



Press Release
22 July 2021

After participating in training from JSMP, a resident from Talimoro Village wants to take a case of alimony to the courts

On 15 July 2021 JSMP held training for members of the village council and female residents in Talimoro Village, Ermera Administrative Post, Ermera Municipality on “Democracy and the role of sovereign organs, public participation in the law making process and access to formal justice and freedom to access information.

There were 21 participants in this training, comprising 15 women and 6 women from women’s groups, delegates and members of the Talimoro village council (sub-village chiefs).

This training was aimed at increasing the knowledge of female residents and members of the village council about democracy, the role of sovereign organs, public participation in the law making process, access to formal justice including knowing their rights about the freedom to access information.

“JSMP believes that this training can increase the knowledge of female residents and members of the village council about their rights and obligations in a democratic nation, the law making process, and access to formal justice, in order to help community members exercise their rights and uphold their interests in accordance with the law through formal justice. Also, they can gain knowledge about their rights to have free access to information,” said the Executive Director of JSMP, Ms. Ana Paula Marçal.

The training was split into sessions that dealt with democracy, the role of sovereign organs, public participation in the law making process, access to formal justice (rights, the law, crimes, the roles of judges, prosecutors, public defenders/private lawyers and the police) and the right to freely access information in accordance with the Constitution.

During this training session the participants actively asked questions, made comments and recommendations. In the session on democracy the participants asked questions about the rules relating to the local area confinement for public health reasons, especially in relation to the validity of swab cards because the participants were confused because the number of days varied between doctors (five days) and the police (three days). Another issue was that members of the sovereign organs have immunity, but the people don’t, and in the session on the formal justice system the participants asked about a case of a wife cutting her husband’s sexual organs in Viqueque Municipality and a case of a man who does not want to be with his wife and has abandoned his children.

Rua Beco Lakateu, Aldeia Manu fuiik,
Suku Colmera, Administrativu Vera Cruz
Dili Timor Leste
PoBox: 275
Telefone: 3323883 | 77040735

www.jsmp.tl

info@jsmp.tl

Facebook: www.facebook.com/timorleste.jsmp

In response to concerns about the validity of swab cards, JSMP responded that the State bodies apply the law (the police) and sometimes there is misinformation because according to the rules the swab results are valid for five days, however sometimes the police working at border centres have not been given a clear explanation about this time limit. Also, JSMP explained about the right to access or obtain correct information pursuant to Article 40 of the Constitution.

In relation to the issue of members of Government and National Parliament having immunity, JSMP explained that the Constitution and the Rules of Procedure of the National Parliament grant immunity to members of the National Parliament and members of Government so they are not accountable for criminal acts that carry a penalty of less than 2 years and 5 years while they are performing their duties, they can be held accountable if their immunity is removed at the parliament or when they complete their term in office as a member of parliament or member of government. This means that they are accountable for their criminal acts just like ordinary citizens, but after their immunity is removed or if they have completed their term in office as a member of parliament or member of government because they have performed their duties in the public interest.

In relation to the issue of a wife's culpability for cutting her husband's sexual organs because she suspected him of committing sexual abuse against their child, JSMP responded that the person committing such a crime must be held accountable for this behaviour, however the law also allows a person to be acquitted if at the time of committing the crime there was justifiable legitimate defence (saving himself/herself or another person). Therefore, in relation to the Viqueque case, the court has the competence to consider the facts and it is expected that the court will properly consider the facts and the surrounding circumstances, especially the motive and when the defendant committed the act against the victim.

Also, JSMP asked the participants how they resolve cases characterized as domestic violence and civil cases, especially failure to provide food assistance, and the participants responded that prior to the Law Against Domestic Violence, they would be resolved through the village authorities, however after this law came into effect they normally have these cases dealt with by the police and the public prosecution service. Regarding the obligation to provide alimony, in their community there has been a number of these cases, however they do not know how to report such cases because they did not think that this was a crime. Therefore JSMP explained that when a husband abandons his wife and children, if the matter is urgent then cases can be immediately reported to the Police Vulnerable Persons Unit (VPU) or directly to the public prosecution service because they represent minors when prosecuting such cases before the courts so that children are provided with food assistance and parents have to provide for their children because if they fail to do so they will be prosecuted for the crime of failing to provide food assistance in accordance with the penal code.

Talimoro Village Chief Mr. Luis dos Santos in his speech thanked JSMP for sharing this important information to residents of Talimoro Village, and he believes that the information provided by JSMP would increase the capacity of members of the village council so that they

can perform their role properly in the community and residents will know their rights and how to use the formal justice system if their rights are violated.

After this training a female participant said that now she knows how she could ensure that her sister's children could have the right to food support through the formal justice system, because previously they did not know about this, and the matter was settled by the families and there was no result.

This training activity was made possible with funding from the European Union, with partner support from CEPAD, and was carried out by JSMP.

For more information, please contact:

Ana Paula Marçal

Executive Director of JSMP

Email: ana@jsmp.tl

Telephone: (+670) 33238883 | 77040735

Website: <https://jsmp.tl>

info@jsmp.tl