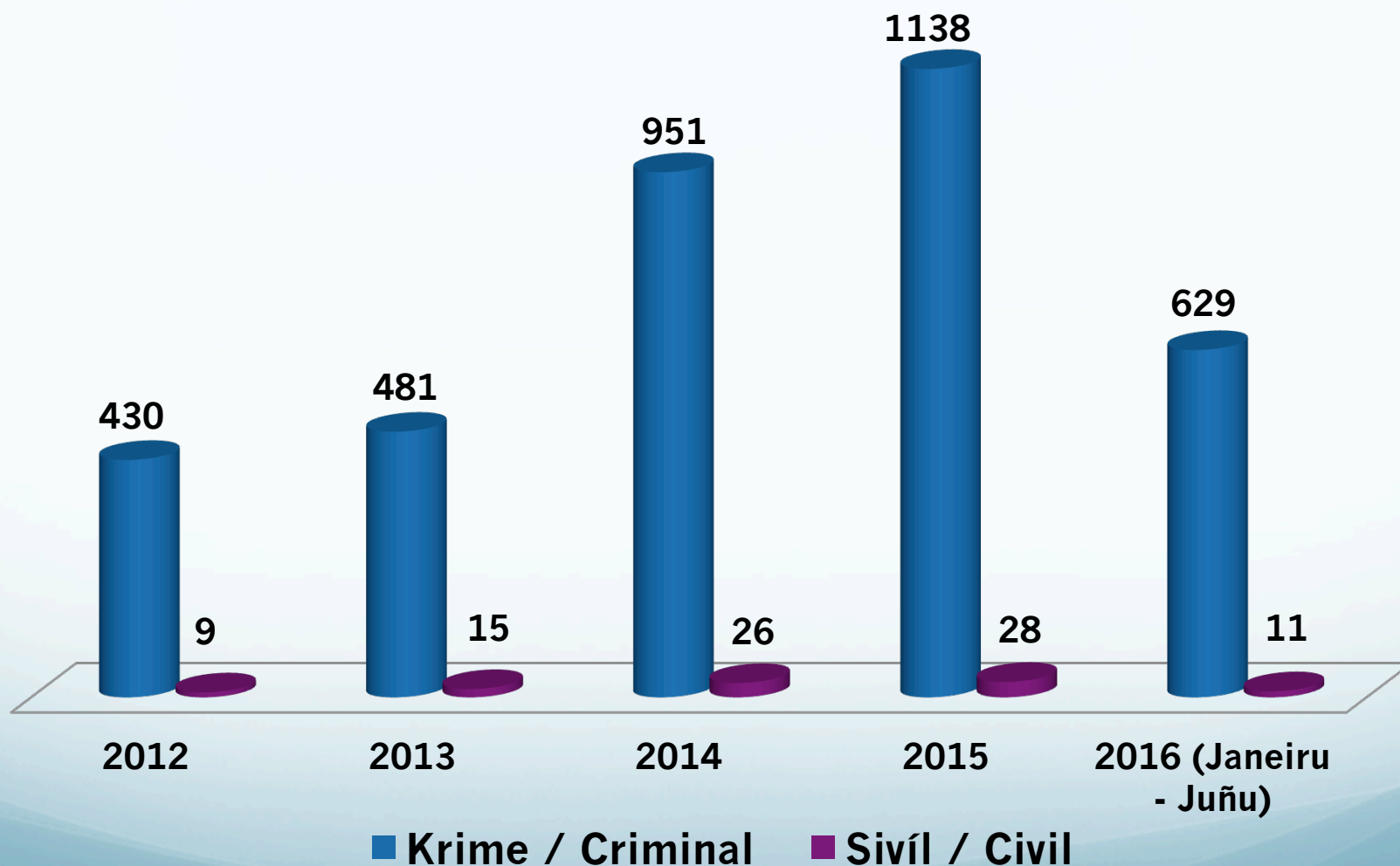


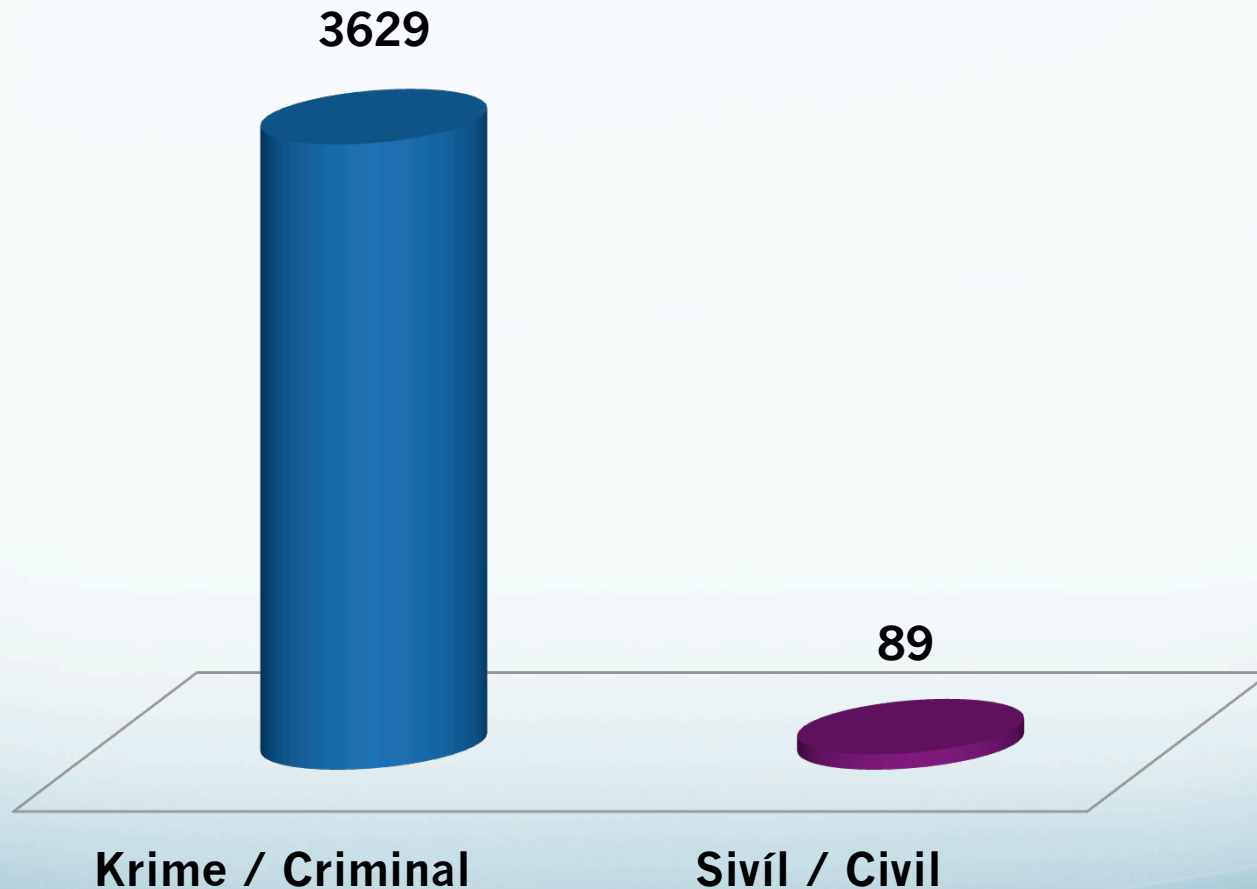
# **Domestic and Sexual Violence against women**

## **Court monitoring results from JSMP**

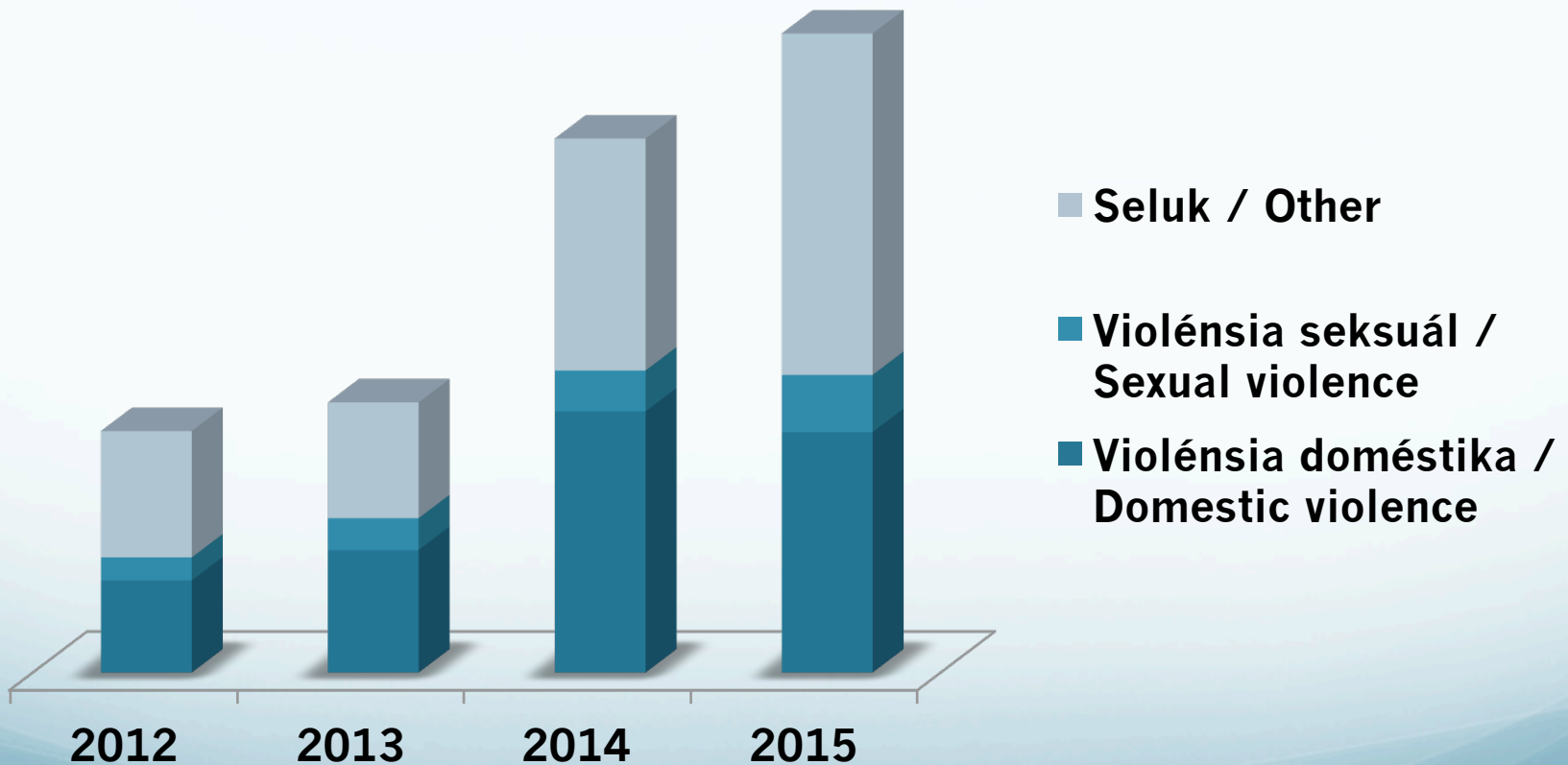
# Total cases monitored by JSMP in 2012 – June 2016



# Total cases monitored by JSMP in 2012 – June 2016



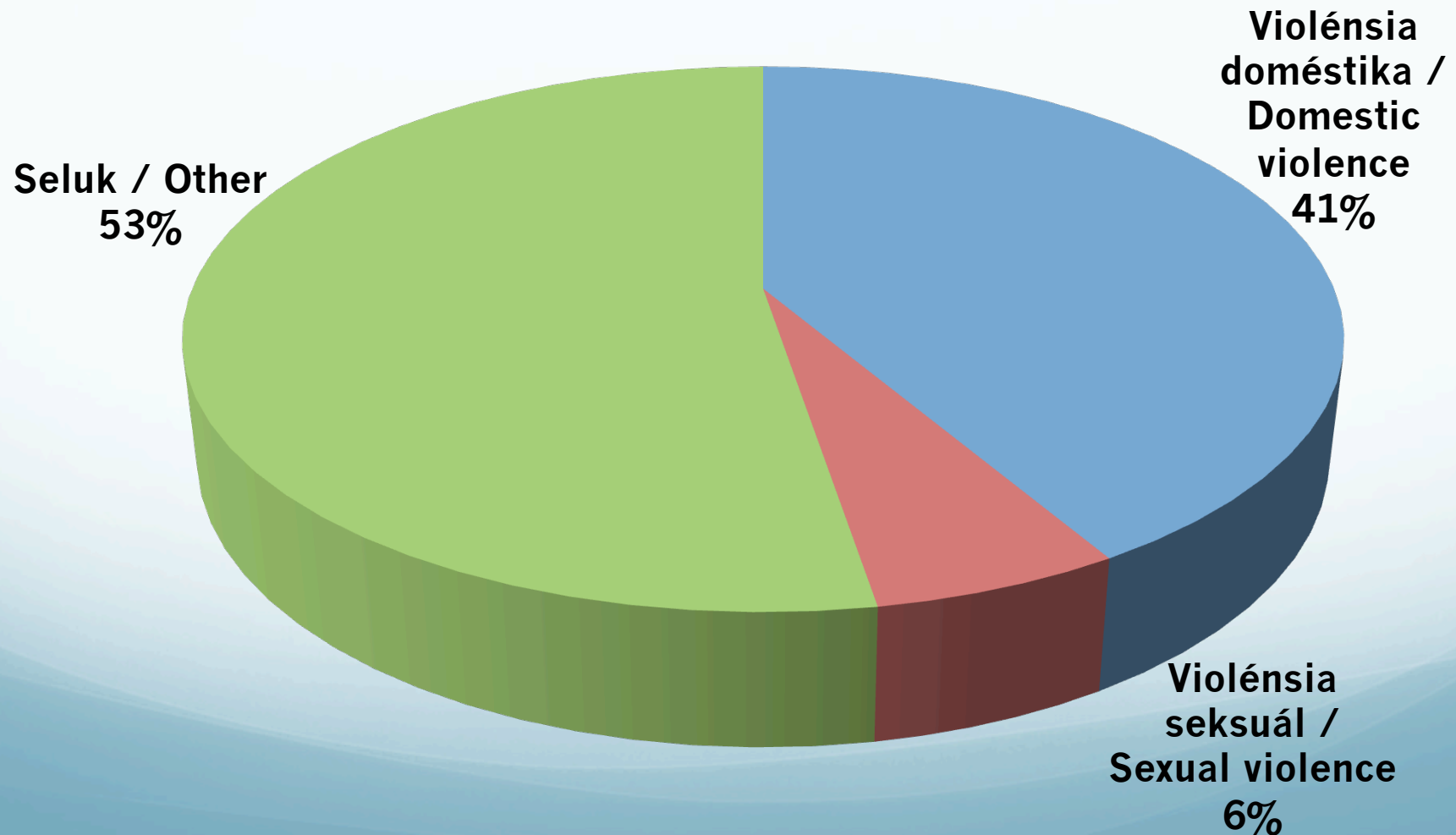
# Total domestic violence and sexual violence cases monitored by JSMP in 2012-2015



# **Total domestic violence and sexual violence cases monitored by JSMP in 2015 - June 2016**

- In 2015, JSMP succeeded to monitor 434 domestic violence cases and 102 sexual violence cases
- In 2016 from January to June, JSMP succeeded to monitor 261 domestic violence cases and 37 sexual violence cases.

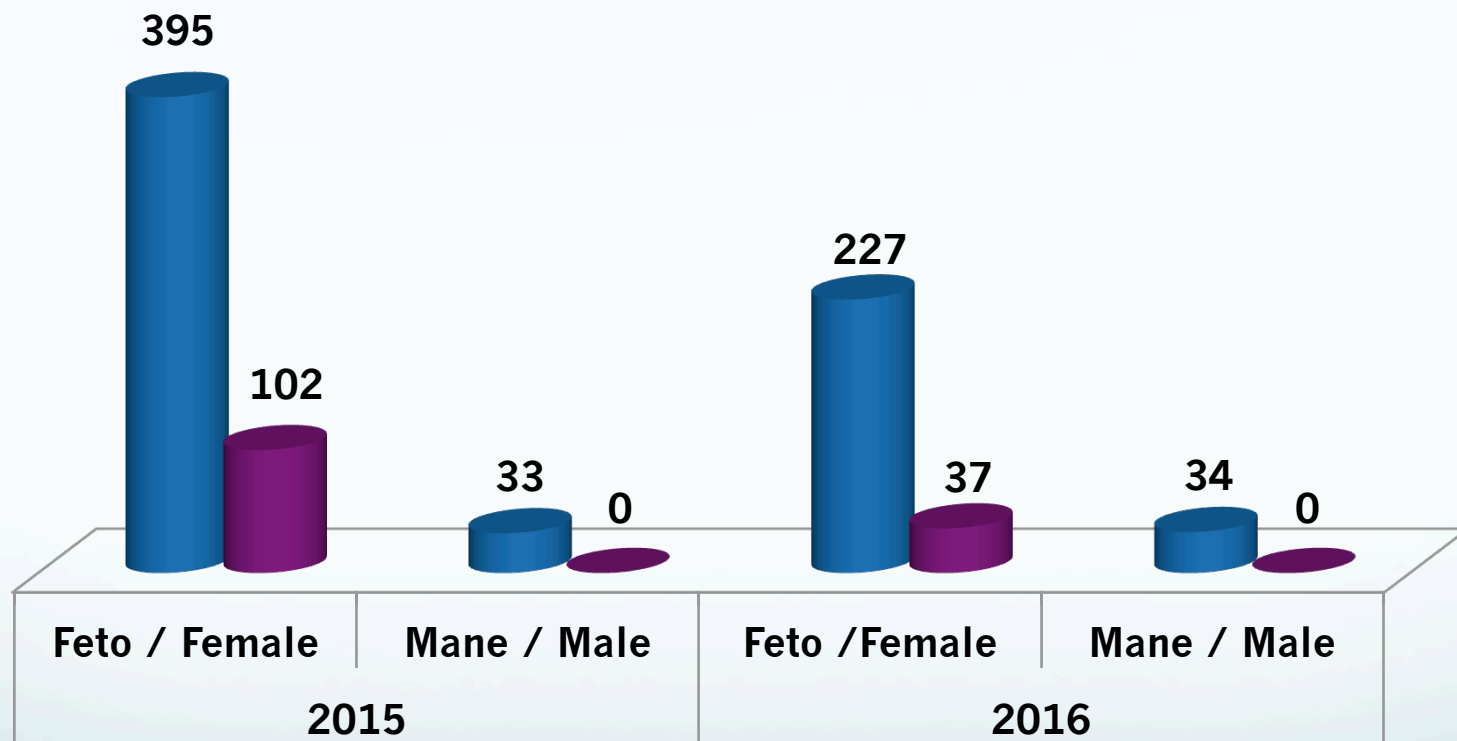
# Total domestic violence and sexual violence cases monitored by JSMP in 2016



# Domestic Violence and Sexual Violence Cases

- The total of these cases which JSMP succeeded in monitoring don't represent the total domestic and sexual violence cases which are being prosecuted in the Courts.
- According to the monitoring results from JSMP, in cases of domestic violence and sexual violence, the majority of victims are women (specifically, wives) and girls.

# Victims in domestic violence and sexual violence cases



- **Violência doméstica / Domestic Violence**
- **Violência sexual / Sexual Violence**



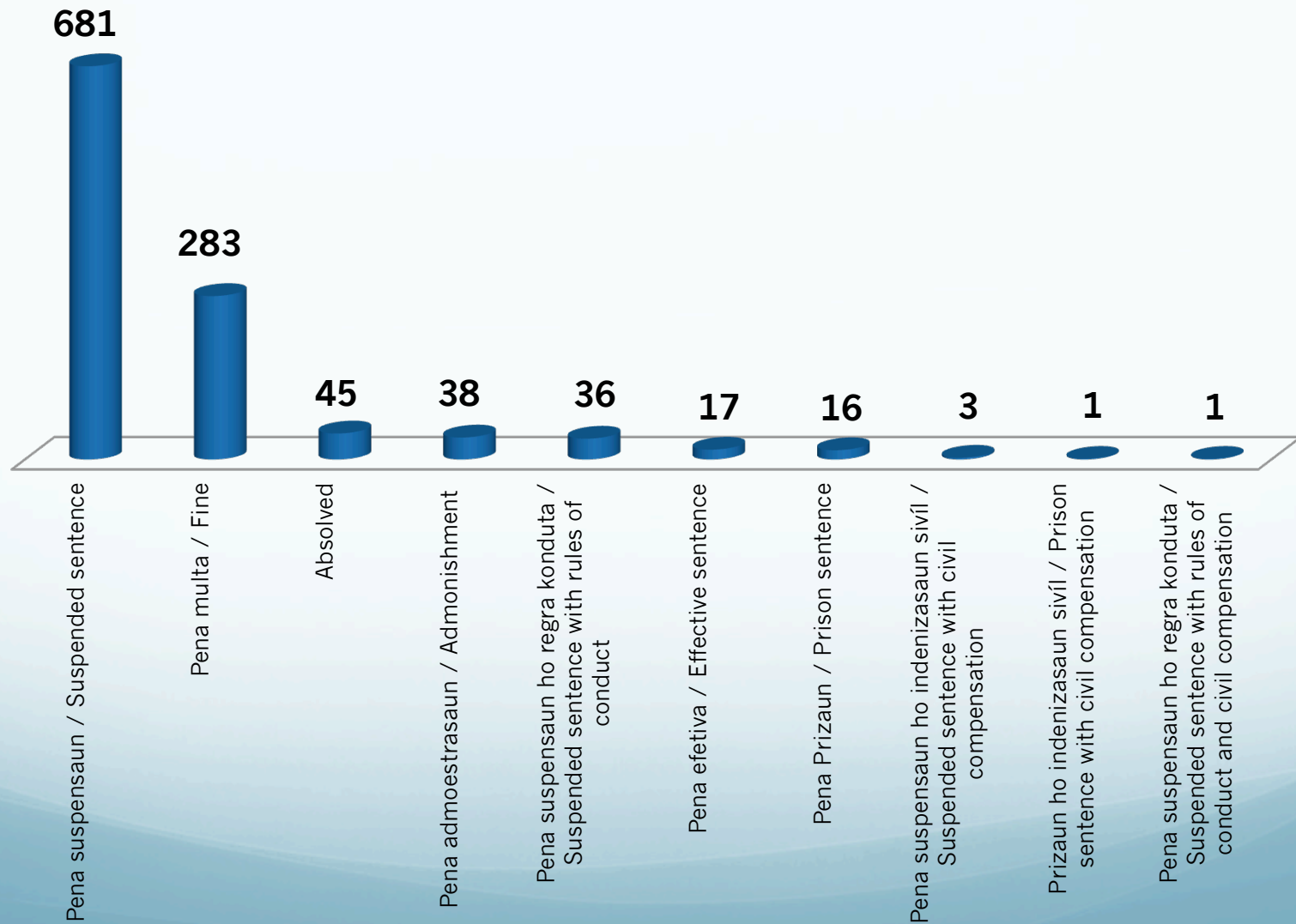
# Decisions in Domestic Violence cases

- Majority of sentences are suspended prison sentence
- Majority of the sentences do not apply additional requirements such as rules of conduct and sentence defendant to pay compensation/alimony to victims
- This year, the Courts have made significant process in sentencing, in addition to increased volume, Court requiring the defendant to regularly present themselves to Court

# Decisions in Domestic Violence cases

- JSMP consider this change, makes it easier for the Courts to effectively control and monitor defendants to fulfill their duties which the Court has decided
- Guarantee the safety of the victim
- JSMP also consider that civil compensation is a solution for the victim to make a recovery from their suffering

# Decisions in cases which involve Domestic Violence which JSMP monitored in 2012 – June 2016



# Prosecution of Sexual Violence Cases

- Majority of sexual violence cases do not combine with the Law Against Domestic Violence (LADV)
- In 2015, only 6 cases decided involved the Law Against Domestic Violence (LADV)
- In 2016, (January – June) only 6 cases decided involved the Law Against Domestic Violence (LADV)

# Marital Rape

- Rape in marriage (Marital rape), is considered by by the Public Prosecutor's Office and the Courts do not be a crime.

# Decisions in Sexual Violence cases against children

- The Court imposes heavy penalties for sexual violence cases involving children
- But in some sexual violence cases the Court absolves because they consider the child victim consented
- Law consider children with 14 years of age are already capable to give their consent to sexual acts, although they are threatened and forced to give their consent
- But JSMP consider children of 14 years, do not have the emotional maturity or experience to meet this pressure (because of differences with their power and age)

# Decisions in Sexual Violence cases against children

- JSMP and ALFeLa wrote joint submissions for National Parliament to make alterations to the Penal Code so to create a new article for the crime of incest.
- In order to promote protection to minors whose age under between 14 and 17 must be considered as crime
- Redefining sexual relations or sexual acts without free consent, consistent with international good practices

# Child Victims in the Court process

- JSMP observed that in some Courts, they ask questions to child witnesses which they do not understand (cases involve mother's as defendants and children give evidence in front of his mother)
- JSMP consider this can give psychology pressure on children
- Children in Court proceedings should be guaranteed and the best interests of the child be considered, in any situation



# **CEDAW Instrument in Courts' decisions for female victims cases**

- According to observations from JSMP only one judge has referred to and made use of CEDAW in a decision
- Some Courts use CEDAW but not consistently and some Courts simply do not use CEDAW

# Recommendations from JSMP

- JSMP recommend that the Courts consider applying additional orders or rules of conduct when substituting prison penalty with a suspension or fines including applying civil compensation to pay for the victim's suffering
- JSMP also recommend, Public Defenders clearly explain the penalty to their clients
- JSMP recommend that the Courts need to consider marital rape as a crime

# Recommendations from JSMP

- JSMP recommend to prosecute incest cases should comply with LKDV
- Recommend National Parliament alter the Penal Code and include an article specifically about incest
- JSMP recommend the Courts should use adequate manners in court proceedings involving children.

# Recommendations from JSMP

- JSMP recommends the Courts should consider universal provision about legitimate defences
- JSMP recommend all Courts enforce the recommendations from CEDAW Committee and use the CEDAW instrument in decisions of gender-based violence cases
- Finally, to prevent domestic violence and sexual violence, then need to work together with all institutions/entities.

# Thank you

## Working to ensure justice for all