration on the international protection of children within the community of Portuguese-speaking countries.

10. **Ms. Winter** (Country Rapporteur), welcoming the progress made by the State party during the previous decade, stressed that much work remained to be done. The most significant challenges included the high rate of poverty, hunger, and malnutrition in a country that also had a very high fertility rate. Hygiene, and school hygiene in particular, was a serious problem throughout the country, especially in rural areas. Other serious problems included domestic violence and the disparities, in terms of services and opportunities, between urban and rural areas. Moreover, certain cultural norms and ingrained attitudes hampered progress.

11. While she welcomed the broad range of laws and policies the State party had drafted, she stressed that the Committee could only comment on those that had actually been implemented.

12. She asked whether the State party would consider ratifying the Convention on the Rights of Persons with Disabilities and the International Labour Organization (ILO) Minimum Age Convention, 1973 (No. 138). She encouraged the Government to implement its national action plan on children as expeditiously as possible.

13. Noting that the planned decentralization of services posed certain problems, she asked what measures were being taken to prevent the deepening of inequalities between regions.

14. Welcoming the creation of the Office of the Ombudsman for Human Rights and Justice, accredited as an A status national human rights institution by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, she asked whether the State party envisaged establishing the post of ombudsman for children.

15. Regarding the lack of a central database, she stressed the need to utilize consistent data, and encouraged all ministries to use the same indicators, so as to facilitate the task of comparing levels of progress.

16. Noting that awareness of the Convention was not very widespread, she urged the Government to implement awareness-raising campaigns targeting children and persons working with children. Did the Government plan to provide mandatory training on the Convention at school level?

17. She asked whether there were plans to introduce legislation on the business sector and children's rights, focusing on issues such as investment, protection and compensation for environmental damage.

18. Noting that violence against children was often tolerated in Timorese society, she urged the State party to adopt a children's code prohibiting violence against children in all settings and to implement training programmes on the subject. Provision for such training could be included in draft legislation on domestic violence.

19. Children who had been sexually exploited were often stigmatized. Would the Government introduce awareness-raising campaigns to address that problem?

20. Noting that it was possible for children aged 16 to marry with the consent of their parents, and stressing that that could lead to couples having too many children at too young an age, and in poor living conditions, she asked whether the Government had any plans to increase the legal age of marriage to 18.

21. **Mr. Rodríguez Reyes** (Country Rapporteur), acknowledging the State party's difficult recent history, said that the Committee had received reports of de facto discrimination against repatriated children, children without baptismal certificates and children born out of wedlock. He therefore wished to know what measures were being taken to raise awareness of and combat those and other potentially discriminatory practices.

22. The State party's ongoing incorporation of the principle of the best interests of the child in its laws was a welcome development. He nonetheless wondered whether the meaning of that principle was entirely clear to the people who made decisions affecting children and whether there were any instructions or guidelines on how to apply it.

23. He asked what social policies were being formulated to reduce the incidence of pneumonia and diarrhoea, the two main causes of death among children in the State party, and to improve access to potable water, especially in rural areas. He also asked what was being done to reduce rates of child malnutrition, which were among the highest in the world.

24. The State party's Civil Code clearly provided for the right of the child to be heard, but there might be a gap between theory and practice. He would therefore welcome information on any measures taken to ensure that children were in fact provided the opportunity to be heard in any proceedings affecting them. It would be interesting to know, for example, what consequences would follow from the revelation that a court ruling affecting a child had been handed down without consulting the child. Would the ruling be overturned by a higher court or allowed to stand?

25. He asked how many children had been registered as a result of birth registration campaigns and wondered whether those campaigns were still active. He requested an update on the pending parliamentary approval of the Civil Registry Code and asked what policies were being developed to ensure that, once it was approved, judicial and administrative personnel received the necessary compliance training.

26. **Ms. Ayoubi Idrissi** asked whether the State party intended to raise the age of majority to 18. She also wished to know whether civil society organizations representing children had taken part in the preparation of the State party's report, how many such organizations there were in Timor-Leste and what kind of support they received.

27. **Ms. Sandberg** said that she wondered how the authorities ensured that the best interests of the child were taken into consideration in policymaking in all sectors, not just those with a direct bearing on children. Were assessments made of the impact on children of actions taken by the country's institutions?

28. **Ms. Oviedo Fierro** asked whether the National Youth Council had secured permanent funding and whether the Timor-Leste Youth Parliament was still meeting. If so, she would appreciate an example of the Youth Parliament's activities. Information on action taken by the Government in response to the opinions expressed by children would also be welcome.

29. **Ms. Aldoseri** asked whether there were fully operational birth registration offices in each of the country's districts and whether those offices were accessible to persons living in rural areas and parents with disabilities.

The meeting was suspended at 11 a.m. and resumed at 11.20 a.m.

30. **Mr. Valente** (Timor-Leste) said that the Government of Timor-Leste had no plans to amend the Civil Code to raise the age of majority from 17 to 18, as it believed that, without doing so, it could still largely fulfil its obligations under the Convention.

31. **Mr. Cardoso** (Timor-Leste) said that 85 per cent of children up to 5 years of age were estimated to have been registered at birth or shortly thereafter, which was a considerable improvement on the figures from 2010, when only about 53 per cent of the children in that age range had been registered. The increase was the result of a nationwide drive supported by the Government and international partners, and the ultimate goal was to register every child.

32. Parents were not required by law to produce their marriage certificates in order to register their children's births. The Government had provided refresher training to public service officials to ensure that they were fully aware of their obligations in respect of registering births and issuing birth certificates. Only in a handful of cases had they failed to meet those obligations.

33. **Ms. Barreto** (Timor-Leste) said that after a number of delays, caused largely by budget limitations, the initial steps to develop a national action plan on the rights of the child had been taken. A consultant was to be recruited for the further development of the plan, and its launch in 2016 was a priority of the National Commission on the Rights of the Child.

34. Another priority was to raise awareness of children's rights. As a result, communities throughout the country were aware of the issue of violence against children, and children were the focus of a number of public policy initiatives.

35. Discussions on the creation of a database on children had recently begun. Creating such a database in Timor-Leste was not an easy task, however, even with the help of the United Nations Children's Fund (UNICEF). In any event, such data as were collected, particularly in the social, health and education sectors, were used effectively to promote children's rights.

36. **Mr. Valente** (Timor-Leste) said that his country's ratification of seven international human rights treaties attested to its commitment to fulfilling its human rights obligations. Timor-Leste had begun the process, which included the formulation of a policy on the rights of persons with disabilities and the integration of children with disabilities in mainstream schools, that would allow it to ratify the Convention on the Rights of Persons with Disabilities. He expected that Timor-Leste would be a party to that Convention by the time it next appeared before the Committee.

37. **Ms. Gomes** (Timor-Leste) said that according to figures from 2011, just under 70 per cent of the population had access to treated water. In rural areas, wells and springs remained the main sources of drinking water. A pilot project to provide piped water to the residents of Oekusi Special Administrative Region was ultimately to be extended to the rest of the country. The objective of the "Water for the Schools" programme was to increase the relatively small proportion — about half — of the country's schools that had access to secure supplies of piped water. With a view to encouraging sustained, comprehensive progress, the Ministry of Public Works had been assigned responsibility for bringing water to the schools and building separate toilets for boys and girls. The sanitation initiatives taken by communities themselves had also led to progress.

38. **Mr. Valente** (Timor-Leste) said that one of the goals of the National Strategic Development Plan was for all the country's residents to have access to basic sanitation by 2030. The Ministry of Health was responsible for a public sanitation and hygiene action plan that, in 2008, had been expanded to cover all the country's municipalities.

39. **Ms. Gomes** (Timor-Leste) said that plans to improve basic sanitation had been implemented with the assistance of local and international partners, such as UNICEF. Access to basic sanitation, in particular in rural areas, had improved considerably.

Rates of open defecation, for example, had fallen by more than a third in 2015, from some 55 per cent to roughly 36 per cent.

40. **Mr. De Araújo** (Timor-Leste) said that the Government was aware that access to basic education was more reliably afforded in urban areas than in rural areas. Indeed, primary school enrolment rates were as high as 90 per cent in urban areas, whereas in rural areas they did not exceed 60 per cent. There were plans to build 150 new schools in 2016, most of them in rural areas. Some 15,000 children would thus be able to attend school closer to home. In addition, 30 new primary schools and preschool establishments had been opened as part of a rural schooling programme, and mobility incentives were provided for teachers assigned to rural areas. Improved access to education for children living in rural areas was one of the priorities of the National Inclusive Education Policy.

41. **Mr. Valente** (Timor-Leste) said that early pregnancy could limit the opportunities available to teenage girls in later life. Despite the Government's efforts to break down traditional prejudices against teenage girls who fell pregnant and provide them with assistance, much remained to be done in that area.

42. **Ms. Gomes** (Timor-Leste) said that, in Timor-Leste, around 50 per cent of girls aged between 15 and 19 were pregnant with their first child or had already become mothers. The majority of girls in that situation dropped out of school on account of the stigma and discrimination that they faced. The Government had launched a number of campaigns to raise awareness of the right of young mothers and mothers-to-be to an education. Girls who had already dropped out of school after having fallen pregnant were given the opportunity to transfer to another school or to continue their education at a later date. Special arrangements could also be made to allow girls who fell pregnant to sit school examinations in an alternative location. The Government was conducting activities aimed at preventing early pregnancy in partnership with a specialized NGO. Students in the last year of primary school and secondary school students attended sex education classes. The Government was aware of the need to improve teenage mothers' access to health-care services.

43. **Mr. Valente** (Timor-Leste) said that the law on domestic violence provided children who were exposed to violence and abuse at home with increased support and better access to protection services. The Government remained committed to improving the situation of such children and to reducing the prevalence of domestic violence in the country.

44. **Ms. Da Cruz** (Timor-Leste) said that the various programmes and policies aimed at combating violence against children had benefited 144 children in the first half of 2015. The support provided to children who were the victims of violence included legal assistance, medical treatment and counselling services. There were currently nine shelters and one safe house available to children in that situation.

45. **Ms. Soares** (Timor-Leste) said that the Youth Parliament had been set up shortly after the country had gained its independence and provided young people with a valuable opportunity to participate in decision-making processes. The Government took due note of the issues and concerns raised by young people in that forum and acted accordingly. One particular concern that had been raised was the dearth of sporting and cultural activities for young people in Timor-Leste. The Government had responded to that concern by organizing more activities of that kind and by providing the necessary equipment.

46. **Ms. Winter** asked what the State party's general approach was to preventing early pregnancy and dealing with that phenomenon when it occurred; what punishment was meted out to parents who physically abused their children; and whether there was a legal provision which required an abusive parent to leave the family home. She also

wished to know of the measures taken by the State party to combat the stigmatization of children who had been sexually abused and to assist children who had been expelled from the family home as a result of the stigma attached to such abuse.

47. **Mr. Rodríguez Reyes** asked what efforts were being made by the State party to alert the general population, including families and teachers, to the need to eradicate practices that discriminated against certain groups of children, particularly children born out of wedlock and children with disabilities.

48. **Ms. Aho Assouma** asked whether there was a deadline for registering the birth of a child; how much it cost to do so; and whether there was a procedure for correcting errors in a child's birth certificate. She also wished to know whether children who had been abandoned, were of unknown parentage or born of migrants were systematically issued with a birth certificate and whether they automatically acquired Timorese nationality.

49. **Ms. Sandberg** said that the interpretation of the principle of the best interests of the child in the draft children's code was too narrow and should be broadened. Noting that the draft law on the education and guardianship of children referred to "the superior interests of the child" and not "the best interests of the child", she asked what distinction, if any, the State party drew between the two concepts.

50. **Ms. Oviedo Fierro** asked what mechanisms were in place to allow children to report acts of violence committed against them and what steps the State party had taken to protect children when they used the Internet.

51. **Ms. Da Cruz** (Timor-Leste) said that there was a mechanism in place that allowed children or a member of their family to file a complaint with a specialized police unit, which, in turn, contacted the child protection authorities so that they could intervene and assist the child.

52. **Ms. Gomes** (Timor-Leste), replying to Ms. Winter's question on the country's approach to preventing early pregnancy, said that, while abortion remained a criminal offence in Timor-Leste, contraception was available to married couples under the national family planning policy. However, the cultural and religious norms of the country prohibited unmarried young people from using contraception. The national reproductive health programme covered maternal, child and adolescent health. The Government also conducted campaigns to sensitize the general public to sexual and reproductive health issues. There was effective coordination between the various government ministries, NGOs and international organizations working in the area of maternal and child health. A guide on health-care services had been drafted and had been distributed to schools throughout the country. The national programme for promoting health education provided for youth-friendly health-care services. Various centres providing information on reproductive health to adolescents had also been set up. Sex education classes were also available to university students.

53. **Ms. Xavier** (Timor-Leste) said that civil society organizations working in the area of child protection had been involved in drafting the country's periodic report to the Committee and in the relevant public consultation processes.

54. **Ms. Da Cruz** (Timor-Leste) said that around 30 per cent of the total number of cases of violence against children involved domestic violence. Persons accused of incest were duly investigated and, if convicted, received a prison term. Victims of incest were assisted in integrating back into society and could be granted compensation by the courts.

55. **Mr. Cardoso** (Timor-Leste) said that 130 young people aged between 12 and 17 participated in the Youth Parliament. They came from all over the country. The Youth Parliament was allocated funding from the State budget each year and conducted a

variety of activities to promote the development and participation of young people in public life, including training on public speaking and sporting activities.

56. **Mr. Valente** (Timor-Leste) said that the Constitution protected all citizens of Timor-Leste from discrimination, including children.

57. **Ms. Soares** (Timor-Leste) said that the issue of discrimination was addressed in the school curriculum from the primary level onwards. The teaching methodology used in schools in Timor-Leste took account of the fact that Timorese children came from diverse socioeconomic backgrounds. The newly framed policy on inclusive education also addressed the issue of discrimination in schools.

58. **Mr. Valente** (Timor-Leste) said that the Timorese population was dispersed around the country, with around 40 per cent living in the capital. The government department responsible for birth registration administered all the municipalities of the country. In the capital, birth certificates could be obtained within three to five days. However, in more remote areas, the process could take between five and seven days. There was also a system in place to register births in hospitals. All children, including abandoned children and children of migrants, could obtain a birth certificate upon request.

59. **Ms. Ayoubi Idrissi** said that it was vital to ensure the confidentiality of complaints of abuse made by children and asked how that was guaranteed. Noting that a great deal of violence occurred in the school environment, she asked whether a confidential complaints mechanism had been established in schools and whether school counsellors were trained in listening techniques.

60. **Ms. Winter** asked what was being done to address low school enrolment rates and high dropout rates; whether school curricula could be modified to improve the quality of education; whether there were plans to issue more bilingual textbooks in order to promote both of the country's official languages; and whether teachers working in rural areas were properly informed about the problems faced by local people. She also wished to know whether there was a strategy in place to address sexual harassment in schools.

61. Noting that the State party was experiencing a large amount of internal migration as people moved from rural areas to the cities, she asked whether any measures were being taken to protect such people and help them in the areas of accommodation, work and education.

62. With regard to economic exploitation, she asked whether the State party was addressing youth unemployment, the continued existence of bonded labour and the illegal employment of minors. Concerning the involvement of children in hazardous work, she asked whether there were any plans to collect relevant data, monitor and improve existing legislation and ratify the ILO Minimum Age Convention, 1973 (No. 138). She wondered whether national legislation to combat trafficking in persons contained specific provisions relating to trafficking in children.

63. The State party was currently conducting a review of the juvenile justice system; could the delegation provide an update in that regard? She asked how the rights of offenders aged between 12 and 16 were protected under current legislation and whether the law established alternatives to detention for young offenders. Noting that a large number of family disputes were settled informally, she asked whether there were plans to formalize those settlements so that control mechanisms could be implemented. Lastly, she requested information on the assistance provided to child victims and witnesses in court proceedings.

64. **Mr. Rodríguez Reyes** said that family support programmes and services were vital to combating poverty and asked how many families benefited from such measures, particularly in rural areas.

65. He asked whether there were any policies in place to discourage the widespread practice of informal adoption, which sometimes gave rise to exploitation and abuse. Noting that children could be subjected to physical abuse while living in orphanages and care homes, he asked whether those institutions were monitored and whether their staff were properly trained in childcare. Was there a Government mechanism under which children could lodge complaints of abuse safely, without fear of reprisals?

66. It had been reported that 70 per cent of children in the State party were not breastfed to the age of 2; were there programmes in place to encourage that practice and combat malnutrition? The Committee had also been informed that legislation ensuring the right to breastfeed at work was not very solid in terms of work permits and the time allowed for breastfeeding. In that regard, he requested information on existing legislation and plans to improve it.

67. **Mr. Gurán** asked whether the State party had taken measures to monitor and evaluate alternative care arrangements, including foster care. He wondered whether there was a national authority that dealt with intercountry adoption and said that it was not clear from the information provided how many children from the State party had been adopted by foreigners or how those cases had been followed up.

68. **Ms. Khazova** said that it would be useful to receive more information relating to the number of adoption cases that had occurred in Timor-Leste, including those involving foreigners, since the information provided was not clear. The State party had indicated that informal adoption was very common but no data had been provided in that regard. Was there an adoption registration or monitoring system in place to control the practice of informal adoption and prevent violations?

69. **Mr. Cardona Llorens** asked when the National Action Plan for People with Disabilities would be approved by the Council of Ministers. While the 2010 census indicated that 4.6 per cent of children in the country had disabilities, estimates provided by the World Bank and the World Health Organization stood at around 15 per cent. That kind of discrepancy and the lack of disaggregated data on persons with disabilities could have a very negative effect on the allocation of resources. Were there measures in place to rectify that situation and to combat the stigmatization that children with disabilities and their families continued to experience? Noting that very few children with disabilities were enrolled in mainstream schools in remote locations, he asked whether there were plans to extend existing projects for the promotion of inclusive education to rural areas. Lastly, he asked what was being done to ensure that more children with disabilities and their families had access to the “Mother’s Purse” programme.

70. **Ms. Aho Assouma** asked whether prenatal consultations were offered to pregnant women living in rural areas; whether vitamin supplements were distributed during routine vaccinations in order to combat malnutrition; whether health-care professionals were trained in treating childhood diseases and performing Caesarean sections; whether rural communities were affected by waterborne diseases; and whether free treatment was offered to tuberculosis patients. Given that traditional cooking processes generated large amounts of smoke, were there measures in place to allow women to cut back on wood burning? Lastly, she asked what proportion of the State budget was allocated to health.

71. **Ms. Oviedo Fierro** asked what forms of care were provided to children and adolescents whose parents were in prison. She also requested information on services

providing education and care to children under 3 and children aged between 3 and 5 and asked how many children were covered by those services.

72. **Mr. Nelson** said that the State party's report painted a bleak picture with regard to physical health and asked what measures were in place to address the issues mentioned. He requested information on programmes and services to support children with mental health problems and asked whether those children were treated by trained specialists. Noting the lack of data relating to drug abuse and HIV/AIDS, he asked whether any studies had been conducted in that regard and whether there were school programmes aimed at preventing sexually transmitted diseases. The State party should consider drafting a law establishing a minimum age for alcohol consumption, and he asked whether there were any programmes or services in place for victims of substance abuse. Referring to paragraph 272 of the State party's report, he requested an update on the development of the legal framework for child protection.

73. Noting the absence in the State party of a children's ombudsman, he suggested that an individual from the Office of the Ombudsman for Human Rights and Justice should be appointed to that post, which would save resources.

74. **Mr. Gastaud** noted that there was a lack of data relating to street children and said that the practice of returning such children to their families was not an effective solution, since many of them had left home in order to escape domestic violence. What was being done to address that issue?

75. **Ms. Ayoubi Idrissi** asked how the right to food security was guaranteed for children whose parents were divorced. Noting that trafficking in persons was prohibited under the Penal Code, she asked what happened to children who were taken abroad by a parent without the consent of their legal guardian.

76. **Mr. Kotrane** noted that the State party had adopted legislation criminalizing the recruitment or use of children in armed conflict but wondered why the minimum age for such recruitment had been set at 17 rather than 18. He also requested an update on the status of the draft law on martial arts groups.

77. Lastly, he asked what follow-up the State party had given to the Committee's recommendations on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, notably with regard to the trafficking and sale of children and extraterritorial jurisdiction and extradition.

The meeting rose at 1 p.m.