

**COMMITTEE ON THE RIGHTS OF THE CHILD**

**Forty-seventh session**

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 44 OF THE CONVENTION**

**Concluding Observations : Timor Leste**

1. The Committee considered the initial report of the Democratic Republic of Timor Leste (CRC/C/TLS/1) at its 1289<sup>th</sup> meeting held on 16<sup>th</sup> January 2008, and, at its 1313<sup>th</sup> meeting, held on 1 February 2008, adopted the following concluding observations.

**Introduction**

2. The Committee welcomes the submission of the State party's initial report under the Convention on the Rights of the Child as well as the written replies to the list of issues, notes with satisfaction that the State party has submitted a comprehensive Common Core Document, and appreciates the constructive dialogue held with the State party's high-level delegation.

3. The Committee recommends that these concluding observations be read in conjunction with the concluding observations adopted on the State party's initial reports on the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography and the Optional Protocol on the Involvement of Children in Armed Conflict.

**A. Positive aspects**

4. The Committee congratulates the State party on its accession to the main seven international human rights instruments, including its accession, without reservations, to the Convention on the Rights of the Child ("the Convention") and its Optional Protocols, as well as the Rome Statute of the International Criminal Court.

5. The Committee welcomes the establishment of the national institution of human rights, the *Provedor de Direitos Humanos e Justiça*, notes the State party's plans for the establishment of a National Commission for the Rights of the Child, and commends the creation of the Central Civil Registry.

6. The Committee notes that the process leading up to the submission of the initial report under the Convention has benefited from the conduct of wide consultations and from the strong support of United Nations agencies.

### **B. Factors and difficulties impeding the implementation of the Convention**

7. The Committee notes that, in light of Timor Leste's recent history and the resulting destruction of infrastructure, depletion of administrative capacity and weakening of enforcement mechanisms, the State party is confronted with particular difficulties and challenges in the full implementation of rights protected under the Convention.

### **C. Main subjects of concern and recommendations**

#### **Legislation**

8. The Committee notes the State party's efforts to bring domestic laws into compliance with the Convention. The Committee is concerned, however, about the apparent lack of consistent legislative frameworks in many areas, including juvenile justice and education, and about delays in the adoption of laws that are instrumental to the implementation of the Convention.

**9. The Committee recommends that the State party continue and strengthen its efforts to develop consistent legislative frameworks in all areas affecting children's rights, and to ensure that all domestic laws and administrative regulations concerning children are rights-based and conform to the provisions and principles of the Convention. The Committee urges the prompt adoption of all necessary legislation, including the Civil Code, the Penal Code, the Education Law, the Domestic Violence Law, the Adoption Law, the Custody/Tutular Law and other child specific laws and regulations, such as the Children's Code.**

#### **National plan of action**

10. On the basis of information provided in the State party's initial report, the Committee notes that no overarching national plan of action for the implementation of children's rights has been elaborated as yet.

**11. The Committee recommends that the State party adopt a time-bound national plan of action for children, which should be rooted in the National Development Plan and the National Human Rights Action Plan, and cover in a comprehensive manner the rights of the child enshrined in the Convention, with due regard to the outcome document of the 2002 Special Session of the General Assembly of the United Nations "A World Fit for Children" and the "A World**

**Fit for Children Plus 5 Declaration". The Committee also recommends that the State party ensure a specific and adequate budget allocation as well as follow-up and evaluation mechanisms for the full implementation of the plan of action to regularly assess progress achieved and identify possible deficiencies.**

### **Coordination**

12. As regards the implementation of the Convention, the Committee notes that the Office of the Human Rights Adviser coordinates national implementation measures by the National Division of Social Reinsertion of the Ministry of Social Solidarity and the Ministry of Education and Culture. The Committee also notes that the National Division of Social Reinsertion is in the process of elaborating an inter-agency approach. The Committee welcomes the intended establishment of a National Commission for the Rights of the Child, which will be charged with supporting the process of implementing child rights.

13. **The Committee recommends that the State party strengthen coordination between the various governmental bodies and mechanisms involved in children's rights both at the national and local level, and entrust a single entity or inter-sectoral mechanism with the coordination of activities relating to the implementation of the Convention. The Committee recommends that the State party expedite its efforts to establish an effective National Commission for the Rights of the Child and entrust it with coordination both at the national and regional level. The Committee further recommends that the State party involve members of civil society, child rights experts and other professionals in the coordination and evaluation of the implementation of the Convention.**

### **Independent monitoring**

14. The Committee welcomes the establishment of the *Provedor de Direitos Humanos e Justiça*, but regrets that no specific information on its role with regard to child rights has been provided.

15. **The Committee recommends that an appropriately staffed and resourced section for child rights be established within the Office of the *Provedor*, which may receive, investigate and address complaints from children without the need for a guardian's consent. The State party should ensure the functioning of that section, within the Office of the *Provedor*, as a fully independent monitoring mechanism, in accordance with the Principles relating to the status of National Human Rights Institutions (the "Paris Principles") and taking into account the Committee's General Comment No. 2 (2002) on the role of independent national human rights institutions in the promotion and protection of the rights of the child (CRC/GC/2002/2). The structure of the section should be such as to enable children in all parts of the State party's territory to avail themselves of its functions.**

### **Allocation of resources**

16. While appreciating that the State party, in a situation of limited resources, is confronted with many competing needs, the Committee regrets that the State party has

not provided any data on budget allocations relevant to the implementation of the Convention.

**17. In the light of articles 2, 3, and 6 of the Convention, the Committee encourages the State party to pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to ensure implementation of the economic, social and cultural rights of children, “to the maximum extent of available resources and, where needed, within the framework of international cooperation”. The Committee encourages the State party to undertake a comprehensive budget review, particularly regarding its social sector, in order to ensure that a child rights perspective is fully taken into account in relevant budget allocations.**

#### **Data Collection**

18. The Committee notes that in many areas covered by the Convention, data for the monitoring and evaluation of the situation of children in the State party are not available. The Committee believes that such data are of great importance and may guide the State party in the planning of policies and setting of priorities.

**19. The Committee recommends that the State party:**

**(a) Make efforts to strengthen the technical capacity of the National Statistics Office, establish a national central database on children and develop indicators consistent with the Convention in order to ensure that data are collected on all areas covered by the Convention. Such data should be disaggregated, for example, by age groups, sex and urban/rural areas, in addition to groups of children who are in need of special protection;**

**(b) Use these indicators as well as collected data to facilitate the formulation of policies and programmes for the implementation of the Convention;**

**(c) Provide relevant professional groups with training on data collection; and**

**(d) Seek to cooperate with UNICEF and other organizations with relevant expertise in this area.**

#### **Cooperation with civil society**

20. The Committee, while welcoming the adoption of the law on civil society organizations and noting examples of collaboration between Governmental institutions and non-governmental organizations, nevertheless holds the view that there is scope for the further reinforcement of such cooperation.

**21. The Committee encourages closer cooperation with non-governmental organizations, on a basis of mutual trust, in order to ensure the most effective use of limited resources. The Committee recommends that the State party**

**systematically promote the establishment and involvement of civil society organizations working with and for children throughout all stages of the implementation of the Convention.**

#### **Dissemination of the Convention and training activities**

22. The Committee is encouraged by the efforts of the State party, in cooperation with UNICEF and other UN agencies and entities as well as non-governmental organizations, to disseminate information about the Convention and promote awareness of its principles and provisions across government agencies and civil society, in addition to providing human rights training, including on children's rights, to teachers, judicial officers and other relevant professional groups.

**23. The Committee recommends that the State party continue its efforts, in cooperation with the international community, to systematically disseminate information about the Convention among children, parents, community leaders, civil society organizations and government agencies in appropriate languages, including through radio programmes and other media, and to provide all relevant professional groups with targeted and regular training on the provisions and principles of the Convention.**

#### **Definition of the child**

24. The Committee notes that the State party, by virtue of section 9 of the Constitution and incorporation of the Convention directly into its domestic legal framework, has defined a child as being every human being under the age of 18 years. The Committee is concerned, however, that the currently applicable minimum age for the marriage of girls is too low.

**25. The Committee recommends that the State party further review its legislation with a view to establishing the minimum age for marriage at 18 years of age, equally applicable for both boys and girls.**

#### **General principles**

##### **Non-discrimination**

26. The Committee commends the inclusion of special provisions for the protection of children from discrimination in the State party's Constitution, including in particular children born out of wedlock. The Committee notes with concern, however, that certain groups of children, including children of returnees, children who are not in possession of a baptism certificate, children deriving from sexual relationships among family members and children with disabilities, face *de facto* discrimination, most importantly with regard to access to education.

**27. In accordance with article 2, the Committee recommends that the State party make greater efforts to ensure that all children within its jurisdiction enjoy all the rights enshrined in the Convention without discrimination. The Committee recommends that the State party use legislative, policy and educational measures, including sensitization and awareness-raising, to**

**overcome the stigmatization of the above-described groups of children and to remove obstacles faced by some children belonging to such groups with regard to access to education or the enjoyment of any other rights or entitlements.**

### **Best Interests of the Child**

28. The Committee notes that the State party is in the process of revising child-specific provisions of its legislation and strengthening the capacity of relevant public institutions. While these positive steps may help to ensure that the principle of the best interests of the child is given higher priority in relevant administrative actions and judicial proceedings, in accordance with article 3 of the Convention, the Committee is nevertheless concerned that this principle does not so far seem to be a primary consideration in decision-making regarding children, for example with regard to adoption.

**29. The Committee recommends that the State party fully incorporate article 3 of the Convention into all legislation and practices concerning children and raise awareness of the meaning and practical application of the principle of the best interests of the child. The Committee recommends that the State party, in the process of reviewing its legislation, aim to ensure that this principle is adequately reflected in relevant laws and regulations and that the best interests of the child are a primary consideration in all decision-making regarding children.**

### **Right to life, survival and development**

30. The Committee is concerned about the high rate of infant mortality, in addition to serious issues of malnutrition.

**31. The Committee recommends that the State party seek to fully implement article 6 of the Convention by prioritizing all measures necessary to reduce the rate of infant mortality and address issues of malnutrition, including in particular the measures set out under the heading “Health and Health Services” below.**

### **Child participation and respect for the views of the Child**

32. The Committee notes the State party’s assurance that the need to ensure that the views of the child are given due weight in all matters affecting the child has been taken into account in the drafting of new legislation, standards and procedures. The Committee is concerned, however, that the concept of respect for the views of the child does not appear to be well understood, and that the views of the child are rarely sought in establishing what may be in the child’s best interests when relevant decisions are being made, including in administrative and judicial proceedings.

**33. In the light of article 12 of the Convention, and drawing the State party’s attention to the Committee’s recommendations adopted on its day of general discussion on the right of the child to be heard held on 15 September 2006, the Committee recommends that the State party:**

(a) **Take all necessary measures to strengthen the implementation of measures aimed at ensuring children's right to be heard, in accordance with the child's age and maturity, at any proceeding which may impact on their rights, particularly in actions taken by social welfare institutions, courts of law and administrative authorities, including at the local level, such as in municipal assemblies; and**

(b) **Seek to develop a systematic approach and policy, with the involvement of professionals working with and for children, in particular teachers and social workers, and civil society, including community and religious leaders and non-governmental organizations, to increase public awareness of the participatory rights of children and encourage respect for the views of the child within the family, schools and in society generally.**

### **Civil rights and freedoms**

#### **Birth registration**

34. The Committee notes that a Central Civil Registry has been created, that the State party has taken measures to promote the registration at birth of a child's name and that it has commenced issuing birth certificates. The Committee is concerned, however, that in spite of these efforts, the rate of birth registration is still very low, and that the draft Civil Code and draft Civil Registry Code are still awaiting approval and adoption.

35. **In the light of article 7 of the Convention, the Committee urges the State party to further work on improving the system of birth registration, including by strengthening its efforts to sensitize and mobilize public opinion with regard to the benefits of birth registrations and by training registry personnel. The Committee also recommends that the State party promptly finalize and approve the draft Civil Code and the draft Civil Registry Code.**

36. **The Committee further recommends that the State party aim to systematically apply the lessons learned from recent experience with mobile birth registration, cooperation with hospitals and other innovative approaches, and that it closely liaise with religious institutions to address inconsistencies in registration practices.**

#### **Access to appropriate information**

37. The Committee notes that many children in the State party have only limited access to mass media and other sources of information, but appreciates that innovative measures are taken to develop new media in the State party.

38. **The Committee recommends that the State party improve children's access to appropriate information from a diversity of sources, especially those aimed at the promotion of the child's social, spiritual and moral well-being and physical and mental health.**

39. **The Committee encourages the State party to continue measures aimed at the development of active mass media, with due regard to the development of appropriate print media and programmes for children.**

#### **Torture and degrading treatment**

40. The Committee welcomes the State party's accession to the Convention against Torture and other Cruel, Inhuman or Degrading Punishment or Treatment, but is concerned at allegations concerning cases of degrading treatment of children by the police and in the prison system.

41. **The Committee urges the State party to strictly observe the minimum standards prescribed by the above Convention and to ensure that no child is subjected to inhumane or degrading treatment of any kind.**

#### **Corporal punishment**

42. The Committee is concerned at reports that corporal punishment is a common phenomenon at home and is frequently used to discipline children at school and in other educational settings.

43. **In light of the Committee's General Comment No. 8 on "The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment", the Committee recommends that the State party explicitly prohibit corporal punishment in all settings, including through awareness-raising campaigns aimed at families, the school system and other educational settings.**

#### **Follow-up to the UN Study on Violence against Children**

44. **With reference to the United Nations Secretary-General's Study on violence against children (A/61/299), the Committee recommends the State party to:**

(a) **Take all necessary measures for the implementation of the recommendations contained in the report of the independent expert of the United Nations study on violence against children while taking into account the outcome and recommendations of the regional consultation for East Asia and the Pacific held in Bangkok from 14 to 16 June 2005;**

(b) **Use these recommendations as a tool for action in partnership with civil society and in particular with the involvement of children, to ensure that every child is protected from all forms of physical, sexual and mental violence and to gain momentum for concrete and, where appropriate, time-bound actions to prevent and respond to such violence and abuse;**

(c) **Seek technical assistance from UNICEF, the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the World Health Organization (WHO) for the above mentioned purposes.**

#### **5. Family environment and alternative care**



### **Children deprived of their family**

45. The Committee notes with concern the existence of widespread practices by which children are removed from their family for a variety of reasons, usually perceived to be in the best interests of the child. The Committee also notes the particular problem of children who were separated from their families as a result of foreign occupation.

46. **The Committee recommends that the State party:**

(a) **Intensify efforts to develop family support programmes and to regulate practices involving the removal of children from their parents, including with a view to ensuring that children are not separated from their parents against their will, except in the circumstances set out in article 9 of the Convention;**

(b) **Undertake regular follow-up action with regard to cases of separation related to abandonment and neglect; and**

(c) **Disseminate widely the National Guidelines on Separated and Unaccompanied Children among actors involved in relief operations in order to protect children at risk of separation or who have been separated from their families.**

47. **The Committee encourages the State party to continue its efforts to resolve the remaining cases of children separated from their families as a result of foreign occupation, in particular those cases in which children remain separated from their parents without clear parental consent.**

### **Alternative and institutional care**

48. The Committee welcomes the work carried out on the draft Decree Law for Child Care Centres and Boarding Houses, which aims at establishing appropriate procedures for regulating placements of children in institutions as well as improving standards of care in institutions. However, the Committee notes with concern the high demand for institutional care and the high number of institutions, resulting from the widespread and persistent poverty on one hand and the apparent active soliciting by individuals operating various institutions on the other hand. The Committee also notes that this situation is aggravated by the apparent absence of reliable arrangements for a periodic review of placements.

49. **The Committee recommends that the State party:**

(a) **Reduce the large number of children placed in alternative care by parents by developing a comprehensive policy for the provision of assistance to families and a complimentary community-based service and protection system;**

(b) **Ensure that the placement of children in alternative care is based on a carefully conducted assessment of the needs and best interests of the child by a competent and multidisciplinary group of experts, based on clear criteria**

**and subject to judicial review; and that the placement is regularly reviewed in accordance with article 25 of the Convention, with due regard to the recommendations adopted on the Committee's day of general discussion on children without parental care in September 2005 (CRC/C/153, paras. 636-689); and**

**(c) Finalize and adopt the Decree Law on Child Care Centers and Boarding Houses, and take measures to restrict the arbitrary establishment of new institutions.**

#### **Foster Care**

50. The Committee notes that informal arrangements under which children live with families other than their birth families are a common phenomenon in the State party, and welcomes that the State party is in the process of developing a framework for a system of foster care.

**51. The Committee encourages carefully managed measures to progressively regularize existing informal arrangements under which children live with families other than their birth families, with due regard to the rights recognized in the Convention, including the principles of the best interests of the child and respect for the views of the child, and to the recommendations referred to in paragraph 49 (b) above.**

#### **Adoption**

52. The Committee appreciates the recognition by the State party of the existing problems in relation to adoption and notes the information provided by the delegation that all adoption processes have been suspended pending the finalization of legislation on domestic and inter-country adoption. The Committee also notes with satisfaction that the State party is in the process of drafting adoption guidelines.

**53. The Committee recommends that the State party ratify the 1993 Hague Convention No. 33 on Protection of Children and Cooperation in Respect of Inter-country Adoption; and adopt a law on adoption in accordance with that Convention and the provisions of the Convention on the Rights of the Child, ensuring that the best interests of the child are the paramount consideration in adoption.**

#### **Abuse and neglect**

54. The Committee welcomes the information that the State party is continuing efforts to strengthen domestic laws, build judicial capacity as well as to raise public awareness with regard to issues of abuse, neglect, violence and maltreatment. The Committee also notes with satisfaction that the State party is working in collaboration with partners to address violence in homes and schools. The Committee is concerned, however, that the cases of child abuse are not adequately addressed in the judicial system and that the majority of cases of violence against children are not reported.

55. In the light of article 19 and other relevant provisions of the Convention, the Committee urges the State party to:

(a) Carry out a study on all aspects of domestic violence and child abuse in the home, assessing the scope and nature of this problem as well as the impact of legal measures to address violence against children with a view to prohibiting all forms of physical and sexual violence against children, including sexual abuse in the family;

(b) Develop a comprehensive national strategy to prevent and respond to domestic violence and child abuse; and train parents and professionals in identification, reporting and management of child abuse and ill-treatment cases;

(c) Establish effective procedures and mechanisms to receive, monitor and investigate complaints, including through removing the requirement of a complaint by a child's parent or guardian in cases of sexual abuse of girls aged under 15 years; and ensure that the abused child is not victimized in legal proceedings and that his/her privacy is protected;

(d) Ensure that all child victims of violence and abuse have access to adequate care, counselling and assistance with recovery and reintegration services;

(e) Encourage and promote the positive involvement of the media in the reporting of child victims of violence, abuse and ill-treatment and ensure that the media fully respect the right of the child to privacy; and

(f) Seek assistance from, among others, UNICEF and WHO.

## **6. Basic health and welfare**

### **Children with disabilities**

56. The Committee is encouraged by the State party's efforts to formulate a national policy for persons with disability. However, it is concerned about persisting factors that serve to perpetuate high rates of child disability, including poor maternal health standards and isolation from formal health services. The Committee regrets that children with disabilities are frequently excluded from mainstream education and community life, and are placed in residential institutions.

57. The Committee recommends that the State party, taking into account the Committee's General Comment No. 9 (2006) on the rights of children with disabilities (CRC/C/GC/9) as well as the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96), take all necessary measures to:

(a) Collect adequate statistical data on children with disabilities and use such disaggregated data in developing a comprehensive and specific national policy on disability which promotes equal opportunities of persons with disabilities in society;

**(b) Provide children with disabilities with access to adequate and standardized social and health services, including early intervention, psychological and counselling services;**

**(c) Ensure that public education policy and school curricula reflect in all their aspects the principle of full participation and equality and include children with disabilities in the mainstream school system to the extent possible and, where necessary, establish special education programmes tailored to their special needs;**

**(d) Ensure that professionals working with and for children with disabilities, such as medical, paramedical and related personnel, teachers and social workers are adequately trained;**

**(e) Ensure that the rights of children in institutions are adequately protected;**

**(f) Ratify the Convention on the Rights of Persons with Disabilities and its Optional Protocol; and**

**(g) Seek technical cooperation with, among others, UNICEF and WHO.**

#### **Health and health services**

58. The Committee welcomes the successful establishment, in collaboration with United Nations agencies and other donors, of an Expanded Programme of Immunization, which has resulted in a considerable increase of immunization coverage. The Committee also notes with appreciation that the State party, supported by UNICEF, has produced a “national nutrition strategy”, which identifies the underlying causes of malnutrition. In spite of these positive developments, the Committee is concerned about the high level of child malnutrition, the very high rates of infant and child mortality as well as maternal mortality, and the inadequate adolescent health care in the State party. In addition, the high vulnerability of Timorese children to illnesses such as malaria, measles, typhoid and dengue fever and to respiratory and gastrointestinal infections also give cause for concern.

59. **The Committee recommends that the State party:**

**(a) Design a health policy based on a community structure to ensure that mothers and children in all areas of the country have access to quality primary health care, counselling and essential medicines;**

**(b) Ensure that appropriate resources are allocated for the health sector and develop and implement comprehensive policies and programmes for improving the health situation of children;**

**(c) Continue to take measures to reduce infant and under-5 mortality, inter alia, by guaranteeing access to quality pre- and post-natal health services**

and facilities, including training programmes of midwives and traditional birth attendants;

(d) Strengthen efforts to improve the nutritional status of children, on the basis of the national nutrition strategy, through education and promotion of healthy feeding practices, including through promoting breastfeeding as an unequalled way of providing ideal food for the health, growth and development of children, in line with the International Code of the Marketing of Breast Milk Substitutes;

(e) Make increased efforts to provide effective services for the promotion of adolescent health, including reproductive health;

(f) Continue and strengthen measures to counter threats posed by illnesses such as malaria, measles, typhoid and dengue fever as well as respiratory and gastrointestinal infections, including innovative measures to provide adequate health care and treatment, such as the use of mobile health teams where appropriate; in addition to preventive measures central to a child's healthy development, such as improving access to safe drinking water and increasing the usage of effectively treated mosquito nets; and

(g) Continue to seek technical assistance and cooperation in this regard from WHO, UNICEF and other organizations with relevant expertise.

### **Standard of living**

60. The Committee is concerned about the high rate of poverty in the State party, but is encouraged by the State party's recent initiative to establish a "Social Solidarity Fund" to support social groups in special circumstances or with special needs. The Committee also notes with appreciation that the Foundation for National Development established by the National Development Plan includes a range of specific measures for children. The Committee is concerned about the problems resulting from insufficient access to housing and the lack of appropriate regulations concerning the ownership of land.

61. In accordance with article 27 of the Convention, the Committee recommends that the State party:

(a) Strengthen its efforts to combat poverty through allocating resources to effective poverty reduction measures, and through strengthening the capacity to implement and monitor poverty reduction strategies at the local and community levels;

(b) Improve access to adequate housing, and ensure that ongoing efforts to regulate the ownership of land result in equitable land allocations and help to alleviate poverty; and

(c) Make efforts to improve access to social services, develop safety net programmes which target the most vulnerable groups, and consider establishing a social security system to ensure a minimum standard of living for all families.

## **Harmful traditional practices**

62. The Committee is concerned at the practice of arranged marriages - under customary law - for very young girls, particularly in rural areas. The Committee notes that such practices violate the provisions and principles of the Convention on the Rights of the Child.

63. The Committee recommends that the State party undertake measures to raise the awareness of the harmful effects of early marriage, in particular in communities in which very young girls are given into marriage under customary law practices, with a view to ensuring that girls are not forced into marriage.

## **7. Education, leisure and cultural activities**

### **Education, including vocational training and guidance**

64. The Committee acknowledges that the State party inherited a poor educational infrastructure and notes with appreciation that the emergency response following the events of 1999 has resulted in higher enrolment rates, including among children living in poverty, children in rural areas, and a higher number of teachers in primary schools. The Committee commends the “100 Friendly Schools” project initiated by the State party in collaboration with UNICEF. The Committee is concerned, however, that a large number of children in the State party in the age range of 6-11 years are still not enrolled in school, that less than 50 per cent of children reach grade 6, and that access to schools remains problematic in some rural areas. The Committee is also concerned about the inadequate level of teacher training, the scarcity of the most basic learning materials, as acknowledged by the State party, and the possible impact that the transition to the Portuguese language in schools may have on the level of comprehension.

**65. In the light of article 28 of the Convention, Committee recommends that the State party allocate adequate financial, human and technical resources in order to:**

**(a) Expedite the enactment of the proposed laws which are to form the legal foundation of the education sector;**

**(b) Ensure that relevant legislation includes provisions to make nine years of primary education compulsory, in accordance with article 59 of the Constitution, and that all children have equal access to free primary education without any financial obstacles;**

**(c) Continue to take progressive measures to further increase enrolment and retention rates, including through the establishment of primary schools in every *suco* (village), as envisaged in the education policy framework, and through facilitating access for children living in remote areas through appropriate means of transport and through maintaining and improving transport infrastructure as necessary;**

- (d) Continue to pay due attention to issues of comprehension during the transition of the multi-lingual school system to the Portuguese language;**
- (e) Devise measures to effectively recruit and/or train appropriately qualified teachers for primary and secondary schools;**
- (f) Take measures to address gender biases and stereotypes in order to improve girls' participation in education after the primary level;**
- (g) Strengthen and expand the school feeding programmes, and implement the school grants programme;**
- (h) Expand care and education facilities for children in the early years to stimulate their development and prepare them for school;**
- (i) Provide expanded opportunities for vocational training and strengthen cooperation with churches and non-governmental organisations in the area of vocational and technical training programmes; and**
- (j) Continue cooperation with UNICEF and other organizations with relevant expertise to further improve the education sector.**

#### **Aims of education**

66. While noting with appreciation the efforts made by the State party to improve the school system in a relatively short period of time, the Committee expresses its concern at the high percentage of untrained teachers which severely affects the quality of education. The Committee welcomes the State party's consideration of the need to give more attention to indigenous culture within the educational curriculum.

67. **In the light of article 29 of the Convention, and taking into account the Committee's General Comment No. 1 on the aims of education, the Committee recommends that the State party:**

- (a) Further strengthen efforts to improve the quality of education through providing appropriate pre- and in-service training to teachers and through ensuring an appropriate living wage for teachers;**
- (b) Include in the official school curriculum education on human rights, including on the rights of the child, as well as education in important life skills, including in connection with issues of reproductive health and the problem of teenage pregnancies;**
- (c) Ensure that the educational curriculum is developed with due regard to the nature of the indigenous culture and languages; and develop and promote cultural awareness and practice through school- and community based education, with a focus on the indigenous heritage and traditional art forms;**

**(d) Continue to seek technical cooperation with, among others, UNESCO, UNICEF and non-governmental organizations.**

### **Leisure, recreation and cultural activities**

68. The Committee welcomes the attention given by the State party to school-based sport and recreation as well as the support provided to sporting activities and events outside the school system. The Committee further notes with appreciation the State party's efforts to develop and promote cultural awareness and practice, but is concerned about the obstacles posed by the lack of adequately trained teachers and coaches and appropriate reference materials.

69. **In the light of article 31 of the Convention, the Committee encourages the State party to:**

**(a) Continue and strengthen its focus on children's sports, play and cultural activities, including through adequate resource allocation and technical cooperation projects; and**

**(b) Maintain and create play grounds, sports fields, child and youth centres and other recreation spaces at the school and community level with the participation of young people as resource persons, and expand access to libraries throughout Timor Leste.**

70. **In addition to the integration of indigenous culture in the formal educational curriculum, the State party is encouraged to consider and implement measures to foster community-based initiatives which may help to promote cultural awareness and practice.**

## **8. Special protection measures**

### **Street children**

71. The Committee is concerned about the situation of children who work or live in the streets, mostly due to socio-economic factors as well as abuse and violence in the family, in light of the risks to which these children are exposed.

72. **The Committee recommends that the State party:**

**(a) Carry out a comprehensive study to assess the scope, nature and root causes of the presence of street children in the country in order to develop a national policy for prevention;**

**(b) Provide street children with shelters, recovery measures and social reintegration services, taking into account their views in accordance with article 12, and with adequate nutrition and necessary healthcare as well as access to education;**

**(c) Develop a policy for family reunification where possible and in the best interests of the child;**



**(d) Conduct public awareness campaigns to address the stigma attached to street children; and**

**(e) Seek technical assistance from UNICEF or other relevant organizations and cooperate with NGOs.**

#### **Administration of juvenile justice**

73. The Committee notes that the State party has drafted a new Penal Code, by which the age for criminal responsibility was raised and which provides that special provisions for young offenders between 16 and 21 years old will be established in a separate law. The Committee further notes that the State party has elaborated Rules of Organization and Procedure for law enforcement officers and child protection personnel. Despite these positive steps, the Committee notes with concern that the rights of children to a fair treatment in the justice system are inadequately protected.

74. The Committee further notes that pre-trial detention is often extended beyond the maximum period prescribed in the applicable regulations, that children in detention are not always strictly separated from adult detainees, and that measures of restorative justice are not systematically considered.

75. **The Committee recommends that the State party continue and strengthen its efforts to ensure the full implementation of juvenile justice standards, with due regard to articles 37, 40 and 39 of the Convention, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty (the Havana Rules), as well as the Committee's General Comment No. 10 on children's rights in juvenile justice (CRC/C/GC/10). In this regard, the Committee recommends that the State party:**

**(a) Expedite its efforts to finalize juvenile justice legislation, with a particular focus on setting appropriate minimum age limits for criminal responsibility;**

**(b) Systematically train judges and other professionals in juvenile justice matters, and ensure that proper legal representation is regularly available to juvenile offenders;**

**(c) Ensure that children are deprived of their liberty only as a means of last resort; continue and expand community-based reintegration programmes and similar measures of restorative justice; and, if detention is unavoidable, take measures to ensure that children are separated from adult detainees; and that decisions on the deprivation of liberty can be reviewed; and**

**(d) Seek technical assistance from the United Nations Interagency Panel on Juvenile Justice, which includes UNODC, UNICEF, OHCHR and non-governmental organizations.**

### **Economic Exploitation**

76. The Committee notes that the State party is revising its Labour Law and is in the process of finalizing a Labour Code. The Committee is concerned, however, about the continued widespread existence of child labour in the State party, in particular in the informal sector. The Committee notes the responsibilities of the National Division of Social Services/Reinsertion for matters concerning the work and welfare of children.

**77. The Committee recommends that the State party, in collaboration with ILO and UNICEF, reinforce its efforts to prevent and combat child labour.**

**78. The Committee also recommends that the State party:**

**(a) Ratify the ILO Convention No. 138 concerning the Minimum Age for Admission to Employment and ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour;**

**(b) Ensure that its new Labour Code will be fully aligned with the standards set out in the above ILO Conventions; and**

**(c) Ensure that minimum ages will be vigorously enforced through a sufficient number of adequately resourced and mandated labour inspectors.**

### **Drug Abuse**

79. The Committee notes that, with the exception of palm wine and tobacco consumption, the prevailing patterns of substance abuse by children are not known.

**80. In the light of article 33 of the Convention, the Committee recommends that the State party conduct research on prevailing patterns of substance abuse among children for the purpose of developing a national policy on prevention; take all appropriate measures to raise children's and parent's awareness with regard to the health risks related to smoking; and review and update national legislation with a view to preventing the sale of alcoholic drinks, including palm wine, to children.**

### **Sale, trafficking and abduction**

81. As the State party has submitted its initial report under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, the State party is requested to refer to the Concluding Observations adopted in relation to that report.

### **Children in armed conflict**

82. As the State party has submitted its initial report under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed

conflict, the State party is requested to refer to the Concluding Observations adopted in relation to that report.

### **Follow-up and dissemination**

#### **Follow-up**

83. The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, including by transmitting them to the members of the Government and Parliament for appropriate consideration and further action.

#### **Dissemination**

84. The Committee further recommends that the initial report and written replies submitted by the State party be made widely available in the languages of the country to the public at large, civil society organizations, youth groups, professional groups, community leaders and children in order to generate debate and awareness of the Convention, its implementation and monitoring.

### **11. Next Report**

85. The Committee invites the State party to submit a consolidated second and third report 18 months before the due date of the third report, by 16 November 2013. This is an exceptional measure due to the large number of reports received by the Committee every year. The Committee expects the State party to report every five years thereafter, as foreseen by the Convention.

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