



JUDICIAL SYSTEM MONITORING PROGRAMME
PROGRAMA MONITORIZASAUN SISTEMA JUDISIÁRIU

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Atabae Village still lacks information about access to formal justice

On 30 July 2020 JSMP provided training to members of the village council in Atabae Village, Atabae Administrative Post, Bobonaro Municipality about Democracy and Access to Formal Justice in Timor-Leste. There were 15 participants (6 women and 9 men), comprising members of the village administration from five sub-villages.

“This training activity continues as JSMP program that has been carried out to date as a means to disseminate information and to increase the knowledge of members of the village council and communities about democracy and how to access formal justice in Timor-Leste. Therefore, they will be able to perform their role more effectively in national development in their own villages,” said the Executive Director of JSMP, Ms. Ana Paula Marçal.

During the training the participants asked if the law limits the number of political parties that can be established in Timor-Leste, and how to process cases involving neglected children, how marriages are considered legal and the application of suspended prison sentences, because community members often believe that the law is not being applied properly.

In relation to the issue of the large number of political parties that are emerging, JSMP explained that Timor-Leste has opted for a system of democracy that acknowledges the multi-party system. The multi-party system is provided for in Article 7 of the Timor-Leste Constitution. Therefore, any citizen or group is free to set up a political party. However, there are requirements that need to be followed, as set out in Law No. 02/2016, the First Amendment to Law No. 3/2004 on Political Parties.

In relation to cases involving abandoned children, JSMP explained that the State upholds the interests of the child, and such cases can be processed in accordance with articles set out in the civil law that deal with parental authority, and if parents do not fulfil their duties to provide alimony for their children, they will be prosecuted in accordance with the criminal law, because these parents have not fulfilled their obligation to provide food support.

Rua Rua Beco Lakateu, Aldeia Manu fuik,
Suku Colmera, Administrativu Vera Cruz
Dili Timor Leste
PoBox: 275
Telephone: 3323883 | +670 77040735
Website: <https://jsmp.tl/>
info@jsmp.tl
Facebook: www.facebook.com/timorleste.jsmp
Twitter: @JSMPtl

In relation to acknowledging marriages as legal, JSMP explained that there are three types of marriage set out in the Civil Code, namely marriage in a church, civil registry and customary. The civil law also considers marriage to be monogamous, which prohibits a person from having more than one wife or husband.

In relation to the court applying suspended prison sentences, JSMP explained that Article 68 of the Penal Code states that the court can suspend a prison sentence that does not exceed 3 years, for a period of between one and five years, to be counted from the time the final decision was rendered. This means that the court can suspend a prison sentence which is less than 3 years, and it is not necessary to apply an effective prison sentence. When the court applies an effective prison sentence or executes a prison sentence in a case that carries a penalty of less than 3 years in prison, the court needs to justify why it has decided not to suspend the execution of the penalty, if a suspended sentence is available.

In his speech the Village Chief, Mr. Paulino Mali Bere, stated that this was the first time his village had received information like the information that was provided by JSMP and he really appreciated the effort of JSMP to disseminate information about democracy and access to formal justice in Timor-Leste because so far they have never had access to this information.

The Village Chief also asked the members of the village administration to pass on the information received from JSMP to their communities so they could have a better understanding about the system of democracy and justice in Timor-Leste.

This program is supported by the Government of the Democratic Republic of Timor-Leste (RDTL) through the Office of Civil Society Support, Office of the Prime Minister.

For more information, please contact:

Ana Paula Marçal
Executive Director of JSMP
Email: ana@jsmp.tl
Email: info@jsmp.tl
Website: [https://jsmp.tl/
info@jsmp.tl](https://jsmp.tl/info@jsmp.tl)