

**DEMOCRATIC REPUBLIC OF TIMOR-LESTE
NATIONAL PARLIAMENT**

LAW No. 3/2004

**ON
POLITICAL PARTIES**

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

**Section 1
Concept**

1. Political parties are organisations that are permanent in nature and are composed of citizens. Their objective is to democratically participate in the life of the country and to contribute to the formation and expression of the political will of the people, in conformity with the laws and the respective by-laws and programmes. They shall intervene namely in the electoral process by submitting or sponsoring candidacies.
2. Political parties shall have juridical personality as well as judicial capacity and shall be exclusively constituted by national citizens.
3. For the purposes of the present law, organisations seated or registered abroad and those in which the majority of the leadership or

the majority of its members reside outside of Timor-Leste shall not be considered political parties.

4. Failure of any such organisations to participate in any local or national election with their own programmes for a period exceeding 5 years shall lose political party status.

Section 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.

Section 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.

Section 4 Associated Organisations

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

Section 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.

Section 6 Party Leaders

Eligibility for party leadership shall be reserved to the Timorese of original citizenship residing in the country and in full exercise of their civil and political rights.

Section 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. Parties shall inform, in writing, the names of the leaders elected to the central organs and shall deposit their programme as approved or modified by the competent authorities.

Section 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.

Section 9

Coalitions, Fronts or Movements

1. Political parties may associate themselves in coalitions, fronts or movements, so long as this is approved by the competent representative organs of the interested parties, with a clear indication of the scope and the specific objective of such a coalition, front or movement.
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.

Section 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.

Section 11

Establishment and Seat

1. The establishment of political parties shall not be subject to authorisation.
2. Political parties shall acquire juridical personality following their registration in a specific register to be found in the competent Court.
3. The national seat of the political parties shall be located in the capital city of the country.

Section 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. The Plenary of the competent Court, as an instance of appeal, shall be entrusted with the power to decide on the similarity of names, abbreviations, flags, emblems and anthems of parties.

Section 13

Registration Formalities

1. Registration of a political party shall need at least one thousand five hundred (1,500) citizens aged 17 years or more, in full exercise of their civil and political rights and distributed proportionally throughout the country.
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.

Section 14

Dismissal of Registration

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

Section 15

Advertising of Registration

1. The decision authorising the provisional registration of a political party rests with the President of the competent Court and this decision shall be made within five (5) days from the date of receipt of the documents referred to in Section 14 above by the competent Court.
2. The decision authorising or rejecting a provisional registration shall be made public for two (2) consecutive days through the national broadcasting company.
3. The decision authorising or rejecting a provisional registration may be subject to appeal to the Plenary of the competent Court by the interested political parties or by the Public Prosecution within five (5) days from the last date of its publication through the national broadcasting station.
4. A decision on the appeal shall be made within five (5) 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 OF PARTIES

Section 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) any other rights as provided for by law.

Section 17 Specific Duties

1. Political parties must encourage dialogue and collaboration among themselves in order to protect national interests, and it is incumbent upon them specifically to:
 - (a) respect the Constitution and the laws;
 - (b) inform the competent Court about any subsequent changes to their by-laws and programme, the identification of their leaders, change of address of the national headquarters and about any merging or any type of political coalition;
 - (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, anti-democratic, racist, regionalist or fascist policies or ideologies.

CHAPTER III INTERNAL FUNCTIONING

Section 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 holders of leading 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.

Section 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.

Section 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

Section 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.

Section 22

Forbidden Financing

Parties shall be prohibited to accept donations in cash 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.

Section 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.

Section 24

Suspension of Benefits

1. The benefits provided for in the previous section shall be suspended where:
 - a) the party abstains from contesting in general elections;
 - b) 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.

Section 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.

Section 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.

Section 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.

Section 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 IV FINAL PROVISIONS

Section 29 Competent Court

1. For the purposes of the present law, the Supreme Court of Justice shall be the competent court.
2. So long as the Supreme Court of Justice is not established and does not start its functions, the competencies provided for in the present law shall be temporarily exercised by the Court of Appeals, and the panel shall be composed exclusively of national judicial magistrates.

Section 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.

Section 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.

Section 32 Entry into Force

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

Approved on 10 February 2004.

The Speaker of the National Parliament

[Signed]
Francisco Guterres "Lu-Olo"

Promulgated on 25 March 2004
To be published. -

The President of the Republic

[Signed]
(Kay Rala Xanana Gusmão)