



## Press Release

23 July 2018

### **The Civil Society Advocacy Team has requested for the Minister of Justice from the Eighth Constitutional Government to criminalise incest**

The Civil Society Advocacy Team comprising JSMP, ALFeLa, Fokupers, and Pradet, requested for the Minister of Justice from the Eighth Constitutional Government to criminalise incest during a meeting with His Excellency the Minister of Justice Mr. Manuel Carceres and his advisor in the meeting room of the Ministry of Justice on Friday 20 July 2018, in Caicoli, Dili.

This meeting started with an introduction from the civil society advocacy team who explained that the aim of this meeting was to present the opinions of JSMP and ALFeLa in relation to amending the Penal Code to specifically include an article that criminalises incest.

The advocacy team informed His Excellency the Minister of Justice that the issue of incest has been pending for some time and the advocacy team endeavoured to present this issue to the relevant institutions of the previous Government, especially the Ministry of Justice, Parliamentary Women's Caucus, the third legislature of the National Parliament and other institutions.

"Incest is one of the most disgusting and horrible forms of gender based violence in society because it violates and undermines human-social values and victims suffer throughout their entire life; and therefore we need a specific and explicit article in the criminal law to regulate this issue without considering the age of the victim or consent", said Luis de Oliveira Sampaio, Executive Director of JSMP.

Between 2012 and May 2018 JSMP monitored 49 cases of incest. JSMP believes that this number only represents a small portion of the many cases of incest that have not been detected in Timor-Leste. Our system is currently facing a range of challenges such as limited information on the formal justice system, threats and coercion from defendants, social stigmatisation from the family and community and therefore many victims to not feel comfortable enough to bring their cases to the formal justice system.

Therefore the advocacy team requested for the Minister of Justice to guarantee that during this five year mandate the Ministry of Justice will give priority to strengthening Timor-Leste's criminal law as there is a critical need to respond to this problem in an effective manner.

In this meeting the advocacy team informed the Minister of Justice that based on monitoring conducted by JSMP and legal assistance provided by ALFeLa to female and juvenile victims it is

clear that the provisions of the Penal Code do not provide adequate protection to female and juvenile victim in cases of incest, especially those aged 14 and above. In addition the team also mentioned that the State of Timor-Leste has international obligations in accordance with the CEDAW Convention and Convention of the Rights of the Child ratified by Timor-Leste as a permanent member to these conventions.

Based on the aforementioned monitoring and legal assistance, JSMP and ALFeLa developed a joint submission to be presented to the Ministry of Justice, National Parliament with the aim of revising the Penal Code to criminalise incest, including provisions on sexual crimes against minors, sexual coercion, rape, and aggravating circumstance in sexual offences and sexual assaults.

In response to these concerns Mr. Carceres informed the advocacy team that concerns regarding issues relating to amending the Penal Code will be considered by the Ministry of Justice in its legislative and judicial reform plan. Mr. Carceres believes that this is a very important issue to be considered in the legislative reform program, not just to make amendments to deal with the issue of incest, but rather to make cumulative amendments or joint amendments to the Penal Code to reflect the real situation in Timor-Leste. Therefore he requested for JSMP and ALFeLa and the advocacy group to help identify those articles that are not relevant to the living circumstances of the people of Timor-Leste in the Penal Code and present them to the National Directorate for Legislative Issues within the Ministry of Justice, to examine and discuss those issues that we all believe are important to make changes that reflect the evolution of society and the needs of our system.

This meeting ended with the with advocacy team submitting its report on 'Incest in Timor-Leste: An unrecognised crime', as well as the submission on amending the penal code to His Excellency the Minister of Justice.

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