



JUDICIAL SYSTEM MONITORING PROGRAMME
PROGRAMA MONITORIZASAUN BA SISTEMA JUDISIÁRIU

Press Release
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**Commemoration of International Children's Day:
JSMP continues to demand for the Government to guarantee adequate protection
for children during the Covid-19 pandemic and natural disasters**

Each year on 1 June countries around the world commemorate international children's day. On this day countries around the world show their respect to the rights of the child, including the right to life, justice, education, health and other rights.

In reality many children in Timor-Leste continue to face difficulties in their lives, especially in relation to guaranteeing their rights to access justice, education, health and also to live free from all forms of violence.

During the State of Emergency and local area confinement for public health reasons, in addition to monitoring all of the district courts, JSMP has also provided legal aid to child victims who have suffered crimes such as sexual abuse and domestic violence as well as other cases.

In 2020, based on JSMP monitoring at the 4 district courts, JSMP managed to monitor 68 cases involving child victims from a total of 733 cases monitored by JSMP (this total does not represent all cases involving children that were tried by the courts). These cases show that many children continue to suffer crimes such as simple offences against physical integrity characterized as DV, the sexual abuse of a minor, exposure or neglect and failure to provide food assistance and in all jurisdictions on an almost daily basis the courts are trying cases that involve child victims.

"The 1st June is an important day for children, therefore we urge the leaders to consider the reality facing children in Timor-Leste, especially how to ensure adequate protection for children. The State needs to have an effective policy to create safe conditions for children in TL especially in the current circumstances with Covid-19 and also the natural disasters that occurred in April which have had a massive impact on children, because they have had to stay in refugee camps in unsafe conditions and some of the children

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have been victimized in the refugee camps”, said the Executive Director of JSMP, Ms. Ana Paula Marçal.

JSMP acknowledges that the Government of Timor-Leste has established some units and commissions to protect children, such as the Section to Protect and Assist Children who are At Risk and Victims of Abuse within the Ministry of Social Solidarity (MSS) (Child Protection Unit); Working Group on Child Protection and the Child Protection Referral Network; and the National Commission for the Rights of the Child (KNDL). Also, the Law Against Domestic Violence includes a commitment from the Government to raise public awareness about DV and increase assistance for victims.

Even though there is a system for the protection of children, it is not yet being implemented effectively. In particular, the Government does not yet have the capacity to conduct effective interventions in a timely manner to protect children from crimes of sexual violence characterized as incest.

With these circumstances in mind JSMP continues to recommend for the relevant Institutions and Ministries:

- The Public Prosecution Service and the courts need to carefully assess each case based on the nature and the circumstances before formulating charges and issuing a decision, in order to ensure protection for children and to prevent other crimes against children.¹
- In cases characterized as sexual violence the courts do not need to consider extraordinary mitigating circumstances
- Prosecutors are urged to use the specific article (155 of the Penal Code on mistreatment of a child) when formulating charges in cases involving child victims when the perpetrator is a person who is responsible for looking after the child or is a family member or under employment and it is not necessary for the acts to be repeated.
- Incorporate a specific article on incest in the Timor-Leste Penal Code and to not consider the victim's consent or age.
- The Government and the National Parliament should accelerate discussion of the Draft Law on Child Protection that has expired since the third legislature until now

JSMP also wishes to congratulate all children around the world, especially children in Timor-Leste who are commemorating this special day for children and hopes that the commemoration of International Children’s Day will enable everyone to fight against all types of violence and discrimination against children because they are the future of the nation.

¹ https://jsmp.tl/wp-content/uploads/Relatoriu-OJS-2020_FINAL.pdf

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