

RE-PUBLISHING OF LAW 3/2004 OF APRIL 14, ON POLITICAL PARTIES

AS AMENDED BY LAW 2/2016 OF FEBRUARY 3 (changes highlighted in yellow)

Political parties galvanise and organise the participation of citizens in the political life of the country and the multiparty system presently is undoubtedly one of the major pillars of contemporary democracy. Within this context, it becomes necessary to define the rules that govern the activities of political parties so as to ensure their proper functioning in our country.

Pursuant to item 2, paragraph i), of Section 95 of the Constitution, the National Parliament enacts the following that shall have the force of law:

CHAPTER I GENERAL PROVISIONS

Article 1 Concept

1. Political parties are permanent citizens' organizations with the purpose of participating democratically in the life of the country and of contributing to the formation and expression of the political will of the people in accordance with the laws and their statutes and programs, Inter alia in the electoral process through the presentation or sponsorship of candidatures.
2. Political parties have legal personality and judicial capacity and are exclusively constituted by national citizens.
3. For the purposes of this law, political parties shall not be considered as registered political parties if they are registered or domiciled outside the national territory or the majority of its members or its management have a residence outside the Democratic Republic of Timor-Leste
4. An organization's status as a political party shall cease if the organization does not participate with its own program in any election at local or national level for a period longer than five years.

Upon verification of the circumstance provided for in the preceding paragraph, the National Election Commission shall inform the Supreme Court of Justice of this fact for the purpose of declaring said loss

Article 2 Objectives

Political parties shall have, *inter alia*, the following objectives:

- a) to protect the national interests;
- b) to contribute to the exercise of the political rights of citizens and to the establishment of national policies, namely through participation in elections or through other democratic means;
- c) to define government programmes as well as administrative programmes;
- d) to participate in activities of the organs of State and of the organs of local government;
- e) to promote civic education as well as political awareness and doctrines amongst the citizens;
- f) to discuss issues of national and international scope and to take a stance on such issues;
- g) to contribute to the overall development of political institutions.

Article 3
Civic Associations

1. Associations or any other types of civil society organisations that pursue some of the objectives provided for in Section 2 above shall not be considered political parties, nor shall they benefit from their status.
2. Civil society organisations shall be barred from pursuing the objectives laid down in paragraphs b) and c) of Section 2 above, which are exclusively reserved to political parties.

Article 4

Political parties may constitute or associate their actions with organisations, namely, youth organisations, women's organisations and workers' organisations

Article 5
Party Membership

1. Membership to a political party is voluntary and each citizen is free to become or not a member of a political party.
2. No person can be registered in more than one political party simultaneously.

Article 6
Party Leaders

Timorese citizens who are ordinarily resident in the national territory, are registered in the voter register, have full civil and political rights and are elected to party bodies in accordance with their respective statutes may be leaders of political parties.

Article 7
Principle of Transparency

1. Political parties must pursue their objectives publicly by openly disseminating their by-laws and political programmes, the identity of their leaders, the origin and use of their funds, as well as information on their general activities at the national and international level.
2. Political parties shall communicate in writing to the Supreme Court the name, address, voter's number and telephone contact of the officials elected to their national organs, as well as the respective programs that have been approved or modified

Article 8
Principles for the Promotion of Women and for the Rejuvenation of Parties

1. Political parties shall encourage the participation of women in party politics, particularly in the leading organs of the party by defining, if they so wish, a system of quotas or other similar measures aiming at promoting the participation of women in activities related to party politics.
2. Political parties shall also encourage the participation of younger citizens, of the age group that ranges between 17 and 35 years, in the central organs of the party by defining, where applicable, a system of quotas

Article 9
Coalitions, Fronts or Movements

1. Political parties may associate themselves in coalitions, fronts or movements, provided that the association is approved by the Congresses or National Conferences of the political parties that will form them, with a concrete indication of the scope and purpose of these coalitions, fronts or movements.
2. Whatever the nature of the association, it will have to be established in accordance with the present law, and under no circumstance shall it use a name, abbreviation, flag, emblem and anthem similar to that of another party that is not part of the coalition, front or movement.
3. Political parties may not simultaneously be part of more than one coalition, front or movement.

Article 10
Membership in International Organisations

Timorese political parties may cooperate with foreign political parties and accede to international organisations having a democratic structure and functioning, without prejudice to their independence and to their politico-constitutional capacity to intervene.

Article 11
Establishment and Seat

1. The establishment of political parties shall not be subject to authorisation.
2. A political party acquires a juridical personality following their registration in a specific register at the Supreme Court of Justice.
3. Political parties shall have their national headquarters in the capital of the Democratic Republic of Timor-Leste, but shall establish municipal offices in each municipality.

Article 12
Name

1. The name, abbreviation, flag, emblem and anthem of a political party cannot be identical or similar to those belonging to any other party that has previously existed.
2. The name of the party cannot include the name of a religious denomination or of a person, and its symbol cannot be confounded with any national symbols or with religious images.
3. A political party cannot use in its name the words veteran or resistance. The Supreme Court of Justice decide on issues of similarity of the names acronyms, flags, emblems and hymns of political parties.

Article 13
Registration Formalities

1. To register a political party it must have the support of at least twenty thousand citizens, registered in the electoral register, in full enjoyment of their civil and political rights, from all municipalities, and must be supported by at least one thousand citizens registered in each municipality.
2. Requests for registration shall be subscribed by the applicants and addressed to the Minister of Justice, accompanied by the nominal list of the applicants, the documents certifying the identity of the applicants, as well as the draft by-laws, programme, name, abbreviation, flag, emblem and anthem of the party.

3. For the purposes of the present law, the certification of the identity of applicants shall be undertaken by attaching authenticated photocopies of the identity card, the national passport, the birth certificate, the baptism certificate, or the marriage certificate.
4. The authentication of photocopies, as well as the authentication of signatures and fingerprints of applicants who cannot or are not able to sign shall be undertaken by the competent official of the civil registration services.
5. The registration of a political party must be requested at least six months in advance of the next elections

Article 14 Rejection of Registration

1. Where a request for registration is rejected, a copy of the order of rejection shall be forwarded containing an explanation of the reasons for the rejection.
2. Once the request for registration is rejected, the applicants may make corrections on it, where applicable, or appeal to the competent Court for reconsideration of the request for registration

Article 15 Advertising of Registration

1. The decision ordering the provisional registration of a political party shall be the responsibility of the President of the Supreme Court of Justice and shall be made within fifteen days, counting from the receipt of the documents referred to in the previous article, by the Supreme Court of Justice.
2. The decision ordering or rejecting the provisional registration shall be advertised on national radio for two consecutive days.
3. A decision ordering or rejecting the provisional registration of the political party may be appealed to the plenary of the Supreme Court of Justice, filed within five days of the expiration of the period referred to in the preceding paragraph, by the applicants for the political party's registration or by the Public Prosecutor.
4. The appeal shall be determined within 10 days.
5. Where a registration is dismissed due to non-compliance with the provisions of items 1 and 2 of Section 5 and the political party replaces it within forty-eight hours so that the registration is authorised, the registration shall be deemed as having taken place on the date of the initial decision that led to the dismissal of the registration.
6. The decision on the alteration or replacement of proposals must be made by the President of the competent Court within forty-eight hours.
7. The final decision shall be published in the Official Gazette and shall be disseminated during three consecutive days through the national broadcasting station.

CHAPTER II RIGHTS AND DUTIES

Article 16 Rights

Political parties shall have the following rights:

- a) to freely and publicly pursue the objectives for which they have been established;
- b) to freely and publicly disseminate their political and ideological orientation through the media and through any other means authorised by law;
- c) to participate in elections under the conditions provided for in the electoral law;
- d) to define and disseminate their governmental projects and programmes;
- e) to critically appraise the actions of the government and of the public administration;
- f) to acquire, free of charge or otherwise, movable and immovable property deemed necessary for the pursuance of their objectives;
- g) to receive a subsidy from the State for the electoral campaign, to be awarded after the elections according to the number of votes obtained by the party, to be set by a government decree between a minimum of US \$ 1 to a maximum of US \$ 10 for each vote received.
- h) any other rights as provided for by law

Article 17 Specific Duties

1. Political parties have the following duties
 - a) respect the Constitution and the laws
 - b) to notify the Supreme Court of Justice of any changes to the statutes, party program, identity of party leaders, change of address of the national office, change of symbol, and merger or association in coalitions, fronts or movements;
 - c) possess the required bank accounts;
 - d) publish the accounts on an annual basis after they have been audited.
2. Political parties shall be expressly forbidden to:
 - a) resort to violence or to envisage the use of force in order to change the political and social order of the country;
 - b) foment or to divulge separatist, integrationist, discriminatory, antidemocratic, racist, regionalist or fascist policies or ideologies.

CHAPTER III INTERNAL OPERATION

Article 18 Democratic Rules

The internal organisation of political parties must follow such basic specific democratic rules as follows:

- a) the political objectives, the internal structuring and the mode of functioning must be contained in the respective by-laws and political programme;
- b) the by-laws and political programme of the party must be approved by the totality of the party members or by the representative organs;
- c) the leaders of organs can only be elected by means of a direct and secret vote of all party members or of an assembly representing them;

- d) unless the law or the by-laws provide for a more qualified quorum, the decisions of the organs shall only be binding when taken by one half plus one of all members of the organ in question.
- e) the decisions shall be taken by a simple majority unless the law or the by-laws require a qualified majority;
- f) no admission can be denied nor membership excluded on the basis of race, gender, ethnicity, creed or social status.

Article 19

Congress and National Conference of Parties

1. Political parties can create organs that they deem necessary for the pursuit of their objectives and they must have at least one central representative organ with deliberative functions.
2. The Congress or the National Conference of parties is the highest deliberative organ at the national level, with at least two thirds of its delegates directly elected by the respective party constituencies, which shall ensure participation and representativeness of the grassroots.
3. The Congress or the National Conference shall have exclusive competency to approve by-laws and the political programmes, to decide about merging with other parties, to enter into political party coalitions or platforms, delimitating the scope, objective and duration of such platforms or coalitions.
4. The Congress or Conference shall meet on a regular basis with a maximum interval of four years.

Article 20

Internal Monitoring

1. The by-laws of political parties must provide for organs of monitoring and internal control of the accounts of their activities as well as of the accounts relating to the electoral campaigns in which they participate.
2. The persons in charge of the decentralised structures of parties must provide information of their accounts to national party officials on a regular basis and follow their instructions for the appropriate execution of the present law, under penalty of being held accountable on a personal basis.

CHAPTER IV

FINANCING OF POLITICAL PARTIES AND PRESENTATION OF ACCOUNTS

Article 21

Sources of Financing

1. The sources of financing of political parties shall comprise own revenues and revenues arising from private financing.
2. Own revenues shall consist of:
 - a) membership fees and other contributions from party members;
 - b) proceeds from fundraising activities undertaken by the party;
 - c) incomes originating from party property;
 - d) proceeds originating from loans.
3. Private financing shall consist of:
 - a) donations from individuals;
 - b) inheritances or legacies.

Article 22
Forbidden Financing

Parties shall be prohibited from accepting donations from:

- a) public companies;
- b) companies, the capital stock of which belongs exclusively or mostly to the State;
- c) public service corporations;
- d) corporate bodies of public interest committed to philanthropic or religious activities;
- e) professional, labour or employer's associations;
- f) foundations;
- g) governments or foreign corporate bodies.

Article 23
Fiscal Benefits

1. Apart from other benefits that may be provided for by specific law, political parties shall be exempt from prepayment of court costs or any other court costs.
2. The exemptions referred to in item 1 above shall not include economic activities of an entrepreneurial nature.

Article 24
Suspension of Benefits

1. The benefits provided for in the previous section shall be suspended where:
 - h) the party abstains from contesting in general elections;
 - i) the party is incapable of electing a single representative in the general elections.
2. Suspension shall cease when the party succeeds in representing itself in the ensuing elections.

Article 25
Financial Regime

Political parties must maintain an organised accounting system in a way that it is possible to know its financial status and to check compliance with the obligations provided for by law.

Article 26
Publication of Accounts

Party accounts must be published in the Official Gazette, free of charge, accompanied by the opinion of the competent statutory organ for review

Article 27
Accounting Organisation

The accounting organisation of the parties must follow the rules of a sound accounting system and must contain, in particular:

- a) the annual inventory of the party property with regards to movable and immovable property subject to registration;
- b) the breakdown of revenues which shall include those revenues provided for in Section 20;
- c) the breakdown of expenses including:
 - personnel expenditures;

- expenditures on acquisition of assets;
 - loan charges;
 - other expenditures related to activities of the party.
- d) the breakdown of capital operations pertaining to:
- investments;
 - debtors and creditors.

Article 28

Sanctions

1. Without prejudice to any criminal or civil liability that may occur, political parties that do not fulfil the obligations imposed on them in this chapter shall be subject to the payment of a fine, to be established by the Court, ranging between the minimum value of US \$1,500 (one thousand and five hundred dollars) and the maximum value of US \$25,000.
2. Proceeds from fines shall accrue to the benefit of the State.

CHAPTER V

FINAL AND TRANSITIONAL PROVISIONS

Article 29

Appointment and operation of the Supreme Court of Justice

Until the Supreme Court of Justice is appointed and commences its duties, the powers provided for in this law will be exercised transitorily by the Court of Appeal.

Article 30

Authentication of Documents and Certification of Signatures

1. The authentication of documents and certification of signatures, including signatures by proxy, shall be entrusted upon the civil registry services.
2. The authentication and certification of documents and signatures shall be performed whether in Tetum or in Portuguese

Article 31

Recognition of Political Parties Previously Registered

Political parties already registered during UNTAET's mandate are considered to be existent. They must, however, register themselves again for the next elections, in accordance with the present law

Article 32

Entry into Force

The present law shall enter into force on the day immediately after its publication.

Approved February 10, 2004.

The President of the National Parliament

Francisco Guterres "Lu-Olo".

Enacted on March 25, 2004

The President of the Republic

Kay Rala Xanana Gusmão