

**LAW No. 2/2016
of February 3rd**

**FIRST AMENDMENT TO
LAW NO. 3/2004, OF APRIL 14 ON POLITICAL PARTIES**

The Constitution of the Democratic Republic of Timor-Leste establishes, in its article 46, item 2, the right of every citizen to form and participate in political parties, subject to the respective formation and organization to the terms that are established by law of the National Parliament.

Law 3/2004, of April 14, established the fundamental bases for the establishment, operation, and financing of political parties. The experience accumulated over the years calls for the adoption of measures to strengthen political parties, particularly those that ensure a greater representation and a solid support base, to ensure the sustainability of the party and the ability to intervene to fulfill the purposes enshrined in Article 70 of the Constitution of the Republic, such as contributing to the organization and expression of popular will and participation in organs of political power, as well as exercising the right of political opposition.

To achieve these goals, this law, on the one hand, increases the number of subscriptions required for the formation of a party, while, on the other hand, it strengthens the funding of political parties by establishing a subsidy for election campaigns, to be allocated according to the votes obtained in the election.

Thus,

The National Parliament enacts, pursuant to Article 95(2)(i) of the Constitution of the Republic, to be valid as law, the following:

Article 1

Amendment to Law No. 3/2004, of April 14

Articles 1, 6, 7, 9, 11, 12, 13, 15, 16, 17, 22, and 29 of Law 3/2004, of April 14, on Political Parties, shall be amended to read as follows:

"Article 1

[...]

1. [...]
2. [...]
3. For the purposes of this law, organizations headquartered or registered outside the national territory, as well as those in which the majority of their members or management reside outside the Democratic Republic of Timor-Leste, shall not be considered political parties.
4. [...]
5. Once the circumstance provided for in the previous number has been verified, the National Electoral Commission shall notify the Supreme Court of Justice for the purposes of declaring the aforementioned loss.

Article 6

Directors of Political Parties

Leaders of political parties may be Timorese citizens who have their habitual residence in the national territory, are registered as voters, enjoy full civil and political rights, and are elected for party bodies, under the terms of the respective statutes.

Article 7

[...]

1. [...]
2. Political parties shall communicate, in writing, to the Supreme Court of Justice the name, address, voter number and telephone contact details of the leaders who are elected to their national bodies, as well as the respective programs approved or modified.

Article 9

[...]

1. Political parties may associate themselves in coalitions, fronts or movements, provided that the association is approved by the National Congresses or Conferences of the political parties that will form them, with concrete indication of the scope and purpose of such coalitions, fronts or movements.
2. [...]
3. Political parties may not simultaneously integrate more than one coalition, front or movement.

Article 11

[...]

1. [...]
2. The political party shall acquire legal personality by registration in a proper book existing 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 they shall establish municipal headquarters in each municipality.

Article 12

[...]

1. [...]
2. [...]
3. The political party may not use in its name the words veterans and resistance.
4. It is incumbent upon the Supreme Court of Justice to decide on the similarity of denominations, acronyms, flags, emblems and anthems of political parties.

Article 13

Enrollment requirements

1. The registration of a political party shall be requested by at least twenty thousand citizens, registered as voters in the electoral census and in the full enjoyment of their civil and political rights, of all the municipalities, and the request must be signed by at least one thousand citizens registered as voters in each municipality.
2. [...]
3. [...]
4. [...]
5. Registration of a political party must be applied for at least six months before the next election.

Article 15

[...]

1. The decision ordering the provisional registration of the political party shall rest with the President of the Supreme Court of Justice and shall be pronounced within fifteen days, counting from the entry of the documents referred to in the previous article, in the services of the Supreme Court of Justice.

2. The decision ordering or rejecting provisional registration shall be publicised for two consecutive days on national radio.
3. The decision ordering or rejecting the provisional registration of a political party may be appealed to the plenary session of the Supreme Court of Justice by the applicants for registration of the political party or by the Public Prosecution Service within five days from the end of the period referred to in the preceding paragraph.
4. The appeal shall be decided within ten days.
5. [...]
6. [...]
7. [...]

Article 16

[...]

1. [...]
 - a) [...]
 - b) [...]
 - c) [...]
 - d) [...]
 - e) [...]
 - f) [...]
 - g) Receive a State subsidy for election campaigns allocated after the elections and according to the number of votes obtained by the party, to be fixed by Government decree between a minimum of USD 1 and a maximum of USD 10 for each vote obtained.
 - h) [former paragraph g)].

Article 17

[...]

1. Political parties have the following duties:
 - a) [...]
 - b) Communicating to the Supreme Court of Justice any changes to the Statute, the Party Program, the identity of the party leaders, the change of address of the national headquarters, the alteration of the respective symbolism, the merger or its association in coalitions, fronts or movements;
 - c) [...]
 - d) [...]
2. [...]

Article 22

[...]

Political parties are prohibited from accepting donations from:

- a) [...]
- b) [...]
- c) [...]
- d) [...]
- e) [...]
- f) [...]
- g) [...]

Article 29

Installation and operation of the Supreme Court of Justice

Until the Supreme Court of Justice is installed and starts functioning, the competences provided for in this law shall be exercised on a transitional basis by the Court of Appeal."

Article 2

Republication

Law No. 3/2004, of 14 April 2004, with its current wording, is hereby republished in an annex to this law, of which it is an integral part.

Article 3

Entry into force

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

Approved on October 27, 2015.

The President of the National Parliament,

Vicente da Silva Guterres

Promulgated on January 28, 2016.

Be it published.

The President of the Republic,

Taur Matan Ruak

ANNEX

(referred to in Article 2)

REPUBLICATION OF LAW No. 3/2004,

of April 14th

LAW ON POLITICAL PARTIES

Political parties catalyze and organize citizen participation in the political life of the country, and it is now unquestionable that multipartyism is one of the cornerstones of contemporary democracy.

In this context, it is important to define the rules of party action in order to ensure the proper functioning of political parties in our country.

The National Parliament enacts, under the terms of article 95.2 (i) of the Constitution of the Republic, to be valid as law, the following:

CHAPTER I

GENERAL PROVISIONS

Article 1

Concept

1. Political parties are organizations of citizens of a permanent nature, with the objective of participating democratically in the life of the country and contributing to the formation and expression of the political will of the people, in conformity with the laws and with their respective statutes and programs, intervening namely in the electoral process through the presentation or sponsorship of candidacies.
2. Political parties shall have juridical personality and judicial capacity and shall be composed exclusively of national citizens.
3. For the purposes of this law, organizations headquartered or registered outside the national territory, as well as those in which the majority of their members or of their management reside outside the Democratic Republic of Timor-Leste, shall not be considered political parties.
4. An organization that does not participate with its own programme in any election at local or national level for a period of time exceeding five years shall lose the status of political party.
5. Once the circumstance prescribed in the previous number has been verified, the National Electoral Commission shall communicate the fact to the Supreme Court of Justice for the purposes of declaring such loss.

Article 2

Objectives

1. Political parties shall have, among others, the following common objectives, to:
 - a) Defend national interests;
 - b) Contribute to the exercise of citizens' political rights and to the determination of national policy namely through participation in elections or through other democratic means;
 - c) Define government and administration programs;
 - d) Participate in the activity of State organs and local organs;

- e) Promote civic education and the enlightenment and political indoctrination of the citizens;
 - f) Debate the problems of national and international life and to take a position before them;
 - g) Contribute in general to the development of political institutions.
2. Political parties have the specific objective of promoting and guaranteeing the aspirations of their members and citizens, within the context of social life.

Article 3

Civic associations

1. Associations or any other forms of civil society organization that pursue any of the goals outlined in the previous article shall not be confused with political parties, nor shall they benefit from their status.
2. Civil society organizations shall be prohibited from pursuing the goals established in subparagraphs b) and c) of the previous article, which are exclusive to political parties.

Article 4

Associated organizations

Political parties may establish or associate to their activities organizations, namely youth, women's and workers' organizations.

Article 5

Party Affiliation

1. Membership of a political party is voluntary and each citizen shall be free to join or not a political party.
2. No one may be simultaneously enrolled in more than one political party.

Article 6

Directors of Political Parties

Leaders of political parties may be Timorese citizens who have their habitual residence in the national territory, are registered in the electoral census, enjoy full civil and political rights and are elected for party bodies, under the terms of the respective statutes.

Article 7

Principle of transparency

1. Political parties must publicly pursue their goals by making known their statutes and political programs, the identity of their leaders, the origin and use of funds, and their general activities at the national and international level.
2. Political parties shall communicate, in writing, to the Supreme Court of Justice the name, address, voter number and telephone contact of the leaders who are elected to their national bodies, as well as their approved or modified programs.

Article 8

Principles of promotion of women and rejuvenation of the party

1. Political parties shall promote the participation of women especially in the party's leadership bodies by defining, if they so choose, a quota system or other measures that promote the participation of women in party political activities.

2. Political parties shall also promote the participation of younger citizens between the ages of 17 and 35 in the party's governing bodies, defining, if they so choose, a system of quotas.

Article 9

Coalitions, Fronts or Movements

1. Political parties may associate themselves in coalitions, fronts or movements as long as the association is approved by the National Congresses or 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 shall be made in conformity with this law, and may in no way use the name, acronym, 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 Organizations

Timorese political parties may cooperate with foreign political parties and join international organizations of democratic structure and functioning, without prejudice to their independence and capacity for political and constitutional intervention.

Article 11

Creation and headquarters

1. No authorization shall be required for the establishment of political parties.
2. A political party shall acquire legal personality upon registration in a proper book existing 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 they may establish municipal headquarters in each municipality.

Article 12

Name

1. The name, acronym, flag, emblem and anthem of a party may not be identical or similar to those of any other previously existing parties.
2. The denomination of the party may not constitute the name of a religious confession or of a person, and its symbol may not be confused with national symbols and religious images.
3. The political party cannot use in its denomination the words veterans and resistance.
4. It is incumbent upon the Supreme Court of Justice to decide on the similarity of the names, acronyms, flags, emblems and anthems of political parties.

Article 13

Enrollment requirements

1. The registration of a political party shall be requested by at least twenty thousand citizens, registered in the electoral census, in the full enjoyment of their civil and political rights, of all the

municipalities, and the request must be signed by at least one thousand citizens registered in each municipality.

2. The application for registration shall be signed by the applicants and addressed to the Minister of Justice and shall be accompanied by a nominal list of applicants, documents attesting to their identity, as well as the draft statutes, program, name, denomination, acronym, flag, emblem and anthem of the party.
3. For the purposes of this law, proof of identity of applicants shall be achieved by means of the attachment of certified photocopies of an ID card, or national passport, or birth certificate, or personal identification card, or baptismal certificate, or marriage certificate.
4. The authentication of photocopies, as well as the recognition of signatures and fingerprints of applicants who do not know how to or are unable to sign, is done by the competent civil registry official.
5. Registration of a political party must be applied for at least six months prior to the next election.

Article 14

Rejection of the application for registration

1. In the event of rejection of the party's application for registration, a copy of the order of rejection shall be transmitted with the explanations of the reasons for the rejection.
2. Faced with a rejection, applicants may make corrections, when requested, or appeal to the Supreme Court of Justice for re-examination of the application.

Article 15

Publicity of registration

1. The decision ordering the provisional registration of a political party shall be taken by the President of the Supreme Court of Justice and shall be issued within fifteen days, counting from the date on which the documents referred to in the previous article are received at the Supreme Court of Justice.
2. The decision ordering or rejecting provisional registration shall be publicised for two consecutive days on national radio.
3. The decision ordering or rejecting the provisional registration of a political party may be appealed to the plenary session of the Supreme Court of Justice by the applicants for registration of the political party or by the Public Prosecution Service within five days from the end of the period referred to in the preceding paragraph.
4. The appeal shall be decided within ten days.
5. If registration has been refused due to non-compliance with the provisions of article 5(1) and (2) and the political party makes a substitution within forty-eight hours in order to have its registration ordered, registration shall be considered to have been made on the date of the initial decision refusing registration.
6. The decision on the amendment or substitution of proposals shall be taken by the President of the Supreme Court of Justice within forty-eight hours.
7. The final decision shall be published in the Official Gazette and publicized for three consecutive days on national radio.

CHAPTER II

RIGHTS AND DUTIES OF THE PARTIES

Article 16

Rights

Political parties have the following rights, to:

- a) Freely and publicly pursue the objectives for which they were constituted;
- b) Freely and publicly disseminate their political and ideological line through the media and any other media permitted by law
- c) Run for elections within the conditions established in the electoral law;
- d) Define and divulge its governance projects and programs
- e) Critically evaluate the acts of the Government and the public administration;
- f) Acquire, free of charge or for a consideration, movable and immovable property indispensable to the pursuit of its purposes;
- g) Receive a State subsidy for electoral campaigns awarded after elections and according to the number of votes obtained by the party, to be fixed by Government decree between a minimum of one US dollar and a maximum of ten US dollars for each vote obtained
- h) Any others established by law.

Article 17

Specific duties

1. Political parties have the following duties, to:
 - a) Respect the Constitution and the laws;
 - b) Notify the Supreme Court of Justice of any changes to the Statute, Party Program, identity of party leaders, change of address of the national headquarters, alteration of the respective symbolism, merger or its association in coalitions, fronts or movements;
 - c) Possess the necessary bank accounts;
 - d) Publish annually the accounts, after they have been audited.
2. Political parties are especially prohibited from:
 - a) Resorting to violence or advocate the use of force to alter the political and social order of the country;
 - b) Encouraging or spread separatist, integrationist, discriminatory, anti-democratic, racist, regionalist, or fascist ideologies or policies.

CHAPTER III

INTERNAL FUNCTIONING

Article 18

Democratic Rules

The internal organization of political parties must obey basic democratic rules, namely the following

- a) The political objectives, internal structuring and mode of operation shall be set out in the respective statutes and political program;

- b) The statutes and political programs of the party must be approved by all affiliated members or by the representative bodies;
- c) The members of the directive bodies can only be elected by direct and secret vote of all the affiliated members or of the assembly representing them
- d) The decisions of the bodies are only binding when the quorum for deliberating is met, which consists of the presence of half plus one of all the members of the body in question, unless the law or the statutes stipulate a more qualified quorum;
- e) Decisions shall be taken by simple majority, unless the law or the bylaws require a qualified majority;
- f) Membership may not be denied admission or excluded on the basis of race, sex, ethnicity, religion or social standing.

Article 19

Congress and National Conference of Parties

1. Political parties may create the organs they deem necessary to pursue their objectives and shall have at least one representative central organ with deliberative functions.
2. The Congress or National Conference of parties is the highest deliberative body at national level, with at least two thirds of its delegates directly elected by the respective party constituencies, ensuring grassroots participation and representation.
3. The Congress or National Conference has exclusive competence to approve the statutes and political programs, decide on mergers with other parties, their entry into coalitions or party-political platforms, delimiting the scope, objective and duration of such platforms or coalitions.
4. The Congress or Conference shall meet regularly with a maximum interval of four years.

Article 20

Internal Oversight

1. The statutes of political parties shall provide for organs of internal inspection and control of accounts for their activities, as well as for accounts relating to the electoral campaigns in which they participate.
2. The heads of the decentralized structures of the parties must provide regular information on their accounts to the national heads and comply with their instructions, for the correct compliance with this law, under penalty of personal liability.

CHAPTER IV

FINANCING OF POLITICAL PARTIES AND PRESENTATION OF ACCOUNTS

Article 21

Sources of financing

1. The sources of financing of political parties comprise own revenues and revenues from private funding.
2. The following shall constitute own revenue
 - a) Membership fees and other contributions from party members;

- b) The product of fundraising activities developed by the party;
 - c) The income from the party's patrimony;
 - d) Proceeds from loans.
3. The following shall constitute income from private funding
- a) Donations from individuals;
 - b) Inheritance or legacy proceeds.

Article 22

Prohibited financing

Political parties are prohibited from accepting donations from:

- a) Public companies;
- b) Companies with exclusive or majority state capital;
- c) Public service concessionary companies;
- d) Juridical persons of public utility or dedicated to charitable or religious activities;
- e) Professional, union or employer associations;
- f) Foundations;
- g) Foreign governments or legal persons.

Article 23

Tax benefits

- 1. Political parties shall benefit, in addition to that which may be established by special law, from exemption from judicial preparations and costs.
- 2. The exemptions referred to in the preceding number do not encompass economic activities of a corporate nature.

Article 24

Suspension of benefits

- 1. The benefits provided for in the previous article shall be suspended if:
 - a) The party refrains from running in the general elections;
 - b) The party is unable to elect a single representative in the general election.
- 2. The suspension shall end when the party is able to be represented at the next election.

Article 25

Financial Regime

Political parties must have organized accounting so that it is possible to know their financial situation and verify compliance with the obligations prescribed by law.

Article 26

Publication of accounts

Party accounts must be published free of charge in the *Jornal da República*, accompanied by the opinion of the statutory body responsible for reviewing them.

Article 27
Organization of Accounts

The accounting organization of the parties must obey the rules of healthy accounting and must contain especially

- a) The annual inventory of the party's assets with regard to immovable and movable property subject to registration;
- b) The breakdown of receipts, which shall include those provided for in Article 20;
- c) The breakdown of expenses, which includes:
 - i. Expenses with personnel;
 - ii. Expenses with the acquisition of goods;
 - iii. Financial charges with loans;
 - iv. Other expenses with the party's activities.
- d) The breakdown of capital operations regarding:
 - i. Investments;
 - ii. Debtors and creditors.

Article 28
Sanctions

- 1. Without prejudice to the criminal or civil liability that may take place, political parties that fail to comply with the obligations imposed in this chapter shall be subject to the payment of a fine gradable by the court between the minimum amount of US \$1,500 (one thousand five hundred US dollars) and the maximum amount of US \$25,000.
- 2. The proceeds of the fines shall accrue to the State.

CHAPTER V
FINAL AND TRANSITORY PROVISIONS

Article 29
Installation and operation of the Supreme Court of Justice

Until such time as the Supreme Court of Justice is installed and starts its functions, the competencies provided for in this law shall be exercised on a transitional basis by the Court of Appeal.

Article 30
Authentication of documents and recognition of signatures

- 1. Authentication of documents and certification of signatures, including signatures on behalf of a proxy, shall be the responsibility of the civil registry services.
- 2. The authentication and recognition of documents and signatures is done in Tetum or in Portuguese.

Article 31
Recognition of political parties already registered

Political parties registered at the time of UNTAET are deemed to exist, but must re-register for the next elections in accordance with this law.

Article 32
Entry into Force

This law shall enter into force on the day following its publication.

Approved on February 10, 2004.

The Speaker of the National Parliament,

Francisco Guterres "Lu-Olo"

Promulgated on March 25, 2004.

Be it published.

The President of the Republic

Kay Rala Xanana Gusmão