



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

PARLIAMENTARY WATCH PROGRAM ANNUAL REPORT 2020



PARLAMENTO
NACIONAL
República Democrática de Timor-Leste



Working to:

-  *Promote the functioning of the National Parliament to be transparent, accountable and effective in law making, monitoring and political decision making;*
-  *Promote public participation in the law making process;*
-  *Access formal justice;*
-  *Disseminate information through training in the community*



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Governance for Development (GfD)/ CARDNO,
Embaixada Austrália iha Timor-Leste

Good Governance



Access to Justice

Advocacy



Education & Training

Sovereign organs

Mission

Working with a spirit of collaboration to promote democracy, law, justice and human rights through:
Monitoring, Education and Advocacy

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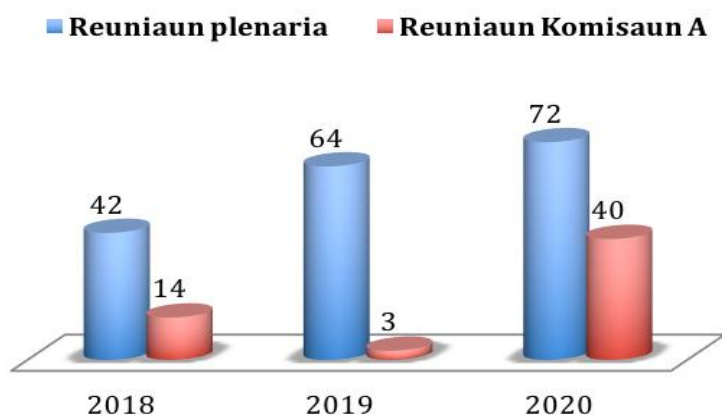
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Executive Summary

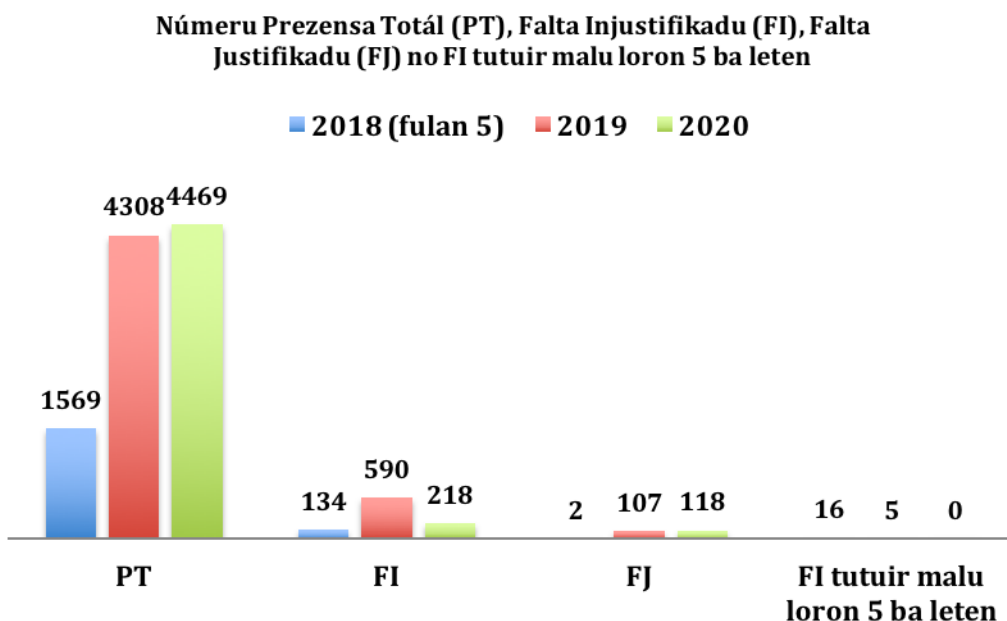
Pursuant to Article 92 of the Constitution, the National Parliament is the State's sovereign organ that represents all Timorese citizens and is vested with legislative, supervisory and political decision making powers. In addition to the Constitution, there are a number of laws that regulate the structure, organization, functioning, administration, management and inquiry process of the National Parliament. These laws are Law No. 4/2002 Organic Law of the National Parliament repealed by Law No. 15/2008 which was repealed by Law No. 12/2017 on the Organisation and Administrative Functioning of the Parliament, Law No. 4/2009 on the Legal System for Parliamentary Inquiries, Law No. 15/2009 as amended by Law No. 1/2016 on the National Parliament Rules of Procedure, Law No. 10/2016 approving the Statute of the staff of the National Parliament.

The National Parliament carries out its duties and functions through plenary meetings and also meetings of the Specialised Standing Committees. Plenary meetings and committee meetings are regulated in the provisions of Article 46 of the Parliamentary Rules of Procedure. The schedule for plenary and committee meetings is provided for in Article 2.46 of the Parliamentary Rules of Procedure which states that the morning session is from 09:00 to 12:30 and the afternoon session is from 15:00 to 18:00.

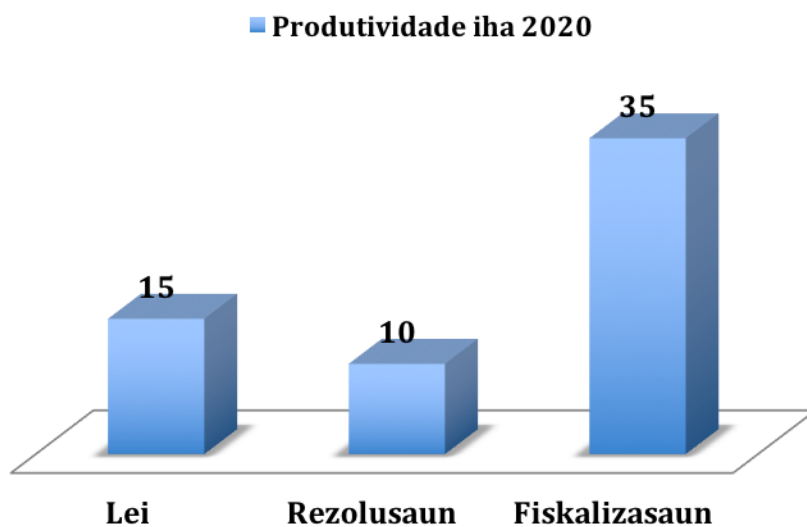


In 2020 JSMP managed to monitor 72 plenary meetings and 40 meetings of Committee A. the productivity of the National Parliament increased dramatically in 2020 in comparison with 2018 and 2019, although the issue punctuality continued to be of concern.

In addition to productivity, there was a positive change regarding the attendance of members of parliament. The number of unjustified absences decreased and there were no consecutive unjustified absences for more than five days, which had occurred in previous years.



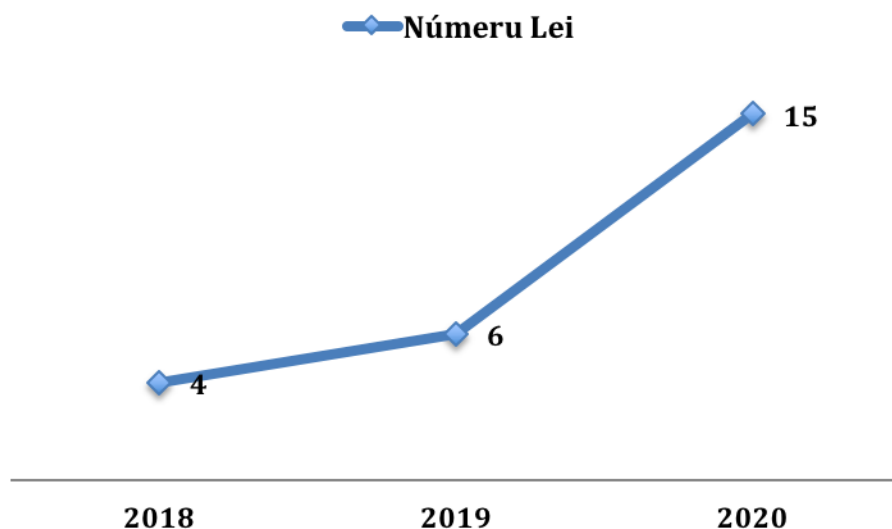
In terms of productivity relating to law making, in 2020 the National Parliament managed to produce 15 laws and 10 resolutions, and the Specialised Standing Committees performed their monitoring role on 35 occasions. Most of these laws concerned the declaration of a State of Emergency.



An important law was finalised by the National Parliament and approved in 2020 through the efforts of Committee A, namely the Law on Measures to Prevent and Combat Corruption. Also,

the National Parliament managed to approve the Law on Civil Protection, and also the 2020 State Budget Law and the 2021 State Budget Law.

In terms of law making, the Parliament produced more laws in 2020 in comparison with 2018 and 2019.



In addition to issues relevant to the National Parliament, in 2020 JSMP also provided critical observation and analysis on the political situation and legislative issues. JSMP observed issues relating to a mechanism to guarantee the Constitution and impeachment of the President of the Republic, the Covid-19 pandemic and implementation of the State of Emergency, dismissal of the Chair of the Parliament, Law No. 10/2020 on the 2020 State Budget, Law No. 14/2020 on the 2021 State Budget, Law No. 7/2020 on measures to Prevent and Combat Corruption and Amendments to Article 1475 of the Timor-Leste Civil Code on Marriage.

Regarding the issue relating to a mechanism to guarantee the Constitution and impeachment of the President of the Republic, JSMP conducted research to find theoretical and practical references, and legal references from Portugal and Brazil. JSMP also examined the interpretation of provisions from the Timor-Leste Constitution relating to the provisions of Articles 149 - 153 on constitutional guarantees and the provisions of Article 79 on criminal responsibility and constitutional obligations regarding the President of the Republic. JSMP also looked into some concrete examples of actions carried out by holders of sovereign office to request a review of constitutionality such as the petition from the CNRT Bench and the former President of the National Parliament, His Excellency MP Arão Noe Amaral. The details of this research and analysis were presented by JSMP in a thematic report with recommendations directed to the relevant organs and institutions, including the public in general¹.

¹ Results of research, analysis and interpretation was provided in a separate JSMP report that was published together with this report “A mechanism to Guarantee the Constitution and Impeachment of the President of the Republic”: <https://jsmp.tl/wp-content/uploads/Relatoriu-tematika-mekanizmu-garante-Konstituisaun-no-Impeachment-ba-PR.pdf>

JSMP observations about the Covid-19 pandemic and the declaration of a State of Emergency in 2020 was intended to examine the impact of the declaration of a State of Emergency on the socio-economic and political situation or the human rights of citizens. The results of JSMP observations show that during the first and second phases of the declaration of a State of Emergency, there was a massive impact on the socio-economic circumstances of citizens and also some violations of human rights by the authorities. Therefore, JSMP believes that it is important for the Government to create an effective mechanism to respond to the Covid-19 pandemic efficiently and at the same time also ensure the fundamental rights of citizens.

Regarding the issue of the dismissal of the Chair of the National Parliament, based on JSMP observations, there should not have been any interruptions of the proceedings in the National Parliament on 18 and 19 May 2020 when there was a debate and vote on the dismissal of the President of the Parliament and the Chair of the Parliament. This is because the mechanism and process for dismissal is set out clearly and in detail in the provisions of Articles 16 B and 20 B of the Parliamentary Rules of Procedure. Ten MPs must request the dismissal of the President of the Parliament, and eight MPs for a member of the Chair of the Parliament. The vote must be secret and must be approved by an absolute majority of effective members present.

Based on JSMP observations, there were two fundamental reasons raised for the dismissal of the President of the Parliament and members of the Chair of Parliament. The first reason is that CNRT left the coalition Government led by the Prime Minister Taur Matan Ruak and the Fretilin Party supported this government and secondly the President of the Parliament at that time, His Excellency MP Arão Noe Amaral, did not preside over the plenary meeting even though he was present in Parliament. According to the rules, the Presidency and Chair of the Parliament carry out their duties and are comprised of MPs from the party or coalition of parties that are in power. Therefore, the President of the Parliament and the Chair of the National Parliament needed to be dismissed.

JSMP also observed the 2020 State Budget Law because this budget was not passed as it was not supported by the MPs from the coalition parties, in particular the CNRT party. Therefore, the 8th Constitutional Government sustained the machinery of the State with a duodecimal budget for ten months. On 15 October 2020 the Government presented it again to the National Parliament and it was approved with Law No. 10 /2020, 19 October regarding the 2020 State Budget.² The vote on this law took place on 8 October 2020, and was passed with 43 votes in favour, 21 against and 1 abstention.

JSMP observed that the model or structure of the 2021 State Budget is based on programs and not based on allocations such as previous budgets. Also, the 2021 State Budget also gave top priority to women's issues, therefore, some directorates and ministries received funding for programs that deal with women's issues.

JSMP's observation and analysis of the Law on Measures to Prevent and Combat Corruption show that this law is extremely important to prevent and combat corruption in Timor-Leste. This

² The State Budget Law is available on the website of the State Gazette:
http://www.mj.gov.tl/jornal/public/docs/2020/serie_1/SERIE_I_NO_42_A.pdf

law states the general provisions for prevention, lays down a framework to declare income, assets and interests, and definitions of crimes of corruption, applicable sentences and special means to obtain and store evidence.

On 20 July 2020 the National Parliament held a final global discussion and unanimously approved Draft Law No.1/V (1st) on Measures to Prevent and Combat Corruption with 61 votes in favour, 0 against and 0 abstentions as Law No. 7/2020. This law amended the Penal Code, which had already been amended by the Law on Money Laundering, and the Law on the Practice of Martial Arts, Rituals, Bladed Weapons and Rama Ambon (device for firing darts). It also represents the first amendment to the Law on the Anti-Corruption Commission.

JSMP in 2020 continued to provide regular advocacy by writing opinions, producing monthly summaries, press releases, holding consultations, participating in human rights and national and international justice networks and providing publications to the print and electronic media, radio and television.

JSMP produced 2 opinions in 2020, namely on the Criminalisation of Defamation and Injury; a) Alternative solutions to the political situation after the rejection of the Draft 2020 Budget and b) Sixth Amendment to the Penal Code approved as Decree-Law No. 19/2009.

The opinion on alternative solutions to the political situation after the rejection of the Draft 2020 Budget was provided by JSMP with the intention of presenting an alternative option to resolve the political situation after the 2020 State Budget was not passed at the National Parliament. JSMP presented these solutions based on an analysis of the Constitution and relevant laws, especially the Budget and Financial Management Law.

Monthly activity summaries produced by JSMP in 2020 presented the results of monitoring of plenary meetings and meetings of the Committee A at the National Parliament. In these summaries JSMP also provided recommendations to the National Parliament regarding certain issues that require solutions.

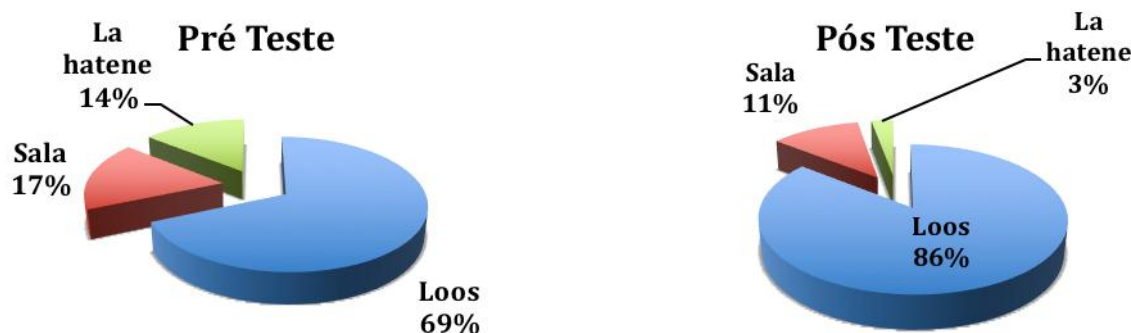
In 2020 JSMP held a consultation with relevant entities, namely the Minister of Justice, to discuss the sixth amendment to the Penal Code that was approved as Decree-Law No. 19/2009 regarding the criminalising of defamation and injury. In addition to this separate consultation, JSMP also came together with a network that was against the criminalization of defamation and injury, and held a meeting with the Minister of the Presidency of the Council of Ministers to present the opinions and stance of civil society. As the result of this advocacy, the amendment has been put on hold, or is still pending at the Ministry of Justice.

In 2020 JSMP also produced a number of press releases on issues that emerged in the National Parliament and also issues raised by communities when JSMP provided training in remote villages. These press releases are also a form of advocacy used by JSMP to present its opinions, analysis and interpretation of relevant situations or issues, including recommendations for change when necessary.

JSMP provided training in 2020 to members of Village Councils and community members, including 9 disabled persons. JSMP conducted training in Uaguia Village, Ossu Administrative Post, Viqueque Municipality, Fuiloro Village, Lospalos Administrative Post, Lautem Municipality, Beiseuc Village, Tilomar Administrative Post, Covalima Municipality, Hataz Village and Atabae Village, Atabae Administrative Post, Bobonaro Municipality, Cairui Village, Laleia Administrative Post and Uma Naruk Village, Lacle Administrative Post, Manatuto Municipality, Sagadate Village, Laga Administrative Post, Baucau Municipality and Fatumasi Village, Bazartete Administrative Post, Liquiça Municipality.

The aim of this training was to increase the knowledge of members of the Village Councils, community members and disabled persons about democracy, the role of sovereign organs, public participation in the law making process and access to formal justice.

JSMP measured the knowledge of participants through a pre-test and post-test questionnaire to assess their knowledge before and after the training. The graphs below show these results:



The post-test graph shows that there was a moderate change in the knowledge of participants regarding the materials presented by JSMP in these trainings. The percentage of responses for 'don't know' decreased from 14% to 3%, and the responses that were 'incorrect' decreased from 17% to 11% and the responses that were 'correct' increased from 69% to 86%.

During these trainings JSMP noted the following concerns that were raised by communities:

- criminal and civil cases take too long, and when the proceedings take such a long time this could affect victims who might forget about the facts relating to incidents.
- political system based on monarchy and a republic.
- why aren't there elections for the administrators at the administrative post level.
- issue about the process for land rights.
- issue on police behaviour who always use violence.
- issue on the processing of cases for neglected children.
- issue on the application of a system of democracy in Timor-Leste which is very free and results in disrespect for the way of life of community members.
- issue on the rising number of cases involving incest and how these cases are processed.
- issue on the political impasse that has not been resolved to date.

- j) issue of early elections.
- k) issue of crimes of domestic violence occurring in the family and other persons making a complaint.
- l) concerns about rights and responsibilities in a system of democracy, and also how to process crimes of sexual violence and domestic violence as well as civil cases regarding land rights that are occurring in their village and how these cases can be processed in accordance with formal justice.
- m) concerns about many political parties being established in Timor-Leste, and the law should limit the establishment of political parties in Timor-Leste.
- n) issue about how to process cases of child neglect and how to recognize a marriage as legal.
- o) issue on the application of suspended prison sentences that often make communities believe that the law is not being applied effectively.
- p) concerns about public debates requesting the dismissal of the President of the Republic and if it is illegal or illegal to hold a demonstration on this issue.
- q) issue about whether or not the formal law has precedence over culture, and who guarantees the rights of citizens, and whether or not cases resolved at the village level with the agreement of the two parties are in violation of the law.

In response to the issues raised by communities, JSMP provided explanations and shared knowledge with the participants and some of these issues were submitted to the relevant organs and institutions through press releases and reports.

Based on the aforementioned issues, JSMP recommends for the National Parliament:

- 1) To develop a National Legislation Program for each Legislature to give priority to important laws that have been pending for many years and have lapsed at the National Parliament such as the Law on Reparations and a Public Memory Institute to ensure transitional justice for victims of past crimes; Law on the Creation of a Bar Association to reinforce the judicial system and access to justice; Law on Local Power and Administrative Decentralization and Law on Municipal Elections to ensure the implementation of an administrative decentralization policy; Law on Child Protection to effectively guarantee and protect the rights of the child; amendment to the Penal Code to create a separate article on incest to protect and promote East Timorese moral values; amendment to the Civil Code to include and recognise marriages from other religious denominations to properly comply with norms and principles set out in the Timor-Leste Constitution and international laws ratified by Timor-Leste, especially to prevent discrimination based on religion.
- 2) To actively and effectively identify important and practical issues enshrined in the Constitution to create specific and separate laws to ensure proper adherence to those constitutional norms.
- 3) Members of parliament need to adhere to the Rules of Procedure of the National Parliament and to attend to their work punctually and with discipline to project a good image to the public as a sovereign organ that represents the people and can conduct its work properly to speed up the development of important laws.

- 4) The National Parliament needs to apply disciplinary sanctions against members of parliament that violate the Parliamentary Rules of Procedure, to prevent such behaviour from occurring in the future.
- 5) To avoid and reduce political discussion and practices focused on political party interests that are counter-productive as well as political revenge that undermine the national interest.
- 6) The National Parliament and relevant State institutions should be actively involved in disseminating information about important laws linked to community interests such as the Law on Community Leaders, Law on Ownership of Real Estate, Law on Expropriation, Law on Land Use and the Law Against Domestic Violence, to help local leaders and communities understand how to deal with these issues when they occur in their village or community.
- 7) To improve the mechanism for public consultation regarding the examination of legislation, and especially to summarise key information about draft laws that require the thoughts of many people, especially relevant parties and stakeholders.
- 8) The examination of draft laws should be open to the public so they can gain access through the internet and other media to facilitate public involvement.
- 9) To create a separate law regarding the suspension of office or removal of the immunity of MPs in accordance with the provisions of Article 94 of the Timor-Leste Constitution and Article 8 of Law No. 15/2009 as amended by Law No. 1/2016 on the Rules of Procedure of the National Parliament. This separate law could describe in detail the types of crimes that would fulfill the criteria for removing immunity as well as the political, administrative and judicial procedures.
- 10) MPs must uphold the national interest and avoid individual or political party interests when discussing or making decisions regarding matters of national interest.
- 11) To create a follow-up mechanism on what the Government can do to respond to recommendations in monitoring reports and issues raised by members of parliament in the plenary.
- 12) To amend the provisions of Article 1475 of the Civil Code to ensure the rights of all citizens to access public services offered by the State relating to marriage documents from other religious faiths in addition to the Catholic faith;
- 13) To intensify political monitoring of legislative acts decreed by the Government to guarantee their constitutionality.
- 14) Draft laws should also be provided in the official language of Tetum to help members of parliament and the public in general to obtain a good understanding.

- 15) The proposed State Budget for each year should also be provided in Tetum and a summary of the important points in the State Budget should be provided in Tetum so the public can gain access and understand.
- 16) For the Secretary-General of the National Parliament to draft a plan for the allocation of funds to improve facilities and to provide appropriate and proper workspaces to members of parliament to ensure the effective functioning of the National Parliament.

I. Introduction

The Judicial System Monitoring Program (JSMP)³ was established in 2001 with the vision to build a democratic society that guarantees justice and human rights for all people. JSMP's mission to achieve its vision is to work in a spirit of collaboration to promote and protect democracy, law, human rights and justice through monitoring, legal education and advocacy.

The Parliamentary Watch Program (POP) is a unit that was established in 2011 to monitor and contribute towards improving the functioning of the National Parliament as an organ of sovereignty of the State that represents the people and is vested with legislative, supervisory and political decision making powers. Also, JSMP can effectively contribute to the legislative process through consultations and submission of opinion papers to the Government and National Parliament to ensure that the laws proposed by the Government and the laws initiated by the Parliament reflect the reality, needs or interests and aspirations of the people and to also ensure public participation in legislative processes.

Through this program JSMP has also disseminated relevant information that it obtained from the Parliament and also legal issues focusing on how the community can access formal justice issues of democracy, the roles of sovereign organs and public participation in the law making process to members of village councils, communities and vulnerable groups at the grass roots level to increase their knowledge about these areas and to encourage the people to participate actively in the process of establishing the democratic rule of law.

Through activities to disseminate this information, JSMP has also channelled information or concerns raised by communities, to make recommendations to the sovereign organs through consultation and publications.

This 2020 annual PWP will describe the four main activities carried out, namely monitoring of the National Parliament, advocacy and training for village councils, communities and vulnerable groups including analysing the political and legislative situation in the national parliament in 2020.

³Please refer to the JSMP website at: www.jsmp.tl

This report also provides analysis of the political and legislative situation as well as important events that have occurred in the National Parliament in 2020, such as the 2020 State Budget not being passed, Natural Disasters and Implementation of the State of Emergency, changes to the Chair of the National Parliament, Approval of the Law on Measures to Prevent and Combat Corruption, Approval of the 2020 State Budget and approval of the 2021 State Budget and other issues.

The section on monitoring at the National Parliament will describe the issue of productivity linked to punctuality, the attendance of members of parliament in plenary meetings and meetings of the Committees with measures established in the rules of procedure, including the productivity of the National Parliament to make laws, provide monitoring and political decision making.

The section on advocacy will outline opinions submitted to the National Parliament, the Government and other relevant institutions, press releases, case summaries and publications in the print media.

In relation to the concerns of members of Village Councils, communities and vulnerable groups, JSMP will outline concerns conveyed by communities and vulnerable groups during training conducted by JSMP. These concerns will be passed on to the sovereign organs of the State and relevant State institutions through recommendations in this report.

The last part of this report contains conclusions and recommendations that JSMP will convey to the National Parliament and relevant institutions for consideration in order to improve the functioning of State systems in relation to the concerns compiled by JSMP and recommendations for improvement.

The structure of the report is as follows:

Part 1 Introduction

Part 2 Functioning of the National Parliament

Part 3 Critical Analysis of the National Parliament in 2020

Part 4 Advocacy

Part 5 Concerns of Communities

Part 6 Conclusions and Recommendations

Part 7 Annexes

II. National Parliament

Pursuant to Article 92 of the Constitution, the National Parliament is the State's sovereign organ that represents all Timorese citizens and is vested with legislative, supervisory and political decision making powers⁴. Article 95 of the Timor-Leste Constitution also grants exclusive competencies to the National Parliament, and Article 96 of the Timor-Leste Constitution allows the National Parliament to authorise the Government to take on some of these competencies.

In addition to the competence to make laws, the Constitution also grants competence to the National Parliament to appraise statutes from the Government as provided for in Article 98.

When the National Parliament exercises its powers and performs its duties in accordance with the competencies provided in the Constitution, the National Parliament needs to adhere to the legal framework that sets out the structure, organization, functioning, administration, management and investigative process.

These laws are Law No. 4/2002 Organic Law of the National Parliament⁵ repealed by Law No. 15/2008⁶ which was repealed by Law No. 12/2017 on the Law on the Organisation and Administrative Functioning of the Parliament⁷, Law No. 4/2009 on the Legal System for Parliamentary Inquiries⁸, Law No. 15/2009⁹ as amended by Law No. 1/2016 on the National Parliament Rules of Procedure¹⁰, Law No. 10/2016 approving the Statute of the staff of the National Parliament¹¹.

2.1. Plenary and plenary meetings

Plenary meetings are the highest forum in the National Parliament for it to exercise its constitutional powers, especially its legislative, supervisory and political decision making powers. Pursuant to the provisions of Article 13 of Law No. 12/2017 the plenary also has powers to approve the annual budget and amending budgets, the budget of the National Parliament, to appraise the Government Program, reports on the execution of the State budget and accounts and multiannual strategic plan of the Parliament, to appraise the annual report of the National Parliament's Board and the internal audit report on the parliament's accounts.

⁴ Electronic version of the TL Constitution available in Tetum at: http://www.mj.gov.tl/jornal/public/docs/ConstituicaoRDTL_tetum.pdf and Portuguese: http://www.mj.gov.tl/jornal/public/docs/ConstituicaoRDTL_Portugues.pdf

⁵ Electronic version of this law available at: http://www.mj.gov.tl/jornal/public/docs/2002_2005/leis_parlamento_nacional/4_2002.pdf

⁶ Electronic version of this law available at: http://www.mj.gov.tl/jornal/public/docs/2008/serie_1/serie1_no48.pdf

⁷ Electronic version of this law available at: http://www.mj.gov.tl/jornal/public/docs/2017/serie_1/SERIE_I_NO_20.pdf

⁸ Electronic version of this law available at: http://www.mj.gov.tl/jornal/public/docs/2009/serie_1/serie1_no25.pdf

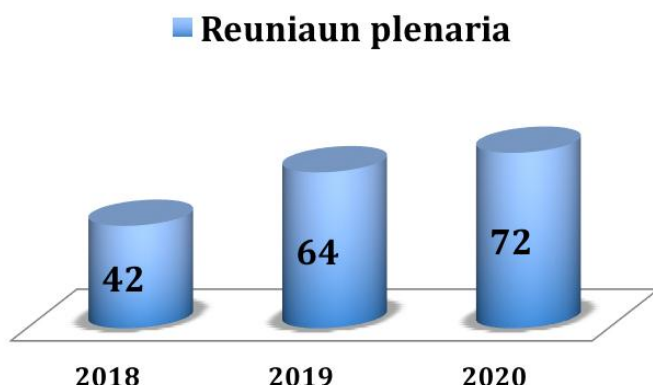
⁹ Electronic version of this law available at: http://www.mj.gov.tl/jornal/public/docs/2009/serie_1/serie1_no40.pdf

¹⁰ Electronic version of this law available at: http://www.mj.gov.tl/jornal/public/docs/2016/serie_1/SERIE_I_NO_18.pdf

¹¹ Electronic version of this law available at: http://www.mj.gov.tl/jornal/public/docs/2016/serie_1/SERIE_I_NO_26A.pdf

According to data that JSMP obtained from the Technical Secretariat of the National Parliament, 85 plenary meetings were scheduled for 2020¹² that comprised 63 ordinary plenary meetings and 22 extraordinary plenary meetings and JSMP managed to monitor 72.

Graph 1 plenary meetings between 2018 and 2020



JSMP monitored plenary meetings in the National Parliament in 2020 relating to discussions and speeches of members of parliament in so-called “period before the agenda” (*antes ordem do dia*). These meetings appraised monitoring reports, the reading out of requests for justified absences of MPs, political statements from the parliamentary benches, votes of condolences and a range of issues.

According to the agenda the plenary of the National Parliament also held discussions and votes of draft laws and resolutions submitted by the Government to the National Parliament, draft laws and draft resolutions initiated by the National Parliament. This is the agenda for normal plenary meetings as well as extraordinary plenary meetings.

Based on JSMP observations, some MPs did not place much importance on the discussion and approval of laws and resolutions, even though this is the constitutional competence of the National Parliament.

JSMP believes that the National Parliament needs to place a fair amount of importance on the balance between its constitutional competence to make laws, supervisory activities and political decision making as provided for in Article 92 of the Timor-Leste Constitution.

Therefore, JSMP believes to avoid these practices and behaviours in the future, the National Parliament could amend the Parliamentary Rules of Procedure to give more competence to the Chair of the National Parliament to impose sanctions on members of parliament who do not comply with the Rules of Procedure by not participating in the discussion and vote of laws during the period before the agenda or to create a Specialised Standing Committee that can deal with the ethics and discipline of the members of parliament. This committee could have competence to conduct investigations and present opinions to the Chair of the Parliament to make decisions.

¹² Please refer to the parliament website at: <https://www.parlamento.tl/node/405>

2.2. Punctuality

Punctuality is an important factor that determines the effectiveness and productivity of the National Parliament. Other factors were the knowledge of Portuguese language, work spaces and national legislation plan.

The schedule for the work of the National Parliament in relation to plenary meetings and meetings of the Specialised Standing Committees is set out in Article 2.46 of Law No. 15/2009 as amended by Law No. 1/2016 on the Rules of Procedure of the National Parliament. The provisions state that meetings of the plenary and the committees take place between 09:00 and 12:30 during the morning session, and between 15:00 and 18:00 during the afternoon session.

From monitoring conducted from 2010 until now at the National Parliament, JSMP has found that the issue of punctuality is a serious concern that JSMP has continued to question through its press releases and annual reports.

Punctuality continues to have a serious negative impact on the productivity of the National Parliament in terms of law making, oversight and political decision making in the national interest. When members of parliament are not punctual this has an impact on establishing “quorums” and the functioning of meetings of the plenary and specialized committees and their deliberations based on the existing agenda.

According to the provisions of Article 47 (1) on meetings of the plenary, the plenary can proceed when at least one third of effective MPs are present or a minimum of 21 MPs from 65 effective MPs. Article 47.2 on deliberations of the Plenary require the minimum attendance of one half (1/2) of effective members of parliament or at least 33 MPs from a total of 65 effective MPs.

Article 5 (47) on the quorum for meetings and deliberations of the Specialised Committees states that the committees require at least 3 MPs and deliberations can proceed when at least half (1/2) of effective members are present.

During JSMP monitoring in 2020, plenary meetings and meetings of the Committee A never took place according to the working hours of 09:00 - 12:30 in the morning and the afternoon session of 15:00 - 18:00. Meetings often took place from 10:00 until 13:00 and in the afternoon session from 16:00 until 18:00.

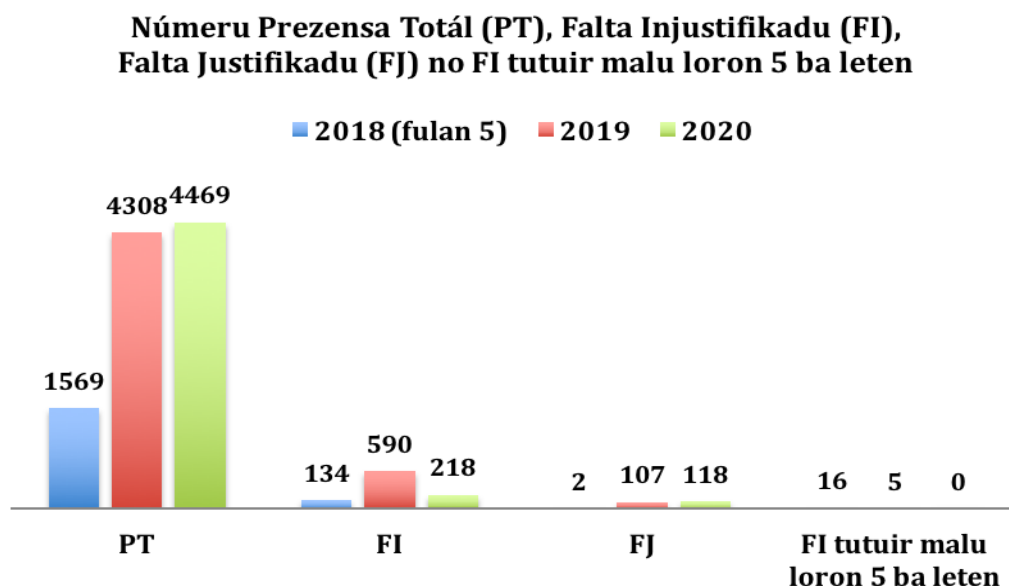
In relation to this issue, JSMP has made frequent recommendations in its reports for the National Parliament to take action against members of parliament who do not adhere to the schedule, to provide a solution to this problem and to prevent other members of parliament from making the same mistake.

2.3. Attendance

JSMP has observed the attendance of MPs in plenary meetings based on data regarding their attendance between January-December 2020.

In the graph below JSMP has presented statistics on the attendance of MPs in the plenary split into three categories, namely total attendance, unjustified absences and justified absences. JSMP obtained this data from the National Parliament through the Directorate of Parliamentary Support, Plenary Support Division.

Graph 2: Attendance of MPs in plenary meetings between 2018 and 2020¹³



Based on the graph above there has been a positive change regarding the absences of members of parliament. In 2018 for just 5 months, the number of MPs who had unjustified absences for five days or more was 16, and in 2019 this decreased to 5, and in 2020 it decreased to zero. According to the provisions of Article 7.1 a) of the Rules of Procedure of the Parliament on forfeiture of office, a Member of Parliament shall forfeit his or her office if without a justification, he or she does not take his or her seat in the National Parliament by the fifth plenary session, or he or she fails to attend five consecutive sessions of the Plenary or committees, or he or she fails to attend on fifteen intercalated occasions without justification.

Even though this is set out in the rules of procedure, based on JSMP observations the National Parliament has not taken any actions against MPs who have violated the rules of procedure. Therefore, in its publications JSMP has often requested for the National Parliament to take concrete action against MPs who do not comply with the Rules of Procedure, to avoid such practices and behaviour in the future which can have a dramatic impact on the functioning and productivity of the parliament.

2.4. Right to speak

Right to speak is the right of each MP as set out in the provisions of Article 57 in the Parliamentary Rules of Procedure. Right to speak is given to members of parliament to make a speech during the period before the agenda and during the agenda, to participate in debates, present draft laws, draft resolutions or draft deliberations, to exercise the right to defence of honour and respect and to defend the good name of his or her party, to appeal, to request or give

¹³ In November the National Parliament scheduled two plenary meetings, however only one was held. JSMP did not manage to obtain data on the attendance at this meeting, so it is not included in the graph above.

clarifications, to submit claims and protests, to formulate a statement of vote and the right to speak shall be in accordance with the order of registration.

The right to speak of members of parliament takes place every Monday and Tuesday in the plenary according to the provisions of Article 45 1) of the Parliamentary Rules of Procedure, including also extraordinary plenaries on urgent issues according to the provisions of Article 49 of the Parliamentary Rules of Procedure.

JSMP notes that speeches made by members of parliament in plenary meetings often give more priority to political party interests rather than the interests of the State and the people. These speeches often digressed from issues scheduled for the plenary and resulted in unnecessary discussions and use of inappropriate, unethical and discriminatory language and promotion of racist language that is not befitting of politicians to set an example for the public¹⁴.

These acts go against the provisions of Article 16 of the Timor-Leste Constitution on universality and equality which in point 1) states that all citizens are equal before the law, shall exercise the same rights and shall be subject to the same duties, and point 2) states that no one shall be discriminated against on grounds of colour, race, marital status, gender, ethnical origin, language, social or economic status, political or ideological convictions, religion, education and physical or mental condition.

Limitations on the right to speak are set out clearly and in detail in the provisions of Article 65 of Law No. 15/2009 on taking the floor improperly. In points a) - f) states that the President of the National Parliament can warn any person taking the floor if that person displays one of the following behaviours:

- a) To digress from the agenda or subject matter under discussion;
- b) To surpass time allocated;
- c) To take the floor without permission;
- d) To offend the decorum of Parliament and its Members;
- e) to use improper, insulting or morally offensive language and
- f) insulting and threatening the physical or moral integrity of another MP.

The provisions of Article 65 2) provide even stronger limitations if the person taking the floor does not heed the warning from the President of the National Parliament. These provisions state if the MP persists in his or her behaviour, the Chair may prevent him or her from having the floor until the end of the session, without prejudice to possible judicial action such conduct may give rise to.

JSMP believes that the provisions of Article 65 of the Parliamentary Rules of Procedure are fine, however they could be improved and the same problems could be prevented from occurring in the plenary by amending or improving Article 65.2 to include the wording of “disciplinary process” rather than “judicial process”. A judicial process is initiated when the MP’s behaviour is extremely serious and contravenes the provisions of the Civil Code and Penal Code.

¹⁴ Please refer to JSMP press release on its website: <https://jsmp.tl/wp-content/uploads/PR-Atitude-membru-deputadu-PN-la-tuir-K-RDTL-no-lei.pdf>

2.5. Political party interests versus the national interest

Also JSMP notes that during the plenary meetings of the National Parliament, MPs did not only display behaviour contrary to the Constitution and the laws mentioned above, but often they debated, approved or voted against a law or resolution only based on the political orientation of their party or the party leadership rather than conducting thorough analysis of the laws to ensure that the decisions of the parliament reflect the reality, needs, interests and aspirations of the people or represent the national interest.

JSMP notes that these practices have occurred in previous years, and also during general discussions to approve the 2020 State Budget and the 2021 State Budget as well as other laws. During discussion and approval, JSMP noted that many MPs did not make speeches or vote based on their own conscience. JSMP is aware that members of parliament represent their political interests and party interests based on the ideology of their political party. However, in the context of Timor-Leste, political speeches and political party speeches often fail to clearly reflect the political ideology of the party, for example political parties “on the left or socialist/communist, moderate and on the right or capitalist”. Therefore, speeches more often do not reflect the national interest, but rather the subjective party interests of groups or individuals.

The voting in accordance with political party discipline is regulated in subparagraph c) of paragraph 1) of Article 16, Law No. 9/2017 which amended Law No. 6/2006 on the Electoral Law for the National Parliament. It states that a Member of Parliament who was elected on a political party or coalition list will lose his/her seat if he/she violates the discipline of his/her parliamentary bench in accordance with the statutes of the party that he/she represents.

JSMP is of the opinion that this provision has a bearing on the credibility and productivity of MPs as individuals who represent the people as a whole in the sovereign organ when they perform their duties as law-makers, carry out monitoring activities and make political decisions during their mandate.

In addition, these acts cause some MPs to display an apathetic attitude as they do not wish to be involved in discussion on issues linked to the interests of the people and the State and they just wait for guidance when making a political decision in the National Parliament based on the interests of their political party or group.

Therefore, JSMP believes that the provisions of Article 16.2 c) of Law No. 9/2017 don't really reflect the political reality of Timor-Leste, because there are no positive results for the nation and the people and often there is confusion and problems for the nation. This provision could be properly applied when the political parties in Timor-Leste clearly define and demonstrate their position and political ideology like advanced countries in Europe and the Americas, especially the United States. Therefore, JSMP believes that the National Parliament needs to carefully consider and examine the possibility of amending this provision so that it can properly reflect the reality of Timor-Leste to create more space for the members of parliament to contribute actively to the effectiveness and productivity of the National Parliament.

JSMP has often questioned the practices taking place in the National Parliament, through its publications such as press releases, monthly activity summaries and annual reports.

JSMP raised the issue of the use of inappropriate language, people moving around during the plenary and also individual discussions between members of parliament, group discussions outside even though the plenary has started, attending to video calls even though the alarm has sounded to start the plenary. These members of parliament have ignored the rules and procedures that apply in the National Parliament, including starting and finishing work on time.

JSMP believes that it is important for the Chair of the Parliament to reiterate and reintroduce or remind the MPs at the start of each legislative session about the procedures that apply to MPs to prevent MPs from using unethical language or insults in the National Parliament in violation of the Parliamentary Rules of Procedure¹⁵.

2.6. Monitoring

The supervisory role of the National Parliament is carried out based on the provisions of Article 92 of the Timor-Leste Constitution that states that the National Parliament is the organ of sovereignty of the Democratic Republic of Timor-Leste that represents all Timorese citizens and is vested with legislative supervisory and political decision making powers.

Monitoring carried out by the National Parliament is comprised of political and technical monitoring and monitoring of projects. The National Parliament conducts political monitoring to fulfil its role to guarantee the Constitution and the law. Technical monitoring and the monitoring of projects is aimed at ensuring that State programs and the State budget is executed in accordance with the State budget financial management laws. Technical monitoring and monitoring of projects is carried out by Specialised Standing Committees according to their respective sectors, namely education, health, the economy, agriculture, justice, etc.

Political monitoring carried out by the parliament considers the program of the Government as set out in Article 109 of the Timor-Leste Constitution, giving a vote of confidence, initiating a vote of no confidence, requesting the Government to explain certain issues, initiate debates with the Government before the end of the normal period, submitting petitions, creating parliamentary inquiries and evaluating legislative acts decreed by the Government.

The details of political monitoring and guidance are set out clearly in detail in the provisions of the articles between Section I - IX of Chapter VI Title V or from Articles 134-161 of the Parliamentary Rules of Procedure.¹⁶

The National Parliament considers the Government program pursuant to Article 109 of the Timor-Leste Constitution within 30 days after the Government starts functioning in accordance with Article 108 of the Timor-Leste Constitution and details of this process are set out in Article 135 of the Parliamentary Rules of Procedure.

Regarding a vote of confidence, the Government may request the National Parliament to approve a vote of confidence on a statement of general policy or on any relevant matter of national interest according to the provisions of Article 110 of the Timor-Leste Constitution and the details

¹⁵ Please refer to the JSMP website: http://jsmp.tl/wp-content/uploads/PrPWPParlamentuUzaLiafuanLaETIKU_Tetum.pdf

¹⁶ Please refer to the website of the National Parliament: https://www.parlamento.tl/sites/default/files/custom/docs/regimento_do_parlamento_nacional_de_timor-leste.pdf?language=pt-pt

of this process are set out in the provisions of Articles 137-139 of the Parliamentary Rules of Procedure.

A vote of no confidence may be proposed by one-quarter of the Members in full exercise of their functions, and the National Parliament can pass a vote of no confidence on the Government, regarding its program or any relevant matter of national interest pursuant to Article 111 of the Timor-Leste Constitution and the details are set out in Articles 140-142 of the Parliamentary Rules of Procedure.

MPs can question the Government and in line with political monitoring activities also request members of the Government pursuant to the provisions of Article 101 of the Timor-Leste Constitution to attend plenary meetings to explain information relating to the respective areas of responsibility held by the members of Government. Questions to the Government shall be held once a month and the requests for information made by MPs or public entities must be responded to by the Government within 30 days. The details of this process are set out in the provisions of Articles 149 and 150 of the Parliamentary Rules of Procedure.

In addition to asking questions to the Government, the National Parliament can also organise a debate with the Government. The debate with the Government shall involve the Prime Minister as well as members of the Government. These debates shall take place before the end of the normal functioning period of the National Parliament within a legislative session and the details of this process are set out in Articles 151 and 152 of the Parliamentary Rules of Procedure.

A petition is the right of every citizen as enshrined in the provisions of Article 48 of the Timor-Leste Constitution on the right to petition. This article states that every citizen has the right to submit petitions, complaints and claims to organs of sovereignty or any authority for the purpose of defending his or her rights, the Constitution, the law or general interests. The process of submitting a petition is set out in the provisions of Articles 155 - 160 of the Parliamentary Rules of Procedure. When the National Parliament considers a petition submitted by citizens, the Parliament can request or recommend to the Government to uphold the interests of citizens or can create a legal framework to regulate the interests of the people.

A parliamentary inquiry is a monitoring mechanism with the aim of ensuring compliance with the Constitution and the law, and considers the acts of Government and Public Administration. Parliamentary inquiries shall be carried out by ad hoc committees specifically appointed for each case by a parliament resolution and are regulated in the provisions of Article 161 of the Parliamentary Rules of Procedure.

Parliamentary appraisal of legislative acts is a mechanism of control or monitoring set out in the Constitution to amend Decree-Laws that have been approved by the Government or may suspend, in part or in full, the forces of a statute, as detailed in the provisions of Article 98 of the Timor-Leste Constitution.

Statutes may be submitted to the National Parliament for appraisal, following a petition of one-fifth of the effective MPs and within 30 days following their publication in the State Gazette, excluding the days when the functioning of the National Parliament is suspended.

JSMP has observed that political monitoring is not yet effective and efficient. After the Government is formed and presents its program for appraisal and vote of confidence from the National Parliament the Parliament does not place importance on issues for debate with members of Government, debate with the Prime-Minister, petitions, parliamentary inquiries and the consideration of legislative acts of the Government.

Therefore, JSMP believes that the Parliament needs to give priority to the issues mentioned by JSMP above, especially for the Parliament to engage more thoroughly in the consideration of legislative acts of the Government within 30 days following their publication in the State Gazette as set out in the provisions of Article 98.1 of the Timor-Leste Constitution.

Therefore, JSMP believes it would be good for the Parliament each week in a plenary meeting to receive an update about the Government Decrees produced by announcing them, so that the MPs are updated regarding Government statutes and if anything is incorrect or inappropriate the MPs can make a request for appraisal. This mechanism is a more effective way for the Parliament to perform monitoring.

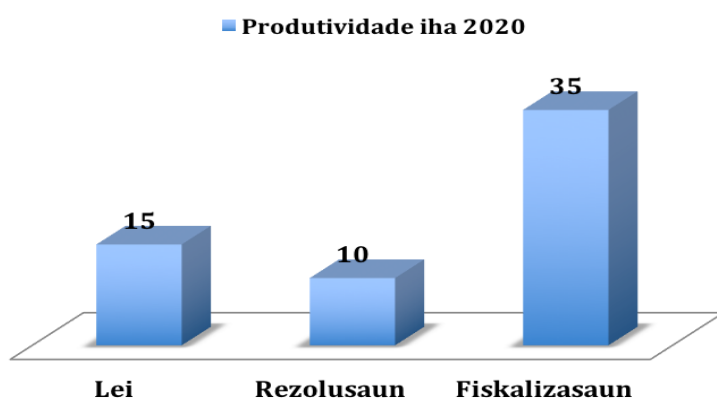
2.7. Productivity

Productivity is an important factor that provides an indicator about how well the institution has achieved its annual goals based on its projected programs and plans. Productivity is also an indicator that allows us to make comparisons with projected outcomes and actual outcomes of activities that have been carried out.

Regarding the productivity of the National Parliament in 2020 in relation to legislative work, the Parliament managed to approve a number of laws and resolutions in plenary meetings. In terms of monitoring the National Parliament through its Specialised Standing Committee conducted some monitoring visits to the municipalities, administrative posts, villages and independent institutions of the State. The results of this monitoring are reported to the plenary and the recommendations of monitoring reports are given consideration.

The National Parliament in 2020 produced 15 laws, 10 resolutions and 35 monitoring trips by the 6 Specialised Standing Committees.

Graph 3 Productivity of the Parliament in legislative, supervisory and political decision making.¹⁷



information to the public.

lential and JSMP could not provide this

In 2020, the Specialised Standing Committee that deals with Constitutional Issues, Justice, Public Administration, Local Power and Legislation could not conduct monitoring at the grass roots level because it was authorized by the President of the Parliament to accelerate the specific discussion of the draft law on Measures to Prevent and Combat Corruption and to hold public consultation on the draft law on Local Power and Administrative Decentralization and Municipal Elections Law¹⁸.

III. Legislative Process

3.1. Discussion and approval of laws

The National Parliament in 2020, through normal and extraordinary plenary meetings managed to approve 15 laws and 10 resolutions proposed by the Government and the National Parliament. 25 Of these legislative texts, 25 were initiated by the PN itself.

These laws are:

- 1) Law No.1/2020 Authorising the Declaration of a State of Emergency¹⁹.
- 2) Law No.2/2020 Authorising an Extra-Ordinary Transfer from the Petroleum Fund²⁰.
- 3) Law No. 3/2020 Authorising an Extension of the Declaration of a State of Emergency²¹.
- 4) Law No.4/2020 Authorising an Extension of the Declaration of a State of Emergency²².
- 5) Law No. 5/2020 Authorising a Second Extra-Ordinary Transfer from the Petroleum Fund in the 2020 Financial Year and making the First Amendment to Law No. 2/2020, of 6 April²³, Authorising an Extra-Ordinary Transfer from the Petroleum Fund.
- 6) Law No.6/2020 Confirming the Declaration of a State of Emergency²⁴.
- 7) Law 7/2020 on Measures to Prevent and Combat Corruption²⁵.
- 8) Law No. 8/2020 Authorising an Extension of the Declaration of a State of Emergency²⁶.
- 9) Law No. 9/2020 Authorising an Extension of the Declaration of a State of Emergency²⁷.
- 10) Law No. 10/2020 on the 2020 State Budget²⁸.

¹⁸ Complete information about these laws is available in the table in the annex.

¹⁹ Please refer to the State Gazette website:

http://www.mj.gov.tl/jornal/public/docs/2020/serie_1/SERIE_I_NO_13_A.pdf

²⁰ Please refer to the State Gazette website:

http://www.mj.gov.tl/jornal/public/docs/2020/serie_1/SERIE_I_NO_14_C.pdf

²¹ Please refer to the State Gazette website:

http://www.mj.gov.tl/jornal/public/docs/2020/serie_1/SERIE_I_NO_17_A.pdf

²² Please refer to the State Gazette website:

http://www.mj.gov.tl/jornal/public/docs/2020/serie_1/SERIE_I_NO_22_A.pdf

²³ Please refer to the State Gazette website:

http://www.mj.gov.tl/jornal/public/docs/2020/serie_1/SERIE_I_NO_26_C.pdf

²⁴ Please refer to the State Gazette website: http://www.mj.gov.tl/jornal/public/docs/2020/serie_1/SERIE_I_NO_33.pdf

²⁵ Please refer to the State Gazette website: http://www.mj.gov.tl/jornal/public/docs/2020/serie_1/SERIE_I_NO_35.pdf

²⁶ Please refer to the State Gazette website:

http://www.mj.gov.tl/jornal/public/docs/2020/serie_1/SERIE_I_NO_36_B.pdf

²⁷ Please refer to the State Gazette website:

http://www.mj.gov.tl/jornal/public/docs/2020/serie_1/SERIE_I_NO_40_B.pdf

- 11) Law No. 11/2020 Authorising an Extension of the Declaration of a State of Emergency²⁹.
- 12) Law No. 12/2020 on Civil Protection³⁰.
- 13) Law No. 13/2020 Authorising an Extension of the Declaration of a State of Emergency³¹.
- 14) Law No. 14/2020 on the 2021 State Budget³² and;
- 15) Law No. 15/2020 Authorising an Extension of the Declaration of a State of Emergency³³.

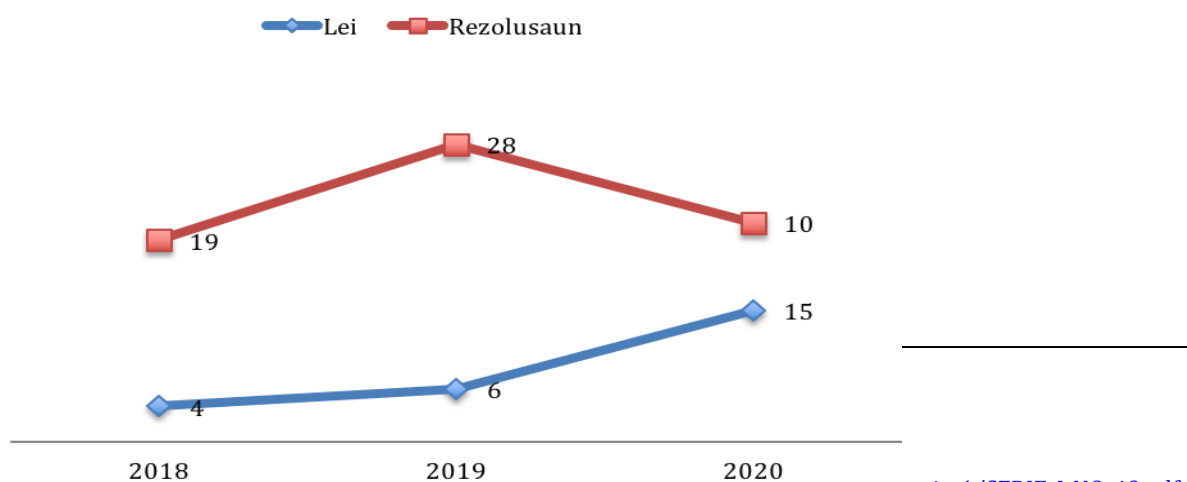
Most of these laws related to the declaration of a State of Emergency due to the Covid-19 pandemic. Important laws that the National Parliament managed to discuss and approve in 2020 were the Law to Prevent and Combat Corruption, Law on Civil Protection and the 2020 State Budget Law and the 2021 State Budget Law.

In relation to the law on a State of Emergency, JSMP believes that the State of Timor-Leste took positive, important and appropriate action to respond to Covid-19 in terms of prevention and combatting this pandemic. Therefore, JSMP praises the efforts of the State, particularly the President of the Republic, the Government and the National Parliament for creating these legal mechanisms.

JSMP also believes that the 2020 and 2021 State Budgets are very important. The approval of the 2020 and 2021 State Budgets can sustain the functioning of the State in terms of the financing the machinery of State, respond to COVID-19, natural disasters and national development in particular.

Also, Law no. 7/2020, 26 August, on Measures to Prevent and Combat Corruption is extremely important. JSMP believes that this law can assist the State and all parties to execute the State budget with responsibility, transparency and accountability to safeguard the interests of the State and the money of the people year after year and eventually contribute to freeing the people from poverty and destitution.

Graph 4: Variation of laws and resolutions between 2018-2020



²⁹ Please refer to the State Gazette website: http://www.mj.gov.tl/jornal/public/docs/2020/serie_1/SERIE_I_NO_49.pdf

³¹ Please refer to the State Gazette website:

http://www.mj.gov.tl/jornal/public/docs/2020/serie_1/SERIE_I_NO_49_A.pdf

³² Please refer to the State Gazette website:

http://www.mj.gov.tl/jornal/public/docs/2020/serie_1/SERIE_I_NO_52A.pdf

³³ Please refer to the State Gazette website: http://www.mj.gov.tl/jornal/public/docs/2020/serie_1/SERIE_I_NO_53.pdf

The Graph above shows the productivity the National Parliament in 2020, although most of the laws related to the declaration of a State of Emergency.

JSMP believes that this positive change is related to a change in the leadership of the Chair of the Parliament on 19 May 2020 and also the leadership of the Specialised Standing Committees. However, JSMP believes that the National Parliament still doesn't have a national legislation plan.

From January until the start of May 2020 the National Parliament has not functioned well in terms of productivity. This happened after the State Budget for 2020 was not approved in January 2020. This happened in the wake of various political developments that resulted in the collapse of the AMP (Aliansa Maioria Parlamentár) coalition, led by the CNRT party.

In the wake of discussions and coordination between the parties represented in the National Parliament, a solution was eventually found to support the VIII Constitutional Government led by the Fretilin party. This was a solution for the President of the Republic to avoid early elections and continue to maintain the 8th Constitutional Government.

JSMP believes that the new alliance in the National Parliament has given top priority to important laws that have expired and were not really given much attention or considered politically important by the previous coalition.

JSMP also believes with the political changes and changes of leadership in the National Parliament it has managed to increase its productivity in comparison with previous years since 2019 which was full of political upheaval between the National Parliament, the Government and the President of the Republic. The National Parliament still needs to maintain its productivity in the next few years so it can discuss and approve other important laws that are still being processed and some others that have not yet been included in the agenda.

3.2. Discussion and approval of resolutions

The legal system of Timor-Leste shall adopt the general or customary principles of international law as set out in Article 9.1 of the Timor-Leste Constitution and therefore international laws such as treaties, conventions and agreements shall automatically apply in the legal system of Timor-Leste following their approval, ratification and after publication in the official gazette, as set out in Article 9.2 of the Timor-Leste Constitution.

The National Parliament has the competence to ratify International Laws that the State of Timor-Leste has adopted, as provided for in Article 3.95 (f) of the Timor-Leste Constitution and Article 1.131 of Law No. 15/2009 as amended by Law No. 1/2016 on the Parliamentary Rules of Procedure.

Ratification is via a Parliamentary Resolution as set out in the provisions of Article 133.2 of the Parliamentary Rules of Procedure with a global vote in the Plenary in accordance with the provisions of Article 132 of the Parliamentary Rules of Procedure and after approval, it must be sent to the President of the Republic for promulgation in accordance with the provisions of Article 85 a) of the Timor-Leste Constitution and Article 133.1 of the Parliamentary Rules of Procedure and must be published in the State Gazette.

Pursuant to the provisions of Article 9.1 of the Timor-Leste Constitution, in 2020 the National Parliament managed to approve 10 draft resolutions that were published in the State Gazette.

These resolutions were:

- 1) Resolution No. 1/2020 to Combat Climate Change³⁴.
- 2) Resolution No. 2 /2020 on the Adoption of Measures to Prevent and Fight Covid-19 and also Measures for the Social and Economic Recovery and Stabilization of the Country, including the Implementation and Monitoring of the Declaration of a State of Emergency³⁵.
- 3) Resolution No. 3/2020 on a Headquarters Agreement between the Democratic Republic of Timor-Leste and the g7+³⁶.
- 4) Resolution No. 4 /2020 on the Ratification of the g7+ Charter³⁷.
- 5) Resolution No. 5/2020 Approving the State's General Account for 2018³⁸.
- 6) Resolution No. 6/2020 Approving the 2020 Budget for the National Parliament³⁹.
- 7) Resolution No. 7/2020 on the Appointment of a Member of Parliament to the Civil Service Commission⁴⁰.
- 8) Resolution No. 8/2020 Authorising the Declaration of a State of Emergency⁴¹.
- 9) Resolution No. 9/2020 Approving the 2021 Budget for the National Parliament⁴².
- 10) Resolution No. 10/2020 Recommending for the Government to Adopt Measures to Prevent Infanticide and the Neglect of Babies and Children⁴³.

JSMP observed that these resolutions are very important, however it is more important to give consideration to the capacity and readiness of the State of Timor-Leste to implement them, especially international mechanisms prior to approval. An example is the resolution to combat climate change which reiterates a recommendation for the Government in point a) to develop an environmental policy that can contribute to global efforts to combat climate change and also point e) to adopt concrete measures on a policy of zero plastics. The recommendations from

³⁴ Please refer to the State Gazette website: http://www.mj.gov.tl/jornal/public/docs/2020/serie_1/SERIE_I_NO_8.pdf

³⁵ Please refer to the State Gazette website: http://www.mj.gov.tl/jornal/public/docs/2020/serie_1/SERIE_I_NO_15.pdf

³⁶ Please refer to the State Gazette website: http://www.mj.gov.tl/jornal/public/docs/2020/serie_1/SERIE_I_NO_17.pdf

³⁷ Please refer to the State Gazette website: http://www.mj.gov.tl/jornal/public/docs/2020/serie_1/SERIE_I_NO_17.pdf

³⁸ Please refer to the State Gazette website:

http://www.mj.gov.tl/jornal/public/docs/2020/serie_1/SERIE_I_NO_24_B.pdf

³⁹ Please refer to the State Gazette website: http://www.mj.gov.tl/jornal/public/docs/2020/serie_1/SERIE_I_NO_32.pdf

⁴⁰ Please refer to the State Gazette website: http://www.mj.gov.tl/jornal/public/docs/2020/serie_1/SERIE_I_NO_32.pdf

⁴¹ Please refer to the State Gazette website:

http://www.mj.gov.tl/jornal/public/docs/2020/serie_1/SERIE_I_NO_32_A.pdf

⁴² Please refer to the State Gazette website: http://www.mj.gov.tl/jornal/public/docs/2020/serie_1/SERIE_I_NO_40.pdf

⁴³ Please refer to the State Gazette website: http://www.mj.gov.tl/jornal/public/docs/2020/serie_1/SERIE_I_NO_51.pdf

these international mechanisms are good, however in reality, it would be better to put them on hold and make preparations to create concrete measures to implement a policy of zero plastics, otherwise the State will be unable to implement the policy, or it will not be implemented properly.

IV. Specialised Standing Committees

To effectively and efficiently exercise its constitutional powers, the National Parliament needs to establish Specialised Standing Committees to deal with specific issues. This process is set out in Article 26 (1) – (4), and the composition of members of these committees is set out in Article 27 and their competencies are set out in Article 35 of Law No. 15/2009 as amended by Law No. 1/2016.

A seat on the committee belongs to the parliamentary bench and the Specialised Standing Committees consist of MPs indicated by the parliamentary bench and the composition respects the proportional representation of the parliamentary benches. The parliamentary bench may not indicate more than one of its MPs to a Specialised Standing Committee, unless the parliamentary bench does not have enough MPs, and in this case never more than two, as set out in Articles 27 (5) of Law No. 15/2009 as amended by Law No. 1/2016.

The mandate of the Committees does not exceed one legislature. This means that when there is a new legislature the National Parliament must establish new Specialised Standing Committees, as required.

During the 5th Legislature the National Parliament established 7 Specialised Standing Committees dealing with issues grouped under thematic areas⁴⁴. The Specialised Standing Committees are:

- 1) Committee A that deals with Constitutional Issues and Justice and has 11 members;
- 2) Committee B, that deals with Foreign Affairs, Defence and Security and has 9 members;
- 3) Committee C, that deals with Public Finance and has 11 members;
- 4) Committee D, that deals with Economic Issues and Development and has 10 members;
- 5) Committee E, that deals with Infrastructure and has 9 members;
- 6) Committee F, that deals with Education, Health and Social Issues and has 9 members;
- 7) Committee G, that deals with Education, Citizenship, Youth, Equality and Culture and has 7 members.

Based on JSMP's observations as well as data from the Technical Secretariat of the National Parliament, in 2019 the Specialised Standing Committee that had the greatest responsibility and workload was Committee A that deals with Constitutional Issues, Justice, Public Administration,

⁴⁴ Details available at: <https://www.parlamento.tl/cat/11>

Local Power and Legislation. This committee managed to discuss and approve important draft law such as the Law on Measures to Prevent and Combat Corruption, including considering requests to extend the State of Emergency, the consideration of reports on the execution of the State of Emergency, appraisal of the 2020 and 2021 State Budgets and also public consultations on the Law on Local Power and Administrative Decentralization and Municipal Elections Law.

Committee C that deals with Public Finance issues in 2020 continued to monitor the Budget and Public Finance policies, and appraised the 2020 and 2021 State Budgets, the execution of the 2018 State Budget Account, appraisal of draft proposal about extraordinary withdrawals from the petroleum fund including a second extra-ordinary withdrawal from the petroleum fund.

Considering the workload and productivity of these two committees, JSMP believes that it is important for the Chair of the Parliament to establish the tasks of the other Specialised Standing Committees working in the area of legislation to increase their productivity in their respective areas of responsibility.

4.1. Monitoring activity

The monitoring activities carried out by the Specialised Standing Committees are technical monitoring activities performed in accordance with the powers granted to such committees in Article 92 of the Constitution and are detailed in technical terms in Article 35 of the National Parliament's Rules of Procedure.

According to these provisions the Specialised Standing Committees have competence to:

- a) To discuss and issue opinion on bills and draft laws, proposed amendments and treaties submitted to Parliament.
- b) To consider petitions addressed to Parliament.
- c) To collect information on political and administrative problems falling within the scope of committees, and to submit to Parliament the necessary elements for consideration of Government acts, whenever such submission is deemed convenient by Parliament
- d) To hold public hearings with civil society entities.
- e) To call any office holder of the Public Administration to provide information on issues related to the functions of that office holder.

In 2020 the Specialised Standing Committees managed to conduct many monitoring visits to the municipalities, administrative posts, villages and other State institutions. 35 monitoring visits were conducted⁴⁵. From these monitoring reports, JSMP notes that there was no follow-up on the effect or implementation of the recommendations sent by the National Parliament to the Government and relevant institutions.

Therefore, JSMP believes that the National Parliament needs to change its mechanism for following-up the recommendations from the monitoring reports via a request to the Government in accordance with the provisions of Article 9.1 h) of the Parliamentary Rules of Procedure to oblige the Government and State entities to respond to the concerns of members of parliament within 30 days.

⁴⁵ Please refer to the website of the National Parliament: <https://www.parlamento.tl/node/1227?language=tl>

4.2. Committee A and Legislative Production

In addition to regular monitoring of plenary meetings, JSMP also conducted regular monitoring of Committee A meetings. In 2020, JSMP managed to monitor 48 meetings, public consultations and the approval of laws in Committee A including 5 extraordinary meetings of the Committee⁴⁶.

Committee A is a Specialised Standing Committee that deals with issues of Constitutionality, Justice, Public Administration, Local Power and Legislation.

Whilst monitoring the Committee, JSMP notes that there were 4 draft laws finalised by Committee A in 2020. These laws were the Law on Measures to Prevent and Combat Corruption, Law on Civil Protection and the 2020 and 2021 State Budget Laws and the Committee also managed to finalize important laws at the start of 2021, namely the approval of a Legal Regime for Voluntary Arbitration that represented the first amendment to the Code of Civil Procedure as well as a law on the basic organization of Public Administration.

Draft laws that had reached the phase of public consultations and discussion before Committee A were the Law on a Bar Association, Electoral Law for Municipal Assemblies, Law on Local Power and Administrative Decentralization and Law on Judiciary Organisation, Statute of the Public Prosecution Service, Law on the Organization and Structuring of the Territorial Administration, Judicial Magistrate Statute and Immigration and Asylum Law. Besides these draft laws, the draft law on the Statutes of the Public Defender's Office was returned to the Government because the Public Defender's Office is under the Ministry of Justice and therefore its Statutes are regulated by the Government by means of a Decree-Law.

As the result of its monitoring, JSMP noted that some of these draft laws were sent to the Chair of the Committee, after the Committee finalised its appraisal through public consultations, and some were still being discussed and subject to public consultations to hear the opinions of relevant entities such as relevant institutions or ministries from the Government, local authorities, judicial actors and civil society before finalization and the submission of an opinion to the National Parliament for discussion and approval.

Based on JSMP observations, in 2020 Committee A was very productive and effective in relation to legislation. Committee A managed to accelerate the development of the aforementioned important laws. The Committee not only considered these laws, but also considered issues relating to petitions and complaints from the community and civil society.

However, JSMP has continued to note many irregularities with the work of Committee A, especially in relation to a lack of punctuality and unjustified absences which often impact on the scheduling of discussions and approval or reports due to the issue of a quorum. Cases of meetings that were postponed included the agenda to approve the monitoring visit report to the Special Administrative Region of Oecusse-Ambeno in November 2019 and monitoring visits to Covalima Municipality and Bacau Municipality in December 2019, for which appraisal was delayed, and only approved on 11 March 2020.

In relation to these circumstances, JSMP has recommended for the Chair of the Parliament and the President of Committee A to take disciplinary measures in accordance with the Parliamentary

⁴⁶ Please refer to the website of the National Parliament: <https://www.parlamento.tl/node/412>

Rules of Procedure to oblige members of parliament to carry out their work on time and any absences must be justified.

In relation to legislation, even though the National Parliament, and Committee A in particular, increased its productivity and functioned effectively, JSMP believes that it is important for the National Parliament to establish a National Legislation Program in each legislature. This would guide their work, especially on issues that fall within the exclusive competence of the National Parliament. The establishment of such a program will mean that the Parliament is not so dependent on draft laws and initiatives from the Government.

In reality, the National Parliament needs to develop many laws to ensure the strengthening of constitutional norms as enshrined in the Constitution. The lack of legislative measures to implement the constitutional provisions not only prevents the full application of the Constitution but also leads to inconsistent interpretations from different parties which confuses the public and the constitutional organs in the exercise of their powers and competencies. Thus, the National Parliament needs to establish a National Legislative Program that identifies and includes for each legislative session the legislative measures that have to be drafted and adopted to fully implement constitutional provisions.

4.3. Cooperation between Committee A and JSMP

Also, JSMP really appreciates the work and good collaboration between Committee A and JSMP. The National Parliament, through Committee A, has always involved JSMP in public consultations to hear JSMP's thoughts on draft laws when the Parliament and the Government organize discussions and public consultations. Also, Committee A has invited and involved JSMP in the discussion of draft laws to contribute its thoughts on how to develop these laws.

In relation to the legislative process, Committee A always considers JSMP's thoughts expressed in opinions, particularly in relation to the draft Law Against Corruption, to include some articles in this draft law and in the Committee's opinion report to the plenary. These opinions are the best way for JSMP to continue its work relating to justice, human rights and the law.⁴⁷

JSMP also expresses its appreciation to Committee A for the progress achieved during 2020 to give priority to these important draft laws and to include them in the Committee's work plan calendar. Committee A continues to make itself accessible to the communities and civil society so they can convey their concerns in relation to issues that fall within the responsibility of the Committee⁴⁸.

JSMP has observed that the National Parliament, and Committee A in particular, promote and value public participation in the legislative process, by listening to the thoughts and perspectives of the public in general and civil society in particular, which truly reflects the nature of the National Parliament as a State organ that represents everybody.

In relation to public consultation with the Committee, especially in the municipalities, JSMP recommends for the Committee to improve the mechanism for these consultations by preparing a

⁴⁷ Please refer to the JSMP website: <http://jsmp.tl/wp-content/uploads/PRKomisaun-A-PN-konsidera-rekomendasaun-JSMP-balun-iha-Projetu-Lei-Anti-Korrupsaun.pdf>

⁴⁸ Please refer to the JSMP website: <https://jsmp.tl/wp-content/uploads/JSMP-apresia-inisiativa-Komisaun-A-neebe-prepara-ona-kalendaru-serbisu-Komisaun-nian-ba-fulan-6-iha-tinan-2021-janeiru-2021.pdf>

written summary on the issues that need to be discussed in Tetum and to distribute this summary in advance to enable participants to properly participate in discussion. Therefore, consultations will be more effective or better results will be achieved and will contribute to producing laws that reflect the reality, and uphold the interests and aspirations of many people.

In addition to the mechanism mentioned by JSMP above, the thoughts of interested parties can also be conveyed via the website of the National Parliament to involve more people in public consultation during the legislative process.

V. Political Observations and Legislative Analysis

In this section JSMP presents its critical observations about the general political situation and legislative situation in the country, and specifically in the National Parliament, which has had a massive impact on the interests of the people and the nation.

JSMP has considered political and legislative issues by conducting research and analysis in 2020 as compiled in this report, as well as other documents, namely:

- 1) Mechanism to guarantee the Constitution and Impeachment of the President of the Republic;
- 2) The Covid-19 pandemic and implementation of the State of Emergency;
- 3) Dismissal of the Chair of the Parliament;
- 4) Law No. 10/2020 on the 2020 State Budget
- 5) Law No. 14/2020 on the 2021 State Budget.
- 6) Law No. 7/2020 on Measures to Prevent and Combat Corruption.
- 7) Amendment to Article 1475 of the Timor-Leste Civil Code on Marriage

5.1. Mechanism to guarantee the Constitution and Impeachment of the President of the Republic;⁴⁹

In relation to the interpretation of the Timor-Leste Constitution, since the Constitution came into effect in 2002 members of the public have been confused due to their different interpretations.

This confusion has often meant that organs and those granted competence in the Constitution have tried to conduct efforts to exercise their constitutional competencies, however not in the correct and appropriate manner.

One example is the petition submitted by members of parliament from the CNRT Bench to the Court of Appeal to exercise the competence of the Supreme Court of Justice to carry out an abstract review of acts of the President of the Republic which were considered to be a clear and serious violation of his constitutional obligations. The decision of the Court of Appeal was to reject the petition on procedural grounds.. Another example is the request made by the former President of the National Parliament, his excellency MP Arão Noe do Amaral, who requested for the Supreme Court of Justice/Court of Appeal to conduct an abstract review of a plenary meeting

⁴⁹ The results of research, analysis and interpretation were included in a separate JSMP report that was launched together with this report “Mechanism to Guarantee the Constitution and Impeachment of the President of the Republic”: <https://jsmp.tl/wp-content/uploads/Relatoriu-tematika-mekanizmu-garante-Konstituisaun-no-Impeachment-ba-PR.pdf>

in the National Parliament to remove him from his position. That requests was also rejected by Supreme Court of Justice/Court of Appeal because it considered that his removal was a political act and that it was not the duty of Supreme Court of Justice/Court of Appeal to review such acts.

Reflecting on these concrete examples, in 2020 JSMP tried to conduct research and analysis to identify and contribute a solution to this confusion. Therefore, JSMP through a thematic report tried to outline the results of research, analysis and interpretation of the relevant provisions in the Timor-Leste Constitution, particularly Article 48 in Part VI, Title I on Guarantees, regarding the rights of citizens to defend the Constitution and also how to ensure that the President of the Republic complies with his constitutional obligations in accordance with the provisions of Article 79 of the Constitution.

In this research and analysis, JSMP started with references to theory and the hermeneutic methodology of the Constitution or interpretation of the Constitution, that JSMP believes the relevant parties should be aware of when interpreting the Constitution.

Regarding the appropriate measures or mechanisms for guaranteeing the Constitution and ensuring that the President of the Republic complies with his constitutional obligations, JSMP used references from Portugal and Brazil, which have adopted a civil law system like Timor-Leste.

Lastly, JSMP made recommendations to the relevant organs and the competent authorities, as well as the general public, that the Constitution guarantees the right to defend and ensure compliance with the Constitution so that these competencies and rights can be fully exercised. This will ensure full, effective and correct implementation of constitutional norms.

5.2. The State of Emergency and the socio-economic impact and human rights

The Declaration of a State of Emergency is the result of action taken by the Government of Timor-Leste in response to the Covid-19 pandemic which emerged in China, on 1 December 2019. This pandemic entered Timor-Leste on 11 March 2020. This information was formally announced by the World Health Organization (WHO) via a release to declare Covid-19 as a pandemic that is affecting and threatening the lives of many people around the world, including Timor-Leste⁵⁰.

The State of Timor-Leste through the National Parliament on 26 March 2020 held an extraordinary plenary session to consider the request to declare a State of Emergency submitted by the Council of Ministers on 25 March 2020. Then on 27 March 2020, the President of the Republic announced a Presidential Decree to declare a State of Emergency from 28 March until 26 April 2020⁵¹.

The declaration of a State of Emergency was aimed at limiting some of the fundamental rights of citizens such as the freedom to assemble and freedom of movement that are enshrined in the

⁵⁰ Details of this release are available at: https://www.who.int/docs/default-source/coronaviruse/transcripts/who-audio-emergencies-coronavirus-press-conference-full-and-final-11mar2020.pdf?sfvrsn=cb432bb3_2

⁵¹ Details of this Presidential Decree are available at: http://www.mj.gov.tl/jornal/public/docs/2020/serie_1/SERIE_I_NO_13_A.pdf

provisions of Article 42 and Article of 44 the Timor-Leste Constitution. This was part of efforts to prevent and combat Covid-19. Covid-19 is easily transmitted and has killed a large number of people around the world and this has had a massive impact on the global economy.

During the implementation of the State of Emergency there were numerous challenges in terms of human resources and equipment or facilities for frontline health workers, however the State continued its efforts to establish and install isolation and quarantine centres to attend to those suspected of being exposed to Covid-19.

JSMP appreciates and thanks the Government, because despite a range of limitations it still undertook a range of measures to execute the State of Emergency because these measures were aimed at preventing the Covid-19 pandemic, saving lives, even though these measures limit certain fundamental rights and freedoms.

JSMP also found that the implementation of the State of Emergency aimed at preventing and combatting Covid-19 also impacted on human rights, social, political and economic rights. Although the State of Emergency applied very strict measures that result in restrictions, by suspending people's rights, freedoms and movements, there are also restrictions on other fundamental rights, however the aim of the State was to ultimately save people's lives from the Covid-19 pandemic.

5.3. Dismissal of the Chair of the Parliament

The dismissal of the leadership or Chair of the National Parliament took place via a discussion and vote in the plenary of the Parliament on 19 May 2020. The process for dismissing the President of the Parliament is set out in the provisions of Article 16 B and the dismissal of the Chair of the Parliament is set out in the provisions of Article 20 B of the Parliamentary Rules of Procedure.

The process for dismissing the President of the Parliament in accordance with the provisions of Article 16 B must start with a request from at least 10 effective MPs and the agenda for a vote must be held in the plenary within five days. The vote on this dismissal shall be secret and requires the attendance of half of effective MPs. This dismissal must be approved via absolute majority of the MPs present. The process for dismissing members of the Chair of the Parliament is in accordance with the provisions of Article 20 B of the Parliamentary Rules of Procedure, which is almost the same as for the President of the Parliament, whereas the difference is that a request for dismissal must be made by at least eight MPs.

Based on JSMP observations, there are two main reasons to dismiss the Chair of the Parliament. The first reason is that the CNRT Bench left the coalition Government led by the Prime Minister Taur Matan Ruak and the Fretilin Party supported this government. Secondly the President of the Parliament at that time, his excellency MP Arão Noe Amaral, did not preside over the plenary meeting even though he was present in Parliament.

Discussion regarding the dismissal of the Chair of the Parliament started on 18 May 2020. During plenary meetings on 18 and 19 May 2020 there were disturbances in the plenary of the National Parliament between members of parliament, when the two Vice-Presidents of the National Parliament, Her Excellency MP Maria Angelina Lopes Sarmiento and His Excellency

MP Luis Roberto da Silva who tried to sit in the chair of the President of the National Parliament at the Chair of the National Parliament.

JSMP monitored these plenary meetings and immediately drafted a press release on 19 May 2020 to express regret for the actions taken by members of parliament in the plenary of the National Parliament. In this press release JSMP requested for members of parliament to display correct ethical and political behaviour to the public as representatives of the people to comply with the laws and the Rules of Procedure of the National Parliament to resolve misunderstandings between members of parliament in relation to the request for dismissal⁵². These actions violated the provisions of Article 10.2 of the Parliamentary Rules of Procedure on the duties of members of parliament.

JSMP acknowledges that the request for dismissal adhered to the rules set out in Article 16-B, but it is important to adhere to the procedures that are set out in the Rules of Procedure to facilitate the process of removal and avoid misunderstandings and forcing the plenary meeting to take place to discuss and vote on the dismissal of the President of Parliament. The process for discussion and vote did not follow the procedures set out in the Parliamentary Rules of Procedure.

5.4. Law No. 10/2020 on the 2020 State Budget

The State Budget is regulated in the provisions of Article 145 of the Timor-Leste Constitution, Law No. 13/2009 on Budgets and Financial Management and Article 162 – 170 of Law No. 15/2009 as amended by Law No. 1/2016 on the Parliamentary Rules of Procedure. Therefore, the State Budget must comply with these legal rules.

The process for presenting the State Budget to the National Parliament is in accordance with the provisions of Article 30.1 of Law No. 13/2009 and the provisions of Article 162 of Law No. 15/2009 as amended by Law No. 1/2016 and starts on 15 October before the financial year begins and approval of the State Budget must not exceed 60 days as set out in Article 86 f) of the Timor-Leste Constitution.

The proposal for the 2020 State Budget was first submitted to the National Parliament on 15 October 2019 and followed the procedures set out in the provisions of the Parliamentary Rules of Procedure. However, the debate of the State Budget only reached the general phase for three days and then the Government withdrew the Proposed 2020 State Budget Law on 3 December 2019⁵³. The Government withdrew this Draft Law pursuant to the provisions of Article 95.2 of the Parliamentary Rules of Procedure, namely that when a draft law or amendment has been admitted the authors can withdraw it during the general discussion and vote.

After it was withdrawn, the Government revised this budget and the Council of Ministers approved it and sent it back to the National Parliament on the 19 December 2019 with a request for urgent consideration to Committee C that deals with Public Finance⁵⁴. On 23 December 2019

⁵² Details of the Press Release are available at: https://jsmp.tl/wp-content/uploads/PrJSMPLamentahoPN_TETUM.pdf

⁵³ Please refer to information about this issue at: <https://www.parlamento.tl/node/1316?language=pt-pt>

⁵⁴ Press Release from the Council of Ministers at: <https://www.laohamutuk.org/econ/OGE20/second/GotlCOM19Dec2019te.pdf>

Committee C presented a request for approval to the President of the Parliament regarding the urgent request for Draft Law No. 9/V (2nd) on the 2020 State Budget⁵⁵. Committee C in the aforementioned letter, and in accordance with the Parliamentary Rules of Procedure, proposed a maximum number of days to hold an audience, draft an opinion and final editing within 24 hours.

When Committee C held an audience with the Government, on 15 January 2020, an opinion was presented to the plenary of the National Parliament to start discussion and approval in general⁵⁶. The second general debate of the proposed 2020 State Budget adhered to the normal procedures, namely 3 days. On 17 January 2020 the National Parliament rejected this proposed budget, therefore the 2020 State Budget was rejected⁵⁷.

When the National Parliament did not approve the 2020 State Budget, JSMP tried to seek an alternative solution to this situation by producing an opinion addressed to the President of the Republic as the State organ with constitutional competence to resolve this situation⁵⁸. JSMP analysed and interpreted the Constitution and relevant laws to present alternative solutions to the President of the Republic.

Based on JSMP's analysis and interpretation, the State Budget does not apply the common legislative process as would apply to other laws. JSMP's rationale is based on the Timor-Leste Constitution, Budget and Financial Management Law and also the Parliamentary Rules of Procedure. Article 3.1 of Law No. 13/2009 as amended by Law No. 9/2011 and Law No. 3/2013 on Budget and Financial Management states that the State Budget is annual and Article 3.6 states that the financial year will coincide with the civil year, namely from 1 January until 31 December.

Therefore, to ensure that the legislative process for this budget is conducted in the normal financial year period, the law regulates a separate process from the common legislative process. In the common legislative process there is no deadline for each phase of the process as happens with the provisions in Articles 162 to 169 of the Parliament's Rules of Procedure regarding the legislative process around the State Budget. . According to those articles, the Specialized Standing Committees have a total of 35 days to assess the draft text, the discussion and approval of the text in the Plenary takes 13 days and together with the time allocated to the final drafting of the text the whole process takes more or less 50 days. Besides, the law establishes a time limit of 60 days for the adoption of the State Budget in Article 86(f) of the Constitution.

Hence, the rules regarding draft legislation pending before the National Parliament and their expiration at the end of a legislature do not apply to the legislative process relating to the

⁵⁵ Details about the agenda of Committee C are available at:

<https://www.laohamutuk.org/econ/OGE20/second/PNCommCReportUrgencyOJE2020-23Dec2019.pdf>

⁵⁶ Details about the opinion of Committee C are available at:

<https://www.laohamutuk.org/econ/OGE20/second/PNparacerOJE2020-14Jan2020pt.pdf>

⁵⁷ Details of the Press Release regarding the National Parliament not approving the 2020 State Budget are available at:

<https://www.laohamutuk.org/econ/OGE20/second/PN17Jan2020te.pdf>

⁵⁸ Details of JSMP's opinion are available at: <https://jsmp.tl/wp-content/uploads/Paraser-kona-ba-OJE-2020-ba-Prezidente-Republika-TETUM.pdf>

adoption of the State Budget, in particular regarding the withdrawal of draft laws because the deadlines provided in the law have to be respected. Therefore, the State Budget Law is only subject to political consequences for the Government and the National Parliament if the 60 day period is exceeded and the State Budget has not yet been approved, as set out in Article 86.1 f) of the Timor-Leste Constitution and when the State Budget is rejected or not approved for the second consecutive time in the National Parliament as set out in the provisions of Article 86.1 g) and Article 112.1 d) of the Timor-Leste Constitution.

The time limit or timeframe shall not apply if the Government is dismissed, the new Government is invested in office and the end of the legislative term, as set out in the provisions of Article 30.2 of the Law on Budget and Financial Management. When the Government is in this situation it means that there will be no State Budget within 60 days in accordance with the normal process. Therefore, to ensure the State Budget coincides with the financial year, the law allows for the Government to use a duodecimal budget regime as set out in the provisions of Article 31 of the Law on Budget and Financial Management and the State Budget Law from the previous year. The duodecimal regime shall not apply in the situation that the Government is functioning as per normal and is following the normal process for the State Budget.

Based on the constitutional and legal considerations mentioned above, JSMP believes that the 8th Constitutional Government should not have withdrawn the Draft 2020 State Budget Law because of the time limit, and also because there are no legal provisions that regulate the withdrawal of the State Budget as a common legislative process as set out in Article 95.2 of the Parliamentary Rules of Procedure. There is no problem with withdrawing the proposal according to the common legislative process because there is no time limit.

Even if a possibility was created to withdraw the State Budget proposal, in JSMP's view that did not give freedom to any party or coalition to deviate from the processes as set out in the provisions of Article 86.1 f) and g) of the Timor-Leste Constitution and the provisions of Article 112.1 d) of the Timor-Leste Constitution. When this situation occurs, it could have an impact on political stability for a long time, which is what has happened to Timor-Leste since the general election in 2017 until now, because there has not been an appropriate and definitive solution in accordance with the Constitution and the law.

Also, based on JSMP observations and analysis, the use of the duodecimal budget regime makes it possible for the Government to fall into the category set out in the provisions of Article 31 of the Law on Budget and Financial Management. This is because the State Budget process does not coincide with the time set out or determined and it could be that there is no State Budget at the start of the financial year, so the Government can function with a temporary budget to sustain the administration of the State. On the contrary, a Government that does not fall into these categories with a normal budget process underway would not be able to use this budget. Whether the Government likes it or not, it must face the political sanctions set out in the provisions of Article 86.1 f) of the Timor-Leste Constitution and the provisions of Article 112.1 d) of the Timor-Leste Constitution when the National Parliament does not provide a vote of confidence or rejects the Government's program for the second consecutive time and when more than 60 days has elapsed and the National Parliament has not approved the State Budget.

In the context of Timor-Leste, the 7th Constitutional Government and the 8th Constitutional Government have been using the duodecimal regime for the State Budget without falling into the exceptional situations that are set out in the provision of Article 31 of the Law on Budget and Financial Management. Based on JSMP observations, this situation has occurred because the political parties have taken advantage of a gap that exists in the Timor-Leste Constitution. The provisions of Article 86.1 g) and the provisions of Article 112.1 d) of the Timor-Leste Constitution only states that the Government can be dismissed when the National Parliament does not approve its program for two consecutive times, it does not contain provisions for when it does not present its program twice. Therefore, the party or coalition of political parties that established the Government have no option to avoid the political sanction in the form of dismissal of the Government. Otherwise the Government could avoid this sanction by not presenting the Government program for the second time as occurred with the 8th Constitutional Government.

This situation was further complicated during the 2020 State Budget process, led by the 8th Constitutional Government. The process regarding the State Budget began in accordance with the law but then it deviated from the existing rules for the adoption of the budget as the rules applicable to the common legislative process were used to “withdraw” the draft law. The common legislative process is not time-bound but depends only on the political will of the parties represented in the National Parliament. In the case of the State Budget, regardless of the will of the parties, either the Parliament adopts the budget or it rejects it, in which case it will be politically sanctioned in accordance with Article 86(1)(f) of the Constitution and be dissolved, after the President of the Republic consults the Council of State and the latter is in favour of the dissolution.

In JSMP’s view, it is important for the parliamentary parties, namely those that have the trust of the people and represent a parliamentary majority to form a government and take on the responsibilities of governing. They should place national interest above all else and avoid a political crisis that has been going on for a long time. They should respect the constitutional and legal requirements and procedures relating to the adoption of the State Budget as this is the only way to safeguard and dignify the democratic rule of law.

5.5. Law No. 14/2020 on the 2021 State Budget

The National Parliament, through plenary meetings in the National Parliament between 10 - 12 December 2020 approved Draft Law No. 23/V(3rd) on the State Budget for 2021 as Law No. 14/2020 on the 2021 State Budget⁵⁹ with 44 votes in favour, 0 against and 0 abstentions. The 2021 State Budget was approved with a total of US\$1,895,000,000.00. This total includes loans and donations from development partners.

5.5.1. Budget structure

The 2021 budget is using a new format. This budget format is based on the programs comprising 9 booklets, namely booklet 1 on budget overview, booklet 2 on annual plans, booklet 3A on infrastructure funds, booklet 3B on municipal budgets, booklet 3C on budget for the Special Administrative Region of Oecusse Ambeno and the Special Zone for Social Market Economy

⁵⁹ Please refer to the State Gazette: http://www.mj.gov.tl/jornal/public/docs/2020/serie_1/SERIE_1_NO_52A.pdf

(RAEOA-ZEESM), booklet 4AB on budget lines, booklet 5 on development partners and booklet 6 on special funds - Human Capital Development Fund (FDCH).

Based on JSMP's observation and analysis, the structure of the State Budget is regulated in the Law on Budget and Financial Management. The provisions of Article 29 of the Law on Budget and Financial Management states that the proposed Budget Law shall have the same structure and formal content as the Budget Law. The provisions of Article 24 of the Law on Budget and Financial Management on the formal content and structure of the State Budget states that the State Budget Law contains the stated purpose of the budget and tables which are approved and attached thereto, and the provisions of Article 28 b) on budget tables only mentions allocations of the State Budget, and does not state the individual programs or separate activities such as the structure of the 2021 State Budget.

Therefore, JSMP believes that if the Government presents a State Budget to the National Parliament with a new structure without amending the Law on Budget and Financial Management, the structure of the State Budget would be considered illegal because it does not comply with the law or contravenes the applicable law. Therefore, to ensure respect for the democratic rule of law, meaning that everyone is subject to the Constitution and the law, JSMP suggests for the National Parliament to first amend the Law on Budget and Financial Management before adopting this new structure for the State Budget.

5.5.2. Gender policy

In the 2021 State Budget the Government included funds to implement gender policies in Government programs and this is considered to be an important step for the nation to comply with its obligations as a State Party that has ratified the International Convention on the Elimination of Discrimination Against Women (CEDAW)⁶⁰. This is also a means to promote and eliminate acts of discrimination against women in public and private institutions, including East Timorese society in general. In relation to this issue, JSMP praises the Government and also the National Parliament for allocating and approving funds to implement gender policies⁶¹.

The 14 State institutions that have been allocated funds for programs to implement gender policies are the National Parliament US\$77,000.00, Secretary of State for Equality and Inclusion with a total budget of US\$2,554,000.00, Secretary of the State for Vocational Training and Employment with a total budget of US\$15,000.00, Ministry of Justice US\$3,000.00, Ministry of State Administration US\$50,000.00, Ministry of Health US\$9,000.00, Ministry of Social Solidarity and Inclusion US\$427,000.00, Ministry of Planning and Territorial Planning with a total budget of US\$15,000.00, Ministry of Transport and Communications with a total budget of US\$10,000.00, Ministry of Defence US\$73,000.00 (salaries, wages and goods and services), FALINTIL-F-FDTL US\$20,000.00, Ministry of the Interior US\$23,000.00, PNTL US\$103,000.00 (goods and services and minor capital) and the National University US\$89,000.00. Therefore, the total funding for programs to implement gender policies is US\$3,468,000.00.

⁶⁰ Please refer to the JSMP website: https://jsmp.tl/wp-content/uploads/PrOIEbaPolítikaPolítikaJENERU_TETUM.pdf

⁶¹ Details of JSMP's consideration are available in this press release: https://jsmp.tl/wp-content/uploads/PrOIEbaPolítikaPolítikaJENERU_TETUM.pdf

JSMP believes that the allocation of funds for this program is excellent, but it is important to consider the implementation or execution of these funds. These funds must be executed with transparency and accountability, to contribute to good governance, and to achieve good results.

5.5.3. Priority areas

Also, JSMP has also noted that priority areas have been identified in budget allocations that need to be given consideration. Given that the Covid-19 pandemic has affected all sectors, in addition to the health sector, JSMP believes that the Government needs to allocate enough funds to the essential sectors such as agriculture to ensure the sustainability of food for the nation and the economic circumstances of communities. In the health sector the Government needs to allocate enough funds to support the policies and programs of the Government to combat this pandemic, in terms of facilities, human resources and financial resources. For the education sector the Government needs to allocate enough funds to establish and support appropriate methods of teaching and learning during the State of Emergency and local area confinement for public health reasons.

5.5.4. Unnecessary budget allocations

JSMP has also observed that in the 2021 State Budget the Government has included budget allocations for certain items that JSMP believes are not necessary. Unnecessary budget allocations are for foreign trips (except for diplomats), the purchase of cars, local trips, and unnecessary construction of infrastructure. Also, JSMP believes that the Government needs to avoid allocating too much funding to institutions that only function on a temporary basis, such as CNE and STAE, and these funds should be relocated to priority areas.

5.5.5. Compliance with State Budget procedures

JSMP praises the efforts and work of the National Parliament for finalising and approving the 2021 State Budget on time. Therefore, JSMP urges the Government to collaborate with all parties to ensure proper and appropriate planning to execute the budget in accordance with legal mechanisms set out in the 2021 State Budget Law and other relevant laws when implementing priority programs to ensure transparency and accountability. In addition, it should properly and effectively respond to the needs of the people and the nation, especially to normalize the economic situation in the country that has been seriously affected by the Covid-19 pandemic.

5.5.6. Monitoring the execution of the State Budget

Also, JSMP urges the National Parliament to continue actively monitoring the execution of the 2021 State Budget with other relevant entities such as the Anti-Corruption Commission (KAK), civil society and all entities to play a role in social auditing to guarantee transparency and accountability⁶².

JSMP observed that members of the opposition from the CNRT party did not participate in the discussion of the 2021 State Budget and chose to walk out, which is the right of MPs, however this act affected the balance of the debate.

JSMP believes that an adequate mechanism is required to prevent Members of Parliament from using ‘walk outs’. They should be involved in the discussions and not use such practice to prevent an adequate debate around the State Budget from taking place.

⁶² Available on the JSMP website: <https://jsmp.tl/wp-content/uploads/JSMP-husu-atu-Governu-bele-ezekuta-orsamentu-2021-ho-transparansia-no-akontablidade-15-Dezemburu-2020-1.pdf>

5.6. Law No. 7/2020 on Measures to Prevent and Combat Corruption.

On 20 July 2020, through a plenary meeting, the National Parliament held a final global discussion and unanimously approved Draft Law No.1/V (1st) on Measures to Prevent and Combat Corruption with 61 votes in favour, 0 against and 0 abstentions.

JSMP praises the initiative of FRETILIN and PD for having the good will to initiate the text of this draft law and submit it to the National Parliament for discussion and approval via a final global vote and also for the consideration of the new Chair of Parliament to prioritise the discussion of this law as top priority and urgent, and JSMP gives specific praise to Committee A of the National Parliament for approving the Law on Measures to Prevent and Combat Corruption via specific discussion to submit it for a final global vote⁶³.

The aim of this law, in addition to amending the Penal Code, the Law on Money Laundering, and the Law on the Practice of Martial Arts, Rituals, Bladed Weapons and Rama Ambon (device for firing darts), includes also the first amendment to the Law on the Anti-Corruption Commission. This law states the general provisions for prevention, lays down a framework to declare income, assets and interests, and definitions of crimes of corruption, applicable sentences and special means to obtain and store evidence.

For a long time JSMP has engaged in advocacy regarding the creation of a Law on Measures to Prevent and Combat Corruption⁶⁴ based on the results of JSMP monitoring at the courts, which has shown that corruption cases occupy a prominent position in the courts' proceedings.

In relation to this issue, in 2019 JSMP published two opinions that summarized JSMP's findings and reflections on how to develop and create a Law on Measures to Prevent and Combat Corruption to properly reflect the reality and that would present a solution to effectively fight corruption in Timor-Leste. JSMP's first opinion addressed the text of the draft law submitted by the Fretilin and PD parliamentary benches⁶⁵, and the second opinion concerned the alternative text prepared by Committee A in the wake of a public hearing on the first text⁶⁶.

JSMP considers the approval of Law No. 7/2020 26 August on Measures to Prevent and Combat Corruption to be the main tool that can be used by the State of Timor-Leste by the competent institutions such as the Public Prosecution Service, Anti-Corruption Commission (KAK) and other relevant institutions to strengthen national policies to combat corruption because for many years this law has not been addressed in the National Parliament and was politicised by politicians during political campaigns for each election.

JSMP deems the theme of corruption to have an exceptional nature, to be complex and has been causing considerable damage to the State, the nation and the people for a long time. Therefore, the State has to adopt an exceptional strategy and approach to fight corruption. JSMP believes that this strategy is to create this Law on Measures to Prevent and Combat Corruption.

⁶³ Available on the JSMP website: <https://jsmp.tl/wp-content/uploads/PR-aprovasaun-lei-medida-prevensaun-no-kombate-korrupsaun.pdf>

⁶⁴ Details about this law are available at: <http://www.mj.gov.tl/jornal/public/docs/2020/traducao/Traducao-LEI-7-2020.pdf>

⁶⁵ Details of this opinion are available at: http://jsmp.tl/wp-content/uploads/PARESER_LEI-ANTI-KORRUPSAUN_TETUM.pdf

⁶⁶ Details of this opinion are available at: http://jsmp.tl/wp-content/uploads/Paraser-kona-ba-testu-substitutivu-ba-lei-anti-korrupsaun_II_-2019.pdf

5.7. Amendment to Article 1475 of the Timor-Leste Civil Code on Marriage

Based on JSMP observations and face to face interviews with leaders of the Moslem and Protestant religious faiths, Article 1475 is highly discriminative in practice when followers of these faiths have to organize documents from relevant ministries, especially the Ministry of Justice. Marriage documents from other religious faiths are not considered valid, and therefore they are unable to obtain an official Timor-Leste marriage certificate⁶⁷.

In March 2002, through its Constituent Assembly, Timor-Leste approved the Timor-Leste Constitution which formed the basis for the democratic rule of law and this Timor-Leste Constitution entered into force on 20 May 2002 which implicitly repealed the 1975 Timor-Leste Constitution⁶⁸. Both the 1975 Constitution and the 2002 Constitution enshrined the fundamental principles and values of universality and equality for all persons. Article 16.1 of the Timor-Leste Constitution 2002 states that:

“All citizens are equal before the law, shall exercise the same rights and shall be subject to the same duties” and Article 16.2 states that “No one shall be discriminated against on grounds of colour, race, marital status, gender, ethnical origin, language, social or economic status, political or ideological convictions, religion, education and physical or mental condition”.

In relation to religion, the State of Timor-Leste is a democratic state that acknowledges and respects different religious denominations and guarantees that they are free in their organisation and in the exercise of their own activities, as set out in Article 12.1 of the Timor-Leste Constitution⁶⁹.

In addition to the Constitution, in May 2003 via Parliamentary Resolution No. 3/2003⁷⁰ Timor-Leste ratified the International Covenant on Civil and Political Rights (ICCPR). The ICCPR is an international legal framework that specifically deals with human rights based on the principles enshrined in the United Nations Charter⁷¹ on the civil and political rights of people that member States need to respect and promote. ICCPR is a small part or treaty of the United Nations Charter.

Article 2.1 of the ICCPR states that:

“Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”.

⁶⁷ Detailed information about JSMP’s legislative research and analysis is available at: http://jsmp.tl/wp-content/uploads/Pareser-ICCPRKazamentuSivilartigu1475FINAL_TETUM.pdf

⁶⁸ Electronic version of the 1975 Timor-Leste Constitution is available at: <http://cedis.fd.unl.pt/wp-content/uploads/2016/02/CONST-TIMOR-75.pdf>

⁶⁹ Full text of the Timor-Leste Constitution is available at: http://www.mj.gov.tl/jornal/public/docs/ConstituicaoRDTL_Portugues.pdf

⁷⁰ Full text of the National Parliament Resolution No. 3/2003 is available at: http://www.mj.gov.tl/jornal/public/docs/2002_2005/resolucao_parlamento/3_2003.pdf

⁷¹ Full text of the United Nations Charter is available at: <https://nacoesunidas.org/wp-content/uploads/2017/11/A-Carta-das-Na%C3%A7%C3%B5es-Unidas.pdf>

Article 18.1. of the ICCPR states:

“Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching⁷².”

The ICCPR in Article 2.2 urges State Parties who have not yet established legislative measures to ensure the exercise of the rights set out in the Covenant to create legislative mechanisms in accordance with their own constitutional processes and with the provisions of the Covenant to give effect to the rights recognised in the Covenant. Therefore the State of Timor-Leste in September 2011 created Law No.10/2011⁷³ approving the Civil Code to regulate legal relationships between private legal entities such as individuals or groups. This law is aimed at guaranteeing that citizens can exercise their civil rights.

The Civil Code also provides the foundation for Civil laws in Timor-Leste, that regulates the lives of East Timorese persons from the time they are born until their death. The Civil Code set out the rules for family relations such as marriage, adoption, paternity, assets, divorce and inheritance as wells as property.

In principle the Civil Code is fine, but there are some provisions that are in conflict with some general principles enshrined in the United Nations Charter and some specific principles in the ICCPR and the Timor-Leste Constitution. The provisions of Article 1475 of the Civil Code on civil, catholic, and bride-price based monogamic marriage explicitly discriminate against other religious denominations that are non-Catholic, such as Protestants, Muslims, Buddha, etc. This law only values, acknowledges or legalises the Catholic religion to only consider Catholic marriages as valid. Therefore, in practice this law binds and obliges the State of Timor-Leste to commit discriminatory acts in the provision of public services of the State against East Timorese citizens and foreigners who are non-Catholic and it does not acknowledge and respect other religious denominations which is in conflict with Article 12.1 of the Timor-Leste Constitution and Article 18.1 of the ICCPR.

Acts of discrimination committed by the State against citizens from other religious denominations or non-Catholics via State institutions often occur and are a public concern. JSMP believes and considers this issue to be a serious one and the State of Timor-Leste needs to provide a solution, particularly the Government and the National Parliament. Timor-Leste as a State based on the democratic rule of law is not allowed to adopt legislative measures that violate the human rights principles enshrined in the international legal instruments that have been ratified by the State as well as the Timor-Leste Constitution itself.

The provisions of Article 1475 of the Civil Code seriously discriminate against citizens who do not follow the Catholic religion when they are trying to access public services provided by the State, especially official documents. These provisions are in conflict with the principles enshrined in the ICCPR and Timor-Leste Constitution and violate the rights of citizens who do not follow the Catholic religion. Therefore, these provisions need to be amended to ensure the

⁷² Full text of the ICCPR in English is available at: http://www.mj.gov.tl/jornal/public/docs/ConstituicaoRDTL_Portugues.pdf

⁷³ Full text of Law No. 10/2011 is available at: <http://www.mj.gov.tl/jornal/?q=node/803>

protection and promotion of the human rights of all citizens in accordance with the norms and principles enshrined in the Constitution.

VI. Advocacy

Advocacy is a means for JSMP to contribute towards the improvement and promotion of the system and functioning of the justice sector and legislative sector. These activities are aimed at influencing the main actors who have competence in accordance with the Constitution and the law to provide influence and make decisions in the political, legislative and judicial spheres.

The aim is to provide some alternatives that can help politicians and competent public bodies and institutions in the decision making process, so that their decisions reflect the interests of the majority in the form of political and legislative decisions that reflect real life, the aspirations and interests of the people and the nation, so that fair justice can be guaranteed for all people in accordance with the law.

JSMP has used a range of means to provided advocacy, namely writing opinions and submissions, consultations, writing analytical summaries on legislative and policy related matters, making TV programs, radio programs, producing press releases, cases summaries and publishing information on the JSMP website and FB, and also in the Timor Post and Diário Nacional newspapers. Also, JSMP has provided advocacy by participating in national and international human rights and justice networks.

Priority issues addressed by JSMP Advocacy to date have include the Law on Measures to Prevent and Combat Corruption, amendment of Article 1475 of the Civil Code, amendment of the Penal Code to include a specific article on incest, Law of a Bar Association, Law on Child Protection and regular advocacy on the proposed State Budget each year before it is approved, especially in relation to the budget proposed for the justice sector.

6.1. Opinions

In 2020, JSMP managed to produce and publish 2 opinions based on legislative analysis, as follows:

- Opinion on the Sixth Amendment to the Penal Code with the approval of Decree-Law No. 19/2009: Criminalising Defamation and Injury⁷⁴.
- Opinion on alternative options for solutions to the political situation after the rejection of the Draft 2020 Budget at the National Parliament⁷⁵.

The opinions produced by JSMP were based on analysis relating to legislative work as well as making a request to the National Parliament and Government with the intention of provide alternative ideas that are constructive and based on JSMP research and experience whilst

⁷⁴ This opinion is available on the JSMP website: https://jsmp.tl/wp-content/uploads/JSMP_Pareser_Esbosu-Lei-Difamasaun-no-Injuria-2020.pdf

⁷⁵ This opinion is available on the JSMP website: https://jsmp.tl/wp-content/uploads/Paraser-kona-ba-OJE-2020-ba-Prezidente-Republika_TETUM.pdf

conducting monitoring at the courts and the Parliament and also when providing training to communities at the grass roots level.

6.2. Monthly summaries

In 2020 JSMP also produced monthly summaries on the activities of the National Parliament and advocacy as a way for JSMP to provide updates on the situation of the national parliament and progress in the area of advocacy in accordance with JSMP's annual plan.

JSMP produced 8 summaries, namely:

- Summary of Advocacy Activities relating to the Issue of Criminalising Defamation and Injury which was published in August 2020⁷⁶.
- Summary: Activities of the National Parliament in August 2020⁷⁷.
- Summary: Activities of the National Parliament in September 2020⁷⁸.
- Summary of Advocacy Activities relating to the Issue of Freedom of Assembly and Demonstration⁷⁹.
- Summary: Activities of the National Parliament in October 2020⁸⁰.
- Monthly summaries: Activities of the National Parliament in November 2020⁸¹.
- Monthly Summary, November 2020 on JSMP's Opinion on marriage modalities in accordance with Law No. 10/2011 on the Civil Code⁸².
- Monthly Summary of Activities in the National Parliament December 2020⁸³.

JSMP believes that these summaries provide important information about the work of the Parliament, especially in relation to their activities in the plenary and the Specialised Standing Committees, especially Committee A which has been monitored by JSMP to date.

Also, advocacy plays an important role in raising the awareness of relevant entities about issues mentioned by JSMP in its publications.

6.3. Public Consultations

JSMP has also had meetings with relevant parties in the judicial, legislative and executive sectors on issues that JSMP is advocating for. JSMP has not just participated in meetings by itself, but also with other components of civil society.

⁷⁶ Complete information is available on the JSMP website: https://jsmp.tl/wp-content/uploads/SumariuAtividadeAsuntuKriminalizaDifamsaunnoInjuria-I_TETUM.pdf

⁷⁷ Complete information is available on the JSMP website: https://jsmp.tl/wp-content/uploads/SumariuAtividadeParlamentuNasional_TETUM-1.pdf

⁷⁸ Complete information is available on the JSMP website: https://jsmp.tl/wp-content/uploads/SumariuAtividadeMensualPN_Setembru_TETUM.pdf

⁷⁹ Complete information is available on the JSMP website: https://jsmp.tl/wp-content/uploads/Sumariu-Atividade-Mensual-Advokasia-Demonstrasaun_TETUM.pdf

⁸⁰ Complete information is available on the JSMP website: https://jsmp.tl/wp-content/uploads/Suma%CC%81riu-atividade-mensa%CC%81l-PN_Outubru_2020.pdf

⁸¹ Complete information is available on the JSMP website: <https://jsmp.tl/wp-content/uploads/Sumariu-atividade-mensual-PN-Nov2020.pdf>

⁸² Complete information is available on the JSMP website: <https://jsmp.tl/wp-content/uploads/Pontu-de-vista-JSMP-nian-kona-ba-modalidade-sira-kazamentu.pdf>

⁸³ Complete information is available on the JSMP website: <https://jsmp.tl/wp-content/uploads/Sumariu-atividade-mensual-PN-fulan-Dezemburu-2020.pdf>

Public consultations are a method used by JSMP to provide advocacy and to present its thoughts, findings and recommendations to relevant organs and institutions to make changes and improvements and for consideration in the decision making process.

In 2020, JSMP held a consultation with relevant entities, namely the Minister of Justice, to talk about the sixth amendment to the Penal Code that was approved with Decree-Law No. 19/2009: Criminalising Defamation and Injury⁸⁴. Also, together with other members of civil society, under the name of Movement Against the Criminalisation of Defamation and Injury, a meeting was held with the Minister for the Council of Ministers to present opinions and a petition on the issue of criminalising defamation and injury⁸⁵.

In addition to meeting with the Government, JSMP also had a meeting with Committee A of the National Parliament to talk about allocation of the State Budget to the justice sector.

6.4. Press Releases

JSMP frequently produced press releases based on monitoring activities at the National Parliament, the courts and also training or advocacy as a means to provide information to the public as well as a form of advocacy to make changes or improve the systems or functioning of public institutions of the State.

In 2020 JSMP produced 31 press releases. The topics and details of these press releases are as follows:

- Press Release 15 December 2020, JSMP urging the Government to execute the 2021 budget with transparency and accountability⁸⁶.
- Press Release 1 December 2020, 8th Constitutional Government includes funds for implementing gender policies in the 2021 Budget Program⁸⁷.
- Press Release 30 November 2020, JSMP requests for Committee A of the National Parliament to improve the mechanism for public consultations in the future⁸⁸.
- Press Release 25 November 2020, Public consultation on the Draft Law on Local Power and Administrative Decentralization and the Municipal Elections Law: JSMP recommends for documents to be prepared in Tetum and distributed beforehand to participants.⁸⁹
- Press Release 11 November 2020, Committee A of the National Parliament for the first time involves Representatives of Local Government in consultation about the 2021 State Budget 2021⁹⁰.

⁸⁴ JSMP's opinion on this issue is available at: https://jsmp.tl/wp-content/uploads/JSMP_Pareser_Esbosu-Lei-Difamasaun-no-Injuria-2020.pdf

⁸⁵ JSMP and this movement organised a petition that was presented to the Ministry. Available at: https://jsmp.tl/wp-content/uploads/PETISAUN_MOVIMENTU_KONRA_KRIMINALIZA_DIFAMASAUN_TETUM.pdf

⁸⁶ Complete information is available on the JSMP website: <https://jsmp.tl/wp-content/uploads/JSMP-husu-atu-Governu-bele-ezekuta-orsamentu-2021-ho-transparansia-no-akontablidade-15-Dezemburu-2020-1.pdf>

⁸⁷ Complete information is available on the JSMP website: https://jsmp.tl/wp-content/uploads/PrOJEbaPolitikaJENERU_TETUM.pdf

⁸⁸ Complete information is available on the JSMP website: https://jsmp.tl/wp-content/uploads/PrKonsultaPublikuMunisipiuERMERA_TETUM.pdf

⁸⁹ Complete information is available on the JSMP website: https://jsmp.tl/wp-content/uploads/PrAudensiaPubliku_TETUM.pdf

⁹⁰ Complete information is available on the JSMP website: https://jsmp.tl/wp-content/uploads/PrEnvolveGOVERNULOKAL_TETUM.pdf

- Press Release 11 November 2020, 2021 State Budget, MAE continues to include US\$30 monthly incentive for members of village councils⁹¹.
- Press Release 29 October 2020, Sagadate Village members raise concerns about the exercise of freedom in a democratic State and witness protection⁹².
- Press Release 28 October, National Parliament approves resolution on preventative measures in cases of infanticide and the neglect of babies and children: JSMP applauds these recommendations and requests for entities to implement these recommendations⁹³.
- Press Release 20 October 2020, JSMP applauds MPs for using their initiative to submit a resolution for preventative measures in cases involving infanticide and the neglect of babies and children⁹⁴.
- Press Release 2 October 2020, Members of the Village Council and community members from Uma-Naruk Village raise concerns about cases of incest⁹⁵.
- Press Release 18 September 2020, JSMP praises the plan of the President of the National Parliament “To construct a new National Parliament building, improve oversight capacity and to create a Specialised Standing Committee on Citizenship”⁹⁶.
- Press Release 18 September 2020, CNRT Bench walks out of the plenary: JSMP requests for them to find a solution so as not to undermine the work of the Parliament⁹⁷.
- Press Release 3 September 2020, Issues of Democracy and Access to Formal Justice are Important - Members of the Village Council in Kairui urge JSMP to continue to provide training in their village⁹⁸.
- Press Release 4 August 2020, Atabae Village lacks information about access to formal justice⁹⁹.
- Press Release 22 July 2020, JSMP praises the political will of the National Parliament to unanimously approve the Law on Measures to Prevent and Combat Corruption¹⁰⁰.
- Press Release 15 July 2020, JSMP praises the National Parliament for extending its normal functioning to finalise important laws¹⁰¹.
- Press Release 7 July 2020, JSMP praises the new structure of the National Parliament as the plenary is functioning normally¹⁰².

⁹¹ Complete information is available on the JSMP website: https://jsmp.tl/wp-content/uploads/PrMAEAlokaSubsidiubaKonselluSuku_TETUM.pdf

⁹² Complete information is available on the JSMP website: https://jsmp.tl/wp-content/uploads/PrTreinamentuFSSSagadateBAUCAU_TETUM.pdf

⁹³ Complete information is available on the JSMP website: https://jsmp.tl/wp-content/uploads/PrPNAprovaRezolusaunbaAsuntuINFANTESIDIU_TETUM.pdf

⁹⁴ Complete information is available on the JSMP website: https://jsmp.tl/wp-content/uploads/PrJSMPApresiaPNProduseRezolusaunbaINFANTESIDIU_TETUM.pdf

⁹⁵ Complete information is available on the JSMP website: <https://jsmp.tl/wp-content/uploads/Membru-Konsellu-no-Komunidade-Suku-Uma-Naruk-preokupa-ho-kazu-insestu-2-Outubru-2020.pdf>

⁹⁶ Complete information is available on the JSMP website: https://jsmp.tl/wp-content/uploads/PrJSMPApresiaPNHariEdifisiuFOUNbaPN_TETUM.pdf

⁹⁷ Complete information is available on the JSMP website: https://jsmp.tl/wp-content/uploads/PrBankadaCNRTWalkOuthusiPN_TETUM.pdf

⁹⁸ Complete information is available on the JSMP website: https://jsmp.tl/wp-content/uploads/PrTreinamentuKomunidadeSukuKAIRUIManatutu_TETUM.pdf

⁹⁹ Complete information is available on the JSMP website: https://jsmp.tl/wp-content/uploads/PrTreinamentuFSSATABAE_TETUM.pdf

¹⁰⁰ Complete information is available on the JSMP website: <https://jsmp.tl/wp-content/uploads/PR-aprovasaun-lei-medida-prevensaun-no-kombate-korrupsaun.pdf>

¹⁰¹ Complete information is available on the JSMP website: https://jsmp.tl/wp-content/uploads/PrJSMPApresiaPNHanarukSerbisu_TETUM.pdf

- Press Release 2 July 2020, JSMP praises the open and participative methods applied by Committee A of the National Parliament during specific discussion on the Draft Law Against Corruption in Manufahi¹⁰³
- Press Release 19 June 2020, JSMP requests for Members of Parliament to respect the Constitution and the law when performing their role in the National Parliament¹⁰⁴.
- Press Release 4 June 2020, JSMP requests for all members of parliament to work together with the Chair of the Parliament to ensure the functioning of the National Parliament¹⁰⁵.
- Press Release 19 May 2020, JSMP is disappointed and concerned with the unruly behaviour of members of parliament and demands for members of parliament to respect the law as a way of upholding the dignity of the National Parliament¹⁰⁶.
- Press Release 19 May 2020, JSMP is concerned about the functioning of the National Parliament at the start of May 2020¹⁰⁷.
- Press Release 12 May 2020, JSMP requests for the parties to respect the decision of the Court of Appeal in relation to the petition from the CNRT Party¹⁰⁸.
- Press Release 17 April 2020, JSMP requests for the competent entities to ensure the execution of funds for Covid-19 in accordance with the law¹⁰⁹.
- Press Release 31 March 2020, Hataz Village Chief acknowledges that the Village Council and community members lack information about the topics presented by JSMP in a training session¹¹⁰.
- Press Release 26 March 2020, Residents of Fatumasi Village concerned with the political impasse and cases of child neglect¹¹¹.
- Press Release 24 March 2020, Uagua Village Chief: Training provided by JSMP was very beneficial for community leaders as well as community members in Uagua Village, Viqueque Municipality¹¹².
- Press Release 18 March 2020, JSMP continues to highlight the rights of vulnerable groups when facilitating training in Lautem Municipality¹¹³.

¹⁰² Complete information is available on the JSMP website: https://jsmp.tl/wp-content/uploads/PR-JSMP-apresia-estrutura-foun-PN-tuir-rejimentu-PN_TETUM.pdf

¹⁰³ Complete information is available on the JSMP website: https://jsmp.tl/wp-content/uploads/PrJSMPniaObservasaundeabateLAK_TETUM.pdf

¹⁰⁴ Complete information is available on the JSMP website: <https://jsmp.tl/wp-content/uploads/PR-Atitude-membru-deputadu-PN-la-tuir-K-RDTL-no-lei.pdf>

¹⁰⁵ Complete information is available on the JSMP website: https://jsmp.tl/wp-content/uploads/PrPNkolaborahoEstruturaFounMezaPN_TETUM.pdf

¹⁰⁶ Complete information is available on the JSMP website: https://jsmp.tl/wp-content/uploads/PrJSMPlamentahoPN_TETUM.pdf

¹⁰⁷ Complete information is available on the JSMP website: https://jsmp.tl/wp-content/uploads/PrJSMPKestionaFunsionamentuPN_TETUM.pdf

¹⁰⁸ Complete information is available on the JSMP website: https://jsmp.tl/wp-content/uploads/PrJSMPhusuPartesiraRespeitaDesizaunTR_TETUM.pdf

¹⁰⁹ Complete information is available on the JSMP website: https://jsmp.tl/wp-content/uploads/PrPWPPNAprovaOrsamentubaCOVID-19_TETUM.pdf

¹¹⁰ Complete information is available on the JSMP website: https://jsmp.tl/wp-content/uploads/PrTreinamentuSukuHatazAtabaeFSS_Tetum.pdf

¹¹¹ Complete information is available on the JSMP website: https://jsmp.tl/wp-content/uploads/PrTreinamentuFSSSuKUFAtumasiLJKISA_Tetum.pdf

¹¹² Complete information is available on the JSMP website: https://jsmp.tl/wp-content/uploads/PrTreinamentuSukuUaguaVIKEKE_TETUM.pdf

¹¹³ Complete information is available on the JSMP website: <https://jsmp.tl/wp-content/uploads/PR-Treinamentu-ba-GrupulGBTI-ih-Lautein.pdf>

- Press Release 6 March 2020, Participants in Beiseuc Village are concerned with criminal and civil cases that take a long time to be processed¹¹⁴.
- Press Release 17 February 2020, Committee A of the National Parliaments organises public consultation on the Draft Law on Local Power and Administrative Decentralization and the Municipal Elections Law¹¹⁵.
- Press Release 12 February 2020, Committee A of the National Parliament has drafted a timeline for discussing the Draft Anti-Corruption Law¹¹⁶.

VII. Increasing the knowledge of members of Village Councils in remote areas

In 2020, JSMP did not only implement its main programs such as regular monitoring at the courts and of plenary meetings at the National Parliament and meetings of the Parliamentary Committees. JSMP also continued to provide training to members of Village Councils and also community members, including vulnerable persons.

The aim of this training was to increase the knowledge of members of the Village Councils, community members about democracy, the role of sovereign organs, public participation in the law making process and access to formal justice in Timor-Leste. Therefore, members of the village councils will be able to perform their role properly, effectively and legally and the village councils and community members will have a good understanding of their rights and responsibilities in accordance with the democratic rule of law. Also, they can gain an understanding of the role of each sovereign organ so they will understand how to raise concerns, claims and complaints if they experience any problems and they can also make a report if anyone experiences a problem or their rights are violated.

In relation to the issue of the formal justice process, the communities can properly understand the role of judicial actors who work in the justice sector, such as judges at the courts, prosecutors at the Public Prosecution Service, public defenders at the Office of the Public Defender, Private Lawyers and the Police. Also, village councils and community members can have knowledge about criminal and civil cases and how to follow established legal procedures.

This training to community leaders can also help increase the knowledge of members of the village council so that they properly understand their roles and competencies and can identify criminal and civil cases to process matters and they can also resolve problems in accordance with the formal and informal mechanisms established in the law.

In 2020 JSMP conducted 9 training sessions that fell under the specific responsibility of the Parliamentary Watch Project Unit, which comprised trainings for members of village councils and community members including the disabled at the municipality level, namely in the municipalities of Covalima, Lautem, Liquiça, Viqueque, Bobonaro, Manatuto, no Baucau.

¹¹⁴ Complete information is available on the JSMP website: https://jsmp.tl/wp-content/uploads/PrTreinamentubaEstruturaSUKUBeiseucSUAI_TETUM.pdf

¹¹⁵ Complete information is available on the JSMP website: https://jsmp.tl/wp-content/uploads/JSMPMonitoringKomAhaloKonsultaPublikuCOVALIMA_TETUM.pdf

¹¹⁶ Complete information is available on the JSMP website: <https://jsmp.tl/wp-content/uploads/PR-Komisaun-A-PN-Prepara-kalendariu-ba-Diskusan-Esbosu-Lei-Anti-Korrupsaun.pdf>

JSMP conducted training in Uaguia Village, Ossu Administrative Post, Viqueque Municipality, Fuiloro Village, Lospalos Administrative Post, Lautem Municipality, Beiseuc Village, Tilomar Administrative Post, Covalima Municipality, Hataz Village and Atabae Village, Atabae Administrative Post, Bobonaro Municipality, Cairui Village, Laleia Administrative Post and Uma Naruk Village, Laclo Administrative Post, Manatuto Municipality, Sagadate Village, Laga Administrative Post, Baucau Municipality and Fatumasi Village, Bazartete Administrative Post, Liquiça Municipality.

7.1. Community Concerns

Participants from Beiseuc Village, Tilomar Administrative Post, Covalima Municipality raised their concerns about the long time required to process criminal and civil cases because victims affected by crimes really want proceedings to be finished quickly. They also expressed disappointment because criminal cases take a long time, and this can affect victims who might forget the facts relating to incidents¹¹⁷.

Participants from Uaguia Village Ossu Administrative Post, Viqueque Municipality raised concerns about the political system and the monarchist and republic models and also asked why there aren't elections for the administrators at the administrative post level.

In relation to justice, participants questioned the process regarding land rights and police actions that are always accompanied by violence, and also how to process cases of child neglect¹¹⁸.

Participants in Fuiloro Village, Lospalos Administrative Post, Lautem Municipality questioned the application of a system of democracy in Timor-Leste which is very free and results in disrespect for the way of life of community members. Also participants raised their concerns about cases of incest that are increasing and how these cases are processed¹¹⁹.

Participants from Fatumasi Village, Bazartete Administrative Post, Liquiça Municipality raised the issue of the political impasse that still remains unsolved, the system of democracy that gives too much freedom to people, early elections and issue of the lifelong pension.

Meanwhile in the session on access to formal justice, the participants raised their concerns about children who have been neglected by their parents, crimes of domestic violence occurring with the family and lastly another person made a complaint about a case of homicide where the perpetrator was unknown¹²⁰.

Participants from Hataz Village, Atabae Administrative Post, Bobonaro Municipality, raised their concerns about rights and responsibilities in a system of democracy, and also how to process crimes of sexual violence and domestic violence as well as civil cases regarding land

¹¹⁷ Please refer to the JSMP website: https://jsmp.tl/wp-content/uploads/PrTreinamentubaEstruturaSUKUBeiseucSUAI_TETUM.pdf

¹¹⁸ Complete information is available on the JSMP website: https://jsmp.tl/wp-content/uploads/PrTreinamentuSukuUaguiaVIKEKE_TETUM.pdf

¹¹⁹ Complete information is available on the JSMP website: <https://jsmp.tl/wp-content/uploads/PR-Treinamentu-ba-Grupu-LGBTI-ih-Lautein.pdf>

¹²⁰ Complete information is available on the JSMP website: https://jsmp.tl/wp-content/uploads/PrTreinamentuFSSuKUFatumasiLIKISA_Tetum.pdf

rights that are occurring in their village and how these cases can be processed in accordance with formal justice¹²¹.

Participants from Atabae Village, Atabae Administrative Post, Bobonaro Municipality were concerned that in Timor-Leste there are many political parties and the law that limits the number of political parties in Timor-Leste.

Meanwhile regarding access to justice, the participants asked how to process cases of child neglect and how to recognize legal marriages. Also they asked about the application of suspended prison sentences that often make communities believe that the law is not being applied effectively¹²².

Participants from Kairui Village, Lalei Administrative Post, Manatuto Municipality, raised their concerns about public debate calling for the dismissal of the President of the Republic and if demonstrations are legal or not, and if the formal law takes precedence over culture, and who guarantees the rights of citizens, and is it legal or not for cases be resolved amicably at the village level with the consent of the two parties¹²³.

The participants from Uma Naruk Village, Lalo Administrative Post, Manatuto Municipality raised issues and concerns in relation to the materials presented about democracy, regarding the difference between the presidential and semi-presidential systems, issues about the system of democracy that violates and disregards the rights of others, the Government plan to construct a new National Parliament building. During the session about access to formal justice, the participants asked about a crime where a father had sexual intercourse with his own child (incest), and a case where a mother and father beat their children because they didn't listen to their parents, and if these cases were illegal¹²⁴.

Participants from Sagadate Village, Laga Administrative Post, Baucau Municipality in the session about democracy, raised issues related to freedoms in a democratic country based on the rule of law, and those aged less 17 don't have the political right to participate in elections even though democracy gives freedom to all people.

In the second session on access to formal justice, the participants raised concerns about their personal safety if they make a complaint, because they are always threatened by suspects and they can be beaten or killed.

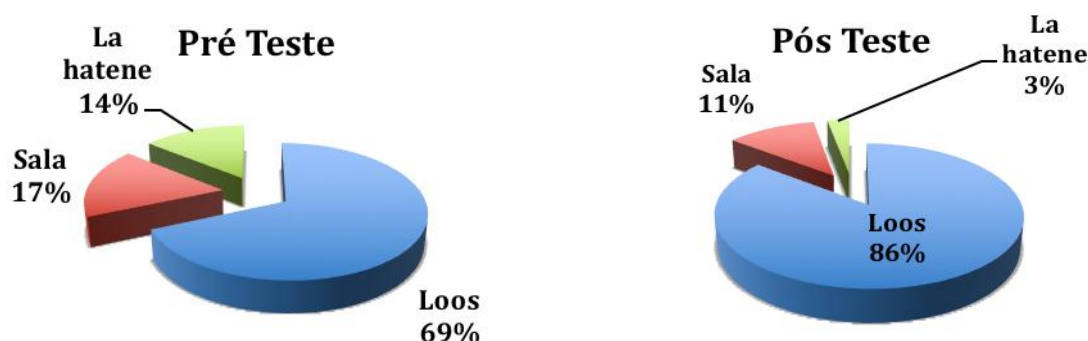
JSMP measured the knowledge of participants through a pre-test and post-test questionnaire to assess their knowledge before and after the training.

¹²¹ Complete information is available on the JSMP website: https://jsmp.tl/wp-content/uploads/PrreinamentuSukuHatazAtabaeFSS_Tetum.pdf

¹²³ Complete information is available on the JSMP website: https://jsmp.tl/wp-content/uploads/PrTreinamentuKomunidadeSukuKAIRUIManatutu_TETUM.pdf

¹²⁴ Complete information is available on the JSMP website: <https://jsmp.tl/wp-content/uploads/Membru-Konsellu-no-Komunidade-Suku-Uma-Naruk-preokupa-ho-kazu-insestu-2-Outubru-2020.pdf>

Graph 5 Pre-test and post-test results



The post-test graph shows that there was a moderate change in the knowledge of participants regarding the materials presented by JSMP in these trainings. The percentage of responses for 'don't know' decreased from 14% to 3%, and the responses that were 'incorrect' decreased from 17% to 11% and the responses that were 'correct' increased from 69% to 86%.

This means that through this training JSMP managed to increase the knowledge of members of the village council, community member and disabled persons from 69% to 86%.

VIII. Conclusions and Recommendations

The National Parliament in 2020 improved its productivity and showed significant progress in the production of important laws, even though it faced many difficulties linked to the political instability of the pre-electoral coalition, when the 2020 State Budget from the 8th Government was not passed, and other events that affected the State, such as the disaster caused by the Covid-19 pandemic.

The non-approval of the budget affected the activities of the sovereign organs and they could not function effectively, and this included the productivity of the National Parliament in legislative, supervisory and political decision making.

The National Parliament was not really able to work actively and effectively to identify important and practical issues linked with the rights and guarantees of citizens enshrined in the Constitution to create a specific law to ensure proper adherence to these constitutional and practical norms. This is reflected by the small number of draft laws initiated by the National Parliament in comparison with the number draft laws presented by the Government.

The National Parliament continued to face the same problems such as a lack of creativity, punctuality, and limited knowledge of the Portuguese language, human resources and no National Legislative Program for the five year mandate which also continued to have a massive impact on the productivity of the National Parliament.

In addition to the laws that the National Parliament managed to approve, there were many important laws that the National Parliament did not manage to approve, such as the Draft Law on

a Bar Association, Draft Law on Child Protection, Draft Law on Local Power and Administrative Decentralization and Draft Law on Municipal Elections, Draft Law on Minerals etc.

The political impasse between the sovereign bodies led to a range of precedents and political practices that have been counterproductive or political revenge that has impacted on the interests of the State and jeopardised the functioning of the Parliament as well as governance. These circumstances have impacted on national stability and development in all sectors.

Members of parliament have not performed their role properly as representatives of the people when exercising their competencies or carrying out their functions in the plenary, but they have simply aligned themselves with the orientation of their political party rather than considering the interests of the State. When making speeches in the plenary some members of parliament have not used language that sets a good example to the public as representatives of the people in this sovereign organ.

Communities in remote areas don't have access to information relating to relevant laws that are in force and lack information about the role of each sovereign organ and the mechanisms established by the State to resolve problems that people face in the community.

Therefore, JSMP concludes this report with some recommendations for the National Parliament:

- 1) To develop a National Legislation Program for each Legislature to give priority to important laws that have been pending for many years and have lapsed at the National Parliament such as the Law on Reparations and a Public Memory Institute to ensure transitional justice for victims of past crimes; Law on the Creation of a Bar Association to reinforce the judicial system and access to justice; Law on Local Power and Administrative Decentralization and Law on Municipal Elections to ensure the implementation of an administrative decentralization policy; Law on Child Protection to effectively guarantee and protect the rights of the child; amendment to the Penal Code to create a separate article on incest to protect and promote East Timorese moral values; amendment to the Civil Code to include and recognise marriages from other religious denominations to properly comply with norms and principles set out in the Timor-Leste Constitution and international laws ratified by Timor-Leste, especially to prevent discrimination based on religion.
- 2) To actively and effectively identify important and practical issues enshrined in the Constitution to create specific and separate laws to ensure proper adherence to those constitutional norms.
- 3) Members of parliament need to adhere to the Rules of Procedure of the National Parliament and to attend to their work punctually and with discipline to project a good image to the public as a sovereign organ that represents the people and can conduct its work properly to speed up the development of important laws.
- 4) The National Parliament needs to apply disciplinary sanctions against members of parliament that violate the Parliamentary Rules of Procedure, to prevent such behaviour from occurring in the future.

- 5) To avoid and reduce political discussion and practices focused on political party interests that are counter-productive as well as political revenge that undermine the national interest.
- 6) The National Parliament and relevant State institutions should be actively involved in disseminating information about important laws linked to community interests such as the Law on Community Leaders, Law on Ownership of Real Estate, Law on Expropriation, Law on Land Use and the Law Against Domestic Violence, to help local leaders and communities understand how to deal with these issues when they occur in their village or community.
- 7) To improve the mechanism for public consultation regarding the examination of legislation, and especially to summarise key information about draft laws that require the thoughts of many people, especially relevant parties and stakeholders.
- 8) The examination of draft laws should be open to the public so they can gain access through the internet and other media to facilitate public involvement.
- 9) To create a separate law regarding the suspension of office or removal of the immunity of MPs in accordance with the provisions of Article 94 of the Timor-Leste Constitution and Article 8 of Law No. 15/2009 as amended by Law No. 1/2016 on the Rules of Procedure of the National Parliament. This separate law could describe in detail the types of crimes that would fulfill the criteria for removing immunity as well as the political, administrative and judicial procedures.
- 10) MPs must uphold the national interest and avoid individual or political party interests when discussing or making decisions regarding matters of national interest.
- 11) To create a follow-up mechanism on what the Government can do to respond to recommendations in monitoring reports and issues raised by members of parliament in the plenary.
- 12) To amend the provisions of Article 1475 of the Civil Code to ensure the rights of all citizens to access public services offered by the State relating to marriage documents from other religious faiths in addition to the Catholic faith;
- 13) To intensify political monitoring of legislative acts decreed by the Government to guarantee their constitutionality.
- 14) Draft laws should also be provided in the official language of Tetum to help members of parliament and the public in general to obtain a good understanding.
- 15) The proposed State Budget for each year should also be provided in Tetum and a summary of the important points in the State Budget should be provided in Tetum so the public can gain access and understand.

- 16) For the Secretary-General of the National Parliament to draft a plan for the allocation of funds to improve facilities and to provide appropriate and proper workspaces to members of parliament to ensure the effective functioning of the National Parliament.

ANNEX

The table below describes the draft laws and draft resolutions admitted by the National Parliament as well as those that were approved and promulgated in 2020.

Table 1 Laws promulgated and published in the State Gazette

NUMBER	DESCRIPTION	DATE OF PUBLICATION
No.1/2020	Authorising the Declaration of a State of Emergency	27/03/2020
No.2/2020	Authorising an Extra-Ordinary Transfer from the Petroleum Fund	6/04/2020
No.3/2020	Authorising an Extension of the Declaration of a State of Emergency	27/04/2020
No.4/2020	Authorising an Extension of the Declaration of a State of Emergency	27/05/2020
No.5/2020	Authorising a Second Extra-Ordinary Transfer from the Petroleum Fund in the 2020 Financial Year and making the First Amendment to Law No. 2/2020, of 6 April, Authorising an Extra-Ordinary Transfer from the Petroleum Fund.	30/06/2020
No.6/2020	Confirmation of the Declaration of a State of Emergency	12/08/2020
No.7/2020	Measures to Prevent and Combat Corruption	26/08/2020
No.8/2020	Authorising an Extension of the Declaration of a State of Emergency	3/09/2020

No.9/2020	Authorising an Extension of the Declaration of a State of Emergency	3/10/2020
No.10/2020	The State Budget for 2020	19/10/2020
No.11/2020	Authorising an Extension of the Declaration of a State of Emergency	27/10/2020
No.12/2020	Law on Civil Protection	02/12/2020
No.13/2020	Authorising an Extension of the Declaration of a State of Emergency	03/12/2020
No.14/2020	The State Budget for 2021	29/12/2020
No.15/2020	Authorising an Extension of the Declaration of a State of Emergency	30/12/2020

Table 2 Resolutions approved and published in the State Gazette

NUMBER	DESCRIPTION	DATE OF PUBLICATION
No. 1/2020	Resolution to Combat Climate Change	19/02/2020
No. 2 /2020	Resolution on the Adoption of Measures to Prevent and Fight Covid-19 and also Measures for the Social and Economic Recovery and Stabilization of the Country, including the Implementation and Monitoring of the Declaration of a State of Emergency	8/04/2020
No. 3/2020	Approval on a Headquarters Agreement between the Democratic Republic of Timor-Leste and the g7+	22/04/2020

No. 4 /2020	Ratifying the Charter of the g7+	22/04/2020
No. 5/2020	Adopting the State's General Account for 2018.	12/06/2020
No. 6/2020	Approving the 2020 Budget for the National Parliament	5/08/2020
No. 7/2020	Appointment of a Member of Parliament to the Civil Service Commission	5/08/2020
No. 8 /2020	Authorising the Declaration of a State of Emergency	5/08/2020
No. 9/2020	Approving the 2021 Budget for the National Parliament	30/09/2020
No. 10/2020	Recommending for the Government to Adopt Measures to Prevent Infanticide and the Neglect of Babies and Children	16/12/2020