



JUDICIAL SYSTEM MONITORING PROGRAMME
PROGRAMA DE MONITORIZAÇÃO DO SISTEMA JUDICIAL

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CALL FOR FURTHER ACTION ON DOMESTIC VIOLENCE LAW

Despite the drafting of legal provisions as early as 2003, there remains no specific legislative response to the pervasive problem of domestic violence in Timor-Leste.

With studies suggesting that as many as half of Timor's adult female population may be experiencing abuse by a partner, this issue ought to be one of national priority.

Following sustained advocacy from civil society and the donor community, a draft domestic violence law will be considered by the Council of Ministers next month.

JSMP hopes that this Bill receives appropriate consideration and the full support of both the Minister of Justice and the Secretary of State for the Promotion of Equality.

The passage of legislation would be an important symbolic act in a broader campaign to stamp out this social problem, and to draw attention to violence against women.

The draft law is already the product of considerable political compromise, and though it would still represent substantial progress, it is hoped further reforms may follow.

Of particular concern in the current draft is the emphasis placed on the integrity of the family unit. Though a laudable goal, this may come at the expense of women's safety.

Under the proposed legal framework, domestic violence would be classified as a 'semi-public' crime, meaning that the victim alone has standing to make a complaint.

If the offence were to be considered a 'public' crime, other witnesses would be able to come forward and help to initiate proceedings against the perpetrators of violence.

JSMP understands the Government has received advice from the Court of Appeal that making domestic violence a public crime would generate an unworkable caseload.

Whilst the problem of backlog is a serious issue for the courts, this should not be a rationale for making incidents of domestic violence more difficult to prosecute.

Many details relevant to application of the proposed law are reliant on the domestic Penal Code, which is not yet in force and remains the subject of much controversy.

This domestic violence law must not be the sole legal means to deal with this issue. Sentencing guidelines must be revised and justice sector personnel better supported.

JSMP calls on the national parliament to take action on this critical issue, and to further improve the ability of women to understand and access their legal rights.

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