



## Monthly Summary November 2020

### **JSMP Opinion on marriage modalities in accordance with Law No. 10/2011 on the Civil Code**

On 26 November 2020, Ms. Ana Paula Marçal, the Executive Director of JSMP, said that sound legal provisions will ensure and protect the rights of all citizens including the freedom to follow a religion of ones choosing, because these rights are set out and guaranteed in Article 12 of the Timor-Leste Constitution which deals with the State and religious denominations.

In addition, the right and freedom to choose and follow one's religion is also set out in International Covenant on Civil and Political Rights (ICCPR), which was ratified by the State of Timor-Leste through the National Parliament in 2003 via Resolution No. 3/2003 and published in the State Gazette on 23 May 2013.

The Executive Director also explained that even though these rights are guaranteed in these aforementioned legal instruments, Law No. 10/2011 on the Civil Code in book four deals with the modalities for marriage and continues to discriminate against religions other than the Catholic religion.

JSMP conveyed its concerns to the relevant parties such as the Ministry of Justice, the National Parliament, especially Committee A, and also the Timor-Leste Parliamentary Women's Caucus (GMPTL), through meetings and JSMP's written opinion. JSMP hopes that our thoughts will be given careful consideration by the relevant institutions and that these articles will be changed or amended, so that nobody will feel discriminated against.

In relation to this issue, previously JSMP interviewed religious leaders from the Muslim and Protestant faiths to hear their thoughts in relation to JSMP's concerns about the Civil Code. In these interviews the parties also conveyed their concerns about Title II of Chapter I of the Civil Code on modalities of marriage, especially Articles 1475, 1476, 1477, 1479. They believe that these articles discriminate against marriages conducted in accordance with religions other than the Catholic religion.

These concerns regard what happens when a person takes an official document from his

or her religion to obtain a Democratic Republic of Timor-Leste certificate and marriage certificate to be notarised and staff from the notary services do not allow them to register their details and the staff tell them that the law does not allow other religions to obtain a Democratic Republic of Timor-Leste certificate and marriage certificate.

JSMP believes that in the Civil Code the State of Timor-Leste acknowledges and values Catholic and traditional monogamic marriage or bride-price marriage.

The concerns of these religious leaders are available on the JSMP website [www.jsmp.tl](http://www.jsmp.tl) under the page with publications submitted in 2019 or by following this link [https://jsmp.tl/wp-content/uploads/Pareser-ICCPRKazamentuSivilartigu1475FINAL\\_TETUM.pdf](https://jsmp.tl/wp-content/uploads/Pareser-ICCPRKazamentuSivilartigu1475FINAL_TETUM.pdf)

In response to these concerns in a meeting of the Council of Ministers yesterday on the 25<sup>th</sup> November 2020, the Minister of Justice presented legislative policy options to the Council of Ministers about the Draft Civil Registry Code. The legislative policy option that was presented stated that all types of marriages should be registered that are recognized in the law, therefore there is a legal assumption that they will be civil in nature, and this will facilitate justice for citizens and a legal framework will be provided to use IT to resolve any other shortcomings relating to the work of the civil registry.

JSMP also thanks the Minister of Justice for making a presentation to the Council of Ministers, and therefore responding to the concerns raised by some parties, especially those who do not follow the Catholic religion. JSMP hopes that in the near future this proposal can be approved by the Council of Ministers and submitted to the National Parliament for discussion.

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