



Press Release

02 October 2020

Members of the Village Council and Residents from Uma-Naruk Village raised concerns about a case of incest

On 29 September 2020 JSMP held training for members of the Uma-Naruk Village administration, Lacro Administrative Post, Manatutu Municipality about democracy and access to formal justice. Also, JSMP disseminated information about how to prevent Covid-19, that was introduced by the Government through the Ministry of Health and the World Health Organization about washing hands with soap, wearing masks and physical distancing.

The participants in the training came from three sub-villages, namely Hali-lacor, Uma-surat and Uma-naruk. There were 16 participants, comprising 7 women and 9 men.

“Members of the Village Council carry out an important role in the village to attend to complex problems that occur in the community, therefore it is crucial that they have the necessary capacity and adequate information relating to relevant issues such as cases of incest. This training can increase their knowledge so they can perform their role properly and effectively. Also, they received information about Covid-19 prevention,” said Ana Paula Marçal, the Executive Director of JSMP.

The material presented and discussed in the first session related to democracy and the definition of the State, what the State does, the law-making process and how to take part in the law making process. The material on access to formal justice related to the definition of human rights and the justice system in Timor-Leste.

The participants raised issues and concerns in relation to the materials presented about democracy, regarding the difference between the presidential and semi-presidential systems, issues about the system of democracy that violates and disregards the rights of others, and the Government plan to construct a new National Parliament building. During the session about access to formal justice, the participants asked about a crime where a father had sexual intercourse with his own child (incest), and a case where a mother and father beat their children because they didn't listen to their parents, and if these cases were illegal.

In response to these questions and concerns, and in relation to the presidential and semi-presidential systems, JSMP explained that the presidential system is a system that opts for pure democracy. In this system State is comprised of three organs, namely the executive, legislative and judiciary. The President of the Republic in this system is the Head of the executive or government in addition being the Head of State, for example like Indonesia. Whereas in the semi-presidential system, which is used in Timor-Leste, there are four organs of State, namely

the Office of the President as the Head of State, the National Parliament as the legislative organ, the Government as the executive organ and the courts as the judicial organ.

In relation with their belief that democracy gives freedom to people to violate or disregard the rights of others, JSMP explained that in a democracy there are limitations on rights and responsibilities. No person has the freedom to violate or disregard another person's freedom. Freedom is a value of democracy that ensures that everyone is free to express themselves, their thoughts and desires without harming or violating the rights of another person. Therefore, democracy cannot be misused to violate the values and principles of human rights that are enshrined in the Constitution and also international laws adopted by Timor-Leste.

In relation to concerns about the Government's plan to build a new National Parliament building, JSMP informed the participants that this initiative is important and very relevant to the work of the Parliament because this will enable and facilitate the Parliament to work more effectively. Based on JSMP's observations, the facilities at the Parliament are not conducive to the members of parliament working effectively, because of inadequate space¹, and therefore JSMP believes that Timor-Leste needs such development to move forward.

In relation to questions about a father having sexual intercourse with his own child, JSMP told the participants about efforts made by JSMP and other stakeholders to amend the Penal Code (PC) to criminalise incest². This is because the Penal Code only protects minors and criminalises certain acts without consideration of age and consent. Therefore, for many years JSMP has made efforts to ask the Government to amend the PC to criminalise incest without consideration of age and consent.

In relation to the issue of parents committing violence against their children, JSMP explained that such acts are a public crime and illegal and also explained that there is a specific law that regulates crimes that occur in the domestic contest (family): The Law Against Domestic Violence.

Therefore, when a father beats a child it is considered to be a public crime which does not require a complaint, which means that if any person hears, sees or knows about this crime then that person is obliged to make a complaint, and the police, the public prosecution service and the courts can resolve the matter.

During the opening and closing ceremony the Uma-Naruk Village Chief, Mr. Estanislao de Carvalho, thanked JSMP for choosing Uma-Naruk Village to share this important information, because this was the first time this activity took place in their village.

¹ JSMP press release entitled: JSMP appreciates the plan of the President of the National Parliament "To construct a new National Parliament building, improve oversight capacity and to create a Specialised Standing Committee on Citizenship" file:///C:/Users/JSMP-03/AppData/Local/Temp/PrJSMPApresiaPNHariEdifisiuFOUNbaPN_TETUM.pdf

²JSMP report entitled: There is a need to amend the Timor-Leste Penal Code: <file:///C:/Users/JSMP-03/AppData/Local/Temp/Relatoriu-Insestus-Versaun-Ikus.pdf> and report on incest in Timor-Leste: A crime that is not recognised: <file:///C:/Users/JSMP-03/AppData/Local/Temp/Insestuiha-Timor-Leste-Agostu-2012.pdf>

The Village Chief also asked the participants to utilize this opportunity to listen to the information given by JSMP during the one-day training and to seek any clarification necessary. The Village Chief also acknowledged that because of the Covid-19 virus they could not mobilize a lot of people to attend this activity, but he believed that members of the administrative structure can pass on crucial information to communities who did not have the opportunity to participate in this activity.

The training program was supported by the Government of Timor-Leste through the Civil Society Fund, Office of the Prime Minister.

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