

JUDICIAL SYSTEM MONITORING PROGRAMME
PROGRAMA DE MONITORIZAÇÃO DO SISTEMA JUDICIAL

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**Use of the Portuguese language makes it hard for a number of
parliamentarians to debate the draft civil code**

On 31 May, Committee A of National Parliament organized a plenary session to debate the Draft Civil Code in National Parliament. One of the members of parliament, Natalino do Santos, representing the CNRT bench, raised the issue of the use of Portuguese, which is making it difficult for them to engage in a thorough discussion and take decisions about the Draft Civil Code which is a very lengthy document which has important applications in the daily lives of citizens.

JSMP Director Luis de Oliveira Sampaio stated that “JSMP is pleased to see that finally a large number of people are raising language as an important issue in order to increase participation in the drafting of laws to produce laws of high quality that truly reflect the cultural context of Timor-Leste”.

JSMP has serious concerns about this issue, because the parliament is a crucial body that produces legislation, and if members of parliament find it difficult to express their opinions or participate in discussion on draft legislation, then what about the majority of ordinary citizens who don't understand Portuguese? What can they do to contribute or participate to the legal drafting process, a process that is extremely important in their lives.

The aforementioned Member of Parliament raised this issue in relation to the submission of the Draft Civil Code by the Minister of Justice, Lúcia Lobato, in National Parliament. The aforementioned Member of Parliament commented that this draft law is very lengthy and has been split into five books. He then stated that the Civil Code covers many issues and has important applications in the lives of citizens. Therefore this draft law needs to be discussed properly.

However, in reality the members of Committee A have not read the entire contents of the draft law because it is so lengthy, which has been exacerbated by the fact the document is written in Portuguese and the numerous legal terms make it difficult for them to understand the draft law and discuss it properly in order to make well informed decisions. Therefore, they requested the Minister of Justice to prepare the draft law in Tetum and provide explanations on the legal terms used.

The Minister of Justice confirmed that the Ministry has already translated this draft law into Tetum, however the Tetum version is still difficult to use in discussion because it does not properly reflect what was written in the Portuguese version. Nevertheless, the Ministry will endeavor to present the draft law in Tetum and will aim to be present when the draft law is discussed in parliament, in order to provide clarification to members of parliament about difficult legal terms.

Even though there are difficulties with the language, JSMP congratulates the members of Committee A for working hard to discuss this draft law and present their opinions to the chair of Parliament. JSMP hopes that the competent bodies and the entire community will work together to promote Tetum as a national language, and more importantly as a language to be used in the legislative process, so that everyone can give their opinion and contribute to the drafting of top quality laws that truly reflect the circumstances of the people of Timor-Leste as a whole.

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