

DRAFT CONSTITUTION	RECOMMENDATIONS MADE BY THE THEMATIC COMMITTEES	RECOMMENDATIONS MADE BY THE CHAIR OF THE SYSTEMATISATION AND HARMONISATION COMMISSION	REMARKS
PART I FUNDAMENTAL PRINCIPLES			
TITLE I			
<p style="text-align: center;">Section 1 (The Republic)</p> <p>1. The Democratic Republic of East Timor is a democratic, sovereign, independent and unitary State based on the rule of law, the will of the people and the respect for the dignity of the human person.</p> <p>2. November 28th 1975 is the Day of Proclamation of Independence of the Democratic Republic of East Timor.</p>	<p>Addition:</p> <p>3. August 30th is the Day of National Liberation.</p>	<p style="text-align: center;">Section 1 (East-Timor)</p> <p>1. East Timor is a democratic, sovereign, independent and unitary State based on the rule of law, the will of the people and the respect for the dignity of the human being.</p>	<p style="text-align: center;">UDHR¹ Article 21</p> <p>1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.</p>

¹ UDRH: Universal Declaration of Human Rights.

<p style="text-align: center;">Section 2 (Sovereignty and constitutionality)</p> <ol style="list-style-type: none"> 1. Sovereignty rests with the people, who shall exercise it in the manner and form laid down in the Constitution. 2. The State shall be subject to the Constitution and to the law. 3. The validity of the laws and other actions of the State depend upon their compliance with the Constitution. 			<p style="text-align: center;">UDRH Article 21</p> <ol style="list-style-type: none"> 3. The will of the people shall be the basis of the authority of government; this shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.
<p style="text-align: center;">Section 3 (Original Citizenship)</p> <ol style="list-style-type: none"> 1. The following citizens shall be considered East Timorese nationals, as long as they are born in the national territory: <ol style="list-style-type: none"> a) Children of parents born in East Timor; b) Children of a father or mother born in East Timor; 			<p style="text-align: center;">UDRH Article 15</p> <ol style="list-style-type: none"> 1. Everyone has the right to a nationality. 2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

<p>c) Children of incognito parents, stateless parents or parents of unknown nationality;</p> <p>d) Children of a foreign father or mother who, being over seventeen years old, declare their will to become East Timorese nationals.</p> <p>2. In spite of being born in a foreign country, the following citizens shall be considered East Timorese nationals:</p> <p>a) Children of an East Timorese father or mother living overseas;</p> <p>b) Children of an East Timorese father or mother serving the State in another country;</p> <p>c) Children of an East Timorese father or mother, who being over seventeen years old, declare their will to become East Timorese nationals.</p> <p>3. The State of East Timor shall adopt single citizenship.</p> <p>4. The registration and proof of citizenship shall be regulated by law.</p>		<p>2. In spite of being born in a foreign territory, they are citizens of East Timor:</p> <p>a) Children of an East Timorese father or mother who are refugees overseas;</p> <p>Deletion:</p> <ul style="list-style-type: none"> • Paragraph c) of item 2 (for being unnecessary); • Of item 3 for referring to the citizens only; • 3. For the purposes of the internal legal system insofar as the East Timorese are concerned, only the East Timorese citizenship shall be recognised by the State of East Timor. <p>Change:</p> <p>4. Acquisition, loss and the reacquisition of citizenship, as well as its registration and proof, shall be regulated by law.</p>	
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<p style="text-align: center;">Section 4 (Acquired citizenship)</p> <ol style="list-style-type: none"> 1. Acquired citizenship shall not entitle the citizen to a diplomatic or military career. 2. The law shall define the conditions for holding public office by East Timorese with acquired citizenship. 		<p>Deletion:</p> <p>Of all Section 4 since this subject is contemplated by item 5, Section 3.</p>	<p style="text-align: center;">DUDH Article</p> <ol style="list-style-type: none"> 2. Everyone has the right to equal access to public service in his country.
<p style="text-align: center;">Section 5 (Territory)</p> <ol style="list-style-type: none"> 1. The territory of the Democratic Republic of East Timor comprises the land surface, the maritime zone and the air space demarcated by the national boundaries, that historically comprise the eastern part of Timor Island, the enclave of <i>Oe-cussi Ambeno</i> and the islets of <i>Ataúro</i> and <i>Jaco</i>. 2. The extent and limits of territorial waters and the exclusive economic zone, and the rights of East Timor to the adjacent seabed and continental shelf shall be laid down in the law. 		<ol style="list-style-type: none"> 1. The Democratic Republic of East Timor comprises the land surface, the maritime zone and the air space demarcated by the national boundaries, that historically comprise the eastern part of Timor Island, the enclave of <i>Oe-cussi</i>, which includes <i>Fatuk Sinai Nine</i>, <i>Ambeno</i> and the islets of <i>Atauro</i> and <i>Jaco</i>. <p>Addition:</p> <ol style="list-style-type: none"> 2. There shall be administrative regions. 	

		<p>3. The State shall not alienate any part of the East Timorese territory or the rights of sovereignty over the land, without prejudice to rectification of borders.</p>	
<p style="text-align: center;">Section 6 (Decentralisation)</p> <p>1. On matters of territorial organisation, the State shall respect the principle of decentralisation of public administration.</p> <p>2. The law shall establish and determine the administrative characteristics and competencies of the different territorial levels.</p> <p>3. <i>Oe-cussi Ambeno</i> and <i>Ataúro</i> shall deserve special administrative and economic treatment.</p>		<p>Deletion:</p> <p>2. The law shall determine and establish the characteristics and administrative competencies of the local authorities.</p> <p>Addition of a new item 2:</p> <p>2. There shall be administrative regions.</p> <p>3. The law shall determine and establishes the characteristics of the administrative regions and the other territorial levels, as well as the competencies of their organs.</p>	

<p style="text-align: center;">Section 7 (Objectives of the State)</p> <p>The objectives of the State shall:</p> <ul style="list-style-type: none">a) To defend and guarantee the sovereignty of the country;b) To guarantee and protect fundamental rights and freedoms of the citizens and the respect for the principles of the democratic State based on the rule of law;c) To defend and guarantee political democracy and participation of the people in the resolution of national problems;d) To guarantee the development of economy and progress of science and technology;e) To promote the building of a society of social justice, by establishing material and spiritual welfare of the citizens;f) To protect the environment and to preserve natural resources;g) To assert and value the personality and the cultural heritage of the East Timorese people;h) To promote the establishment and the			
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<p>development of relations of friendship and co-operation among all Peoples and States;</p> <p>i) To promote the harmonious and integrated development of the sectors and regions and the fair distribution of the national product;</p> <p>j) To promote elevation of the women's status in society.</p>			
<p style="text-align: center;">Section 8 (Universal Suffrage and multi-party)</p> <p>The people shall exercise the political power through universal, equal, direct, secret and periodic suffrage and through other forms laid down in the Constitution.</p>			<p style="text-align: center;">UDRH Article 21</p> <p>3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.</p>

<p style="text-align: center;">Section 9 (International Relations)</p> <p>1. On matters of international relations, the Democratic Republic of East Timor shall govern itself by the principles of national independence, the right of the Peoples to self-determination and independence, the protection of human rights, the mutual respect for sovereignty, territorial integrity, equality and non-interference in domestic affairs of other States.</p> <p>2. The Democratic Republic of East Timor shall establish relations of friendship and co-operation with all other peoples, aiming at the peaceful settlement of conflicts, the general, simultaneous and controlled disarmament, the establishment of a system of collective security and establishment of a new international economic order capable of ensuring peace and justice in the relations among peoples.</p> <p>3. The Democratic Republic of East Timor shall maintain privileged ties with the countries whose official language is Portuguese.</p> <p>4.</p> <p>5. The Democratic Republic of East Timor shall maintain special ties of good neighbourliness and</p>	<p>Addition:</p> <p>4. The Democratic Republic of East Timor advocates the abolishment of imperialism, colonialism and other forms of aggression, domination and</p>	
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<p>co-operation with its neighbouring countries.</p>	<p>exploitation in relations among the peoples.</p>		
<p style="text-align: center;">Section 10 (Solidarity)</p> <ol style="list-style-type: none"> 1. The Democratic Republic of East Timor shall extend its solidarity to the struggle of the peoples for national liberation. 2. The Democratic Republic of East Timor shall grant political asylum, in accordance with the law, to foreigners persecuted as a result of their struggle for national and social liberation, defence of human rights, democracy and peace. 			<p style="text-align: center;">UDHR Article 14</p> <ol style="list-style-type: none"> 1. Everyone has the right to seek and to enjoy in other countries asylum from persecution. 2. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

<p style="text-align: center;">Section 11 (Valorisation of Resistance)</p> <ol style="list-style-type: none"> 1. The Democratic Republic of East Timor acknowledges and values the secular resistance of the Maubere People against foreign domination. 2. The State shall ensure special protection to the disabled, orphans and dependants of those who dedicated their lives to the struggle for independence and national sovereignty. 		<p>See final recommendations:</p> <p>“Valorisation of the resistance to the “declaration of independence.”</p>	
<p style="text-align: center;">Section 12 (Separation of the State from the Church)</p> <ol style="list-style-type: none"> 1. The State shall be separated from the Church and other religious denominations. 2. The State shall owe respect to the different religious denominations, which must conform their actions to the Constitution. 3. The State shall value and encourage partnerships with the different churches and religious denominations for the social and spiritual development of the people of East Timor. 	<p>Proposal for Change:</p> <ol style="list-style-type: none"> 1. The State of East Timor shall govern itself by the principle of reciprocal non-interference in matters of Religion and State. <p>Addition to item 2:</p> <ol style="list-style-type: none"> 2. The State shall owe respect to the different religious denominations, which must 	<p>Amendment to heading, as follows: (Separation of the State from Churches and Religious Communities)</p> <p>Amendment:</p> <ol style="list-style-type: none"> 1. The State shall be separated from Churches and religious communities. 2. The State shall owe respect to the different religious communities, which must conform their organisation, 	<p style="text-align: center;">UDRH Article 18</p> <p>Everybody has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and</p>

<p>4. Religious denominations shall be entitled to acquire and to acquire goods for the accomplishment of their purposes.</p>	<p>conform their action to the Constitution and the law.</p>	<p>the exercise of their functions and their worship to the Constitution.</p> <p>Deletion: Of item 3 since it is not incumbent on the State to value and encourage the activities of Churches.</p> <p>This section shall contemplate item 3 of Section 38.</p>	<p>observance.</p>
<p style="text-align: center;">Section 13 (Official languages)</p> <p>1. Tetum and Portuguese shall be the official languages in the Democratic Republic of East Timor.</p> <p>2. Tetum and the other national languages should be valued and developed by the State as languages to be used in communication between different linguistic groups.</p>	<p>Proposal of change:</p> <p>3. Tetum and other dialects should be valued and developed by the State as languages for communication.</p>	<p>Heading: “Languages”</p> <p>2. The national dialects originated from Tetum shall be valued and developed by the State as languages to be used in communication between different linguistic groups.</p> <p>3. English and Indonesian shall be curricular languages to be included in the official education programme.</p> <p>Addition:</p> <p>4. English and Indonesian shall be curricular languages.</p>	

		<p>Addition (new section):</p> <p>(Customary law and traditional authorities)</p> <ol style="list-style-type: none"> 1. The State shall respect the diversity of rules and customs as long as they are not contrary to the Constitution. 2. The State shall recognise and value traditional authorities legitimised by the communities, shall establish how they should operate and their relationship with other institutions and accommodate their participation in the economic, social and cultural life of the country. 	
<p style="text-align: center;">Section 14 (National symbols)</p> <ol style="list-style-type: none"> 1. The national symbols of the Democratic Republic of East Timor shall be the flag, the emblem and the national anthem. 2. The emblem and the national anthem shall be approved by law. 			

<p>3. The traditional <i>uma lulic</i>, the <i>belac</i>, the <i>caibauc</i>, the <i>suric</i>, the <i>mortem</i> and the map of East Timor may be part of the national emblem.</p>			
<p style="text-align: center;">Section 15 (National Flag)</p> <p>1. The National Flag is rectangular and is formed by two isosceles triangles, the bases of which are overlapping. One triangle is black and its height is equal to one-third of the length overlapped to the yellow triangle, whose height is equal to half the length of the Flag. In the centre of the black triangle there is a white star of five ends, meaning the light that guides. The white star has one of its ends turned towards the upper right end of the flag. The rest of the flag is purple-red.</p> <p>2. The four colours mean:</p> <p style="padding-left: 20px;"><i>Golden-yellow</i> – the wealth of the country; <i>Black</i> – the obscurantism we had to overcome; <i>Purple-red</i> – the struggle for national liberation; <i>White</i> – peace.</p>		<p>CNRT's flag.</p>	

DRAFT CONSTITUTION	RECOMMENDATIONS MADE BY THE THEMATIC COMMITTEES	RECOMMENDATIONS MADE BY THE CHAIR OF THE SYSTEMATIZATION AND HARMONIZATION COMMISSION	REMARKS
PART II FUNDAMENTAL RIGHTS, DUTIES, FREEDOMS AND GUARANTEES			
TITLE I GENERAL PRINCIPLES			
<p style="text-align: center;">Section 16 (Universality and Equality)</p> <p>1. All citizens are equal before the law, shall exercise the same rights and shall be subject to the same duties.</p> <p>2. No one shall be discriminated against on grounds of colour, race, gender, sexual orientation, ethnical origin, social or economic status,</p>			<p style="text-align: center;">UDHR Article 7</p> <p>All are equal before the law and are entitled without discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in</p>

<p>political or ideological convictions, religion, education and physical or mental condition.</p>			<p>violation of this Declaration and against any incitement to such discrimination.</p> <p>UDHR Article 2</p> <p>Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status</p>
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<p style="text-align: center;">Section 17 (Gender equality)</p> <p>Women and men shall have the same rights and duties in all areas of political, economic, social, cultural and family life.</p>			<p style="text-align: center;">UDHR Article 1</p> <p>All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.</p>
<p style="text-align: center;">Section 18 (Child protection)</p> <ol style="list-style-type: none"> 1. Children shall be entitled to special protection by the family, the community and the State, especially against all forms of abandonment, discrimination, violence, oppression, sexual abuse and exploitation. 2. Children shall enjoy all rights that are universally recognised, as well as all those that are enshrined in international conventions normally ratified or approved by the State. 		<p>There is a need to include a section in the Constitution that deals with youth, which may be:</p> <p style="text-align: center;">Section 17-B (Youth)</p> <p>Youth shall enjoy special protection for the exercise of their economic, social and cultural rights, namely:</p> <ol style="list-style-type: none"> a) Access to education, culture and work; b) Vocational training. 	<p style="text-align: center;">UDHR Article 25</p> <ol style="list-style-type: none"> 2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

<p style="text-align: center;">Section 19 (Disabled citizen)</p> <p>A disabled citizen shall enjoy the same rights and is subject to the same duties as all other citizens, except for the exercise of rights or fulfilment of duties for which he or she is disabled.</p>			
<p style="text-align: center;">Section 20 (East Timorese citizens overseas)</p> <p>East Timorese citizens who are or live overseas shall enjoy protection by the State for the exercise of their rights and shall be subject to duties not incompatible with their absence from the country.</p>			<p style="text-align: center;">UDHR Article 13</p> <ol style="list-style-type: none"> 1) Everyone has the right to freedom of movement and residence within the borders of each State. 2) Everyone has the right to leave any country, including his own, and to return to his country.

<p style="text-align: center;">Section 21 (Foreign citizens in East Timor)</p> <p>Law and international conventions shall establish the rules for comparison of rights and duties of foreigners who are or live in the territory of East Timor.</p>			
<p style="text-align: center;">Section 22 (Interpretation of fundamental rights)</p> <p>Fundamental rights enshrined in the Constitution shall not exclude any other rights provided for by the law and shall be interpreted in accordance with the Universal Declaration of Human Rights.</p>			

<p style="text-align: center;">Section 23 (Restrictive laws)</p> <ol style="list-style-type: none"> 1. Restriction of rights, freedoms and guarantees can only be imposed by law in order to safeguard other constitutionally protected rights and interests or in cases clearly provided for by the Constitution. 2. Laws restricting rights, freedoms and guarantees have necessarily a general and abstract nature and may not reduce the extent and scope of the essential contents of constitutional provisions and shall not have a retroactive effect. 			<p style="text-align: center;">UDHR Article 9</p> <p>No one shall be subjected to arbitrary arrest, detention or exile</p>
<p style="text-align: center;">Section 24 (State of exception)</p> <ol style="list-style-type: none"> 1. Suspension of the exercise of fundamental rights, freedoms and guarantees shall only take place if a state of siege or a state of emergency has been declared as provided for by the Constitution. 2. A state of siege or a state of emergency shall only be declared in case of effective or impending aggression by a foreign force, of serious disturbance or threat of serious disturbance to the democratic constitutional order, or of public disaster. 			

<p>3. A declaration of a state of siege or a state of emergency shall be substantiated, specifying rights, freedoms and guarantees, the exercise of which is to be suspended.</p> <p>4. A suspension shall not last for more than thirty days, without prejudice, when strictly necessary, to possible renewal for equal periods of time.</p> <p>5. In no case shall a declaration of a state of siege affect the right to life, physical integrity, citizenship, non-retroactivity of the criminal law, defence in a criminal case and freedom of conscience and religion.</p> <p>6. Authorities shall restore constitutional normality as soon as possible</p>			
<p style="text-align: center;">Section 25 (Access to courts)</p> <p>1. Access to courts is guaranteed to all for the defence of their legally protected rights and interests.</p> <p>2. Justice shall not be denied for insufficient economic means.</p>			<p style="text-align: center;">UDHR Article 8</p> <p>Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law</p>

			<p style="text-align: center;">UDHR Article 10</p> <p>Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.</p>
<p style="text-align: center;">Section 26 (Ombudsman)</p> <p>1. Citizens may present complaints concerning acts or omissions on the part of public bodies to the Ombudsman, who shall undertake a review, without power of decision, and shall make such recommendations to the competent organs as are necessary to prevent or remedy injustice.</p> <p>2. The Ombudsman may request the Supreme Court of Justice to declare the unconstitutionality of legal rulings issued by organs of the State.</p> <p>3. The office of the Ombudsman shall be an independent organ; the Warden of Justice shall be appointed by the National Parliament for a term established by law.</p> <p>4. The organs and personnel of the Public Service shall co-operate with the Ombudsman in the</p>			

<p>discharge of the Ombudsman's responsibilities.</p>			
<p style="text-align: center;">Section 27 (Right to resistance and self-defence)</p> <ol style="list-style-type: none"> 1. Every citizen has the right to disobey and resist illegal orders or orders that affect their rights, freedoms and guarantees. 2. The right to self-defence is also guaranteed to all, as provided for by law. 		<p>Addition to item1 :</p> <p>Every citizen has the right to disobey and resist illegal orders or orders that affect their fundamental rights, freedoms and guarantees.</p> <p>New section on the Ombudsman to be added:</p> <p style="text-align: center;">Section....</p> <ol style="list-style-type: none"> 1. Citizens may present complaints concerning acts or omissions, corruption or illegal administrative acts to the Ombudsman, who shall undertake a review, without power of decision, and shall make such recommendations to the competent organs as are necessary to prevent or remedy injustice. 2. The actions of the Ombudsman shall be 	

		<p>independent of any acts of grace or legal remedies provided for in the law.</p> <p>3. The Ombudsman shall be elected by the National Parliament.</p>	
<p>TITLE II</p> <p>PERSONAL RIGHTS, FREEDOMS AND GUARANTEES</p>			

<p style="text-align: center;">Section 28 (Right to life)</p> <ol style="list-style-type: none"> 1. Human life is inviolable: 2. The State shall ensure and respect the right to life. 3. There shall be no death penalty in the Democratic Republic of East Timor. 			<p style="text-align: center;">UDHR Article 3</p> <p>Everyone has the right to life, liberty and security of person.</p>
<p style="text-align: center;">Section 29 (Right to freedom, security and integrity)</p> <ol style="list-style-type: none"> 1. Every one has the right to personal freedom, security and integrity. 2. No one shall be arrested or detained, except in cases clearly provided for by applicable law. 3. Every citizen who loses his or her freedom shall be immediately informed, in a clear and precise manner, of the reasons for his or her arrest or detention and allowed to contact a lawyer, directly or through a relative or a trusted person. 4. No one shall be subjected to torture and cruel, inhuman or degrading treatment”. 			<p style="text-align: center;">UDHR Article 5</p> <p>No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment .</p>

<p style="text-align: center;">Section 30 (Application of criminal law)</p> <ol style="list-style-type: none"> 1. No one shall be arrested or subjected to trial, except in accordance with the law. 2. No one shall be tried and convicted for an act that does not qualify as a criminal offence at the moment it was committed. 3. Penalties or security measures not clearly provided for by law at the moment the criminal offence was committed shall not be enforced. 4. No one shall be tried and convicted for the same criminal offence more than once. 5. Criminal law shall not be enforced retroactively, except if the new law is in favour of the accused. 6. Citizens who have been unjustly convicted have the right to a fair compensation and to a review of the sentence in accordance with the law. 			<p style="text-align: center;">UDHR Article 11</p> <ol style="list-style-type: none"> 2. No one shall be held guilty of any penal offence on account of any act or omission, which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed
<p style="text-align: center;">Section 31 (Limits on sentences and security measures)</p> <ol style="list-style-type: none"> 1. There shall be no life imprisonment or security measures lasting for unlimited or indefinite period of time in the Democratic Republic of East Timor. 2. In case of danger as a result of mental illness, 			

<p>security measures may be successively extended by judicial decision.</p> <p>3. Criminal liability is not transmissible.</p> <p>4. Persons who are subjected, on conviction, to a sentence or a security measure involving loss of freedom remain entitled to their fundamental rights, subject to the limitations that necessarily derive from that conviction and from the requirements for its enforcement.</p>			
<p style="text-align: center;">Section 32 (<i>Habeas corpus</i>)</p> <p>1. Every citizen has the right to apply for <i>habeas corpus</i>.</p> <p>2. An application for <i>habeas corpus</i> shall be made by the detainee or by any citizen in the exercise of his or her civil rights, in accordance with the law.</p>			

<p>3. The court shall rule on the application for <i>habeas corpus</i> within 8 days at a hearing in the presence of both parties</p>			
<p style="text-align: center;">Section 33 (Guarantees in criminal proceedings)</p> <p>1. Everyone charged with an offence is presumed innocent until convicted.</p> <p>2. An accused person has the right to select, and be assisted by, a lawyer at all stages of the proceedings and the law shall determine the circumstances for which the presence of the lawyer is mandatory</p> <p>3. Evidence is of no effect if obtained by torture, coercion, infringement of the physical or moral integrity of the individual, or wrongful interference with private life, the home, correspondence or telecommunications.</p>		<p>Addition of a new item to be inserted between item 2 and item 3:</p> <p>“The right to be heard make a defence is inviolable and shall be guaranteed to any accused person”.</p>	<p style="text-align: center;">UDHR Article 11</p> <p>1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.</p> <p>2. No one shall be held guilty of any penal offence on account of any act or omission, which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at</p>

			the time the penal offence was committed
<p style="text-align: center;">Section 34 (Extradition)</p> <p>1. Extradition shall only take place following a court decision.</p> <p>2. Extradition on political grounds is prohibited.</p> <p>3. Extradition in respect of offences punishable, under the law of the requesting State, by death penalty or life imprisonment or whenever there are grounds to assume that the person to be extradited may be subjected to torture and inhuman, degrading and cruel treatment, shall not be permitted.</p> <p>4. An East Timorese citizen shall not be expelled or expatriated from the national territory.</p>			
<p style="text-align: center;">Section 35 (Right to honour and privacy)</p> <p>Every citizen has the right to honour, good</p>			<p style="text-align: center;">UDHR Article 12</p> <p>No one shall be subjected to arbitrary interference</p>

<p>record and reputation, protection of his or her public image and privacy of his or her personal and family life.</p>			<p>with his privacy, family, home or correspondence, or to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.</p>
<p style="text-align: center;">Section 36 (Inviolability of home and correspondence)</p> <ol style="list-style-type: none"> 1. An individual's home and the privacy of his or her correspondence and other means of private communication are inviolable, except in cases provided for by law as a result of criminal proceedings. 2. A citizen's home shall not be entered against his or her will, except under the order of a competent judicial authority and in the cases and manner prescribed by law. 3. No one shall enter the home of any person at night without that person's consent. 			<p style="text-align: center;">UDHR Article 21</p> <p>No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks</p>

<p style="text-align: center;">Section 37 (Protection of personal data)</p> <ol style="list-style-type: none"> 1. Every citizen has the right to access personal data stored in a computer system or entered into mechanical or manual records regarding him or her, and he or she may require correction and update thereof and has the right to know their purpose. 2. The law shall determine the concept of personal data, as well as the conditions applicable to the processing thereof. 3. The processing of personal data on private life, political, philosophical or religious convictions or political party and trade union membership is prohibited. 			
<p style="text-align: center;">Section 38 (Family, marriage and maternity)</p> <ol style="list-style-type: none"> 1. The State shall protect the family as the society's basic unit and a guarantor of harmonious development of the citizen. 2. Every one has the right to establish and live in a family. 3. Marriage shall be based upon free consent by the parties and on terms of full equality of 			<p style="text-align: center;">UDHR Article 16</p> <ol style="list-style-type: none"> 1. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during

<p>rights between spouses.</p> <p>4. Maternity shall be dignified and protected, and special protection shall be guaranteed to all women during pregnancy and after delivery and working women shall have the right to be exempted from the workplace for an adequate period before and after delivery, without loss of remuneration or any other benefits.</p>			<p>marriage and at its dissolution.</p> <p>2. Marriage shall be entered into only with the free and full consent of the intending spouses.</p> <p>3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.</p>
<p style="text-align: center;">Section 39 (Freedom of speech and information)</p> <p>1. Every citizen has the right to freedom of speech and the right to inform and be informed impartially.</p> <p>2. The exercise of freedom of speech and information shall not be limited by any sort of censorship.”</p> <p>3. The exercise rights and freedoms referred to</p>			<p style="text-align: center;">UDHR Article 19</p> <p>Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and</p>

<p>in this Section shall be regulated by law based on the imperative of respect for the Constitution and dignity of the human person.</p>			<p>regardless of frontiers.</p>
<p style="text-align: center;">Section 40 (Freedom of the press and mass media)</p> <ol style="list-style-type: none"> 1. Freedom of the press and mass media is guaranteed. 2. Freedom of the press shall comprise, namely, the freedom of speech and creativity for journalists, the access to information sources, protection of independence and professional confidentiality, and the right to create newspapers and other means of broadcasting. 3. The State shall guarantee the freedom and independence of the mass media from political and economic powers. 4. The State shall guarantee the existence of a public radio and television service that is impartial in order to, inter-alia, protect and disseminate the culture and the traditional values of the Democratic Republic of East Timor and guarantee opportunities for the expression of different lines of opinion. 			

<p>5. Radio and television stations shall operate only under a licence.</p>			
<p style="text-align: center;">Section 41 (Freedom to assemble and demonstrate)</p> <p>1. Everyone is guaranteed the freedom to assemble peacefully and unarmed, without prior authorisation.</p> <p>2. Everyone is recognised the right to demonstrate in accordance with the law.</p>			<p style="text-align: center;">UDHR Section 20</p> <p>1. Everyone has the right to freedom of peaceful assembly and association.</p> <p>2. No one may be compelled to belong to an association.</p>
<p style="text-align: center;">Section 42 (Freedom of association)</p> <p>1. Everyone shall enjoy the freedom to form associations provided that the associations are not intended to promote violence and are in accordance with general law.</p> <p>2. No one shall be compelled to join an association or to remain in it against his or her will.</p>			<p style="text-align: center;">UDHR Section 20</p> <p>1. Everyone has the right to freedom of peaceful assembly and association.</p> <p>2. No one may be compelled to belong to an association.</p>

<p>3. The establishment of armed, military or paramilitary associations, including organisations of a racist or xenophobic nature or that promote terrorism, shall be prohibited.</p>			
<p style="text-align: center;">Section 43 (Freedom of movement)</p> <p>1. Everyone has the right to move freely and to settle anywhere in the national territory.</p> <p>2. Everyone is guaranteed the right to emigrate freely and to return to the country.</p>			<p style="text-align: center;">UDHR Section 13</p> <p>1. Everyone has the right to freedom of movement and residence within the borders of each State.</p> <p>2. Everyone has the right to leave any country, including his own, and to return to his country.</p>
<p style="text-align: center;">Section 44 (Freedom of conscience, religion and worship)</p> <p>1. Everyone is guaranteed the freedom of conscience, religion and worship.</p> <p>2. No one shall be persecuted or discriminated against on the basis of his and her religious convictions.</p>			<p style="text-align: center;">DUHU Section 18</p> <p>Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in</p>

<p>3. The right to be a conscientious objector shall be guaranteed by law.</p>			<p>community with other and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.</p>
<p style="text-align: center;">Section 45 (Right to political participation)</p> <p>1. Everyone has the right to participate in the political life and in the public affairs of the country, either directly or through democratically elected representatives.</p> <p>2. Everyone has the right to establish and to participate in political parties.</p> <p>3. The State shall value the contribution of the political parties to the organised expression of the will of the people and to the democratic participation of the citizen in the governance of the country.</p> <p>4. The establishment of political parties shall be regulated by law.</p>			<p style="text-align: center;">UDHR Section 21</p> <p>1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.</p> <p>2. Everyone has the right to equal access to public service in his country.</p> <p>3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and</p>

			shall be held by secret vote or by equivalent free voting procedures.
<p style="text-align: center;">Section 46 (Right to vote)</p> <p>1. Everyone over the age of seventeen has the right to vote and to be elected.</p> <p>2. The exercise of the right to vote is personal and constitutes a civic duty.</p>			
<p style="text-align: center;">Section 47 (Right to petition)</p> <p>Everyone has the right to submit, individually or jointly with others, petitions, complaints and claims to organs of sovereignty or any authority for the purpose of defending his or her rights, the Constitution, the law or general interests.</p>			

<p>Section 48 (Defence of Sovereignty)</p> <ol style="list-style-type: none"> 1. Everyone has the right and the duty to contribute towards the defence of independence, sovereignty and territorial integrity of the country. 2. Military service shall be served in accordance with the law. 			<p>UDHR Section 29</p> <ol style="list-style-type: none"> 1. Everyone has duties to the community in which alone the free and full development of his personality is possible. 2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society. 3. These rights and
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			freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.
TITLE III ECONOMIC, SOCIAL AND CULTURAL RIGHTS AND DUTIES			
<p style="text-align: center;">Section 49 (Right to work)</p> <ol style="list-style-type: none"> 1. Everyone has the right and the duty to work and to choose freely his or her profession. 2. The worker has the right to labour safety and hygiene, remuneration, rest and vacation. 3. Dismissal without just cause or for political and ideological grounds is prohibited. 		Change items 3 and 4.	UDHR Article 23

<p>4. Compulsory work, without prejudice to the cases provided for under penal legislation, is prohibited.</p> <p>5. The State shall promote the establishment of co-operatives of production and shall lend support to household businesses as sources of employment.</p>			<p>2. Everyone, without any discrimination, has the right to equal pay for equal work.</p> <p>3. Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.</p>
<p style="text-align: center;">Section 50 (Right to strike and prohibition of lock-out)</p> <p>1. Every worker has the right to resort to strike, the exercise of which shall be regulated by law.</p> <p>2. The law shall determine the conditions under which services are provided, during a strike, that are necessary for the safety and maintenance of equipment and facilities, as well as minimum services that are necessary to meet essential social needs.</p>			

<p>3. Lock-out is prohibited.</p>			
<p style="text-align: center;">Section 51 (Trade union freedom)</p> <p>1. Every worker has the right to form or join trade unions and professional associations in defence of his or her rights and interests.</p> <p>2. Trade union freedom is sub-divided, namely, into freedom of establishment, freedom of membership and freedom of organisation and internal regulation.</p> <p>3. Trade unions and trade union associations shall be independent of the State and the employers.</p>			<p style="text-align: center;">UDHR Article 23</p> <p>4. Everyone has the right to form and to join trade unions for the protection of his interests.</p>
<p style="text-align: center;">Section 52 (Consumer rights)</p> <p>1. Consumers have the right to goods and services of good quality, to guidance and information, to the protection of their health, safety and economic interests, and to reparation for</p>			

<p>damages.</p> <p>2. Advertising shall be regulated by law, and all forms of concealed, indirect or misleading advertising are prohibited.</p>			
<p style="text-align: center;">Section 53 (Right to private property)</p> <p>1. Everyone has the right to private property and can transfer it during his or her lifetime or on death, in accordance with the law.</p> <p>2. Private property should not be used to the detriment of its social purpose.</p> <p>3. Requisitioning and expropriation of property for public purposes shall only take place in accordance with the law following payment of adequate compensation.</p> <p>4. Only national citizens have the right to ownership of land.</p>		<p>Remark: Horizontal property.</p>	<p style="text-align: center;">UDHR Article 17</p> <p>1. Everyone has the right to own property alone as well as in association with others.</p> <p>2. No one shall be arbitrarily deprived of his property.</p>
<p style="text-align: center;">Section 54 (Social security and assistance)</p> <p>1. Everyone is entitled to social security in accordance with the law.</p>			<p style="text-align: center;">UDHR Article 22</p> <p>Everyone, as a member of society, has the right to</p>

<p>2. The State should promote, in accordance with its natural resources, the establishment of a social security system.</p> <p>3. The State shall support and supervise the activity and functioning of institutions of social solidarity and other non-profit institutions of recognised public interest, in accordance with the law.</p>			<p>social security and is entitled to realisation, through national effort and international co-operation and in accordance with the organisation and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.</p>
<p style="text-align: center;">Section 55 (Health)</p> <p>1. The State shall recognise the right of everyone to health and medical care.</p> <p>2. The State shall promote the establishment of a national health service that tends to be universal, general and free of charge.</p> <p>3. The national health service shall have, as much as possible, a decentralised participatory management.</p>			<p style="text-align: center;">UDHR Article 25</p> <p>1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment,</p>

			<p>sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.</p> <p>2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.</p>
<p style="text-align: center;">Section 56 (Housing)</p> <p>Everyone has the right to a house, both for himself and herself and for his or her family, of adequate size that meets satisfactory standards of hygiene and comfort and preserves personal intimacy and family privacy.</p>			
<p style="text-align: center;">Section 57 (Education and culture)</p>			<p>UDHR Article 26</p>

<ol style="list-style-type: none"> 1. The State recognises that everyone has the right to education and culture, and it is incumbent upon it to promote the establishment of a public system of universal basic education that tends to be compulsory and free of charge. 2. Everyone has the right to equal opportunities for education and vocational training. 3. Private and co-operative education shall be supervised by the State. 4. Public education shall be secular. 5. The State should ensure the access of everyone, in accordance to their abilities, the highest levels of education, scientific research and artistic creativity. 6. Everyone has the right to cultural enjoyment and creativity and the duty to preserve, protect and value cultural heritage. 			<ol style="list-style-type: none"> 1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit. 2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or
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			<p>religious groups, and shall further the activities of the United Nations for the maintenance of peace.</p> <p>3. Parents have a prior right to choose the kind of education that shall be given to their children.</p> <p style="text-align: center;">UDHR Article 27</p> <p>1. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.</p> <p>2. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.</p>
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<p style="text-align: center;">Section 58 (Environment)</p> <ol style="list-style-type: none"> 1. Everyone has the right to a healthy and ecologically balanced environment and the duty to protect it and improve it for the benefit of the future generations. 2. The State shall recognise the need to preserve and rationalise natural resources. 3. The State should promote, in accordance with its natural resources, actions aimed at protecting Nature, safeguarding the sustainable development of the economy. 		<p style="text-align: center;">Section 58 (Environment)</p> <ol style="list-style-type: none"> 1.... 2. The State recognises the need to take appropriate measures to preserve and rationalise the natural resources. 	

DRAFT CONSTITUTION	RECOMMENDATIONS MADE BY THE THEMATIC COMMITTEES	RECOMMENDATIONS MADE BY THE CHAIR OF THE SYSTEMATISATION AND HARMONISATION COMMISSION	REMARKS
TITLE I GENERAL PRINCIPLES			
Section 59 (Source and exercise of power) Political power belongs to the people and is exercised in accordance with the terms of the Constitution.			
Section 60 (Participation by citizens in political life) Direct and active participation by men and women in political life is a requirement of, and a basic instrument for consolidating, the democratic system. The law must promote equality in the exercise of civil and political rights and non-discrimination on the basis of gender for access to political positions.			
Section 61			

(Principle of Renewal)			
No one shall hold any national, regional or local political office for life, or for indefinite periods of time.			
Section 62 (Elections)			
<ol style="list-style-type: none"> 1. Representative organs shall be elected by free, direct, secret, personal regular and universal suffrage; 2. Registration of voters shall be compulsory, officially initiated and there shall be a single registration system for all elections that take place by direct and universal suffrage. 3. Electoral campaigns shall be conducted in accordance with the following principles: <ol style="list-style-type: none"> a) Freedom to canvass; b) Equality of opportunity and treatment for all candidacies; c) Impartiality towards candidacies on the part of public bodies; d) Transparency and supervision of electoral expenses. 4. Counting of votes cast shall be conducted into effective elections in accordance with the principle of proportional representation; 		<p>Addition of a new item 4:</p> <p>“Supervision of electoral registration and acts shall be the responsibility of an independent organ whose competencies, composition, organisation and functioning shall be established by law.”</p>	

5. The electoral process shall be regulated by law.			
<p style="text-align: center;">Article 63 (Referendum)</p> <ol style="list-style-type: none"> 1. Voters who are registered in the national territory may be called upon to express their opinions in a referendum on issues of relevant national interest. 2. A referendum shall be called by the President of the Republic, on his or her own initiative, following a proposal by the National Parliament approved by an absolute majority of its members, on the initiative of at least one-third of its members, or following proposal by the Government based on substantial grounds. 3. Matters referred to in items 2, 3 and 4 of Section 89 shall not be the subject of a referendum. 4. Referenda shall not be called or carried out between the dates for calling and carrying out a general election for the organs of sovereignty. 5. Proposals for a referendum that are the subject of a negative vote of the electorate may not be renewed in the same legislative session, unless a new National Parliament is elected or the Government is dismissed. 			

<p>6. A referendum shall only have binding force where the number of voters is higher than one half of the registered voters.</p>			
<p style="text-align: center;">Section 64 (Principle of separation of powers)</p> <p>The principle of separation of powers and of functional interdependence shall regulate the functioning of the organs of sovereignty in their reciprocal relationships and in the exercise of their functions.</p>			
<p style="text-align: center;">Section 65 (Organs of Sovereignty)</p> <p>The organs of sovereignty shall comprise the National Parliament, the President of the Republic, the Government, and the Courts.</p>			
<p style="text-align: center;">Section 66 (Political parties and the right of opposition)</p> <p>1. Political parties shall participate in organs in accordance with their democratic representation based on direct and universal suffrage.</p>			

<p>2. The right of minority political parties to democratic opposition, as well as the right to be informed regularly and directly on the progress of the main issues of public interest, shall be recognised.</p>			
<p style="text-align: center;">Section 67 (Administrative regions)</p> <p>1. The central government should be represented in all regions throughout the country.</p> <p>2. Oecussi Ambeno and Ataúro should deserve special economic and administrative treatment.</p> <p>3. The organisation and functioning of the administrative regions shall be defined by law.</p>		<p>Addition:</p> <p>1. <i>Oecussi shall be governed by a specific and decentralised administration, given the geographic distance and the means of communication separating it from other districts in East Timor.</i></p> <p>2. It is incumbent upon the Council of Ministers to define the contents of item 1 above.</p>	
<p style="text-align: center;">Article 68 (Local government)</p> <p>1. Local authorities are territorial corporate bodies vested with representative organs, with the</p>			

<p>objective of organising the participation by citizens in solving the problems of their own community and promoting local development without prejudice to the participation by the State.</p> <p>2. The organisation, competence, functioning and composition of the organs of local government shall be defined by law.</p>			
<p style="text-align: center;">Section 69 (Publication of legislation and decisions)</p> <p>1. Legislation and decisions shall be published in the official gazette by the organs of sovereignty.</p> <p>2. Failure to publish any of the legislation or decisions specified in the paragraph above or decisions of a general nature taken by the organs of sovereignty or local government shall render them null and void.</p> <p>3. The form of publication of other legislation and decisions, and the consequences of the failure to do so, shall be determined by law.</p>			

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TITLE II PRESIDENT OF THE REPUBLIC			
CHAPTER I STATUS, ELECTION AND APPOINTMENT			
<p style="text-align: center;">Section 70 (Definition)</p> <p>The President of the Republic is the Head of State, the symbol and guarantor of national independence and the unity of the State, the smooth functioning of democratic institutions and is the Supreme Commander of the Defence Forces.</p>			
Section 71 (Eligibility)		<p>Remarks:</p> <p>There is a need to define the term of office.</p>	

<p>1. To stand as presidential candidates, East Timorese citizens should meet cumulatively the following requirements:</p> <ul style="list-style-type: none"> a) original citizenship b) at least 35 (Thirty -five) years of age c) to be in possession of his or her full faculties; d) to be proposed by a minimum of five thousand voters. <p>2. The President of the Republic's term of office is of 4-5 years and ends with the swearing-in of the new President elect.</p> <p>3. The President of the Republic's term of office may be renewed only once.</p>			
<p style="text-align: center;">Section 72</p>			

<p style="text-align: center;">(Election)</p> <ol style="list-style-type: none"> 1. The President of the Republic shall be elected by universal, direct, secret, and personal suffrage. 2. The election of the President of the Republic shall be conducted through the system based on the majority of valid expressed votes, excluding blank votes. 3. Where no candidate gets more than half of the votes, a second round shall take place on the 30th day following the first voting. 4. Only the two candidates obtaining the highest number of votes shall be eligible to stand in a run-off election. 			
<p style="text-align: center;">Section 73 (Inauguration and swearing-in)</p> <ol style="list-style-type: none"> 1. The President of the Republic shall be sworn in by the President of the Supreme Court of Justice, and shall be inaugurated in official ceremony before members of the National Parliament and representatives of other organs of sovereignty. 2. The inauguration shall take place on the last day of the term of office of the outgoing 			

<p>President or, in case of election due to vacancy, on the eighth day following the announcement of electoral results.</p> <p>3. At the swearing-in ceremony, the President of the Republic shall take the following oath:</p> <p>“I swear to respect and enforce the Constitution and laws and dedicate all my energies to the defence and consolidation of independence and national unity.”</p>			
<p>Section 74 (Incompatibilities)</p> <p>The President of the Republic shall not hold any other political position or public office and under no circumstances shall he or she undertake private assignments.</p>			

<p style="text-align: center;">Section 75 (Criminal liability)</p> <ol style="list-style-type: none"> 1. The President of the Republic shall be answerable before the Supreme Court of Justice for crimes committed in the exercise of his or her functions.. 2. The Supreme Court of Justice shall issue a judgement within a maximum of 30 days. 3. It is the incumbent upon the National Parliament to initiate the criminal proceedings, following a proposal by one-fifth, that is supported by a two-third majority of its Members . 4. Conviction shall result in forfeiture of office and disqualification from re-election. 5. For crimes not committed in the exercise of his or her functions, the President of the Republic shall be answerable before ordinary courts after the term of his or her office. 		<p>Addition to item 1:</p> <p>“and for deliberate infringement of his/her constitutional duties.”</p>
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<p style="text-align: center;">Section 76 (Absence)</p> <p>1. The President of the Republic shall not be absent from the national territory without the authorisation of the National Parliament or of its Standing Committee, if Parliament is in recession .</p> <p>2. The President of the Republic's private visits not exceeding fifteen days shall not require authorisation of the National Parliament. Nonetheless, the President of the Republic should notify the National Parliament of such visits in advance.</p>			

<p style="text-align: center;">Section 77 (Resignation of Office)</p> <p>1. The President of the Republic may resign from office by message addressed to the National Parliament.</p> <p>2. Resignation shall take effect once the message is made known to the National Parliament without prejudice to its subsequent publication in the official Gazette.</p> <p>3. Where the President of the Republic resigns from office, he or she shall not be eligible to stand for presidential elections immediately after resignation nor in the regular elections to be held after four years.</p>			
<p style="text-align: center;">Section 78 (Death, resignation or permanent disability)</p> <p>1. In case of death, resignation or permanent disability of the President of the Republic, his or her office functions shall be taken over on an interim basis by the Speaker of the Parliament, who shall be sworn in by the President of the Supreme Court of Justice before organs of sovereignty.</p>		<p>Attention is drawn to the term of office.</p>	

<p>2. Permanent disability shall be declared by the Supreme Court of Justice , which shall also have the responsibility to confirm the death of the President of the Republic and the vacancy of office resulting therefrom .</p>			
<p>3. The election of a new President in case of death, resignation or permanent disability should take place within the subsequent ninety days, and the interim President shall not be eligible to run.</p> <p>4. The President of the Republic shall be elected for a new term of office .</p>			
<p style="text-align: center;">Section 79 (Interim Replacement)</p> <p>1. During temporary impediment of the</p>			

<p>President of the Republic, the presidential functions shall be taken over by the Speaker of National Parliament or, in case of impediment of the latter, by his or her Deputy.</p> <p>2. The Parliamentary mandate of the Speaker of the National Parliament Speaker or of his or her Deputy shall be automatically suspended over the period of time in which he or she holds the office of President of the Republic on an interim basis.</p>			
<p>CHAPTER II</p> <p>COMPETENCES</p>			

<p>Section 80 (Competencies)</p> <p>It is exclusively incumbent upon the President of the Republic:</p> <ul style="list-style-type: none"> a) To promulgate and order the publication of statutes, and sign National Parliament resolutions that approve international agreements; b) To exercise the right of veto in connection with any statutes within 30 days from the date of their receipt; c) To appoint and swear in the Prime Minister respecting the result of the elections, after consultation with political parties sitting in the National Parliament . d) To request the Supreme Court of Justice to undertake preventive appraisal of the constitutionality of the rules. e) To request the Supreme Court of Justice to declare the unconstitutionality of legal rules and to verify cases of unconstitutionality by omission. 			
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Harmonise paragraph c) with item 1 of Section 100.

Amendment:

Request the Supreme Court of Justice to conduct preventive or successive appraisal of the constitutionality of the rules;

Item e) deletion

<p>f) To submit relevant issues of national interest to a referendum as laid down in Section item 63;</p>			
<p>g) To declare the state of emergency or the state of siege following authorisation of the National Parliament, after consultation with the Council of State, the Government and the Supreme Council of Defence and Security;</p> <p>h) To declare war and make peace following a Government proposal, after consultation with the Council of State and the Supreme Council of Defence and Security under authorisation of the National Parliament;</p> <p>i) To grant pardons and commute sentences after consultation with the Government;</p> <p>j) To award honorary titles, decorations and merits as established by law.</p> <p style="text-align: center;">Section 81</p>			

<p>(Competencies with regard to other organs)</p> <p>It is incumbent upon the President of the Republic, with regard to other organs:</p> <ul style="list-style-type: none"> a) To chair the Supreme Council of Defence and Security; b) To set dates for presidential and legislative elections in accordance with the Law ; c) To request the convening of extraordinary sessions of the National Parliament, whenever imperative reasons of a public nature so justify; d) To address messages to the National Parliament and the country ; e) To dissolve the National Parliament in case of a serious institutional crisis preventing the formation of a government or the approval of the State Budget and lasting more than sixty days, after consultation with political parties sitting in the Parliament and with the Council of State, on pain of rendering dissolution null and void. f) To dismiss the Government and remove the Prime Minister from office after the National Parliament has rejected his or her programme 			
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<p>for two consecutive times.</p> <p>g) To appoint, swear in and remove Government Members from office following proposal by the Prime Minister in accordance with item 2, Section 100.</p> <p>h) To appoint two members for the Supreme Council of Defence and Security;</p> <p>i) To appoint the President of the Supreme Court of Justice and the President of the High Administrative, Tax and Audit Court;</p> <p>j) To appoint and dismiss the Attorney-General and his or her Deputies;</p> <p>k) To appoint and dismiss the General Chief of Staff of the Defence Forces, the Deputy General Chief of Staff of the Defence Forces, and the Chiefs of Staff of the Defence Forces following proposal by the Government, after consultation with the General Chief of Staff regarding the latter two cases;</p> <p>l) To appoint five Members for the Council of State;</p> <p>m) To appoint one member for the Superior Council the Judiciary and for the Superior Council for the Public Prosecution.</p>	<p>i) To appoint the President of the Supreme Court of Justice and swear in the President of the High Administrative, Tax and Audit Court;</p> <p>(Please see item 3, Section 121)</p>		
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<p style="text-align: center;">Section 82 (Competencies with regard to International Relations)</p> <p>It is incumbent upon the President the Republic, in the field of international relations:</p> <ul style="list-style-type: none">a) To declare war in case of effective or imminent aggression and make peace, following proposal by Government, after consultation with the Supreme Council for Defence and Security, under authorisation of the National Parliament or of its Standing Committee.b) To appoint and dismiss ambassadors, permanent representatives and special envoys, following proposal by the Government;c) To receive credential letters and accredit foreign diplomatic representatives;d) To ratify international treaties once they have been duly approved.			
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<p style="text-align: center;">Section 83 Promulgation and veto</p> <ol style="list-style-type: none"> 1. Within thirty days after receiving any statute from the National Parliament for the purpose of its promulgation as law, the President of the Republic shall either promulgate the instrument or exercise the right of veto in the form of a message, based on substantial grounds, requesting its reconsideration. 2. If within ninety days the National Parliament confirms its vote by an absolute majority of its Members in full exercise of their functions, the President of the Republic shall promulgate the instrument within eight days after its receipt. 3. However, a majority of two-thirds of the present Members where that majority exceeds an absolute majority of the Members in full exercise of their functions is required to ratify statutes on matters provided for in Section 89. 4. Within forty days after receiving any decree from the Government for the purpose of its promulgation as law, the President of the 		

<p>Republic shall either promulgate the instrument or exercise the right of veto, by the way of written communication to the Government containing the reasons for the veto.</p> <p style="text-align: center;">Section 84 (Powers of an interim President of the Republic)</p> <p>An interim President of the Republic does not have any of the powers specified in following items e), f), g), h), I), j), k), of Section 81.</p>			
<p style="text-align: center;">CHAPTER III</p> <p style="text-align: center;">COUNCIL OF STATE</p>			

<p style="text-align: center;">Section 85 (Council of State)</p> <p>The Council of State is the political advisory body of the President of the Republic, headed by the President himself.</p> <p>The Council of State shall comprise:</p> <ul style="list-style-type: none"> a) Former Presidents of the Republic who were not removed from office;. b) National Parliament Speaker; c) Prime Minister; d) Five citizens elected by the National Parliament in accordance with the principle of proportional representation, for the period corresponding to the legislative term, provided that they are not members of the organs of sovereignty. e) Five citizens designated by the President of the Republic for the period corresponding to the term of office of the President, provided that they are not members of the organs of sovereignty. 		

<p style="text-align: center;">Section 86 (Competence, organisation and functioning of the Council of State)</p> <p>1. It is incumbent upon the Council of State:</p> <ul style="list-style-type: none">a) To draft its Rules of Procedure;b) Express its opinion on the dissolution of the National Parliament;c) Express its opinion on the dismissal of the Government;d) Express its opinion on the declaration of war and the making of peace;e) Express its opinion on any other cases set out in the Constitution and advise the President of the Republic in the exercise of his or her functions, as requested by the President; <p>2. The Council of State shall not hold public meetings.</p> <p>3. The organisation and functioning of the Council of State shall be established by law.</p>			
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TITLE III NATIONAL PARLIAMENT			
CHAPTER I STATUS AND ELECTION			

Section 87 (Definition)			
The National Parliament is the representative assembly of all Timorese citizens and the highest legislative organ of the Democratic Republic of East Timor.			
Section 88 (Election and composition)			
<ol style="list-style-type: none"> 1. The National Parliament shall be made up of a minimum of fifty-two and a maximum of sixty-five Members. 2. The National Parliament shall be elected by universal, direct, equal, secret and personal suffrage. 3. The law shall establish the rules relating to constituencies, eligibility conditions, nominations and electoral procedures. 4. Members of the National Parliament shall have a term of office of four years. 			
CHAPTER II			

COMPETENCE			
<p style="text-align: center;">Section 89 (Competence of the National Parliament)</p> <p>1. It is incumbent upon the National Parliament to make laws on basic issues of the country's domestic and foreign policy.</p> <p>2. It is exclusively incumbent upon the National Parliament to make laws on:</p> <p style="margin-left: 20px;">a) The borders of the Democratic Republic of East Timor, in accordance with <i>Section 5</i>;</p> <p style="margin-left: 20px;">b) The limits of the territorial waters, of the exclusive economic area and of the rights of East Timor to the adjacent sea bed;</p> <p style="margin-left: 20px;">c) <i>National symbols</i>, in accordance with <i>item 2 of Section 14</i>;</p> <p style="margin-left: 20px;">d) <i>Citizenship</i>;</p> <p style="margin-left: 20px;">e) Territorial division;</p> <p style="margin-left: 20px;">f) The electoral law and the referendum</p>		<ul style="list-style-type: none"> • Amendment to item 1: <ul style="list-style-type: none"> i) Separate, in two paragraphs, the bases for the education system from the bases for social security system and the national health system (Section 48). • Addition: <ul style="list-style-type: none"> o) Land Act. • Addition to paragraph d) – citizenship that will be: <ul style="list-style-type: none"> d) The acquisition, loss or reacquisition of citizenship • Deletion of the words “in accordance with Section 5” from paragraph a) under item 	

<p>system;</p> <p>g) Political parties and associations;</p> <p>h) <i>The status of office holders in the Organs of State;</i></p> <p>i) The bases for the health and education system;</p> <p>j) The holding of referenda on matters of national interest;</p> <p>k) The suspension of constitutional guarantees and the declaration of a state of siege or a state of emergency;</p> <p>l) The policy of National Defence and Security;</p> <p>m) The tax policy;</p> <p>n) <i>The budget system.</i></p> <p>3. It is also incumbent on the National Parliament:</p> <p>a) To ratify the nomination of the President of the Supreme Court of Justice and of the High Administrative, Tax and Audit Court;</p> <p>b) To deliberate on progress reports</p>		<p>1 (since the subject of paragraph b) is also contemplated in Section 5).</p> <ul style="list-style-type: none"> • Addition to item 2: <ul style="list-style-type: none"> c) Grant amnesties and general pardons. • Addition of a new paragraph to item 2: <ul style="list-style-type: none"> j) Monitor the State Budget execution. • Question: <ul style="list-style-type: none"> - Who appoints the President of the Tax Court? - Who appoints the President of the Audit Court? <p>Addition to item 3:</p> <p>b) Elect one member for the Superior Council for the Judiciary and for the Superior</p>	
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<p>submitted by the Government;</p> <ul style="list-style-type: none"> c) To deliberate on the State Plan and Budget and the execution report thereof; d) To approve and denounce international treaties and agreements; e) Grant amnesties; f) Authorise trips by the President of the Republic on state visits; g) Approve amendments to the Constitution; h) Authorise and confirm the declaration of a state of siege or a state of emergency. <p>4. It is also incumbent upon the National Parliament:</p> <ul style="list-style-type: none"> a) To elect its Speaker and other members of the Chair; b) To prepare and approve its Rules of Procedure and Status of the Members; c) To set up the Standing Committee and establish the other parliamentary Committees. 		<p>Council for the Public Prosecution.</p> <p>Addition to paragraph f):</p> <p>Only for visits exceeding 15 days.</p>	
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<p style="text-align: center;">Section 90 (Legislative authorisation)</p> <p>1. The National Parliament may authorise the Government to make laws on the following matters:</p> <ul style="list-style-type: none"> a) Rights, freedoms and guarantees; b) The status and capacity of people, family law and descent law; c) Definition of crimes, sentences, security measures and respective prerequisites; d) Definition of civil and criminal procedure; e) Organisation of the Judiciary and status of magistrates; f) General rules and regulations for the public service, the status of the civil servants and the responsibility of the State; g) General bases for the organisation of public administration; h) Monetary system; 		<p>Remark:</p> <p>Paragraphs a) and b) are fundamental rights that should be the competence of Parliament.</p> <p>Deletion of paragraph d):</p> <p>“Civil procedure” for falling under the competence of the Government.</p>	

<p>i) Banking and financial system;</p> <p>j) General rules and regulations for radio and television broadcasting and other mass media;</p> <p>k) Civic or military service;</p> <p>l) General rules and regulations for requisition and expropriation for public purposes;</p> <p>m) Means and ways of intervention, expropriation, nationalisation and privatisation of means of production and soils on grounds of public interest, as well as criteria for the establishment of compensations.</p> <p>2. Laws on legislative authorisation shall define the subject, sense, scope and duration of the authorisation, which may be renewed.</p> <p>3. Laws on legislative authorisation shall not be used more than once and shall lapse with the dismissal of the Government, with the end of the legislative term or with the dissolution of the National Parliament.</p>			
<p>Section 91 (Legislative initiative)</p>			

<p>1. The power to initiate laws lies with:</p> <ul style="list-style-type: none"> a) The Members of Parliament; b) The parliamentary groups; c) The Government. <p>2. No bills, draft legislation or amendments that involve, in the current fiscal year, any increase in State expenditure or any reduction in State revenue, as provided for in the Budget <i>or</i> Rectifying Budgets, shall be tabled.</p> <p>3. Bills and draft legislation that have been rejected shall not be re-introduced in the same legislative session in which they have been tabled.</p> <p>4. Bills and draft legislation that have not been voted on shall not need to be re-introduced in the next legislative session, except in case of end of the legislative term.</p> <p>5. Draft legislation shall lapse with the dismissal of the Government.</p>		<p>Addition:</p> <ul style="list-style-type: none"> a) through a bill; b) through a bill; c) ... through draft legislation; <p>See paragraph e), Section 109.</p>	
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<p style="text-align: center;">Section 92 (Parliamentary appraisal of statutes)</p> <ol style="list-style-type: none"> 1. Statutes, other than those approved under the exclusive legislative powers of the Government, may be submitted to the National Parliament for appraisal, for the purposes of terminating their validity or for amendment, following a petition of one-fifth of the Members of Parliament, within thirty days following their publication, not counting periods when the functioning of the National Parliament is suspended. 2. The suspension shall lapse after the National Parliament has held 10 plenary meetings without taking a final decision. 3. Where termination of validity is approved, the statute shall cease to be in force from the date of the publication of the resolution in the Official Gazette, and it shall not be published again in the same legislative session. 4. The process shall lapse if, after a statute has been submitted for appraisal, the National Parliament takes no decision on it, or, having decided to make amendments, it does not approve a law to that effect before the end of the current legislative session in which there have been 15 plenary meetings. 		<p>Addition of a new item 2:</p> <p>The National Parliament may suspend, in whole or in part, the validity of the statute pending its appraisal.</p>	
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<p style="text-align: center;">CHAPTER III ORGANISATION AND FUNCTIONING</p> <p style="text-align: center;">Section 93 (Legislative term)</p> <ol style="list-style-type: none">1. The legislative term shall comprise four legislative sessions, and each legislative session shall have the duration of one year.2. In case of dissolution, the elected Assembly shall commence a new legislative term, the length of which shall be increased, at the beginning, by the time needed to complete the legislative session current at the date of the election.			
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<p style="text-align: center;">Section 94 (Dissolution)</p> <p>1. The National Parliament shall not be dissolved during the 6 months immediately following its election, during the last half-year of the term of office of the President of the Republic or during a state of siege or a state of emergency, on pain of rendering the act of dissolution null and void.</p> <p>2. The dissolution of the National Parliament does not affect the continuance in office of its Members until the first meeting of Parliament after the ensuing election.</p>		<p>Amendment to item 1:</p> <p>1. The National Parliament shall be convened by its Speaker and shall meet in ordinary session at least once a year.</p> <p>Addition:</p> <p>3. The National Parliament shall meet in extra-ordinary session whenever so deliberated by the Standing Committee or following a petition of one-third of Members of Parliament, in accordance with the law.</p>	
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		<p>No provisions on:</p> <p>Rules for discussion and voting; quorum and deliberation; the Speaker of the National Parliament; Competences of the Speaker of the National Parliament National; Competences of the Deputy Speakers of the National Parliament.</p>	
<p style="text-align: center;">Section 95 (Attendance by Members of the Government)</p> <p>1. Ministers have the right to attend the plenary sessions of the National Parliament and may be assisted or replaced by Secretaries of State, all of whom are entitled to take the floor as provided for in the Rules of Procedure.</p> <p>2. Sittings shall be fixed at which members of the Government shall be present to answer questions from Members of Parliament in accordance with the Rules of Procedure.</p> <p>3. Committees may request members of the Government to take part in their proceedings.</p>		<p>New wording:</p> <p>1. Ministers have the right to attend the plenary sessions of the National Parliament and to take the floor as provided for in the Rules of Procedure, and may be assisted or replaced by Secretaries of State.</p>	

<p>CHAPTER IV</p> <p>STANDING COMMITTEE</p>			
<p style="text-align: center;">Section 96 (Standing Committee)</p> <ol style="list-style-type: none"> 1. The Standing Committee shall sit when the National Parliament is dissolved or in recession and in the other cases provided for in the Constitution 2. The Standing Committee shall be presided over by the Speaker of the National Parliament and shall comprise the Deputy Speakers and Members designated by the parliamentary parties, in accordance with their respective representation in Parliament. 3. It is incumbent upon the Standing Committee: <ol style="list-style-type: none"> a) To monitor the activities of the Government and the Public Administration; 			

<p>b) To co-ordinate the activities of the Committees of the National Parliament;</p> <p>c) To take steps for the convening of Parliament whenever deemed necessary;</p> <p>d) To prepare and organise sessions of the National Parliament;</p> <p>e) To authorise the absence of the President of the Republic from the national territory;</p> <p>f) To lead relations between the National Parliament and similar parliaments and institutions from other countries;</p> <p>g) To authorise the declaration of a state of siege or a state of emergency.</p>			
<p>TITLE IV</p> <p>GOVERNMENT</p>			

<p style="text-align: center;">CHAPTER I</p> <p style="text-align: center;">FUNCTION AND STRUCTURE</p>			
<p style="text-align: center;">Section 97 (Definition)</p> <p>The Government is the organ of sovereignty responsible for conducting the country's general policy and is the supreme organ of Public Administration.</p>			
<p style="text-align: center;">Section 98 (Composition)</p> <p>1. The Government shall comprise the Prime Minister, the Ministers and the Secretaries of State.</p>		<p>PPT proposes to delete item 2.</p>	

<p>2. The Government may include one or more Deputy Prime Ministers and Deputy Ministers.</p> <p>3. The number, titles and competences of Ministries and Secretariats of State shall be laid down in the decrees appointing the holders of the offices or by law.</p>			
<p style="text-align: center;">Section 99 (Council of Ministers)</p> <p>1. The Council of Ministers shall comprise the Prime Minister, the Deputy Prime Ministers, if any, and the Ministers.</p> <p>2. The Council of Ministers shall be convened and chaired by the Prime Minister.</p> <p>3. The law may establish Council of the Ministers responsible for special subjects.</p> <p>4. The Deputy Ministers, if any, and the Secretaries of State may be required to attend meetings of the Council of Ministers, without a right to vote.</p>			

<p>CHAPTER II</p> <p>FORMATION AND RESPONSIBILITY</p>			
<p style="text-align: center;">Section 100 (Appointment)</p> <p>1. The Prime Minister shall be designated by the political party with the highest number of votes and shall be appointed by the President of the Republic with due regard for the results of the election.</p> <p>2. The other members of the Government shall be appointed by the President of the Republic following proposal by the Prime Minister.</p>		<p>Harmonise it with paragraph c) of section 80.º (competence of the President of the Republic).</p>	
<p style="text-align: center;">Section 101 (Responsibility of the Government)</p> <p>The Government shall be accountable to the President of the Republic and the National Parliament for the accomplishment of domestic and foreign policy and shall report its activity in</p>			

<p>accordance with the law.</p>			
<p style="text-align: center;">Section 102 (The Programme of the Government)</p> <p>1. Once appointed, the Government should develop its programme, which should include the objectives and tasks proposed, the actions to be taken and the main political guidelines to be followed in the field of governmental activity.</p> <p>2. Once approved by the Council of Ministers, the Programme of the Government shall, within a maximum of 30 days after appointment of the Government, be submitted by the Prime Minister to the National Parliament for consideration.</p>			
<p style="text-align: center;">Section 103 (Submission of the Programme of the Government for Consideration)</p> <p>1. Where the National Parliament is not in session, its convening for this purpose shall be mandatory.</p>			

<p>2. Debate on the programme of the Government shall not exceed 3 days, and to that effect any parliamentary group may propose its rejection and the Government may request the approval of a vote of confidence.</p> <p>3. Rejection of the programme of the Government shall require an absolute majority of the Members in full exercise of their functions.</p>			
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<p style="text-align: center;">Section 104 (Request for vote of confidence)</p> <p>The Government may request the National Parliament to take a vote of confidence on a statement of general policy or on any matter of national interest.</p>			
<p style="text-align: center;">Section 105 (Vote of no confidence)</p> <ol style="list-style-type: none"> 1. The National Parliament may, following proposal by one-quarter of the Members in full exercise of their functions, pass a vote of no confidence on the Government with respect to the implementation of its programme or any matter of national interest. 2. Where a vote of no confidence is not passed, its signatories shall not move another such a vote during the same legislative session. 			

<p style="text-align: center;">Section 106 (Dismissal of the Government)</p> <p>1. The dismissal of the Government shall occur when:</p> <ul style="list-style-type: none"> a) A new legislative term begins; b) The President of the Republic accepts the resignation of the Prime Minister; c) The Prime Minister dies or is suffering from a permanent physical disability; d) Its programme is rejected for the second consecutive time; e) A vote of confidence is not passed; f) A vote of no confidence is passed by an absolute majority of the Members in full exercise of their functions; g) The dismissal of the Prime Minister, in accordance with item 2. <p>2. The President of the Republic shall only dismiss the Prime Minister when necessary to safeguard the proper functioning of the democratic institutions, after consultation with the Council of State.</p>		

<p style="text-align: center;">Section 107 (Criminal liability of members of the Government)</p> <p>1. Where criminal proceedings are instituted against a member of the Government charged with an offence punishable with a sentence of imprisonment for more than two years, he or she shall be suspended so that the proceedings can be pursued.</p> <p>2. Where criminal proceedings are instituted for an offence punishable with a sentence of imprisonment for less than two years, the National Parliament shall decide whether or not that member of the Government shall be suspended so that the proceedings can be pursued.</p>			
<p style="text-align: center;">CHAPTER III</p> <p style="text-align: center;">COMPETENCES</p>			
<p style="text-align: center;">Section 108 (Competences of the Government)</p> <p>1. It is incumbent upon the Government:</p>			

<ul style="list-style-type: none"> a) To define and implement the general policy of the country, following its approval by the National Parliament; b) To guarantee the exercise of the fundamental rights and freedoms of the citizens; c) To ensure public order and social discipline; d) To submit bills and draft resolutions to the National Parliament; e) To prepare the State Plan and Budget and execute them following approval by the National Parliament; f) To propose to the President of the Republic the declaration of war or the making of peace; g) To propose to the President of the Republic the declaration of a state of siege or a state of emergency; h) To propose to the President of the Republic that matters of relevant national interest be submitted to referendum; i) To regulate economic and social activities; 		<p>Addition of new paragraph p) to item 1:</p> <p>Appoint one member for the Superior Council for the Judiciary and for the Superior Council for the Public Prosecution.</p>	
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<p>j) To negotiate treaties and agreements and to sign, approve, join and denounce international agreements, which do not fall under the competence of the National Parliament or the President of the Republic;</p> <p>k) To define and implement the foreign policy of the country;</p> <p>l) To ensure the representation of the Democratic Republic of East Timor in international relations;</p> <p>m) To propose to the President of the Republic the appointment of ambassadors, permanent representatives and special envoys;</p> <p>n) To lead the social and economic sectors of the State;</p> <p>o) To lead the labour and social security policy.</p> <p>2. It is also incumbent upon the Government:</p> <p>a) To guarantee the defence and consolidation of the public domain and the property of the State;</p>			
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<p>b) To lead and co-ordinate the activities of the ministries and other institutions subordinated to the Council of Ministers;</p> <p>c) To promote the development of cooperatives and the support for household production;</p> <p>d) To support private enterprise;</p> <p>e) To take action and make all the arrangements necessary to promote economic and social development and to meet the needs of the Timorese people;</p> <p>f) To take action as provided for in the Constitution and the law.</p> <p>3. The Government has exclusive legislative powers on matters concerning its own organisation and functioning, as well as on the direct and indirect management of the State.</p>			
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<p style="text-align: center;">Section 109 (Competences of the Council of Ministers)</p> <p>It is incumbent upon the Council of Ministers:</p> <ul style="list-style-type: none">a) To define the general guidelines of the government policy and the implementation thereof;b) To deliberate on a request for a vote of confidence from the National Parliament;c) To approve draft legislation and resolutions;d) To approve statutes, as well as international agreements that are not to be submitted to the National Parliament;e) To approve actions by the Government that involve an increase or decrease in public revenues or expenditures;f) To approve plans.		<p>Alteration of wording:</p> <p>e) To approve draft legislation on the State Budget and Rectifying Budgets.</p> <p>(see item 2, section 91)</p>	
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<p style="text-align: center;">Section 110 (Competences of members of the Government)</p> <p>1. It is incumbent upon the Prime Minister:</p> <ul style="list-style-type: none">a) To be the Head of Government;b) To chair the Council of Ministers;c) To lead and guide the general policy of the Government by co-ordinating the activities of all Ministers, without prejudice to the direct responsibility of each Minister for his or her respective department.d) To keep the President of the Republic informed on matters of domestic and foreign policy of the Government;e) To perform other duties conferred by the law. <p>2. It is incumbent upon the Ministers:</p> <ul style="list-style-type: none">a) To implement the policy defined for their respective Ministries;b) To ensure relations between the Government and the other organs of the State in the area of responsibility of their		<p>Create a new title for Public Administration.</p>	
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<p>respective Ministries.</p> <p>3. Statutes and other decrees shall be signed by the Prime Minister and the Ministers responsible for their subject matter.</p>			
<p style="text-align: center;">TITLE V</p> <p style="text-align: center;">COURTS, PUBLIC PROSECUTORS AND LAWYERS</p>			
<p style="text-align: center;">CHAPTER I</p> <p style="text-align: center;">COURTS</p>			
<p style="text-align: center;">Section 111 (Jurisdiction)</p> <p>1. Justice shall be administered by the courts in the name of the people to ensure legality.</p> <p>2. In performing their functions, the courts shall be entitled to the assistance of other authorities.</p>			

<p>3. Court decisions shall be binding and shall prevail over the decisions of other authorities.</p>			
<p style="text-align: center;">Section 112 (Judges)</p> <p>1. Jurisdiction lies exclusively with the judges installed in accordance with the law.</p> <p>2. In performing their functions, judges are independent and owe obedience only to the Constitution, the law and to their own conscience.</p> <p>3. Judges have security of tenure and may be transferred, suspended, retired or removed from office only as provided by law</p> <p>4. Judges may not be held liable for their judgements and decisions, except in the circumstances especially provided for by law.</p> <p>5. The law shall regulate the judicial organisation and the status of the judges of the courts of law.</p>			

<p style="text-align: center;">Section 113 (Exclusiveness)</p> <p>Judges in office may not perform any other functions, whether public or private, other than unpaid teaching or legal research, as provided by law.</p>			
<p style="text-align: center;">Article 114 (Review of unconstitutionality)</p> <p>The courts shall not apply rules that contravene the Constitution or the principles contained therein.</p>			
<p style="text-align: center;">Section 115 (Categories of courts)</p> <p>1. There shall be the following categories of courts in the Democratic Republic of East Timor:</p> <ul style="list-style-type: none"> a. The Supreme Court of Justice and other courts of law; b. The High Administrative, Tax and Audit Court and other administrative courts of first instance; c. Military Courts. <p>2. Courts of exception shall not be allowed and there shall be no special courts to judge certain categories of criminal offence, with the exception of military courts.</p>			

<p>3. There may be Maritime Courts and Arbitration Courts.</p> <p>4. The law shall determine the establishment, organization and functioning of the courts provided for in the preceding items.</p> <p>5. The law may institutionalise means and ways for the non-jurisdictional resolution of disputes.</p>			
<p style="text-align: center;">Section 116 (Supreme Court of Justice)</p> <p>1. The Supreme Court of Justice is the highest court of law and the guarantor of a uniform enforcement of the law, and has jurisdiction throughout the national territory.</p> <p>2. It is also incumbent on the Supreme Court of Justice to administer justice on matters of legal, constitutional and electoral nature.</p> <p>3. The President of the Supreme Court of Justice shall be appointed by the President of the Republic from among judges of the Supreme Court of Justice.</p>			
<p style="text-align: center;">Section 117 (Functioning and Composition)</p> <p>1. The Supreme Court of Justice shall operate:</p>			

<p>a) In sections, like a court of first instance, in the cases provided for in the law;</p> <p>b) In plenary, like a court of second and single instance, in the cases expressly provided for in the law;</p> <p>2. The Supreme Court of Justice shall consist of professional judges in number to be established by law, that is:</p> <p>a) One elected by the National Parliament;</p> <p>b) And all the others designated by the Superior Council for the Judiciary.</p> <p>3. The judge elected by the National Parliament must be chosen from among Judges of the courts of law or Public Prosecutors and all the others shall be selected from among career Judges of the courts of law.</p> <p style="text-align: center;">Section 118 (Electoral and Constitutional Competence)</p> <p>1. It is incumbent upon the Supreme Court of Justice, on legal and constitutional matters:</p> <p>a) To review and declare the</p>		<p>See section 63 on Referendum.</p>	
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<p>unconstitutionality and illegality of normative and legislative acts by the organs of the State;</p> <p>b) To provide an anticipatory verification of the legality and constitutionality of referenda;</p> <p>c) To verify cases of unconstitutionality by omission;</p> <p>d) To rule, as a venue of appeal, on the suppression of norms considered unconstitutional by the courts of instance;</p> <p>e) To verify the legality regarding the establishment of political parties and their coalitions and order their registration or dissolution, in accordance with the Constitution and the law;</p> <p>2. It is incumbent upon the Supreme Court of Justice, in the specific field of elections:</p> <p>a) To verify the legal requirements for candidates for the office of President of the Republic;</p> <p>b) To certify at last instance the regularity and validity of the acts of the electoral process, in accordance with the respective law;</p>		<p>To be split and inserted in its proper place, that is, under review of the constitutionality.</p>	
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<p>c) To validate and announce the results of the electoral process;</p> <p>3. A declaration of illegality or unconstitutionality may be requested by:</p> <ul style="list-style-type: none">a) The President of the Republic;b) The Speaker of the National Parliament;c) The Attorney-General, based on a repeal by the courts of a legislative act considered unconstitutional in three concrete cases;d) The Prime Minister;e) One-fifth of the Members of the National Parliament;f) The Ombudsman;g) The Church and other religious denominations;h) The Lawyers' Associationi) A minimum of two thousand citizens or any nation-wide associations, provided that, in			
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<p>either case, the application is made for the purpose of defending constitutionally protected interests that transcend the corporate interest of the association or the sum of the applicants' interests and such application is duly proven before the Supreme Court of Justice.</p>			
<p style="text-align: center;">Section 119 (Eligibility)</p> <ol style="list-style-type: none"> 1. Only professional judges of East Timorese nationality may become members of the Supreme Court of Justice. 2. In addition to the requirements referred to in the preceding item, the law may define other requirements. 			
<p style="text-align: center;">Section 120 (Superior Council for the Judiciary)</p> <ol style="list-style-type: none"> 1. The Superior Council for the Judiciary is the organ of management and discipline of the Judiciary. 			

<p>2. The Superior Council for the Judiciary shall be presided over by the President of the Supreme Court of Justice and shall have the following members:</p> <ul style="list-style-type: none"> a) One designated by the President of the Republic; b) One elected by the National Parliament; c) One designated by the Government; d) One elected by the judges of the courts of law from among their peers; <p>3. The law shall regulate the competence, organisation and functioning of the Superior Council for the Judiciary.</p>			
<p style="text-align: center;">Section 121 (Supreme Administrative, Tax and Audit Court)</p> <p>1. The High Administrative, Tax and Audit Court is the highest body in the hierarchy of the administrative, tax and audit courts, without prejudice to the competence of the Supreme Court of Justice.</p> <p>2. It is incumbent upon the High Administrative, Tax and Audit Court and administrative courts of first instance to review the legality of administrative acts and public expenses.</p>			

<p>3. The President of the High Administrative, Tax and Audit Court shall be elected from among and by the judges themselves.</p> <p>4. It is incumbent upon the Supreme Administrative, Tax and Audit Court and the administrative, tax and audit courts of first instance:</p> <ul style="list-style-type: none"> a) To judge actions aiming at resolving disputes arising from legal, fiscal and administrative relations; b) To judge contentious appeals against decisions made by State organs, their respective office holders and agents; c) To review the legality of public expenses and to audit the State accounts; d) To perform all the other functions as established by law. 			
<p style="text-align: center;">Section 122 (Military Courts)</p> <p>The competence, organisation, composition and functioning of military courts shall be established by law.</p>			
<p style="text-align: center;">Section 123</p>			

<p style="text-align: center;">(Court Hearings)</p> <p>Court hearings shall be public, unless the court hearing a matter rules otherwise through a well-founded order to safeguard personal dignity or public morality or guarantee its own smooth operation.</p>			
<p style="text-align: center;">CHPATER II</p> <p style="text-align: center;">PUBLIC PROSECUTORS</p>			
<p style="text-align: center;">Section 124 Functions and Status</p> <ol style="list-style-type: none"> 1. The Public Prosecutors have the responsibility for representing the State, taking criminal action, ensuring the defence of the underaged, absentees and the disabled, defending the democratic legality, and promoting the enforcement of the law. 2. The Public Prosecutors shall be a body of judicial officers, hierarchically graded, and shall be accountable to the Attorney-General. 3. In performing their duties, the Public Prosecutors shall be subject to legality, objectivity and impartiality criteria, and shall be exclusively subject to directives and orders as established by law. 			

<p>4. The Public Prosecutors shall be governed by their own statutes, and shall only be suspended, retired or dismissed under the circumstances provided for in the law.</p>			
<p style="text-align: center;">Section 125 (Office of the Attorney-General)</p> <p>1. The Office of the Attorney-General is the highest authority in public prosecution.</p> <p>2. The Office of the Attorney-General shall be headed by the Attorney-General who shall, in his or her absence or inability to act, be replaced by the longest-serving Deputy Attorney-General.</p> <p>3. The Attorney-General shall be accountable to the Head of State and shall submit annual reports to the National Parliament.</p> <p>4. The Attorney-General shall request the Supreme Court of Justice to make a generally binding declaration of unconstitutionality of any law ruled unconstitutional in three concrete cases.</p> <p>5. Deputy Attorney-Generals shall be appointed, dismissed or removed from office by the President of the Republic after consultation with the Superior Council for the Public Prosecution.</p> <p>6. The law shall determine the organisation, composition and functioning of the Office of the</p>			

<p>Attorney-General and of the Superior Council for the Public Prosecution.</p>			
<p style="text-align: center;">Section 126 (Superior Council for the Public Prosecution)</p> <p>1. The Superior Council for the Public Prosecution is the organ of management, administration and internal discipline of the Public Prosecution.</p> <p>2. The Superior Council for the Public Prosecution shall be headed by the Attorney-General and shall comprise the following members:</p> <ul style="list-style-type: none"> a) One designated by the President of the Republic; b) One elected by the National Parliament; c) One designated by the Government; d) One elected by the magistrates of the Public Prosecution from among their peers. <p>3. The law shall regulate the competence, organisation and functioning of the Superior Council for the Public Prosecution.</p>			

<p>Chapter III</p> <p>Lawyers</p>			
<p style="text-align: center;">Section 127 (Lawyers)</p> <p>1. Legal and judicial aid is of social interest, and lawyers and defenders shall be governed by this principle.</p> <p>2. The primary role of lawyers and defenders is to contribute to the good administration of justice and the safeguard of the rights and legitimate interests of the citizens.</p> <p>3. The activity of lawyers shall be regulated by law.</p>			
<p style="text-align: center;">Section 128 (Guarantees in the activity of lawyers)</p> <p>1. The State shall, in accordance with the provisions of the law, guarantee the inviolability of documents related to legal proceedings. No search, seizure, listing or</p>			

<p>other judicial measures shall be permitted without the presence of the competent magistrate and, whenever possible, of the lawyer concerned.</p> <p>2. Lawyers have the right to contact their clients personally with guarantees of confidentiality, especially where the clients are under detention or arrest in military or civil prison centres.</p>			
<p style="text-align: center;">CHAPTER VIII</p> <p style="text-align: center;">INCOMPATIBILITIES</p>			
<p style="text-align: center;">Section 129 (Incompatibilities)</p> <p>1. The holding of the offices of President of the Republic, Speaker of the National Parliament, President of the Supreme Court of Justice, Prime Minister, President of the High Administrative, Tax and Audit Court, Attorney-General, Minister, Deputy Minister, Provincial Governor and Secretary of State shall be incompatible with one another.</p>		<p>Remark: Section to be inserted after Section 65 on Organs of Sovereignty.</p>	

2. The law shall define other incompatibilities.			
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DRAFT CONSTITUTION	RECOMMENDATIONS MADE BY THE THEMATIC COMMITTEES	RECOMMENDATIONS MADE BY THE SYSTEMATIZATION AND HARMONIZATION COMMITTEE	OBSERVAÇÕES
PART IV ECONOMIC AND FINANCIAL ORGANIZATION			
TÍTULO I GENERAL PRINCIPLES			
<p style="text-align: center;">Section 130 (Economic organization)</p> <p>The economic development of East Timor shall be based on the combination of community forms with free initiative and business management, as well as on the co-existence of the public sector, the private sector and the cooperative and social sector of ownership of means of production.</p>			

<p style="text-align: center;">Section 131 (Natural resources)</p> <p>1. The resources of the soil, the subsoil, the territorial waters, the continental shelf and the exclusive economic zone, which are essential to the economy, shall be owned by the State and shall be used in a fair and equitable manner for the benefit of the Nation.</p> <p>2. The conditions for the exploitation of the natural resources referred to above should lend themselves to the establishment of mandatory financial reserves, in accordance with the law.</p>			
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<p style="text-align: center;">Section 132 (Foreign investment)</p> <p>The State shall promote foreign investment taking into consideration the national interests, in accordance with the law.</p>			
<p style="text-align: center;">Section 133 (Land)</p> <p>Ownership, use and development of land as one of the factors for economic production shall be regulated by law.</p>			
<p style="text-align: center;">TITLE II</p> <p style="text-align: center;">FINANCIAL AND TAX SYSTEM</p>			

<p style="text-align: center;">Section 134 (Financial system)</p> <p>The structure of the financial system shall be determined by the law in such a way as to guarantee that savings are encouraged and built up with security and that the financial resources necessary for economic and social development are provided.</p>			
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<p style="text-align: center;">Section 135 (Central Bank)</p> <ol style="list-style-type: none"> 1. The State shall establish a national central bank jointly responsible for the definition and implementation of the monetary and financial policy. 2. The Central Bank shall have exclusive competence for issuing the national currency. 		<p>Amendment to item 1: “The Central Bank shall cooperate in the definition of the monetary and foreign exchange policy of the Government and shall implement it in an autonomous manner.”</p>	
<p style="text-align: center;">Section 136 (Tax System)</p> <ol style="list-style-type: none"> 1. The State shall establish a tax system aimed at meeting the financial requirements of the State and the fair distribution of national income and wealth. 2. Taxes shall be established by law, which shall determine the incidence, tax benefits and the guarantees of taxpayers. 		<p>Addition of item 3: The tax law shall have no retroactive effect.</p>	

<p style="text-align: center;">Section 137 (State Budget)</p> <ol style="list-style-type: none">1. The State Budget shall be prepared by the Government and approved by the National Parliament.2. The Budget law shall provide, based on efficiency and effectiveness, a breakdown of the revenues and expenditures of the State, and shall preclude the existence of secret appropriations and funds.3. The execution of the Budget shall be the subject of review by the High Administrative, Tax and Audit Court and by the National Parliament.			
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DRAFT CONSTITUTION	RECOMMENDATIONS MADE BY THE THEMATIC COMMITTEES	RECOMMENDATIONS MADE BY THE SYSTEMATIZATION AND HARMONIZATION COMMITTEE	NOTES
<p>PART V</p> <p>NATIONAL DEFENCE AND SECURITY</p>			
<p style="text-align: center;">Section 138 (Defence Forces)</p> <p>1. The Defence Forces of East Timor FALINTIL/FDTL have the responsibility for providing military defence of the Democratic Republic of East Timor and shall be composed exclusively of national citizens.</p> <p>2. FALINTIL/FDTL shall guarantee national independence, territorial integrity and the freedom and security of the populations against any aggression or external threat in respect for the constitutional order.</p> <p>3. FALINTIL/FDTL shall be non-partisan and shall</p>			

<p>owe obedience to the competent organs of sovereignty in accordance with the Constitution and the laws, and shall not intervene in political matters.</p>			
<p style="text-align: center;">Section 139 (Police and security forces)</p> <ol style="list-style-type: none"> 1. The police shall defend the democratic legality and guarantee the internal security of the citizens, and shall be strictly non-partisan. 2. Prevention of crime shall be undertaken with due respect for human rights. 3. The law shall determine the rules and regulations for the police and other security forces. 		<p>Addition to item 1:</p> <p>It is the responsibility of the police to guarantee the security of people and goods, public order and tranquillity in keeping with a State based on the rule of law.</p>	
<p style="text-align: center;">Section 140 (Superior Council for Defence and Security)</p> <ol style="list-style-type: none"> 1. The Superior Council for Defence and Security is the consultative organ of the President of the Republic on matters relating to defence and security. 2. The Superior Council for Defence and Security shall be headed by the President of the Republic and shall include civilian and military entities, the number of civilian entities being higher than the 		<p>Addition to item 2:</p> <ol style="list-style-type: none"> 2. The Superior Council for Defence and Security shall be headed by the President of the Republic and should include civilian, police and military entities, the number of civilian entities being higher than the number of 	

number of military entities. 3. The composition, organisation and functioning of the Superior Council for Defence and Security shall be defined by law.		other entities.	
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DRAFT CONSTITUTION	RECOMMENDATIONS MADE BY THE THEMATIC COMMITTEES	RECOMMENDATIONS MADE BY THE SYSTEMATIZATION AND HARMONIZATION COMMITTEE	NOTES
<p>PART VI</p> <p>CONSTITUTIONAL REVISION</p>		<p>Create a title for <u>Guarantee and Revision of the Constitution.</u></p>	
<p style="text-align: center;">Section 141 (Power to initiate, and time of, constitutional revision)</p> <p>1. It is incumbent upon Members of Parliament and the Parliamentary Groups to initiate constitutional revision.</p> <p>2. The National Parliament may revise the Constitution after four years have elapsed since the last date on which a law revising the Constitution was published.</p> <p>3. The National Parliament, regardless of any timeframe, may assume powers to revise the Constitution by a majority of four-fifths of the</p>			

<p>Members of Parliament in full exercise of their functions.</p> <p>4. Proposals for revision should be submitted to the National Parliament one hundred and twenty days prior to the date of commencement of debate.</p> <p>5. Before a revision process begins, the President of the Republic should consult the Supreme Court of Justice and the National Parliament.</p>			
<p style="text-align: center;">Section 142 (Approval and promulgation)</p> <p>1. Amendments to the Constitution shall be approved by a majority of two-thirds of the Members of Parliament in full exercise of their functions.</p> <p>2. The new text of the Constitution shall be published together with the revision law.</p> <p>3. The President of the Republic shall not refuse to promulgate a revision law.</p>			
<p style="text-align: center;">Section 143 (Limits on matters of revision)</p> <p>Laws revising the Constitution shall respect:</p>			

<ul style="list-style-type: none">a) National independence and the unity of the State.b) The rights, freedoms and guarantees of citizens;c) The republican form of government;d) The separation of powers;e) The independence of the courts;f) The multi-party system and the right of democratic opposition;g) The universal, direct, secret and regular suffrage of the office holders of the organs of sovereignty, as well as the system of proportional representation.h) The separation of the State from the Church and other religious denominations.i) The autonomy of local government.j) The National Flag.			
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<p style="text-align: center;">Section 144 (Limits on time of revision)</p> <p>No action may be taken to revise the Constitution during a state of siege or state of emergency.</p>			

DRAFT CONSTITUTION	RECOMMENDATIONS MADE BY THE THEMATIC COMMITTEES	RECOMMENDATIONS MADE BY THE SYSTEMATIZATION AND HARMONIZATION COMMITTEE	NOTES
PART VII TRANSITIONAL AND FINAL PROVISIONS			
<p style="text-align: center;">Section 145 (Motherland freedom fighters)</p> <p>1. The State shall recognise the high significance and value of the actions undertaken by the veteran fighters who resisted the foreign occupation of the territory of East Timor and fought for its independence .</p> <p>2. After the official declaration of independence of the State of East Timor, the Government shall promote adequate official ceremonies to pay tribute, decorate or award medals to the freedom fighters referred to in item 1 above, the lists of whom shall be appropriately publicised.</p>	<p>Addition:</p> <p>1. The State shall recognise the high significance and value of the actions undertaken by the veteran fighters, the war disabled, orphans, messengers, and widowers who dedicated their life for the liberation of the country.</p>		
Section 146			

<p style="text-align: center;">(Treaties, agreements and alliances)</p> <p>All treaties, agreements, conventions and alliances entered into before independence that are contrary to the interests of the people of East Timor shall be reviewed.</p>			
<p style="text-align: center;">Section 147 (Working Languages)</p> <p>Indonesian and English shall be working languages within civil service side by side with official languages as long as deemed necessary.</p>			
<p style="text-align: center;">Section 148 (Serious Crimes)</p> <p>1. Acts committed between the 25th of April 1974 and the 31st of December 1999 that can be considered crimes against humanity shall be liable to criminal proceedings with the competent national and international courts.</p> <p>2. Without prejudice to the contents of item 1</p>			

<p>above, special courts composed of national and international judges with power to judge serious crimes committed between the 1st of January and the 25th of October 1999 shall remain in office for the time deemed strictly necessary to complete pending cases.</p>			
<p style="text-align: center;">Section 149 (Provisional competence of the Supreme Court of Justice)</p> <p>Pending the establishment of the courts set out in Section 121, their competencies shall be exercised by the Supreme Court of Justice and other courts of law.</p>			
<p style="text-align: center;">Section 150 (Previous Law)</p> <p>Laws and regulations in force in East Timor shall continue to be applicable to all matters except to the extent that they are inconsistent with the Constitution or the principles contained therein.</p>			
<p style="text-align: center;">Section 151 (Transformation of the Constitutional Assembly)</p>			

<p>1. The Constitutional Assembly shall be transformed into a National Parliament with the approval of the Constitution of the Republic.</p> <p>In its first term of office, the National Parliament shall be comprised of eighty-eight members on an exceptional basis.</p>			
<p style="text-align: center;">Section 152 (Entry into Force)</p>		<p>Addition:</p> <p>The Constitution of the Democratic Republic of East Timor shall enter into force on the 20th of May 2002.</p> <p>Section 2.7, Regulation 2001/2:</p> <p>The Constitution shall enter into force on the day of independence of East Timor. However, the Constitution or some of its provisions, namely those relating to elections, may enter immediately into force, provided that the Transitional Administrator so agrees.</p>	

