



REGULATION NO. 2001/3

**ON THE ESTABLISHMENT OF
THE CENTRAL CIVIL REGISTRY FOR EAST TIMOR**

The Special Representative of the Secretary-General (hereinafter: Transitional Administrator),

Pursuant to the authority given to the Transitional Administrator under United Nations Security Council resolution 1272 (1999) of 25 October 1999,

Taking into account United Nations Transitional Administration in East Timor (UNTAET) Regulation No. 1999/1 of 27 November 1999 on the Authority of the Transitional Administration in East Timor,

After consultation in the National Council,

For the purpose of establishing a Central Civil Registry,

Promulgates the following:

Section 1

The Central Civil Registry

- 1.1 There shall be a Central Civil Registry for East Timor.
- 1.2 The Central Civil Registry shall maintain a register of the residents of East Timor.
- 1.3 The headquarters of the Civil Registry shall be located in Dili with such regional or district offices established as necessary for the achievement of the purposes of the Civil Registry as specified in the present Regulation.
- 1.4 The Central Civil Registry shall constitute an office within the Cabinet portfolio of Internal Administration established pursuant to UNTAET Regulation No. 2000/23.

Section 2
Purpose

- 2.1 The Central Civil Registry is established for the purpose of:
- (a) verifying and registering the identity and residence of residents of East Timor;
 - (b) issuing identity cards to such persons of the age of sixteen (16) years and above who are duly registered in the Central Civil Registry;
 - (c) furnishing data to the duly constituted competent authorities for the compilation of electoral lists for East Timor;
 - (d) providing aggregate data (as defined in Section 2.2 of the present Regulation) to such departments or other organizational components of UNTAET as may be provided by UNTAET Regulation; and,
 - (e) issuing civil documents confirming such matters as birth, marriage, divorce, death, and adoption of children.

2.2 For the purposes of Section 2.1(a), where the Central Civil Registry duly verifies and registers the identity and residence of a resident of East Timor, and such person is determined to fall within the category of “long term resident” under section 6.1(b) of the present Regulation, the registration of such person shall be notified to the duly constituted competent authority of the Government of East Timor with responsibility for immigration.

2.3 For the purposes of Section 2.1(d) of the present Regulation, the term “aggregate data” shall denote compiled statistical information in a format in which it is impossible to associate any information about an individual with the identity of the individual to whom the data pertains.

Section 3
Manner of Collection of Information

3.1 For all purposes of the present Regulation, the Central Civil Registry shall collect and process only such information as is provided in Schedule A to the present Regulation.

3.2 The Central Civil Registry shall take such steps as are reasonable to ensure that, before it acts pursuant to this Section, all residents of East Timor are generally made aware of:

- (a) the purpose for which information is being collected;
- (b) the type of information that is to be collected; and,
- (c) the procedures established for the collection and registration of such information in the Central Civil Registry, including the administrative and legal rights of those subject to any collection of information or to the registration process.

Section 4
Registrar General

4.1 Upon the recommendation of the Cabinet officer responsible for the portfolio of Internal Administration, the Transitional Administrator shall appoint a Registrar General. The Registrar General shall report to the Transitional Administrator through the Cabinet Officer responsible for the portfolio of Internal Administration.

4.2 The terms and conditions of employment of the Registrar General shall be prescribed by UNTAET directive.

4.3 The Registrar General shall be the principal officer and administrative head of the Central Civil Registry, and shall be responsible for the management of the Central Civil Registry and the due exercise of its functions.

4.4 The Registrar General shall be vested with such incidental powers as are proper and necessary for the exercise of his or her management and administrative functions. Such management and administrative authority vested in the Registrar General may, as appropriate, be delegated by the Registrar General to any subordinate official of the Central Civil Registry.

4.5 The Registrar General may formulate, as appropriate, administrative procedures required to carry out the functions of the Registry, and, where necessary, shall submit the same for promulgation by UNTAET directive in accordance with UNTAET Regulation No. 2000/23.

Section 5
Registration

5.1 Registration with the Central Civil Registry shall be mandatory for all residents of East Timor (as defined in Section 6 of the present Regulation) who have attained the age of sixteen (16) years and who do not suffer from any mental or legal incapacity. Registration with the Central Civil Registry shall be available to all others who satisfy the requirements for registration. Parents and family members have a duty to accomplish registration for persons under the age of sixteen (16) years, and for those persons over sixteen (16) years of age who suffer from mental or legal incapacity, who qualify for registration under the present Regulation.

5.1.1 The birth of a baby shall be reported to the Central Civil Registry by the mother, father or other family member within four weeks of the said birth.

5.1.2 The death of a person shall be reported to the Central Civil Registry by the next of kin or other family member, or by any other person cognizant of the passing of the deceased within 4 weeks of the said death.

5.1.3 Sections 5.1.1 and Sections 5.1.2 shall apply only on or after 1 September 2001.

5.2 The Registrar General shall duly register with the Central Civil Registry all persons who are residents of East Timor (as defined in Section 6 of the present Regulation) who satisfy the applicable provisions of the present Regulation.

5.3 The Registrar General shall issue a proof of registration to each registered person upon his or her registration.

5.4 The Registrar General shall take such steps as are reasonable to ensure that the information registered in the Central Civil Registry is accurate and complete.

Section 6 Residents of East Timor

6.1 For the purposes of the present Regulation, a resident of East Timor is a person falling within the category of “habitual resident” or “long-term resident”

- (a) “Habitual resident” denotes
 - (i) a person born in East Timor,
 - (ii) a person born outside East Timor but with at least one parent having been born in East Timor, or
 - (iii) a person whose spouse falls under either of the two categories above.
- (b) “Long-term resident” denotes a person, other than a habitual resident, who has resided in East-Timor for more than 182 cumulative days within any consecutive period of 12 month.

6.2 Notwithstanding Section 6.1 of the present Regulation, for the purposes of the present Regulation, the class of persons considered as residents of East Timor shall not include

- (a) “representative staff” as defined in Regulation 2000/31 on the Establishment of Representative Offices of Foreign Governments in East Timor, or the spouses or children thereof; or
- (b) officials of the United Nations or other international governmental organizations, or the spouses or children thereof

unless such person satisfies the requirements of “habitual resident” and requests registration with the Central Civil Registry.

Section 7 Identity and Eligibility

7.1 Residents of East Timor to be registered with the Central Civil Registry in accordance with the present Regulation shall establish their identity and eligibility for registration by one or more of the following means:

- (a) an official document issued by any State or organ thereof, including an identification card, passport or any other travel document, containing the photograph or fingerprint of persons to be registered;
- (b) an official document or documents, other than a document which falls within the category established by Section 7.1 (a) of the present Regulation, issued by a State or organ thereof, or by an agency or organ of the United Nations, supported where necessary by independent corroborative evidence, either written or oral;
- (c) a document or documents issued by religious organizations in accordance with the policies of such organizations, supported where necessary by independent corroborative evidence, either written or oral;
- (d) a document or documents issued in East Timor prior to 30 August, 1999 by other institutions and entities including, but not limited to, educational, health, political organizations, public utilities and other quasi-official bodies, supported by independent corroborative evidence, either written or oral; or
- (e) residents of East Timor who do not possess documentation covered under the criteria in Sections 7.1 (a) to (d), inclusive, of the present Regulation may be able to establish their identity, to the satisfaction of the Registrar General, by the supportive evidence of two witnesses who are unrelated to the applicant.

7.2 Additional methods of establishing identity and eligibility of residents of East Timor for registration in the Central Civil Registry may be defined by procedures prescribed in accordance with Section 4.5 of the present Regulation.

Section 8 Identity Card

8.1 Any person aged sixteen (16) years and above who is duly registered by the Civil Registry as a habitual resident in accordance with the present regulation is entitled to receive an identity card issued by the Civil Registry. Such identity card shall be proof of the identity and residence of such person and that he or she is a habitual resident of East Timor.

8.2 Any person aged sixteen (16) years and above who is duly registered as a long-term resident in accordance with the present regulation is entitled to receive an identity card issued by the Civil Registry. Such identity card shall be proof of the identity and residence of such person and that he or she is a long-term resident of East Timor.

8.3 The format and content of identity cards that shall be issued pursuant to Sections 8.1 and 8.2 of the present Regulation shall be prescribed by UNTAET directive in accordance with Section 4.5 of the present Regulation. The cards for habitual residents and long-term residents will be different in their appearance.

8.4 Neither registration nor the issue of an identity card by the Civil Registry pursuant to the present Regulation shall confer upon any person the right of citizenship of East Timor or the entitlement to claim the right of citizenship of East Timor.

Section 9 Refusal and reconsideration

9.1 The Registrar General shall provide written reasons for the refusal to register a person as habitual or long-term resident of East Timor.

9.2 The Registrar General may reconsider a previous refusal of registration if competent new or additional evidence is presented.

9.3 The Registrar General may reconsider a registration carried out pursuant to the present Regulation if presented with new evidence that suggests that the original registration was based on false, misleading or otherwise unsatisfactory evidence. In such case, the Registrar General shall:

- (a) make reasonable efforts to inform the registered person concerned of the substance of the new evidence presented;
- (b) provide such person reasonable opportunity to present new evidence or arguments in support of the original registration; and,
- (c) determine, in light of all the circumstances, whether the registration should be revoked.

9.4 If the Registrar General, acting in accordance with Section 9.3 of the present Regulation, determines that a registration should be revoked, the Registrar General shall order the rectification of the register, and shall order the cancellation of the identity card previously issued and the cards of any otherwise ineligible dependent children of the person previously registered.

Section 10 Right of Appeal

10.1 Any person aggrieved by a decision of the Registrar General concerning registration or the denial of registration in the Civil Registry shall have the right of appeal to the Registration Appeals Commission established under Section 11 of the present Regulation.

10.2 Any person aggrieved by a decision, or failure to make a decision, on the part of the Registration Appeals Commission in respect of an appeal under Section 10.1 of the present Regulation, shall have the further right of appeal to the Court of Appeal pursuant to Section 14.2 of UNTAET Regulation 2000/11.

Section 11
Registration Appeals Commission

- 11.1 There shall be a Registration Appeals Commission (hereinafter the “Commission”).
- 11.2 The Commission shall hear and decide appeals submitted pursuant to Section 10.1 of the present Regulation.
- 11.3 The Commission shall be composed of one or more panels, each panel comprising of two international members and three members of East Timorese origin.
- 11.4 The Commission’s rules of procedure and evidence shall be promulgated by UNTAET Directive on recommendation of the Commission.
- 11.5 In the performance of its functions, the Commission shall function as an independent body, and shall act without bias or prejudice and in accordance with its impartial assessment of the facts as presented, without improper influence from any source.

Section 12
Membership of Registration Appeals Commission

- 12.1 Upon the recommendation of the Cabinet officer responsible for the portfolio of Internal Administration, the Transitional Administrator shall appoint Members of the Registration Appeals Commission as provided in Section 11 of the present Regulation. The Commission Members so appointed shall report to the Transitional Administrator through the Cabinet officer responsible for the portfolio of Internal Administration.
- 12.2 The Transitional Administrator shall designate one Member of the Registration Appeals Commission appointed pursuant to Section 12.1 of the present Regulation as the President of the said Commission. The President shall be responsible for the management of the functions of the Commission and for ensuring the due exercise of its functions. The President shall be vested with such incidental powers as are proper and necessary to exercise such management and administrative functions.
- 12.3 The terms and conditions of employment of the President and members of the Registration Appeals Commission shall be prescribed by UNTAET directive.

Section 13
Non-Disclosure and General Conduct

- 13.1 Persons appointed to serve on the staff of the Registry shall declare in writing that they shall keep confidential all matters of confidential nature that come into their possession in the performance of their functions and duties as established by the present regulation. Such restriction shall apply also after separation from office.
- 13.2 Persons appointed to serve on the staff of the Registry shall perform their respective functions in accordance with the present regulation and the applicable law in East Timor as defined in Section 3 of UNTAET Regulation No. 1999/1.

Section 14

Limits on Use and disclosure of Central Civil Registry information

14.1 The use or disclosure, or attempted use or disclosure, to any person of any information collected pursuant to the present Regulation, which use or disclosure is not specifically provided for in the present Regulation, shall be an offence and subject to the criminal jurisdiction of the District Courts of East Timor.

14.2 An offence against Section 14.1 of the present Regulation shall be subject to the criminal jurisdiction of the District Courts of East Timor. The penalty for such offence shall be either a fine not exceeding one thousand dollars (\$1,000) or a term of imprisonment not exceeding one year, or both. In determining the appropriate penalty for an offence under this Section, the Court may also order that an offender be required to perform unpaid community work.

Section 15

Right of Individual to Have Access to and to Correct Information

15.1 A person registered by the Central Civil Registry shall have the right of access to all information registered in respect of that person, and the right to have corrected any such information as may be erroneous, as provided in this Section.

15.2 The Registrar General shall establish appropriate procedures to assure the following:

- (a) that any registered individual may communicate a request to review or verify his or her information registered with the Central Civil Registry to any official of the said Registry;
- (b) that such a request may be made at any office of the Central Civil Registry and in any language, oral or written, which can be understood;
- (c) that, upon receipt of such request, the Central Civil Registry shall, within five (5) working days, provide to the requester the information which has been requested; and,
- (d) that any information claimed by the requester to be inaccurate shall forthwith be corrected, according to the same standards of evidence as used for original registration.

15.3 It shall be an offence to deny, or interfere with, the lawful access to stored information on the part of the person, the subject of such information, as provided in the Section 15.1 of the present Regulation.

15.4 An offence under Section 15.3 of the present Regulation shall be subject to the criminal jurisdiction of the District Courts of East Timor. The penalty for such offence shall be either a fine not exceeding one thousand dollars (\$1,000) or a term of imprisonment not exceeding one year, or both. In determining the appropriate penalty for an offence under this Section, the Court may also order that an offender be required to perform unpaid community work.

Section 16
Storage and Security of Registry Information

The Registrar General shall ensure that:

- (a) the information collected and processed in accordance with the present Regulation is protected by such security safeguards as is reasonable in the circumstances to take, against loss, unauthorized access, use, modification or disclosure, and against other misuse; and,
- (b) where information collected and processed in accordance with the present Regulation is lawfully transmitted to a person or entity as is permitted under Section 2 of the present Regulation or under any UNTAET directive, everything reasonable within the power of the Registrar General is done to prevent unauthorized use or disclosure of information so conveyed.

Section 17
Implementation

The Transitional Administrator may make directives prescribing all matters, which by the present Regulation are required or permitted to be prescribed, for the implementation of the present Regulation.

Section 18
Entry into Force

This Regulation shall come into force on the day of signature.

Sergio Vieira de Mello
Transitional Administrator

SCHEDULE A

Pursuant to Section 3 of, and for the purposes of the present Regulation, the Central Civil Registry shall be authorized to collect and process only the following information in respect of any person subject to any registration or data collection processes of the Central Civil Registry:

1. the family name and given names of such person;
2. the gender of such person;
3. the date and place of birth of such person;
4. the residential address of such person;
5. details in respect of the document proving of the identity of such person;
6. the names of the parents (or legal guardians) and the dates and places of birth of the parents (or legal guardians) of such person
7. the marital status of such person; and,

where such person has attained sixteen (16) years of age and has requested registration with the Central Civil Registry,

8. a digital photograph of such person;
9. the signature or thumb print of such person;
10. the height of such person; and
11. the color of the eyes of such person