

THE CHILDREN'S RIGHTS DOCUMENT IN THE OVERVIEW SIGN OF THE CRDTI (2024)

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Received: 09 Jan 2024; Accepted: 12 Jan 2024; Published: 15 Jan 2024

Citation: Alexandre Gentil Corte-Real de Araújo. THE CHILDREN'S RIGHTS DOCUMENT IN THE OVERVIEW SIGN OF THE CRDTI (2024). AJMCRR 2024; 3(1): 1-9.

ABSTRACT

Introduction: In general, to analyze Article 18 of the Constitution of the Democratic Republic of Timor-Leste (CRDTL), which says that all children have the right to education, health, etc. We return to the condition of children who form their concern, when the conditions become aggravated as child labor, and lose their rights on the part of the family. Sometimes, children cover the sadness and used the other way to help the needs of the family, but the children's opinions should be heard all matters relating to their rights is fundamental.

Objectives: To narrate and review to ensure equal access and educational opportunities for all children and to identify and meet requirements that allow for the development of their capacities or aptitudes and their culture in each municipality of Timor-Leste.

Methodology: Elaborated in the elaboration of deductive, based on research work in international articles of literary and legislative scholarly, whose current documentary sources will be cited in the bibliography.

Conclusion: To be achieved to ensure the law of the constitution RDTL says, that the protection of children is the compression to respect the dignity of children, so with promises to be the well-being of children and also their protection against any way at risk and to enforce the right of children to seek the search for children. The solution that promotes the greatest possible benefit to children, also interprets and carries out a norm, should be in the best interests of children. Therefore, parents have a responsibility to guarantee the rights of children and to develop with the freedom of justice and equality, such as the participation of 17-year-old minorities to have some educational resources and learn from anything with joy. And satisfaction of each child or minorities cited by (Corte Real AG & Babo Soares D.C., 2024).

Key Words: The RDTL Institution Law, Children's Rights and Child Protection.

INTRODUCTION

Children's rights are met in the needs of development in the age-appropriate way, as the child grows up with the rights of children and human rights focused on the condition of children these rights bet the concern with the early phase of human formation and development. The Convention on the Rights of the Child establishes and sets out complementary facultatives, and this right should include the freedom to seek, receive and disseminate information and ideas of all kinds. The child's view that the children's voice should be heard and counts in all matters relating to their rights. The participation of children in society is a right affirmed by the Universal Declaration on the Rights of the Child and its ratification in Timor-Leste is provided for in Article 2(1) of the Children's Code. In 1948, in the Universal Declaration of Human Rights, which was annotated by the United Nations General Assembly (UNGA), then enunciated civil, political, economic, social and cultural rights. for all human beings and including children.

On May 17, 2011, the Ministry of Justice of Timor-Leste presented for public discussion the preliminary draft of the Children's Code, a text that is the result of the work carried out since 2004 by the Ministry of Justice, in close collaboration with UNICEF, in order to provide in Timor-Leste. A law for the protection and promotion of the rights of the child, in accordance with the international standards for the defence of human rights to which the country is bound and with the provisions of Article 18 of the Timorese Basic Law. The Children's Code incorporates the fundamental principles and rules contained in the Convention on the

Rights of the Child, adopted by the United Nations General Assembly on 20 November 1989 and ratified by Timor-Leste on 17 September 2003. In addition, the Code reflects the positions taken by the United Nations Committee on the Rights of Children. In reality, many children in Timor-Leste are not the best, not all of them have their rights guaranteed. Next, we will see some challenges for children and the current panorama of the country.

According to the report, by UNICEF and the Portuguese Government, the data show that 49% of children under the age of 1 live below the official poverty line, set at just \$46.37 per month, slightly above the international poverty line set at \$40.45. This is a very expressive fact and directly influences the perspective of life of these children and adolescents. Being in a situation of poverty or extreme poverty makes it difficult for children to access basic items and rights, such as food, education, basic sanitation and protection, generating a situation of multiple deprivations. Thus, the poorest children end up not having the same opportunities that or do not go through poverty, this situation harms the development of less favored children and exposes them to problematic situations, such as work and even child degradation. Crimes of sexual violence and sexual abuse of minors reported to the Timor-Leste police increased by 20 21. Already 2.9.5% of the country's prison population represents those convicted of these crimes. According to the crime data, released by the General Directorate of Statistics, the number of sexual abuse cases of Child 5 applied to 80. As for the number of rape cases, it tripled to 56. The country's three prisons (Dili, Gleno and Suai), where there was a total of 836 inmates at the end of 2021,

now have almost 244 convicted of sexual offences, including aggravated rape and also abuse of minors, according to the released result cited by (Corte Real AG & Babo Soares D.C., 2024).

According to the statistics released, criminal cases in the country are at 20-21 globally, the highest level ever. There are more than 5.25 4 cases reported to the National Police of Timor-Leste (PNTL) during the year, with almost 4.5% in the municipality of Dili. After Dili, with 2.255 cases, it is followed by the border region of Bobonaro (466), Oecusse -Ambeno (405) and the second city of the country, Baucau (403). The National Commission against Child Labour has registered about 5,300 children working in Timor-Leste, according to the Legislative Organ's Resident Officer Aniceto Soro and the representative of the International Labour Organization and the United Nations Children's Fund (UNICEF)." According to the national survey, which took place between 2016 and 2022, about 5.3 thousand children are in child labor, putting their access to education, physical and intellectual development at risk," said Soro. The statements to journalists took place on the sidelines of a meeting with the President of the Republic, Dr. José Ramos Horta. Also, according to Soro, the municipalities with the most child workers are Aileu, Ainaro, Covalima, Ermera and Oecussi. These are minors between five and 17 years of age. To eradicate this problem, the same source continued, it is necessary to make a joint effort and apply concrete measures between the relevant ministerial lines in order to reduce this common situation in the country cited by (Corte Real AG & Babo Soares D.C., 2024).

Objectives: To narrate and write to ensure equal access and educational opportunities for all chil-

dren and to identify and offer must meet requirements that allow the development of their skills and their real culture. in addition to stimulating the critical sense and responsibilities of the State and Government of Timor-Leste.

METODOLOGY

We use the method of revision of academic literature and is elaborated deductive of references and readings based on academic research work in international, literary and legislative articles, whose credible sources will be mentioned in the bibliographies of the well-organized study cited by (Corte Real AG & Babo Soares D.C., 2024).

THEORETICAL FRAMEWORK

Children's rights are an issue of great importance in all communities. Everyone should know them well so that they are respected and long. It is adults who have the responsibility to guarantee these rights to children so that all children grow up and develop with freedom, justice and equality. In this section you can find reference to the right to health, education and development, participation and the more specific rights of minorities, such as the migrant population (foreign children living in Timor) you can also find some playful resources and educational games to have fun and learn. Children's rights are one of the many social organizations that fulfill their role of defending and guaranteeing the rights of children as stated in Article 4 of the ECD, it is not only the duty of the State and the family to guarantee these rights, but also of the community and society in general. Organizations are born from the initiative of people from the community itself, who identify and diagnose an issue, and choose to intervene in this specific demand, in order to overcome this inequality in the community and as representatives of it in other

spaces of participation, and for its more open, democratic structure of horizontal and vertical.

The protection of children is the commitment to respect the dignity of the child is at the heart of the mission. And posture derives from the divine image of each child and from the special vulnerability of children and young people. That is why it is committed to the well-being of children and their protection against any form of risk. The norms and regulations established in your work, that is, in your foreign country with regard to the protection of children, are based on the Christian vision of humanity, on the Charter of the Rights of the Child of the United Nations or UN, as well as on the respective legal and ecclesiastical requirements. A is committed to protecting children from any threat to their well-being, whether in its role as an employer, in the face of such a commitment, it undertakes to investigate in an appropriate manner suspected cases of danger to children, giving top priority to the protection and support of those affected. As a general rule, the duty to protect children is the duty of the family, society and the state for children with absolute priority, the right to life, etc. In addition to the protection of UNICEF, they work to ensure that no child is a victim of violence. To this end, it gives visibility to the influence of changes in legislation and public policies, and supports violence prevention and response services. And child protection measures are court orders granted for the purpose of protecting an individual who is in a situation of risk, danger, or vulnerability, regardless of class, race, ethnicity, sexual orientation, cultural income, educational level, age, or religion. So, from our Constitution of the Democratic Republic of Timor-Leste, it says children have the right to special protection from the family, the community and the state. The international commitments assumed by Timor-Leste in the protection of children's rights, such as the reception of the Universal Declaration of Human Rights as an interpretative criterion for fundamental rights by Article 23(2), part, and also the speed with which Timor-Leste ratified the most relevant international instruments aimed at the protection of human rights. For what interests us here, Timor-Leste is bound by several international instruments specifically aimed at the protection of children's rights.

The Portuguese Constitution is, according to Philip Alston and John Tohin's classification, a constitution of special protection, in that it contains an autonomous precept specifically dedicated to the protection of the rights and interests of the child in Article 18 of the RDTL Constitution. The rights and interests of the child are protected first and foremost by the family, but it may also be necessary to protect them against them. Article 18(1) of the CRDTL recognises the right of the child to special protection by the family, the community and the State, in particular against all forms of abandonment, discrimination, violence, oppression, sexual abuse and exploitation in line with what we have seen imposed by the Convention on the Rights of the Child. Child labor may be a more common practice than you might think; Child labor is when a child begins work under the age of 16. This practice is prohibited and may lead to the arrest of those responsible for the child, as well as the person who hired the child. On the 7th of 10 of 2021, child labour covers more than 1.7% of Timorese children There are 4.4 thousand children who have never been to school in the country, with those living in rural areas being four times more likely to be involved in work than in urban areas. In 2021, the report shows that 16.4% of

Timorese children have a hazardous job. Children in hazardous work are harmed in terms of mental and physical health, as well as in terms of education. Dinorah Granadeiro also asked the State to give priority to children's rights, as they are enshrined in the Constitution and were adopted by Timor-Leste in the International Convention on the Rights of the Child in 2003 to be the fundamental basis of the Children's Rights process cited by (Corte Real AG & Babo Soares D.C., 2024).

The right of the child has evolved over time since, nowadays, building a fairer and more egalitarian society means dealing with the rights of all citizens, including children and adolescents. They are also considered by the current as the subjects of law. The problem is to ascertain whether this evolution of rights has in fact enabled greater protection for children, especially by the family and society. Evolution of children's rights can be dedicated to children, we invite you to a brief reflection on the role of children in society there were no parameters of protection for children, child labor, is common even in unhealthy and unsafe conditions over the past the standards of children's rights have advanced strongly having triggered the Universal Declaration of Human Rights and provided for the duty to guarantee the means of development as a priority in the relief and assistance. In the post-war world, the adoption of the Universal Declaration of Human Rights in 1948 included specific articles on special care and social protection for mothers and children. For this reason, it adopts the Declaration of the Rights of the Child, to recognize, among others, the right to education, play and health, the pacts that followed, brought guidelines focusing on education and protection for all children.

For the evolution of children's rights, it is enough that they are guaranteed to all our rulers, jurists, thinkers. All of us at the front depend in one way or another, to a greater or lesser extent, on those who are now children of those who will be our secondary. We cannot deny our responsibility as a society, we urgently need to assume our role and guarantee the future, after all, what will tomorrow be if it is not the children of today. Awareness, responsibility, maturity in the decision for maternity and paternity. Children are not toys that children receive today, in addition to gifts; our respect.

DISCUSSION

The participation of children in society is a right of children that is affirmed by the Declaration on the Rights of the Child and its ratification in Timor-Leste. In any and all situations that threaten or violate the rights of the child, as a result of the action and omission of parents or guardians, of society or of the state through the family, even in the face of their own behavior. Because there are five fundamental rights that we know are the most important are: Right to life and health; Right to freedom, respect for dignity; Right to family and community life; Right to education, culture, sport and leisure; and the right to professionalization and protection at work. Childhood is also a problem of children's rights because of any of the countless children who work daily on the streets of the nation's capital. Therefore, the explicit presence of children on the streets of the Timorese capital and in several municipalities is a cruel problem of the critical socio-economic condition of the country, where almost half of the population still lives in extreme poverty, cited by (Corte Real AG & Babo Soares D.C., 2024).

We can say that disrespect for the Constitution, according to Article 18(a) and (b). ° of the Constitution of the Democratic Republic of Timor-Leste (CRDTL), children have the right to special protection from the family, the community and the State, particularly against all forms of abandonment, discrimination, violence, oppression, sexual abuse and exploitation. The Declaration on the Principles and Fundamental Rights states that all member countries of the International Labour Organization. In which Timor-Leste is included, they must respect and promote the four fundamental principles and rights at work, among them the abolition and effect of child labour. Therefore, the absence of quality public education and the lack of public policies that promote family planning are some of the factors that have contributed most to the existence of children working. According to the same organization, child labor that abandons children's rights can create the psychological problem contributes to poor school performance, impairs socialization, preparation for the labor market and the intellectual development of the child and future adult. Child labour therefore constitutes a violation of fundamental human rights because it prevents the child from fully developing and adequately living his or her childhood of freedom and progress cited by (Corte Real AG & Babo Soares D.C., 2024).

It is also the duty of the state to provide the family with the protection and assistance necessary for it to be able to fully play its role in ensuring the harmonious development of the child. However, if the child is the victim of abandonment or abuse by his or her family, the state must intervene to put an end to the situation, and may ultimately decide to separate the child from its parents and entrust it to a child care institution. Article 18 (3) of the Con-

stitution of the RDTL enshrines the principle of non-discrimination against children born out of wedlock, whether they are the result of extramarital relations, de facto partnerships, previous marriages or the commission of crimes. All children, whether born in or out of wedlock, enjoy the same rights and the same social protection.

Education is the act of educating, of instituting, good education, disciplining. In the broadest sense of the child, education means the means in which the habits, customs, and values of a community are transferred from one generation to the generation. Through children, they have access to the knowledge, skills and competencies that allow them to develop personally and professionally, improve their quality of life and contribute to the economic and social development of the country. The main objectives are the human formation of the student, transforming the school from a regular practice of the child's experiences, equity, inclusion and socialization. In Decree-Law No. 3/2015 of 14 January. The role of families in the education of children involves responsibility, affection and transmission of values. Children who have fathers present in their routines have more to develop properly in different aspects, such as social, intellectual and emotional. The role of parents in the education of their children is fundamental to the formation of values. In the end, the family is responsible for initiating the child's physical and intellectual development process. Parents are also the main agents for their children to become people of integrity, in the family and Society Timor-Leste cited by (Corte Real AG & Babo Soares D.C., 2024).

There are movements for educational reforms, such as to improve the quality and efficiency of

education towards relevance in children's lives and efficient problem-solving in modern society or future evidence-based education in general.

Our vision is that all Timorese children should go to school and receive a quality education that gives them the knowledge and qualifications. The government can recognize and promote children's rights education in Timor-Leste, and continues to develop children's knowledge in the areas of education. Based on the structuring axes of early childhood education, which are interactions and games, the base establishes six rights of learning and development: To Live, Play, Participate, Explore, Express, and Know Yourself. On the basis of Article 25 of the Treaty, °, up to 26. °, to the Children's Code Educational System, May 2011. The child has the right to a quality education and respect for the same and opportunities. Or we can say, the law of education, the code underlines the importance of quality education, based on the work of competent teachers and the use of appropriate teaching materials, places, facilities and resources, as well as on the provision of flexible educational proposals, able to meet the specific needs of all children, and with the provisions of the basic law of education of Timor-Leste cited by (Corte Real AG & Babo Soares D.C., 2024).

The child is a fully developing human being. The experiences lived in the first years of life are fundamental for the formation of the child that will be in the future. Therefore, it is very important that children grow up in a healthy environment, surrounded by affection and with freedom to play. The WHO defines health as a state of complete physical, mental and social well-being, not just the absence of disease. Children, it seems, have a similar opinion. Among the main concerns of parents

and guardians is ensuring the child's health. In order for the child to have quality of life and a healthy routine, it is important to offer food and oral hygiene care and ensure medical follow-up. Next, follow the essential care for the child's health that must be carried out to ensure healthy growth and development in life and well-being cited by (Tilman CB & Corte Real AG., 2023).

In Article 57. °, n° 1, 2, 3 of the Constitution of the RDTL, says that everyone has the right to health and medical and sanitary assistance and the duty to defend and promote them. Also, of the Children's Code, May 2011, in Articles 18 to 22, the same Children's Code. To take care of the child, educate and promote their health and internal development. The partnership between parents, the community and health professionals, and social education is important. It is important to stimulate the child's development from an early age so that he acquires self-confidence, and develops the ability to relate well to other children, to the family and to the community. In this way, you will have a greater chance of becoming an adult who has developed your full potential. Carry out monitoring of the child's development in the first years of primary life. When it comes to our children, there is no mission more important than taking care of their health. It is an act of love, affection and responsibility to ensure that the little ones are healthy for physical and emotional development. Children are constantly growing and developing. Good health in childhood is crucial for them to reach their full potential. Taking care of your health from an early age helps prevent a number of diseases and health problems in the future. Establishing healthy habits in childhood can lower your risk of obesity, diabetes, heart disease, and more. Children's mental health is also intertwined with their physical and

mental health to be human responsibility cited by (Corte Real AG & Babo Soares D.C., 2024).

CONCLUSION

Article 18. In the constitution of the RDTL, and the children's code. What is the advice and duty for the fulfilment of children's rights that provided for in the statute of the children's code to represent some specific objectives. In conclusion, we say that the Children's Code introduces some innovations in relation to the normative framework already in force in Timor-Leste, especially because of the discrepancy it establishes in terms of constitutional law that explains and talks about the right of the child based on Article 18. In the constitution of the RDTL, at risk and alternative care. As we have had occasion to mention, schools and official bodies establish permanent mechanisms for consultation with the child in order to make the decisions that children make. In any case, the legal law that exists at the moment regardless of the adoption of the children's code, it is evident that the welfare of Timorese children does not depend on a new law, but on effectively applying the laws that exist in the country cited by (Corte Real AG & Babo Soares D.C., 2024).

To ensure that all children have the right to life, health, food, education, sport, leisure, professional training, culture, etc. It is a duty not to be submitted to parents, relatives and the public authorities, but Timor-Lis a country that has ratified in the Institution of the RDTL, provided for in Articles 18, 57°, and the Convention on the Rights of the Child, also in Decree-Law, No. 3/2015 - to the Ministry of Justice, and in Timor-L it has the obligation to fulfill its commitment. In the first part of the work, we dealt with the rights of the child, and the fundamental rights that related to the rights of

the child. Therefore, children's rights began to be valued and respected in order to submit to the socialization of societies that sought the protection and realization of human rights. In this respect, the Universal Declaration of Human Rights which deal with the rights of human beings in a general manner, while the UN Convention on the Rights of the Child in 1948, and the United Nations General Assembly on 27 November 2002 and ratified by Timor-Leste, and the Civil Penal Code reflect the positions taken by the Committee the Rights of the United Nations is very important to understand cited by (Corte Real AG & Babo Soares D.C., 2024).

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