



Press Release
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JSMP and the Office of the Public Defender disseminated information to village authorities and community members in Lauala Village about Formal Justice. The village authorities appreciated the visit by a public defender.

On 16 February 2023 JSMP together with the Office of the Public Defender disseminated information to the village authorities and some community members in Lauala Village, Ermera Administrative Post, Ermera Municipality on Access to Formal Justice, especially the role of the Office of the Public Defender in general and the role of the Office of the Public Defender according to the Law Against Domestic Violence (LADV), Gender Based Violence and how to refer cases of gender based violence to the formal justice system.

The aim of this training was to disseminate information and raise the knowledge of village authorities and community members, about access to formal justice and especially on the role of the Office of the Public Defender in general and according to the Law Against Domestic Violence, gender based violence and also how to refer cases of gender based violence to the formal justice system. Also, at the same time the village authorities and community members were able to convey their thoughts or concerns directly in relation to the work of Office of the Public Defender and explanations were provided in person by a public defender in response to the concerns raised.

The training was attended by a sub-village chief, female delegate, male and female youths and a disabled person. There were 20 participants, comprising 10 women and men.

“The village authorities and community members really need information about how to access formal justice including how to refer cases involving women and children, so they can have knowledge about the formal justice system. The participation of a public defender in this JSMP activity is a way for judicial actors (public defenders) to be closer to communities because through this activity the participants can hear explanations in person about the role of the Office of the Public Defender in general and their role according to the Law Against Domestic Violence and also direct responses were given by a public defender regarding the thoughts or concerns that were raised during this session to disseminate information,” said the Executive Director of JSMP, Ms. Ana Paula Marçal.

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During the session to disseminate information, Marcia Sarmento, who is a public defender from the Office of the Public Defender in Dili, and also performs the role of Inspector within the Office of The Public Defender, provided a detailed explanation about the role of the Office of the Public Defender to provide free legal assistance to the vulnerable. Also, she explained about the acts carried out by the Office of the Public Defender pursuant to Article 25 of the Law Against Domestic Violence in cases involving violence against women and children. In relation to the provision of free legal assistance to the vulnerable, she suggested for participants to lodge a complaint to the Office of the Public Defender if they know about a public defender asking for money from a client. Also, she told the participants that the door to the Office of the Public Defender is open and public defenders are ready to help when community members need information or are dealing with certain cases.

After hearing this explanation some participants shared their experience about cases that they decided to resolve at the village level and they didn't want to take them to the formal justice system because they did not have any financial resources. They believe that formal justice requires the payment of money, including to the Office of the Public Defender. The participants also raised other concerns about how their cases are processed at the courts, which takes a long time.

Before raising these concerns, the participants thanked JSMP for organising this training and they appreciated the visit of the public defender who came to their village to provide a thorough explanation about the work of the Office of the Public Defender. They added that through these explanations they can understand the role of the Office of the Public Defender and they recommended that efforts should continue to disseminate information about the role of the Office of the Public Defender and for work to be carried out at the grass roots level.

In relation to their concerns and the recommendation to continue disseminating information and work at the grass roots level, the public defender responded that currently the Office of the Public Defender is under the supervision of the Ministry of Justice as regards administrative and financial matters, therefore there is no possibility of travelling to the grass roots level to provide awareness raising, however if community members have a problem and come the Office of the Public Defender to request assistance, the public defenders have no reason to refuse and they are ready to provide assistance to community members who are in need. In regards to the issue about the long time required to process cases at the court, the public defender and Director of JSMP consider this to be a problem and it needs to be resolved and an explanation is required about the circumstances at the courts which contribute to delays and why cases take a long time to be processed through the formal justice process. Also, an explanation was given about the cooperation between stakeholders and the formal justice system to reduce delays in cases.

During the session to disseminate information the facilitators from JSMP explained about how to access formal justice, gender based violence and the work of the referral network relating to cases involving gender based violence.

After hearing the explanation during this second session, the participants also raised their concerns about parents separating and neglecting their children. Another concern was young people getting married, and violence between them, where the victim does not wish to make a complaint but another person files a report.

In response to the concern about parents neglecting their children, JSMP explained the obligations of parents in accordance with the law to provide food assistance to their children until they reach maturity. In this regard JSMP also recommended for participants to inform prosecutors if they know about any children who have been neglected by their parents. They can also go to JSMP or ALFeLa, and JSMP will help the children go to the office of the prosecutor to process “the regulation of parental authority” at the courts so that children can obtain their right to food assistance.

In relation to the issue of cases of domestic violence where another person has filed a complaint, but the victim does not wish to make a complaint, JSMP explained that actually it would be good for the victim to make a complaint so that the defendant does not repeat such acts in the future. However, another person who sees or hears the violence can file a complaint. Public servants, public managers or public authorities have the obligation to make a report and if they do not make a report they commit the crime which is known as ‘failure to report’.

During the first session the Executive Director of JSMP, Ms. Ana Paula Marçal, during her speech sincerely thanked the village chief and village authorities for allowing JSMP to carry out this activity. She added that JSMP and the Office of the Public Defender did not come to teach the village authorities and community members, but rather to disseminate information about formal justice and at the same time to also hear information provided by the participants. The director also asked the participants to utilise this opportunity to ask questions and raise concerns to the public defender who participated in this activity in relation to the work of the Office of the Public Defender or the work of the courts. The Director hoped that the information provided could be passed on to other community members who did not have the opportunity to attend this training.

Also, Marcia Sarmiento in her speech said that she was very happy to share information about the role of the public defender to communities, because to date many communities don’t understand the role of public defenders. She added that although some people know that the role of the public defender is to represent defendants in court, however many people don’t know about the role of the public defender pursuant to Article 25 of the Law Against Domestic Violence on legal aid which requires the Office of the Public Defender or lawyers to provide

legal advice to victims on how victims can process their cases in accordance with formal justice.

Also the Village Chief of Lauala, Mr. Carlos M. Babo, before opening this training, thanked JSMP and the Office of the Public Defender for coming to their village to disseminate information about justice. Therefore, the village chief requested for the village authorities and all participants to listen carefully and give their full attention and ask for clarification if they have any doubts, so that they can receive an explanation so they can gain a proper understanding and they can pass on information to the community members who did not have the same opportunity. The Village Chief made this request because he considered the village authorities and youths to be the eyes and ears of the communities. The Village Chief also asked for JSMP to continue disseminating this information to communities in rural areas, especially the community in Lauala Village because communities should understand this information and adhere to it when they have a problem.

JSMP observed that all of the participants were interested in listening intently and engaged in active discussion when they heard the explanations provided by the facilitators.

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