



**Press Release**  
**Mehara Village, Tutuala**  
**19 September 2019**

**Participants from Mehara Village stated that the materials provided by JSMP play an important role in helping communities reduce domestic violence**

On 12 September 2019 JSMP held training about democracy, the role of sovereign organs, public participation in the law making process and access to formal justice for members of the village council and community members in Mehara Village, Tutuala Administrative Post, Lautem Municipality.

30 participants attended this training, comprising 12 men and 18 women. In addition to members of the village council there was also a Village Police Officer (OPS).

The aim of this training was to increase the knowledge of members of the village council and community members about democracy, the role of the sovereign bodies, how the public can participate in the law making process and access to formal justice.

“This training is a means to help members of the village council deepen their knowledge about relevant issues, particularly relating to their duties and competencies in resolving problems in the community, so that they can deal with and act on problems that emerge based on the law and using the correct and appropriate mechanisms”, said the Acting Director of JSMP, Casimiro dos Santos.

The Village Chief of Mehara, Mr. Ze Meigo Neto, stated that he appreciated the visit of JSMP and was proud of JSMP for providing this crucial information to members of the village council and community members. The Village Chief urged the participants to focus on the information presented by JSMP to gain a better understanding about the materials disseminated by JSMP and to use the correct procedure because to date members of the village council have attended to problems in the community but have not followed the correct procedure.

During the session on democracy, participants raised their concerns about the immunity given to members of sovereign organs when they commit crimes, which is different to the status of ordinary citizens. JSMP responded to this issue by stating that Article 16 of the Constitution on universality and equality determines that all citizen are equal before the law and have the same rights and obligations, and no one shall be discriminated against on grounds of sex, origin, marital status, social or economic status, political or ideological convictions, or religion. These provisions set out the principle of equal treatment based on the Constitution and the democratic rule of law.

However, to ensure the proper and effective functioning of the sovereign organs, the Constitution also sets out provisions that provide immunity to member of sovereign organs such as the National Parliament, Government, etc. The intention of these provisions is to protect members of the sovereign organs in the performance of their duties and competencies as set out in Article 94

of the Constitution on immunity for members of the National Parliament and immunity for members of the Parliament as dealt with specifically in Article 8 of Law No. 15/2009 as amended by Law No. 1/2016 on the Parliamentary Rules of Procedure. Articles 113 and 114 of the Timor-Leste Constitution deal with criminal liability and immunity of members of Government.

The provisions on the immunity of members of Parliament states that members of parliament are only criminally liable for crimes carrying a prison sentence of more than 5 years, and if the National Parliament removes immunity through a majority vote in the plenary. When the National Parliament does not remove this immunity, then the Member of Parliament is not subject to a judicial process. In relation to members of Government, the provisions of Article 113.1 of the Timor-Leste Constitution state that where a member of the Government is charged with a criminal offence punishable with a sentence of imprisonment for more than two years, he or she shall be suspended from his or her functions so that the proceedings can be pursued, and Article 113.2 states that for criminal offences punishable with a sentence of imprisonment for a maximum of two years, the National Parliament shall decide whether or not that member of the Government shall be suspended so that the proceedings can be pursued. While they are not subject to proceedings whilst carrying out their mandate, when their mandate expires they no longer have immunity and will be held responsible for their criminal actions.

Other issues raised by participants included the fact that community members only know their rights but not their obligations, and how to resolve the infanticide cases that continue to be prevalent, and also the many divorces happening in the community and how to hold fathers accountable for children.

In response to these issues, JSMP explained that we are proud that the State is functioning in accordance with the law and the system of democracy, which means that sovereignty is with the people and is exercised in accordance with the law, and in the system of democracy all persons have the same rights and obligations, meaning that all persons have the right to life, health, education, security, freedom, amongst others, but they also have the obligation to respect others because others also have the same rights as us. Every person has personal rights and property rights but a person does not have any rights over others, meaning we don't have rights over our wives or husbands, or children or others, because if we have rights over them (wife, husband, child or other person) then we could decide on their life, therefore we need to understand that we only have obligations/duties to respect, care for and protect them.

In response to the issue of cases of infanticide that are prevalent in the community, JSMP explained that a baby in the womb has the right to life, therefore any person who performs or contributes to an abortion or kills a baby after it is born will be punished in accordance with the criminal law in Timor-Leste. Many defendants in cases of infanticide are currently held in prison and some are being investigated for committing the crime of infanticide. JSMP also told participants that parents and village authorities play a major role in providing moral education to young people in their respective family or village to deter the crime of infanticide from happening the future and information must be provided to the court authorities so they can issue fair decisions for victims of infanticide.

In relation to people getting divorced, JSMP explained that the law does not prohibit people from getting divorced, but when it occurs both the wife and husband have the same obligations to provide alimony to the children they leave behind, and if they don't provide alimony for minors,

then they will be held accountable for the crime of failure to provide food assistance pursuant to Article 225 of the Penal Code.

In the closing session of this training the village chief, Mr. Ze Meigo Neto, thanked JSMP for attending and providing this excellent information to the local authorities, village residents, the OPS, and the community. The participants can apply what they have learned in the training in their daily lives, for example spouses may not hit each other, or in other words domestic violence can be reduced.

This training activity was made possible due to the support of the Civil Society Fund, Office of the Prime Minister.

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