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JSMP continue disseminate information on legislative process and the access to formal justice system to the communities

On 8 August 2019 the Judicial System Monitoring Programme (JSMP) continued its efforts to disseminate information to village authorities, members of the village council and community members, as well as disabled members of the community, in Selo Craik Village, Aileu Vila Administrative Post, Aileu Municipality. There were 30 participants in this training, comprising 11 women and 19 men.

The training was split into two sessions. The first session dealt with democracy, the role of sovereign organs and the law making process as well as how the public can take part in this process, whilst the second session dealt with access to the formal justice system which included human rights, the justice system in Timor-Leste, types of crimes and procedures.

This training was aimed at increasing the knowledge of members of the village council and community members, so that they will know how to act and intervene in accordance with the law and adhere to the existing formal justice system. Also, they can pass on this information to community members who did not take part in this training.

"This training is important for members of the village council because they can deepen their knowledge about their role in accordance with Law No. 9/2016 on Community Leaders, especially relating to how to deal with cases that occur in the community. The law allows for them to resolve certain types of cases, but other types of cases cannot be dealt with because they are public crimes", said Casimiro dos Santos, the Acting Director of JSMP.

The Selo Craik Village Chief Mr. Gabriel Mendonca, in his opening speech reminded the participants to focus on the materials that were going to be presented by JSMP because these materials are very important in relation to the role of village authorities as set out in Law No. 9/2016 on Community Leaders.

During this training the participants made comments and suggestions relating to the lack of civil and political education, particularly for citizens who have reached the minimum age set out in the law to exercise their political rights in elections. The participants suggested that a mechanism

should be created to establish a test on general knowledge of civil and political matters for citizens who are old enough to obtain an electoral card, so they would have enough knowledge to choose a good political party capable of leading the people and the nation. This will prevent them from haphazardly choosing a party that does not have the capacity to lead and could harm the State and cause the people to suffer.

The participants also raised the issue on how to resolve problems that emerge in the village, particularly problems of domestic violence and rape. In relation to this issue, a traditional elder from the village asked a question about cases that have not been registered at the Public Prosecution Service, because the parties have wanted to have the case resolved in the community by making an agreement not to pursue the matter further.

Another issue related to police action when the police have used violence when dealing with young people fighting each other. Other questions related to sexual relations between minors.

In response to the comments and suggestions made by participants, JSMP said that in a democracy everyone has the same rights and obligations to participate in general elections to exercise their political rights in accordance with the Constitution and the law. JSMP also believes that civil and political education is important to ensure that citizens can participate in important political decision making for the nation and the people, which also reflects the concerns of community members who wish to avoid serious risks in this process. There is a possibility for the Government to create the mechanism proposed by the communities, but on the other hand this could be an impediment for citizens to exercise their civil and political rights in elections.

In relation to the issue of cases involving domestic violence and rape, JSMP explained that cases characterized as domestic violence are public crimes, therefore local authorities don't have the competency to settle these cases at the village level, because they need to be dealt with through formal justice. Agreements made at the village level can be included in mitigating circumstances for sentencing purposes, but they do not constitute a resolution of the matter and the case is not closed. Therefore, local authorities have the obligation to report these cases to the relevant institutions such as the police and the Public Prosecution Service. Only crimes characterized as semi-public can be resolved by local authorities when a victim wishes to do so, but when a victim does not wish to resolve a matter at the village level, it must be dealt with through formal justice.

Meanwhile in relation to the issue of sexual relations between minors, JSMP said that the law does not punish minors because they don't yet have the capacity to commit crimes (Article 20 of the Penal Code on exemption from criminal liability by reason of age). Therefore, the way to resolve problems is through education about morals within the family or the community.

Mr. Silvestre Pinto Monteiro, one of the participants in the training, stated that to date they haven't really given much importance to civil and political rights, and lacked knowledge about these rights that in a democracy provide complete power to a political party to rule. However through this JSMP training they have learned about the consequences for voters who have made

the wrong decision and chosen a political party to rule, without really understanding the vision, programs and capacity of the party.

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For more information, please contact:

Casimiro dos Santos

Acting Director of JSMP

E-mail: santos.cas76@gmail.com

Website: <http://www.jsmp.tl/>