



Press Release

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Oekusi Municipality - Special Administrative Region of Oekusi-Ambeno

The Village Chief of Nipani for the first time received information about the rights of the child and access to formal justice

On 19 July 2019 JSMP held training about the rights of the child and access to formal justice for community members in Nipani Village, Pante Makasar Sub-Region, the Special Administrative Region of Oekusi-Ambeno.

There were 22 participants in this training, comprising 9 women and 13 men. The participants included the village chief, several sub-village chiefs, traditional elders, the Village Police Officer, teachers and community members of Nipani Village.

This training is aimed at increasing the knowledge of community members in Nipani village about the rights of the child in relation to how to provide protection to children in the family context, the community and society and how to access formal justice when children are victims in certain cases or in conflict with the law," said the Acting Director of JSMP, Casimiro dos Santos.

The participants actively participated in this training by asking questions and conveying their concerns linked with the specific rights of children, especially children who are in conflict with the law (theft or assault), education for parents who use violence and also children who have been neglected.

In response to these questions and concerns, JSMP explained that the law guarantees and provides special protection for the rights of the child in the family and in society. Children are given special protection because they don't yet have the capacity to make decisions and are not yet able to protect themselves. In relation to the issue of children who are in conflict with the law, JSMP explained about Article 12 of the Penal Code on criminal responsibility. This article states that only individuals are held criminally liable for offenses. However children who are under 16 years of age are not responsible for crimes they commit because they are considered not to have sufficient capacity to understand their acts (Article 20 of the Penal Code on exemption from criminal liability by reason of age).¹

¹ Article 20.1 of the Penal Code on exemption from criminal liability by reason of age states that minors under 16 are exempt from criminal liability.

In relation to concerns about educating children with the use of violence, JSMP explained that parents who educate their children with the use of physical punishment are committing a crime (Article 155 of the Penal Code) on the mistreatment of a minor.²

In relation to other concerns about fathers neglecting children, JSMP explained about parental responsibility in accordance with the law, especially relating to the obligation to provide food assistance to children, including parents who are no longer living with their children. The civil law sets out obligations for fathers or mothers to provide food assistance to their children and if the father or mother does not meet this obligation, then they can be charged with the crime of failure to provide food assistance (Article 225 of the Penal Code).³

Also, JSMP explained that in relation to the exercise of parental power (Article 1758 of the Civil Code), parents have the duty to uphold the best interests of their children, to ensure their safety and health, to direct their education, to represent them and manage their assets.

During the opening session of this training the Village Chief of Nipani, Mr. Pedro S. N. Elo, thanked JSMP for coming to his village to disseminate information about the rights of the child and access to formal justice because during his mandate this was the first time they had received this information. The Village Chief also urged the participants to pay attention to the materials provided by the facilitators so they could understand the rights of the child and how to use the formal justice process if children are subjected to crimes.

During the closing session the Village Chief recommended for JSMP to continue facilitating similar training in the future member to members of the village council (Sub-Village Chiefs, Traditional Elders, women's representatives, youth representative representatives). Therefore, in meetings at the Sub-Village level, they could pass on this information to all members of the community.

This training was made possible with the financial support of Hivos.

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² Article 155.1 on mistreatment of a minor states that any person who provides guardianship or custody, or is responsible for the upbringing of a minor aged less than 17 years, or does so under employment, and: a) causes harm to the minor's body or health, or inflicts physical or mental mistreatment or cruel treatment can be punished;

³ Article 225.1 of the Penal Code on failure to fulfill an obligation to provide food assistance states that any person who has an obligation to provide food assistance, and being in a position to do so fails to fulfill such an obligation, in such a manner that jeopardizes the basic food security of the beneficiary, is punishable with up to 3 years imprisonment or a fine, even if assistance provided by another party removes said danger.