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**ELECTION OBSERVATION DELEGATION TO
THE PRESIDENTIAL ELECTIONS
IN TIMOR LESTE
(20 March 2017)**

**Report by
Ana Gomes, Chair of the EP Delegation**

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Introduction:

Following an invitation from the Timor Leste authorities and the subsequent authorisation of the Conference of Presidents, a seven Member EP delegation travelled to Timor Leste to observe the 2017 presidential elections. The delegation conducted its activities in the country from 17 to 22 March 2017 and was integrated into the EU Election Observation Mission (EU EOM) led by Chief Observer Ms Bilbao Barandica. The EP delegation was chaired by Ana Gomes (S&D, PT), and was composed of Inese Vaidere (EPP, LT), Joachim Zeller (EPP, DE), Juan Lopez Aguilar (S&D, ES), Javier Nart (ALDE, ES), Ignacio Corrao (EFDD, IT) and Marisa Matias (GUE/NGL, PT).

In the first part of the programme, the MEPs received briefings from the EU Heads of Mission and the EU EOM core team on the political background, the legal electoral framework, the security environment and the media landscape in Timor Leste. Meetings also took place with members of the Electoral Commission and with representatives of political parties and civil society. The delegation also met the current Prime Minister and the Speaker of the National Assembly, as well as other former Presidents - details in the main text.

The context of the 2017 elections:

The Presidential elections were the first since Timorese independence in 2002 to take place without international assistance. The presence of an EU EOM and the European Parliament was very much appreciated by the authorities and the population (the EP already observed the 2007 and the 2012 elections)

President Taur Matan Ruak who had been elected in 2012 was not seeking re-election but intended to lead the newly formed People's Liberation Party (PLP), which will compete in the parliamentary elections later in the year.

Only two candidates - Francisco "Lú-Olo" Guterres (FRETILIN) and António Conceição (Partido Democrático, PD) - ran as political party representatives. Three candidates - José Luis Guterres (Frenti-Mudança), Maria Ângela Freitas da Silva (Labour Party), António Maher Lopes (Socialist Party of Timor) - were linked to political parties but ran as independents. There were also three other independent candidates: José António de Jesus Neves, Amorim Vieira and Luís Alves Tilmane.

A significant development in the pre-election period was the announcement by former President, Prime Minister and Sakharov Prize Laureate, Xanana Gusmao, leader of the National Congress for Timorese Reconstruction (CNRT) and Minister for Planning and Strategic Investment that he would be supporting Lú-Olo. This had the potential to swing a large number of additional votes in the direction of the FRETILIN candidate and made the possibility of a second round less likely.

In the months before the election there had been a number of government initiated amendments to the legal framework for elections. In particular the supervisory mandate of the National Election Commission (CNE) had been reduced and it had become more

politicised. The EU EOM noted that some of these amendments had been introduced very late and had therefore created uncertainty and diminished confidence in the legal framework. Full details are provided in the report of the EU EOM - attached.

Pre-electoral environment

In the run-up to the campaign, the EU EOM observers noted that FRETILIN and the CNRT held "consolidation events" aimed at promoting party affiliation, especially among young people. With the exception of Francisco "Lú-Olo" Guterres and António Conceição, campaign activities got off to a low-key start before 3 March. An estimated 3,000 people attended Lú-Olo's opening rally in Ermera. Approximately 2,000 attended Conceição's on Sunday 5 March. In contrast to Lú-Olo's speech, in which he focused on geo-politics and international relations and the improving relationship between the police and military, Conceição talked to voters about improving living conditions, reducing poverty and bringing an end to corruption.

Long Term Observers (LTOs) across the country reported that all party campaigns were being directed from Dili, with many coordinator offices waiting for money and instructions from the capital. It was evident that FRETILIN, which was providing T-shirts and flags for campaign events, had greater financial resources than the PD. The PD reported that while it would organise some rallies, its principal campaign methods would be community meetings and door-to-door canvassing. The main political parties had well-developed strategies to target young people, however reports showed a low proportion of women working for these parties.

The EP delegation met six of the eight candidates, including the eventual winner and the second placed candidate. Meetings also took place with Prime Minister Rui Maria de Araújo, with Aderito Hugo da Costa, Speaker of the National Assembly, with Sakharov Prize laureate and former President & former Prime Minister "Xanana" Gusmao, with Nobel Peace Prize winner and former President & former Prime Minister José Ramos-Horta, with heads of the election administrations, with the Bishop of Baucau (Baucau team only), and with representatives from the civil society. Prior to the official start of the programme, the Chair and one other member attended the only televised debate between the eight candidates.

Election Day

The EP delegation split into three teams on election day, travelling to Liquica, Manatuto and Baucau (which necessitated an overnight stay). All teams observed closing in Dili. The EP delegation was positively impressed by the administration and organisation of the election, which was judged to have taken place in a very smooth and peaceful manner. They considered that the election administration had generally worked smoothly and transparently at all levels. They welcomed the high level of young people and women working as officials in the polling stations.

However, the MEPs were concerned about the very limited number of domestic observers in the polling stations on election day and called on the EU and the wider international

community to provide greater capacity support to civil society, including assistance in promoting the empowerment of women and young people.

The delegation also noted that polling centre officials very rarely made a point of checking the ink on voters' fingers, although this was the only way to ensure there was no double voting. The MEPs did not consider that this was the result of any misunderstanding of the procedures on the part of the staff of the polling stations but was mainly an indication that the procedures themselves were not clear enough. Although the delegation did not believe that this had an impact on the results, they considered that this point needed to be addressed in advance of the upcoming parliamentary elections.

Press conference and the EU EOM preliminary statement

The EU EOM and EP press conference took place on 22 March 2017. The EP fully endorsed the points made by Ms Bilbao Barandica and the conclusions of the EU EOM. The EP statement particularly welcomed the fact that these were the first national elections for which the Timorese authorities had been entirely responsible. This therefore represented a significant step in the process of embedding of democracy in Timor Leste.

However, the MEPs highlighted a number of areas for further action:

- the lack of implementation of the regulatory framework in the financing of the political parties - possibly due to a lack of human resources - which could put some of the candidates at a clear disadvantage;
- the absence of any identification of the sources of the political funding, creating the potential for corruption to appear in the political system;
- the issue of equal access to the media which put candidates with larger and unregulated funding at a significant advantage in comparison to those with more limited resources. The EP and the EOM called for stronger media regulation in order to establish a more equal playing field, particularly when it came to electoral campaigns;
- the need for more clarity in some election day procedures - particularly those relating to the checking of ink on the fingers of voters;
- the need for more domestic observers to be present and the importance of capacity support in this area from the international community, including the European Union

Post-election day developments

On 30 March, the Court of Appeal validated the results of the Presidential elections. Figures showed a decisive victory for Lú-Olo with 295,048 or 57.1% of the votes. Antonio da Conceição came second with 167,794 or 32.5% of the votes. No other candidate obtained

more than 3% of the vote, and the turnout was 71%. There was therefore no need for a second round.

The post-electoral atmosphere has been reported to be peaceful, with all candidates and parties accepting the final results. The media reported extensively on the EU EOM's preliminary statement which was presented on 22 March. CNE, STAE and the Minister of State Administration gave positive reactions to the statement. However, the newspaper *Diário Nacional* and FRETILIN secretary-general Mari Alkatiri, rejected the EU EOM's findings. The newspaper considered that the findings of the mission were "a bit exaggerated" and questioned the EU EOM's right to monitor the Timorese media.

Conclusion

The European Union and the European Parliament continue to monitor developments in Timor Leste in the post-election environment. Along with the rest of the EU, the European Parliament remains committed to support the consolidation of the democratic process in Timor Leste and its economic and social development. The EP intends to once again form part of the EU EOM for the legislative elections. These will also be a crucial step in the construction of a state based on a stable democracy that respects fundamental human rights and the improvement of the situation of its people.

EUROPEAN PARLIAMENT

ELECTION OBSERVATION DELEGATION

PRESIDENTIAL ELECTIONS IN TIMOR LESTE

20 March 2017

Participants

Members

1. Ana GOMES, S&D, Portugal - Chair
2. Inese VAIDERE, EPP, Latvia
3. Joachim ZELLER, EPP, Germany
4. Juan Fernando LOPEZ AGUILAR, S&D, Spain
5. Javier NART, ALDE, Spain
6. Marisa MATIAS, GUE/NGL, Portugal
7. Ignazio CORRAO, EFDD, Italy

**Statement by Ana Gomes
Head of the EP election observation delegation
to the Presidential elections in Timor Leste, 20 March 2017**

Dili, 22 March 2017

The European Parliament delegation is delighted to be back in Timor Leste, a country we have been supporting for long. And it has been for me an honour to lead this delegation composed of seven members from five EU member states, which has been integrated within the framework of the EU Election Observation Mission headed by my colleague Ms Bilbao Barandica.

First let me underline that we fully endorse what has been said by Ms Bilbao Barandica and we support the conclusions of the EU EOM. We look forward to receiving the final results of the elections.

These have been the first national elections that the Timorese authorities have organised without the assistance of the United Nations. This represents a significant step on the path to the embedding of democracy in Timor Leste.

Congratulations on this great achievement which strengthens confidence in the governance of your country.

During our five days in Timor Leste we have met with almost all the presidential candidates, as well as the electoral authorities and representatives of civil society. We have also met with the Speaker of the National Assembly, the Prime Minister, and other leading figures in the Timorese government and Parliament, with former Presidents of the country, and with the Bishop of Baucau. On all occasions we have stressed the support of the European Parliament to the consolidation of the democratic process in Timor Leste. As you know, the EU has maintained a very close relationship with Timor Leste even before 1999, throughout the process leading to its independence.

On Election Day our delegation split into three teams, deployed in Liquiça, Manatuto, and Baucau. All three teams also observed in Dili. Generally we were very impressed by the

administration and organisation of the election, which we considered to have taken place in a very smooth and peaceful manner. We were pleased to note the very competent role played by polling stations officials, of whom many were women and young people.

We were also impressed by the strong engagement of the population in the electoral process - despite the logistical and financial difficulties faced by some who often had to walk long distances to get to their polling stations. We commend the people for their commitment and belief in the power of the vote to determine their future.

So we will be coming away with a very positive impression. Nevertheless - looking to the future - we wish to raise some issues where we see the need for further improvements in the management of the electoral process.

We observed that the polling centre officials very rarely made a point of checking the ink on voters' fingers, which is the only way to ensure there is no double voting. This issue is not the result of any misunderstanding of the procedures on the part of the staff of the polling stations, but is because the procedures themselves are not clear enough. Although we do not consider that this had an impact on the results, we believe that this point needs to be addressed with the upcoming parliamentary elections in mind.

And - more generally - we were also struck by the very limited numbers of domestic observers in the polling stations. In this respect, and echoing the requests from local NGOs, we urge the international community to be more active in providing capacity support to civil society, in particular in assisting the empowerment of women and young people at all levels.

Moving away from Election Day itself, we should mention two fundamental issues affecting the election process that need to be addressed.

Firstly, the financing of the political parties. Currently the lack of implementation of the regulatory framework in this area, possibly due to the lack of human resources, puts some candidates at a clear disadvantage. And - on top of that - there is no identification of the sources of funds, which could lead to the possibility of foreign influence over Timorese politics. We are concerned that, if this problem is overlooked, there is potential for corruption to infect the political system.

Secondly - and linked to the previous point - we have concerns over the issue of equal access to the media. Those candidates with large and unregulated funding were at a significant

advantage over candidates with more limited resources. We see the need for strong media regulation - especially when political parties are establishing their own media outlets - in order to ensure a level playing field, notably during the electoral campaigns.

We anticipate that we will be returning to Timor Leste to observe the parliamentary elections later in the year, which will be another crucial step on the progress of Timor Leste towards the construction of a state based on democracy, with stability, respect for human rights and the development of its people.

As in the past, the whole of the EU - and in particular the European Parliament - will stand by the people of Timor Leste as it continues to consolidate its democratic path.

FIRST PRELIMINARY STATEMENT

22 March 2017

Timor-Leste organises well-run and peaceful presidential elections

Summary

The Timorese electoral authorities demonstrated their ability to organise elections for the first time without international assistance. From the registration of voters and candidates to voting, counting and the tabulation of results, procedures were followed in a transparent manner and with sufficient guarantees. Voters exercised their right to vote in secrecy, free from undue interference and in a peaceful atmosphere. Polling was mostly conducted with transparency and procedures were rigorously followed, although control of indelible ink on voters' fingers as the only safeguard against double voting was not systematic.

There was gender balance in the composition of polling station members. Candidate agents were observed in all polling stations, and EU observers noted a higher presence of FRETILIN agents. The counting process was well conducted and credible, although the requirements to give a copy of the results protocols to all candidate agents and to post the election results outside the polling centres were not always followed.

The legal framework provides an adequate basis for the conduct of democratic elections, including sufficient opportunities for electors and candidates to lodge complaints and appeals, but the late introduction of amendments to electoral laws risks creating uncertainty and diminishes confidence. A reduction in the National Election Commission's (CNE) competences, and a shortage of judges to hear appeals against results, does not contribute to enhancing oversight and transparency of the electoral process.

The two Electoral Management Bodies (the CNE, and the Technical Secretariat for Electoral Administration, STAE) demonstrated competence in their management capacity and delivered a well-administered and inclusive election. There were no unreasonable restrictions to the right to vote, and there was a general acceptance of the inclusiveness and reliability of the voter register. The EU EOM noted that training sessions for election officers were of uneven quality throughout the country, and participation in voter education workshops was low and insufficient, though the information imparted was generally accurate and useful.

Campaigning was mostly calm and candidates were able to exercise their freedoms of assembly, expression and movement. Political parties in several municipalities signed a pact to promote peaceful elections. The absence of campaign spending limits resulted in a significant disparity in spending between the FRETILIN candidate and other contestants. Contrary to the Constitution and the regulatory framework, state officials were observed campaigning for FRETILIN, and the President of the Republic was criticised by some political parties for setting up a party during his mandate.

Freedom of expression was respected during the electoral campaign, including in the media. Recent electoral reforms divesting the CNE of some of its media supervisory competences, and assigning these to the Government, contradict international principles according to which media oversight bodies should be independent from political interference. The state-owned TV offered a balanced coverage of the electoral campaign, but the EU EOM noted that it did not provide any election news during election day. Furthermore, the state radio gave unequal

free airtime to candidates. The private media monitored by the EU EOM were generally balanced in their coverage, with exceptions such as Diário Nacional and, especially, Radio Maubere, which offered unbalanced airtime, favouring presidential candidate Lú-Olo.

This Statement is made prior to completion of the election process, including tabulation of results and the handling of any complaints and appeals. The mission's final assessment will reflect observation of the remaining phases of the process, including recommendations for possible improvement of future elections, offered for consideration to the Timorese authorities and other stakeholders.

Preliminary findings

Background

On 20 March the Timorese people went to the polls to elect a President of the Republic for the fourth time in one national constituency and on an uninominal list for a five-year tenure. Only two of the eight presidential candidates ran as political party representatives, namely the former Speaker of Parliament Francisco Guterres (“Lú-Olo”) of FRETILIN (Revolutionary Front for an Independent Timor) and Minister for Education António da Conceição of the Democratic Party (PD). Although some of the remaining six candidates are 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. The FRETILIN candidate was backed by Xanana Gusmão, leader of the National Congress for Timorese Reconstruction (CNRT). Both parties are in a unity government following a reshuffle in 2015. President Taur Matan Ruak did not seek re-election but will lead the People's Liberation Party (PLP), which will compete in the parliamentary elections to take place later this year.

Legal Framework

Timor-Leste is a member of the United Nations and has ratified the most relevant international treaties related to human rights and fundamental freedoms. The Constitution guarantees these freedoms and rights and the national legal framework governing presidential elections provides an adequate basis for the conduct of democratic elections.

The electoral laws have undergone numerous amendments, including in the midst of the current electoral period. Late introduction of amendments to electoral laws risks creating uncertainty and diminishes confidence in the legal framework. Avoiding changes to the electoral legal framework in the period immediately prior to election day would constitute good legislative practice and an important safeguard as it would help guarantee legal stability and predictability.

Always on the initiative of the Government, the National Parliament debated on and pushed for approval of many amendments to the election laws. On 22 February, after the announcement of the definitive list of presidential candidates, the fifth amendment to Law No. 7/2006 on Election of the President of the Republic entered into force. While the changes are mostly in relation to updating the law to reflect the introduction of out-of-country voting, a key reform grants the Government competence to regulate Law No. 7/2006. The Government will now regulate, inter alia, the presentation of candidates, the election campaign, the functioning of voting centres, the procedures for counting and tabulation of results, and media coverage of the elections.

This amendment creates incoherence with article 8 of Law No. 5/2006 on Election Administration Bodies (as amended in July 2016), which establishes the National Election Commission's (CNE) competence to approve regulation of the above-mentioned processes. This is contradictory and results in the CNE having a competence that it cannot exert in the presidential elections. It is additionally noteworthy that the 2016 amendments to Law No. 5/2006 violated security of tenure by effecting 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 competence to elect the CNE President.

High-level political decisions to make these amendments have resulted in a more politicised CNE with a reduced supervisory mandate, which has so far not been observed to jeopardise the electoral implementation. Nonetheless, a reduction in the election management body's competencies and influence does not contribute to enhancing independent oversight and transparency of the electoral process.

Election Administration

The 2017 presidential elections were the first entirely conducted by the Timorese Electoral Management Bodies (EMBs). Both EMBs – the National Election Commission (CNE) and the Technical Secretariat for Electoral Administration (STAE) – which have an overall supervisory mandate and an implementing competency respectively, conveyed confidence in their management capacity and delivered a well-administered and inclusive election.

Election Preparations

The EMBs were overall on track with electoral preparations. The STAE was able to establish all 969 polling stations, even though approximately one-fifth of them were classified as being difficult to access. In a positive development, the legal provision for out-of-country voting was for the first time implemented for Timorese citizens living abroad, and three polling centres were set up in Australia (Darwin and Sydney) and Portugal (Lisbon).

In addition to printing voter lists, STAE, in co-operation with the national printing house, efficiently produced 800,000 ballot papers. By 14 March sensitive election materials were sent to Sydney, Darwin, Lisbon, the Oecusse enclave, and municipality warehouses, where ballot papers were batched by suco (village) and polling centre for further distribution. The timely deployment of ballot papers and electoral materials throughout the country and abroad was a crucial test, which STAE completed professionally.

In line with international best practice, the electoral law allows mobile voting for registered voters in hospitals and prisons on election day. Eight mobile polling stations (six hospitals and two prisons) were allocated to these institutions, which identified electors and informed STAE of their voters' lists up to 20 days before election day. Police and civil servants on election duty were allowed to vote at their duty station provided they were registered.

Voter Registration

There are no discriminatory or unreasonable restrictions to the right to vote.

Final voter registration figures stand at 744,613, including 1,762 eligible voters who completed the age of majority, 17 years, by election day. Women comprised 48.3 per cent of the total number of registered voters. Registered out-of-country voters numbered a total of 889 citizens in Australia and 510 in Portugal.

Municipal-level EMBs' representatives expressed some concern regarding lack of information flow from suco-level authorities on deceased voters. Yet, there was a good level of confidence in the inclusiveness and reliability of the voter database maintained by STAE, which continues to be the most comprehensive inventory of the adult population in the country.

Candidate Registration

The criteria for candidate eligibility for the presidential election are in line with international obligations for democratic elections and include no discriminatory or excessive restrictions. The Court of Appeal holds the function of screening presidential candidates for eligibility requirements. Candidates must hold original citizenship, be at least 35 years of age, and be proposed by a minimum of 5,000 voters. The deadline for submissions of 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.

Training of Polling Staff

STAE trained some 9,440 polling station staff, with co-ordination events held at suco level, often attended by national police (PNLT) representatives, municipality administrators, suco chiefs and civil society organisations, such as Belun, a national Non-Governmental Organisation (NGO) monitoring violent incidents in the run-up to elections.

The EU EOM was made aware of delays in the payment transfers to STAE municipal offices. This necessitated schedule rearrangements for polling staff training, which ran from 9-14 March, and some unnecessary hardship for personnel who, nevertheless, remained committed. Training sessions were observed to be of uneven quality throughout the country, at times too formal and lacking instructive materials. Additionally, STAE trained municipal IT officers and directors, these latter acting as presidents of municipal tabulation centres, as well as CNE delegates who oversaw the municipal tabulation process, and Timorese diplomats responsible for out-of-country voting.

Candidate Agents

STAE accredited around 4,200 candidates' agents who followed the voting and counting processes at polling stations throughout the country. With over 1,700 agents, Francisco Guterres (Lú-Olo) was the only candidate with sufficient agents to cover all polling stations. Lú-Olo was also the only candidate to register agents to follow the out-of-country voting.

Some candidates availed of the possibility to accredit agents to the municipal tabulation centres.

Civic Education and Voter Information

In the pre-election period, the CNE was fully engaged in conducting countrywide civic education sessions with a focus on the legal framework and calendar for the elections. The CNE made efforts to communicate with political stakeholders and the broader public through press conferences held at its media centre in Dili.

Apart from voter education and civic information broadcasts by CNE and STAE on national media and community radios, STAE officers offered voter education sessions at suco level which, while not uniform in content, covered relevant procedures. Overall, trainers were professional, and information shared was accurate and useful. Notwithstanding, EU observers reported that participation in these sessions was low, and citizens complained of a lack of information in remote areas.

Campaign Environment

The two-week election campaign took place from 3 to 17 March, followed by a two-day silence period. Campaigning was mostly peaceful and low-key. 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. Political parties in several municipalities signed a pact aimed at promoting peaceful elections, and this is expected to be rolled out across all municipalities before the parliamentary polls later this year.

Candidates could campaign freely, and were not constrained in their freedoms of assembly, expression and movement. Only two candidates – FRETILIN's Lú-Olo and the Democratic Party's António da Conceição – held large rallies, while other contestants focused on door-to-door canvassing and meetings at village level. 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.

A number of campaign programmes lacked substance, and several candidates made policy proposals and promises that went beyond presidential functions. 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.

Since the 2012 parliamentary elections, and in line with comments contained in the final report of the EU EOM to Timor-Leste in 2012, amendments in 2016 to Law No. 3/2004 on Political Parties established the principle of state funding for election campaigns on the basis of a one-off payment according to the number of votes received.

Existing legislation sets no limits on the funding and services candidates may accept as donations or spend on campaigning. The election was notable for the wide discrepancy in funding available to the FRETILIN candidate compared to other contestants. Reasonable caps on campaign expenditure may be justified where necessary to ensure the free choice of voters is not undermined or the democratic process is not distorted by disproportionate spending on behalf of any candidate or party.

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, the supervisory body tasked with enforcing constitutional and legal provisions related to the electoral process. In Oecusse, a ZEESM (special economic area) truck was used to transport 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.

The emergence of a new party, the PLP, to be led by outgoing President Taur Matan Ruak, also affected the campaign and focused attention on the upcoming legislative elections. The PLP, which will contest elections for the first time this year, backed the PD's Mr Conceição. The President was criticised by some political parties for setting up a party during his presidential mandate.

Media

The media covered the electoral campaign in an environment of press freedom, a right protected under Articles 40 and 41 of the Timorese Constitution. Harsh financial conditions and limited technical capacity affected most private and community media outlets' ability to provide extensive electoral coverage. On election day, the state-owned television broadcasted no electoral content until well after the official closing of polls, providing an insufficient public service to Timorese citizens.

Government decree No. 10/2017, promulgated in February 2017, represents a significant regression regarding the supervisory function of the media coverage of elections. Regulations now provide the STAE, which is under the Ministry of State Administration, with a discretionary decision-making power over which media outlets will be accredited. The CNE loses this competency while the government is granted authority that allows it to potentially interfere in the selection and removal of media covering elections. This provision is not in line with international principles according to which media oversight bodies should be independent, impartial and protected from interference.

The state-owned media, Rádio e Televisão de Timor-Leste (RTTL) offered voters a useful platform of information on the candidates, airing special electoral-related programmes during the campaign. Both public media outlets presented a balanced coverage of the electoral campaign, granting the eight candidates a proportional share of airtime in a neutral tone. In addition, all the candidates were also allocated free airtime, produced by RTTL based on inputs and documents provided by the candidates. Although the effort to have the state media involved in the production of campaign-related information for all candidates can be considered reasonable under the current financial circumstances, Radio Timor-Leste did not comply with the legal requirements since the allotted time for this purpose was not equal for all candidates.

Privately owned Radio Maubere's coverage of the electoral process offered unbalanced coverage favouring FRETILIN's presidential candidate, Lú-Olo, to whom it granted all its campaign-related airtime, including news and analysis. The radio offered voters limited information on the electoral process as there was a slight, and at times even absent, line of separation between the party's campaigning and the news service. In so doing, Radio Maubere went against the principle of equal opportunity and treatment to all candidates, established by Government Decree No. 5/2017, art. 6.1b, as well as the principle of impartiality, covered by Government Decree No. 10/2017, art. 7.g. The channel also broadcasted on a regular basis a pre-recorded speech by the Oecusse president, thus breaching campaign rules stipulating that public officials cannot be used as tools of electoral propaganda (Government Decree No. 5/2017, art. 6.1i). The silence period was not respected by Radio Maubere, which aired electoral ads for Lú-Olo.

While private TV Educação began transmissions of election-related information late in the campaign, it made a positive effort to broadcast interviews with the presidential candidates in a partnership with non-governmental organisation La'ó Hamutuk. This represented a useful platform for information about the candidates' programmes. The tone of the TV Educação programming was neutral, and its campaign coverage generally balanced.

Radio Klibur devoted a limited share of airtime to the presidential elections. Only a few of its news programmes offered campaign coverage, and these referred to only six candidates. Coverage was presented in an unbalanced manner, with José Luis Guterres being granted more than one third of the time allocated to all the candidates (44%), followed by Ângela Freitas (19%), and Lú-Olo (18%). The tone of coverage was, however, neutral.

All newspapers monitored by the EU EOM (Diário Nacional, Suara Timor Lorosae and Timor Post) generally presented the eight candidates in a neutral tone. However, Diário Nacional was biased in favour of Lú-Olo, having allocated him more than one-third of the total space devoted to candidates (37%), followed by António Conceição (21%) and José Luís Guterres (9%). The newspapers Suara Timor Lorosae and Timor Post gave candidates a balanced share of space.

Media outlets scarcely ran any voter or civic education content. The state-owned television broadcast three episodes of informative and entertaining dramas covering these areas, produced by STAE and UNDP and, at a very late stage, CNE's civic education spots.

The CNE, as the campaign supervisory body, took no action regarding media coverage of elections, revealing a limited ability to efficiently supervise the media conduct during electoral periods.

Citizens' Groups and Observation

In an inclusive and timely manner, the STAE accredited civil society organisations (CSO). National observer groups participating in election observation were the Catholic Church's OIPAS, Belun, RHTO-DPO (Ra'es Hadomi Timor Oan -- Disabled Persons' Organisation), the Ombudsman's Office (Provedoria dos Direitos Humanos e Justiça, PDHJ), and the NGO umbrella group FONGTIL. A shortage in funding resulted in a reduction of national observation efforts when compared to 2012 elections. Some organisations plan to focus instead on the upcoming parliamentary elections.

Gender

There was only one woman candidate, Maria Ângela Freitas da Silva, who chose to run independently. While a one-in-three quota has improved gender representation in the national Parliament – 25 out of 65 MPs (38 per cent) are women, the largest representation in the Asia-Pacific region – there remains a persistently low participation of women in leadership positions at local levels. Of the 744,613 eligible voters, 48.3 per cent are women. Dili and Aileu municipalities recorded a slightly lower registration of around 46 per cent. The remaining municipalities show a more balanced registration in terms of gender. Women's participation at election campaign events varied from around half of supporters at some meetings to only five or ten per cent at others. There was a marked lack of women speakers at campaign meetings.

People with Disabilities

Timor-Leste has yet to ratify the Convention on the Rights of Persons with Disabilities (CRPD), but has been under increasing pressure from national civil society groups to do so. There is no accurate data on people with disabilities in Timor-Leste. While the 2010 national census identified 48,000 people (4.6 per cent of the population), the 2015 census identified only 35,000, revealing the non-inclusive nature of the survey. In its report to the Election Management Bodies on the 2016 suco elections, the National Disabled People's Organisation (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 needs to collect reliable data to ensure accurate statistical information on the number and distribution of people with disability in Timor-Leste. The National Disabled People's Organisation (RHTO-DPO) once again observed the presidential elections, with 20 observers in Dili.

Polling and Counting

In line with the operational calendar and one day before elections, STAE distributed sensitive electoral materials to the polling centres where they were safely stored overnight. On election day, opening preparations were conducted in a transparent manner and all 16 observed polling stations opened on time.

The EU observers visited in total 121 polling stations throughout the election day. Opening, voting and counting procedures were assessed in practically all observations as very good (2/3) or good (1/3).

Voters turned out in large numbers and could exercise their right to vote in secrecy, free from any undue interference and in a peaceful atmosphere. Women represented approximately half of the experienced polling officers and managed to process voters swiftly. EU observers reported longer queues in morning hours especially in large urban sucos. In general, the polling was conducted in a transparent way and the procedures were rigorously followed with the only exception being the non-systematic control of indelible ink on voters' fingers before voting, which is the only real mechanism against double voting.

Candidate agents (fiskais) were observed in all polling stations. EU observers noted, however, a disproportionate presence of FRETILIN agents, who covered virtually all polling stations, while no other candidate managed to assure their representation in more than a quarter of visited polling stations. National observers were present in almost a third of polling stations visited. No formal complaints were registered in any of the visited polling locations.

Counting was observed in 11 polling stations. EU observers reported a well-conducted and credible counting process. However, the requirement to post the election results outside the polling centre and to provide copies of the results protocols to candidate agents was not always followed. This impacted the overall transparency of the election process.

The polling centre results were promptly transferred for tabulation at the municipal level. As reported by EU observers, this process was in some instances delayed by technical problems or interrupted during the night to allow personnel to rest or for the retrieval of electoral material from more remote areas. While the reception of the electoral material and protocols was carried out in clear view of candidate representatives and observers, the set-up of most municipal tabulation centres did not allow for close scrutiny of the digitalisation of results protocols.

Within 24 hours after polls closed, STAE published provisional results relating to tabulation of 95 per cent of polling centres. The EU EOM will continue to observe the national tabulation of results in the coming days.

Complaints and Electoral Offences

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 final results. In practice, however, a petition against a decision of the Court of Appeal regarding final results is not possible due to a continued shortage of sitting judges. Until now, the CNE reports having received only a handful of complaints, mostly in relation to destruction of campaign materials and provocative acts undertaken during campaign events. The Attorney General's Office has prioritised investigation of electoral offences, and only a few cases are under investigation.

The European Union was invited by the Government of Timor-Leste to observe the 2017 presidential and legislative elections, and the EU signed Memoranda of Understanding with

the Government of Timor-Leste and the National Electoral Commission (CNE) on 8 February and 9 February 2017, respectively. The EU EOM is led by Izaskun Bilbao Barandica, a member of the European Parliament from Spain. The mission comprises a core team of seven analysts who have been in Timor-Leste since 13 February, and 16 Long Term Observers (LTOs), who have been present since 21 February. In addition, the mission is joined by one Local Short Term Observer from the diplomatic community and a seven-person delegation of Members of the European Parliament, led by Ana Gomes MEP from Portugal. Overall observers are drawn from 18 EU member States as well as Norway.

The EU EOM remains in country to observe the legislative elections as well as post-election developments. The EU EOM will publish a final report, containing detailed recommendations, within two months of the conclusion of the electoral process. The EU EOM assesses the whole electoral process against international obligations and commitments for democratic elections as well as the laws of Timor-Leste. The EU EOM is independent in its findings and conclusions and adheres to the Declaration of Principles for International Election Observation signed at the United Nations in October 2015.

The English language version of the EU EOM preliminary statement is the only official version

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Timor-Leste organises well-run and peaceful elections

Dili, 22 March 2017

Mrs Izaskun Bilbao Barandica, a member of the European Parliament and the European Union Election Observation Mission (EU EOM) Chief Observer officially presented the mission's preliminary statement on the Timor-Leste 2017 Presidential elections during a press conference held today in Dili.

The Chief Observer commended the Timorese people, the electoral authorities, candidates and civil society organisations for contributing to Monday's peaceful presidential elections, in which the right to universal, free and equal suffrage was respected in line with Timor-Leste's Constitution.

Mrs. Bilbao stressed that the electoral authorities demonstrated ability to organise elections without international assistance for the first time. From the registration of voters and candidates, to voting, counting and the tabulation of results, procedures were followed in a transparent manner and with sufficient guarantees. In addition, the EU EOM Chief Observer commended the equal gender balance of polling station members.

The mission identified some areas of improvement for future electoral processes, which includes the regulation of political financing; media coverage in accordance with electoral campaign principles; some procedural aspects such as the systematic control of indelible ink as the only safeguard against double voting; and sharing copies of original results protocols with candidates' representatives which was not applied consistently as established by law.

The legal framework in Timor-Leste provides a good basis for the conduct of democratic elections, and offers sufficient opportunities for electors and candidates to lodge complaints and appeals. Nonetheless, the Chief Observer noted that the introduction of amendments to electoral laws at a late stage in the process creates uncertainty. She also stated that reducing the National Election Commission's (CNE) competences, and a shortage of judges to hear appeals, does not contribute to enhancing an independent supervision and transparency of the electoral process. Although according to the latter, neither of these two issues appeared to have a notable impact on these elections.

Both the CNE and the STAE demonstrated the necessary competence to hold well-administered elections. There were no restrictions to the right to vote and there was an acceptance of the inclusiveness and reliability of the voter register. The Chief Observer stated that the training of polling station staff and the poorly attended civic education programmes could be improved in the future.

The mission commended the candidates for all their efforts to ensure peaceful elections and for their exemplary comportment during the counting process. The EU EOM Chief Observer noted that the absence of campaign spending limits resulted in a significant disparity in spending between the FRETILIN candidate and other contestants, and that the use of state resources to favour any candidate, as well as the participation of elected officials in the electoral campaign is against what is stipulated in the Constitution and the laws of the country.

The mission concluded that freedom of expression of candidates and of the media was upheld during the campaign, but noted that the transfer of media supervisory powers from the CNE to the Government is not in line with international principles according to which media

oversight bodies should be independent from political interference. The mission's media monitoring findings show that the media provided generally balanced coverage of the campaign, but noted that state television provided extremely limited election coverage on election day. The newspaper Nacional Diário, and in particular the privately owned Radio Maubere, were biased in favour of Presidential candidate Lú-Olo.

Mrs. Bilbao stressed that the Election Observation Mission will continue its work until the end of the process, following the aggregation of results, the resolution of complaints, and the proclamation of final results. She mentioned that during election day on Monday, the mission had 35 observers working in 10 of the 13 municipalities across the country. The Chief Observer added that the EU EOM will also be present during the upcoming legislative elections, with a larger contingent of some 50 observers working in all 13 municipalities. At the end of the entire process, in accordance with the EU EOM memorandum of understanding with the Government and the CNE, and in line with the mission's methodology, the EU EOM will publish a final report containing detailed conclusions of its observation work as well as recommendations aimed at improving future electoral processes in the country.

Mrs. Bilbao finished her declaration expressing her gratitude to the government and the electoral authorities for their trust in the institutions of the European Union, and for the invitation to observe once again the country's elections. The Chief observer also thanked the political parties of Timor-Leste as well as its civil society interlocutors who, stressed Mrs. Bilbao, gave the mission an exceptionally warm welcome and who were of great assistance in the mission's work, which is aimed at helping improve the organisation of elections.

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