



**COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2008)<sup>1</sup>: TIMOR-LESTE**

***THE EFFECTIVE ABOLITION OF CHILD LABOUR (CL)***

<b>REPORTING</b>	<b>Fulfillment of Government's reporting obligations</b>	YES, under the 2006 Annual Review (AR). Timor-Leste joined the ILO in 2003.		
	<b>Involvement of Employers' and Workers' organizations in the reporting process</b>	YES, according to the Government: Involvement of the União Nacional de Pequenas Empresas (UNAPE) (National Union of Small Enterprises), the Associação Empresários Timor Loro Sa'e (ASSET LORO SA'E) (Employers' Association of Timor Leste), the Serikat Bekerja Sosialist Timorese (SBST) (Socialist Timorese Trade Union); and the Konfederasaun Sindikatu Timor Leste (KSTL) (Timor-Leste Confederation of Trade Unions) by means of consultation and communication of a copy of Government's reports.		
<b>OBSERVATIONS BY THE SOCIAL PARTNERS</b>	<b>Employers' organizations</b>	NIL		
	<b>Workers' organizations</b>	NIL		
<b>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</b>	<b>Ratification</b>	<b>Ratification status</b>	<b>Timor-Leste has ratified neither the Minimum Age Convention, 1973 (No.138) (C.138) nor the Worst Forms of Child Labour Convention, 1999 (No. 182) (C.182).</b> However, Timor-Leste ratified the United Nations Convention on the Right on the Child (CRC).	
		<b>Ratification intention</b>	<b>2008 AR:</b> According to the Government: ILO technical assistance is necessary in order to better understand international labour standards (ILS) and the Declaration, and also for a labour law review which is needed before the process of ratification of C.138 and C.182 can be initiated in Timor-Leste.	
	<b>Recognition of the principle and right (prospect(s), means of action, basic legal provisions)</b>	<b>Constitution</b>	<b>NO</b>	
		<b>Policy, legislation and/or regulations</b>	<ul style="list-style-type: none"> <li>• <b>Policy</b> <b>NO, however:</b> <b>2006 AR:</b> The Government intended to adopt a policy on the principle and right (PR) by 2010.</li> <li>• <b>Legislation</b> The Labour Code (Regulation No.2002/5), section 11.2, prohibits employment or work by a child under the age of 15.</li> </ul>	

<sup>1</sup> Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: information provided by the Government under the Declaration Annual Review, observations by employers' and workers' organizations, case studies prepared under the auspices of the country and the ILO, and observations/recommendations by the ILO Declaration Expert-Advisers and by the ILO Governing Body. For any further information on the realization of this principle and right in a given country, in relation with a ratified Convention, please see: [www.ilo.org/ilolex](http://www.ilo.org/ilolex)

		<b>Basic legal provisions</b>	(i) The Labour Code, 2002 (sections 9 and 11.2).
		<b>Judicial decisions</b>	NIL
	<b>Exercise of the principle and right</b>	<b>Compulsory education</b>	<b>NO, but envisaged.</b> <b>2006 AR:</b> According to the Government: free compulsory schooling is among the measures that are envisaged by the Government.
		<b>Minimum age</b>	<b>2006 AR: General minimum age for admission to employment or work: 15 years for both boys and girls, which also covers light work and hazardous work.</b> <b>Hazardous work is defined</b> in the legislation as «work which by its nature or the circumstances in which it is carried out is likely to jeopardize the health, safety or morals of such a person».
		<b>Worst forms of child labour</b>	<b>2006 AR:</b> According to the Government: There are laws or regulations with the aim at eliminating any of the worst forms of child labour. But no steps are being taken to modify existing legislation or introduce a new one to address the elimination of the worst forms of child labour. According to Government: Worst forms of child labour such as sale and/or trafficking; debt bondage, serfdom, forced recruitment for armed conflict and illicit activities do not exist. However, it is not known whether prostitution, pornography and other worst forms of child labour exist.
	<b>Exercise of the principle and right</b>	<b>Special attention to particular situations</b>	
<b>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</b>		<b>Information/Data collection and dissemination</b>	<b>2006 AR:</b> According to the Government: The last population census was held in 2004, and the lowest age of persons for whom questions were asked about economic activity was 15 years.
	<b>Monitoring, enforcement and sanctions mechanisms</b>		<b>2006 AR:</b> According to the Government: Legal reform and inspection/monitoring mechanisms are measures which have been implemented to eliminate the worst forms of child labour and awareness raising/advocacy and international cooperation programmes or projects are being envisaged for the same purpose, together with civil or administrative sanctions, special institutional machinery, free compulsory education, employment creation/income generation, awareness raising/advocacy.
	<b>Involvement of the social partners</b>		<b>YES</b> <b>2006 AR:</b> According to the Government: There is a tripartite examination of issues. Employers' and workers' organizations have been involved in the development and implementation of government measures through their participation in the National Labour Board. , which is the responsible Government institution for <i>inter alia</i> , policy advice and dispute settlement.
<b>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</b>	<b>Promotional activities</b>		<b>2008 AR:</b> The Government indicated that a government official was trained on International Labour Standards (ILS) and the Declaration Follow-up between May-June 2007 under the sponsorship of the ILO/Turin Centre. <b>2007 AR:</b> According to the Government: A workshop for workers' and employers' representatives was organized in 2006. <b>2006 AR:</b> According to the Government: The Labour Relations Board is not functioning. However, the following measures have been implemented to promote and realize the principle and right (PR): (i) legal reform (labour law and other relevant legislation); penal sanctions; (ii) social assistance (e.g. stipends, subsidies, vouchers); child rehabilitation following removal from work; and vocational training for young persons.
	<b>Special initiatives/Progress</b>		<b>NO</b>

<b>CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT</b>	<b>According to the social partners</b>	<b>Employers' organizations</b>	NIL
		<b>Workers' organizations</b>	NIL
	<b>According to the Government</b>	<p><b>2008 AR:</b> The Government referred to the following challenges: (i) legal provisions; (ii) lack of public awareness; (iii) capacity building and (iv) weak labour inspection is weak.</p> <p><b>2007 AR:</b> According to the Government: the military crisis has delayed many activities, including the finalization of the draft labour code.</p> <p><b>2006 AR:</b> According to the Government: The main obstacle that has been encountered in Timor-Leste in realizing the PR are as follows: (i) economic and social situation of Timor-Leste; (ii) lack of capacity of responsible government institutions; (iii) lack of capacity of workers' and employers' organizations; and (iv) lack of national law and policy.</p>	
<b>TECHNICAL COOPERATION</b>	<b>Request</b>	<p><b>2008 AR:</b> The Government requested ILO assistance to carry out a country assessment to be validated by a national tripartite workshop on the FPRW.</p> <p><b>2007 AR:</b> According to the Government: There is a need for training and capacity building of officials and staff, especially on labour issues.</p> <p><b>2006 AR:</b> According to the Government: There is a need for ILO technical cooperation to facilitate the realization of the PR in Timor-Leste, in particular in the following areas, in order of priority: (1) Capacity building of responsible government institutions; (2) Training of other officials (police, judiciary, social workers, teachers), (3) Strengthening capacity of employers' and workers' organizations; (4) Employment creation, skills training and income generation; (5) Legal reform; (6) Data collection and analysis; (7) Awareness raising, legal literacy and advocacy; (8) Special programme for the elimination of the worst forms of child labour; (9) Inter-institutional coordination; (10) Cross-border cooperation mechanisms; (11) Policy advice, (12) Social protection systems; (13) Sharing of experiences across countries/regions.</p>	
	<b>Offer</b>	ILO (including labour law reform and assistance in reporting under the 2006 AR), and UNICEF.	
<b>EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS</b>	<p><b>2008 AR:</b> The ILO Declaration Expert-Advisers (IDEAs) considered that universal ratification of the child labour Conventions was not a distant dream but an achievable goal, in view of the number of States, including Timor-Leste, having expressed their intention to ratify C.138 and/or C.182 (Cf. Paragraph 56 of the 2008 Annual Review Introduction – ILO: GB.301/3).</p> <p><b>2007 AR:</b> The IDEAs noted the paucity of practical information of several reports, including the one of Timor-Leste, which complicated their task of assessing the extent to which the PR is realized in the countries concerned. They drew the attention of governments to the possibility of requesting technical assistance from the Office to facilitate fuller and more comprehensive reporting. They also urged Timor-Leste to express (and another country) to express its intention concerning ratification of C. 138 and C.182 (Cf. Paragraphs 52 and 53 of the 2007 Annual Review Introduction – ILO: GB.298/3).</p> <p><b>2006 AR:</b> The ILO Declaration Expert-Advisers noted that the close relationship between free, available and adequate schooling and decreasing child labour was also evident from the reports and from other information available. In this connection, they expressed concern that in Timor-Leste and two other reporting countries there was no compulsory schooling (paragraph 58 of the 2006 Annual Review Introduction – ILO: GB.295/5).</p>		
<b>GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS</b>	NIL		