

Law No.10/2008
of 16 July

THE PRACTICE OF MARTIAL ARTS

The practice of martial arts in Timor-Leste assumes a significant social and cultural importance, particularly among the younger segments of citizens, and teaching such arts also constitutes a means of inculcating fundamental values and principles in the conduct and character of their practitioners and admirers.

Nevertheless, considering the particularly dangerous nature of some of the techniques used in the practice of martial arts as well as the sense of responsibility required for promoting, teaching, and learning them, it is imperative that a legal framework be established, followed by a specific regulatory statute, so that the principles of public order and respect for the rights, freedoms and guarantees of the citizens can be ensured.

Since the Timorese society has been witnessing to a departure from the original objective of this kind of activity, a situation that has been causing an increase in criminality and violence, the need arises to legalize the existing martial arts associations and teaching/learning centres and to put in place mechanisms for authorizing the establishment of such associations and teaching/learning centres.

On the other hand, and in order to ensure compliance with the provisions of the present statute and discourage the exercise of activities devoid of proper legal framework, provisions have been made for applying disciplinary sanctions, including the incrimination of individuals or corporate bodies practicing, teaching, learning, or inciting the practice of such activities without proper authorization.

Several entities have been consulted, including the Office of the Prosecutor- General, the Dili District Court, the Office of the Provedor for Human Rights and Justice and the Human Rights Unit of the United Nations Mission in Timor-Leste, the contribution of which have been fundamental for the preparation of the present law whose objective is to define and regulate the practice of several modalities of martial arts existing in Timor-Leste.

Thus,

Pursuant to article 95.1 of the Constitution of the Republic, the National Parliament enacts the following to have the force of law:

Article 1 Definitions

For the purposes of the present statute,

- a) “Martial arts” shall mean techniques consisting of traditional, native and cultural practices memorised routinely or by training standards, many a times identified as sport modalities and accompanied with combat training, as well as the creative bodily movements introduced in such techniques which, given their dangerous nature, are to be considered to be similar;
- b) ‘Centres, clubs or schools intended for the practice of martial arts’ shall mean entities or groups of citizens whose common objective is to promote and organise physical activities for the learning and training of martial arts techniques with sporting, formative, ludic, social or defensive purposes of the practitioners.

Article 2 Prior Authorisation

1. Pursuant to the present statute, the exercise of the following activities shall be conditional upon authorisation:
 - a) Teaching, learning, and practicing of martial arts;
 - b) The establishment of centres, clubs or schools intended for practicing the activities identified in the previous subparagraph;
 - c) The holding of public exhibitions of any modality or the practice of such activities;
 - d) Membership in international organisms, centres or other organisations the objectives of which include any of the activities provided for and defined in the preceding article.

Article 3 Juridical nature of the centres, clubs or schools

1. The practice of martial arts may only take place in public or private places certified by the centres, clubs or schools as intended for such activities.
2. Each centre, club or school intended for the practice of martial arts shall be established as non-profit, civil associations, pursuant to Decree Law No. 5/2005 of 3 August, and shall adopt a denomination distinguishing it and individualising the type of the modality or technique being developed.
3. Centres, clubs or schools integrated in associations which are also dedicated to other activities shall constitute independent sections and shall be responsible for the strict observance of the contents of the present statute and the respective regulatory norms.

4. Centres, clubs or schools intended for the practice of martial arts shall be prevented from integrating into, or associating in any manner whatsoever to, political parties.

Article 4

Establishment and registration of centres, clubs or schools

1. In addition to meeting the requirements provided for in Decree Law No. 5/2005 of 3 August for establishing non-profit associations, centres, clubs or schools intended for the practice of martial arts shall identify the facilities for the exercise of such activities, the respective authorisation of the facilities' owner to utilise them, and shall identify at least one manager in charge of every fifty practitioners.
2. Managers in charge of practitioners at centres, clubs or schools shall present a copy of the civilian identification card, a criminal record certificate, a medical certificate attesting to their physical and mental fitness to teach martial arts, certified experience in the field of the respective sport modality, and shall have completed 21 years of age.
3. The request of authorisation for establishing a centre, club or school intended for the practice of martial arts shall be submitted to the Martial Arts Regulatory Commission together with the elements referred to in paragraph 1 above.
4. Following the favourable opinion of the Martial Arts Regulatory Commission, centres, clubs or schools intended for the practice of martial arts shall request the registration of their association with the Directorate of Registry and Notary Services, pursuant to Decree Law No. 5/2005 of 3 August.

Article 5

Subsidiary application

As non-profit civilian associations, the establishment and formation of centres, clubs or schools intended for the practice of martial arts shall be governed by the provisions of Decree Law No. 5/2005 of 3 August in all that is not contained in the present statute or in the respective regulatory norm.

Article 6

Teaching, learning and practice of martial arts

1. Authorization for teaching, learning and practicing martial arts shall only be granted to individuals physiologically fit and offering guarantees of moral and civic maturity in respecting the established social order.
2. The fact that an individual has been judicially sentenced for committing crimes against the security of the State, the public order, life, physical integrity, or

personal or sexual freedom may constitute lack of maturity for the purposes of the preceding paragraph.

3. It shall be incumbent upon the centres, clubs and schools intended for the practice of martial arts to evaluate the fitness of their practitioners.
4. The association shall maintain an up-dated file with the identification of all practitioners.

Article 7 Martial Arts Regulatory Commission

1. The Martial Arts Regulatory Commission, hereinafter also referred to as Regulatory Commission, is hereby established under the tutelage of the Secretariat of State for Youth and Sports.
2. The Regulatory Commission shall be composed of four members and one chairperson.
3. The office of chairperson shall be exercised by a representative of the Secretariat of State for Youth and Sports to be appointed by the respective Secretary of State.
4. The remaining members of the Regulatory Commission shall be composed of one representative of the Ministry of Justice, one representative of the Ministry of Education, and two representatives of the centres, clubs or schools of martial arts elected by the latter.
5. The Regulatory Commission shall also have one technical adviser and one secretary appointed by the Secretary of State for Youth and Sports on proposal of the chairperson of the Regulatory Commission and chosen from among individuals with adequate knowledge, merit and maturity to exercise the inherent functions.

Article 8 Competency

1. It shall be incumbent upon the Martial Arts Regulatory Commission to:
 - a) Examine and provide opinions on requests of authorization for the establishment of centres, clubs and schools intended for the practice of martial arts;
 - b) Cancel authorisations already granted for the establishment of centres, clubs or schools intended for the practice of martial arts;

- c) Endorse the choice of the managers of centres, clubs and schools of martial arts as well as the election of their representatives in the Regulatory Commission;
 - d) In cooperation with the centres, clubs and schools provide guidance to the respective programmes of activities as well as technical assistance through technical advisers;
 - e) Issue directives on dissemination, teaching, learning and practice of martial arts;
 - f) Monitor the activities of the centres, clubs and schools of martial arts as well as the practice of related modalities;
 - g) Initiate and decide on disciplinary proceedings;
 - h) Establish the set-up of sub-commissions at the district level for the exercise of its competencies;
 - i) Propose to the Secretariat of State for Youth and Sports the appropriate measures for the execution of the present statute and the respective regulatory norms;
2. Decisions of the Regulatory Commission shall be approved by majority and shall be subject to endorsement by the Secretariat of State for Youth and Sports, and any appeal thereof shall be filed with the Council of Sports Ethics, pursuant to provisions to be defined by the basic law on sports.
 3. The Regulatory Commission may assign its competencies to district sub-delegations as well as assign the competencies provided for in subparagraphs a), f) and i) of paragraph 1 above to *suco chiefs*.

Article 9 Tutelage

1. The Martial Arts Regulatory Commission shall depend on the Secretariat of State for Youth and Sports and shall be technically autonomous.
2. The following shall constitute revenues of the Regulatory Commission:
 - a) Appropriations allocated by the Secretariat of State for Youth and Sports;
 - b) Proceeds from fines.
3. Expenses of the Regulatory Commission shall be all the expenses resulting from its functioning.

Article 10
Disciplinary responsibility

1. Any violation by the centres, clubs or schools to the provisions of the present statute, the respective regulatory norms, or the directives of Regulatory Commission may result in disciplinary proceeding to be initiated by the Regulatory Commission, without prejudice of the same juridical fact or illicit conduct constituting simultaneously a criminal offence, with the subsequent establishment of a criminal proceeding.
2. Disciplinary offences by centres, clubs or schools shall mean those disciplinary offences committed by their respective managers or instructors, without prejudice to the personal liability of the latter for the respective offences committed.
3. The list of conducts susceptible of constituting disciplinary offences and the respective disciplinary proceeding shall be the object of a specific regulation to be prepared by the Regulatory Commission and approved by the Secretary of State for Youth and Sports.

Article 11
Disciplinary Sanctions

1. Under the disciplinary proceeding, the Regulating Commission may apply the following disciplinary sanctions to centres, clubs or schools intended for the practice of martial arts:
 - a) Warning;
 - b) Fine up to a maximum of US\$2,000;
 - c) Suspension of activity up to a maximum of four years;
 - d) Closing of activity;
2. Instructors, managers and practitioners may be the object of the following disciplinary sanctions:
 - a) Warning;
 - b) Fine up to a maximum of US\$ 200;
 - c) Suspension to practice martial arts up to a maximum of two years;
 - d) Exclusion.

Article 12

Cumulation

Where one same fact constitutes simultaneously a disciplinary offence and a criminal offence pursuant to the Criminal Code, the perpetrator shall be punished as a criminal offender, without prejudice to the application of sanctions for disciplinary offences.

Article 13 Aggravation

The teaching, learning or practice of martial arts for committing acts susceptible of constituting a criminal conduct shall be considered an aggravating circumstance and the perpetrator shall be punished with the penalty applicable to the respective crime as aggravated by one third of its minimum and maximum limits.

Article 14 Illicit Practice

Any person who, after being warned by a legal authority that his or her conduct is contrary to the present statute, teaches, learns, or practices any modality of martial arts outside of the facilities duly authorised and certified by the centres, clubs or schools for such purposes shall incur a crime of disobedience.

Article 15 Illicit exercise of activity

Any person who, after being warned by a legal authority that his or her conduct is contrary to the present statute, explores, manages, or otherwise maintains facilities for practicing or teaching martial arts without being legally authorised shall incur the crime of qualified disobedience.

Article 16 Exception

The teaching, learning and practice of any modality of martial arts by members of the defense force or the police in the framework of the exercise of their functions and in harmony with instructions superiorly approved shall not be governed by the juridical regime provided for in the present statute.

Article 17
Transitional Provisions

1. Centres, clubs or schools of martial arts currently in existence and operational as of the date of entry into force of this statute shall have one hundred and twenty days to regularise their status with the Secretariat of State for Youth and Sports.
2. The competences of the Regulatory Commission shall transitorily be exercised by the Secretariat of State for Youth and Sports until such time as the Government decree determining the establishment and the statutes of the Regulatory Committee is approved.

Article 18
Revocatory Norm

All legal provisions contrary to the present statute are hereby revoked.

Article 19
Entry into force

The present statute shall enter into force on the 60th day after the date of its publication.

Approved on 23 June 2008

The Speaker of the National Parliament,

Fernando La Sama de Araújo

Promulgated on 4 July 2008

For publication.

The President of the Republic,

Dr. José Ramos Horta