



JUDICIAL SYSTEM MONITORING PROGRAMME
PROGRAMA MONITORIZASAUN BA SISTEMA JUDISIÁRIU

Press Release

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JSMP Launches Annual Overview of the Justice Sector 2016, Parliamentary Watch Report 2016 and JSMP Institutional Report 2016 to commemorate the 16th Anniversary of JSMP

On 28 April 2017 JSMP will launch two important two annual reports, namely the Overview of the Justice Sector (OJS) 2016, and Parliamentary Watch Project (PWP) Report 2016, together with JSMP's Institutional Report for 2016. At the same time JSMP will also commemorate its 16th Anniversary.

These two reports contain JSMP analysis on progress achieved and challenges faced in the justice sector including the processing of cases through the courts and the legislative process at the National Parliament as well as other important events observed and noted by JSMP in 2016.

“According to the institutional tradition of JSMP, each year JSMP will present its regular overview of the important challenges and developments in the judicial sector and legislative matters that are of interest to the general public of Timor-Leste as a means to contribute to the development of these two key sectors,” said Luis de Oliveira Sampaio, Executive Director of JSMP.

The Overview of the Justice Sector 2016 provides analysis and information collected by JSMP from its monitoring work carried out throughout 2016. This report discusses progress achieved and challenges encountered in the justice sector, including statistics on cases heard by the district courts and the Court of Appeal during 2016. Specifically, this report discusses cases heard by the courts, such as crimes of domestic violence, rape, crimes committed during the exercise of public functions and other ordinary crimes.

Meanwhile, the Parliamentary Watch Report provides information collected by JSMP from its monitoring of the National Parliament during 2016 on political and legislative developments, parliamentary productivity, progress achieved and challenges encountered by the Parliament in making laws and the punctuality of MPs in the plenary and Committee A.

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The other report is JSMP's institutional report, which explains JSMP activities during 2016 to provide justification and a form of accountability to the public.

The OJS report provides information on the types of cases and total number of cases dealt with during 2016. In 2016 JSMP monitored 957 cases, comprising 941 criminal cases and 16 civil cases, which decreased from 1,166 cases monitored by JSMP in 2015.

From these 957 cases, 582 involved gender based violence against women and children. These cases represented 62% of the entire 941 criminal cases that were monitored by JSMP in 2016, and show that all of the courts continue to receive large numbers of cases involving gender based violence, especially in comparison with other crimes.

From those cases involving gender based violence, 421 cases related to domestic violence. Domestic violence cases are those where the prosecutor charged the defendant under the Law Against Domestic Violence. However, it is likely that the courts processed even more cases of domestic violence because JSMP noted that many cases were not processed based on the Penal Code, and the Law Against Domestic Violence.

In 2016 JSMP monitored 82 cases that involved child victims, which represent 9% of all criminal cases monitored by JSMP. This shows that violence against children continues to be prevalent in Timor-Leste.

Crimes against children can involve physical, emotional or sexual abuse or neglect. However, the majority of cases reaching the courts involved sexual violence. This report found that approximately 40 per cent of cases involving child victims were sexual violence cases. Most criminal cases concerning children involved female victims (53%). Sixteen per cent of cases involved male victims, and 13 per cent involved both female and male victims.

Meanwhile the National Parliament discussed, debated and approved via a final vote 18 draft laws. 13 of these were promulgated, 3 were amended, 6 were new laws and 3 related to the State Budget. In comparison with previous years, these figures were higher than in 2015 when the National Parliament approved 10 laws, and in 2014 when only 4 laws were approved.

These laws included the approval and promulgation of the law on Procedures for Granting of Pardon and Commutation of Sentences in 2016 which was a positive step in the development of the justice sector in Timor-Leste and Law on Consumer Protection and the Suku Law and others.

However, a number of draft laws relating to the development of the justice sector were not discussed or approved. These included the Anti-Corruption Law, which JSMP considers fundamental to prevent and combat corruption in Timor-Leste. Also the two draft laws on Reparations for Victims and a Memorial Institute were not included in the agenda of the National Parliament in 2016.

These two draft laws are crucial in regards to memorialization and also to provide medical treatment and education for victims. JSMP urges the National Parliament to immediately reprogram the aforementioned three draft laws for debate.

In JSMP's opinion it is imperative that the National Parliament continue to debate and approve laws, which are important to the interests of citizens of Timor-Leste. JSMP urges the National Parliament to thoroughly discuss and debate draft laws so to ensure key amendments are made to the law before it is approved.

. A number of submissions were made by JSMP to the National Parliament, including on the proposed amendments to the remuneration law for court actors, the draft land law and the draft law on combatting and preventing human trafficking.

JSMP hopes that the facts outlined in these reports will provide useful information for the general public and particularly for relevant State bodies and institutions and can contribute directly and indirectly to improving the functioning of the formal justice system and the legislative process now and in the future.

This report concludes with a number of important and relevant recommendations that are focused directly on the competent and relevant institutions for their consideration.

These reports can be found on the JSMP website at: www.jsmp.tl; after the launch.

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