



Presidential & Legislative Elections 2017

**European Union
Election Observation Mission
to Timor-Leste 2017**



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LIST OF ABBREVIATIONS

ANFREL	Asian Network for Free Elections
ANTL	Ajénsia Notísia Timor-Leste (Timor-Leste’s News Agency)
APMT	Partido Associação Popular Monarquia Timorese (Timorese People’s Monarchy Association)
ATLEOM	Australian Timor-Leste Election Observation Mission
BUP	Koligasaun – Bloku Unidade Popular (Popular Unity Bloc)
CAC	Comissão Anti-Corrupção (Anti-Corruption Commission)
CASDT	Partido Centro Ação Social Democrata Timorese (Timorese Social Democratic Association)
CNE	Comissão Nacional de Eleições (National Election Commission)
CNRT	Congresso Nacional de Reconstrução de Timor-Leste (National Congress for Timorese Reconstruction)
CoA	Court of Appeal (Tribunal de Recurso)
EMB	Electoral Management Body
EU EOM	European Union Election Observation Mission
FRETILIN	Frente Revolucionária do Timor-Leste Independente (Revolutionary Front for an Independent Timor)
GMN	Grupo Media Nacional (National Media Group)
KHUNTO	Kmanek Haburas Unidade Nasional Timor Oan (Party for the Enhancement of Timorese National Unity)
LSTO	Locally-Recruited Short-Term Observer
LTO	Long-Term Observer
MLPM	Partido Movimento Libertasaun Povo Maubere (Maubere People’s Liberation Movement Party)
MTC	Municipal Tabulation Centre
NDI	National Democratic Institute
NGO	Non-Governmental Organisation
OCV	Out-of-Country Voting
F-M	Partido Frente-Mudança (Front for Change Party)
PC	Polling Centre
PD	Partido Democrático (Democratic Party)
PDC	Partido Democrata Cristão

PDHJ	Provedoria dos Direitos Humanos e Justiça (Ombudsman for Human Rights and Justice)
PDN	Partido do Desenvolvimento Nacional (National Development Party)
PDP	Partido ba Dezenvolvimentu Popular (People’s Development Party)
PEP	Partido Esperança da Pátria (Patriotic Hope Party)
PLP	Partido da Libertação Popular (People’s Liberation Party)
PNTL	Polícia Nacional de Timor-Leste (National Police of Timor-Leste)
PR	Partido Republicano (Republican Party)
PS	Polling Station
PSD	Partido Social Democrática (Social Democratic Party)
PST	Partido Socialista de Timor (Socialist Party of Timor)
PTD	Partido Timorense Democrático (Democratic Timorese Party)
PUDD	Partido do Unidade Dezenvolvimentu Demokratiku (Unity for Democratic Development Party)
RAEOA	Região Administrativa Especial de Oe-Cusse Ambeno (Special Administrative Region of Oecusse Ambeno)
RHTO-DPO	Ra’es Hadomi Timor Oan - Disabled Persons’ Organisation
RTL	Rádio Timor-Leste (Radio Timor-Leste [state-owned])
RTTL	Rádio e Televisão de Timor-Leste (Radio and TV of Timor-Leste [state-owned])
SCJ	Supreme Court of Justice (Supremo Tribunal de Justiça de Timor-Leste)
STAE	Secretariado Técnico de Administração Eleitoral (Technical Secretariat for Electoral Administration)
TVTL	Televisão de Timor-Leste (Timor-Leste [state-owned] Television)
UDT	União Democrática de Timor (Timorese Democratic Union)
UNDERTIM	Unidade Nacional Democrática da Resistência Timorense (National Unity of Timorese Resistance)
UNDP	United Nations Development Programme
ZEESM	Zona Especial de Economia Social de Mercado (Special Economic and Social Market Zone)

- The 2017 Timorese presidential and legislative elections were respectively the fourth and third held since the country gained independence in 2002, and were the first elections organised by the Timorese electoral management bodies (EMB) without logistical or operational support by the United Nations Mission, which departed the country in 2012. Nevertheless, some important assistance was still provided by international agencies. The CNE (National Election Commission) and the Technical Secretariat for Electoral Administration (STAE), the Timorese electoral management bodies (EMBs), demonstrated their capacity to organise well-administered, transparent and inclusive elections in a peaceful environment.
- The legal framework for elections is in line with international commitments and allows for inclusive and transparent elections. Nonetheless, avoiding late changes to the election laws would have contributed to greater legal certainty and stability. Amendments reducing the CNE's competencies do not contribute to enhancing independent oversight of the electoral process and may adversely affect its institutional sustainability.
- Both election campaigns were mostly peaceful and low key. Basic freedoms of expression, association and movement were respected. Political parties signed a pact pledging to conduct conflict-free elections and mostly complied with campaign rules. Abuse of the advantage of incumbency and of state resources, noted during previous electoral processes, continues to be a problem. Some cases of voter intimidation during the legislative campaign period were reported to EU observers.
- The legal framework for campaign finance is vague and incomplete and does not ensure a level playing field. The CNE, which is responsible for campaign funding oversight, lacks a clear competency to supervise this area, and the legal framework does not contain appropriate sanctions for breaches of the law. The absence of spending ceilings favours FRETILIN and CNRT and poses a challenge to parties with fewer financial resources.
- The criteria for candidate eligibility for the presidential and legislative elections are in line with international obligations for democratic elections and include no discriminatory or excessive restrictions. The Court of Appeal rejected three parliamentary election candidacies for not fulfilling eligibility requirements. A comprehensive list of candidates in each competing party and coalition was not published for the legislative elections, which raised the prospect of voters going to the polls without detailed knowledge of who was standing for election.
- The legal framework for the media guarantees press freedom in Timor-Leste, though there is still much room for improvement. Media outlets at the national level represented generally a valuable platform of electoral-related information for voters, but citizens'

right to access electoral information in rural areas was limited. Recent legal changes reducing CNE's media supervisory mandate and transferring them to a governmental body challenge international principles regarding independent media supervision during elections. While the constitutionally guaranteed freedom of expression was respected, defamation remains a criminal offence, contrary to international best practice.

- Media monitoring conducted by the EU EOM indicates that Rádio-Televisão Timor-Leste (RTTL) offered generally balanced coverage of the electoral campaigns, although the state radio did not grant all presidential candidates equal free airtime as required by law. Televisão Timor-Leste also did not comply with its public service obligations because it offered no electoral coverage on either election day until the start of each tabulation process. Private media coverage of the electoral campaigns was generally balanced with the notable exception of Radio Maubere, which granted almost all airtime to FRETILIN. During the presidential campaign *Jornal Nacional Diário* was biased in favour of Francisco Guterres Lú-Olo. Radio Maubere and the newspapers *Suara Timor Lorosae*, *Timor Post* and *Jornal Nacional Diário* breached electoral silence. RTTL and private TV GMN were used by CNRT and FRETILIN office holders to advertise public works, constituting misuse of the advantage of incumbency.
- Both election days took place in a peaceful and orderly manner. EU observers visited in the course of both presidential and legislative elections over 120 polling stations throughout the country and in most cases evaluated positively the opening, polling and closing procedures. Shortcomings noted in the presidential elections, particularly inconsistent ink verification before voting and failure to distribute copies of results protocols to party agents, were largely overcome in the legislative election. However, the legislative elections also saw a marked increase of ballot and voter reconciliation during the counting procedures. Nonetheless, EU observers concluded that voters cast their ballot in secrecy, free of influence. The tabulation processes were evaluated in most cases as orderly, well organised and transparent.
- The legal framework provides sufficient opportunity for lodging complaints and appeals and for obtaining effective remedy at all stages of the election process. The campaign periods were fundamentally peaceful and calm, with only a limited number of minor complaints, which were resolved without problems by the CNE. There were no appeals against national provisional results for either presidential or legislative elections.
- In accordance with the EU EOM's mandate, this report offers a series of recommendations to improve future electoral processes in Timor-Leste. The EU EOM considers that six of these recommendations should be given priority due to their importance:
 1. Consolidating electoral legislation into a single Electoral Code and Electoral Regulations.

2. Restoring CNE's competence as the supervisory body to approve regulation of the electoral laws.
3. Avoiding changes to electoral laws during a clearly defined time interval prior to elections.
4. Amending the legal framework for campaign finance to ensure a level playing field.
5. Giving the CNE a clear competency to supervise campaign finance.
6. Introducing measures to improve gender parity

1. INTRODUCTION

Following an invitation to observe the 2017 elections, the EU signed Memoranda of Understanding with the Government of Timor-Leste and the National Election Commission (CNE), and deployed an Election Observation Mission (EU EOM) on 13 February to observe the 20 March presidential election. After a break of four weeks the EOM returned on 3 June to follow the 22 July legislative election. The EU EOM left the country on 8 August. The Mission was led by Izaskun Bilbao Barandica, a Member of the European Parliament from Spain. For the presidential election, the EU EOM comprised a core team of seven analysts based in Dili, 16 Long Term Observers (LTOs), and one Locally-Recruited Short Term Observer (LSTO) from the EU diplomatic community. The Mission was joined by a seven-person delegation of Members of the European Parliament, led by Ana Gomes, an MEP from Portugal. For the legislative elections, the EU EOM increased the number of LTOs to 26 to cover all 13 municipalities of Timor-Leste, and was joined by three LSTOs from the EU diplomatic community and a four-person delegation of Members of the European Parliament, again led by Ana Gomes. Observers were drawn from 25 EU Member States as well as Norway and Switzerland. The EU EOM was independent in its findings and conclusions and operated in accordance with the Declaration of Principles for International Election Observation, commemorated at the United Nations in October 2005.

2. THE POLITICAL LANDSCAPE

2.1 BACKGROUND

On 20 March 2017 Timor-Leste held its fourth presidential election since the country gained independence in May 2002. The 22 July 2017 parliamentary elections were the third since independence. These were the first presidential and legislative elections organised by the Timorese electoral management bodies (EMBs) since the last United Nations Mission, which lent crucial logistical and operational assistance, departed the country in 2012. Nevertheless, important technical support to the 2017 electoral process and EMBs was provided by a range of international agencies, facilitating the smooth implementation of the elections.¹

The political arena remains dominated by figures associated with securing Timor-Leste's liberation, a factor that fuelled campaign debates in both elections over a perceived reluctance by veterans to hand power to a new generation, and the preparedness of younger politicians to run the country. The elections took place as Timor-Leste was seeing a progressive decline in

¹ UNDP, funded by the governments of Japan and Korea, supported the Timorese EMBs with voter and civic education, media and legal advice, as well as IT support for counting. Other organisations lending support to the EMBs and/or civil society during the electoral period included Plan International, the National Democratic Institute (NDI), the International Republican Institute (IRI), and the International Foundation for Election Systems (IFES), the latter three funded by USAID.

its revenues from the petroleum fund on which it has been relying to finance the annual state budget.

The country is in talks with Australia to renegotiate an agreement on their maritime boundary, the outcome of which will determine future exploration activities and related infrastructure plans. State spending on large infrastructure projects and a perceived need to focus on non-oil revenues were controversial issues that shaped both election campaigns.

2.2 ELECTORAL SYSTEM

Under Timor-Leste's semi-presidential system, the President exercises the functions of head of state but holds limited executive powers. S/he can veto legislation, but this can be overridden by parliament. The President is elected in one national constituency and on an uninominal list for a five-year tenure, renewable once. If no candidate wins an absolute majority of valid votes (50% plus one), a second round takes place between the two candidates with the highest scores.

The 65 members of the National Parliament are elected in one national constituency through a closed-list, proportional representation system for a five-year term. The threshold for parties to access parliamentary seat allocation was raised in May 2017 from 3% to 4%, a change that drew criticism from several political parties. The D'Hondt highest average formula is used for the allocation of seats. The Prime Minister, appointed by the President on the recommendation of the party or coalition with the majority of seats, is head of government. Since 2011 competing parties have been required to include one woman in every three candidates on party lists, which resulted in Timor-Leste having the highest number of women parliamentarians in the Asia-Pacific region, with 25 female MPs out of 65 in the 2012-2017 parliament.

2.3 POLITICAL ACTORS

The political landscape is diverse but two parties, FRETILIN and CNRT, have between them occupied most parliamentary seats since 2007. The political environment prior to the 2017 elections was characterised by a power-sharing arrangement involving these two parties, in which there was no vocal opposition in parliament. Following the 2012 elections, CNRT leader Xanana Gusmão became prime minister and formed a coalition with the Democratic Party and Fretilin-Mudança, with FRETILIN in opposition. However, in 2015 Gusmão oversaw a cabinet reshuffle and appointed members of FRETILIN to government positions, including Rui Maria de Araújo as Prime Minister. Gusmão stepped down from that role to preside over the new Ministry of Planning and Strategic Investment, which controls much of the country's economy, including major government projects.

Gusmão, a resistance veteran who became Timor-Leste's first president after independence (2002-2007), has played a decisive role in the outcome of every presidential election held since. In 2007 and 2012 he supported, respectively, the candidacies of former prime minister and Nobel Peace Prize laureate Jose Ramos Horta and fellow resistance figure Taur Matan Ruak, both of whom ran as independents and who secured second-round victories. In March 2017 Gusmão backed FRETILIN's candidate, Francisco Guterres (Lú-Olo), who won after only one round. It was Lú-Olo's third attempt at the presidency.

The political consensus between the two main parliamentary parties contributed to a peaceful electoral environment in which all parties and candidates demonstrated a willingness to avoid conflict and where "unity" and "stability" were central themes of most election platforms. While CNRT and FRETILIN were each aiming to win an absolute majority in the legislative polls, which no party had achieved since the 2001 Constituent Assembly poll, the focus on national unity in both of their campaigns signalled the possibility of their entering a power-sharing arrangement similar to that in place since 2015.

Eight candidates ran for the presidency. Only two competed as political party representatives, namely the former Speaker of Parliament Francisco Guterres (Lú-Olo) of FRETILIN and Minister for Education António da Conceição of the Democratic Party. Although some of the remaining six candidates were linked to political parties, they all ran as independents. They were António Maher Lopes, Amorim Vieira, José António de Jesus das Neves, José Luis Guterres, Maria Ângela Freitas da Silva (the only woman on the ballot), and Luís Alves Tilman.

FRETILIN's candidate, Lú-Olo, was backed by Xanana Gusmão, and also had the support of the Patriotic Hope Party (PEP), led by Gusmão's brother, Manuel Higinio Juvenal de Gusmão, and by the CASDT party (Timorese Social Democratic Association Centre). Conceição was supported by KHUNTO (Party for the Enhancement of Timorese National Unity), the People's Liberation Party (PLP) and the United Democratic Development Party (PUDD).

Outgoing president Taur Matan Ruak did not seek re-election but set up the PLP, much as Gusmão had done when he established CNRT towards the end of his presidential mandate in 2007. President Ruak's relationship with the government had grown increasingly fractious since the 2015 reshuffle, and he described himself as the "opposition" in the absence of any in the parliament. The emergence of the PLP affected the presidential campaign and focused attention on the upcoming legislative elections, and Ruak drew criticism for setting up a party during his presidential mandate.

Lú-Olo took the presidency after only one round with 295,048 votes, amounting to 57.1% of the valid vote (see results in Annex 3, below). Runner-up Conceição won 32.5% (167,794 votes). The highest score among the remaining six candidates was that of Jose Luis Guterres,

leader of the Fretilin party but who ran as an independent, at 2.6% (13,513 votes). Turnout was 71%, down from 78% and 73% in the first and second rounds of 2012.

Twenty parties and one coalition competed in the legislative elections, the same number of electoral competitors as in 2012. Polling took place four months after FRETILIN gained the presidency. The contestants in the parliamentary elections included the four incumbent parliamentary parties: CNRT, FRETILIN, the Democratic Party (PD) and Fretilin. Only two lists – those of KHUNTO and PTD (Timorese Democratic Party) – were headed by a woman. The PLP was one of five parties competing in elections for the first time. The others were the Patriotic Hope Party (PEP), United Democratic Development Party (PUDD), the Maubere People's Liberation Movement Party (MLPM) and the Timorese Social Democratic Association Centre (CASDT). In the 2012 elections, KHUNTO fell short of the 3% threshold by some 150 votes.

FRETILIN won with 168,480 votes (29.66%), granting the party 23 seats in Parliament, 10 short of an absolute majority. It was closely followed by CNRT with 167,345 votes (29.46%) and 22 seats; the People's Liberation Party (PLP) with 60,098 (10.58%) and eight seats; the Democratic Party (PD) with 55,608 (9.79%) and seven; and KHUNTO with 36,547 (6.43%) and five. PLP and KHUNTO will enter parliament for the first time. Turnout was 76.7%, up from 74.8% in 2012.

3. THE LEGAL FRAMEWORK FOR ELECTIONS

3.1 THE CONSTITUTION AND INTERNATIONAL COMMITMENTS

The national legal framework provides the basis for democratic, competitive and credible elections. Timor-Leste is a member of the United Nations and has signed and ratified the most relevant international treaties related to human rights and fundamental freedoms. These include the International Covenant on Civil and Political Rights, the International Convention on the Elimination of Racial Discrimination, the Convention on the Elimination of all forms of Discrimination against Women, the Convention on the Rights of the Child, the Convention Against Torture, the International Covenant on Economic, Social, and Cultural Rights, the UN Convention Against Corruption, and the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families. Timor-Leste has yet to ratify the Convention on the Rights of Persons with Disabilities, and has been under increasing pressure from national civil society groups to do so.

3.2 CONSTITUTIONAL HUMAN RIGHTS AND ELECTIONS

The Constitution is the supreme law and enshrines all fundamental rights and freedoms, including guarantees of the rights of expression, assembly, association and movement, and promotion of equality in the exercise of civil and political rights and non-discrimination based

on gender for access to political positions. The new Penal Code, which entered into force in 2009, incorporates international human rights standards and a chapter delineating 14 electoral offences. The Constitution incorporates the rights contained in the Universal Declaration of Human Rights.

The Ombudsman for Human Rights and Justice (PDHJ) has the constitutional mandate to report on human rights and governance issues, including the competence to undertake analysis of legislation and request the Supreme Court of Justice to rule on constitutionality. When the Anti-Corruption Commission (CAC) became operational in 2011, aspects relating to the Ombudsman's mandate to combat corruption were assigned to this new Commission. Parliament has yet to adopt the draft anti-corruption law, which would strengthen CAC to fully implement its useful function. Similarly, due to insufficient political will, the PDHJ has not undertaken to comment on legislative initiatives and the CAC has not investigated money politics and the origin of political party and campaign funding. Both deploy monitors to follow and report on the use of state resources and participation of civil servants during election campaign periods.

3.3 ELECTORAL LAWS

The main legal framework governing elections includes the Constitution of the Democratic Republic of Timor-Leste (2002), Law No. 7/2006 on Election of the President of the Republic (amended in 2007, 2011, twice in 2012, and 2017), Law No. 6/2006 on Election of the National Parliament (amended in 2011, 2012 and 2017), Law No. 5/2006 on Election Administration Bodies (amended in 2007 and 2016), Law No. 3/2004 on Political Parties (amended in 2016), the newly introduced Law No. 5/2014 on the Media, Law No. 6/2016 on Voter Registration and regulations issued by Government Decree.

Overall the legal framework is in line with international commitments and best practices and addresses all essential elements relating to the electoral process. Notwithstanding, electoral legislation is dispersed in a number of different laws that are not often reorganised into a coherent framework or translated comprehensively into Tetum. The practice of late introduction of amendments to electoral laws, combined with the government's new competence to regulate laws by decree, introduce legal uncertainty and open opportunity for political discretion.

3.4 LATE AMENDMENTS TO ELECTORAL LAWS

The electoral laws were subject to numerous amendments, including in the midst of the electoral period. Late introduction of amendments to electoral laws diminishes confidence in the legal framework. Avoiding changes to the electoral legal framework during a clearly defined time interval prior to elections, such as one year, as recommended by the Venice Commission, or six months, as suggested by the Protocol on Democracy and Good

Governance of the Economic Community of West African States (ECOWAS), would constitute good legislative practice and an important safeguard as it would help guarantee legal stability and predictability. This especially relates to fundamental rules relating to the transformation of votes into seats and rules relating to membership of electoral commissions.

The EU EOM noted the introduction of amendments to electoral laws both after the announcement of the definitive list of presidential candidates and after the legislative candidate registration period had opened. Both the fifth amendment to Law No. 7/2006 on Election of the President of the Republic and the fourth amendment to Law No. 6/2006 on Election of the National Parliament divest the National Election Commission (CNE) of its competency to approve the Technical Secretariat for Electoral Administration (STAE) regulations. Regulatory approval is conveyed to the government, including for presentation of candidate lists, campaigning, out-of-country voting, and polling, counting and results management, media, party agents and observers.

In promulgating amendments to the Law on Election of the President, the President exercised his constitutional right to send a message to Parliament in which he communicated his opinion that, apart from it not being advisable to reform electoral laws in the year of elections, the amended law raised serious political and constitutional doubts. The President expressed particular disagreement with divesting the independent election management body of the competency to approve STAE regulations.

The CNE reported to the EU EOM that the independent electoral supervisory body was asked to give an opinion only after the amendments to the law had been presented in Parliament. Normally the CNE would give a technical or legal opinion on amendments to electoral laws before they reached the plenary. Moreover, CNE internal regulations as published in the official gazette as recently as January 2017 attribute to the CNE the competency to approve regulation of all electoral laws. Supporters of the amendments, including the Prime Minister, claim it is more natural for a regulatory competency to lie with a body that itself has the competency to introduce legislation.

Amendments to the Law on Election of the National Parliament were promulgated only after the Court of Appeal issued an opinion on the constitutionality of three new provisions that were of concern to the President. The Court found that the mechanism to strip MPs of their mandate for not obeying party bench statutes, the move to criminalise unauthorised use of a party symbol during the campaign period, and the reduction in the independent CNE's mandate with assigning competence to the Government for regulating the election laws were all constitutional.

The amended law also raised the threshold for seat allocation from 3% to 4%. The process for increasing the threshold was not inclusive and was passed during the electoral period without sufficient public debate or consultation with all parties.

The responsibility for validating legislative candidate lists passed from the CNE to the Supreme Court of Justice (Court of Appeal). The CNE views the validation process as an administrative procedure that did not require involvement of the Court. This reassignment brought about consistency between the Law on Election of the National Parliament and the Law on Election of the President of the Republic, but at the same time further diminished the role of the CNE as an independent supervisory body.

The Constitution is clear in that supervision of voter registration and electoral acts shall be incumbent upon an independent body, the competencies of which shall be established by law. The amendments to the electoral laws reducing the CNE's mandate creates incoherence with the Law on Election Administration Bodies, which establishes CNE competence to approve regulation of the election laws. This is contradictory and results in the CNE having a competence it could no longer exert. It is additionally noteworthy that the 2016 amendments to the Law on Election Administration Bodies violated security of tenure as it prompted a dismissal of CNE commissioners and a reduction in the CNE composition from 15 to seven. The amendments also discontinued appointments to the CNE of civil society representatives, and gave the National Parliament the competency to elect the CNE President.

Political decisions to reduce the CNE's supervisory mandate do not contribute to enhancing independent oversight of the electoral process and adversely affect the election management body's institutional sustainability. Timor-Leste's chosen mixed model of electoral management, with an independent CNE supervising an election implementation body, STAE, that falls under the Ministry of State Administration, risks sustainability if, over a series of elections, the Constitution, electoral laws and regulations become inadequate for the CNE to effectively and efficiently execute its mandate and responsibilities.

3.5 ELECTORAL JUSTICE: SYSTEM FOR COMPLAINTS AND APPEALS RESOLUTION

The Supreme Court of Justice (SCJ) is the ultimate arbiter in electoral matters in Timor-Leste. A shortage of qualified judges at all levels of the judiciary, and especially higher levels, creates a debility in the system as there simply are not enough judges to establish the SCJ. Until establishment of the SCJ, the Court of Appeal (CoA) assumes its functions. This arrangement was not observed to jeopardise electoral justice. In addition to holding the function of registering political parties, the CoA screens presidential and legislative candidates for eligibility requirements and certifies final election results. Three CoA judges were appointed to deal with electoral issues.

The legal framework and regulations provide sufficient opportunity for electors and candidate representatives to lodge complaints and appeals during all stages of the electoral process, from voter and candidate registration through to certification of final results. The law provides for electoral petitions against decisions of the electoral administration to be submitted to the CoA.

Fourteen electoral crimes are described in the Penal Code and one in the recently amended Law on Election of the National Parliament. Electoral offences are punishable with fines or prison sentences that vary from three to eight years. The Attorney General gave instructions to prioritise electoral offences. The EU EOM became aware of only a handful of cases which were under investigation.

4. ELECTION ADMINISTRATION

4.1 INSTITUTIONAL FRAMEWORK: THE NATIONAL ELECTION COMMISSION (CNE) AND THE TECHNICAL SECRETARIAT FOR ELECTORAL ADMINISTRATION (STAE)

Timor-Leste has two Electoral Management Bodies (EMBs), each with separate and complementary competencies in the conduct of elections. The National Election Commission (CNE), a permanent collegial supervisory body, is tasked to enforce constitutional and legal provisions related to the electoral process. The Technical Secretariat for Electoral Administration (STAE), under the Ministry of State Administration, is tasked with the overall organisation and implementation of the elections with mainly administrative, logistic and consultative powers.

Both EMBs conducted presidential and parliamentary elections in an inclusive and professional manner and fundamental freedoms related to the conduct of elections were respected. Nevertheless, a few managerial shortcomings and delays related to remuneration and publication of deliberations were observed.

THE NATIONAL ELECTION COMMISSION

The election law guarantees the CNE's independence from political interference. It holds financial, administrative and organisational autonomy, and members cannot be removed from office during their five-year mandate, which is renewable only once. However, a June 2016 amendment to the Law on Election Administration Bodies resulted in the sudden dismissal of the CNE's 15 commissioners. The independent body expressed strong dissatisfaction with the interruption of its tenure. The President of the Republic stated that the amendment was contrary to principles of legal certainty enshrined in the Constitution. Furthermore, two government decrees on the presidential and legislative elections removed competencies from

the CNE in the weeks ahead of the polls (see above section 3.4 Late Amendments to Electoral Laws).

The newly established CNE comprises seven members: one appointed by the President of the Republic, three elected by the National Parliament, one appointed by the Government, one judge elected from amongst peers, and one judge from the Attorney General's office.² Political parties and civil society organisations expressed overall satisfaction with the CNE's performance.

CNE plenary meetings require a quorum of absolute majority and deliberations are taken by consensus in closed sessions during the key stages of the electoral process. CNE is required to work transparently, as established in its internal regulations. Deliberations are public documents, to be made available on the CNE official website or publicised by its spokesperson. The EU EOM noted that this requirement was not adhered to. The swift publication of deliberations would have contributed to the integrity of the elections. Dissemination of progressive national tabulation results on CNE's website and the online publication of all polling centre results protocols for both presidential and parliamentary elections constituted an important transparency measure.

Although the use of social media platforms such as Facebook to inform the public was negligible, CNE communication with stakeholders, the public and with political parties was positive, making use of a media centre³ for *ad hoc* press conferences. The CNE President participated in debates and election-related programmes on public television. In collaboration with the Press Council, the Anti-Corruption Commission and the Ombudsman for Human Rights and Justice, the CNE organised televised debates for the presidential and legislative elections.

THE TECHNICAL SECRETARIAT FOR ELECTORAL ADMINISTRATION

The Law on Electoral Administration Bodies defines the STAE as an indirect state administration service with technical and administrative autonomy. It is mandated with the implementation of election operations and for maintaining the voter register database. Headed by a general director, and aided by two deputy-directors, its organic structure includes the director's cabinet and six departments: information technology, voter education and training, finance and administration, logistics, planning and works/implementation, and public

² The CNE's organic structure includes the plenary, its president, vice-president, a secretary and its four commissioners, supported by a permanent secretariat, a general director, three national directors, 12 municipal offices and an office in the Oecusse enclave.

³ A media advisor funded by International Foundation for Electoral Systems (IFES) provided assistance to CNE media department.

information and external relations. STAE is established with 13 municipal offices and can seek bilateral and multilateral financial support to aid in implementation of voter registration and polling activities.

STAE publishes the electoral calendar, conducts voter registration through updates to a biometric database, ensures public display of provisional voter lists and identifies and publishes polling station locations. It is responsible for training election staff, production of training manuals, finalising the ballot paper design, accrediting political party agents, observers and the media, and conducting voter education campaigns. Government Decrees No. 8/2017 and No.19/2017 introduced, for the first time, the requirement to provide out-of-country voting (OCV) for Timorese citizens living in Australia, Portugal, South Korea and the United Kingdom.

4.2 ELECTORAL CALENDAR AND PREPARATIONS

Electoral calendars for both polls were published within the eight-day legal deadline following the call for elections by the President.

An integral component of the CNE calendar was coordination of political parties' national campaign rallies. In accordance with Government Decree No. 17/2017, the CNE is responsible for notifying political parties if there is an overlap of venues or schedules. Parties must mutually agree on necessary changes. In this regard, close cooperation efforts were observed with political party representatives, the Ministry of Interior and Ministry of Defence. The police, the Ombudsman for Human Rights and Justice, the Civil Servants Commission, the Anti-Corruption Commission and the Commission for the Protection of Children all worked with the CNE in campaign monitoring activities.

It was noted that the CNE, in its overall supervisory capacity, did not take timely pro-active collaborative actions with STAE to ensure competent oversight and coherent implementation of key electoral steps, such as the public exhibition of the voter register at local level for inspection, the ballot paper production, or the registration and voting for out-of-country voters. Regular coordination and information-sharing meetings and a systematic concerted analysis of implementation challenges could have proved practical and advantageous. In so doing, the STAE could have better streamlined its operational calendar to ensure optimal implementation of procedures.

CNE temporary staff deployed to municipalities monitored pre-election events such as voter education, polling staff training and candidate rallies. Activities also extended to voting and counting. In easy-to-access locations, monitors were present and largely able to observe, however, its outreach to remote areas was reportedly limited due to lack of transportation. It

was noted that junior monitors lacked knowledge of the electoral framework. Improving their monitoring and reporting skills would allow the CNE to better undertake its oversight role.

STAE's operational schedule offered an overview of planned electoral preparations, however, the legal requirement to publicly display the voter register was not always adhered to. Deadlines well ahead of election day were set for candidates' and party agents' accreditation, and for observers and media. Operations planning included training of election staff and voter education campaigns, including for out-of-country, establishment of polling centres, election day, results tabulation, appeals and final announcement of results by the Court of Appeal.

Overall STAE completed technical preparations for the elections in a timely manner and efforts were made to respond to government decrees that introduced new procedures late in the process. However, for the legislative elections, delays were noted in the publication of voter registers and PC lists in the official gazette. Provisional voter lists were not comprehensively displayed for a public verification period as foreseen by law. STAE was challenged to achieve timely production of training manuals and conduct uniform and coherent training for election officers and polling staff. For legislative elections, approved candidate lists were not publicly communicated as required by law, and municipal STAE offices did not consistently implement the regulatory requirement for distributing identification stickers on voters' cards.

On 2 June, local elections were held in 10 newly created *sucos*: five in Dili municipality, two of which separated from Comoro, the country's largest *suco*; two in Aileu; two in Manatuto and one in Viqueque. *Sucos* constitute the smallest geographical voter registration and polling unit; the inopportune establishment of new *sucos* affected STAE's electoral planning, as the law requires the existence of at least one polling centre in each of the 452 *sucos*.⁴

STAE undertook the ballot paper design and was responsible for ensuring that political parties and candidacies approved its definitive version. The CNE expressed dissatisfaction regarding poor information-sharing by STAE and frustration that it was not consulted to contribute to the process. The final ballot papers, for both polls, lacked uniformity and standard presentation of candidatures and parties. Various sized fonts and configurations were accepted. The EMBs' electoral experience and technical capacity could have allowed for an improved harmonisation of candidate photographs and emblems on the ballot.

⁴ Local authorities under the Ministry for State Administration managed the poll. Candidates run as independents in *suco* elections. Turnout was reportedly high (up to 94 per cent in Manatuto, according to UNDP), and the process was conducted peacefully and without major problems. Second rounds were required in two Dili *sucos* on 17 June as no candidate won the required number of votes (50 per cent plus one).

The printing of ballots took place at the national printing house in Dili. STAE provided assurances as to the paper quality and the inclusion of security features. The manual binding of ballot paper booklets resulted in minor discrepancies in the number of ballots in each booklet of 50 ballots. A systematic and equal allocation of extra ballots to polling centres was not observed. Yet, STAE managed to allocate spare ballots where needed during election day. The United Nations Development Programme (UNDP) LEARN project was requested to supply standard indelible ink for the presidential poll which was used for the parliamentary elections four months later.

In line with international best practice, voting in hospitals and prisons was implemented. The Ministries of Justice and of Health informed STAE 20 days ahead of election day of the number of citizens requesting mobile voting. Counting of these ballots was conducted at the polling centres to which these mobile polling stations were assigned.

4.3. TRAINING OF ELECTORAL OFFICERS AND PARTY AGENTS

In an early phase of electoral preparations, STAE organised information sessions for its senior staff and municipal directors on the electoral calendar and changes to the legal electoral framework. For the presidential elections, STAE implemented training for some 850 polling officers (*brigadistas*), polling centre presidents and 11,210 polling staff. With the increase of 174 polling stations for the legislative elections, additional staff were recruited and trained.

The EU observed a mostly efficient training of election officers (*brigadistas*) and polling staff and noted this had improved from the presidential elections. Interactive, well-resourced and instructional training sessions were offered in most municipalities. Election officials received adequate-quality manuals on voting and counting procedures. In Dili, training was reinforced with an extra day that included simulations on voting and counting procedures and practice exercises of filling out results protocols. However, the EU EOM noted an uneven quality and expertise of election officials. In Baucau and Viqueque, observers assessed the overall training as insufficient, the methodology inadequate and noted initial shortages of supporting materials.

There were reports of delayed disbursement of CNE funds to lower-level election officials, but with seemingly limited impact on CNE's work. Irregular payment transfers to STAE municipal offices was more problematic and at times hampered STAE's performance; delays were observed in the start of polling staff trainings for both elections and some unnecessary financial hardship for personnel.

The STAE centrally accredited candidates' and party agents for both elections. Over 3,200 candidates' agents and 15,525 party agents were accredited for the presidential and parliamentary elections respectively. In contrast with the presidential elections where only

two agents were allowed per polling station, Government Decree No.17/2017 provided for up to five party agents per polling centre and station, only one of whom was allowed inside a polling station at a time.

Although the decree refers to STAE's responsibility to provide training to party agents prior to the delivery of accreditations, it seemed unrealistic that STAE would have the capacity to provide dedicated training sessions for such a large number of agents, or their representatives. STAE made a public offer to respond to training requests as submitted by parties.

4.4 VOTER AND CIVIC EDUCATION

Apart from voter education and civic information broadcasts by CNE and STAE on national media and community radios, STAE officers promoted voter education sessions at *suco* level, using flipcharts to convey basic concepts, such as political party participation, as well as voting and counting procedures. STAE further promoted voter information sessions in public schools. Overall, STAE trainers seemed professional and shared information was accurate and useful. According to STAE, election-related tensions decreased due to long-term educational programmes.

Notwithstanding, the EU EOM noted that participation in these sessions was low, and citizens complained of a lack of information in remote areas. In Baucau, Lautém and especially in Oecusse observers reported few voter education activities. The EU EOM assessed the level of awareness of the elections among Oecusse's urban and rural populations as poor, and noted a lack of knowledge about candidates or even the date of the election.

CNE carried out civic education sessions in all municipalities. These were hosted by commissioners and targeted civil society organisations, political parties, PNTL and journalists to discuss electoral regulations and procedures. Additionally, CNE broadcast weekly programmes on community radio stations. Diaspora communities, where the government decided to offer registration and voting services, were included in civic education activities. It was noted that visits to the diaspora side-tracked senior CNE staff from supervisory responsibilities ahead of both the presidential and parliamentary elections.

In the run-up to the legislative election, CNE's website provided practical information on the D'Hondt method to allocate seats in the National Parliament. The website also offered information regarding the approved calendar of campaign activities for the 21 competing political parties and coalition.

The UNDP LEARN project, in cooperation with STAE and CNE, produced several one-minute public service announcements for TV. These targeted different groups and provided specific polling and voting information.

5. REGISTRATION OF POLITICAL PARTIES AND CANDIDATES

5.1 LEGAL FRAMEWORK

The criteria for candidate eligibility for the presidential and legislative elections are in line with international obligations for democratic elections and include no discriminatory or excessive restrictions. The first amendment to Law No. 3/2004 on Political Parties in January 2016 introduced a significant change in relation to signature requirements for registration. Political parties must now gather a minimum of 20,000 signatures of registered voters, with a minimum of 1,000 signatures originating from registered voters in each of the 13 municipalities. Political parties must be registered at least six months in advance of elections. Under the previous law parties needed to collect only 1,500 signatures and there was no regional requirement. The Court of Appeal holds the mandate to register political parties.

An amendment to the Law on Election of the National Parliament, introduced between the two elections, extended the class of election candidates who have immunity from prosecution, by raising from one to three years the minimum potential sentence a candidate faces for immunity to be forfeited.

In addition to screening presidential candidates, and in accordance with recent amendments, the Court of Appeal also now holds the function of screening parliamentary candidates for eligibility requirements. Presidential candidates must hold original citizenship, be at least 35 years old, and be proposed by a minimum of 5,000 voters. Under Timor-Leste's closed-list, proportional representation system, the parties and coalition competing in the parliamentary elections were required to submit lists of 65 candidates plus an additional 25 reserve candidates. They also had to include one woman in every three candidates on their lists.

5.2 ADMISSION AND REFUSAL OF CANDIDACIES

The deadline for submissions of presidential candidacies to the Court of Appeal was 5 February 2017. Candidate registration was completed on 18 February, and no applications were rejected by the Court. For the parliamentary elections, parties and coalitions were required to submit candidacies by 1 June. The Court of Appeal rejected three lists submitted by two parties: the ASDT (Timorese Social Democratic Association, which submitted two rival lists), and PPT (Timorese Popular Party). On 14 June, the Court confirmed on appeal the

decisions rejecting the three lists, emphasising that the parties had not followed basic rules including a requirement to hold a congress.

5.3 PUBLICATION OF CANDIDATE LISTS

To lend legal certainty to voters' choice regarding competing candidates, it is considered international best practice to publish candidate lists. A comprehensive list of candidates for each competing party and coalition was not published for the legislative elections, which raised the prospect of voters going to the polls without detailed knowledge of who was standing for election. This lack of transparency limited voters' right to information. STAE did not comply with its legal obligation to communicate on national radio and other media over three consecutive days the definitive list of admitted candidacies once notified of this information by the Court. Parties were allowed until up to 21 days before election day to make substitutions and finalise their lists, but there was no legal requirement for the final lists to be made public after this substitution period ended. Despite calls by national civil society organisations, the lists were not officially published.

6. CAMPAIGN FUNDING AND RESOURCES

6.1 LEGAL FRAMEWORK

The legal framework for campaign finance is vague and incomplete and does not ensure a level playing field. The EU EOM 2012 recommended more effective enforcement and accountability regarding campaign finance, but seemingly little has been accomplished in this area. The CNE, which is responsible for campaign funding oversight, lacks a clear competency to supervise this area, and the legal framework does not contain appropriate sanctions for breaches of the law. An investigation into CNRT campaign funding dating back to the 2012 election has still not been dealt with by the courts.

The financing of election campaigns is covered in Law No. 3/2004 on Political Parties and subsequent amendments; Law No. 6/2008 on the Legal Regime for the Financing of Political Parties; and Government Decrees No. 5/2017 and 18/2017, which contain, respectively, the campaign regulations for the presidential and parliamentary elections.

Parliamentary parties are entitled to an annual state subsidy distributed according to the number of seats held. In the 2017 budget some US\$6 million was allocated for this purpose. In a welcome step, an amendment to the Law on Political Parties (January 2016) provides for

electoral contestants to receive campaign funding from the state.⁵ However, the provision is vague, including the wide potential gap between the US\$1 and US\$10 payable per vote obtained. The law also omits any specific reference to a state subvention for presidential candidates, which led to confusion among candidates and election authorities following the March 2017 election. A decision was finally made to grant no state funding to presidential candidates.

While donations are forbidden from a number of sources, including foreign parties, the law establishes no ceiling on contributions from eligible donors, or on campaign spending, which favoured the FRETILIN candidate during the presidential election and FRETILIN and CNRT during the legislative campaign compared to candidates and parties with fewer resources. Except for candidates from these two parties, contestants in both elections said financing a competitive campaign was a major challenge.

There are many more gaps in the legislation, not least the absence of a clear definition of a donation, and whether it covers goods or services in-kind, discounts on goods or services, or preferential treatment such as low interest rates on loans or free airtime. There is no defined cumulative threshold for clear reporting of a donor's identity and the amounts or services received, and no definition of illegal donations, not just from banned sources but on funds or services from legal donors procured through illegal means. Contributions from one donor or third-party source are also not limited, which could facilitate strong influence by specific individuals or organisations on parties or candidates.

Presidential candidates and political parties must submit their campaign accounts to the CNE, which is mandated to audit them within 30 days and publish the audited accounts within 45 days of receiving them from the parties. This was not complied with for the presidential elections. At the time of writing, it was too early to verify the situation with regard to the legislative elections.

6.2 ABUSE OF STATE RESOURCES AND ADVANTAGE OF INCUMBENCY

Misuse of the advantage of incumbency was reported by the 2012 EU EOM and has continued to be a problem in the 2017 elections. No measures to regulate this area have been introduced. During the presidential campaign, contrary to the Constitution and the regulatory framework, high-level government and state administration officials were observed campaigning for the FRETILIN candidate. No action was taken in this regard by the CNE. In Oecusse, a ZEESM (Special Economic and Social Market Zone) truck was used to transport

⁵ During the 2012 legislative elections, and although not covered under the legal or regulatory framework, the Council of Ministers issued a decree granting all participating political parties US\$20,000 and coalitions US\$35,000.

voters to and from a FRETILIN campaign event, constituting an abuse of state resources. A promotional video for ZEESM was broadcast during a FRETILIN campaign event, in breach of a ban on the use of names and symbols of state institutions during campaigning.

Inaugurations by CNRT and FRETILIN leaders of several major infrastructure projects days before and on the first day of the legislative campaign did not contribute to a level playing field. While such inaugurations of public works close to elections are not explicitly forbidden by law, previous EU EOMs have considered them not in line with international best practice. The Special Administrative Region (RAEOA) in Oecusse erected billboards promoting these projects and offering a discount to households that topped up their electricity account. Within the electoral context, such discounts could be construed as a misuse of state resources. Office holders also used state-owned media during the legislative campaign to showcase public works projects.

6.3 CAMPAIGNING BY CIVIL SERVANTS

One of the campaign principles provided in the Law on Election of the President is the impartiality of public entities towards candidates. The Government Decree regulating the campaign for presidential elections prohibits candidates, their representatives and campaign staff from using public office holders as instruments for electoral propaganda purposes. The Law on Election of the National Parliament provides the same campaign principles of impartiality on the part of public entities towards candidates. In contrast, the Government Decree regulating the legislative elections campaign, issued in May 2017, does not specifically prohibit candidates, their representatives and campaign staff from using public office holders as instruments for electoral propaganda. Section 65 of the Constitution deals with political power and elections and expressly provides for impartiality of public entities towards candidacies.

Contrary to the Constitution and regulatory framework, members of government and civil servants took part in campaigning during the presidential election. During the legislative campaign, civil servants, who are required to take professional leave in order to campaign, were widely observed actively campaigning while still in their jobs, with some claiming to do so only after working hours. The Civil Service Commission was investigating some 60 cases in relation to the presidential elections, many of them referred by the Ombudsman for Human Rights and Justice (PDHJ), which monitored campaign activities. The CNE, the supervisory body tasked with enforcing constitutional and legal provisions related to the electoral process, was not provided with a list of those civil servants who had requested professional leave, which affected their ability to reprimand or sanction offenders.

7. VOTER REGISTRATION

7.1 LEGAL FRAMEWORK

There are no discriminatory or unreasonable restrictions to the right to vote. Timorese citizens who have attained the age of 17 years are eligible to vote, providing they completed the compulsory voter registration and have a valid voter's card. The legal framework mandates the STAE to conduct, update and maintain the voter register, supervised by the CNE. Voter registration exercises register all citizens aged 16 years and above.

In line with Law No. 6/2016 on Voter Registration, the voter register database was updated based on requests for additions or deletions of voters provided by the municipal and local registration offices. The law allows for a citizen to request information regarding his/her registration status and to request timely corrections. Requests for information could be submitted directly to STAE.

The law required the voter register to be publicly displayed for a verification period of seven days after which STAE should have updated the register with requested changes or deletions. As observed by the EU EOM, the implementation of this requirement was not entirely consistent. It did not adequately grant citizens, political parties and civil society organisations the opportunity to verify and possibly submit an objection regarding an omission or an undue registration. For the parliamentary elections, STAE's capacity to act in full respect of the registration calendar might have been affected by a late government decree for a 15-day extension of the period for updates to the voter register.

There is a satisfactory level of confidence in the inclusiveness and reliability of the voter database. Still, some municipal-level STAE representatives expressed concern regarding the lack of information flow from the *suco* level authorities regarding deceased voters.

7.2 UPDATE OF THE VOTER REGISTER

For this electoral cycle, the STAE conducted two updates of its biometric voter register database. In preparation for the presidential election, from 3 October until 23 December 2016, STAE registered a total of 743,150 voters, which represented an increase of slightly more than 100,000 (or 15 per cent) from the 2012 register. A total of 1,463 non-eligible voters under 17 years of age were also registered.

Between the two elections there was a 63-day period for updates to the voter register. STAE registered 24,688 new voters, with the highest increases recorded in Dili, Ermera and Baucau. For the parliamentary elections, a total of 760,907 voters were registered, representing an

increase of around 2.4 per cent compared to the presidential election. There were 3,951 citizens under 17 years of age who were not yet able to vote. STAE also received 88,124 update requests, mostly in relation to address and name changes.

7.3 OUT-OF-COUNTRY REGISTRATION AND VOTING

The law allows, for the first time, for out-of-country voting (OCV) for Timorese citizens living abroad. To this end, voter registration was conducted by *ad hoc* registration commissions composed of consular or diplomatic staff in representation of STAE and CNE. For the presidential elections, registration was extended by 18 days, but only 889 voters were registered in Australia (Sydney and Darwin) and just over 500 in Portugal. Voter participation was low.

For the parliamentary elections, a total of 2,125 voters were registered abroad even though registration locations were extended to include Melbourne (Australia), South Korea and the United Kingdom. In the end, only 1,088 votes were cast. Criticism was voiced by civil society organisations which questioned the exclusion of the Timorese diaspora living in Indonesia.

The EU EOM notes that the effort to register voters abroad for both the presidential and legislative elections yielded meagre results, both in terms of register and turnout.

8. CIVIL SOCIETY AND ELECTION OBSERVATION

8.1 PARTICIPATION OF CIVIL SOCIETY IN THE ELECTION PROCESS

The independent monitoring of elections by national observers plays a significant role in strengthening transparency. The EU EOM found the overall capacity for meaningful citizens' observation to be limited, mainly due to poor training, limited logistical capacity and funding issues. Some organisations reported that a more fluid decentralised accreditation process at STAE municipal offices would have improved access to information and simplified the accreditation process.

For the legislative elections STAE accredited some 3,285 national observers from 24 groups, a stronger participation compared to the presidential elections. The Catholic observer group OIPAS, with funding and assistance from the National Democratic Institute, was the largest, with 981 observers. Other groups included the conflict prevention bodies Belun and Mahein, which focused on election security; the RHTO-DPO (Ra'es Hadomi Timor Oan - Disabled Persons' Organisation); the NGO umbrella organisation FONGTIL; women's organisations CAUCUS and Fundação Alola; NGO La'o Hamutuk; student resistance group RENETIL; and justice and rights group AJAR.

With UNDP technical assistance, STAE technical staff conducted a practical training session for civil society organisations, political party focal points and observer groups. Training focused on changes to the electoral framework including the method of seat allocation.

8.2 INTERNATIONAL OBSERVER GROUPS

For the legislative elections, which were more observed than the presidential poll, STAE accredited 198 international observers from 17 organisations, including 55 members of the EU EOM. In addition to the participation of some embassies, the Australian Timor-Leste Election Observation Mission (ATLEOM) with approximately 60 observers was the largest group. The Asian Network for Free Elections (ANFREL) and representatives of regional electoral commissions were also present. The CNE offered a comprehensive full-day information session for international observers.

9. WOMEN'S PARTICIPATION IN THE ELECTORAL PROCESS

Women comprised an average of 48 per cent of total registered citizens for both elections. For the legislative elections, the STAE recorded women's voting participation at 48.52 per cent. Women are represented in both EMBs at all levels, however, in smaller numbers when compared to men and often holding subordinate positions. Two of the seven CNE commissioners are women. At STAE's head office the deputy director-general and the cabinet director are women, and two of the 13 municipal STAE directors are women. Government Decree No. 21/2017 provided for a gender balanced recruitment for the estimated 12,000-strong polling staff, and STAE made efforts to implement this provision.

Several activities were held to promote women's participation in the electoral process. The Women's Network (*Rede Feto*) conducted programmes in support of women candidates and the International Republican Institute, funded by USAID, organised workshops for women candidates, covering campaigning and working in the legislature. Practically all candidates expressed the view they would never be on the party list were it not for the gender quota, and those with experience in the National Parliament reported being overlooked as politicians. The National Democratic Institute (NDI) held a seminar on "building electoral integrity – supporting women's full inclusion," attended by representatives from the Women's Network, youth organisations, the EMBs and the Catholic observer group OIPAS. Plan International assisted the Women's Network to organise a series of debates for private TV GMN on issues affecting women in politics.

10. PARTICIPATION OF PEOPLE WITH DISABILITIES IN THE ELECTORAL PROCESS

The Republic of Timor-Leste is not a signatory to the Convention of the Rights of Persons with Disabilities, but has been under increasing pressure from civil society groups to become

so. The Constitution guarantees equal rights to all citizens and the election law refers to a visually impaired or disabled voter's right to access a voting station and cast a ballot by appointing a voter of their choice to assist them. Practical measures aiming at the inclusiveness of the voter register and access to polling sites should be comprehensively considered by the EMBs in cooperation with civil society organisations.

The National Disabled People's Organisation (RHTO-DPO) organised a disability access monitoring mission that observed the presidential elections with 20 election monitors in Dili and further deployed 130 observers for legislative elections throughout the country.⁶ The project allowed the monitoring of barriers to voters with specific disabilities in accessing polling stations on election day.

There is no accurate data on people with disabilities in the country. While the 2010 national census identified 48,000 people (4.6 per cent of the population), the 2015 census identified only 35,000. In a report on the 2016 *sucos* elections, the RHTO-DPO recommended that in all future censuses the government implement the internationally agreed "Washington Group Short Set of Six Questions" related to disability. The government should consider collecting reliable data to ensure accurate statistical information on the number and distribution of people with disability.

11. MEDIA

11.1 MEDIA ENVIRONMENT

After 15 years of independence, Timor-Leste's media landscape is diverse, with a variety of broadcast and print outlets. However, limited journalistic skills and financial restrictions still have a serious impact on the quality of information provided to citizens and prevent media from carrying out any watchdog role.

The media landscape comprises the state-owned broadcast company (Rádio-Televisão Timor-Leste, RTTL) a news agency (ANTL), a network of community radios covering all municipalities, a few private radio channels and television stations, and newspapers. Newspaper readership is low due to limited distribution and a high illiteracy rate, yet there are several dailies and a weekly.

While social media and television are gaining popularity, community radios are overlooked as a potential tool to empower and inform citizens. This limited citizens' right to access information in rural areas, since community radios generally did not represent a relevant source of electoral information nor were they seen by political parties as a useful tool to

⁶ Funded by UNDP LEARN project and the Department of Foreign Affairs and Trade Australia through IFES.

promote their platforms. In contrast, media outlets at the national level were largely used as a valuable information platform for citizens in terms of both voter education and political parties' messages. Press freedom was guaranteed during the campaigns.

11.2 LEGAL FRAMEWORK

While press freedom and freedom of expression are guaranteed by articles 40 and 41 of the Constitution, defamation remains a criminal offence. Following international best practice, there must be alternatives to penal charges for media-related offences. Criminalising defamation could potentially have a chilling effect on freedom of expression.

In line with the 2012 EU EOM recommendations, Timor-Leste introduced a Media Law in 2014 and a media regulatory body, the Press Council, which can act in a mediatory role for litigation arising from media-related conflicts. The Media Law establishes the duties and rights of journalists as well as general requirements for journalists to obtain a licence and for media outlets to be registered. While establishing a licence is a positive initiative that could improve reporters' professionalism, the requirement for freelance journalists to acquire one is imprecise and could lead to arbitrary decisions by the Press Council. In addition, foreign journalists are required to do an internship to obtain a professional licence in Timor-Leste whenever their respective press council has a similar requirement for Timorese journalists. This requirement is inadequate and does not contribute to promoting professional journalism since it is based on reciprocity rather than on an academic or professional criterion. Furthermore, registration is compulsory for media outlets, including for those based online, which goes against international best practice and could be potentially used to censor. Both the compulsory media registration and the professional licence are impracticable given the absence of enforcement mechanisms.

In addition to journalists' general duties as established by the Media Law, shortly before elections the government approved regulations on campaign and media conduct that set additional obligations for the media, such as free airtime on the state-owned media, as well as the principles of equal opportunity, treatment and impartiality for all media outlets. Paid political advertising in state-owned media during elections is permitted by law. Combined with the limited financial rules for political parties, this only heightened inequality in access to the media.

Government decrees No. 10/2017 and No. 17/2017, promulgated respectively in February and May 2017, represent a substantial regression regarding the supervisory function of the media coverage of elections. Regulations now grant STAE, which is under the Ministry of State Administration, the decision-making power over the selection and removal of media accreditations during elections. This was previously a competency of the CNE. This legal amendment gives government a discretionary authority to potentially interfere in electoral

coverage, which contradicts international principles requiring media supervisory bodies to be independent, impartial and protected from interference.

Government Decree No. 21/2017 treats private and public media employees inconsistently by granting only the latter the right to vote in the polling station closest to their duty station. Besides, a recent amendment (Government Decree No. 17/2017, art. 19m) prevents media from taking pictures less than 25 meters from polling stations. This provision is overly restrictive. Banning media from taking pictures that could compromise the secrecy of the vote is enough to guarantee both voters' and journalists' rights.

12. THE PRESIDENTIAL ELECTION

12.1. ELECTORAL PREPARATIONS

The EMBs were on track with electoral preparations for the presidential election. Printing of approximately 760,000 ballot papers was concluded within the established timeframe by the national printing house. Sensitive election materials such as ballots, indelible ink, stamps, voter registers and results protocols reached the municipalities and polling centres within established deadlines. A last verification of materials was possible at municipal STAE offices before supplying materials to polling centres ahead of election day. STAE assured the distribution of voter lists to all polling stations. In 44 *sucos* with over 3,000 electors, voter lists were subdivided to ensure a swifter identification of voters at polling stations.

A total of 944 polling stations in 696 polling centres, including out-of-country voting, were made available and voting took place from 7:00 AM until 3:00 PM. Voters could cast their ballot at any polling station in the geographical unit of the *suco* where they were registered. Besides fixed polling stations, hospital-ridden voters and prisoners could vote in a total of six hospitals and two prisons. Military personnel, police and civil servants on election duty voted at their duty station, provided that they were registered. The institutions responsible for these voters were obliged to inform the STAE of their staff's deployment areas.

Polling staff, comprising 10 members per polling station selected amongst residents of *sucos*, were recruited and trained. On election day, a polling station can operate with a minimum of six election officers. Voting, counting and tabulation of results were completed manually. Counting started immediately after the close of voting at polling centre level, aggregating polling stations ballot boxes under the same centre. Municipal tabulation concluded within the allowed 48-hour period and tabulated results were delivered to the national CNE tabulation centre within the legal deadline.

12.2 CAMPAIGN ENVIRONMENT

Both election campaigns were mostly peaceful and low key. Political parties signed a pact pledging to conduct conflict-free elections, and candidates were joined by hundreds of people at two marches in Dili, one ahead of each campaign, organised by the Catholic Church and aimed at supporting peaceful electoral processes.

The two-week presidential election campaign took place from 3 to 17 March, followed by a two-day silence period. Presidential candidates called for calm and the CNE warned of potential prison terms for electoral offences following a clash in Dili on 3 March between young supporters of FRETILIN and the PD in which several people were hurt and a number of houses burned. There were no other serious incidents.

Candidates could campaign freely and were not constrained in their freedoms of assembly, expression or movement. The two most visible contestants were Lú-Olo and Conceição, but the election was notable for the wide discrepancy in funding available to the FRETILIN candidate compared to all other candidates. Abuse of state resources by FRETILIN was also observed (see Section 6.2). Lú-Olo and Conceição were the only contestants to hold large rallies and buy billboard space; others relied on door-to-door canvassing and meetings at village level. Some candidates used Facebook as a campaign tool. Although campaigning was scheduled to take place in accordance with a calendar co-ordinated by the CNE, several candidates failed to comply with timings and cancelled many events, often due to poor organisation and/or lack of resources. For the first time in Timorese elections, a televised debate was organised by the state RTTL outlet in which all candidates had an opportunity to present their platform.

A number of campaign programmes lacked substance, and several candidates made policy proposals and promises that went beyond presidential functions. The message that “this must be a one-round election” was often repeated at meetings supporting Lú-Olo. Conceição told voters: “We need to show the world that Timor is not a one-party nation.” While Lú-Olo often focused in his speeches on Timor’s foreign relations and geopolitics, Conceição spoke of the need to improve basic services such as health and education. A notable feature of the campaign was the influence of *suco* chiefs, who facilitated political party meetings not on the CNE calendar. These were frequently well attended.

The emergence of Taur Matan Ruak’s PLP party affected the presidential campaign and focused attention on the upcoming legislative elections. The PLP backed Conceição for president. Outgoing President Ruak was accused by FRETILIN of breaching his constitutional obligation not to hold any other political position. He was also accused of using state resources to build his party. He defended his position in a televised interview, saying he used the resources of his office to travel the country as President, not as a party representative, in order to find out the needs of the population.

12.3 MEDIA MONITORING RESULTS

Rádio-Televisão Timor-Leste (RTTL) offered a generally balanced coverage of the electoral campaign, allocating an adequate share of airtime to all candidates through dedicated programmes (see annex 2, graphs 1 and 2). In addition, RTTL produced free campaign spots based on documents and inputs provided by all contestants. Although the initiative is understandable given political parties' financial limitations, Radio Timor-Leste did not grant all candidates equal free airtime as required by Government Decree No. 5/2017, art. 19 (annex 2, graph 3). Televisão Timor-Leste (TVTL) broadcast no electoral content on either election day until the beginning of the tabulation process.

Privately-owned Radio Maubere's electoral coverage was biased in favour of FRETILIN's candidate, Lú-Olo, who was offered all its campaign airtime, including the editorial content (annex 2, graphs 4 and 5). Radio Maubere has therefore violated the principle of equal opportunity and treatment to all candidacies, established by Government Decree No. 5/2017, art. 6.1b, and the principle of impartiality, set by Government Decree No. 10/2017, art. 7.g. Radio Maubere did not comply with campaign rules preventing public officials from being used as tools of electoral propaganda (Government Decree No. 5/2017, art. 6.1i) by airing regularly a pre-recorded speech by the president of Oecusse. Besides, the radio breached electoral silence by broadcasting Lú-Olo's advertisements.

Private Televisão Educação offered balanced coverage of the campaign in a neutral tone (annex 2, graph 6). Although electoral content was broadcast at a late stage of the campaign, this channel became a useful platform of information regarding the candidates' programmes, by providing citizens interviews with the presidential contestants in partnership with the non-governmental organisation La'o Hamutuk.

Radio Klibur presented limited and unbalanced coverage of the electoral campaign. Only six candidates were allocated time during the few campaign-related news programmes. José Luis Guterres was granted more than one third of the time devoted to all candidates (44%), followed by Ângela Freitas (19%), and Lú-Olo (18%) (annex 2, graph 7). The tone of coverage was, however, neutral.

While *Timor Post* and *Suara Timor Lorosae* offered a proportional share of coverage to candidates, *Jornal Nacional Diário* was partial in favour of Lú-Olo, who obtained more than one-third of the total space devoted to candidates (37%), followed by António da Conceição (21%) and José Luís Guterres (9%) (annex 2, graph 8). However, all monitored newspapers covered the eight candidates in a neutral tone.

Media represented a limited platform for voter and civic education, including the state-owned media, which aired only three electoral-related drama episodes produced by UNDP and STAE and, at a very late stage, CNE's civic education advertisements.

Although CNE is by law the body in charge of supervising media conduct during elections, it took no action regarding the non-compliance with media-related principles, revealing a limited capacity to efficiently perform its mandate.

13. PRESIDENTIAL ELECTION DAY, 20 MARCH 2017

13.1 OPENING AND POLLING

The smooth conduct of the presidential election, efficiently executed by the STAE without foreign logistical support, demonstrates its reliable institutional capacity. Each of the 121 polling stations (PS) visited throughout the election day by 32 EU EOM observers were operational and fully supplied with all necessary electoral material.

Polling took place in a calm and peaceful atmosphere attracting a high number of voters. No tension or campaigning in the vicinity of polling centres (PC) was reported by the EU observers, however, access to some 15% of PS was evaluated as difficult for persons with reduced mobility. Over three-quarters of the visited PS operated with all 10 staff members, with an even representation of men and women. However, the share of female PS presidents was 38%. While opening and voting procedures were rigorously followed, consistent checking for traces of ink on voters' fingers before voting was observed only in 46% of PS. In Timor-Leste voters are registered at the *suco* level and are not assigned to a specific PS. Thus, on election day they can vote at any PC within their *suco*. Therefore, the consistent application of indelible ink and checking for its traces is the only safeguard against multiple voting, since the same complete *suco*-level voter lists are used at each PS within the corresponding *suco*. Nonetheless, no instances of multiple voting were observed or reported. Most visited polling sites used additional voter lists which indicates some inaccuracies in the electoral roll. Polling procedures were conducted transparently in all observed PS, in clear view of candidate representatives and observers, and people could cast their vote in secrecy and free from undue influence. The EU observers evaluated opening and polling positively in all visited sites.

13.2 CLOSING AND COUNTING

The 11 PS selected by EU observers for counting closed on time and proceeded, after initial reconciliation of used and unused ballots, to counting at the PC level, where ballot boxes from individual PS were merged. Counting procedures were largely followed, albeit with minor

omissions, e.g., insufficient or missing cross-checking of figures at various stages which led to recounts, but these had no impact on the overall integrity of the process. The adjudication of ballot papers and their allocation to individual candidates was done correctly in all observed PC and in full view of all present. The newly introduced category of the so-called abandoned votes at times caused confusion and difficulties for polling staff when filling out the counting protocols. EU observers also noted that voting centre results were not always posted outside, and copies of results protocols were not handed to candidate representatives in approximately half of observed PC. Both practices constitute important transparency measures that enable independent verification and tracking of results from the polling centre level upwards. Overall, 10 out of 11 observed counting processes were evaluated as good or very good.

13.3 TABULATION OF RESULTS

Polling centre results protocols together with other sensitive materials were delivered intact in the course of election night to their respective municipal tabulation centres (MTC). Protocols from a few remote areas reached their MTC only the following morning. The tabulation was conducted in an organised manner and the received results protocols were processed correctly in clear view of candidate representatives and observers. Technical problems with the IT or Internet connection resulted in sporadic interruptions of the tabulation process in several municipalities (Dili, Covalima, Oecusse).

The setup of most MTC did not allow for close scrutiny of the digitalisation of results protocols, and candidate representatives had to rely only on the entered figures projected on a large screen. Some tabulation centres also distributed printouts of the results per PC. A standard double entry procedure for PC protocols was apparently not employed, but no inconsistencies were reported between the digitalised results and results on protocols given to candidate representatives at PC. All the eight observed tabulation processes were evaluated positively.

The STAE concluded the municipal tabulation well before the 48-hours deadline. Subsequently, the CNE completed the national tabulation within the legal deadline and presented provisional results on 25 March. Since no appeals were lodged within 24 hours after the publication of the provisional results, the CNE submitted the dossier to the Court of Appeal which validated the results, and on 30 March declared Francisco Guterres Lú-Olo, with 57,1 % of valid votes, winner of the 2017 presidential election.

13.4 ROLE OF PARTY AGENTS AND OBSERVERS

Candidate representatives (*fiskais*) were seen in most of the visited PS. EU observers, however, registered a disproportionate presence of Lú-Olo's agents, who were in practically every visited location, while no other candidate managed to cover more than a quarter of PS.

A greater presence of agents of the remaining candidates could have given a more balanced oversight of the process.

Observers frequently saw party agents wearing T-shirts with party colours, and in some instances their behaviour could influence voters, according to EU observers. National observers were registered in 40% of the visited polling locations, with OIPAS present in half of them. In Oecusse accreditations for national observers and non-FRETILIN party agents reportedly arrived only one day before elections, which made their distribution more challenging.

13.5. ANALYSIS OF RESULTS

Turnout was 71.6%. Lú-Olo, who won in the first round with 57.1% of the votes, performed well in FRETILIN's eastern strongholds of Viqueque, Baucau and Lautem (see Annex 3. Results). FRETILIN, however, had expected a more pronounced overall victory for its candidate, considering he had the support of Xanana Gusmão and, in theory, of his party, the CNRT. Nonetheless, Lú-Olo doubled his score compared to his first-round performance in 2012; and while FRETILIN lost Oecusse by a slim margin, it simultaneously made significant gains there.

Conceição obtained 167,794 votes (32.5%), which did not facilitate his entry into a second round, but represented the Democratic Party's best performance in any election. He took four of the 13 municipalities, three by a slim margin: Ermera (27 votes); Ainaro (251); and Oecusse (172). In his native Liquiçá he won 50% of the vote. The PD leadership viewed the presidential election as a test of the party's strength following the death in 2015 of its charismatic leader Fernando Lasama. Bolstered by the result, it approached the legislative elections with renewed confidence.

The post-electoral environment was peaceful, with all candidates accepting the results and no serious election-related incidents. Lú-Olo was sworn in as President on 20 May 2017.

14. THE LEGISLATIVE ELECTION

14.1. ELECTORAL PREPARATIONS

For the legislative elections, the number of PCs increased from 696 to 843 (a 21% increase) and PS from 944 to 1,118 (18%). The opening of a centre requires a minimum of 50 registered voters and a maximum of 2,500 voters. Noteworthy changes were announced for Dili municipality with the establishment of 20 new PC and 40 PS, and for Baucau with 20 additional PC and 21 PS. Adjustments, also due to the newly created *sucos*, allowed for an

improved distribution of voters to PC, diminishing the potential for long queues and overcrowding, as observed in urban areas in Dili and Baucau during the presidential election.

Government Decree No.21/2017 introduced provisions to improve the voting flow. In *sucos* with more than one PC voters were asked to attend a specific PC indicated by STAE, rather than voting at the PC of their choice within the *suco* in which they were registered. To this end, from 10 to 20 July STAE planned to distribute stickers at local administration offices. The late introduction of this provision, combined with unclear guidelines, created some confusion amongst voters who thought that they might be refused at a PS presenting a voter card without a STAE sticker. Adequate public information regarding the intention of the procedure was found lacking.

Voting and counting was conducted peacefully and polling centre results protocols were shared with political party agents and/or posted outside counting centres once the counting was concluded. Observers noted an improvement in results protocols being made available to party agents when compared to presidential elections. There were no delays reported in the delivery of PC results protocols to the municipal tabulation centres and within the 48-hour deadline municipal results were tabulated and transferred to the CNE for national aggregation.

14.2 CAMPAIGN ENVIRONMENT

As for the presidential campaign, the parties pledged to hold peaceful elections and candidates took part in a public march in Dili organised by the Catholic Church to support a conflict-free process. Party leaders used strong statements to counter anonymous provocative references to electoral violence on social media, and repeatedly called for calm. Parties largely followed a recommendation by police not to transport voters across municipality borders in order to avoid clashes between supporters. One isolated incident was reported, involving damage to several houses, motorbikes and parabolic antennae in a stone-throwing incident in Viqueque, when KHUNTO supporters allegedly retaliated to an attack on 1 July.

For several weeks leading up to the campaign, parties held “consolidation” events that closely resembled campaign meetings and which received much media coverage. CNRT and FRETILIN, the parties with most resources, held most of these events and were highly visible during this period. Both parties also held inaugurations of major infrastructure projects close to and on the first day of the legislative election campaign, which constituted abuse of the advantage of incumbency (*see Section 6.2*). They also used state media to promote public works projects.

The 30-day campaign was peaceful and contestants campaigned freely. Basic freedoms of expression, association and movement were respected. Campaigning was low key but more

intense than for the presidential polls. Although observers reported few signs of elections until the closing days of the campaign, parties worked intensely at village level, going door-to-door and holding so-called mini-campaign events. Relatively few big rallies were held. The most visible parties were FRETILIN and CNRT and, to a lesser extent, PD, KHUNTO and PLP. As for the presidential poll, televised debates were held for the first time and all parties took part.

Parties submitted schedules to the CNE ahead of the campaign, and these were supplemented as events were added. Complaints were few and relatively minor, with most resolved at municipal level in a spirit of co-operation between parties, the CNE and PNTL. Most parties campaigned on a similar, wide-ranging list of issues, such as health, unemployment, veterans' welfare and access to veterans' pension lists, agriculture, education, corruption and promoting peace, but several platforms offered little substance.

FRETILIN's slogan at rallies was, "if FRETILIN wins, Xanana wins", which was widely read as an attempt to capitalise on the party's proximity to CNRT and to Gusmão in the outgoing power-sharing government. Gusmão, who at many campaign events presided over swearing-in ceremonies of new CNRT members who had allegedly defected from other parties, did not counter the FRETILIN slogan with a message distinguishing CNRT's voter base from FRETILIN's.

Some cases of intimidation were reported to the EU EOM in Oecusse, where employees and potential employees of RAEOA were allegedly threatened with losing their jobs or denied work if they did not support FRETILIN, and where teachers were reportedly transferred to remote villages or demoted if they expressed preferences for a different party. FRETILIN denied it had issued threats or refused employment, and explained that transfers or the rotation of teachers to other areas were necessary to guarantee consistency in the quality of education.

Many parties were observed to have breached campaign rules by distributing fuel vouchers to motorists ahead of campaign meetings. Frequent allegations of money politics and vote-buying were circulated on social media. A contentious electoral issue was government spending on big infrastructure projects, which drew criticism and negative campaigning by the PLP and the BUP coalition. Both parties, along with KHUNTO, campaigned heavily against corruption. The campaign discourse became heated when the PLP leader criticised the CNRT-FRETILIN-led government, alleging corruption and "wasted" state spending on big infrastructure projects in Oecusse and on the Xanana Gusmão International Airport in Suai, the inauguration of which was held on the first day of the campaign. PLP leader Ruak told a meeting in Oecusse: "If you want an international airport, vote FRETILIN, but if you want clean water and your kids to get an education, vote PLP."

A heavy presence of CNE monitors was reported at most campaign events, though in some cases these were described by observers as passive and unengaged.

14.3 MEDIA MONITORING RESULTS

Media outlets at the national level represented a valuable platform of information for voters regarding political parties' messages and programmes, having generally increased their electoral segments when compared to presidential elections. State-owned media covered the electoral campaign in a balanced manner, granting all contestants between 3% and 6% of its total airtime (annex 2, graphs 9 and 10). Although free airtime was not properly identified, state-run radio and television respected the equal free airtime to all political parties established by law (Government Decree N°18/2017, art. 19). However, the state-owned media were used by office holders who used public resources to purchase advertising space to showcase public works projects. EU EOM considered TVTL a useful voter education channel, having allocated 4% of total monitored airtime for this purpose, but noted that Rádio Timor-Leste (RTL) had a less significant civic education role, with only 2% of its airtime dedicated to voter education. As during the presidential election, Televisão Timor-Leste (TVTL) did not fulfil its role as public service broadcaster because it failed to offer coverage of opening, voting or counting at polling stations.

Private Radio Maubere's coverage of the electoral campaign was biased, dedicating 84% of editorial content to FRETILIN (annex 2, graph 11). In doing so, the radio breached the principle of impartiality, equal opportunity and treatment to all candidacies established respectively by Media Law No. 5/2014, art. 20d1 and Government Decree No. 18/2017, art. 6b. In addition, Radio Maubere presented a minor, at times inexistent, line of separation between political advertising and editorial programming.

Private Television Grupo Media Nacional (TV GMN) provided ample and useful information by airing different types of interviews with political parties, together with national and international partners. Its election coverage was balanced (annex 2, graph 11), offering all parties airtime in a neutral tone. Nevertheless, CNRT's office holders extensively used public resources to advertise their achievements with electoral purposes through TV GMN paid airtime.

Televisão Educação was another source of voter information regarding political parties, given the space granted to dedicated interviews. Nonetheless, its news service was very limited and unbalanced, with 51% and 19% granted to FRETILIN and PLP respectively (annex 2, graph 13).

Electoral coverage by newspapers *Suara Timor Lorosae*, *Timor Post* and *Jornal Nacional Diário*'s was balanced and generally neutral, dedicating between 3% and 13% of their electoral-related news to each of the competing political parties. However, all the newspapers monitored by the EU EOM infringed the electoral silence period. During this period *Suara Timor Lorosae* published CNRT advertisements, *Timor Post* issued PD and PR advertisements and *Jornal Nacional Diário* published an opinion article in favour of CNRT.

Several political parties resorted regularly to Facebook to convey their messages, with PLP having the largest number of followers⁷. FRETILIN⁸ had fewer than half of the followers of PLP.

Following its limited performance during presidential elections and despite its media supervisory mandate for electoral periods, CNE issued no recommendation and took no initiative to improve media conduct during the legislative elections.

15. LEGISLATIVE ELECTION DAY, 22 JULY 2017

15.1 OPENING AND POLLING

On election day, the 40 EU observers deployed in all 13 municipalities visited in total 135 polling stations (PS). A well organised distribution of electoral material and early arrival of the designated polling staff ensured the timely opening of all observed PS.

For the legislative elections, the STAE set up almost 147 new polling centres (PC), which brought the election closer to voters and substantially reduced morning queues. Still, access for voters with reduced mobility was difficult in one out of seven visited locations. Compared to the presidential election, the share of women remained practically unchanged among the experienced polling staff who followed the opening and polling procedures systematically. EU observers reported a substantial improvement over the last election in checking for the traces of indelible ink before voting, which was this time consistently done in four out of five visited polling sites. Stickers with voters' registration data were not consistently implemented, therefore their potential as a measure facilitating the identification of voters was not fully realised. No significant irregularities were reported and voters enjoyed their right to free and secret voting on this calm election day. Regrettably, in five instances, EU observers were not allowed to follow the voting procedures form inside the PS (in Aileu and Baucau). Polling was evaluated as very good in 79% and good in 19% of the observed PS.

15.2 CLOSING AND COUNTING

EU observers noted that in five out of the 15 visited PC the procedures for ballot and voter reconciliation were not followed correctly. In these centres, the polling staff failed to count and stamp unused ballots, and they neither established the number of voters crossed off the voter list nor compared it with the number of ballots found inside the ballot boxes. The importance of these steps for the overall integrity of the election process had apparently not been sufficiently emphasised during the training of polling staff. These omissions were not regarded by EU observers as intentional and were not perceived to compromise the results.

⁷ 48479 followers and friends by July 2017

⁸ 19438 followers and friends by July 2017

Decisions on the validity of ballots and their allocation to parties were carried out correctly in all observed PC and in full view of party agents and observers. Copies of results protocols were handed to all representatives of contending parties, which is a notable improvement over the presidential election; however, the election results were posted outside only in approximately half of the visited PC. Overall, the closing and counting procedures were evaluated positively in four out of five instances.

15.3 TABULATION OF RESULTS

The tabulation process was observed in all 13 centres municipalities and was evaluated as good or very good in 12 of them. As reported by our observers, the process was well administered and went smoothly with no significant procedural deficiencies or technical problems. The transparency of the tabulation generally improved since the presidential election, yet in most centres the digitalisation of results protocols could still not be closely observed and the standard double entry procedure was not implemented. After the STAE concluded the municipal tabulation on 24 July, the CNE proceeded with the national tabulation. In this transparent and well-organised process, the CNE effectively revised municipal as well as PC protocols, corrected arithmetical errors, and decided on contested ballots. Collaboration between the STAE and the CNE was smooth. The provisional national results were published on 27 July, and were not contested within the legally established 48-hour period. Consequently, the Court of Appeal proclaimed the final results on 1 August.

15.4 ROLE OF PARTY AGENTS AND OBSERVERS

The number of deployed party agents had considerably increased compared to the presidential election. Agents representing competing political platforms were present in all observed polling locations. Parties that managed to pass the 4% threshold had also fielded the highest number of agents. Similarly, Timorese civil society organisations had substantially reinforced their capacities for the legislative elections and were seen in five out of six observed PS, with OIPAS having the highest share, followed by Renetil, RHTO, C-Desk and Belun.

15.5. ANALYSIS OF RESULTS

The Court of Appeal announced the final results on 1 August, according to which five parties gained seats in Parliament: FRETILIN 23; CNRT 22; PLP eight; PD seven; and KHUNTO five. Turnout was 76.71%, five points up from the 20 March presidential election.

FRETILIN won the election with victories in only four municipalities (see annex 3 and 4), excluding the capital, Dili. The party's vote increased in real terms – almost 20% more voters (27,600) chose the party compared to in 2012 – but its share of valid votes fell slightly (0.2%) given an increase of some 18% in the electorate since the 2012 polls.

CNRT lost the biggest vote share. Overall the party dropped some 5,500 votes (about 3%) since the 2012 polls, but its share of valid votes fell by just over 7 percentage points (36% to 29%), again in light of the increased electorate. Newcomer PLP won 10.6% of votes. In Baucau, the birthplace of its leader Taur Matan Ruak, it displaced CNRT as the second political force after FRETILIN. Both big parties lost more than 10 percentage points in the vote share in the municipality. PD won slightly more votes in most municipalities but its overall share dropped from 12.7% to 11.4%. KHUNTO's 3.5 percentage point increase in its share of valid votes since 2012 was the largest among parties that contested the 2012 election.

While the threshold for participation in parliament increased from 3% to 4% in 2017, the percentage of votes wasted (i.e., cast for parties excluded from the distribution of seats) fell to 13.2% from just over 20% in 2012. Most small parties decreased their vote share, and 12 of them scored below 1%. As no party polled between 3% and 4% of valid votes in 2017, the threshold increase made no mathematical difference. However, it is not known how many voters may have adjusted their voting intention due to the higher threshold.

16. COMPLAINTS AND APPEALS

The presidential and legislative campaign periods were fundamentally peaceful and calm with a limited number of formal complaints lodged with the CNE and few electoral crimes reported to the PNTL or Public Prosecutors Office. The minor nature of complaints indicated no widespread problems or organised intention to upset the process. The CNE received four complaints during the presidential campaign and six during the legislative campaign. These were mostly in relation to destruction of campaign materials, changes to campaign calendars, unauthorized use of a party symbol, and the holding of a campaign event in a public building. Complaints were resolved without problems by the national CNE.

Four minor complaints in relation to polling and counting for presidential elections were submitted to the CNE, none of which had a legally founded basis. Seven equally minor complaints were presented during the polling and counting for legislative elections. During the national tabulation for legislative elections, CNRT filed the same information request twice with the STAE and once with CNE. The party requested access to copies of all Dili polling centre results. Both election management bodies rejected the requests.

There were no appeals lodged against CNE national provisional results for either presidential or legislative elections.

17. RECOMMENDATIONS

17.1. STATUS OF THE RECOMMENDATIONS BY THE EU EOM TIMOR-LESTE 2012

An analysis of the recommendations formulated by the EU EOM deployed for the 2012 legislative elections in Timor-Leste shows significant improvements have been made at both the structural and procedural levels of Timorese elections, although there are recurrent problems and room for further progress.

The 2012 EU EOM recommended the establishment of an independent regulatory body for the media which would set out the rights and duties of journalists as well as provisions to protect them and a code of conduct. The Press Council (*Conselho de Imprensa*) was set up in 2014 and fulfilled many of these tasks during the 2017 elections.

Critical measures to improve transparency recommended by the 2012 EU EOM, such as the delivery of results protocols to party agents and their publication on the CNE's website, were implemented in 2017. And contrary to observations in 2012, the 2017 EU EOM observed that the positioning of the voting booths did not compromise the secrecy of the vote. Also, the 2012 EU EOM found that the verification of ink on voters' fingers, the only safeguard against multiple voting, was not thorough. The 2017 EU EOM observed that this procedure was conducted only in 45% of cases during the presidential election, but became much more systematic during the legislative elections (75%).

Nevertheless, there are areas where there is slow or no progress, and where the EU EOM reiterates similar diagnoses and recommendations. These include strengthening the funding rules for the electoral campaign, which are insufficient and not actively enforced; avoiding the use of the advantages of the incumbency to influence the outcome of the election; improving the training of party agents, which was observed to be insufficient in 2012 and 2017; correcting the lack of coherence between the electoral regulations and laws; and addressing the need for more systematic efforts to empower women, despite the existence of a one-in-three gender quota that has yielded the largest representation of women in Parliament in the Asia-Pacific region.

17.2. TABLE OF RECOMMENDATIONS BY THE EU EOM 2017

No.	CONTEXT	RECOMMENDATION	PURPOSE	INTERNATIONAL INSTRUMENT AND BEST PRACTICE	INSTITUTION
LEGAL FRAMEWORK					
1	Electoral legislation is dispersed in a number of different laws that are not often reorganised in a coherent framework.	Consideration may be given to consolidating all electoral legislation into a single and coherent Electoral Code and Electoral Regulations, available in both Portuguese and Tetum. This consolidation process would benefit from National Election Commission (CNE) and the Technical Secretariat for Electoral Administration (STAE) participation and input.	To eliminate inconsistencies and legal voids and enhance transparency, accountability, and ensure the right to information.	<p>Transparency and the Right to Information.</p> <p>Public Access to Legislation.</p> <p>ICCPR, Art. 19(2): Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.</p> <p>UNCAC, Art. 13(1): Each State Party shall take appropriate measures, within its means and in accordance with fundamental principles of its domestic law, to promote the active participation of individuals and groups outside the public sector, [...] in the prevention of and the ght against corruption and to raise public awareness regarding the</p>	National Parliament

				<p>existence, causes and gravity of and the threat posed by corruption. This participation should be strengthened by such measures as: (b) Ensuring that the public has effective access to information.</p> <p>Universal Periodic Review (2016) Ensure that all legal documents, including legislation and draft legislation, are available in both Tetum and Portuguese (recommendation accepted by Timor-Leste, 2017).</p>	
2	<p>Late introduction of amendments to electoral laws risks creating uncertainty and diminishes confidence in the legal framework. Debate at the National Parliament is often delayed until the pre-election or even election period, with mounting pressure to pass incomplete and not thorough amendments. Changes to the legal framework could be prohibited within a reasonable timeframe, during a clearly defined time interval prior to elections, such as one year, as recommended by the Venice Commission, or six months, as suggested by the Protocol on Democracy and Good Governance of</p>	<p>Avoiding changes to the electoral legal framework during a clearly defined time interval prior to elections would constitute good legislative practice.</p> <p>Review and amendment of the electoral legal framework could be included in an annual legislative plan and a five-year work plan for the National Parliament.</p>	<p>To guarantee legal stability and predictability</p>	<p>Ensuring legal certainty and predictability.</p> <p>International Covenant on Civil and Political Rights (ICCPR), articles 2.2 and 2.3: [Each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant.</p> <p>ICCPR, Art. 2(3): Each State</p>	<p>National Parliament</p>

	<p>the Economic Community of West African States (ECOWAS). This especially relates to fundamental rules regarding the transformation of votes into seats and rules relating to membership of electoral commissions.</p>			<p>Party to the present Covenant undertakes: (a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity; (b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy; (c) To ensure that the competent authorities shall enforce such remedies when granted.</p>	
3	<p>Political decisions to reduce the CNE's supervisory mandate may adversely affect the election management body's institutional sustainability. Timor-Leste's chosen mixed model of electoral management, with an independent CNE supervising an election implementation body, STAE, that falls under the Ministry of State</p>	<p>Broadening CNE's approval capacity and as a first step restore competence as the supervisory body to approve regulation of the electoral laws.</p>	<p>To protect CNE's institutional sustainability by consolidating and strengthening its independence and ability to undertake its mandate and exert its supervisory responsibility, without fears concerning security of tenure or loss of key competences.</p>	<p>States must take necessary steps to give effect to rights. ICCPR, Article 2.2 (see above) Human Rights Committee (CCPR), General Comment 25: An independent electoral authority should be established to supervise the electoral process and to ensure that it is conducted</p>	<p>National Parliament</p>

	Administration, risks sustainability if over a series of elections, the constitution, electoral laws and regulations become inadequate for the CNE to effectively and efficiently execute its mandate and responsibilities.			fairly, impartially, and in accordance with established laws which are compatible with the Covenant. Security of tenure and prevention of corruption. United Nations Convention Against Corruption (UNCAC), art. 1: The purposes of this Convention are: [...] (c) To promote integrity, accountability and proper management of public affairs and public property.	
4	It is considered international best practice to publish official lists of competing political parties, coalitions and candidates. STAE did not comply with its legal obligation, as provided in Government Decree No. 16/2017 on Regulations for Submitting Candidates Lists, to communicate admitted candidaturas (candidacies) for three consecutive days over national radio and other media. In any case, there is no legal requirement for public communication of the complete candidate lists of 65 candidates and 25 reserve candidates after the substitution period ends	To publicise official lists of competing political parties, coalitions and candidates from their approval through to certification of final results.	Lend certainty to voters' choice and enhance transparency	Transparency and the Right to Information. Free choice and informed choice. ICCPR, Article 19(2): Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.	Government (through a Government Decree issuing a regulation)

ELECTORAL ADMINISTRATION					
5	After the completion of the 63-day registration update, the STAE did not establish a comprehensive public display of the voter lists as stipulated by law. Voter were not able to publicly inspect the provisional voters lists for omissions or undue registration.	The STAE could ensure timely compliance with the voter registration's legal framework.	Citizens have the right to a timely correction of their registration data. Provision of a period for public review of the voter register is a key factor to build confidence in election integrity.	Law No. 6/2016, 25 May, article 40: "Copies of the voter register should be publicly displayed for consultation" CCPR GC 25, pag.11: "States must take effective measures to ensure that all persons entitled to vote are able to exercise that right. Where registration of voters is required, it should be facilitated and obstacles to such registration should not be imposed"	STAE (no legal change needed)
6	The CNE holds supervisory competencies in regard to the electoral process, including the monitoring of the voter registration's update process, elections and referenda.	The CNE to consider taking timely pro-active collaborative actions with the STAE to ensure competent oversight of the electoral process.	To ensure competent oversight of the electoral process.	States must take necessary steps to give effect to rights. Human Rights Committee (CCPR) GC 25 (see above recommendation 3) Law No.7/2017, 8 June: "The CNE holds the following competencies: a) Supervise voter registration, elections and referenda."	CNE (no legal change needed)

7	CNE deliberations regarding key steps in the electoral process are taken during closed plenary sessions. Deliberations are not published by CNE	The CNE could consider making plenary sessions open to political party and candidates' representatives, and to civil society organisations. Furthermore, the CNE could publish its deliberations in a timely manner as per CNE's internal regulation.	CNE deliberations are of public interest, particularly to political parties and civil society organisations. The CNE is required to work transparently as established in internal regulations	Transparency and the Right to Information Internal Regulation of the National Election Commission, 19 January 2017. Article 31, n. 7 on Meetings of the CNE: "At the end of each meeting a press release is issued, with reference to discussed issues and deliberations taken." Article 35, Publicity of CNE actions: "CNE deliberations are public documents, published in CNEs official site on internet" ICCPR Article 2 (2) (see above)	CNE (no legal change needed)
8	STAE's electoral calendar did not include reference to training sessions for party agents before election day as stipulated by law.	THE STAE to ensure timely training of political party representatives ahead of election day in accordance to the legal framework. Relevant information regarding the election process could be made available to candidates, parties and agents.	Well informed party agents are an important component in monitoring key steps of the electoral process and its implementation by the Electoral Management Bodies. With 21 political parties and a coalition competing in these elections, training all party agents would not be possible, yet decentralised training sessions would have been practical.	Transparency and the Right to Information States must take necessary steps to give effect to rights. Government Decree 17/2017, 12 May, Article 7 (6): "Before receiving accreditations, party agents designated by political parties or coalitions of political parties receive training provided by STAE."	STAE (no legal change needed)
9	The EU EOM observed that efforts were made by EMBs to inform and educate the voters on the elections,	The CNE could consider strengthening civic information activities, with a focus on civil	Voters have the right to make free and informed choices based on non-partisan information.	The Right to Information and the Inclusiveness of the Election Process	CNE (no legal change needed)

	<p>including out-of-country. However, civic information and voter education activities were not conducted in a comprehensive and even manner.</p> <p>Both CNE and STAE are responsible for conducting voter information and civic education campaigns.</p>	<p>rights and responsibilities, including developing outreach materials accessible to voters with disabilities. Civic information could also be offered to public schools and collaborative efforts strengthened with the Ministry of Education and Secretariat of State for Youth and Sport.</p>		<p>ICCPR, Article 25: “Every citizen shall have the right and the opportunity without distinction [...] to vote.”</p> <p>Law on Electoral Management Bodies 5/2006 as amended, Article 8 (d): “To promote the sharing of objective information in regard to elections through media”.</p>	
10	<p>Irregular budgetary payment transfers to CNE and the STAE was noted during both presidential and legislative elections.</p> <p>For example, delays in the release of budgetary obligations to STAE from the Ministry of Finance and the Ministry of State Administration at times hampered STAE’s performance.</p>	<p>Consider streamlining and strengthening cooperation between relevant Ministries and EMB’s for a transparent and efficient allocation of election funding before the commencement of the election period.</p>	<p>To guarantee timely and efficient implementation of election procedures.</p>	<p>UNCAC, Article 1: “(b) To promote integrity, accountability and proper management of public affairs and public property.”</p> <p>UNCAC, Article 9 (2): “Each State Party shall, in accordance with the fundamental principles of its legal system, take appropriate measures to promote transparency and accountability in the management of public affairs.”</p>	National Parliament
CAMPAIGN FINANCE					
11	<p>The legal framework for campaign finance is vague and incomplete.</p> <p>There are many gaps in the legislation, not least the absence of a clear definition of a donation. There is also no definition of illegal</p>	<p>Parliament could consider amending the legal framework for campaign finance and its reporting to provide for comprehensive reporting of all campaign donations by</p>	<p>To ensure a level playing field.</p>	<p>Principles of transparency and accountability.</p> <p>Rule of law.</p> <p>UNCAC, article 16: “Bribery of foreign public officials and officials of public international</p>	National Parliament

<p>donations.</p> <p>There is no defined cumulative threshold for clear reporting of a donor’s identity and the amounts or services received.</p> <p>The law establishes no ceiling on contributions from eligible donors, or on campaign spending, leading to a wide discrepancy between well-resourced contestants and other parties.</p> <p>The legal framework does not contain appropriate sanctions for breaches of the law.</p>	<p>monetary or other means, accompanied by proof of the identity of the donor and amount.</p> <p>Such an amendment could include:</p> <p>a) a clear definition of what constitutes a campaign contribution and campaign expenditure;</p> <p>b) a comprehensive definition of donations that are illegal either through the nature of the donor or how the funds were acquired;</p> <p>c) A reasonable limit on cumulative contributions by a natural or legal person to an election campaign.;</p> <p>d) A limit on total contributions that may be received by any election candidate or party for a political campaign, and a reasonable limit on campaign expenditure by any candidate or person associated with or acting on behalf of election competitors;</p> <p>e) Appropriate sanctions for breaches of campaign finance rules, including provisions for their timely enforcement.</p>		<p>organisations: 1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally, the promise, offering or giving to a foreign public official or an official of a public international organization, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity”</p> <p>UNCAC, article 21: “Bribery in the private sector: Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally in the course of economic, financial or commercial activities:</p> <p>(a) The promise, offering or giving, directly or indirectly, of an undue advantage to any person who directs or works, in any capacity, for a private sector entity, for the person himself or herself or for another person, in order that he or she, in breach of his or her duties, act or</p>	
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				<p>refrain from acting;</p> <p>(b) The solicitation or acceptance, directly or indirectly, of an undue advantage by any person who directs or works, in any capacity, for a private sector entity, for the person himself or herself or for another person, in order that he or she, in breach of his or her duties, act or refrain from acting.”</p> <p>Equality of opportunity</p> <p>ICCPR Article 26: “All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”</p> <p>ICCPR GC 25: “Reasonable limitations on campaign expenditure may be justified</p>	
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				<p>where this is necessary to ensure that the free choice of voters is not undermined or the democratic process distorted by the disproportionate expenditure on behalf of any candidate or party.”</p> <p>Principles of transparency and accountability.</p> <p>Rule of law.</p>	
12	<p>The CNE, which is responsible for campaign funding oversight, lacks a clear mandate to supervise this area. The election management bodies law makes no mention of any CNE competency in relation to campaign finance.</p>	<p>Parliament could consider amending the electoral legal framework to give CNE a clear competency to supervise campaign finance.</p> <p>The CNE could take a more assertive and proactive role in its supervisory capacity as campaign finance oversight body, including by publishing on its website political parties’ and candidates’ campaign finance reports.</p>	<p>To provide the CNE with an effective capacity to identify breaches of the law</p>	<p>Principles of transparency and accountability.</p> <p>UNCAC, art. 16 and 21 (see above)</p>	National Parliament
13	<p>In a welcome step, the first amendment to the Law on Political Parties (January 2016) provides for electoral contestants to receive campaign funding from the state. However, the potential pay gap is wide – between US\$1 and US\$10</p>	<p>Parliament could consider:</p> <p>a) amending the definition of who may receive campaign funding for the presidential election;</p> <p>b) either setting out budget</p>	<p>To provide pre-election certainty on subsidies to be paid and prevent inconsistencies in campaign funding.</p>	<p>Principle of legal clarity.</p> <p>Principle of transparency.</p> <p>ICCPR, article 25: “Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article</p>	National Parliament

	<p>payable per vote obtained – and the law omits any specific reference to a state subvention for presidential candidates, which gave rise to confusion following the 2017 presidential election.</p>	<p>availability for state subsidies for presidential/ legislative candidates in advance of each election, or fixing an amount in the law with adjustments allowed based on an official price index, thus allowing candidates and parties to better plan their campaigns.</p>		<p>2 and without unreasonable restrictions: [...] (c) To have access, on general terms of equality, to public service in his country.”</p> <p>ICCPR, article 26: “All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”</p>	
14	<p>During the presidential campaign, contrary to the Constitution and the regulatory framework, high-level government and state administration officials were observed campaigning for the FRETILIN candidate.</p> <p>Inaugurations by CNRT and FRETILIN leaders of several major infrastructure projects days before and on the first day of the legislative campaign constitute an abuse of the advantage of incumbency and did not contribute to a level playing field.</p>	<p>Parliament could pass legislation to guarantee that state resources are not used in favour of any presidential or legislative candidacy, including a ban on inaugurations of public works close to elections.</p>	To ensure a level playing field.	<p>Equality of opportunity</p> <p>ICCPR Article 26: “All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin,</p>	National Parliament

				property, birth or other status.” Principles of transparency and accountability. Rule of law.	
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WOMEN’S PARTICIPATION IN POLITICS

15	While a one-in-three quota has improved gender representation in the National Parliament, much could still be done to empower women politicians to enjoy full equality in the exercise of political power.	Parliament could consider adopting legislation requiring affirmative action policies within political parties, such as amending party registration requirements to ensure there is gender parity at party executive levels, as well as introducing measures to improve gender parity in government positions and in leadership roles of parliamentary commissions.	To better empower women parliamentarians to have full equality in the exercise of political power, and to include women at decision-making levels within party executives.	Principle of equality. CEDAW, Article 3: States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men. CEDAW, Article 7: States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men. CEDAW, General Recommendation 23: “[...] In order to achieve broad representation in public life,	National Parliament
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				women must have full equality in the exercise of political and economic power; they must be fully and equally involved in decision-making at all levels ICCPR, Article 2 (1) (see above) ICCPR, Article 26 (see above)	
MEDIA					
16	Defamation (<i>denúncia caluniosa</i>) is considered a criminal offence under the current Penal Code.	Consideration could be given to find alternative measures to the criminalisation of defamation, possibly treating it as a matter of civil litigation or mediation, with support from the Press Council, between injured parties.	To avoid excessive sanctions that encourage media self-censorship and trigger a chilling effect on freedom of expression.	UN Human Rights Committee General Comment No. 34, 2011: States should consider decriminalization of defamation.”, “Consideration should be given to avoid penalizing comments about public figures” ICCPR, article 19 -Principle of Freedom of Expression “Everyone shall have the right to hold opinions without interference.”	National Parliament
17	The electoral law allows for paid political advertising in state-owned media during the campaign. As many parties have few resources and are granted campaign subsidies only after elections, contestants had unequal access to state media, which is under stronger obligations than private media to be impartial.	A legal provision could be established to limit paid advertising by candidates and office holders on state-owned media during the election campaign.	To avoid an unfair advantage for office holders and parties with more resources.	ICCPR, Art. 25: Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions: [...] (c) To have access, on general terms of equality, to public service in his country.	National Parliament

	Furthermore, the state-owned media were used by office holders who used public resources to purchase advertising space to showcase public works projects.				
18	To comply with the legal provision establishing free airtime for all contestants, state-owned media aired interviews with representatives of all political parties. However, these interviews were not identified as free airtime.	State media could consider clearly identifying free airtime granted to contestants	To allow viewers to distinguish free airtime from standard editorial content.	Professional journalistic principle: editorial content and advertising must be clearly separated.	RTTL
19	The Media Law and the recently passed Regulation on Media Registration establish media registration as a compulsory procedure for all media, including online outlets.	Compulsory registration of all media outlets with the Press Council could be either suppressed or made voluntary.	To avoid an unnecessary hindrance to freedom of expression.	Joint Declaration of the UN Special Rapporteur on Freedom of Opinion and Expression, the OSCE Representative on Freedom of the Media and the OAS Special Rapporteur on Freedom of Expression, 2003 (Standards for media regulation): Regulatory systems should take into account the fundamental differences between the print and broadcast sectors, as well as the Internet.	National Parliament
20	The CNE took no action regarding the non-compliance by media with the equal treatment and impartiality principles for media coverage during elections	Consideration could be given to transfer to the Press Council the CNE's role of media conduct monitoring supervision during elections. The CNE would still keep its mandate as the body in charge of enforcing the respect	To ensure an efficient supervision of the principles of impartiality and equal treatment for all parties regarding media coverage.	United Nations Security Council Resolution 2065 (2012): [The Security Council] urges the Independent Media Commission to ensure compliance with the Media Code of Practice, and emphasises the need for media	National Parliament

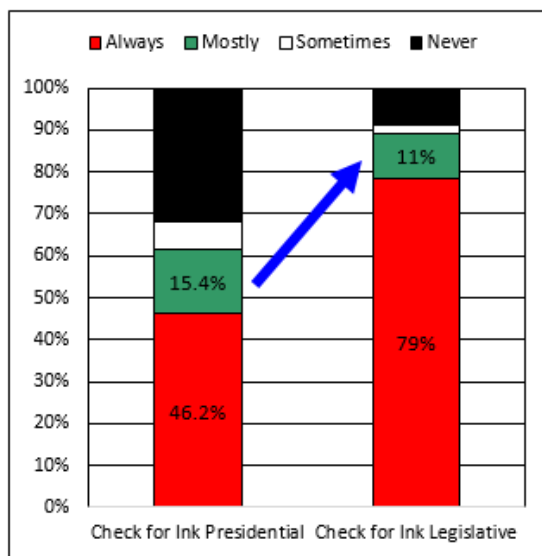
		for media rules during elections.		practitioners to remain committed to providing professional, independent, and factual coverage and to promoting public education and dialogue during the electoral period. ICCPR, Art. 25: Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions: [...] (c) To have access, on general terms of equality, to public service in his country.	
21	State TV broadcast no electoral content until 8 PM on E-Day both during the presidential and legislative elections	State TV could consider comprehensively covering election day including opening, voting and counting throughout the country	To guarantee that citizens access information of public interest through state-owned media.	ICCPR, article 19.2: Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.	RTTL
22	Local community radios had a generally limited role as a source of electoral content.	Future regulation on community media could include a legal provision to provide community media outlets with financial support enabling them to play a relevant role as voters'	To guarantee that citizens of municipalities outside the capital can exercise their right to access electoral information through the media and allow community media to provide its service as a	UDHR, article 19: "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and	Government (through a Government Decree)

		education platforms during elections.	key tool of information and education	<p>to seek, receive and impart information and ideas through any media and regardless of frontiers”.</p> <p>ICCPR, Article 25: “Every citizen shall have the right and the opportunity (a) To take part in the conduct of public affairs, directly or through freely chosen representatives (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors” (implying electors have the necessary information)</p>	
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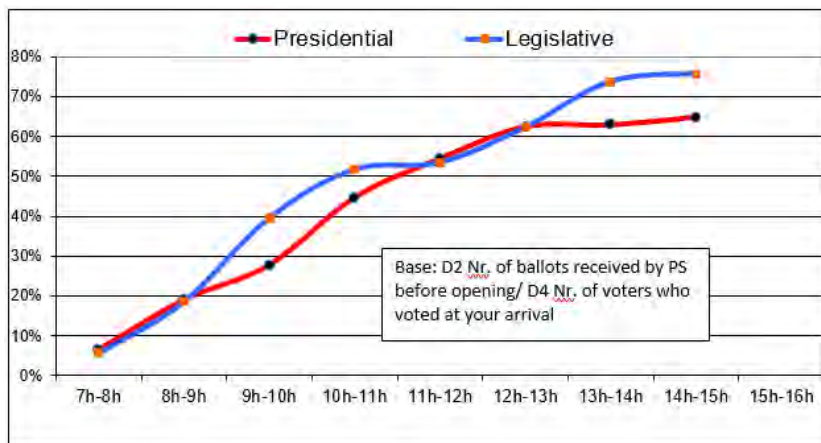
18. ANNEXES

ANNEX 1. ELECTION DAYS

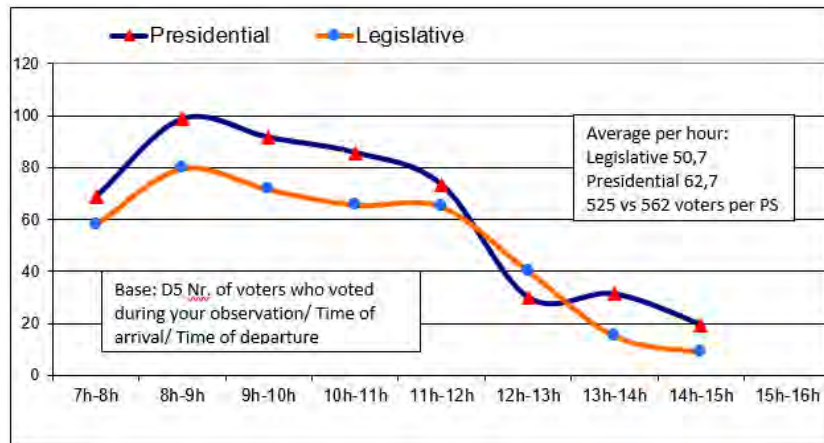
Graph 1. Improvement in verification of ink traces on voters fingers from the presidential to the legislative elections



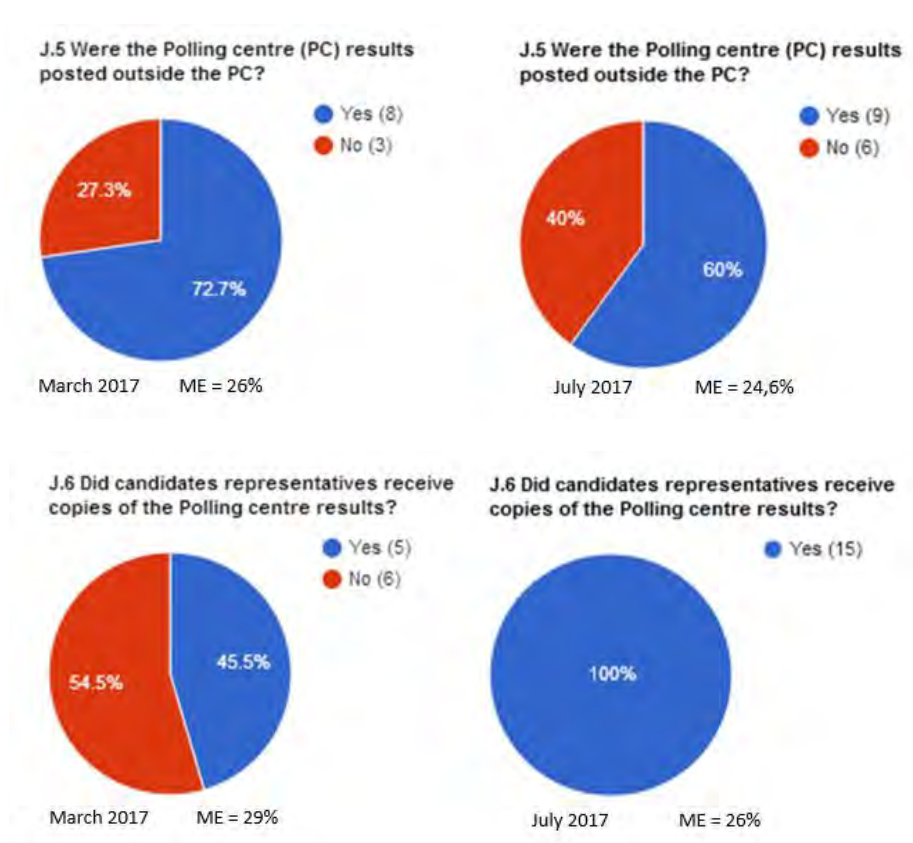
Graph 2. Cumulative turnout by hour during the presidential and legislative elections



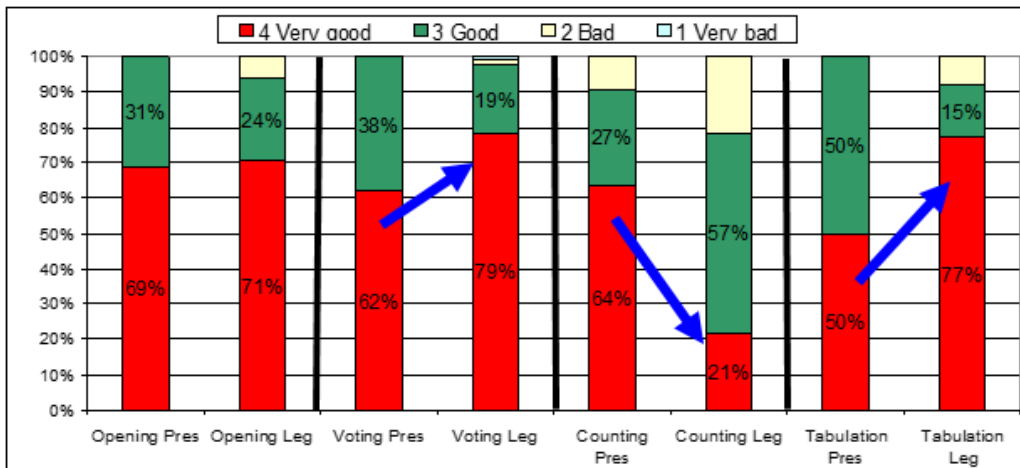
Graph 3. Average hourly flow of voters during the presidential and legislative elections



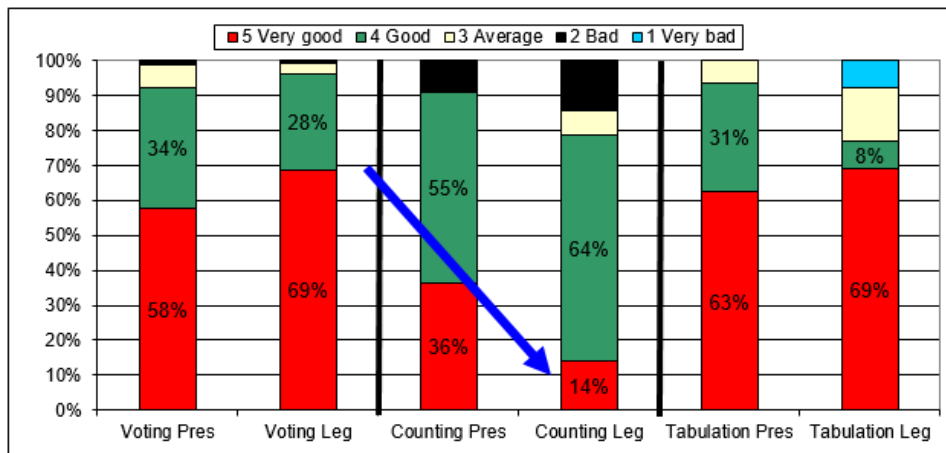
Graph 4. Transparency in counting: comparison between presidential and legislative elections



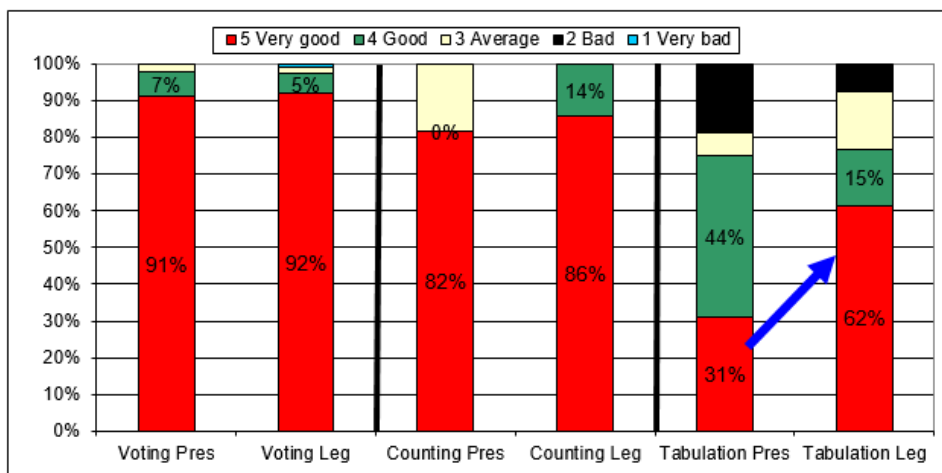
Graph 5. Overall evaluation of counting, voting and tabulation: comparison between presidential and legislative elections



Graph 6. Staff performance: comparison between presidential and legislative elections



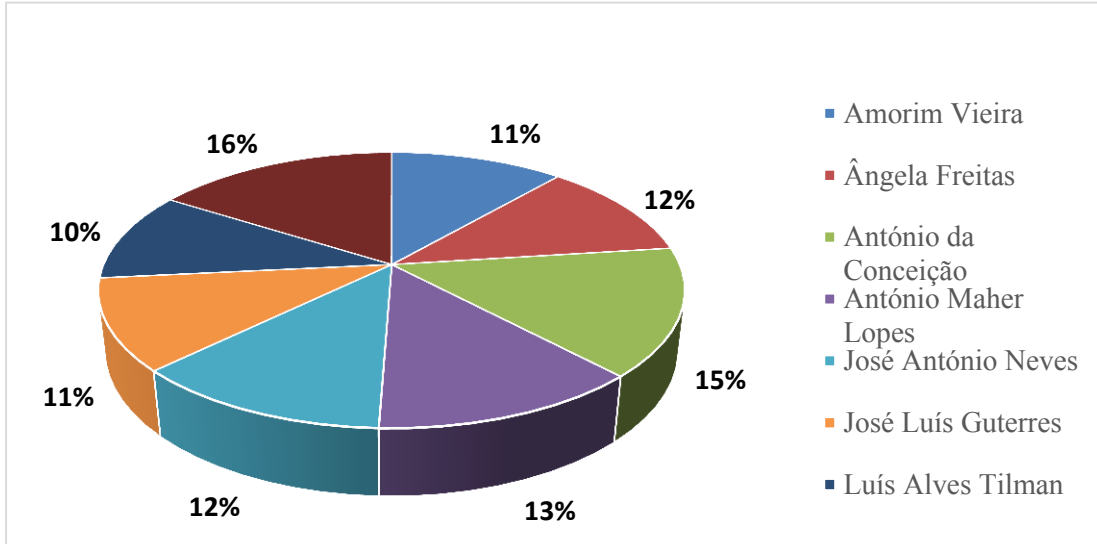
Graph 7. Transparency: comparison between presidential and legislative elections



ANNEX 2. MEDIA MONITORING STATISTICS

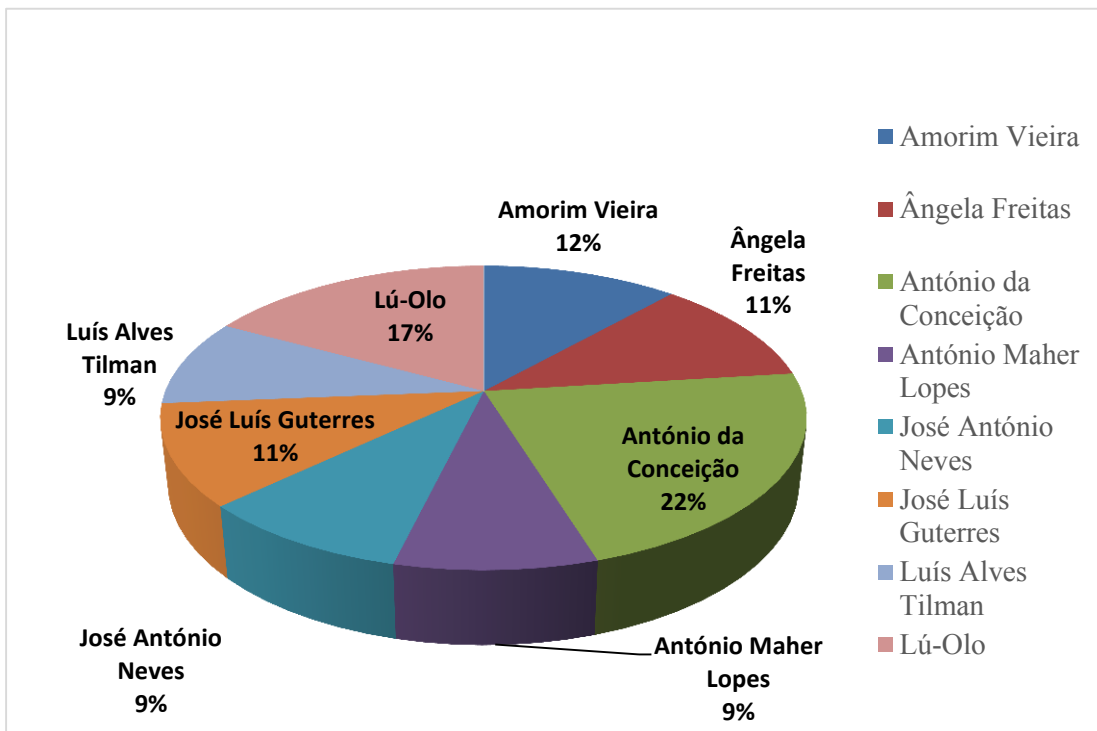
Graph 1. Airtime for presidential candidates on state television

Note: Figures do not include free airtime

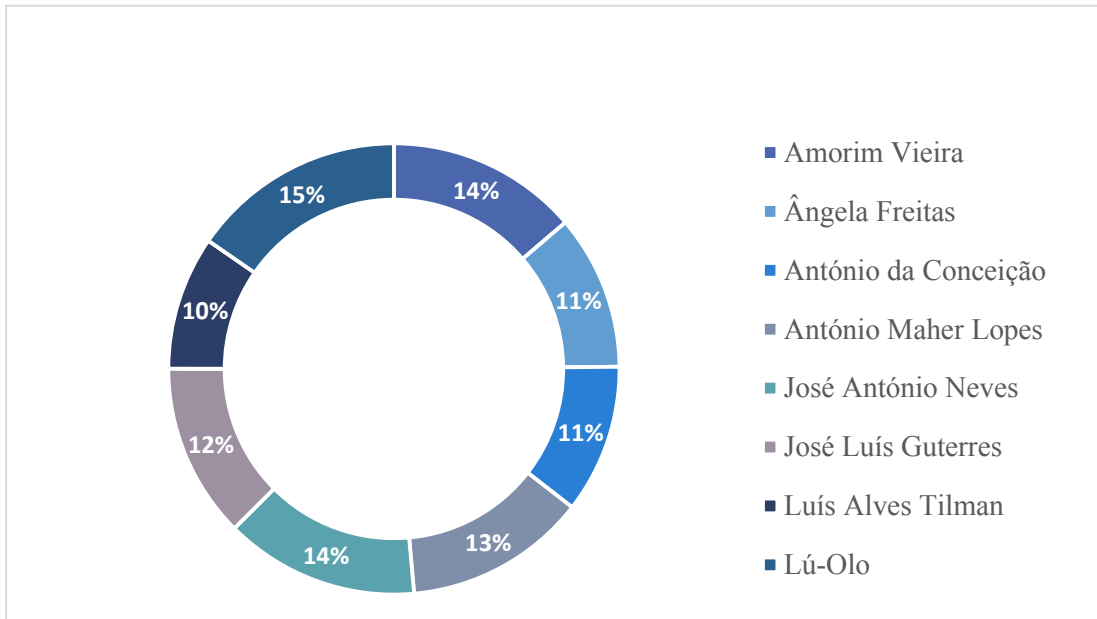


Graph 2. Airtime for presidential candidates on state radio

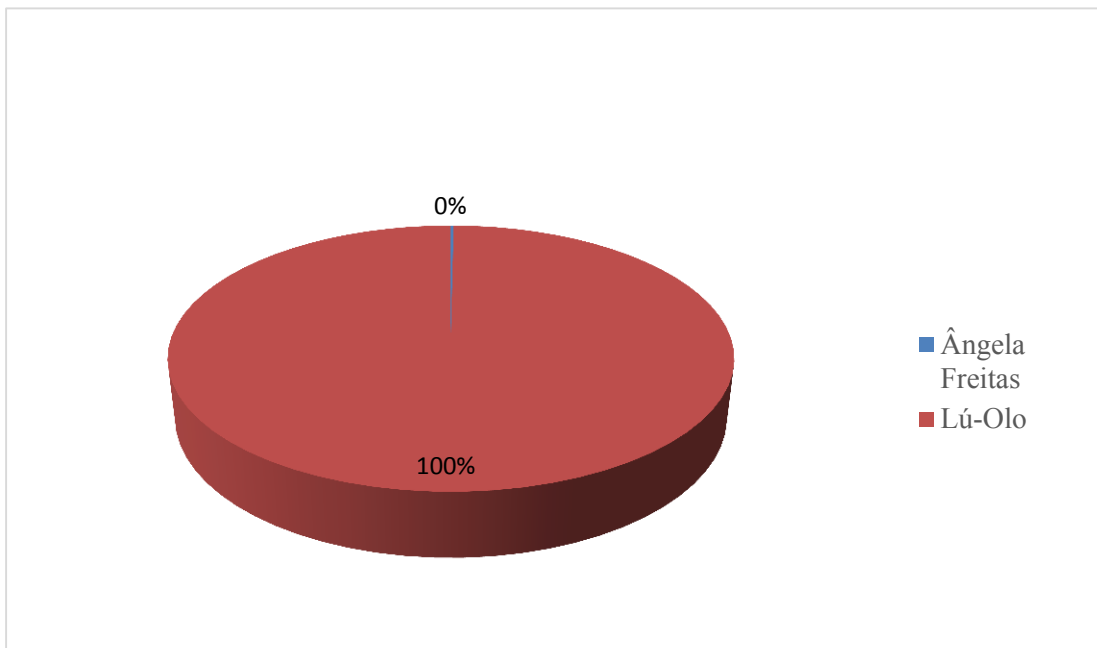
Note: Figures do not include free airtime



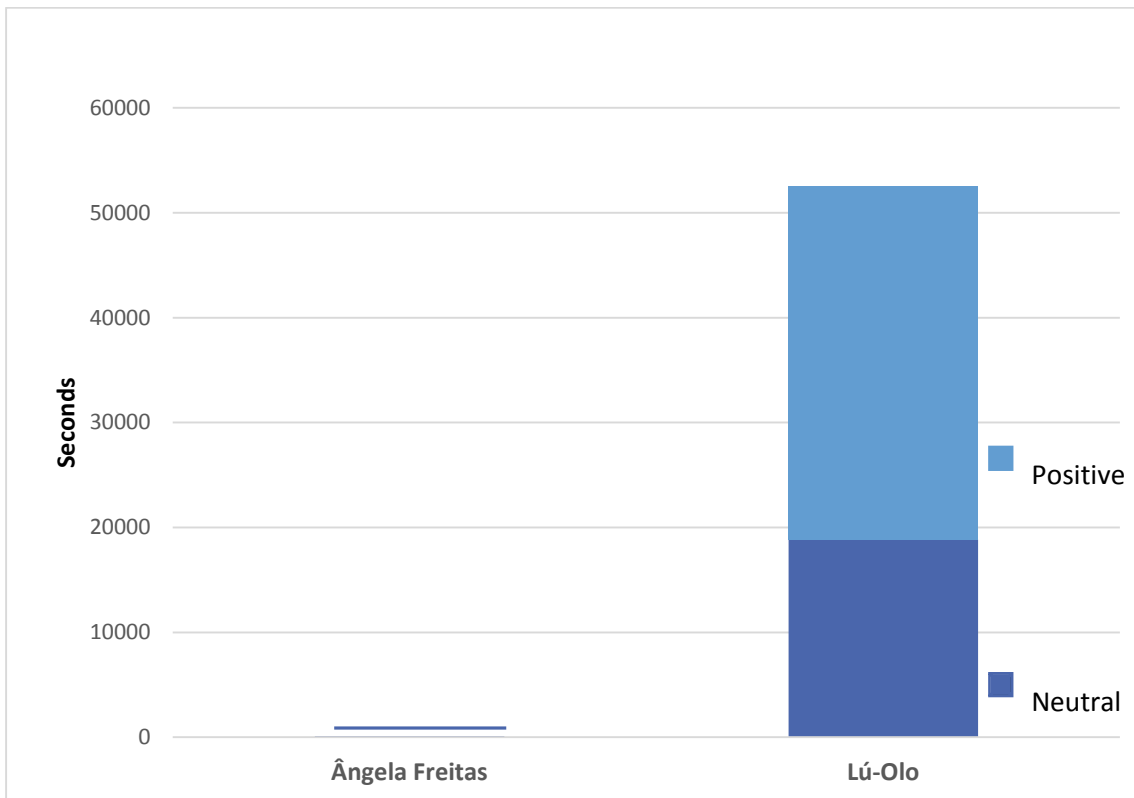
Graph 3. Free airtime for presidential candidates on state radio



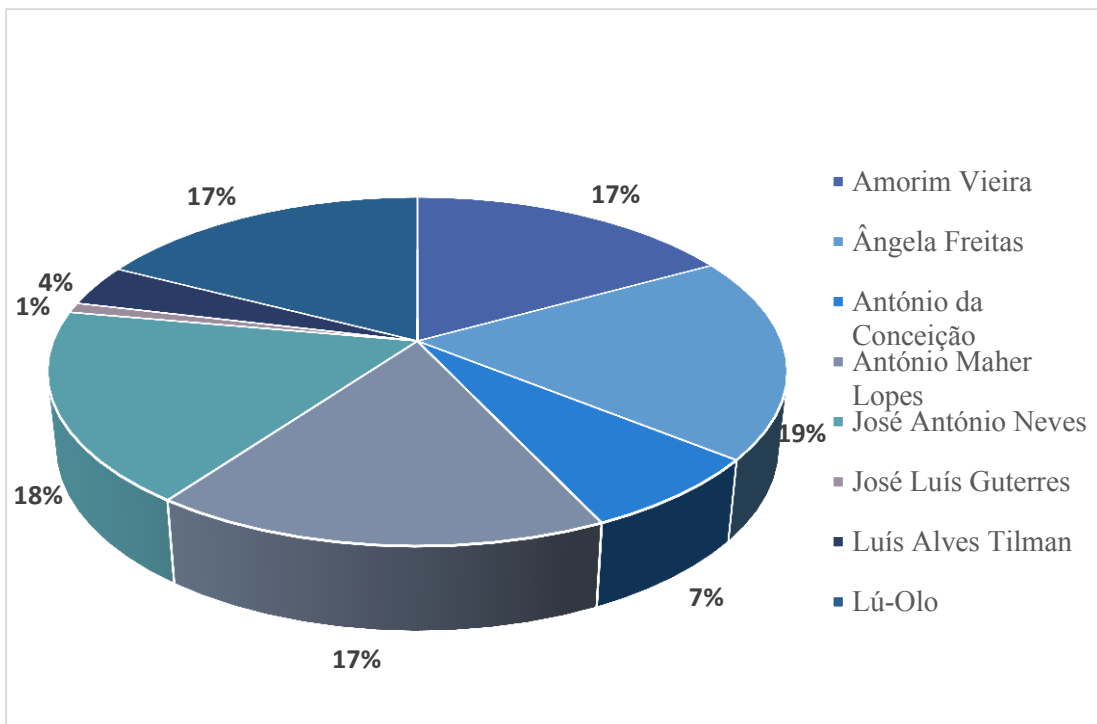
Graph 4. Editorial time for presidential candidates on Radio Maubere



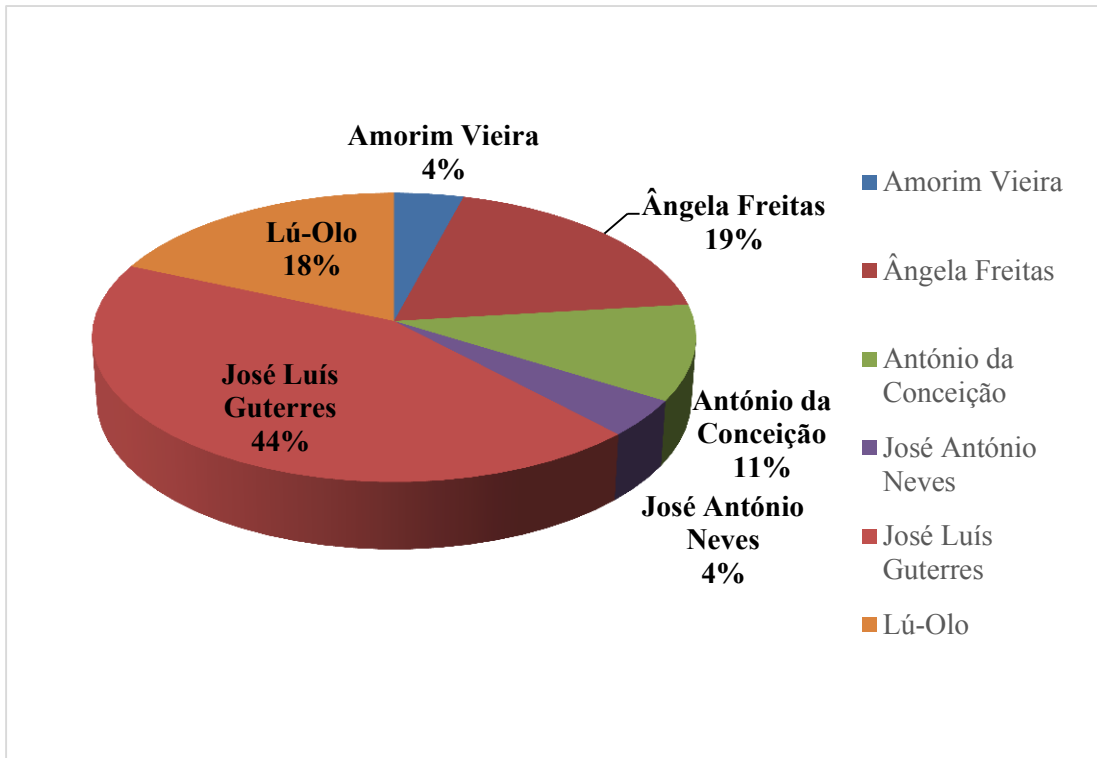
Graph 5. Tone of coverage for presidential candidates on Radio Maubere



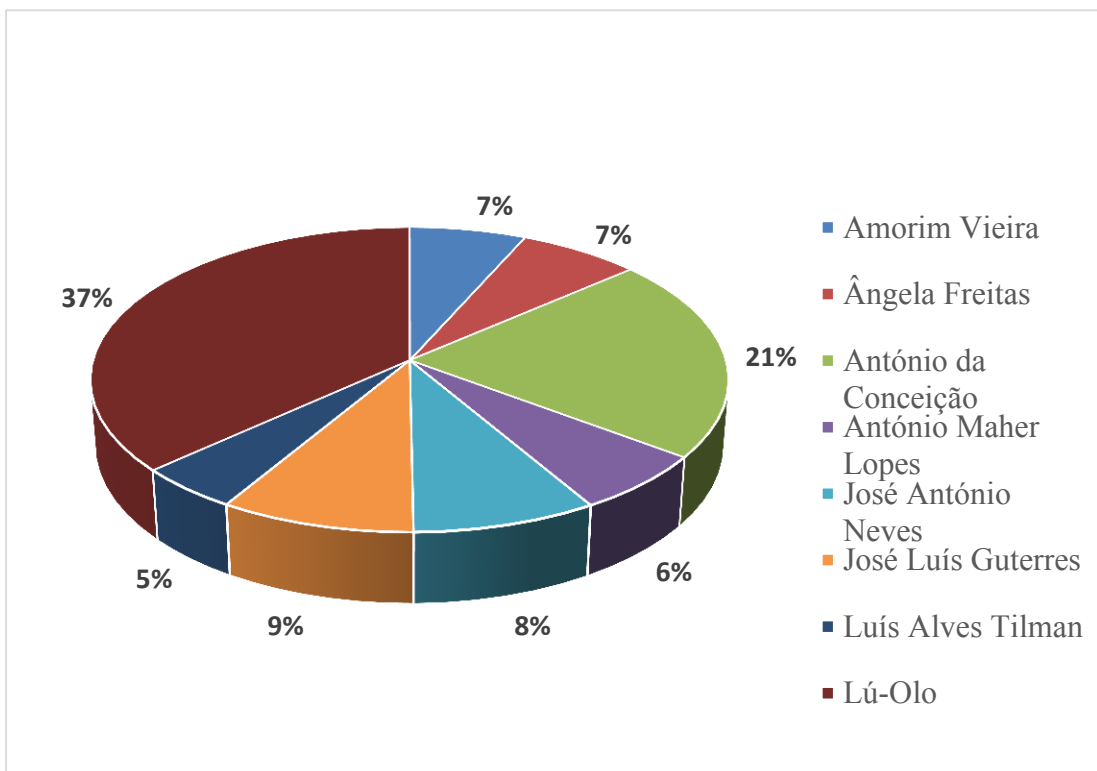
Graph 6. Airtime by presidential candidates on Televisão Educação



Graph 7. Airtime by presidential candidates on Radio Klibur

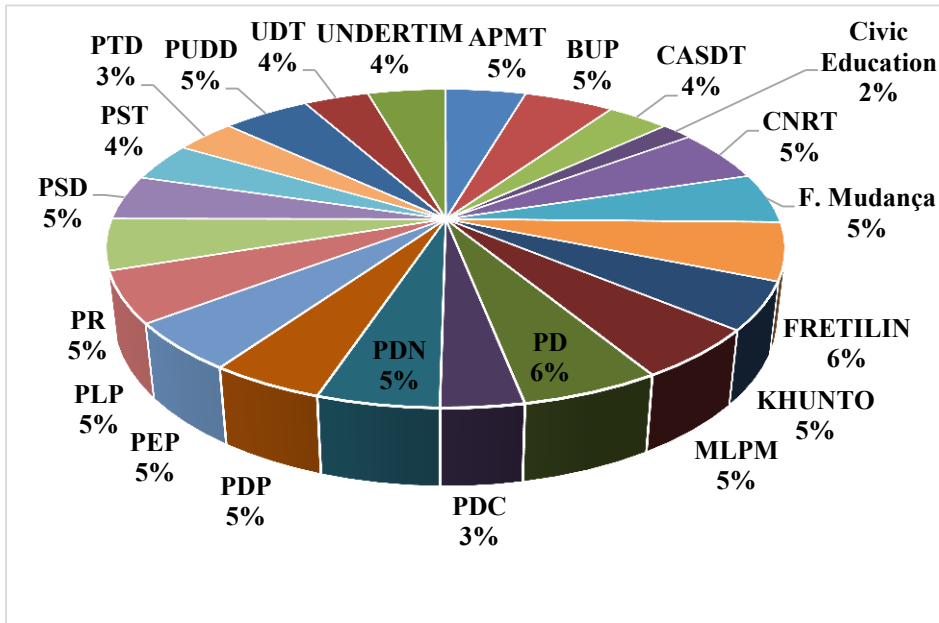


Graph 8. Space allocated to presidential candidates by *Jornal Nacional Diário*



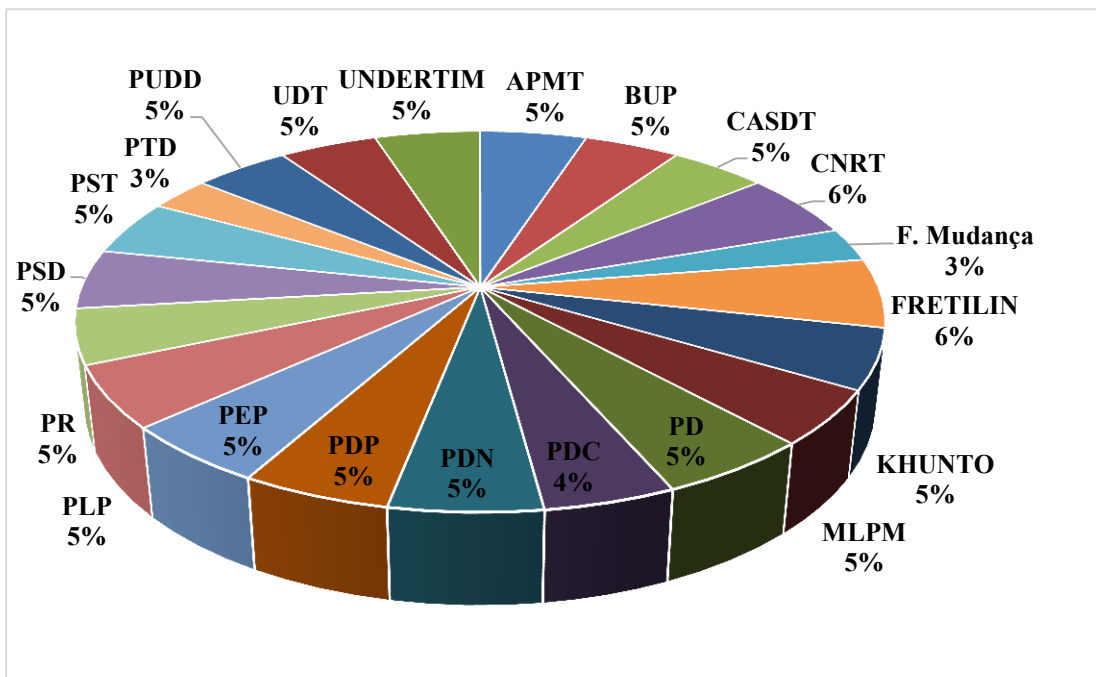
Graph 9 Airtime by political party on state-TV *

Note: Figures do not include free airtime

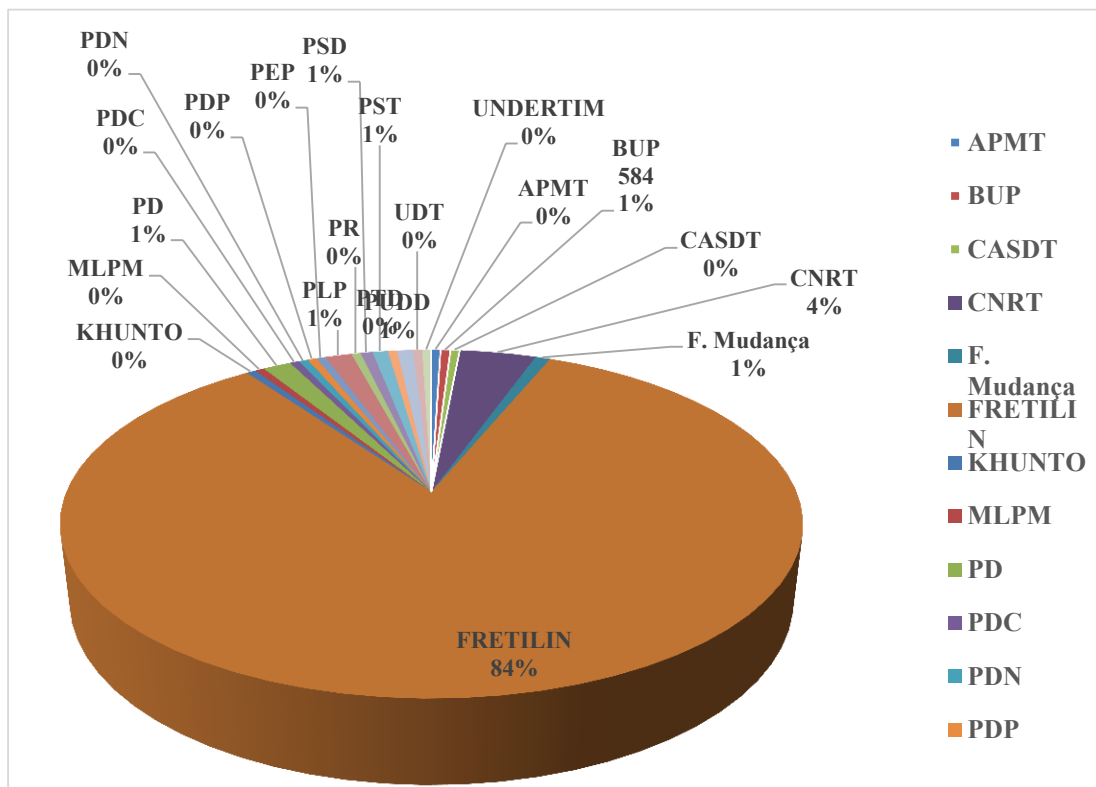


Graph 10 Airtime by political party on state-radio *

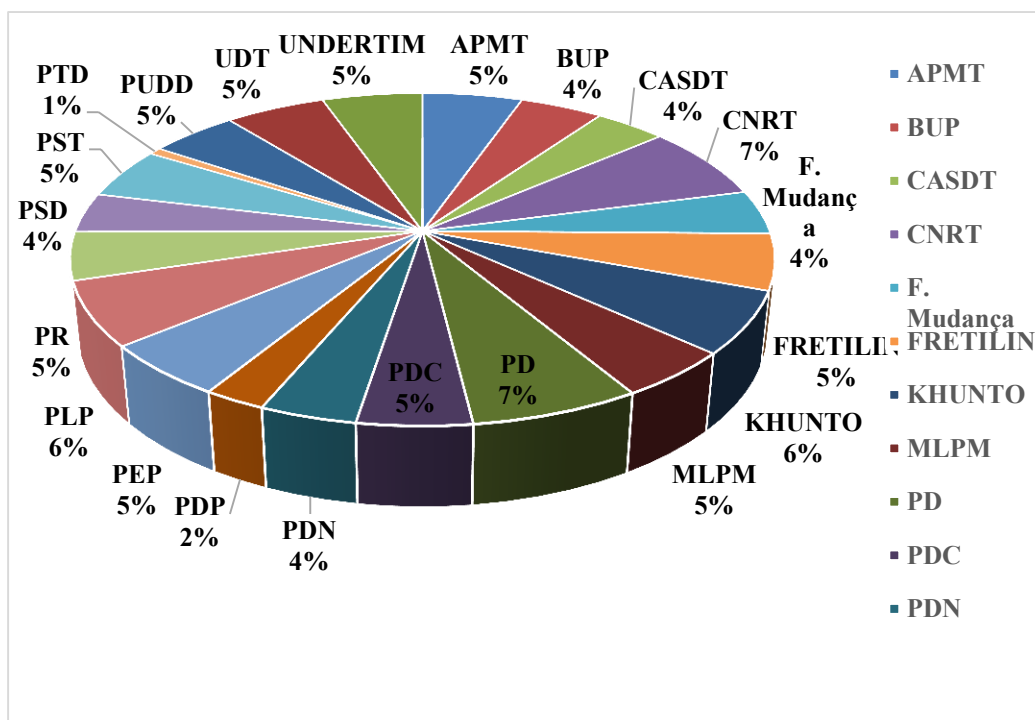
Note: Figures do not include free airtime



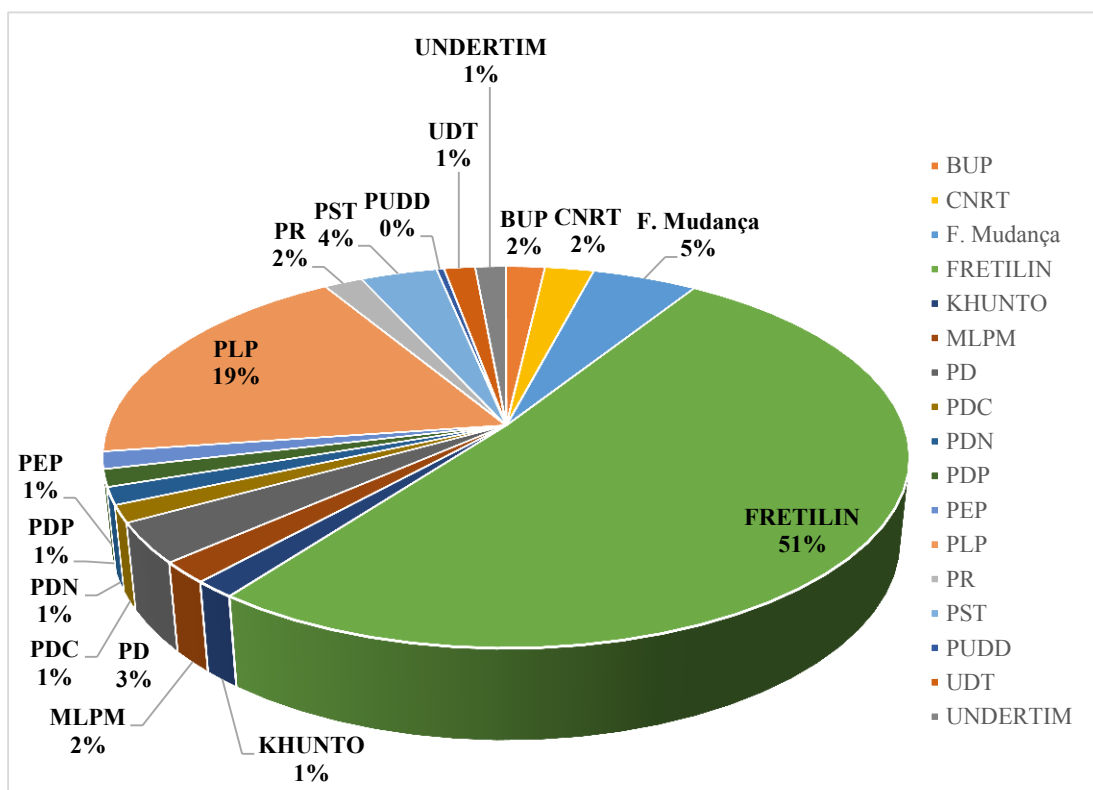
Graph 11. Editorial airtime by political party on Radio Maubere *



Graph 12. Editorial airtime by political party on Televisão GMN *



Graph 13. Airtime by political party on Televisão Educação



ANNEX 3. ELECTION RESULTS

Table 1: Final results of the presidential election (20 March 2017)

Candidate	TOTAL	%													
1 - A. Maher Lopes	9.102	1,76%	Total registered voters	743.150											
2 - F. Guterres Lú-Olo	295.048	57,08%	Total votes cast	528.813											
3 - Amorim Vieira	4.283	0,83%	Turnout	71,16%											
4 - J. A. das Neves	11.663	2,26%	Valid votes	516.881	97,74%										
5 - J. L. Guterres	13.513	2,61%	Invalid votes	8.989	1,70%										
6 - M. Angela Freitas	4.353	0,84%	Blank votes	2.911	0,55%										
7 - Luis A. Tilman	11.125	2,15%													
8 - A. da Conceição	167.794	32,46%													
TOTAL	516.881														
BY MUNICIPALITY															
	Aileu	Ainaro	Baucau	Bobonaro	Covalima	Dili	Ermera	Lautem	Liquica	Manatuto	Manufahi	RAEOA	Viqueque	Australia	Portugal
1 - A. M. Lopes	649	590	875	1.005	487	1.848	853	440	400	564	367	465	552	4	3
2 - F. G. Lú-Olo	11.656	12.690	41.949	18.676	16.288	64.498	22.022	20.061	12.998	13.492	14.374	13.976	32.054	127	187
3 - Amorim Vieira	157	255	369	405	223	559	556	797	188	160	202	231	177	3	1
4 - J. A. das Neves	324	511	941	1.386	677	2.895	2.050	245	1.167	383	342	334	401	1	6
5 - J. L. Guterres	490	573	2.848	1.093	748	2.974	932	682	490	440	654	354	1.196	15	24
6 - M. A. Freitas	153	255	417	750	258	657	640	166	141	165	289	224	235	3	0
7 - Luis A. Tilman	581	503	854	644	429	2.653	2.874	334	387	319	556	613	364	12	2
8 - A. Conceição	9.414	12.941	9.308	18.018	10.048	30.899	22.049	6.869	15.659	7.283	7.276	14.148	3.745	75	62
TOTAL	23.424	28.318	57.561	41.977	29.158	106.983	51.976	29.594	31.430	22.806	24.060	30.345	38.724	240	285

Note: Municipalities won by Lú-Olo in light red / municipalities won by Conceição in light blue

Table 2: Final results of the Timor-Leste's legislative elections (22 July 2017)

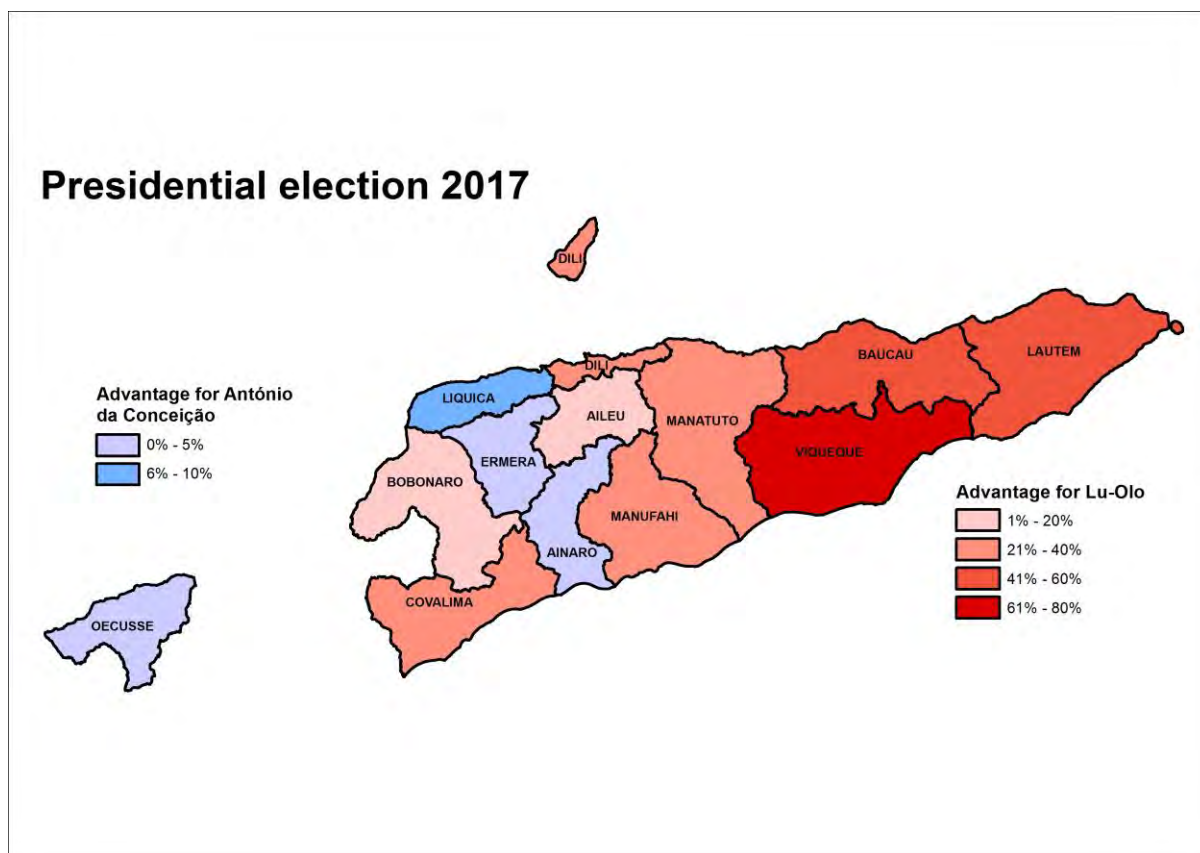
	Valid vote	% TOTAL			
FRETILIN	168480	29,66%	Total registered voters	760.907	
CNRT	167345	29,46%	Total votes cast	583.956	
PLP	60098	10,58%	Turnout	76,74%	
PD	55608	9,79%	Valid votes	568.070	97,28%
KHUNTO	36547	6,43%	Invalid votes	11.711	2,01%
PUDD	15887	2,80%	Blank votes	4.097	0,70%
UDT	11255	1,98%			
F-MUDANÇA	8849	1,56%			
PEP	6775	1,19%			
APMT	5461	0,96%			
BUP	4999	0,88%			
PST	4891	0,86%			
PSD	4688	0,83%			
PR	3951	0,70%			
PDN	3846	0,68%			
CASDT	2330	0,41%			
PDP	2079	0,37%			
PDC	1764	0,31%			
MLPM	1332	0,23%			
UNDERTIM	1216	0,21%			
PTD	669	0,12%			
TOTAL	568070	100%			

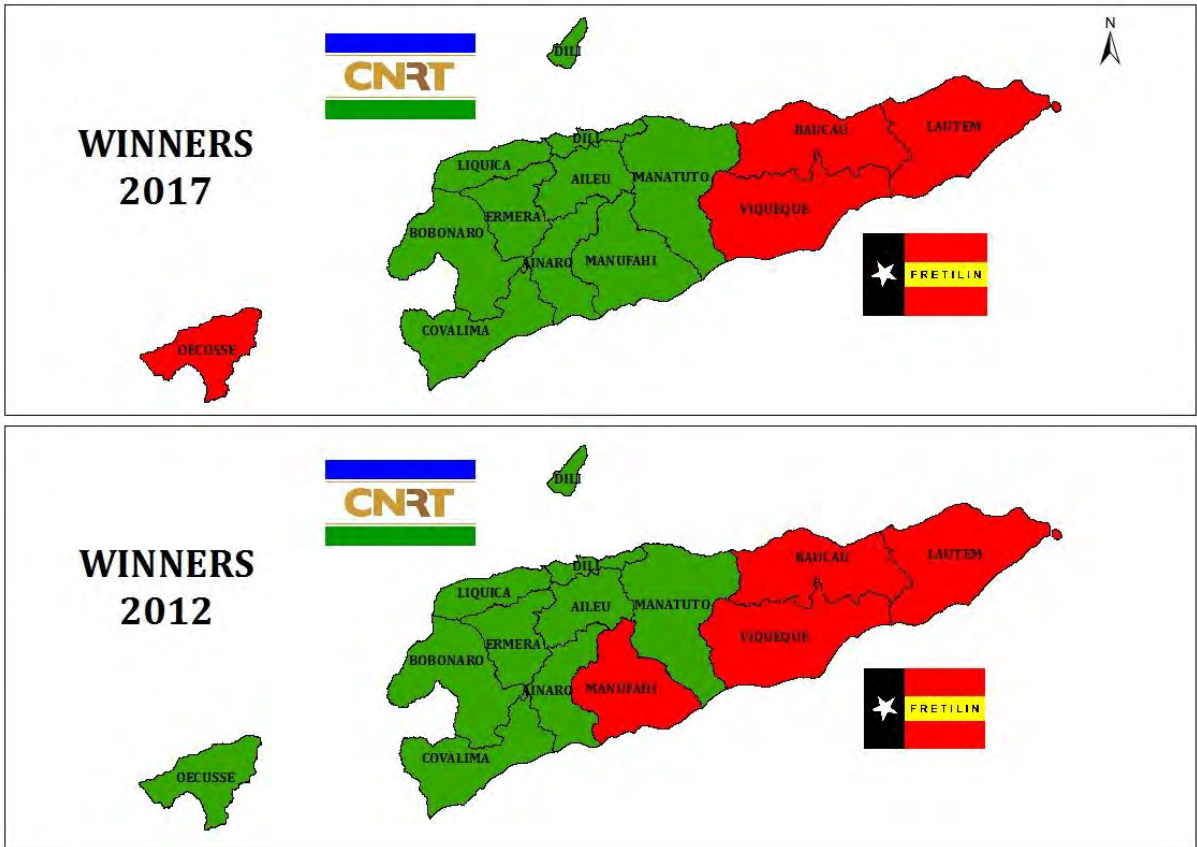
Table 3: Legislative elections' results by municipality and party (first position in green; second position in yellow; third position in light red)

	Aileu	Ainaro	Baucau	Bobonaro	Covalima	Dili	Ermera	Lautem	Liquica	Manatuto	Manufahi	RAEOA	Viqueque	Abroad
FRETILIN	26,05%	18,02%	42,21%	20,94%	21,96%	29,24%	18,83%	38,53%	23,68%	20,48%	24,49%	39,26%	52,91%	33,63%
CNRT	40,94%	30,29%	9,87%	32,35%	28,21%	38,71%	34,69%	24,54%	32,16%	31,51%	28,43%	29,30%	16,61%	21,25%
PLP	6,36%	8,04%	30,12%	7,81%	6,07%	13,00%	3,77%	6,20%	6,59%	7,84%	7,44%	6,52%	7,96%	24,85%
PD	6,25%	14,36%	3,90%	14,56%	22,62%	5,61%	12,89%	15,87%	11,40%	11,79%	9,10%	7,99%	4,28%	4,09%
KHUNTO	7,58%	11,37%	6,32%	7,84%	6,57%	3,94%	6,41%	3,67%	10,13%	10,71%	8,39%	3,55%	5,49%	2,83%
PUDD	2,14%	2,09%	1,04%	1,49%	3,43%	1,72%	3,66%	1,75%	2,52%	4,04%	9,53%	5,06%	3,30%	0,78%
UDT	1,62%	2,97%	0,92%	2,42%	1,82%	1,33%	5,35%	1,28%	1,91%	1,73%	1,76%	1,30%	1,24%	6,82%
F-MUDANÇA	1,25%	1,21%	0,91%	1,30%	2,91%	1,35%	1,68%	0,83%	3,06%	1,98%	3,73%	0,62%	1,11%	0,68%
PEP	0,74%	1,29%	0,61%	1,54%	1,14%	0,79%	1,75%	0,58%	1,37%	2,16%	1,60%	2,24%	0,90%	0,39%
APMT	2,49%	4,33%	0,35%	0,58%	0,64%	0,41%	2,27%	0,30%	0,62%	0,64%	0,41%	0,21%	0,95%	0,29%
BUP	0,40%	0,67%	0,36%	2,24%	0,74%	0,41%	1,94%	2,39%	0,49%	0,61%	0,60%	0,48%	0,39%	0,29%
PST	0,30%	0,63%	0,57%	1,37%	0,34%	0,59%	1,26%	0,64%	1,00%	3,02%	0,80%	0,15%	1,28%	0,97%
PSD	1,36%	1,37%	0,80%	0,80%	0,92%	0,55%	0,64%	1,63%	0,68%	0,62%	0,86%	0,27%	1,22%	1,07%
PR	0,51%	0,88%	0,46%	0,76%	0,53%	0,53%	1,47%	0,46%	0,85%	0,55%	0,53%	0,62%	0,81%	0,39%
PDN	0,46%	0,41%	0,29%	2,14%	0,55%	0,49%	0,74%	0,41%	1,46%	0,30%	0,22%	0,88%	0,37%	0,29%
CASDT	0,42%	0,54%	0,14%	0,37%	0,18%	0,35%	0,81%	0,06%	0,51%	0,82%	0,57%	0,66%	0,19%	0,19%
PDP	0,49%	0,41%	0,17%	0,43%	0,39%	0,32%	0,50%	0,28%	0,49%	0,47%	0,41%	0,29%	0,34%	0,29%
PDC	0,28%	0,56%	0,34%	0,40%	0,28%	0,17%	0,47%	0,18%	0,32%	0,29%	0,45%	0,24%	0,28%	0,19%
MLPM	0,10%	0,19%	0,33%	0,28%	0,23%	0,23%	0,38%	0,10%	0,40%	0,16%	0,17%	0,06%	0,14%	0,49%
UNDERTIM	0,18%	0,30%	0,18%	0,25%	0,32%	0,17%	0,31%	0,21%	0,20%	0,17%	0,26%	0,20%	0,12%	0,00%
PTD	0,11%	0,08%	0,09%	0,12%	0,15%	0,08%	0,17%	0,09%	0,16%	0,12%	0,25%	0,11%	0,11%	0,19%
TOTAL	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

ANNEX 4. ELECTION RESULTS' MAPS

Graph 1. Advantage for Lú-Olo and António da Conceição in the presidential elections, by municipality





Graph 2. Winners by municipality, legislative elections 2012 and 2017

Graph 3. 2017 and 2012 legislative elections results by party and municipality

