



**JUDICIAL SYSTEM MONITORING PROGRAMME**  
**PROGRAMA MONITORIZASAUN BA SISTEMA JUDISIÁRIU**

# PARLIAMENT WATCH PROJECT (PWP)

## ANNUAL REPORT 2016

-  *Promoting the transparency, accountability and affectivity of the function of the National Parliament in creating law, oversight and political decision making;*
-  *Promoting public participation in legislation process;*
-  *Dissemination of information through community workshop.*



Civil Society Fund, Cabinet of Prime  
Minister



Embassy of Finland

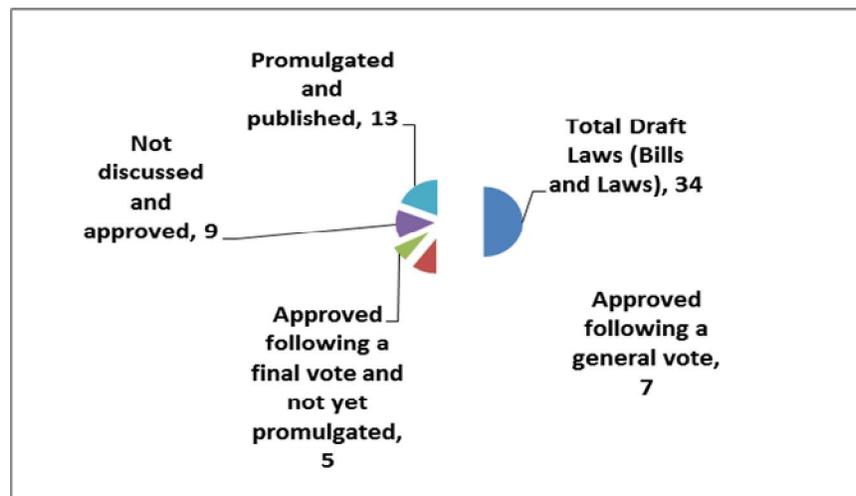
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## Executive Summary

The National Parliament is the legislative organ that carries out three main duties, namely the making of laws, oversight and political decision making (Article 92 of the Constitution). The National Parliament carries out these tasks and functions in accordance with the Constitution and the laws. The constitutional and legal provisions that regulate the work of this legislative body are provided in Article 92 to Article 102 of the Timor-Leste Constitution and Law No. 15/2009 on the National Parliament Rules of Procedure, Law No. 5/2004 on the Status of Members of Parliament and Law No. 4/2002 on the Organic Law of the National Parliament.

In 2016 JSMP monitored 55 plenary sessions (55%) from a total of 82 ordinary and extraordinary plenary sessions, and 18 meetings of Committee A (62%) from a total of 29 meetings and 8 hearings with Committee A (40%) from a total of 20.

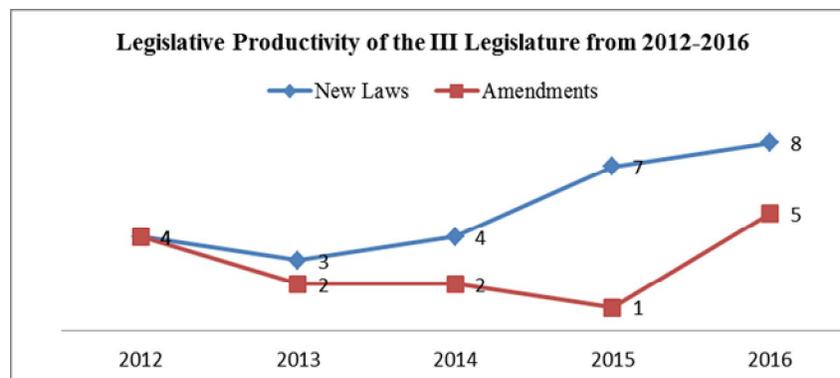


During 2016 JSMP observed that the National Parliament achieved some progress in terms of making laws in comparison with the last four years since 2012. A total of 34 pieces of draft legislation, including draft laws (*Proposta lei, PPL*)

and draft bills (*Projeto Lei, PJL*) were submitted to the Chair of the National Parliament and referred to the Parliamentary Committees for further consideration between May 2015 and December 2016.

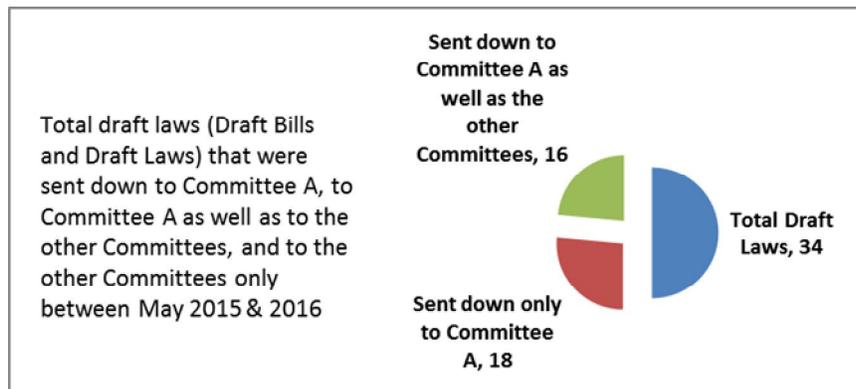
The Committees and the Plenary started discussing and approving this draft legislation in 2016, including those that were submitted since May 2015. The Plenary approved 18 of these pieces of draft legislation following a final vote, and from this number 13 were promulgated and published in the Official Gazette in 2016 and some were still being promulgated and will be published in 2017. From those laws that have been published, there were 8 new laws and 5 amended laws.

The draft legislation approved after a final vote in the Plenary are categorized as Parliamentary Decrees and are sent to the President of the Republic for promulgation to be enacted or vetoed and send back to the National Parliament for a new appraisal or to confirm its vote.



In 2016 the President exercised his powers to veto 4 Parliamentary Decrees that were sent

back to the 4 National Parliament. Thereafter the National Parliament confirmed its vote for 3 of the Parliamentary Decrees that were sent back to the President for promulgation and conducted a new appraisal on 1 Parliamentary Decree to improve Article 8 of the draft law amending Law No. 5/2006 on Electoral Administration Bodies and then sent it for promulgation. JSMP considers this to be an important and sound mechanism for guaranteeing that legislative products from the Parliament reflect the interests, aspirations and reality of the people.



In terms of political decision making, the National Parliament also produced 16 resolutions of which 14 went before the Chair of Parliament in 2016 and 2 in 2015. There were also 3 resolutions approved by the National Parliament in 2015 that were only published in the Official Gazette in 2016.

The Permanent Committees contributed to this progress, in particular Committee A. Committee A is responsible for making laws and therefore has a greater work load in comparison with the other committees. The draft legislation discussed by Committee A resulted in reports and opinion papers in 2016 and also includes draft legislation referred to Committee A since May 2015. There were 18 draft pieces of legislation sent down to Committee A and 16 that were sent down to Committee A as well as the other Committees. Although the Committees managed to discuss, report on and produce official opinions for the plenary for a total of 25 draft laws (73.5%), however for 9 of these (24.4%) there was no discussion, report on or official opinion in 2016 and they were carried over to 2017.

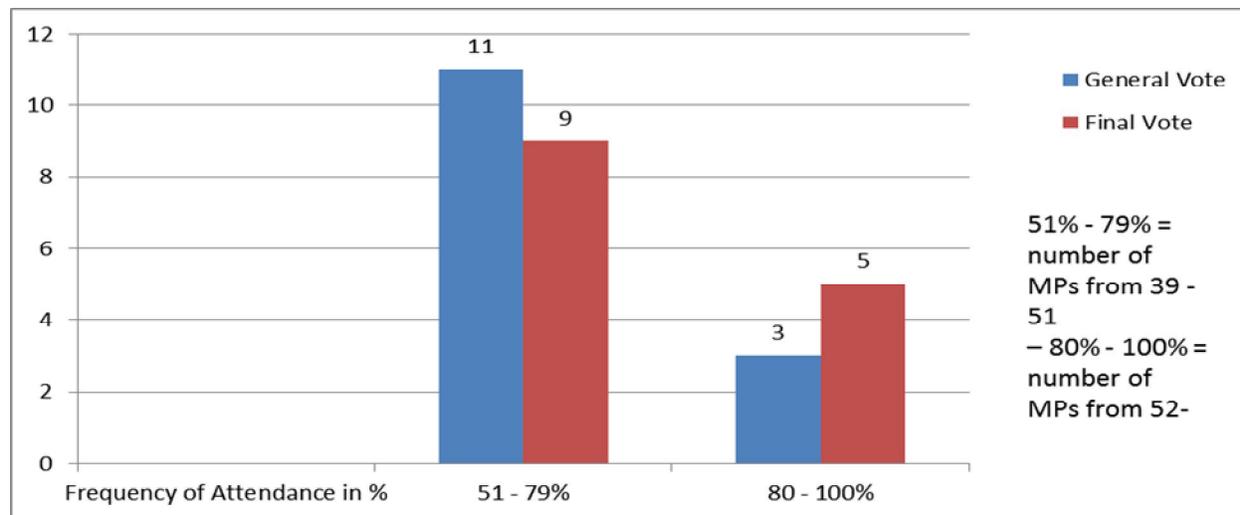
Most of these draft pieces of legislation (29) were draft laws (PPL) from the Government, and there were only 5 draft bills (P JL). JSMP believes that the National Parliament did not have so many Draft Bills because there was no National Legislative Program, something which JSMP has frequently queried. A National Legislative Program is a set of guidelines for the National Parliament to initiate laws, in particular important draft legislation that has expired a long time ago and should be reinitiated such as Reparation and Memorial Institute draft laws that are very important to address the issues of past human rights violations.

JSMP also believes that the establishment of an Ad Hoc Committee to deal with and focus on specific draft legislation would be an effective mechanism to accelerate crucial laws that are pending or have expired before the Chair of the National Parliament, which could also reduce the workload of Committee A. In addition, this could increase the productivity and effectiveness of the Parliament's law making.

Even though the National Parliament showed progress and some increase in productivity during 2016, JSMP remains concerned with issues regarding punctuality and the discipline of members of Parliament during plenary sessions and committee meetings, in particular Committee A. These practices have been common in the National Parliament for many years and they clearly violate Law No. 15/2009 on the National Parliament Rules of Procedure and have a serious impact on the functioning of the National Parliament, especially the requirement to establish a

quorum in order to hold plenary sessions or committee meetings and also for important decision making.

Some changes occurred when MP Adérito Hugo da Costa replaced MP Vicente Guterres as the President of the National Parliament. However these changes did not last long and some members of Parliament continued to be tardy and to lack discipline. Aside from issues of punctuality and discipline, the participation of members of Parliament was not optimal during plenary sessions, particularly in relation to the approval of draft legislation. The graph below shows how often members of Parliament participated in the general and final votes in the Plenary for 14 draft pieces of legislation in 2016.



Actually, the Ethics Committee of the Parliament needs to investigate and recommend the application of sanctions in accordance with the procedure for members of parliament who violate the rules regulating the functioning of the National Parliament.

Actually, members of Parliament lose their mandate if they fail to appear at five consecutive plenary sessions (Article 7.1(a) of Law No. 15/2009 and Article 8.1 (a) of Law No. 5/2004). This MP is also holding a position that is incompatible with his position as a member of the National Parliament (Article 4. a) of Law No. 5/2004). Based on list presence of plenary, there were some MPs from the Fretilin Bench during the fourth legislative period were absent without justification up to 43 consecutive sessions and were absent without justification 47 times<sup>1</sup>. Some MPs were deemed absent because they did not sign the attendance list. JSMP is very concerned with the attitude of members of parliament because they have not met their obligation to properly represent the people and have violated the rules and procedures that they themselves produced.

The productivity and quality of legislative products is not just the result of the punctuality and discipline of members of Parliament, but also of legislative technical support and the linguistic knowledge of the members of Parliament. The National Parliament, in particular the Permanent Committees, have a limited number of national and international technical legislative advisors. All of the committees use the international advisors that were appointed for Committee A. Committee A has 2 national and 3 international technical legislative advisors.

<sup>1</sup> JSMP obtained this information from data on the attendance of MPs in the Plenary of the National Parliament

The Portuguese language is a major challenge for members of Parliament to participate and contribute with effectively in the law making process. Almost all draft legislation is written in Portuguese and many MPs have a very limited knowledge of Portuguese. Many times JSMP has stressed this issue in its annual reports in previous years. JSMP has always recommended for draft legislation from both the Government and the National Parliament to be written in the two national languages of Tetum and Portuguese.

For many years JSMP has enjoyed an excellent relationship with the National Parliament, especially with Committee A, to be actively involved in the law making process. The National Parliament always gives consideration to JSMP's participation by inviting JSMP to public hearings and asking JSMP's opinion on relevant draft legislation being developed by Committee A or the other permanent committees. In 2016 JSMP provided 5 opinions to Committee A and 1 to the Ad Hoc Committee.

The results of its monitoring of the National Parliament and involvement in the legislative process has been disseminated by JSMP among communities in remote areas through training programs in village communities. In 2016 JSMP carried out 4 village level trainings in 4 Municipalities. There were between 20-30 participants in each training and the number of female and male participants was roughly the same.

During these trainings, the participants conveyed their concerns and regrets that the Government and the Parliament have not been facilitating their access to information especially about democracy, the role of the sovereign organs, public participation in the law making process and also access to formal justice. The participants also requested for the Government and Parliament to socialise the laws that are in effect in Timor-Leste. JSMP believes that access to information is a fundamental right set out in the Constitution whereby relevant State institutions have the obligation to provide information to communities that need it.

JSMP recommends for the National Parliament to give consideration to these aforementioned concerns, in order to improve or promote the functioning and work of the National Parliament during future legislative sessions. JSMP's recommendations are as follows:

1. The Ethics Committee of the National Parliament should implement sanctions based on the Parliament Rules of Procedure against those MPs who do not adhere to working hours and who are absent without justification.
2. Members of Parliament are legislators and representatives of the people at the National Parliament and they need to set a good example of how to comply with the law, particularly laws that regulate the functioning of the National Parliament; such as coming to work on time (being punctual), respecting the agenda of the Plenary, and providing justification when absent, so that the National Parliament can function properly, effectively and efficiently.
3. The historical leaders and founders of the State and the Nation should demonstrate a spirit and feeling of statesmanship and set a good example for the younger generation and future leaders.
4. Committee A should reinstate the Draft Bill on Anti-Corruption and accelerate the process of further strengthening the work of the Anti-Corruption Commission (ACC) in combating corruption;
5. The National Parliament needs to develop a National Legislative Program that is coordinated with the Government to identify the importance and priority of matters that need to be regulated by law and need to be included in the legislative annual plans of

- the National Parliament, so that it can carry out its role in a more organized and effective manner.
6. The National Parliament and the Government need to prepare draft laws in the two official languages of Portuguese and Tetum to help the members of parliament, so that they can contribute properly and effectively in the law making process and to provide better access to all MPs and also the general public.
  7. The National Parliament and the Government need to further promote public participation in the law making process through public consultation and the provision of opinions to ensure the participation of communities in rural areas, in particular regarding laws that are directly related to the lives of community members.
  8. Committee A of the National Parliament should maintain good practices by involving and promoting public participation in the law making process through public hearings and seeking the opinions of all stakeholders and should give consideration to timing, so that stakeholders can properly prepare their opinions.
  9. The relevant committees of the National Parliament should raise the awareness of communities in remote areas about the functions of the National Parliament and also about relevant laws, and the Government, through its socialization division, should raise awareness about the work of the Government and relevant decree laws produced by the Government that have entered into effect.
  10. The National Parliament should give priority to past crimes by reinitiating draft legislation on reparations and a public memory institute to ensure justice for victims of past crimes.

## Introduction

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JSMP has been monitoring the National Parliament from 2010 until now through its Parliamentary Watch Project (PWP) Unit. The main activities of the PWP are to monitor the work of the Parliament in accordance with its powers and functions provided in the Constitution to make laws, provide oversight and political decision making, and also to ensure that the Parliament functions in accordance with the law.

This PWP activity is aimed at promoting the transparency, accountability, effectiveness and quality of the work of the National Parliament in performing its functions and constitutional competencies and also to promote public participation in the law making process. This is aimed at ensuring that all laws produced by the National Parliament reflect the aspirations and interests of the entire community. Also, it is aimed at spreading information to communities in remote areas about the functions of the sovereign organs to avoid confusion when the public wish to express their concerns and to discuss issues that emerge and issues that they face in their communities.

In this report JSMP will present the results of its monitoring of the fourth legislative session (IV) between 15 September 2015 and 15 July 2016 as well as the first part of the fifth legislative period (V) between 15 September 2016 and 31 December 2016. JSMP will also present the results of its involvement in the law making process in relation to the submission of opinions and public hearings, and will also make observations about the challenges faced by the National Parliament in performing its role and will also make critical observations on the functioning of the National Parliament, in particular violations of the laws that regulate the functioning of the National Parliament and of other relevant State bodies. In the last part of this report JSMP will provide the results of trainings conducted in 4 villages in 4 municipalities.

JSMP appreciates the good collaboration provided by technical support staff from the Secretariat of the National Parliament and Committee A who have provided information and data on the Plenary and Committee A, to enable JSMP to prepare this report properly.

This report is set out as follows:

### Section I Monitoring of the National Parliament

This section is divided into two parts. One part discusses the analysis of important laws and the results of monitoring the Plenary of the National Parliament and Committee A. This section also discusses the law making process, the productivity, punctuality and discipline of MPs at the National Parliament in terms of law making and political decision making and also challenges encountered.

### Section II on Public Hearings and Submission of Opinions

This section discusses public hearings between Committee A and the other committees, including the Ad Hoc Committee, with JSMP and also the opinions expressed by JSMP and given to the committees on draft legislation that they have been working on.

Section III sets out the Critical Observations made by JSMP on non-compliance with the National Parliament's Rules of Procedure.

This section focuses on the case of Mari Bin Amude Alkatiri and other members of Parliament who have violated the laws that regulate the functioning of the National Parliament and also other relevant laws, however the National Parliament itself has not taken any action to suspend or sanction these MPs.

#### Session IV discusses training in village communities

This section discussed the results of training provided by JSMP in 4 village communities in 4 municipalities. Information is provided about the number of participants in each training, their comments, concerns and recommendations.

The report ends with conclusions and also some Annexes on the number of Draft Laws, Draft Bills, Draft Resolutions submitted by the Government and by the MPs and pending laws or those that have expired.

# 1 Monitoring of the National Parliament

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## 1.1 Analysis of discussions on key draft legislation

As explained above, in 2016, the National Parliament made some important steps forward in relation to the discussion of key laws. From the 34 draft pieces of legislation that were referred to the Permanent Committees of the National Parliament, the committees provided reports and opinion papers on 25 draft laws for discussion in the Plenary, 18 draft pieces of legislation were submitted to a final global vote in the Plenary and 13 were promulgated by the President and published in the Official Gazette.

This draft legislation included a law that JSMP has been following closely and has intensively advocated for its approval because it is closely linked to the development of the justice sector. This law is a mechanism on the Procedure for the Granting of Pardon and Commutation of Sentences. Also, there were other key pieces of draft legislation that were not approved or promulgated during 2016, but they were closely linked to the public interest and have attracted public debate over a number of years. These draft pieces of legislation include the Package of Land Laws and amendments to the Law on Lifelong Pensions, as well as other laws that are listed in the Annexes.

The next section will discuss the Law on the Procedure for the Granting of Pardon and Commutation of Sentences, which was the focus of JSMP advocacy over the last few years, especially during 2016 and a Draft Land Law Package which is being discussed at the National Parliament.

### Law on Granting of Pardon and Commutation of Sentences

This law is an important achievement in 2016, because since 2007, JSMP has been concerned about how the President should exercise his competence in accordance with the terms of the Constitution with consideration of the reality and challenges faced by judicial institutions. Also, this law is crucial to ensuring that the President exercises his competence in a strict, accountable and proportional manner.

Article 85 (i) of the Timor-Leste Constitution states that the sovereign organ that has the competence to grant pardons is the President of the Republic and Article 122 of the Penal Code defines pardons. Nevertheless, the Constitution and Penal Code do not contain specific provisions on who should deserve a pardon, and what crimes should not be pardoned and the procedures for granting pardons.

In 2007 JSMP started advocating on the issue of pardons, through a meeting with an advisor to the President, the submission of a report on pardons to the Ministry of Justice in 2010<sup>2</sup> and a meeting with the heads of parliamentary benches in 2014. In its submission JSMP discussed trends relating to the practice of granting pardons in Timor-Leste, the confusion about pardons and amnesties, and compared pardoning practices in other countries and recommended for the Ministry of Justice to develop a Law on the Procedure for Granting Pardons.

These shortcomings affect the exercise of constitutional power on pardons and highlight that the President has tended to use this power extensively and excessively and has ignored

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<sup>2</sup> JSMP submission to the Ministry of Justice, available at: [http://jsmp.tl/wp-content/uploads/2013/03/JSMPSubmisaunindultubaMoJOct\\_t.pdf](http://jsmp.tl/wp-content/uploads/2013/03/JSMPSubmisaunindultubaMoJOct_t.pdf)

recommendations from the Government, which is inconsistent with the Constitution and obligations set out in international law and has discredited the justice sector which is still vulnerable.

It is important to develop a law on presidential pardons which establishes clear criteria for the exercise of presidential power, together with other measures to ensure that the justice sector can continue to develop and to provide justice to people in Timor-Leste.

Finally, on 25 January 2016 JSMP had an opportunity to meet with Committee A of the National Parliament to convey its ideas/opinion about the importance of adopting a law on how to exercise the competence of granting pardons.

After accepting JSMP's opinion and meeting with other relevant entities, Committee A presented an opinion paper to the plenary of the National Parliament and approved the Law on Procedures for the Granting of Pardon and Commutation of Sentences. This law was promulgated and published in the Official Gazette as Law No. 5/2016, May 2016<sup>3</sup>.

The aim of this law is to define and establish the applicable procedures for granting pardons and commuting sentences (Article 1). What is most important is that this law clearly defines the crimes that cannot be pardoned, namely crimes of terrorism, criminal organization and association, and human trafficking and crimes that carry a prison sentence of (8) years or more (Article 4 a and b).

Although this article does not explicitly define the crimes that are characterized as gender based violence such as rape, sexual abuse of minors and incest, or other serious types of gender based violence that JSMP recommends should not be pardoned, JSMP believes that this provision is of concern in cases where the courts sentence a defendant to a prison sentence of 8 years or more.

Another important advancement was the fact that the National Parliament gave consideration to JSMP's submission on crimes that affect the public interest. These include crimes related to the exercise of public service such as active or passive corruption, embezzlement, and money laundering (Article 4 c) which are not subject to pardon. This provision demonstrates a strong commitment from the State to prevent and combat crimes relating to the exercise of public service.

JSMP appreciates the political will of the National Parliament for providing JSMP with the opportunity to present its ideas and concerns on the importance of having an appropriate mechanism to administer how the right to pardon should be exercised. JSMP is happy because the law has been produced in a manner that is relatively reflective of what JSMP raised as a concern over approximately one decade. JSMP has a stake in this law as it is the result of thorough efforts and follow up relating to the practice of granting pardons. The discussion and approval of this law was the result of JSMP's publications, submissions and public hearings with parliamentary benches in 2014 and 2015 that were met with a positive response from the presidents of the parliamentary benches regarding the importance of this law.

### Package of Land Laws

In 2014 the Government started developing new legislation and reinitiated public consultation. This draft legislation was presented to the Council of Ministers and after it was approved by the

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<sup>3</sup> Official Gazette of Timor-Leste : [http://www.mj.gov.tl/jornal/public/docs/2016/serie\\_1/SERIE\\_I\\_NO\\_20.pdf](http://www.mj.gov.tl/jornal/public/docs/2016/serie_1/SERIE_I_NO_20.pdf)

Council of Ministers it was submitted to the National Parliament. As stated last year, this draft legislation was pending at the Parliament and in 2015 the Government again amended this draft legislation and then presented it again to the National Parliament for appraisal and referral to Committee A for discussion. However, Committee A of the National Parliament has not yet initiated discussion because it is still awaiting the Law on Land Management. The discussion on this package of law just started again in 2016 and finalized in 2017.

The Draft Land Law Package consists of three laws, namely the Law on Ownership of Real Estate (Immovable Property), Law on Expropriations, and Framework Law on Land Management.

After receiving the draft legislation from the Government, on 9 June 2016 the National Parliament started public hearings and accepted a range of recommendations and submissions/opinions<sup>4</sup> from a number of organizations including JSMP.

During the hearings JSMP recommended to the National Parliament to consider the history of the process of obtaining or acquiring property or real estate, in particular during the Portuguese or Indonesian colonial periods, whereby the process of acquiring real estate was not done peacefully, fairly or in good faith, so people that only had adverse possession (ordinary and special) had ownership rights for this property.

JSMP also recommends that in relation to immovable property in the State's private domain consideration should also be given to the history of the occupation. JSMP believes that all real estate that was left by the colonial administration should not automatically revert back to the State. For some real estate that national citizens have been occupying and using, the State should recognize their rights.

JSMP believes that it is important to reconsider Chapter VIII that deals with the issue of administrative eviction in the draft legislation on Ownership of Real Estate to ensure that this law reflects human rights principles enshrined in the Timor-Leste Constitution and international conventions ratified by Timor-Leste. This means that this law should guarantee that administrative evictions should respect the dignity and human rights of citizens.

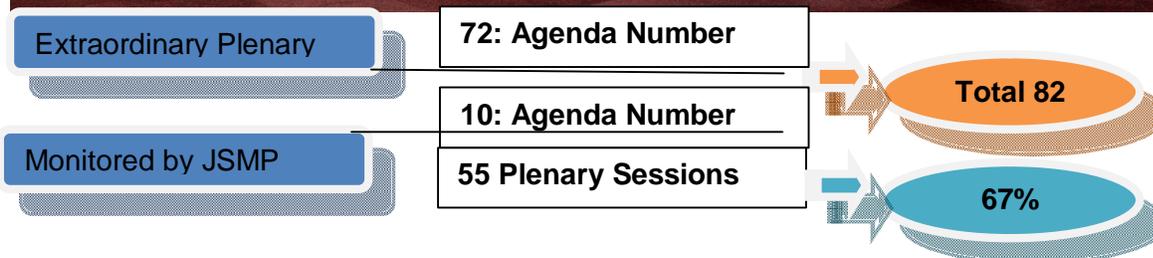
JSMP believes that the National Parliament is aware of the importance of having a specific land law. Therefore, in addition to JSMP, the National Parliament also had hearings with and accepted submissions from other organizations such as the Land Network (Rede ba Rai), which JSMP is also a member, East Timorese women's organizations (Rede Feto), the Dili Diocese Justice and Peace Commission, and donor agencies such as TAF (The Asia Foundation).

JSMP believes that the National Parliament has continued to show its desire and spirit to ensure public participation in the legislative process through public hearings. Importantly, JSMP observed that the National Parliament accepted and considered the thoughts and opinions of civil society including issues that JSMP and other members of civil society recommended to the National Parliament. These considerations included acknowledging informal property rights, land rights and homes for every citizen and adverse possession that can be transferred to ownership rights.

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<sup>4</sup> JSMP submission to the National Parliament: [http://jsmp.tl/wp-content/uploads/2013/03/Submisaun-Pakote-Lei-ba-Rai-ba-PN\\_versaun-final\\_2016-2\\_.pdf](http://jsmp.tl/wp-content/uploads/2013/03/Submisaun-Pakote-Lei-ba-Rai-ba-PN_versaun-final_2016-2_.pdf) and second submission: [http://jsmp.tl/wp-content/uploads/2013/03/Submisaun-Pakote-Lei-ba-Rai-ba-PN\\_versaun-final\\_2016-paraser-daruak.pdf](http://jsmp.tl/wp-content/uploads/2013/03/Submisaun-Pakote-Lei-ba-Rai-ba-PN_versaun-final_2016-paraser-daruak.pdf)

## 1.1 Plenary



### JSMP's Observations

During plenary sessions at the National Parliament, JSMP observed that the issue of punctuality and discipline of members of parliament is a real concern. Many MPs were tardy and this had an impact on the normal functioning of the Parliament according to the Parliament Rules of Procedure. Plenary sessions always started late from 10:00am onwards. In addition, some members of Parliament also demonstrated a lack of discipline during plenary sessions by moving around and holding their own discussions. JSMP has outlined its concern about this situation through a press release<sup>5</sup>, but this situation has continued to date.

When the President of the National Parliament, MP Aderito Hugo da Costa replaced MP Vicente Guterres he initiated some changes relating to the working hours of the plenary session which according to the Parliamentary Rules of Procedure Rejimentu Parliament should start at 9am. However this initiative and effort only took place for a little while, and thereafter plenary sessions continue to be late and some members of parliament continued to be undisciplined.

## 1.2 Committee A



Committee for  
Constitutional  
Affairs, Justice,  
Public  
Administration,  
Local Power  
and Anti-  
Corruption

Meetings & Public Hearings	Meetings: 29 & Hearings: 20
Monitored by JSMP	Meetings: 18/62% & Hearings: 8/40%
Petitions Accepted	31

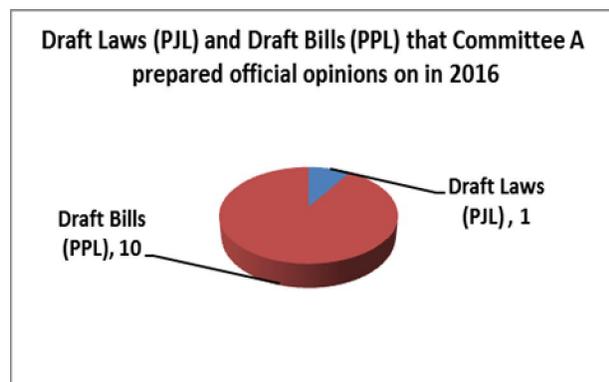
In 2016 JSMP monitored 62% of Committee meetings and 40% of public hearings, despite its limited human resources. Committee meetings normally involved the appraisal, discussion and approval of reports and opinion papers on Draft Bills and Draft Laws. Public hearings normally were held to hear the public's thoughts or opinions, in particular from stakeholders in relation to certain draft legislation. Community members or the public normally submitted petitions and complaints to the Committee to defend their rights, the Constitution, the law or general interests (Article 48 of the Constitution).

**Members:**

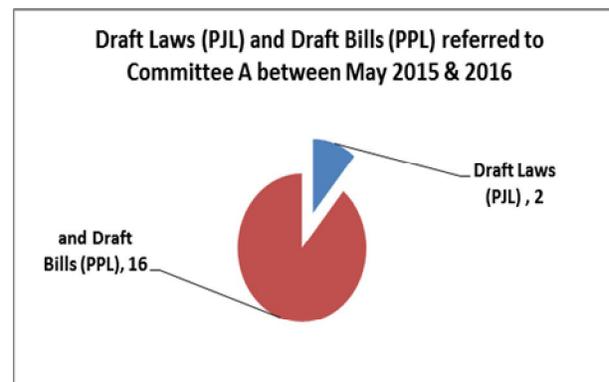
Carmelita Caetano Moniz, Committee President (CNRT)  
 Arão Noé de Jesus da Costa Amaral, Vice President (CNRT)  
 Francisco da Costa, Secretary (CNRT)  
 Natalino dos Santos Nascimento (CNRT)  
 Ângela M. Corvelo de A. Sarmiento (CNRT)  
 Aniceto Longuinhos Guterres Lopes (FRETILIN)  
 Joaquim dos Santos (FRETILIN)  
 Aurora Ximenes (FRETILIN)  
 Paulo Moniz Maia (FRETILIN)  
 Adriano do Nascimento (PD)  
 Jose Luis Guterres (FM)

*Composition of National is based on Deliberation No. 4/III/2012*

**Graph 1**



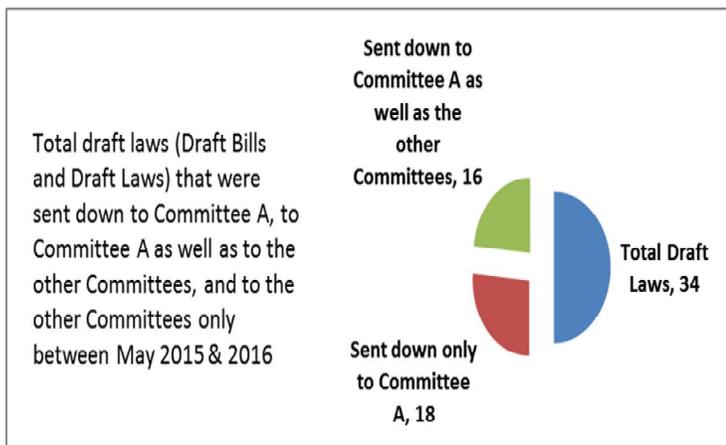
**Graph 2**



In terms of legislation, Committee A is the Committee with the biggest work load in comparison with other committees. In 2016, Committee A had to discuss, prepare reports and opinions on a total of 18 draft laws referred to the committee from May 2015 onwards and also some that were referred in 2016. The Committee managed to discuss, prepare reports and opinions on 11 of these draft laws (66.7%).

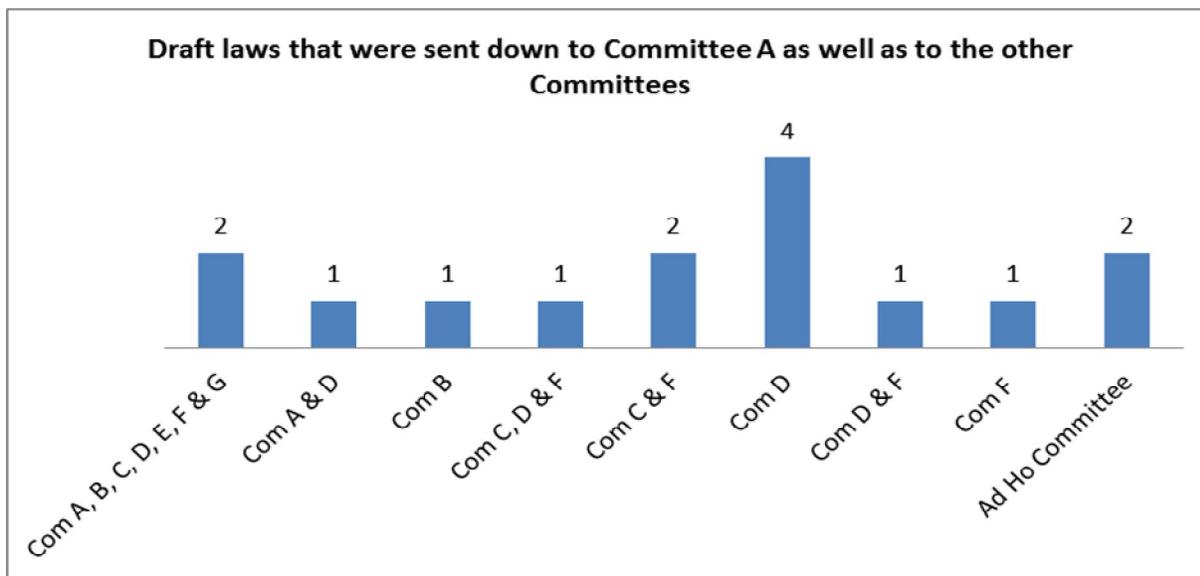
In addition, Committee A also accepted 3 draft laws together the other committees. Therefore the combined total of draft laws accepted by this committee was 21, in comparison with 15 draft laws that committee accepted in 2015.

**Graph 3**

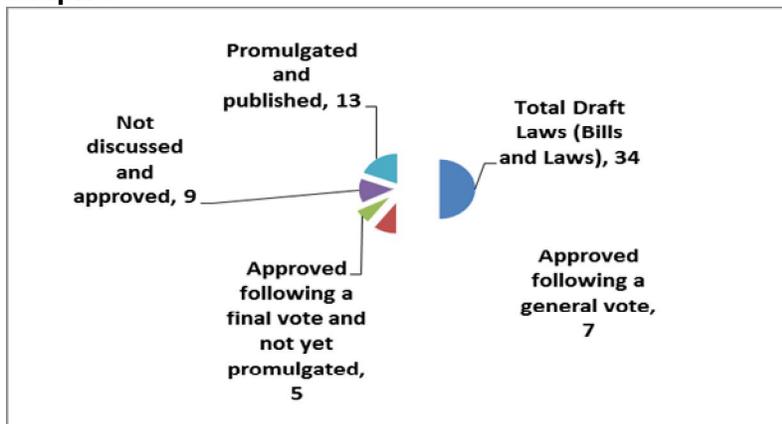


The Chair of the National Parliament normally sends down draft laws based on the type of issue and role of each Standing Committee. When the issue or matter is linked to more than one committee the draft law will be send down to all of the committees.

**Graph 4**

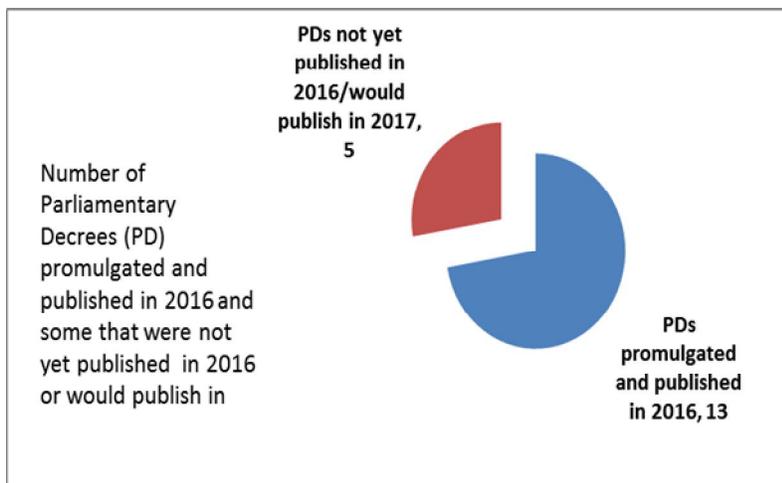


**Graph 5**



From amongst the draft bills and draft laws that were discussed by the committees, and for which opinions were prepared for discussion in the plenary, there were 18 draft laws and draft bills that were discussed and given final approval to Parliamentary Decrees and there were seven that reached the first discussion and vote. 13 of these 18 Parliamentary Decrees were promulgated and published in 2016 and some others were published in 2017. 9 draft laws were not discussed by the Committees.

**Graph 6**



All draft laws that were given final approval in the National Parliament could be quickly promulgated and published, or sometimes not. If the President decides to veto, they can be given a new appraisal or a confirmation vote by the National Parliament and this process can be quick or slow. The National Parliament has 30 days to amend or confirm its vote (Article 88 of the Constitution).

**JSMP's Observations**

Based on the results of JSMP monitoring and data provided by the Secretariat of the National Parliament to JSMP, the work load of Committee A is greater than the other committees. This committee has 11 members who represent the parliamentary benches and 3 international and 2 national legal advisors. The international advisors not only support Committee A, but also support the other committees.

In 2016 Committee A managed to discuss, approve and prepare opinions on 12 draft bills and draft laws including those that were combined with the other committees. This means that the

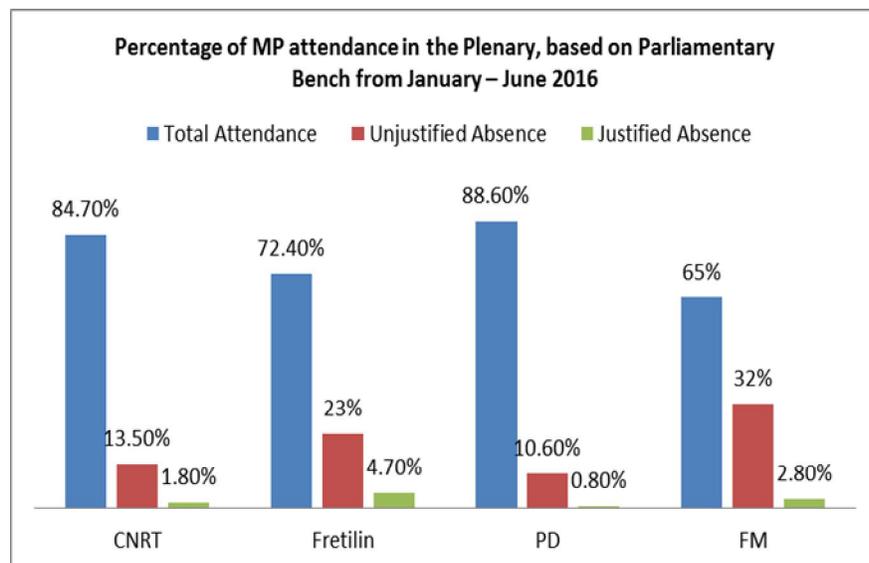
committee managed to complete more than 60% of its legislative drafting work with limited resources. Nevertheless, JSMP observed that sometimes the committee could not carry out its agenda because it could not establish a quorum and some members were not punctual.

Limited human resources and problems with the punctuality of committee members has continued to impact on the productivity and effectiveness of the committee's work. This has had specific implications on scheduled discussions or initiatives relating to important laws that are still pending such as the draft law on Anti-Corruption to reinforce the work of the Anti-Corruption Commission (ACC) and draft laws that have expired such as the Law on Reparations and Public Memory Institute that would provide redress for victims of serious crimes in the past.

### 1.3 Attendance: Impact on the Mandate, Seat in Committees and Productivity

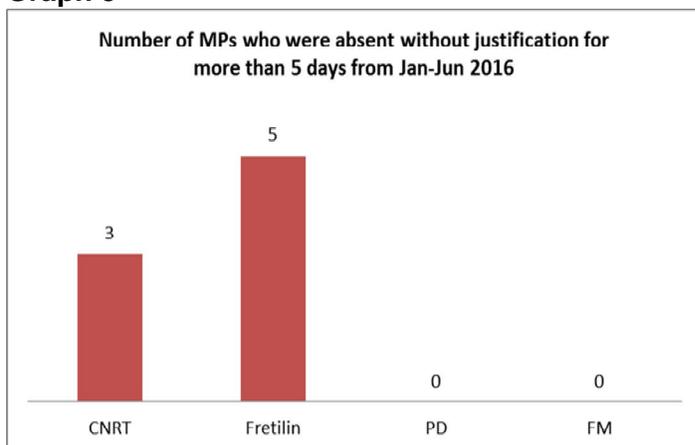
- ☀ Members of Parliament may lose their mandate in the event:
    - They do not take their seat in National Parliament up to the fifth plenary session with no justification; or
    - Fail to appear at five consecutive sessions of the Plenary or committees; or
    - Have been absent with no justification on five consecutive occasions.
- Article 7.1 & Article 28.1 of Law No. 15/2009
- ☀ The Members of Parliament who, without notification of absence, are absent from more than three of the committee meetings they are part of, shall lose their seat on such committee during the ongoing parliamentary term.

**Graph 7**



The attendance list of members of parliament during the period of January –June 2016 indicates a very high number of unjustified absences from the parliamentary benches in comparison with justified absences. The total attendance of all parliamentary benches was less than 90%. Attendance at the plenary was less than optimal.

**Graph 8**



JSMP also has found out through the data of presence of the members of parliament (MPs) that some of the MPs from Fretilin and CNRT Branch were absent more than five times sequentially. There were 4 MPs who absented sequentially between 23 to 43 times without justification. There were few MPs whose absences without justification were around 41 to 47.

**JSMP Observations**

The National Parliament is the State body that reflects the system of democracy in terms of representing all Timorese citizens and is vested with legislative, supervisory and decision making powers. Therefore the behavior of members of Parliament should reflect what is set out in the Constitution and the law, to guarantee that the National Parliament can function effectively, transparently and with accountability.

Issues of punctuality, discipline and non-compliance with the legal framework as described above are a major concern for the public, in particular for JSMP that has made efforts aimed at promoting the functioning of the National Parliament.

Members of Parliament, are politically and morally responsible to their electorate and the entire community who have decided to place their confidence and vested the members of Parliament with legislative and decision making powers as well as overseeing the work of the Government. Also, members of Parliament are well remunerated and are given many privileges by the State. Members of Parliament have the moral and political obligation to perform their duties properly and effectively.

Their behavior has a huge impact on the functioning of the National Parliament, particularly in the discussion and approval of legislation or political issues that are important to the nation.

**2 Productivity**

**2.1 New Appraisal Process: Veto by the President**

The Constitution gives the President the right to veto new laws (Parliamentary Decrees) produced by the National Parliament and sent to the President of the Republic (Article 88 of the Timor-Leste Constitution). In the event that the President of the Republic exercises his right of veto then the decree will be subject to a new appraisal (Article 115-117 of Law No. 15/2009).

Total number of Parliamentary Decrees sent to the President to be promulgated and published in the Official Gazette	11
Total number of Parliamentary Decrees vetoed by the President	4

The President exercised his constitutional right to veto Parliamentary Decree No. 20/III on the 2016 State Budget on 28/12/2015 & the National Parliament held a confirmation vote on 08/01/2016 with 64 votes in favor, 0 against & 0 abstain. The President promulgated the law on 02/05/2016 & published it on 10/08/2016 as Law No. 11/2016. The President also exercised a political veto of Parliamentary Decree No. 21/III/2016 on Voter Registration on 08/04/2016 and the National Parliament held a confirmation vote on 10/05/2016 with 51 votes in favor, 0 against and 2 abstain. This Parliamentary Decree was promulgated on 19/05/2016 and published as Law No. 6/2016. The President also vetoed Parliamentary Decree No. 19/III on 09/03/2016 and Parliamentary Decree No. 22/III on 06/05/2016 the Second Amendment of the Law on Electoral Administration Bodies. After the first veto of Parliamentary Decree No. 19/III, the National Parliament conducted a new appraisal of Article 8 on 05/04/2016 with 40 votes in favor, 0 against & 0 abstain. The National Parliament sent it back to the President as Parliamentary Decree No. 22/III & the President again vetoed it. The National Parliament held a confirmation vote on 23/05/2016 with 46 votes in favor, 1 against & 4 abstain. The President promulgated the law on 02/06/2016 & published it as Law No. 7/2016.

### JSMP's Observations

JSMP has observed that the control or oversight granted to the President of the Republic in the Constitution to veto new laws or Parliamentary Decrees and to request an amendment or a new appraisal of the entire decree or certain articles is a democratic mechanism used by Timor-Leste which is a democratic nation. When the President decides to veto, this means that the President does not agree with that particular statute or law, based on substantive reasons<sup>6</sup>. This mechanism also guarantees the principle of checks and balances, even if it is of a limited nature. This limitation applies when the National Parliament confirms its vote by an absolute majority in relation to the decree that was vetoed by the President and it is sent back to the President of the Republic who must promulgate the Parliamentary Decree within eight (8) days after receiving it (Article. 88.2 of the Constitution).

<sup>6</sup> The Asia Foundation (TAF) Timor-Leste: <http://web.stanford.edu/group/tilep/cgi-bin/wordpress/wp-content/uploads/2012/09/Lei-Konstitusionál-íha-Timor-Leste.pdf>

JSMP believes that this veto mechanism is excellent and really effective, in terms of ensuring that laws produced by the National Parliament truly reflect the interests, aspirations and reality of all citizens and prevents one power from being superior to another.

In 2012 the former President, Dr. Jose Ramos Horta, vetoed the Land Law Package because he considered that this law did not reflect the interests of all citizens and consultation with stakeholders was required to amend this law. For several years the Government consulted with all stakeholders to reinstate this new draft law new and submitted it to the National Parliament on 10 May 2016, for a first general vote by the Plenary on 22 June 2016 and a final global vote and approval on 06 February 2017 with a version that in the very least reflects the interests of all citizens.

When the President exercises his right to veto it must be based on substantive grounds that can convince the National Parliament to amend the Parliamentary Decree (Article 88.1 of the Constitution). When there are no substantive grounds the National Parliament can just confirm its vote and when there is an absolute majority vote the President must promulgate the Parliamentary Decree, which is what happened with the amended Law on Electoral Administration Bodies which was twice vetoed by the current President Taur Matan Ruak and the National Parliament confirmed its vote with an absolute majority on 23 May 2016 and the President promulgated the law on 2 June 2016.

## 2.2 Legislative Authorization

The National Parliament can authorize the Government to make laws on matters that are not within the exclusive competence of the National Parliament. These matters are set out in Article 96 of the Constitution.



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### JSMP's Observations

JSMP has observed that the laws produced by the National Parliament are mostly Government proposals. This large number of draft laws has impacted on the National Parliament's ability to initiate or draft new bills or to reinstate important draft legislation that the Parliament itself initiated in past legislative sessions and has expired. The draft legislation on Reparations and a Public Memory Institute was initiated on 10 June 2010 and the draft legislation on Anti-Corruption was initiated on 8 November 2011, and until now there have been no new initiatives. These draft pieces of legislation deal with issues that are important to the nation. The draft legislation on Reparations and on a Public Memory Institute will enable the State to deal with issues linked to past crimes in the interest of victims, and will also ensure the rights of victims to obtain justice. The draft legislation on Anti-Corruption can also strengthen the State in general and the Anti-Corruption Commission and other relevant State institutions in combatting corruption that is currently flourishing in Timor-Leste.

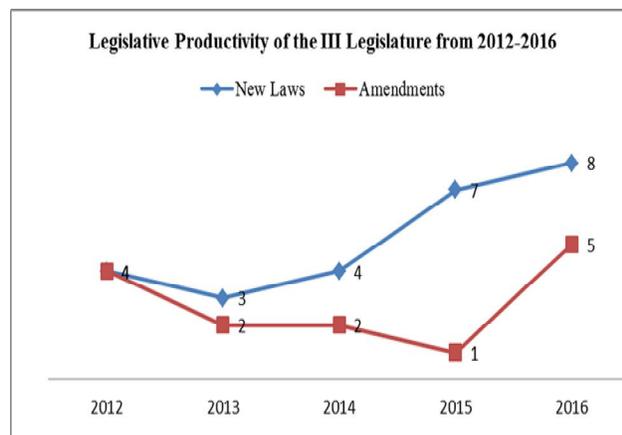
JSMP believes that it important for the National Parliament to develop a National Legislative Program that is coordinated with the Government through the Secretary of State for

Parliamentary Affairs to identify matters that need to be regulated and to identify their importance and priority to be included in the annual legislation plan. This could help the National Parliament conduct its legislative role efficiently and effectively.

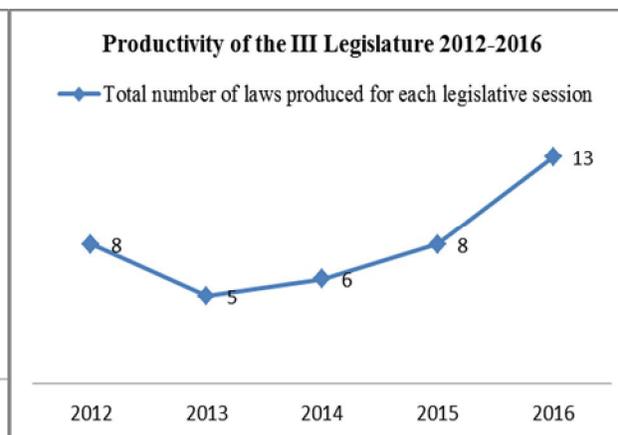
## 2.3 Legislative Products

The National Parliament through its plenary approved 25 draft pieces of legislation and 14 draft resolutions.

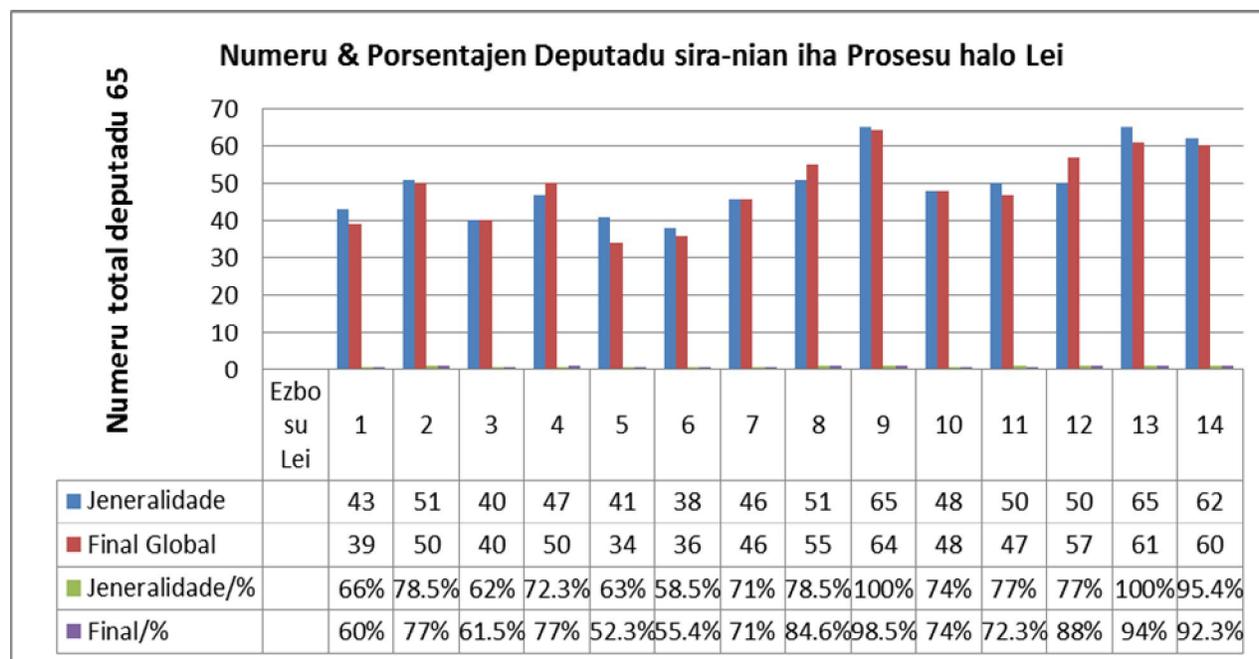
**Graph 9**



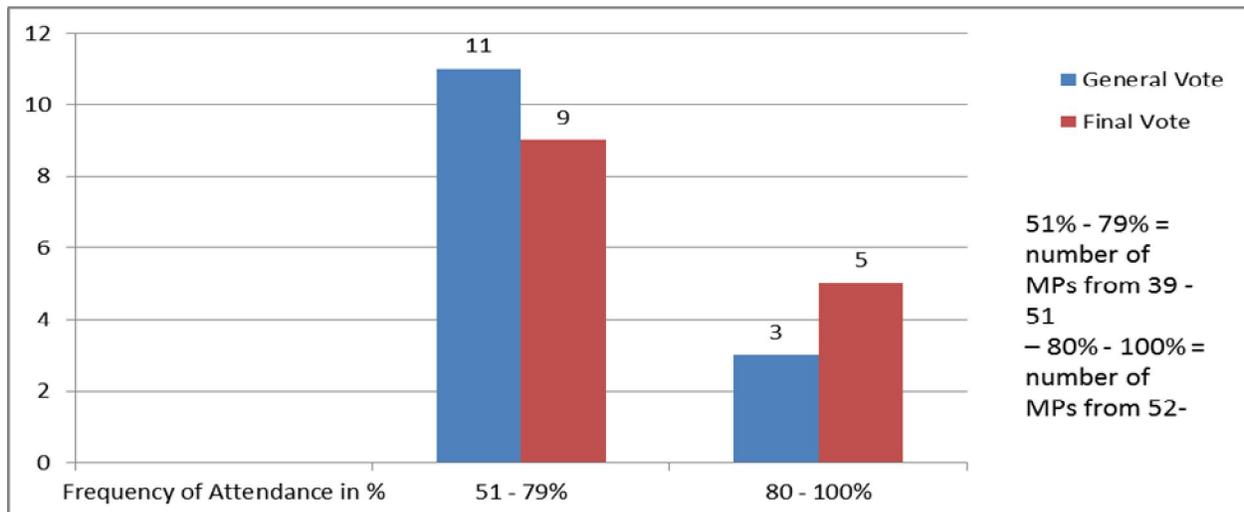
**Graph 10**



**Graph 11** Number and percentage of MPs involved in discussion and voting on draft laws



**Graph 12:** Attendance of MPs in discussion and approval of draft laws according to the graph above



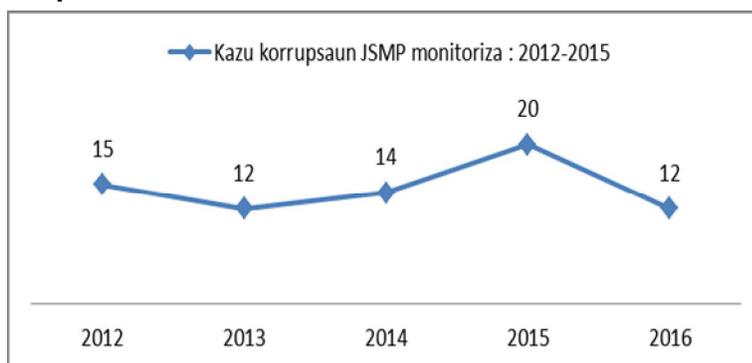
### JSMP's Observations

As explained above, JSMP monitoring and the data that JSMP obtained from the Secretariat of the National Parliament indicate that the National Parliament during its Fourth Legislative Session (4<sup>th</sup>) was very productive in terms of making laws in comparison with the last 4 years as shown in Graphs 9 and 10 above.

Nevertheless, JSMP remains concerned about the participation of members of Parliament in the discussion and approval of draft legislation. Graph 12 above shows that the members of Parliament have not fully participated although the legal requirements have been met for making decisions in the plenary which require the presence of at least half of the active members of the Parliament (50%+ or 51% and above) (Article 47 Law No. 15/2009).

JSMP believes that the full participation of MPs is crucial because they can develop and produce sound laws that reflect and represent the interests, aspirations and reality of all citizens. Each member of Parliament represents the voters that have placed their trust, interests and decision making power with the MPs. Therefore members of parliament have the obligation to carry out their representative function, in particular to discuss and decide on important issues, and on laws in particular.

### Graph 13



JSMP also believes that there are some important pieces of draft legislation that were initiated a long time ago and have expired such as the Draft Law on Reparations and the Draft Law on a Public Memory Institute. These two pieces of draft legislation provide complementary justice for past crimes that victims are demanding. In addition, it is also crucial to accelerate the draft

law on Anti-Corruption to further reinforce the work of the Anti-Corruption Commission (CAC). JSMP monitoring of the courts shows that the number of corruption cases has also increased and figures and members/former members of State organs have been involved.

### 3 Ad Hoc Committees

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- ✿ Are created for any given purpose;
- ✿ The initiative to constitute ad hoc committees may be undertaken by a minimum of 10 Members of Parliament or by the Parliamentary Benches
- ✿ The ad hoc committees may invite professionals to assist them when the nature of the matter so requires;
- ✿ Ad hoc committees are responsible for appraising matters related to the object of their constitution and shall submit corresponding reports and official opinions with the time limits set by Parliament.

**Articles 36 & 37 of Law No.  
15/2009**

#### JSMP's Observations

The legal framework of Timor-Leste provides an excellent mechanism to enable the National Parliament to carry out its key functions, in particular, to make laws. JSMP has observed that the establishment, use and functioning of Ad Hoc Committees has been really good and effective when dealing with specific important issues. In 2016, under the current presidency of the Parliament, an Ad Hoc Committee was created to deal with the lifelong monthly pensions issue with a view to amending the laws that regulate this issue. JSMP was also invited to present its official opinion on this issue<sup>7</sup>. The Committee managed to carry out its role properly and finalized the amendments to the laws that deal with this issue and a new law was submitted to a general vote and approved by the Plenary on 22 September 2016 and given final approval on 10 January 2017.

## 4 Challenges faced by the Parliament

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### 4.1 Language

- ✿ Tetun and Portuguese are the official languages of the Democratic Republic of Timor-Leste.

**Article 13.1 of the  
Constitution**

Just like the case with the justice sector, JSMP also observed that the Portuguese language continues to be an obstacle for members of Parliament to carry out their functions effectively and optimally. This issue is not just related to their knowledge of Portuguese, but also their technical and legal knowledge of how to write in Portuguese. These two main issues are major obstacles affecting the ability of the members of Parliament to participate in and to fully contribute to the development of laws.

On the other hand, Tetum is not yet properly developed in relation to legal terminology. Nevertheless, it is important for draft legislation to be developed in the two official languages to

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<sup>7</sup> The complete official opinion is available at: <http://jsmp.tl/wp-content/uploads/2013/03/Submisaun-Pensaun-Mensal-vitalisia-versaun-final-30-6-2016.pdf>

help members of Parliament who don't have a good knowledge of Portuguese to understand the contents of a law before providing their opinion, comments and vote.

## 4.2 Legal Advisors

- ✚ The committees can seek the support necessary to carry out their functions properly by requesting and hiring experts to assist them with their work when authorized by the President of the Parliament and by decision of the Plenary.
- ✚ The work of each Committee is supported by an adequate number of administrative staff and technical advisors in accordance with the Rules of Procedure and Organic Law of the National Parliament.

**Article 79. e) & Article 83  
of Law No. 15/2009**

The National Parliament has extremely limited resources to provide technical and legal support. The Parliament, and Committee A in particular, has 3 international and 2 national technical legal Advisors. These advisors also provide support to the other Standing Committees.

## 5 Public Hearings and Official Opinions<sup>8</sup>

- ✚ The committees may seek the support required to properly exercise their functions, namely:
  - To request information or official opinions;
  - To undertake public hearings;
- ✚ To hold public hearings with public entities and civil society to discuss any legislative matter under appraisal, as well as addressing matters of relevant public interest, pertaining to their specific area of work.

Article 79. b) & d) and Article 80.1 of Law No.

Opinions provided by JSMP to Committee A  
and Ad Hoc Committees

6

Opinions addressed to:

### a) Committee A of the National Parliament

- 1) Opinion on the Draft Law on Procedures for Granting of Pardon and Commutation of Sentences;
- 2) Opinion on the Draft Law on a Special Regime for the Definition of Ownership of Real Estate (first submission) and the Draft Law on Expropriations;
- 3) Opinion on the Draft Law on a Special Regime for the Definition of Ownership of Real Estate (second submission) and the Draft Law on Land Management;
- 4) Opinion on the Draft Law on Preventing and Combatting Human Trafficking;
- 5) Draft Law amending the Law on Remuneration for Judicial Actors and the Draft Law on the Recruitment of International Judicial Actors.

### b) Ad Hoc Committee

- 6) The Draft Law Amending the Law on Lifelong Pensions for Former holders of positions in sovereign organs, Members of Government and Members of Parliament.

<sup>8</sup> JSMP's opinions are available at: <http://jsmp.tl/en/publikasaun-publications/submissions/>

## JSMP's Observations

JSMP notes that public hearings and the provision of official opinions is an effective mechanism and good practice involving and promoting public participation in the law making process. This mechanism can guarantee that sound legislative products reflect the interests, aspirations and day to day reality of all citizens.

JSMP appreciates that Committees of the National Parliament, especially Committee A, always involve members of civil society, particularly JSMP, in the public consultations and seek opinions on legislative matters that the Committee is appraising. The Committee also often gives consideration to JSMP's ideas that are conveyed through its opinions and incorporates them into the laws.

JSMP has also seen that the Committee will often invite civil society to provide opinions on legislative matters within a very short or limited time frame. JSMP believes that it is difficult to provide an official opinion of good quality due to limited time, resources and linguistic ability, particularly in Portuguese.

## 6 Training in Rural Village Communities

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In 2016 JSMP conducted training for communities in four villages, namely Faturilau village in Aileu Municipality, Lore I Village in Lautem Municipality, Taroman Village in Covalima Municipality, Sanarin Village in Bobonaro Municipality and Vaviquinia Village in Liquica Municipality.

During the trainings that were conducted in these village communities JSMP observed that the participants conveyed concerns that were almost always the same, regarding their understanding of democracy as well as regarding State institutions and the sovereign organs of State. The participants also conveyed their concerns about the National Parliament as the representative body of the people but their presence in the community was extremely minimal. Also they appreciated the presence of JSMP who shared important information with them. This was because they have never received any information like the information that was provided by JSMP from either the National Parliament or Government. Although the Parliament and Government have produced many laws and decree laws, many members of the population don't have any access to information about these laws and decree laws because they lack awareness, understanding, language skills and basic infrastructure, which are major problems for the people living in rural areas.

In relation to public participation in the law making process, the communities in rural areas are almost never involved.

During these training activities the communities requested for the Government and Parliament to hold public consultations on some relevant draft laws that are being produced, so that the people can participate and also convey their thoughts. Such processes ensure that the laws produced by the State actually reflect the interests, aspirations and day to day reality of the people and the members of the community themselves need to have ownership over these laws.

The participants were also concerned about the dynamics of democracy in Timor-Leste. The participants stated that democracy is a means to demand that all citizens are involved in the development process. However often democracy and freedom are not used appropriately due to a lack of restrictions and this undermines the rights of others.

The participants requested for the National Parliament and the Government to accelerate the discussion of important laws proposed by the Government to the Parliament including important draft legislation such as the Draft Law on Anti-Corruption and Draft Land Law Package, before their mandate expires.

JSMP consider these concerns relevant and the Government as well as the National Parliament have the moral and political responsibility to address these concerns. In particular, they should give importance to public participation in the political decision making process that affects the public interest and they should guarantee public participation in all democratic processes that take place in Timor-Leste in relation to the law making process law and the dissemination of information on the applicable law.

## 7 Conclusions and Recommendations

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The National Parliament in its fourth legislative session (IV) and at the start of its fifth legislative session (V), during 2016 demonstrated significant productivity in terms of law making, particularly Committee A. Nevertheless, the issue of punctuality and the discipline of some members of Parliament continued to be of concern.

The National Parliament managed to finalize some important laws that were initiated a long time ago such as the Land Law Package, and amendments to the laws regulating the lifelong monthly pensions, etc. On the other hand, some important laws have expired and there has been no new initiatives such as the Draft Bill on Reparations and a Public Memory Institute.

The issue of punctuality and discipline of the Members of Parliament continued to be a major concern for JSMP and the National Parliament did not take any concrete action in accordance with the existing legal mechanisms and rules to impose sanctions against Members of Parliament who failed to fulfil their duties properly in violation of the legal rules.

Many Members of Parliament continued to encounter obstacles relating to the Portuguese language and technical judicial terms that also stopped the Members of Parliament from working optimally and effectively. In addition, there was a lack of national legal advisors to support the development of draft laws in Tetum to facilitate the access and knowledge of Members of Parliament to certain issues, to enable them to participate properly and to contribute effectively in discussions and debates.

Also, in the communities that were given training by JSMP the people requested for the Parliament and the Government to socialize the applicable laws in Timor-Leste, so that the public could have an understanding and thus would be able to comply with them. The public also demanded the Parliament and the Government to consult with all stakeholders when making laws, so that they can reflect the aspirations and day to day reality of all citizens.

JSMP recommends for the National Parliament to give consideration to these aforementioned concerns, in order to promote the functioning and work of the National Parliament during future legislative sessions. JSMP's recommendations are as follows:

1. The Ethics Committee of the National Parliament should implement sanctions based on the Parliament Rules of Procedure against those MPs who do not adhere to working hours and who are absent without justification.
2. Members of Parliament are legislators and representatives of the people at the National Parliament and they need to set a good example of how to comply with the law, particularly laws that regulate the functioning of the National Parliament; such as coming to work on time (being punctual), respecting the agenda of the Plenary, and providing justification when absent, so that the National Parliament can function properly, effectively and efficiently.
3. The historical leaders and founders of the State and the Nation should demonstrate a spirit and feeling of statesmanship and set a good example for the younger generation and future leaders.
4. Committee A should reinstate the Draft Bill on Anti-Corruption and accelerate the process of further strengthening the work of the Anti-Corruption Commission (ACC) in combating corruption;

5. The National Parliament needs to develop a National Legislative Program that is coordinated with the Government to identify the importance and priority of matters that need to be regulated by law and need to be included in the legislative annual plans of the National Parliament, so that it can carry out its role in a more organised and effective manner.
6. The National Parliament and the Government need to prepare draft laws in the two official languages of Portuguese and Tetum to help the members of Parliament, so that they can contribute properly and effectively in the law making process and to provide better access to all MPs and also the general public.
7. The National Parliament and the Government need to further promote public participation in the law making process through public consultation and the provision of opinions to ensure the participation of communities in rural areas, in particular regarding laws that are directly related to the lives of community members.
8. Committee A of the National Parliament should maintain good practices by involving and promoting public participation in the law making process through public hearings and seeking the opinions of all stakeholders and should give consideration to timing, so that stakeholders can properly prepare their opinions.
9. The relevant committees of the National Parliament should raise the awareness of communities in remote areas about the functions of the National Parliament and also about relevant laws, and the Government, through its socialization division, should raise awareness about the work of the Government and relevant decree laws produced by the Government that have entered into effect.
10. The National Parliament should give priority to past crimes by reinitiating a draft legislation on reparations and a public memory institute to ensure justice for victims of past crimes.

### Annex 1 Draft Laws and Draft Bills promulgated and published in 2016

No.	Title	Final Vote & Promulgation	Law No.
1	Draft Law No. 20/III (3 <sup>a</sup> ) Law on Voter Registration	F=37; A=0; A=2; 19/05/16	Law No. 6/2016, 25 May
2	Draft Law No. 21/III (3 <sup>a</sup> ) First Amendment to Law No. 3/2004, 14 July on Political Parties	F=44; A=0; A=6; 28/01/16	Law No. 2/2016, 3 February
3	Draft Law No. 22/III (3 <sup>a</sup> ) Second Amendment to Law No. 5/2006, 28 December on the Electoral Administration Bodies	F=40; A=0; A=0; 02/06/16	Law No. 7/2016, 8 June
4	Draft Law No. 24/III (3 <sup>a</sup> ) – First Amendment to Law No. 11/2009, 7 October on Administrative Division of the Territory	F=32; A=1; A=17; 18/04/16	Law No. 4/2016, 25 May
5	Draft Law No. 30/III (3 <sup>a</sup> ) Procedures for Granting of Pardon and Commutation of Sentences	F=46; A=0; A=0; 05/07/16	Law No. 5/2016, 8 July
6	Draft Law No. 32/III (3 <sup>a</sup> ) Suku Law	F=54; A=0; A=1; 05/07/16	Law No. 9/2016, 8 July
7	Draft Law No. 33/III (4 <sup>a</sup> ) The 2016 State Budget	F=45; A =1; A=9	Law No. 1/2016, 14 January
8	Draft Law No. 34/III (4 <sup>a</sup> ) – First Amendment to Law No. 10/2005, 10 August on National Holidays and Official Commemorative Dates	F=48; A=0; A=0; 15/05/16	Law No. 3/2016, 25 May
9	Draft Law No. 35/III (4. <sup>a</sup> ) - Law on the Creation of a Regime for Social Security Contributions	F=47; A=0; A=0; 09/11/2016	Law No. 12/2016, 14 November.
10	Draft Law No. 41/III (4 <sup>a</sup> ) First Amendment to Law No. 1/2016, 14 January approving The 2016 State Budget	F=61; A=0; A=0; 08/08/2016	Law No. 11/2016, 10 August
11	Draft Law No. 47/III (5 <sup>a</sup> ) Law approving The 2017 State Budget	F=60; A=0; A=0; 12/01/17	Law No. 13/2016, 29 December.
12	Draft Bill No. 6/III (3 <sup>a</sup> ) Law on Consumer Protection	F=52; A=0; A=0; 05/07/16	Law No. 8/2016, 8 July
13	Draft Bill No. 8/III (4 <sup>a</sup> ) Statute for Parliamentary Officials	F=39; A=0; A=2; 05/07/16	Law No. 10/2016, 8 July

## Annex 2 Draft Laws and Draft Bills that were not promulgated and published in 2016

No.	Title	Final Vote	Parliamentary Decree (PD)
1	Draft Law No. 26/III (3 <sup>a</sup> ) - Law on Preventing and Combatting Human Trafficking	24/10/16 ; F=32; A=0; A=2	PD No. 34/III
2	Draft Law No. 27/III (3 <sup>a</sup> ) – Law Combatting Drug Trafficking	18/10/16; F=35; A=0; A=1	PD No. 33/III
3	Draft Law No. 36/III (4 <sup>a</sup> ) – Special Regime on the Definition of Ownership of Real Estate	06/02/17; F=57; A=0; A=0	*
4	Draft Bill No. 9/III (4 <sup>a</sup> ) Approving the Law on Pensions for Members of Parliament and introducing a First Amendment to Law No. 5/2004, Statute of Members of Parliament and First Amendment to Law No. 7/2007 on the Statute for the holders of positions in sovereign organs	10/01/17; F=51; A=0; A=0	
5	Draft Bill No. 10/III (4 <sup>a</sup> ) Common Transitional Arrangements for the Recruitment of Judges, Prosecutors and Public Defenders and Second Amendment to the Organic Law of the Chamber of Commerce approved through Law No. 9/2011 and amended by Law No. 3/2013	11/11/16; F=44; A=0; A=1	PD No. 31/III

## Annex 3 Draft Laws and Draft Bills that were only approved following a general vote in the Plenary and whose consideration continued in 2017

No.	Title	General Vote
1	Draft Law No. 31/III (3 <sup>a</sup> ) Law on Migration and Asylum	23/05/16; F=43; A=0; A=0
2	Draft Law No. 37/III (4 <sup>a</sup> ) Law on Expropriation for Reasons of Public Interest	22/06/16; F=34; A=0; A=6
3	Draft Law No. 38/III (4 <sup>a</sup> ) Framework Law on Territorial Management	23/06/16; F=44; A=0; A=6
4	Draft Law No. 39/III (4 <sup>a</sup> ) Law on Commercial Companies	13/12/16; F=41; A=0; A=6
5	Draft Law No. 43/III (4 <sup>a</sup> ) Law on the Promotion of Exports	19/12/16; F=33; A=0; A=0
6	Draft Law No. 44/III (4 <sup>a</sup> ) Law on Private Investment	19/12/16; F=33; A=0; A=0
7	Draft Law No. 49/III (5 <sup>a</sup> ) Security Social Budget for 2017	30/11/16; F=51; A=0; A=0

### Annex 4 Draft Laws and Draft Bills that were not discussed by the Committees in 2016

No.	Title	Date of Entry	Sent down to the Committee
1	Draft Law No. 23/III (3 <sup>a</sup> ) Law on Municipal Elections		Com A; 23/02/16
2	Draft Law No. 25/III (3 <sup>a</sup> ) on the Creation of a Timor-Leste Bar Association	15/05/15	Com A; 26/06/15
3	Draft Law No. 29/III (3 <sup>a</sup> ) Law on Local Government and Administrative Decentralization	06/07/15	Com A; 23/02/16
4	Draft Law No. 40/III (4 <sup>a</sup> ) General Rules on Non-Criminal Fines	23/05/16	Com A; 07/06/16
5	Draft Law No. 42/III (4 <sup>a</sup> ) First Amendment to Law No. 10/2009, 5 August on Estatutu Majistradu Judisiál, Majistradu Ministériu Públiku no Ajente sira Defensoria Pública	01/07/2016	Com A; 21/09/16
6	Draft Law No. 46/III (5 <sup>a</sup> ) Second Amendment to Law No. 11/2009, 7 October on Administrative Division of the Territory	07/10/16	Com A; 10/10/16
7	Draft Law No. 48/III (5 <sup>a</sup> ) Mining Code	24/10/16	Com D & F
8	Draft Law No. 45/III (5 <sup>a</sup> ) Establishing a Legal Framework for Public Professional Associations	25/10/16	Com A
9	Draft Bill No. 11/III (5 <sup>a</sup> ) Law on the Organisation and Functioning of the Parliament's Administration	20/12/16	Com A; 20/12/16

### Annex 5: Draft legislation that is pending and has expired

No.	Draft legislation	Date of admission
2	Draft Bill No.21/II on Anti-Corruption	08/11/2011
3	Draft Law No 18/II, Law on Local Government	18/02/2009
4	Draft Bill No.20/II on the Establishment of a Public Memory Institution	16/06/2010
5	Draft Bill No.19/II on a National Reparations Program	16/06/2010
6	Draft Law No 9/II, on the Weapons Law	02/04/2008
7	Draft Law No. 19/II, Municipal Electoral Law	18/02/2008
11	Draft Law No. 13/III Law on Forest Management	08/05/2014

## Annex 6: Draft Resolutions submitted by the National Parliament

No.	No. Initiative	Title	Date of Entry	Final Vote	Vote			Resolution
					F	A	A	
1	24/III (4 <sup>a</sup> )	Visit of the President of the Republic to Japan on 14-16-2016	22/2/16	08/3/16	12	0	36	Res. No. 1/2016
2	25/III (4 <sup>a</sup> )	The designation by the National Parliament of two-members for the Press Council	14/03/16	14/03/16	52	1	1	Res. No. 2/2016
3	26/III (4 <sup>a</sup> )	Support for the Process of negotiating the Maritime Boundaries of Timor-Leste	04/04/16	04/04/16	45	0	0	Res. No. 3/2016
4	27/III (4 <sup>a</sup> )	Ad Hoc Committee on the process for negotiating the Definitive Delimitation of Maritime Borders with the Commonwealth of Australia.	19/04/16	19/04/16	42	0	0	Res. No. 5/2016
5	28/III (4 <sup>a</sup> )		19/04/16	19/04/16	40	0	0	Res. No. 4/2016
6	29/III (4 <sup>a</sup> )	Recommends the Government to adopt urgent information and sensitization for the preservation of the environment	19/04/16	09/05/16	40	0	0	Res. No. 9/2016
		The designation by the National Parliament of three members and one alternate member to the National Electoral Commission (CNE)	*	04/06/16	40	1	1	Res. No. 11/2016
7	30/III (3 <sup>a</sup> )	The Establishment of an Ad Hoc Committee for the supervision and monitoring of the settlement of State debts	14/07/17	14/07/16	43	4	4	Res. No. 12/2016
		Election of the President of the National Electoral Commission (CNE)	* <sup>9</sup>	16/08/16	©	©	© <sup>10</sup>	Res. No. 13/2016
8	31/III (5 <sup>a</sup> )	National Parliament Action Plan and Budget for 2017	22/07/16	04/10/16	43	0	1	Res. No. 16/2016
		Visit of the President of the Republic to Brazil and Portugal	03/10/16	03/10/16	49	0	0	Res. No. 15/2016

<sup>9</sup> No information available

<sup>10</sup> The MPS held a direct and secret vote on the candidates for the position of CNE President, whereby Alcino Barris received 45 votes, Bernado Natalima received 2 votes and Jose Agustino received 9 votes.

No.	No. Initiative	Title	Date of Entry	Final Vote	Vote			Resolution
					F	A	A	
9	32/III (5 <sup>a</sup> )	Supporting the Government in the decision to identify Sustainable Development Goal No. 2. 2 (Hunger eradication) as a priority for 2017 and strengthening measures to ensure a healthy and well-nourished diet.	18/11/16	22/11/16	36	0	0	Res. No. 17/2016

### Annex 7: Draft Resolutions submitted by the Government

No.	No. Initiative	Title	Date of Entry	Final Vote	Vote			Resolution
					F	A	A	
1	PRR No. 16/III (3 <sup>a</sup> )	UNESCO's International Convention Against Doping in Sport	28/8/2015	22/11/16	39	0	0	Res. No. 2/2017
2	PRR No. 18/III (4 <sup>a</sup> )	Ratification of the Statutes of <i>Instituto Internacional da Língua Portuguesa</i>	11/03/2016	09/05/16	53	0	0	Res. No. 10/2016
3	PRR No. 19/III (4 <sup>a</sup> )	Ratification of the Convention on the Settlement of Investment Disputes Between States and Nationals of Other States	23/5/16	20/06/16	33	0	0	Res. No. 14/2016
4	PRR No. 20/III (4 <sup>a</sup> )	Accession to the Convention adopting the Constitution of the United Nations Educational, Scientific and Cultural Organization	28/09/16	22/11/16	39	0	0	Res. No. 3/2017
5	PRR No. 21/III (5 <sup>a</sup> )	Status of Visiting Forces Agreement between the Government of RDTL and the Government of New Zealand	24/10/16	20/12/16	47	0	0	<i>Not yet published</i>