
RDTL National Parliament
Constitution and Justice Committee

REPORT AND OPINION

**Regarding the initial assessment of Bill No. 17/VI (3rd) approving
the seventh amendment to the Penal Code**

I – INTRODUCTION

Bill No. 17/VI (3rd), which aims to approve the seventh amendment to the Penal Code, was submitted to the National Parliament on March 23, 2026, and was proposed by the following distinguished members of parliament:

1. Patrocínio Fernandes dos Reis;
2. Manuel Henriques Noronha;
3. Armando dos Santos Lopes;
4. António Verdial de Souza Gama;
5. Natalino dos Santos;
6. Marcos Xavier;
7. Domingos Augusto “Deker”;
8. Cedelizia Faria dos Santos;
9. Gabriel Soares;
10. Maria Rosa da Câmara “Bisoi”;
11. Oscar de Araújo;
12. Albino da Silva;
13. Blessed Moniz Magno;
14. Lusia Taeki;
15. Aliança da Conceição Araújo;
16. Maria Gorumali Barreto;

Her Excellency the President of the National Parliament referred the matter to the DIPLIN services for the preparation of the admissibility note, which was prepared as Admissibility Note No. 17/2026/DIPLIN on April 29, 2026 by Dr. José Manoel Pinto and Dr. Nuno Mendes.

The purpose of Bill No. 17/VI (3rd) pursuant to Article 1 is to make the 7th amendment to the Penal Code, proceeding with the autonomous criminalization of sexual harassment, sexual molestation, incest and approving the legal regime for crimes against honour. Subsequently, Her Excellency the President of the National Parliament referred the Bill to the Committee on Constitutional Affairs and Justice for initial assessment of the proposal and issuance of a report and opinion within 60 days.

In this Report and Opinion, the Committee on Constitutional Affairs and Justice will make its initial assessment of the Bill, recommending or not its approval in general.

II – APPOINTMENT OF THE RAPPORTEUR:

The Honorable Deputy Albino da Silva, in his capacity as Secretary of the Committee on Constitutional Affairs and Justice, was appointed as rapporteur.

III – GENERAL CONSIDERATIONS

Bill No. 17/VI (3rd) aims to make the seventh amendment to the Penal Code, approved by Decree-Law No. 19/2009 of 8 April, based on legislative authorization conferred by Law no. 13/2008 of 13 October. The Penal Code was successively amended by Law No. 6/2009, of 15 July, on the interruption of pregnancy, by Law No. 4/2011, of December 28, on the Legal Regime for the Prevention and Combating of Money Laundering and the Financing of Terrorism, by Law No. 3/2017, of January 25, on the Prevention and Combating of Trafficking in Persons, by Law No. 7/2017, of April 19, on the Legal Regime Relating to the Practice of Martial Arts, Rituals, Bladed Weapons and Rama Ambon, and by Law No. n.º 7/2020, of 26 August, on Measures to Prevent and Combat Corruption.

This bill, initiated by parliament, aims to autonomously criminalize sexual harassment, sexual molestation, and incest, and to approve a systematic legal regime for crimes against honor. The initiative addresses a gap in the Timorese legal-penal system that has been the subject of repeated appeals from international organizations, notably the Committee on the Elimination of Discrimination against Women (CEDAW), which, following its periodic evaluation of Timor-Leste, recommended that the State adopt specific legislation to protect women and vulnerable groups, as well as from Timorese civil society organizations that have documented concrete cases in which the absence of an autonomous criminal offense has prevented an adequate judicial response.

The bill consists of the following five articles:

1. Article 1 defines the purpose of the legislation and identifies the amendments prior to the Penal Code;
2. Article 2 adds articles 181-A to 181-C and 187-A to 187-H, introducing the new criminal offenses and the regime for crimes against honor;
3. Article 3 amends Article 285 of the Penal Code, relating to false accusation;
4. Article 4 makes the necessary systematic changes to incorporate the new types of crimes into the structure of the Penal Code;
5. Article 5 stipulates that the decree shall enter into force on the day following its publication.

Regarding the substantive content, the new Article 181-A criminalizes sexual harassment, punishing unwanted sexual behavior, whether verbal, non-verbal, or physical, with the objective or effect of violating the victim's dignity or creating an objectively intimidating, hostile, degrading, or humiliating environment, when the perpetrator takes advantage of a relationship of hierarchical subordination, economic, labor, academic, guardianship, de facto custody, or caregiving dependence. The aggravated form, provided for in § 2, covers the situation in which the perpetrator controls access to or maintenance of employment,

professional advancement, school evaluation, or the provision of health care on the acceptance of the behaviors described in the previous paragraph.

The penalty framework is imprisonment from one to three years or a fine of 180 to 360 days for the basic offense, and imprisonment from one to four years or a fine of 240 to 360 days for the aggravated offense. The penalty is increased by one-third, in its minimum and maximum limits, when the victim is under seventeen years of age or a particularly vulnerable person due to age, mental abnormality, illness, or disability.

Criminal proceedings depend on a complaint, becoming public when the crime is committed against the persons referred to in the preceding paragraph, that is, against minors under seventeen years of age, or persons who are particularly vulnerable due to age, mental abnormality, illness or disability.

The new article 181-B criminalizes sexual harassment, encompassing acts of an exhibitionist nature, making sexually suggestive proposals, or establishing unwanted sexual contact without the victim's consent, punishable by imprisonment for up to one year or a fine of 120 to 180 days, unless a more severe penalty is applicable under another legal provision.

This type of crime differs from sexual harassment in that it does not presuppose the existence of a structural dependency relationship between the perpetrator and the victim.

The penalty is increased by one third when the victim is under seventeen years of age or a particularly vulnerable person, when the crime is committed by two or more people together, or when the perpetrator takes advantage of a situation of special isolation of the victim.

The procedure depends on a complaint, becoming public when the crime is committed against a minor or a person who is particularly vulnerable due to age, mental abnormality, illness, or physical or mental disability.

The new article 181-C criminalizes incest, punishing with imprisonment from two to six years anyone who, with a person with whom they maintain a consanguineous kinship relationship in a direct line, ascending or descending, or in the collateral line up to the third degree, engages in copulation, anal or oral intercourse, or vaginal or anal insertion of body parts or objects.

The sentence is increased to three to ten years when the victim is under seventeen years of age at the time of the events, and by an additional third when the events result in pregnancy or transmission of a sexually transmitted disease that poses a danger to life or causes serious illness or permanent disability.

The bill expressly establishes that the accused cannot invoke the victim's consent as a basis for defense, nor does the burden of proving the absence of such consent fall on the Public Prosecutor's Office.

The criminal procedure is of a public nature, independent of any complaint.

The new articles 187-A to 187-H establish the legal framework for crimes against honor.

Article 187-A criminalizes defamation, punishing anyone who, before a third party or in a way that the accusation comes to the knowledge of a third party, imputes to a person, even

in the form of suspicion, a fact or judgment offensive to their honor, good name, or reputation, with a penalty of one to three years of imprisonment or a fine of 180 to 360 days.

The sentence is increased to two to five years when the offense is committed through social media or publicly accessible electronic communication networks, when the perpetrator is aware of the falsity of the facts alleged, or when the allegation consists of an act defined as a crime.

Article 187-B defines the crime of defamation, punishing anyone who directly addresses a person with words or expressions offensive to their honor and reputation, with a penalty of up to two years imprisonment or a fine of up to 240 days, increased to up to four years in cases of widespread dissemination.

Article 187-C addresses offenses against the memory of a deceased person, referring to the penalties outlined in Article 187-A.

Article 187-D addresses offenses against legal entities, punishing the assertion or dissemination of false information capable of negatively affecting the credibility, prestige, or trust enjoyed by a legal entity, with a penalty of one to two years imprisonment or a fine of 120 to 240 days. In all cases, the procedure depends on a private accusation.

Article 187-E establishes a structured set of grounds for exclusion of unlawfulness and non-punishability, expressly recognizing that conduct is not punishable when a ground for exclusion of unlawfulness can be invoked, when the agent proves the truth of the accusation or has serious grounds to presume, in good faith, that it was true, when the disclosure is made to pursue legitimate interests and the agent acts reasonably to satisfy the right to inform, or when the statements are made under constitutionally or legally enshrined immunity. The conduct is also not punishable in cases where the agent could not reasonably have known the defamatory nature of the content, particularly when they have faithfully reproduced others' statements without distortion, when it concerns a publication whose content they did not create or edit, or when it concerns a digital intermediary whose intervention was limited to providing hosting or content transmission services.

Article 187-F excludes from the definition of a crime the facts alleged by litigants in procedural documents or oral interventions in court, unfavorable opinions expressed in the exercise of journalistic, scientific, literary, artistic, cultural or political criticism on matters of public interest without an unequivocal intention to offend, and conduct whose damage is insignificant.

Article 187-G provides for the waiver of penalty in cases of satisfactory retraction, provocation by the offended party, and reciprocal offense.

Article 187-H establishes that, at the request of the victim, the sentence of conviction shall be published at the expense of the convicted person, by the means that the court deems most appropriate and proportionate to the dissemination of the offense, as a form of symbolic and social reparation complementary to the criminal sanction.

The amendment to Article 285 of the Penal Code, relating to false accusation, stipulates that criminal proceedings for the crime foreseen therein depend on a judicial decision assessing

the merits of the alleged offense, and that the time limit for exercising the right to file a complaint is suspended until that decision is issued.

IV – CONSTITUTIONAL LEGAL FRAMEWORK AND BRIEF ANALYSIS OF THE CONTENT OF THE LEGAL BILL:

Bill No. 17/VI (3rd) is submitted by Members of Parliament to the National Parliament, pursuant to Article 97, paragraph 1, subparagraph a), of the Constitution of the Democratic Republic of Timor-Leste (hereinafter "CRDTL"), which confers legislative initiative on Members of Parliament.

This initiative falls within the legislative competence of the National Parliament in criminal matters, pursuant to Articles 95.1, and 96.1a of the Constitution of the Democratic Republic of Timor-Leste, which grant the National Parliament the power to legislate on the definition of crimes, penalties and security measures, a matter that forms part of the absolute legislative prerogative of the National Parliament.

From the point of view of the substantive constitutional basis, this legislative initiative is rooted in several constitutional precepts that need to be analyzed in an articulated manner.

Systematic Organization of the Bill

Article 1 - Subject Matter

Article 2 - Amendment to the Penal Code

Article 181-A – Sexual Harassment (Assédio)

Article 181-B – Sexual Molestation (Importunação)

Article 181-C – Incest

Article 187-A – Defamation

Article 187-B – Slander

Article 187-C – Offense against the memory of a deceased person

Article 187-D – Offense against a legal entity

Article 187-E – Non-punishable conduct

Article 187-F – Lack of typicality

Article 187-G – Exemption from penalty

Article 187-H – Publication of the conviction sentence

Article 3 - Amendment to the Penal Code

Article 285 - False accusation

Article 4 - Systematic amendment of the Penal Code

Article 5 - Entry into force

According to Article 1, the purpose of the proposed law is the approval of the seventh amendment to the Penal Code, approved by Decree-Law No. 19/2009 of April 8, and successively amended by Law No. 6/2009 of July 15, on the interruption of pregnancy, by Law No. 17/2011 of December 28, on the Legal Regime for the Prevention and Combating of Money Laundering and the Financing of Terrorism, and by Law No. 4/2013 of September 11, which makes the first amendment to the Legal Regime regarding the Prevention and Combating of Money Laundering and the Financing of Terrorism, by Law No. 3/2017, of January 25, on the Prevention and Combating of Trafficking in Persons, by Law No. 5/2017, of April 19, on the Legal Regime Relating to the Practice of Martial Arts, Rituals, Bladed Weapons, Rama Ambon, and by Law No. 7/2020, of August 26, on Measures for the Prevention and Combating of Corruption, proceeding with the autonomous criminalization of sexual harassment, sexual molestation, incest, and approving the legal regime for crimes against honor.

Article 2 then adds Articles 181-A to 181-C (new sexual crimes) and 187-A to 187-H (regime of crimes against honor) to the Penal Code.

Article 181-A
Sexual Harassment

1. Anyone who harasses another person through unwanted or explicitly suggestive behavior of a sexual nature, whether verbal, non-verbal, or physical, with the objective or effect of violating their dignity or creating an objectively intimidating, hostile, degrading, or humiliating environment, constraining their freedom or sexual self-determination, taking advantage of a relationship of hierarchical subordination, economic, labor, academic, guardianship, curatorship, de facto custody, or care, is punishable by imprisonment for 1 to 3 years or a fine of 180 to 360 days.
2. If the agent promises or conditions access to or maintenance of employment, professional advancement, or school evaluation, the provision of health care, or the obtaining of any benefit to the acceptance or tolerance of the behaviors foreseen in the previous paragraph, he/she shall be punished with imprisonment from 1 to 4 years or with a fine of 240 to 360 days.
3. The penalty is increased by one third, in its minimum and maximum limits, if the victim:
 - a) Is a minor under 17 years of age;
 - b) Is a person who is particularly vulnerable due to age, mental disorder, illness, or disability.

Sexual harassment is the act of sexually bothering another person by using a dominant position over them, knowing that they can hardly refuse without suffering consequences.

In other words, for a crime to exist, the following three elements must be present simultaneously:

1. Behavior of a sexual nature, which can be verbal, nonverbal, or physical;
2. That the sexual behavior is unwanted by the victim;
3. That the perpetrator takes advantage of a power relationship over the victim.

This behavior can be verbal, namely through words, comments, questions, insinuations or proposals of a sexual nature, or non-verbal, encompassing persistent and lewd glances, or gestures of a sexual nature, sending images or messages with sexual content, or finally physical, including touches, deliberate physical approaches or any bodily contact of a sexual nature.

The distinguishing element of sexual harassment from other crimes is the power relationship; the perpetrator uses hierarchical subordination, economic, labor, academic, guardianship, de facto custody, or caregiving dependence. In other words, sexual harassment does not exist when the behavior occurs between people in a position of equality.

What makes the act typical is precisely the exploitation of a position of authority to coerce the victim, who is forced to give in, or at least tolerate such behavior.

In the aggravated form of the crime, the perpetrator not only creates a hostile environment but explicitly conditions a concrete advantage, such as keeping a job, obtaining a good academic grade, access to healthcare, or other benefit, on the acceptance or tolerance of such behavior. In other words, there is implicit or explicit blackmail that substantially increases the reprehensibility.

The penalties for the simple form are 1 to 3 years, or a fine of 180 to 360 days; for the aggravated form, the penalties are 1 to 4 years, or a fine of 240 to 360 days.

The penalties are increased by one-third at both the minimum and maximum limits if the victims are under 17 years of age, or have special vulnerability due to age, mental abnormality, illness, or disability.

The crimes are semi-public, except in cases involving minors or the vulnerability of victims already mentioned above, in which case they are public.

Criminal proceedings depend on a complaint, unless the crime is committed against the persons referred to in the preceding paragraph, in which case the proceedings are public.

In the context of specialized discussions, changes to the wording should be considered in order to simplify understanding. To this end, the contributions received during the public hearing should be taken into account.

Also to be considered will be the imposition and accessory penalty of prohibition from exercising functions for a specified period, and the increase in the penalty for the aggravated offense, in order to reiterate its greater reprehensibility.

"Art. 181-B
Sexual molestation "

1. Anyone who molests another person, engages in exhibitionist acts, makes sexually suggestive proposals, or establishes unwanted sexual contact without their consent, is punishable by imprisonment for up to 1 year or by a fine of 120 to 180 days, unless a more severe penalty is applicable under another legal provision.
2. The penalty is increased by one third in its minimum and maximum limits if:

- a) The victim is under 17 years of age or a particularly vulnerable person due to age, mental abnormality, illness, physical or mental disability;
 - b) The crime is committed by two or more people acting together;
 - c) The perpetrator takes advantage of a situation of particular isolation of the victim.
3. Criminal proceedings depend on a complaint, except if the crime is committed against a minor, or a person particularly vulnerable due to age, mental anomaly, illness, physical or mental disability, in which case the proceedings are public.

Sexual molestation does not require a power relationship; the offense is defined around four alternative modes of conduct, one of which is sufficient to fulfill the definition. These modes include engaging in exhibitionist acts, making sexually suggestive proposals, establishing unwanted sexual contact, or, more generally, harassing another person through these means without their consent. In other words, the central element here is the absence of consent.

Unlike harassment, which presupposes continuity and a power dynamic, molestation can be an isolated act, committed by a stranger at a specific moment.

The unlawful act lies in the violation of the victim's sphere of sexual freedom and self-determination through behavior to which she did not consent and which objectively has sexual connotations. It is not necessary for the perpetrator to intend to consummate a sexual act; it is sufficient that the behavior, by its nature, affects the victim's sexual freedom.

In this specific case, the matter of the crime of sexual exhibitionism, foreseen in article 181 "Sexual exhibitionism," should be reconsidered, as the typical conduct of this crime is found within the context of sexual harassment.

Consideration should be given to repealing the law and adjusting the penalty for sexual harassment, so that this does not imply a reduction in the penalty for exhibitionism crimes, or the repeal of the exhibitionism provision for sexual harassment, which seems less defensible to us, or alternatively, the third option of amending Article 181 by changing the heading to "sexual acts in public" (a typical act that is not expressly provided for in the article on harassment), which will be decriminalized with the mere repeal of Article 181, and the increase in the penalty for sexual harassment crimes, for reasons of proportionality.

The wording of the article should also be considered in order to clarify it, making it even clearer that this includes sending messages, images, or videos of a sexual nature.

Another option to consider involves increasing the penalty for repeat offenses, taking into account the contributions from public hearings.

*"Art. 181-C
Incest"*

1. Anyone who, with a person with whom they have a blood relationship in the direct line, ascending or descending, or in the collateral line up to the third degree, engages in copulation, anal or oral intercourse, or vaginal or anal insertion of body parts or objects, is punished with imprisonment for 2 to 6 years.

2. If the victim is under 17 years of age at the time of the events, the perpetrator is punished with imprisonment for 3 to 10 years.
3. If the acts described in the preceding paragraphs result in pregnancy or the transmission of a sexually transmitted disease that poses a danger to life or causes serious illness or permanent disability, the penalty is increased by one third, in its minimum and maximum limits.
4. In the crime foreseen in this article, it is not a defense for the defendant to allege, nor is the burden of proof imposed on the Public Prosecutor, the existence or absence of the victim's consent in the commission of the acts described in paragraph
5. The criminal proceedings are public.

Incest consists of consensual sexual relations between individuals who have a specific blood relationship between the perpetrator and the victim.

Regarding typical acts, the law defines copulation, anal or oral intercourse, and the vaginal or anal insertion of body parts or objects.

Regarding the degree of kinship, the law limits the type to consanguineous kinship, excluding kinship by affinity.

In the direct line are included parents, children, grandparents, grandchildren, great-grandparents, and in the collateral line up to the third degree, which includes siblings and half-siblings, uncles and aunts, and nephews and nieces.

Under the terms of the bill, consent is irrelevant, and the accused cannot invoke consent as a defense, nor does the Public Prosecutor's Office have to prove its absence.

The wording should be reconsidered in this specific case, seeking to clarify that the act criminalized here is in fact consensual sexual relations; that is, if they are not consensual, the regimes for sexual abuse, rape, or sexual coercion will apply.

It is further suggested that the political-legislative option be considered, and in particular the legal good that is sought to be protected. If, as mentioned, it is the family, then the extension to affinity relationships or non-blood ties could be considered; on the other hand, if the most important legal good is in fact the increased risk of consanguinity due to the family relationship, the possibility of limiting it to acts of vaginal penetration should be considered, similarly to what happens in other countries that have criminalized incest.

It is also suggested that simpler, yet less technical, language be used in the wording, not referring to straight or collateral lines or degrees, but rather to the relationship between grandparents, parents, children, grandchildren, uncles, and nephews as a clearer formulation for defining the scope of this crime.

In this specific area, the possibility of increasing the penalty for the crime of incest could also be reconsidered, in line with what was proposed by some entities during the public hearing, and also taking comparative law into account.

Regarding the Regime of Crimes Against Honor

In this regard, and even before we begin, its classification as a particular crime should be considered.

The Penal Code of Timor-Leste, to this day, does not classify any crime as a private offense, and the Code of Criminal Procedure also contains no references to procedures for private offenses, which may cause difficulties in the application of crimes against honor.

In public crimes, any person can report a crime, and the State can subsequently act on its own initiative and without the victim's authorization or complaint; that is, the Public Prosecutor's Office is aware of the crime and investigates it automatically and autonomously. The holder of the right to action is the State itself. The State considers certain behaviors to be so serious (and the victims often incapable of acting for themselves) that it cannot leave criminal prosecution dependent on private initiative.

In semi-public crimes, the victim must file a complaint for the process to begin, but then loses control over it. The Public Prosecutor's Office takes over, and the process continues regardless of the victim's wishes.

In private crimes, the victim not only has to file a complaint but also has to become a private prosecutor and file charges. Similarly, the victim can withdraw the complaint and end the process.

This legislative policy option is indeed worthy of consideration. On the one hand, the public defender's office may not be able to handle all cases, which could lead to victims being unable to obtain representation, meaning that we may have economically vulnerable citizens who, due to a lack of legal representation, do not file a complaint.

In other words, the constitutional right to a good name would be at stake, given the economic vulnerability.

On the other hand, if they are classified as semi-public crimes, we could have the courts and the Public Prosecutor's Office flooded with cases without the capacity to respond.

It is recommended to consider this policy option during the discussion and voting on the specific issue.

Defamation

"Art. 187-A Defamation"

1. Anyone who, in the presence of a third party or in such a way that the accusation comes to the knowledge of a third party, imputes to a person, even in the form of suspicion, a fact or makes a judgment about them that is offensive to their honor, good name, or reputation, verbally, in writing, through gestures, images, or other means of expression, or reproduces such an accusation or judgment, is punishable by imprisonment for 1 to 3 years or by a fine of 180 to 360 days.
2. The perpetrator is punished with imprisonment for 2 to 5 years or a fine of 240 to 420 days if the offense is committed:

- a) Through communication, or through means capable of wide dissemination, especially through publicly accessible electronic communication networks;
- b) Knowing that the agent is aware of the falsity of the facts attributed to the victim; or
- c) By imputing an act defined as a crime.

3. Criminal proceedings depend on a private accusation.

Defamation requires three elements: an accusation or judgment directed at a specific third person, made before a third party or in a way that brings the knowledge of a third party to their attention. At the level of the accusation, this can consist of a concrete fact, such as "that guy stole money from AX," or a value judgment, such as "X is a thief." These facts are considered equivalent under the law because the harmful effect on reputation is the same.

The unlawful act lies in the actual or potential harm to the honor, good name, or reputation of the offended party. It is not necessary for the offended party to suffer concrete and quantifiable damage; it is sufficient that the accusation or judgment is objectively capable of diminishing the social standing they enjoy.

The crime is aggravated when it is disseminated through media or electronic networks with public access, when the perpetrator knows that what he/she is imputing is false, or when he/she is imputing the commission of a crime.

Examples:

- a) In a WhatsApp group with dozens of members, A claims that B sells counterfeit products, when he knows this is not true, with the aim of driving away customers;
- b) A neighbor who spread rumors around the neighborhood that the family next door practices black magic.

Examples of what is not defamation:

- 1. A journalist publishes an investigation into irregularities in the management of a public hospital, based on verified documents and sources.
- 2. A member of parliament who, in plenary session, harshly criticizes the actions of a minister, accusing him of decisions that he considers to be against the public interest and which are covered by parliamentary immunity.

Of Slander

Article 187-B *Slander*

- 1. Anyone who directly addresses a person with words or expressions that are offensive to their honor and reputation, verbally, in writing, through gestures, images, or any other means of expression, is punishable by imprisonment for up to 2 years or by a fine of up to 240 days.
- 2. The perpetrator is punished with imprisonment for up to 4 years or a fine of up to 360 days if the offense is committed through social media or means capable of wide

dissemination, particularly through publicly accessible electronic communication networks.

3. Criminal proceedings depend on a private accusation.

Slander differs from defamation because the latter is not committed against a third party, but against the offended party. Furthermore, it is not necessary to impute a specific fact; it is sufficient to direct words or expressions that are offensive to the honor and reputation of the person.

The offense lies in the direct act against the personal dignity of the victim, without the need for third-party intervention. The offense is consummated when it reaches the victim, regardless of whether anyone else is aware of it.

The offense is aggravated when it is spread through means capable of widespread dissemination.

Offenses against the memory of a deceased person

"Art. 187-C

Offense against the memory of a deceased person"

1. Anyone who, by any of the means provided for in Article 187-A, offends the memory of a deceased person, shall be punished with the penalties provided for in that article, depending on the nature of the conduct.
2. The right to file a claim belongs to the spouse, descendants, ascendants, and siblings of the deceased.
3. The offense is not punishable if more than 50 years have passed since the date of death.
4. Criminal proceedings depend on a private accusation.

Defamation of deceased persons is also punishable, with the right to file a complaint belonging to the spouse, descendants, ascendants, and siblings of the deceased.

Offenses against legal entities

"Art. 187-D

Offense against a legal entity"

1. Anyone who verbally, in writing, through gestures, images, or any other means of expression, affirms or spreads false information capable of negatively affecting the credibility, prestige, or trust enjoyed by a legal entity, knowing of its falsity or lacking serious grounds to believe it to be true in good faith, is punishable by imprisonment from 1 to 2 years or a fine of up to 120 to 240 days.
2. Criminal proceedings depend on a private accusation.

This article extends the legal protection of the right to honor to legal entities as well.

Of Non-Punishable Conduct

*"Art. 187-E
Non-punishable conduct"*

1. In the crimes of defamation, offense against the memory of a deceased person, and offense against a legal entity, the conduct is not punishable when:
 - a) For an invocable cause of exclusion of unlawfulness, as provided for in article 43;
 - b) If the offense does not relate to facts of the private or intimate life of the offended person, and the perpetrator proves the truth of the accusation or has serious grounds to presume, in good faith, that it was true;
 - c) The disclosure is made to pursue legitimate interests, particularly when the agent believed that the publication or statement was in the public interest and acted reasonably to satisfy the right to inform;
 - d) The statements were made under constitutionally or legally enshrined immunity, particularly in the context of parliamentary, judicial or administrative proceedings, in which case the exclusion of punishability operates independently of the unlawfulness of the act.
2. The conduct is also not punishable when the agent could not reasonably have known of the defamatory nature of the content, namely:
 - a) If you have faithfully and without distortion reproduced statements made by others, and your ignorance of their defamatory nature is not due to negligence on your part;
 - b) If you have made a publication whose content you did not create or edit, and whose defamatory nature you were unaware of and could not reasonably be expected to know;
 - c) If it is a digital intermediary whose involvement was limited to providing hosting or content transmission services, without knowledge of its defamatory nature.
3. For the purposes of this article, a digital intermediary is understood to be a person who, not being the author, creator or publisher of the material, provides or manages the online service through which the material is published or transmitted.

Article 187-E defines the cases in which, even if the statement is objectively offensive, the agent is not punished. Paragraph 1 establishes four situations: when a general cause for exclusion of unlawfulness provided for in the Penal Code is applicable; when the imputed facts are true and there is a legitimate public interest in their disclosure; when the criticism is journalistic, scientific, political, or artistic, concerning a matter of public interest, without an unequivocal intention to offend; and when the statements are made under parliamentary, judicial, or administrative immunity.

Paragraph 2 adds a second category of non-punishability, designed for the digital world: the perpetrator is also not punished when they could not reasonably have known the defamatory nature of the content. This includes those who faithfully reproduced others' statements without knowing they were false, those who published content they did not create or edit, and digital intermediaries who merely hosted or transmitted the content without being aware of it.

Paragraph 3 defines a digital intermediary for the purposes of this article as someone who provides or manages the online service through which the material is published or transmitted, without being the author, creator, or publisher of that material, for example, a content hosting platform or a social network.

Lack of Typicality

*"Art. 187-F
Lack of typicality"*

Without prejudice to the provisions of Article 187-E, the following are not considered crimes of defamation, offense to the memory of a deceased person, and offense to a legal entity:

- c) Facts or judgments imputed by litigants to each other or by their attorneys in procedural documents or oral interventions in court, provided that they are not reproduced or disclosed outside of that context, and provided that the intention to defame or offend is not unequivocal;*
- d) An unfavorable opinion expressed in the exercise of journalistic, scientific, literary, artistic, cultural, political, or other forms of criticism on a matter of public interest, provided that the intention to defame or offend is not unequivocal;*
- e) If the damage caused by the agent's conduct is insignificant.*

Article 187-F operates on a level prior to that of Article 187-E; that is, while Article 187-E deals with conduct that fulfills the elements of a crime but is not punished for reasons of justification or non-punishability, Article 187-F deals with conduct that does not even constitute a crime.

The distinction has relevant practical consequences: if the conduct does not fulfill the elements of the crime, there is not even an offense to be discussed, which ends the process at an earlier stage and at a lower cost to the defendant.

The following situations are included:

Statements in legal proceedings

The basis for this exclusion is the principle of adversarial proceedings and the need to ensure that the parties and their representatives can litigate freely. If a lawyer could be criminally prosecuted for everything they allege in legal documents, the defense and the prosecution would be permanently constrained by the fear of criminal liability. The right to a fair trial, enshrined in Article 34 of the Constitution, requires that the procedural space be a space of argumentative freedom.

However, the exclusion has two cumulative limits. What is said in court must remain in court; if the statements are reproduced or disclosed outside the proceedings, the protection ceases. And the intent to defame cannot be unequivocal, which means that excessive, injurious, or manifestly disproportionate allegations in relation to the subject matter of the litigation may still fulfill the elements of the offense.

In practice, this paragraph protects the lawyer who, in their arguments, characterizes the opposing party's conduct as fraudulent, dishonest, or abusive, provided it is within the context of the proceedings and based on the defense of their client. It does not protect the lawyer who uses procedural documents to launch personal accusations that are irrelevant to the litigation.

Legitimate criticism of public interest

This paragraph is the central safeguard of freedom of expression in the context of crimes against honor. Its constitutional basis lies in articles 40 and 41 of the Constitution, which enshrine freedom of expression and the right to inform as pillars of the democratic state.

The protection covers a broad spectrum of forms of criticism: journalistic, scientific, literary, artistic, cultural, and political. The common element is that the criticism concerns a matter of public interest, namely an unfavorable opinion about the management of a ministry, a critical analysis of a judicial decision, a scientific article that challenges the conclusions of another researcher; all these forms of expression are protected, even if the person targeted considers them offensive.

The limit is identical to that of the previous paragraph, that is, the intention to defame cannot be unequivocal. The word "unequivocal" is technically relevant; the legislator does not require the court to prove that the agent did not intend to offend, as this would be impossible to prove negatively.

What is required is that the intent to defame be manifest, evident, and irrefutable. If there is a reasonable interpretation of the content that frames it as legitimate criticism, that interpretation should prevail. The burden of proof falls on the accuser, not the critic.

In practice, this paragraph protects journalists who write that a government official has made a mismanagement decision, provided they do so within the context of a journalistic investigation and not with the sole purpose of destroying the target's reputation. It does not protect commentators who use political criticism as a pretext for personal insults devoid of any substance of public interest.

Insignificance of the damage

This paragraph applies the principle of insignificance, common in criminal law doctrine, meaning that criminal law, as a last resort, should not mobilize its resources to react to conduct whose harm is so small that it does not justify punitive intervention by the State.

The practical implication is that minor verbal offenses in a private context, marginal comments with little impact, or accusations that did not minimally affect the target's reputation may not constitute a crime. The court must make a case-by-case assessment of the specific impact of the conduct.

Regarding the Exemption from Penalty

“Article 187-G Exemption from penalty

1. The court waives the penalty when the offender provides clarifications or explanations in court regarding the crime of which he was accused, provided that the victim or his representative accepts them as satisfactory.
2. The court may exempt the perpetrator from punishment if the offense was caused by unlawful or reprehensible conduct on the part of the victim.
3. If the offended party retaliates, in the same act, with one offense for another offense, the court may exempt both agents from punishment or only one of them, depending on the circumstances.
4. The penalty may also be waived if the offender publicly and unequivocally retracts their statement before the start of the trial hearing.

The dismissal of the sentence operates after the conviction; that is, the Court recognizes that the act is typical, unlawful, and culpable, but decides not to impose a sentence. The general rationale is that, under the circumstances, the application of a sentence does not serve the purposes of general and special prevention that justify criminal sanctions.

The reputation has already been sufficiently repaired, or the agent's guilt is mitigated by the circumstances, so that the penalty would be disproportionate.

Retraction accepted by the offended party

This is a mechanism based on restorative logic; in most cases, the victim does not intend to see the perpetrator convicted, but rather to restore their reputation. If the perpetrator provides explanations and the victim accepts them as satisfactory, the objective of criminal law is achieved without the need for punishment.

The practical implication is clear: it creates an incentive for the agent to acknowledge their error and provide explanations before the final decision, and for the offended party to be willing to accept them. It is, therefore, a conflict resolution mechanism that relieves pressure on the judicial system and serves the interests of the parties better than a conviction.

The power to accept the sentence rests with the offended party or their representative, and the court cannot waive the penalty under paragraph 1 without the consent of the offended party.

Provocation by the offended party

If the agent's conduct, even if unlawful, is caused by unlawful or reprehensible conduct on the part of the victim, that is, the agent did not act gratuitously but rather reacted to provocation, the Court may waive the penalty.

Ultimately, the Court has to assess the context in which the offense was committed, namely whether the offended party acted unlawfully and reprehensibly, and the offender reacted

with an offense. This reaction, even if unjustified, is understandable, and punishment may not be necessary.

Reciprocal offense

When slanders are exchanged in the same act, the court may dismiss both or only one. This situation is frequent in verbal disputes where neither party is entirely innocent.

The legislative solution is pragmatic; if both offended, punishing only one would be unfair, but the court retains leeway to punish the one whose behavior was more serious.

Public retraction before trial

A public and unequivocal retraction before the start of the trial hearing may still justify the waiver of punishment. The logic is similar to that in point number 1; if the agent publicly acknowledges the error before the trial, the damage to their reputation is largely repaired, and the need for punishment is reduced.

The requirement of being public and unequivocal is demanding; a private retraction is not enough. An ambiguous retraction, such as "if I offended you, I apologize," is also not enough; the retraction must be clear, direct, and with public dissemination comparable to that of the original offense.

Regarding the publication of the conviction sentence

Article 187-H

Publication of the conviction sentence

At the request of the victim or, in the event of their death, of their spouse, ascendants, or siblings, within 30 days of the judgment becoming final, the court orders, at the expense of the convicted person, the publication of the conviction sentence by the means it deems most appropriate and proportionate to the dissemination of the offense.

This article addresses a practical and real problem: defamation on social media and in the media spreads with a speed and scope that a simple criminal conviction cannot neutralize. A person's reputation can be destroyed by a publication seen by thousands of people, and the defamer's conviction years later, published only in the Official Gazette of the Union, does not restore the damage caused.

Publicizing the sentence is a form of symbolic and social reparation that goes beyond the penal sanction.

It functions as a public correction; the same audience that was exposed to defamation is exposed to the condemnation of the defamer.

The mechanism has a set of characteristics that are important to highlight: the request is initiated by the offended party, not the court, meaning that it is the offended party who decides whether the publication of the sentence serves their interests, respecting their autonomy. The 30-day deadline after the judgment becomes final is peremptory; after this period, the right expires. Publication is at the expense of the convicted party, meaning that they bear the financial cost of publicizing their conviction, and the court retains the power to assess the means used, ensuring that the publication is proportional to the original

dissemination of the offense. If the defamation was published in a widely circulated newspaper, the sentence must be published in the same newspaper; if it was published on a social network with thousands of followers, it must be published on the same platform.

In the event of the victim's death, the right to request the publication of the judgment is transferred to the spouse, ascendants, and siblings, recognizing that the interest in the reputation of the deceased is also an interest of close relatives, which is consistent with the protection against offenses against the memory of a deceased person as provided for in Article 187-C.

In accordance with Article 3, Article 285 of the Penal Code, entitled "false accusation," is amended.

Article 285.
False accusation

1. Anyone who, by any means, before an authority or publicly, knowing the accusation to be false, denounces or casts suspicion on a specific person for committing a crime, with the intention of initiating criminal proceedings against that person, is punishable by imprisonment for 1 to 4 years or a fine of 240 to 360 days.
2. [...]
3. [...]
4. Criminal proceedings for the crime foreseen in this article depend on a judicial decision that assesses the merits of the alleged offense.
5. The time limit for exercising the right to file a complaint is suspended until the decision referred to in the previous paragraph is issued.

The change increases the prison sentence, both at its minimum limit of 1 year and at its maximum limit, which now increases to 4 years.

Paragraph 4 states that criminal proceedings depend on a judicial decision assessing the merits of the alleged offense, while paragraph 5 suspends the time limit for filing a complaint until the decision referred to in the previous paragraph is issued. This aims to avoid an excess of unnecessary proceedings without risking the expiration of the right to file a complaint when it is well-founded.

Article 4 makes systematic changes to the organization of the Penal Code, creating the Chapter on Crimes against Honor and the section on new sexual crimes.

With regard to the latter, it must be considered whether the current proposed organization is the one that best orders the Penal Code, namely whether incest should perhaps be placed among other crimes, or remain as another sexual crime.

Article 5 provides that the PJL shall enter into force on the day following its publication without any transitional period.

During the public hearing, some adjustments were made, notably regarding the need to disseminate the changes and train human resources. Specifically, the change should be

considered, and it is suggested from now on, as a recommendation, that it be implemented in a period exceeding 90 days.

V – PUBLIC HEARINGS:

Within the legislative process, the Committee on Constitutional Affairs and Justice approved the following schedule of Public Hearings:

No.	Date	Time	Entities	Location
1	Wednesday, June 3, 2026	9:30 AM	Proponents of Bill No. 17/VI (3rd) approving the seventh amendment to the Penal Code, representatives of the benches of CNRT, PD and Khunto and President of Committee F	Committee Room A
		2:30 PM	President of the Superior Council of the Judiciary; President of the Superior Council of the Public Prosecutor's Office; Public Defender General; Director of the Judicial System Monitoring Program (JSMP) Representative of the HAK Association	Conference Room
2	Friday, June 5, 2026	9:30 AM	Minister of Justice and Deputy Minister of Justice Minister of the Interior (accompanied by the Director of DSIC-PNTL) Deputy Minister for Parliamentary Affairs State Secretariat for Equality Director of the Scientific Police for Criminal Investigation (PCIC)	GMPTL Room
		2:00 PM	Civil Society and Religious Denominations Representative of the Catholic Church (CEP) Director of FOKUPERS JUS Lawyers and Consulting Director of Da Silva Teixeira & Associates (DTA) Director of JLA – Lawyers and Consultants (JLA) Director of Coelho Ribeiro & Associates (CRA) Director of JSO Ximenes, Lawyers & Consultants	GMPTL Room

His Excellency the Minister of Justice did not attend the Public Hearing, but subsequently submitted a legal opinion, which is attached to the Report and Opinion.

The law firms Da Silva Teixeira & Associados (DTA), JLA – Advogados e Consultores (JLA), and Coelho Ribeiro & Associados (CRA) did not attend the public hearing nor submit any contribution to the legislative process; this fact is recorded for future consideration regarding their inclusion in legislative processes.

Contributions collected

In addition to the invited entities whose contributions we report below, unsolicited opinions were also submitted by the Lao Hamutuk, Alfela, and Asia Foundation entities, which are attached to this report.

1. Proponents

The hearing with proponents regarding the proposed amendment to the Penal Code focused primarily on the crimes of incest, sexual abuse, and defamation, as well as the need to reinforce ethical values and protect human dignity in Timorese society.

Deputy Patrocínio Fernandes justified the legislative initiative as a response to current societal concerns, arguing that the State must protect the dignity of individuals and strengthen the ethical and moral structure of the community. He highlighted the seriousness of incest and sexual abuse, including cases in university settings, and warned of the growing erosion of moral values in the practice of defamation and slander.

Deputy António Verdial supported the proposal, emphasizing that the change to the Penal Code aims to promote justice and strengthen the ethical standards of society, not to restrict freedom, but to serve as a legal and educational instrument for a more orderly and dignified social coexistence.

Legal expert Carmelita Caetano Moniz expressed agreement with the criminalization of incest and sexual harassment, highlighting the serious psychological and social impacts of these practices. She also defended the need for harmonization with the Law against Domestic Violence, clarification of the concept of sexual exploitation, and attention to new technological challenges, such as the use of artificial intelligence in the manipulation of sexual images. She also suggested analyzing the possible criminalization of adultery. Regarding defamation and slander, she stated that freedom of expression cannot justify offenses or humiliations, and the principle of proportionality in the application of penalties must always be respected.

Deputy Maria Gorumali Barreto, as a proponent of the Bill, welcomed the legislative initiative, expressing particular satisfaction with the autonomous criminalization of incest, sexual harassment, and sexual molestation.

She emphasized that, until now, the absence of these autonomous criminal offenses in the Penal Code meant that these behaviors, when they were classified, fell under the crimes of sexual abuse, sexual coercion, or rape, whose evidentiary requirements, centered on demonstrating violence or coercion, did not fit the reality of these situations, especially when they occurred within the family or in contexts of hierarchical, labor, or academic subordination.

She stated that this inadequacy of the legal framework meant, in practice, that numerous cases of incest and sexual harassment went unpunished, either due to insufficient evidence of the elements required by the laws then available, or because the victims, intimidated or dependent on the aggressor, never filed a complaint.

She also recalled the repeated appeals from international bodies, notably the Committee on the Elimination of Discrimination against Women (CEDAW), which, following its periodic evaluation of Timor-Leste, recommended that the State adopt specific legislation to protect women and vulnerable groups, appeals which, she stressed, have been echoed by civil society organizations and development partners over the past few years.

She concluded by reaffirming that the approval of the Bill constitutes an indispensable response to this gap and a fulfillment of the international commitments undertaken by the Timorese State.

In summary, the hearing revealed a consensus regarding the need to strengthen the legal framework for protection against sexual crimes and crimes against honor, balancing the protection of human dignity with the principles of freedom and proportionality.

2. Court of Appeal

The President of the Court of Appeal gave his overall assessment, in which he considered the legislative initiative very positive and acknowledged the need to strengthen the protection of sexual freedom and honor. Regarding the crime of incest (Article 181-C), he recommended harmonizing the new crime with the current crimes of sexual abuse foreseen in the Penal Code and believes that the draft law could, in some cases, lead to less severe penalties for acts committed against minors within the family context.

He also recommends the reformulation of paragraph 4 of article 181-C, with "the victim's consent is irrelevant," as it is a legally clearer solution. Regarding crimes against honor (defamation and slander), the President of the Court of Appeal recommended a technical improvement of the provisions on defamation and slander and also clarified the distinction between the different types of crimes against honor.

3. MI

The Minister of the Interior expressed his general observation on the PJL regarding the seventh amendment to the Penal Code, which constitutes an important step in updating Timorese penal legislation, reinforcing the protection of human dignity, sexual freedom, honor, and vulnerable groups. He considered, however, that the text should be improved through various technical and legislative adjustments aimed at increasing the clarity of the rules, ensuring the proportionality of penalties, guaranteeing constitutional conformity, and harmonizing the regime with international human rights standards.

Based on the written opinion presented by the Ministry of the Interior, the following relevant aspects of the PJL should be highlighted:

1. Supports the creation of new crimes of sexual harassment, sexual molestation, and incest, as they fill existing gaps in the Penal Code. However, recommends greater precision in the wording of some concepts, adjustments to the penal frameworks, and strengthening the protection of victims, especially minors and vulnerable individuals.
2. Regarding crimes against honor (defamation, slander, and others), the systematization is considered positive, but the need to ensure a balance between the protection of honor and freedom of expression is highlighted, suggesting the reduction of some penalties and the improvement of the grounds for exclusion of criminal liability.
3. The opinion also expressed reservations regarding the proposed changes to the crime of false accusation, as it believes they could excessively delay criminal proceedings.

4. Deputy Minister of Justice for Institutional Strengthening;

During the hearing, the Deputy Minister of Justice expressed significant reservations regarding several provisions of the Bill, considering that some of the new crimes proposed are already sufficiently covered by the current Penal Code.

Regarding the crimes of sexual harassment (article 181-A), sexual molestation (article 181-B), and incest (article 181-C), it was understood that these behaviors are already punished through the current sexual crimes and their respective aggravating circumstances foreseen in the Penal Code. It was further considered that the proposed penal frameworks are less severe than those currently applicable, potentially weakening existing penal protections. For this reason, the elimination of these three new legal types was recommended.

Regarding crimes against honor, he defended maintaining criminal protection against defamation and slander, emphasizing the importance of protecting honor, reputation, and good name, especially in the context of social media and the massive dissemination of defamatory content.

During the hearing, the Deputy Minister of Justice gave the example of a couple who were arrested, with the husband sentenced to 17 years and the wife to 16 years in prison for the crime of incest.

The opinion also recommends increasing penalties for the most serious cases of defamation and slander, especially when committed through media or digital platforms, arguing that fines should not be the predominant penal response.

"On the other hand, it is proposed that there be greater use of alternative penalties such as community service for less serious offenses, accompanied, whenever possible, by mechanisms for public retraction. The Deputy Minister also mentioned that, regarding the punishment foreseen in the Bill amending the Penal Code, there has been a reduction in penalties. Currently, courts apply sentences ranging from 16 or 17 up to 20 years, but the Bill foresees a reduction in these penalties.

In conclusion, the Deputy Minister of Justice recommended the elimination of articles 181-A, 181-B and 181-C, the increase in penalties applicable to crimes against honor, the prioritization of community service as a substitute for fines, and the technical improvement of the draft's wording, in order to ensure greater coherence and penal effectiveness.

Finally, the Deputy Minister suggested the creation of a specific article on the repeal of sexual exhibitionism.

5. State Secretariat for Equality

The State Secretariat for Equality (SEI) appreciated the initiative of the National Parliament and Committee A, highlighting the importance of strengthening protection against domestic and sexual violence. During the hearing, the State Secretariat for Equality reflected on concerns raised by civil society organizations and state institutions, emphasizing gaps in current law that hinder the accountability of perpetrators, particularly in family contexts and power dynamics.

On the other hand, based on the written opinion presented to Committee A regarding the crime of Sexual Harassment (article 182-A), it was considered that its classification constitutes a fundamental step towards guaranteeing respect for the dignity of the human person, especially women and girls. It was emphasized that sexual harassment frequently occurs in workplaces, educational establishments, and public institutions, often perpetrated by people in positions of authority.

It was further emphasized that the provision for specific classification will help break the culture of silence surrounding this phenomenon and facilitate victims' access to justice. Support was also expressed for increasing penalties when the victim is a minor or a particularly vulnerable person.

Sexual harassment (Article 182-B) refers to offensive behaviors in public spaces, such as unwanted comments, sexual advances, and unwanted touching. These acts, often seen as "minor," have a significant impact.

The impact on the safety and dignity of victims. Criminalization will allow for a more effective response from the justice system.

In the crime of incest (Art. 181-C), considered crucial to protect children, adolescents, and vulnerable family members, the SEI disagreed with the proposed penal framework (3 to 10 years), as it is lower than the penalties already foreseen for sexual crimes against minors (4 to 12 years or 5 to 20 years).

Therefore, he recommended harsher penalties (10 to 20 years) and greater clarity in the description of the conduct, including oral, anal, and vaginal sex, as well as the insertion of objects. He suggested also including situations of adoption and guardianship, reinforcing legal protection. Regarding sexual violence in the family context, he acknowledged that many victims do not report it due to fear, economic dependence, or family pressure. He further emphasized that the home should be a safe space and that the Penal Code should reflect this protection.

Regarding digital crimes and online harassment, he highlighted the need to criminalize conduct associated with the irresponsible use of the internet, such as privacy violations, cyberbullying, body shaming, and online sexual transactions. In this context, he recommended the adoption of measures aimed at blocking non-educational websites, pornographic content, and other materials considered harmful. He also advocated for the creation of legislation that promotes digital education and citizen accountability in the digital age and the age of artificial intelligence.

6. Attorney General's Office;

The Attorney General's Office expressed an overall positive assessment of the Bill, considering that the initiative represents a significant step forward in the protection of sexual freedom, human dignity, and honor.

Regarding the crime of sexual harassment (article 181-A), the autonomous criminalization was considered justified, given the need to combat situations of abuse of power and gender-based violence. However, a reassessment of the framework for the fine was recommended. As for the crime of sexual molestation (article 181-B), agreement was expressed with its

autonomization, but a better harmonization of the new legal type with other sexual crimes foreseen in the Penal Code was suggested, as well as a reconsideration of the fine. Regarding the crime of incest (article 181-C), it was understood that the situations targeted are already sufficiently covered by the current sexual crimes foreseen in the Penal Code and the Law Against Domestic Violence, recommending the elimination of this new penal type. Regarding crimes against honor (articles 187-A to 187-H), the reintroduction of the penal protection of honor, reputation, and personal dignity was considered positive. However, it warned of the need to ensure the proportionality of the proposed penalties, particularly in the crimes of defamation, slander, and false accusation. In conclusion, the Attorney General's Office supported the legislative initiative, but recommended adjustments regarding the proportionality of penalties, normative harmonization of the new sexual crimes, and the elimination of the crime of incest.

7. Public Defender's Office

The Public Defender's Office considered the project constitutionally valid and socially necessary, as it reinforces the protection of human dignity and fills gaps in criminal law. The opinion presented analyzed the Draft Law that introduces the new crimes of Sexual Harassment (Article 181-A), Sexual Molestation (Article 181-B) and incest (Article 181-C), reformulates the legal regime of crimes against honor (Articles 187-A to 187-H) and alters the crime of false accusation (Article 285). The Public Defender's Office assessed the constitutional conformity, systematic coherence and political-criminal adequacy of the amendments, taking as reference the Constitution of Timor-Leste, the structuring principles of contemporary Criminal Law, the international commitments assumed by Timor-Leste and the UN Sustainable Development Goals (Agenda 2030).

8. PSIC

The National Director of the Scientific and Criminal Investigation Police (PCIC), Vicente Fernandes e Brito, presented at a public hearing an article-by-article analysis of Bill No. 17/VI (3rd), which aims at the seventh amendment to the Penal Code. The opinion highlights significant advances in the protection of sexual self-determination, honor, good name and reputation, in accordance with the Constitution of the Democratic Republic of Timor-Leste.

During the hearing, four main points were raised, including the introduction of new crimes in the Bill, the strengthening of the protection of honor, guarantees of freedom, and the easing of punishment.

Regarding the new crimes introduced, the importance of criminalizing sexual harassment in power relationships was emphasized, with special protection for minors and people with disabilities. Similarly, the criminalization of sexual harassment to punish offensive acts in public spaces, such as unwanted touching, exhibitionism, or stalking, was highlighted. Finally, incest was criminalized, encompassing consanguineous relationships up to the third degree, with aggravated penalties when minors are involved or pregnancy results, with consent being legally irrelevant.

Regarding the regime of crimes against honor, the crime of defamation was highlighted, with increased penalties in cases involving social media, recommending the technical correction of the term "private accusation" to "depends on complaint." In the crime of slander, which

deals with direct offenses against honor, the linguistic correction of "gestões" to "gestos" was suggested. Regarding offenses against the memory of a deceased person, the need to require a death certificate and proof of kinship was emphasized. Finally, in offenses against legal entities, the protection of institutional credibility was reinforced, requiring commercial registration to legitimize the complaint.

It was noted that non-punishable conduct should exclude liability in cases of proven truth, good faith, legitimate journalistic activity, and parliamentary or judicial immunity. The provision for lack of typicality was also highlighted, ensuring judicial immunity and freedom of political, scientific, or artistic criticism, introducing the principle of insignificance to avoid criminalizing low-impact conduct.

Mechanisms were mentioned such as the waiver of punishment in cases of retraction, explanations accepted by the victim, or mutual offenses, as well as the possibility of publicizing the conviction as a way to repair the damage to one's honor.

9. Criminal Investigation Services of the National Police of Timor-Leste

The Criminal Investigation Services of the National Police presented a set of recommendations to Committee A based on the practical difficulties of investigation and the need to adapt the Penal Code to current realities.

Regarding crimes of a sexual nature, the need to improve the legal definition of sexual harassment and sexual assault is highlighted, to facilitate investigation and evidence gathering. The importance of formally recognizing digital evidence (messages, audio, and video) is also reinforced, including the provision of aggravating circumstances when crimes are committed digitally. As for incest, it is recommended to broaden the concept to encompass not only blood relations but also de facto family relationships, and to guarantee the immediate removal of the suspect to avoid revictimization.

In crimes against honor, especially defamation and offenses against legal entities, the PNTL (National Police of Timor-Leste) warns of the impact of social media, which significantly increases the volume of cases. It suggests that simple defamation should not always be criminalized, and could be resolved through civil channels, allowing the police to concentrate on more serious crimes. It is also recommended to clearly distinguish between legitimate criticism and malicious offense, in order to avoid abuses of the penal system.

Regarding non-punishable conduct, it is proposed that clear rules be created on the use of force by the police, guaranteeing legal protection to officers when they act proportionally in the exercise of their duties. A more precise definition of legitimate self-defense is also advocated, as well as the need to avoid investigations based solely on subjective perceptions without concrete evidence.

Finally, it should be noted that the increase in harassment and defamation crimes in the digital environment requires an update to the Penal Code, otherwise the National Policy for Combating Cybercrime (PNTL) will continue to face technical difficulties in investigating and producing evidence.

10. JU,S - Social Legal

The Legal and Social Affairs Board (JU,S Jurídico Social) expressed its support for the revision of sexual crimes in the Penal Code, considering that Timor-Leste is currently prepared to strengthen the protection of victims of sexual violence, especially women, children, and people in vulnerable situations.

The organization understood that the legislative review should not be limited to the changes proposed by the Bill, but should take the opportunity to correct existing loopholes and adapt the Penal Code to international standards of human rights and child protection.

Regarding the crimes of sexual harassment and sexual molestation, JU,S advocated for the merging of these two crimes into a single legal type, considering that both protect the same legal right: sexual freedom and self-determination. It also recommended a broader definition that includes verbal, non-verbal, physical, and digital behaviors, as well as increased penalties when there is abuse of authority, sexual blackmail, repeated conduct, or when the victim is a minor or particularly vulnerable.

Regarding the crime of incest, the JU,S recommended against its approval as an autonomous crime. It considered that the bill could generate situations of revictimization, jeopardizing the protection of women and children who are victims of intrafamilial sexual abuse. As an alternative, it proposes that family relationships be considered aggravating circumstances for existing sexual crimes and that a specific crime of sexual abuse of a dependent minor be created.

The opinion also proposes the creation of the crime of stalking, including both in-person and digital stalking, based on the understanding that there is currently a legal gap in the protection of victims of persistent surveillance, intimidation, and harassment behaviors.

In the area of sexual coercion and rape, JU,S recommended adopting a model based on the absence of consent, replacing the current model centered on violence or threat. It argues that consent should be a central element in sexual crimes, considering it nonexistent when there is abuse of authority, dependence, trust, or influence over the victim.

The organization also proposes the creation of the crime of sexual abuse of dependent or particularly vulnerable minors, encompassing minors between the ages of 14 and 17 who are under the authority, guardianship, care, or influence of the perpetrator.

Another important recommendation is to strengthen the fight against the sexual exploitation of minors. JU,S argued that the law should punish not only those who exploit or profit from child prostitution, but also adults who pay, promise advantages, or offer goods in exchange for sexual acts with adolescents.

Regarding aggravating circumstances in sexual crimes, it is proposed that these circumstances be concentrated and reinforced in a single article, including situations of kinship, abuse of authority, economic or sexual exploitation of minors, and relationships of dependency.

Finally, JU,S attaches special importance to ancillary penalties for the protection of victims. It recommended prohibiting activities that involve regular contact with children and vulnerable

people, prohibiting contact and proximity to victims, and inhibiting the exercise of parental authority, guardianship, or curatorship in the most serious cases.

In conclusion, JU,S Jurídico Social considered that the project represents an important step forward, but believes it must be strengthened to ensure more effective protection for victims, combat new forms of sexual violence, and adapt Timorese legislation to international standards of human rights and child protection.

11. Representative of JSO Ximenes, Lawyers and Consultants

During the hearing, Dr. José Ximenes expressed his agreement with the National Parliament's decision to criminalize defamation and slander. This measure is seen as necessary to protect honor and reputation, especially in the current context of social media and digital communication. However, he recommended that balancing mechanisms be ensured to avoid unduly restricting freedom of expression and democratic debate. He also proposed the inclusion of a new type of crime called revenge porn. This crime refers to the non-consensual dissemination of intimate images or videos with the aim of humiliating or retaliating against the victim. Its criminalization is considered urgent, given the increase in cases related to the sharing of digital content and social networks.

12. CET - Timorese Bishops' Conference

The Episcopal Conference of Timor (CET) presented its opinion on the draft law amending the Penal Code, expressing ethical, social, and legal concerns. The representative stressed that any penal reform must respect the fundamental values of human dignity, the family, and freedom of expression.

CET acknowledged the importance of criminalizing sexual harassment and sexual molestation, but warned that the application of the law must be balanced, avoiding interpretive abuses. Regarding incest, it considers criminalization essential, especially to protect minors and vulnerable people, but recommended proportionality in penalties.

CET expressed its concern about the crimes of defamation and slander, highlighting the risk of limiting freedom of expression and democratic debate. It recommended that the law clearly differentiate between legitimate criticism and malicious libel.

Regarding offenses against the memory of deceased persons and offenses against legal entities, he acknowledged their relevance but also warned against them becoming instruments of censorship or persecution. On freedom of expression and the press, the CET insisted that the reform must ensure harmony between the protection of honor and freedom of expression, avoiding excessive criminalization of journalists, community leaders, or citizens who exercise legitimate criticism. He reinforced that criminal law should be applied as a last resort (*ultima ratio*). On family and social values, he emphasized that the criminalization of incest and sexual crimes must be accompanied by moral and social education, reinforcing the role of the family and the community in prevention.

He argued that the law should protect the integrity of the family as the fundamental core of Timorese society.

13. FOKUPERS

The Director of Fokupers recognized sexual harassment as a form of gender-based violence that primarily affects women and girls, constituting a violation of human rights and human dignity. She argued that the Penal Code should reflect the constitutional principles of equality and human dignity, as enshrined in the Constitution of the Democratic Republic of Timor-Leste, and comply with international instruments ratified by the State, namely:

1. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW);
2. The Istanbul Convention on preventing and combating violence against women and domestic violence.

She emphasized that the concept of sexual harassment should encompass isolated or repeated acts, as long as they cause embarrassment, intimidation, or humiliation to the victim, and that legislation should provide for aggravating circumstances when the perpetrator takes advantage of power, dependence, or authority relationships.

Recommendations:

- a. Approval of the new wording of Article 181-A, as proposed, to ensure greater clarity and effectiveness in punishing acts of sexual harassment.
- b. Strengthening the training of judges, police officers, health professionals, and educators on the subject, ensuring a uniform application of the law.
- c. Creation of effective reporting and protection mechanisms for victims, including support lines and psychological counseling.
- d. Promoting public awareness and prevention campaigns in workplaces, educational institutions, and public spaces.
- e. Integration of the issue of sexual harassment into public policies on gender equality and human rights.

14. JSMP

The Director of JSMP expressed her support for the creation of an autonomous crime of incest in the Timor-Leste Penal Code, considering that current legislation does not offer sufficient protection to victims. She also cited that currently, incest cases can only be classified as crimes of child sexual abuse, sexual coercion, or rape. However, when the victim is over 14 years old or an adult, punishment depends on proof of coercion or rape, which is often difficult to demonstrate. The report also highlights the evidentiary difficulties. Since incest typically occurs within the family, in relationships marked by trust, emotional closeness, and family authority, coercion does not always take the form of physical violence. Often the victim is influenced by economic, psychological, or emotional dependence, making it difficult to prove the elements required for the crimes of sexual coercion or rape.

Another central point was the issue of consent, as well as the written opinion, and at the hearing JSMP argued that, in the family context, there is no true equality of power between the parties. Parents, stepparents, grandparents, uncles or older siblings often exert influence

and authority over the victim. Therefore, even when the victim appears to consent or claims to have agreed to the relationship, this consent may stem from manipulation, dependence or abuse of power, and is not considered fully free.

She also identified several obstacles to reporting cases of incest, namely fear of family authority, fear of social stigmatization, pressure to protect the family's reputation, and the victim's economic or emotional dependence on the perpetrator. These factors contribute to the concealment of crimes and the difficulty of accessing justice.

This was further reinforced by a study conducted by ALFeLa between 2005 and 2026, which recorded 141 cases of incest perpetrated by fathers against daughters, 90 by stepfathers against stepdaughters, 53 by grandfathers against granddaughters, 192 by uncles against nieces, 2 by aunts against nieces, and 36 by brothers against sisters. These numbers are used to highlight that incest is a real and significant phenomenon in Timor-Leste.

Incest should be understood as a specific form of abuse of power within the family context. The philosophy of the Law Against Domestic Violence was invoked, according to which family relationships can involve power imbalances that justify state intervention to protect victims. Therefore, incest is considered to deserve its own distinct and differentiated penal treatment.

In conclusion, she stated that there is a significant gap in the Penal Code regarding incest, that the current system relies excessively on evidence of coercion or rape, and that the autonomous criminalization of incest is necessary to protect victims, strengthen family protection, and adequately respond to the Timorese social reality.

Finally, she recommended the creation of a new article in the Penal Code regarding the crime of incest. The proposed legislation provides for prison sentences of between 10 and 20 years for sexual acts involving penetration and between 5 and 15 years for other relevant sexual acts, when committed by close family members who exercise power over the victim. It also provides for harsher penalties when the victim is under 18 years of age, considers the victim's consent irrelevant, and broadly defines the family members covered and the concept of power, including forms of physical, economic, psychological, and emotional influence.

VI – CONCLUSION

Within the scope of the legislative process of Bill No. 17/VI (3rd), Admissibility Note No. 17/2016/DIPLN was issued. With due respect to differing opinions, the note to be issued by the Plenary Support Division is limited to verifying compliance with the formal requirements set forth in Articles 92 and 98 of the Internal Regulations of the National Parliament, as well as verifying compliance with the constitutional requirements when submitting bills and proposals.

This interpretation stems from a combined reading of the Internal Regulations of the National Parliament and the Law on the Organization and Functioning of the Parliamentary Administration, whose article 31-A, § 1, subparagraph e), assigns to the Plenary Support Division the responsibility for ensuring compliance with formal constitutional and regulatory requirements in the legislative initiative submission phase.

The scope of this authority is not, and should not be, confused with the authority of the Permanent Special Committees to discuss and issue opinions on draft laws and proposals, as set forth in Article 35 of the Internal Regulations, nor with the authority to prepare the report and opinion provided for in Article 101. The detailed assessment of the merits and political-legislative options belongs to the Permanent Specialized Committees.

Whenever they lack specialized technical support, the LOFAP (Organic Law of the Public Administration) is clear in assigning this responsibility to the Office of Studies and Parliamentary Advisory Services.

Recognizing that Parts I, II, and III of admissibility note no. 17/2016/DIPLN fully comply with the scope of DIPLN's competences, it must be noted that Part IV exceeds this scope, constituting an interference in the competences that are proper to the Committee on Constitutional Affairs and Justice and the deputies who comprise it. It is inadmissible that an admissibility note simultaneously concludes that the constitutional, legal, and procedural conditions have been met and, further on, recommends the non-approval of the initiative. This is a clear overreach of DIPLN's competences, which we cannot accept.

It is in the Report and Opinion at the general stage that the Committee can and should pronounce on the adequacy of the legislative technique, on the coherence with the current penal code, on questions of constitutionality, on the proportionality of the measures, systematic articulation with other legal instruments and criminal policy options. The admissibility notes cannot become advance reports of the general stage.

It is therefore recommended that DIPLN scrupulously fulfill its responsibilities during the admissibility phase, which will also allow the grades to be issued within a reasonable timeframe, avoiding situations such as the one that occurred in this case, where their preparation extended for about a month.

Bill No. 17/VI (3rd) constitutes a significant and long-awaited normative advancement in the Timorese legal-penal system. The autonomous criminalization of sexual harassment and sexual molestation addresses a gap repeatedly identified by international organizations, notably CEDAW, and by civil society organizations that have extensively documented the effects of the absence of specific criminalization of these behaviors.

The legislative choice to distinguish between sexual harassment, based on a relationship of power or structural dependence, and sexual molestation, which does not require such distinction, reveals an effort toward dogmatic rigor that provides greater precision to criminal intervention and avoids the overlapping of protected legal interests.

The criminalization of incest, in turn, embodies the constitutional mandate for the protection of the family enshrined in Article 39 of the Constitution, even though the adopted formulation raises questions regarding the delimitation of the protected legal interest that justify further consideration, particularly regarding the relationship between the protection of the family and the prevention of genetic risk, with implications for the subjective scope of the offense and the potential relevance of consent.

The systematic regime for crimes against honor introduces a normative architecture that establishes a careful balance between the protection of good name, enshrined in Article 36 of the Constitution, and the freedom of expression and information, enshrined in Articles 40

and 41. The exclusions of unlawfulness and non-punishability provided for in Articles 187-E and 187-F, as well as the distinction between lack of typicality and non-punishability, reflect a legislative technique that adequately protects journalistic, scientific, and political criticism, without such protection compromising the criminal protection of good name.

However, the question remains of classifying these crimes as private offenses, a procedural modality without precedent in the Timorese legal system, and whose articulation with the Law on the Organization and Functioning of the Courts and with the Code of Criminal Procedure requires adequate consideration in the context of specificity, given the absence of a specific procedural regime and the risks of unequal access to justice that may result for economically vulnerable victims.

In terms of legislative technique, the Bill satisfactorily observes the constitutional requirements of initiative and competence, clearly falling within the absolute legislative prerogative of the National Parliament in criminal matters, and the proposed system for the insertion of the new offenses into the Penal Code proves to be globally coherent, although there are points of wording to be improved and issues of articulation with existing criminal offenses, particularly the crime of sexual exhibitionism provided for in Article 181.

Recommendations for discussion within the specialty

During the discussion and voting on the specifics, it is recommended that the Committee give particular consideration to the following points.

Regarding sexual harassment, it is suggested that the wording of Article 181-A be simplified, taking into account the contributions gathered in the public hearings, as well as considering the introduction of an accessory penalty of prohibition from exercising functions for a determined period and increasing the penalty foreseen for the aggravated offense.

Regarding sexual molestation, it is recommended to clarify the relationship between the new Article 181-B and the crime of sexual exhibitionism foreseen in Article 181. The Committee should choose between revoking the latter with a corresponding adjustment of the penal framework for sexual harassment, or maintaining both types of offenses with a precise delimitation of their respective typical conduct, in order to avoid normative overlap and violation of the principle of proportionality. It is also recommended that it be expressly clarified that the typical conduct includes the sending of messages, images, or videos of sexual content, as well as the consideration of an aggravating circumstance in case of recidivism.

Regarding incest, it is recommended that the wording of Article 181-C be reformulated to make it unequivocal that the conduct described presupposes consensual sexual relations, otherwise it would overlap with the offenses of sexual abuse, rape, or sexual coercion. It is also recommended that the Committee take an explicit position on the protected legal interest, considering, based on this choice, extending the offense to relationships of affinity or limiting it to acts of vaginal penetration, and that consideration be given to adopting more accessible terminology in defining the scope of relevant kinship, as well as the possible increase in the penalty framework, in light of the contributions received in the public hearing and comparative law.

Regarding the regime for crimes against honor, careful consideration is recommended regarding the option of making these crimes privately classified, given the lack of a specific procedural regime for privately classified crimes in the current Timorese legal system and the risks of unequal access to justice that may result. The Committee should evaluate the alternative of a semi-public nature, considering the corresponding risks of overburdening the judicial system and the Public Prosecutor's Office.

Regarding the systematic organization of the legislation, it is recommended that the Committee re-examine the inclusion of the crime of incest in the new Section V of Chapter III, assessing whether its nature brings it closer to other criminal offenses already provided for in the Penal Code.

Regarding the entry into force, given the need for dissemination of legislative changes and training of judicial operators, raised during the public hearing, it is recommended that a waiting period of no less than ninety days be established, instead of the entry into force on the day following publication as provided for in Article 5 of the Draft Law.

VII – COMMITTEE OPINION

The Committee on Constitutional Affairs and Justice is of the opinion that the Bill meets all the conditions to be approved in plenary session in general, and therefore recommends that, once discussed and approved in committee, it be sent to that body of the National Parliament for the appropriate action.

VIII – COMMITTEE APPROVAL

This Report and Opinion was discussed at the meeting of the Committee on Constitutional Affairs and Justice on June 17, 2026, and was approved with __ votes in favor, __ votes against, and __ abstentions.

The Rapporteur:

Albino da Silva

The President of the Committee:

Natalino dos Santos Nascimento